

SB2437



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2437

Introduced 2/10/2023, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2023 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB103 26700 AMC 53063 b

A BILL FOR

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 2023 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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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 102-692 through 102-1118 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 Sections 4.38 and 7 as follows:

11 (5 ILCS 80/4.38)

12 Sec. 4.38. Acts repealed on January 1, 2028. The following
13 Acts are repealed on January 1, 2028:

14 The Acupuncture Practice Act.

15 The Behavior Analyst Licensing Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Dietitian Nutritionist Practice Act.

18 The Elevator Safety and Regulation Act.

19 The Fire Equipment Distributor and Employee Regulation Act
20 of 2011.

21 The Funeral Directors and Embalmers Licensing Code.

22 The Home Medical Equipment and Services Provider License
23 Act.

24 The Illinois Petroleum Education and Marketing Act.

1 The Illinois Speech-Language Pathology and Audiology
2 Practice Act.

3 The Interpreter for the Deaf Licensure Act of 2007.

4 The Music Therapy Licensing and Practice Act.

5 The Naprapathic Practice Act.

6 The Nurse Practice Act.

7 The Nursing Home Administrators Licensing and Disciplinary
8 Act.

9 The Pharmacy Practice Act.

10 The Physician Assistant Practice Act of 1987.

11 The Podiatric Medical Practice Act of 1987.

12 The Professional Counselor and Clinical Professional
13 Counselor Licensing and Practice Act.

14 The Wholesale Drug Distribution Licensing Act.

15 (Source: P.A. 102-715, eff. 4-29-22; 102-878, eff. 5-13-22;
16 102-879, eff. 5-13-22; 102-880, eff. 5-13-22; 102-881, eff.
17 5-13-22; 102-882, eff. 5-13-22; 102-945, eff. 5-27-22;
18 102-953, eff. 5-27-22; 102-993, eff. 5-27-22; revised
19 7-27-22.)

20 (5 ILCS 80/7) (from Ch. 127, par. 1907)

21 Sec. 7. Additional criteria.

22 (a) In determining whether to recommend to the General
23 Assembly under Section 5 the continuation of a regulatory
24 agency or program or any function thereof, the Governor shall
25 also consider the following criteria:

1 (1) whether the absence or modification of regulation
2 would significantly harm or endanger the public health,
3 safety or welfare;

4 (2) whether there is a reasonable relationship between
5 the exercise of the State's police power and the
6 protection of the public health, safety or welfare;

7 (3) whether there is another less restrictive method
8 of regulation available which could adequately protect the
9 public;

10 (4) whether the regulation has the effect of directly
11 or indirectly increasing the costs of any goods or
12 services involved, and if so, to what degree;

13 (5) whether the increase in cost is more harmful to
14 the public than the harm which could result from the
15 absence of regulation; and

16 (6) whether all facets of the regulatory process are
17 designed solely for the purpose of, and have as their
18 primary effect, the protection of the public.

19 (b) In making an evaluation or recommendation with respect
20 to paragraph (3) of subsection (a), the Governor shall follow
21 the following guidelines to address the following:

22 (1) Contractual disputes, including pricing disputes.
23 The Governor may recommend enacting a specific civil cause
24 of action in small claims ~~small-claims~~ court or district
25 court to remedy consumer harm. This cause of action may
26 provide for reimbursement of the attorney's fees or court

1 costs, if a consumer's claim is successful.

2 (2) Fraud. The Governor may recommend strengthening
3 powers under the State's deceptive trade practices acts or
4 requiring disclosures that will reduce misleading
5 attributes of the specific good or service.

6 (3) General health and safety risks. The Governor may
7 recommend enacting a regulation on the related process or
8 requiring a facility license.

9 (4) Unclean facilities. The Governor may recommend
10 requiring periodic facility inspections.

11 (5) A provider's failure to complete a contract fully
12 or to standards. The Governor may recommend requiring the
13 provider to be bonded.

14 (6) A lack of protection for a person who is not a
15 party to a contract between providers and consumers. The
16 Governor may recommend requiring that the provider have
17 insurance.

18 (7) Transactions with transient, out-of-state, or
19 fly-by-night providers. The Governor may recommend
20 requiring the provider register its business with the
21 Secretary of State.

22 (8) A shortfall or imbalance in the consumer's
23 knowledge about the good or service relative to the
24 provider's knowledge (asymmetrical information). The
25 Governor may recommend enacting government certification.

26 (9) An inability to qualify providers of new or highly

1 specialized medical services for reimbursement by the
2 State. The Governor may recommend enacting a specialty
3 certification solely for medical reimbursement.

4 (10) A systematic information shortfall in which a
5 reasonable consumer of the service is permanently unable
6 to distinguish between the quality of providers and there
7 is an absence of institutions that provide guidance to
8 consumers. The Governor may recommend enacting an
9 occupational license.

10 (11) The need to address multiple types of harm. The
11 Governor may recommend a combination of regulations. This
12 may include a government regulation combined with a
13 private remedy, including third-party or consumer-created
14 ratings and reviews or private certification.

15 (Source: P.A. 102-984, eff. 1-1-23; revised 12-8-22.)

16 (5 ILCS 80/4.33 rep.)

17 Section 6. The Regulatory Sunset Act is amended by
18 repealing Section 4.33.

19 Section 10. The Illinois Administrative Procedure Act is
20 amended by setting forth, renumbering, and changing multiple
21 versions of Sections 5-45.21, 5-45.22, and 5-45.23 as follows:

22 (5 ILCS 100/5-45.21)

23 (Section scheduled to be repealed on April 19, 2023)

1 Sec. 5-45.21. Emergency rulemaking; Mental Health and
2 Developmental Disabilities Administrative Act. To provide for
3 the expeditious and timely implementation of the changes made
4 to Section 74 of the Mental Health and Developmental
5 Disabilities Administrative Act by Public Act 102-699 ~~this~~
6 ~~amendatory Act of the 102nd General Assembly~~, emergency rules
7 implementing the changes made to Section 74 of the Mental
8 Health and Developmental Disabilities Administrative Act by
9 Public Act 102-699 ~~this amendatory Act of the 102nd General~~
10 ~~Assembly~~ may be adopted in accordance with Section 5-45 by the
11 Department of Human Services or other department essential to
12 the implementation of the changes. The adoption of emergency
13 rules authorized by Section 5-45 and this Section is deemed to
14 be necessary for the public interest, safety, and welfare.

15 This Section is repealed on April 19, 2023 (one year after
16 the effective date of Public Act 102-699) ~~this amendatory Act~~
17 ~~of the 102nd General Assembly~~.

18 (Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

19 (5 ILCS 100/5-45.22)

20 (Section scheduled to be repealed on April 19, 2023)

21 Sec. 5-45.22. Emergency rulemaking; Illinois Public Aid
22 Code. To provide for the expeditious and timely implementation
23 of the changes made to Article 5 of the Illinois Public Aid
24 Code by Public Act 102-699 ~~this amendatory Act of the 102nd~~
25 ~~General Assembly~~, emergency rules implementing the changes

1 made to Article 5 of the Illinois Public Aid Code by Public Act
2 102-699 ~~this amendatory Act of the 102nd General Assembly~~ may
3 be adopted in accordance with Section 5-45 by the Department
4 of Healthcare and Family Services or other department
5 essential to the implementation of the changes. The adoption
6 of emergency rules authorized by Section 5-45 and this Section
7 is deemed to be necessary for the public interest, safety, and
8 welfare.

9 This Section is repealed on April 19, 2023 (one year after
10 the effective date of Public Act 102-699) ~~this amendatory Act~~
11 ~~of the 102nd General Assembly.~~

12 (Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

13 (5 ILCS 100/5-45.23)

14 (Section scheduled to be repealed on April 19, 2023)

15 Sec. 5-45.23. Emergency rulemaking; medical services for
16 certain noncitizens. To provide for the expeditious and timely
17 implementation of the changes made to Article 12 of the
18 Illinois Public Aid Code by Public Act 102-699 ~~this amendatory~~
19 ~~Act of the 102nd General Assembly~~, emergency rules
20 implementing the changes made to Section 12-4.35 of the
21 Illinois Public Aid Code by Public Act 102-699 ~~this amendatory~~
22 ~~Act of the 102nd General Assembly~~ may be adopted in accordance
23 with Section 5-45 by the Department of Healthcare and Family
24 Services. The adoption of emergency rules authorized by
25 Section 5-45 and this Section is deemed to be necessary for the

1 public interest, safety, and welfare.

2 This Section is repealed on April 19, 2023 (one year after
3 the effective date of Public Act 102-699) ~~this amendatory Act~~
4 ~~of the 102nd General Assembly.~~

5 (Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

6 (5 ILCS 100/5-45.28)

7 (Section scheduled to be repealed on April 19, 2023)

8 Sec. 5-45.28 ~~5-45.21~~. Emergency rulemaking. To provide for
9 the expeditious and timely implementation of Public Act
10 102-700 ~~this amendatory Act of the 102nd General Assembly,~~
11 emergency rules implementing Sections 208.5 and 212.1 of the
12 Illinois Income Tax Act may be adopted in accordance with
13 Section 5-45 by the Department of Revenue. The adoption of
14 emergency rules authorized by Section 5-45 and this Section is
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 This Section is repealed on April 19, 2023 (one year after
18 the effective date of Public Act 102-700) ~~this amendatory Act~~
19 ~~of the 102nd General Assembly.~~

20 (Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

21 (5 ILCS 100/5-45.29)

22 Sec. 5-45.29 ~~5-45.21~~. (Repealed).

23 (Source: P.A. 102-1035, eff. 5-31-22. Repealed internally,
24 eff. 9-30-22.)

1 (5 ILCS 100/5-45.30)

2 (Section scheduled to be repealed on June 2, 2023)

3 Sec. 5-45.30 ~~5-45.21~~. Emergency rulemaking; Certified
4 Nursing Assistant Intern Program; Department of Public Health.
5 To provide for the expeditious and timely implementation of
6 Public Act 102-1037 ~~this amendatory Act of the 102nd General~~
7 ~~Assembly~~, emergency rules implementing Section 2310-434 of the
8 Department of Public Health Powers and Duties Law of the Civil
9 Administrative Code of Illinois may be adopted in accordance
10 with Section 5-45 by the Department of Public Health. The
11 adoption of emergency rules authorized by Section 5-45 and
12 this Section is deemed to be necessary for the public
13 interest, safety, and welfare.

14 This Section is repealed on June 2, 2023 (one year after
15 the effective date of Public Act 102-1037) ~~this amendatory Act~~
16 ~~of the 102nd General Assembly~~.

17 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

18 (5 ILCS 100/5-45.31)

19 (Section scheduled to be repealed on April 19, 2023)

20 Sec. 5-45.31 ~~5-45.22~~. Emergency rulemaking. To provide for
21 the expeditious and timely implementation of Article 95 of
22 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
23 ~~Assembly~~, emergency rules implementing Article 95 of Public
24 Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~

1 may be adopted in accordance with Section 5-45 by the
2 Department of Agriculture. The adoption of emergency rules
3 authorized by Section 5-45 and this Section is deemed to be
4 necessary for the public interest, safety, and welfare.

5 This Section is repealed on April 19, 2023 (one year after
6 the effective date of Public Act 102-700) ~~this amendatory Act~~
7 ~~of the 102nd General Assembly.~~

8 (Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

9 (5 ILCS 100/5-45.32)

10 (Section scheduled to be repealed on June 2, 2023)

11 Sec. 5-45.32 ~~5-45.22~~. Emergency rulemaking; Certified
12 Nursing Assistant Intern Program; Department of Healthcare and
13 Family Services. To provide for the expeditious and timely
14 implementation of Public Act 102-1037 ~~this amendatory Act of~~
15 ~~the 102nd General Assembly~~, emergency rules implementing
16 Section 5-5.01b of the Illinois Public Aid Code may be adopted
17 in accordance with Section 5-45 by the Department of
18 Healthcare and Family Services. The adoption of emergency
19 rules authorized by Section 5-45 and this Section is deemed to
20 be necessary for the public interest, safety, and welfare.

21 This Section is repealed on June 2, 2023 (one year after
22 the effective date of Public Act 102-1037) ~~this amendatory Act~~
23 ~~of the 102nd General Assembly.~~

24 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

1 (5 ILCS 100/5-45.33)

2 (Section scheduled to be repealed on June 2, 2023)

3 Sec. 5-45.33 ~~5-45.23~~. Emergency rulemaking; medical
4 services to noncitizens. To provide for the expeditious and
5 timely implementation of changes made by Public Act 102-1037
6 ~~this amendatory Act of the 102nd General Assembly~~ to Section
7 12-4.35 of the Illinois Public Aid Code, emergency rules
8 implementing the changes made by Public Act 102-1037 ~~this~~
9 ~~amendatory Act of the 102nd General Assembly~~ to Section
10 12-4.35 of the Illinois Public Aid Code may be adopted in
11 accordance with Section 5-45 by the Department of Healthcare
12 and Family Services. The adoption of emergency rules
13 authorized by Section 5-45 and this Section is deemed to be
14 necessary for the public interest, safety, and welfare.

15 This Section is repealed on June 2, 2023 (one year after
16 the effective date of Public Act 102-1037) ~~this amendatory Act~~
17 ~~of the 102nd General Assembly~~.

18 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

19 Section 15. The Freedom of Information Act is amended by
20 changing Section 7 as follows:

21 (5 ILCS 140/7)

22 (Text of Section before amendment by P.A. 102-982)

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public

1 record that contains information that is exempt from
2 disclosure under this Section, but also contains information
3 that is not exempt from disclosure, the public body may elect
4 to redact the information that is exempt. The public body
5 shall make the remaining information available for inspection
6 and copying. Subject to this requirement, the following shall
7 be exempt from inspection and copying:

8 (a) Information specifically prohibited from
9 disclosure by federal or State law or rules and
10 regulations implementing federal or State law.

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

14 (b-5) Files, documents, and other data or databases
15 maintained by one or more law enforcement agencies and
16 specifically designed to provide information to one or
17 more law enforcement agencies regarding the physical or
18 mental status of one or more individual subjects.

19 (c) Personal information contained within public
20 records, the disclosure of which would constitute a
21 clearly unwarranted invasion of personal privacy, unless
22 the disclosure is consented to in writing by the
23 individual subjects of the information. "Unwarranted
24 invasion of personal privacy" means the disclosure of
25 information that is highly personal or objectionable to a
26 reasonable person and in which the subject's right to

1 privacy outweighs any legitimate public interest in
2 obtaining the information. The disclosure of information
3 that bears on the public duties of public employees and
4 officials shall not be considered an invasion of personal
5 privacy.

6 (d) Records in the possession of any public body
7 created in the course of administrative enforcement
8 proceedings, and any law enforcement or correctional
9 agency for law enforcement purposes, but only to the
10 extent that disclosure would:

11 (i) interfere with pending or actually and
12 reasonably contemplated law enforcement proceedings
13 conducted by any law enforcement or correctional
14 agency that is the recipient of the request;

15 (ii) interfere with active administrative
16 enforcement proceedings conducted by the public body
17 that is the recipient of the request;

18 (iii) create a substantial likelihood that a
19 person will be deprived of a fair trial or an impartial
20 hearing;

21 (iv) unavoidably disclose the identity of a
22 confidential source, confidential information
23 furnished only by the confidential source, or persons
24 who file complaints with or provide information to
25 administrative, investigative, law enforcement, or
26 penal agencies; except that the identities of

1 witnesses to traffic accidents, traffic accident
2 reports, and rescue reports shall be provided by
3 agencies of local government, except when disclosure
4 would interfere with an active criminal investigation
5 conducted by the agency that is the recipient of the
6 request;

7 (v) disclose unique or specialized investigative
8 techniques other than those generally used and known
9 or disclose internal documents of correctional
10 agencies related to detection, observation, or
11 investigation of incidents of crime or misconduct, and
12 disclosure would result in demonstrable harm to the
13 agency or public body that is the recipient of the
14 request;

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

17 (vii) obstruct an ongoing criminal investigation
18 by the agency that is the recipient of the request.

19 (d-5) A law enforcement record created for law
20 enforcement purposes and contained in a shared electronic
21 record management system if the law enforcement agency
22 that is the recipient of the request did not create the
23 record, did not participate in or have a role in any of the
24 events which are the subject of the record, and only has
25 access to the record through the shared electronic record
26 management system.

1 (d-6) Records contained in the Officer Professional
2 Conduct Database under Section 9.2 of the Illinois Police
3 Training Act, except to the extent authorized under that
4 Section. This includes the documents supplied to the
5 Illinois Law Enforcement Training Standards Board from the
6 Illinois State Police and Illinois State Police Merit
7 Board.

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

10 (e-5) Records requested by persons committed to the
11 Department of Corrections, Department of Human Services
12 Division of Mental Health, or a county jail if those
13 materials are available in the library of the correctional
14 institution or facility or jail where the inmate is
15 confined.

16 (e-6) Records requested by persons committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail if those
19 materials include records from staff members' personnel
20 files, staff rosters, or other staffing assignment
21 information.

22 (e-7) Records requested by persons committed to the
23 Department of Corrections or Department of Human Services
24 Division of Mental Health if those materials are available
25 through an administrative request to the Department of
26 Corrections or Department of Human Services Division of

1 Mental Health.

2 (e-8) Records requested by a person committed to the
3 Department of Corrections, Department of Human Services
4 Division of Mental Health, or a county jail, the
5 disclosure of which would result in the risk of harm to any
6 person or the risk of an escape from a jail or correctional
7 institution or facility.

8 (e-9) Records requested by a person in a county jail
9 or committed to the Department of Corrections or
10 Department of Human Services Division of Mental Health,
11 containing personal information pertaining to the person's
12 victim or the victim's family, including, but not limited
13 to, a victim's home address, home telephone number, work
14 or school address, work telephone number, social security
15 number, or any other identifying information, except as
16 may be relevant to a requester's current or potential case
17 or claim.

18 (e-10) Law enforcement records of other persons
19 requested by a person committed to the Department of
20 Corrections, Department of Human Services Division of
21 Mental Health, or a county jail, including, but not
22 limited to, arrest and booking records, mug shots, and
23 crime scene photographs, except as these records may be
24 relevant to the requester's current or potential case or
25 claim.

26 (f) Preliminary drafts, notes, recommendations,

1 memoranda, and other records in which opinions are
2 expressed, or policies or actions are formulated, except
3 that a specific record or relevant portion of a record
4 shall not be exempt when the record is publicly cited and
5 identified by the head of the public body. The exemption
6 provided in this paragraph (f) extends to all those
7 records of officers and agencies of the General Assembly
8 that pertain to the preparation of legislative documents.

9 (g) Trade secrets and commercial or financial
10 information obtained from a person or business where the
11 trade secrets or commercial or financial information are
12 furnished under a claim that they are proprietary,
13 privileged, or confidential, and that disclosure of the
14 trade secrets or commercial or financial information would
15 cause competitive harm to the person or business, and only
16 insofar as the claim directly applies to the records
17 requested.

18 The information included under this exemption includes
19 all trade secrets and commercial or financial information
20 obtained by a public body, including a public pension
21 fund, from a private equity fund or a privately held
22 company within the investment portfolio of a private
23 equity fund as a result of either investing or evaluating
24 a potential investment of public funds in a private equity
25 fund. The exemption contained in this item does not apply
26 to the aggregate financial performance information of a

1 private equity fund, nor to the identity of the fund's
2 managers or general partners. The exemption contained in
3 this item does not apply to the identity of a privately
4 held company within the investment portfolio of a private
5 equity fund, unless the disclosure of the identity of a
6 privately held company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be
8 construed to prevent a person or business from consenting
9 to disclosure.

10 (h) Proposals and bids for any contract, grant, or
11 agreement, including information which if it were
12 disclosed would frustrate procurement or give an advantage
13 to any person proposing to enter into a contractor
14 agreement with the body, until an award or final selection
15 is made. Information prepared by or for the body in
16 preparation of a bid solicitation shall be exempt until an
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,
19 designs, drawings, and research data obtained or produced
20 by any public body when disclosure could reasonably be
21 expected to produce private gain or public loss. The
22 exemption for "computer geographic systems" provided in
23 this paragraph (i) does not extend to requests made by
24 news media as defined in Section 2 of this Act when the
25 requested information is not otherwise exempt and the only
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

3 (j) The following information pertaining to
4 educational matters:

5 (i) test questions, scoring keys, and other
6 examination data used to administer an academic
7 examination;

8 (ii) information received by a primary or
9 secondary school, college, or university under its
10 procedures for the evaluation of faculty members by
11 their academic peers;

12 (iii) information concerning a school or
13 university's adjudication of student disciplinary
14 cases, but only to the extent that disclosure would
15 unavoidably reveal the identity of the student; and

16 (iv) course materials or research materials used
17 by faculty members.

18 (k) Architects' plans, engineers' technical
19 submissions, and other construction related technical
20 documents for projects not constructed or developed in
21 whole or in part with public funds and the same for
22 projects constructed or developed with public funds,
23 including, but not limited to, power generating and
24 distribution stations and other transmission and
25 distribution facilities, water treatment facilities,
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,
2 but only to the extent that disclosure would compromise
3 security.

4 (l) Minutes of meetings of public bodies closed to the
5 public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public
7 under Section 2.06 of the Open Meetings Act.

8 (m) Communications between a public body and an
9 attorney or auditor representing the public body that
10 would not be subject to discovery in litigation, and
11 materials prepared or compiled by or for a public body in
12 anticipation of a criminal, civil, or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

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

20 (o) Administrative or technical information associated
21 with automated data processing operations, including, but
22 not limited to, software, operating protocols, computer
23 program abstracts, file layouts, source listings, object
24 modules, load modules, user guides, documentation
25 pertaining to all logical and physical design of
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

4 (p) Records relating to collective negotiating matters
5 between public bodies and their employees or
6 representatives, except that any final contract or
7 agreement shall be subject to inspection and copying.

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

11 (r) The records, documents, and information relating
12 to real estate purchase negotiations until those
13 negotiations have been completed or otherwise terminated.
14 With regard to a parcel involved in a pending or actually
15 and reasonably contemplated eminent domain proceeding
16 under the Eminent Domain Act, records, documents, and
17 information relating to that parcel shall be exempt except
18 as may be allowed under discovery rules adopted by the
19 Illinois Supreme Court. The records, documents, and
20 information relating to a real estate sale shall be exempt
21 until a sale is consummated.

22 (s) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.
26 Insurance or self-insurance ~~self-insurance~~ (including any

1 intergovernmental risk management association or
2 self-insurance ~~self-insurance~~ pool) claims, loss or risk
3 management information, records, data, advice, or
4 communications.

5 (t) Information contained in or related to
6 examination, operating, or condition reports prepared by,
7 on behalf of, or for the use of a public body responsible
8 for the regulation or supervision of financial
9 institutions, insurance companies, or pharmacy benefit
10 managers, unless disclosure is otherwise required by State
11 law.

12 (u) Information that would disclose or might lead to
13 the disclosure of secret or confidential information,
14 codes, algorithms, programs, or private keys intended to
15 be used to create electronic signatures under the Uniform
16 Electronic Transactions Act.

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a
20 community's population or systems, facilities, or
21 installations, but only to the extent that disclosure
22 could reasonably be expected to expose the vulnerability
23 or jeopardize the effectiveness of the measures, policies,
24 or plans, or the safety of the personnel who implement
25 them or the public. Information exempt under this item may
26 include such things as details pertaining to the

1 mobilization or deployment of personnel or equipment, to
2 the operation of communication systems or protocols, to
3 cybersecurity vulnerabilities, or to tactical operations.

4 (w) (Blank).

5 (x) Maps and other records regarding the location or
6 security of generation, transmission, distribution,
7 storage, gathering, treatment, or switching facilities
8 owned by a utility, by a power generator, or by the
9 Illinois Power Agency.

10 (y) Information contained in or related to proposals,
11 bids, or negotiations related to electric power
12 procurement under Section 1-75 of the Illinois Power
13 Agency Act and Section 16-111.5 of the Public Utilities
14 Act that is determined to be confidential and proprietary
15 by the Illinois Power Agency or by the Illinois Commerce
16 Commission.

17 (z) Information about students exempted from
18 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
19 the School Code, and information about undergraduate
20 students enrolled at an institution of higher education
21 exempted from disclosure under Section 25 of the Illinois
22 Credit Card Marketing Act of 2009.

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

25 (bb) Records and information provided to a mortality
26 review team and records maintained by a mortality review

1 team appointed under the Department of Juvenile Justice
2 Mortality Review Team Act.

3 (cc) Information regarding interments, entombments, or
4 inurnments of human remains that are submitted to the
5 Cemetery Oversight Database under the Cemetery Care Act or
6 the Cemetery Oversight Act, whichever is applicable.

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

11 (ee) The names, addresses, or other personal
12 information of persons who are minors and are also
13 participants and registrants in programs of park
14 districts, forest preserve districts, conservation
15 districts, recreation agencies, and special recreation
16 associations.

17 (ff) The names, addresses, or other personal
18 information of participants and registrants in programs of
19 park districts, forest preserve districts, conservation
20 districts, recreation agencies, and special recreation
21 associations where such programs are targeted primarily to
22 minors.

23 (gg) Confidential information described in Section
24 1-100 of the Illinois Independent Tax Tribunal Act of
25 2012.

26 (hh) The report submitted to the State Board of

1 Education by the School Security and Standards Task Force
2 under item (8) of subsection (d) of Section 2-3.160 of the
3 School Code and any information contained in that report.

4 (ii) Records requested by persons committed to or
5 detained by the Department of Human Services under the
6 Sexually Violent Persons Commitment Act or committed to
7 the Department of Corrections under the Sexually Dangerous
8 Persons Act if those materials: (i) are available in the
9 library of the facility where the individual is confined;
10 (ii) include records from staff members' personnel files,
11 staff rosters, or other staffing assignment information;
12 or (iii) are available through an administrative request
13 to the Department of Human Services or the Department of
14 Corrections.

15 (jj) Confidential information described in Section
16 5-535 of the Civil Administrative Code of Illinois.

17 (kk) The public body's credit card numbers, debit card
18 numbers, bank account numbers, Federal Employer
19 Identification Number, security code numbers, passwords,
20 and similar account information, the disclosure of which
21 could result in identity theft or impersonation or defrauding
22 of a governmental entity or a person.

23 (ll) Records concerning the work of the threat
24 assessment team of a school district, including, but not
25 limited to, any threat assessment procedure under the
26 School Safety Drill Act and any information contained in

1 the procedure.

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

5 (nn) ~~(mm)~~ Proprietary information submitted to the
6 Environmental Protection Agency under the Drug Take-Back
7 Act.

8 (oo) ~~(mm)~~ Records described in subsection (f) of
9 Section 3-5-1 of the Unified Code of Corrections.

10 (1.5) Any information exempt from disclosure under the
11 Judicial Privacy Act shall be redacted from public records
12 prior to disclosure under this Act.

13 (2) A public record that is not in the possession of a
14 public body but is in the possession of a party with whom the
15 agency has contracted to perform a governmental function on
16 behalf of the public body, and that directly relates to the
17 governmental function and is not otherwise exempt under this
18 Act, shall be considered a public record of the public body,
19 for purposes of this Act.

20 (3) This Section does not authorize withholding of
21 information or limit the availability of records to the
22 public, except as stated in this Section or otherwise provided
23 in this Act.

24 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
25 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
26 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,

1 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
2 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
3 12-13-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 7. Exemptions.

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

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

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

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

25 (c) Personal information contained within public

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

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

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

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

25 (iii) create a substantial likelihood that a
26 person will be deprived of a fair trial or an impartial

1 hearing;

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

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

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

24 (vii) obstruct an ongoing criminal investigation
25 by the agency that is the recipient of the request.

26 (d-5) A law enforcement record created for law

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

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

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

17 (e-5) Records requested by persons committed to the
18 Department of Corrections, Department of Human Services
19 Division of Mental Health, or a county jail if those
20 materials are available in the library of the correctional
21 institution or facility or jail where the inmate is
22 confined.

23 (e-6) Records requested by persons committed to the
24 Department of Corrections, Department of Human Services
25 Division of Mental Health, or a county jail if those
26 materials include records from staff members' personnel

1 files, staff rosters, or other staffing assignment
2 information.

3 (e-7) Records requested by persons committed to the
4 Department of Corrections or Department of Human Services
5 Division of Mental Health if those materials are available
6 through an administrative request to the Department of
7 Corrections or Department of Human Services Division of
8 Mental Health.

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

15 (e-9) Records requested by a person in a county jail
16 or committed to the Department of Corrections or
17 Department of Human Services Division of Mental Health,
18 containing personal information pertaining to the person's
19 victim or the victim's family, including, but not limited
20 to, a victim's home address, home telephone number, work
21 or school address, work telephone number, social security
22 number, or any other identifying information, except as
23 may be relevant to a requester's current or potential case
24 or claim.

25 (e-10) Law enforcement records of other persons
26 requested by a person committed to the Department of

1 Corrections, Department of Human Services Division of
2 Mental Health, or a county jail, including, but not
3 limited to, arrest and booking records, mug shots, and
4 crime scene photographs, except as these records may be
5 relevant to the requester's current or potential case or
6 claim.

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

16 (g) Trade secrets and commercial or financial
17 information obtained from a person or business where the
18 trade secrets or commercial or financial information are
19 furnished under a claim that they are proprietary,
20 privileged, or confidential, and that disclosure of the
21 trade secrets or commercial or financial information would
22 cause competitive harm to the person or business, and only
23 insofar as the claim directly applies to the records
24 requested.

25 The information included under this exemption includes
26 all trade secrets and commercial or financial information

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

14 Nothing contained in this paragraph (g) shall be
15 construed to prevent a person or business from consenting
16 to disclosure.

17 (h) Proposals and bids for any contract, grant, or
18 agreement, including information which if it were
19 disclosed would frustrate procurement or give an advantage
20 to any person proposing to enter into a contractor
21 agreement with the body, until an award or final selection
22 is made. Information prepared by or for the body in
23 preparation of a bid solicitation shall be exempt until an
24 award or final selection is made.

25 (i) Valuable formulae, computer geographic systems,
26 designs, drawings, and research data obtained or produced

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

10 (j) The following information pertaining to
11 educational matters:

12 (i) test questions, scoring keys, and other
13 examination data used to administer an academic
14 examination;

15 (ii) information received by a primary or
16 secondary school, college, or university under its
17 procedures for the evaluation of faculty members by
18 their academic peers;

19 (iii) information concerning a school or
20 university's adjudication of student disciplinary
21 cases, but only to the extent that disclosure would
22 unavoidably reveal the identity of the student; and

23 (iv) course materials or research materials used
24 by faculty members.

25 (k) Architects' plans, engineers' technical
26 submissions, and other construction related technical

1 documents for projects not constructed or developed in
2 whole or in part with public funds and the same for
3 projects constructed or developed with public funds,
4 including, but not limited to, power generating and
5 distribution stations and other transmission and
6 distribution facilities, water treatment facilities,
7 airport facilities, sport stadiums, convention centers,
8 and all government owned, operated, or occupied buildings,
9 but only to the extent that disclosure would compromise
10 security.

11 (l) Minutes of meetings of public bodies closed to the
12 public as provided in the Open Meetings Act until the
13 public body makes the minutes available to the public
14 under Section 2.06 of the Open Meetings Act.

15 (m) Communications between a public body and an
16 attorney or auditor representing the public body that
17 would not be subject to discovery in litigation, and
18 materials prepared or compiled by or for a public body in
19 anticipation of a criminal, civil, or administrative
20 proceeding upon the request of an attorney advising the
21 public body, and materials prepared or compiled with
22 respect to internal audits of public bodies.

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

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

11 (p) Records relating to collective negotiating matters
12 between public bodies and their employees or
13 representatives, except that any final contract or
14 agreement shall be subject to inspection and copying.

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

18 (r) The records, documents, and information relating
19 to real estate purchase negotiations until those
20 negotiations have been completed or otherwise terminated.
21 With regard to a parcel involved in a pending or actually
22 and reasonably contemplated eminent domain proceeding
23 under the Eminent Domain Act, records, documents, and
24 information relating to that parcel shall be exempt except
25 as may be allowed under discovery rules adopted by the
26 Illinois Supreme Court. The records, documents, and

1 information relating to a real estate sale shall be exempt
2 until a sale is consummated.

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

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

19 (u) Information that would disclose or might lead to
20 the disclosure of secret or confidential information,
21 codes, algorithms, programs, or private keys intended to
22 be used to create electronic signatures under the Uniform
23 Electronic Transactions Act.

24 (v) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a

1 community's population or systems, facilities, or
2 installations, but only to the extent that disclosure
3 could reasonably be expected to expose the vulnerability
4 or jeopardize the effectiveness of the measures, policies,
5 or plans, or the safety of the personnel who implement
6 them or the public. Information exempt under this item may
7 include such things as details pertaining to the
8 mobilization or deployment of personnel or equipment, to
9 the operation of communication systems or protocols, to
10 cybersecurity vulnerabilities, or to tactical operations.

11 (w) (Blank).

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

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

24 (z) Information about students exempted from
25 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
26 the School Code, and information about undergraduate

1 students enrolled at an institution of higher education
2 exempted from disclosure under Section 25 of the Illinois
3 Credit Card Marketing Act of 2009.

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

6 (bb) Records and information provided to a mortality
7 review team and records maintained by a mortality review
8 team appointed under the Department of Juvenile Justice
9 Mortality Review Team Act.

10 (cc) Information regarding interments, entombments, or
11 inurnments of human remains that are submitted to the
12 Cemetery Oversight Database under the Cemetery Care Act or
13 the Cemetery Oversight Act, whichever is applicable.

14 (dd) Correspondence and records (i) that may not be
15 disclosed under Section 11-9 of the Illinois Public Aid
16 Code or (ii) that pertain to appeals under Section 11-8 of
17 the Illinois Public Aid Code.

18 (ee) The names, addresses, or other personal
19 information of persons who are minors and are also
20 participants and registrants in programs of park
21 districts, forest preserve districts, conservation
22 districts, recreation agencies, and special recreation
23 associations.

24 (ff) The names, addresses, or other personal
25 information of participants and registrants in programs of
26 park districts, forest preserve districts, conservation

1 districts, recreation agencies, and special recreation
2 associations where such programs are targeted primarily to
3 minors.

4 (gg) Confidential information described in Section
5 1-100 of the Illinois Independent Tax Tribunal Act of
6 2012.

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

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

22 (jj) Confidential information described in Section
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card
25 numbers, bank account numbers, Federal Employer
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which
2 could result in identity theft or impression or defrauding
3 of a governmental entity or a person.

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

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

12 (nn) ~~(mm)~~ Proprietary information submitted to the
13 Environmental Protection Agency under the Drug Take-Back
14 Act.

15 (oo) ~~(mm)~~ Records described in subsection (f) of
16 Section 3-5-1 of the Unified Code of Corrections.

17 (1.5) Any information exempt from disclosure under the
18 Judicial Privacy Act shall be redacted from public records
19 prior to disclosure under this Act.

20 (2) A public record that is not in the possession of a
21 public body but is in the possession of a party with whom the
22 agency has contracted to perform a governmental function on
23 behalf of the public body, and that directly relates to the
24 governmental function and is not otherwise exempt under this
25 Act, shall be considered a public record of the public body,
26 for purposes of this Act.

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

5 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
6 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
7 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
8 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
9 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
10 6-10-22; revised 12-13-22.)

11 Section 20. The Illinois Public Labor Relations Act is
12 amended by changing Section 3 as follows:

13 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

16 (a) "Board" means the Illinois Labor Relations Board or,
17 with respect to a matter over which the jurisdiction of the
18 Board is assigned to the State Panel or the Local Panel under
19 Section 5, the panel having jurisdiction over the matter.

20 (b) "Collective bargaining" means bargaining over terms
21 and conditions of employment, including hours, wages, and
22 other conditions of employment, as detailed in Section 7 and
23 which are not excluded by Section 4.

24 (c) "Confidential employee" means an employee who, in the

1 regular course of his or her duties, assists and acts in a
2 confidential capacity to persons who formulate, determine, and
3 effectuate management policies with regard to labor relations
4 or who, in the regular course of his or her duties, has
5 authorized access to information relating to the effectuation
6 or review of the employer's collective bargaining policies.
7 Determinations of confidential employee status shall be based
8 on actual employee job duties and not solely on written job
9 descriptions.

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

12 (e) "Essential services employees" means those public
13 employees performing functions so essential that the
14 interruption or termination of the function will constitute a
15 clear and present danger to the health and safety of the
16 persons in the affected community.

17 (f) "Exclusive representative", except with respect to
18 non-State fire fighters and paramedics employed by fire
19 departments and fire protection districts, non-State peace
20 officers, and peace officers in the Illinois State Police,
21 means the labor organization that has been (i) designated by
22 the Board as the representative of a majority of public
23 employees in an appropriate bargaining unit in accordance with
24 the procedures contained in this Act; (ii) historically
25 recognized by the State of Illinois or any political
26 subdivision of the State before July 1, 1984 (the effective

1 date of this Act) as the exclusive representative of the
2 employees in an appropriate bargaining unit; (iii) after July
3 1, 1984 (the effective date of this Act) recognized by an
4 employer upon evidence, acceptable to the Board, that the
5 labor organization has been designated as the exclusive
6 representative by a majority of the employees in an
7 appropriate bargaining unit; (iv) recognized as the exclusive
8 representative of personal assistants under Executive Order
9 2003-8 prior to July 16, 2003 (the effective date of Public Act
10 93-204), and the organization shall be considered to be the
11 exclusive representative of the personal assistants as defined
12 in this Section; or (v) recognized as the exclusive
13 representative of child and day care home providers, including
14 licensed and license exempt providers, pursuant to an election
15 held under Executive Order 2005-1 prior to January 1, 2006
16 (the effective date of Public Act 94-320), and the
17 organization shall be considered to be the exclusive
18 representative of the child and day care home providers as
19 defined in this Section.

20 With respect to non-State fire fighters and paramedics
21 employed by fire departments and fire protection districts,
22 non-State peace officers, and peace officers in the Illinois
23 State Police, "exclusive representative" means the labor
24 organization that has been (i) designated by the Board as the
25 representative of a majority of peace officers or fire
26 fighters in an appropriate bargaining unit in accordance with

1 the procedures contained in this Act, (ii) historically
2 recognized by the State of Illinois or any political
3 subdivision of the State before January 1, 1986 (the effective
4 date of this amendatory Act of 1985) as the exclusive
5 representative by a majority of the peace officers or fire
6 fighters in an appropriate bargaining unit, or (iii) after
7 January 1, 1986 (the effective date of this amendatory Act of
8 1985) recognized by an employer upon evidence, acceptable to
9 the Board, that the labor organization has been designated as
10 the exclusive representative by a majority of the peace
11 officers or fire fighters in an appropriate bargaining unit.

12 Where a historical pattern of representation exists for
13 the workers of a water system that was owned by a public
14 utility, as defined in Section 3-105 of the Public Utilities
15 Act, prior to becoming certified employees of a municipality
16 or municipalities once the municipality or municipalities have
17 acquired the water system as authorized in Section 11-124-5 of
18 the Illinois Municipal Code, the Board shall find the labor
19 organization that has historically represented the workers to
20 be the exclusive representative under this Act, and shall find
21 the unit represented by the exclusive representative to be the
22 appropriate unit.

23 (g) "Fair share agreement" means an agreement between the
24 employer and an employee organization under which all or any
25 of the employees in a collective bargaining unit are required
26 to pay their proportionate share of the costs of the

1 collective bargaining process, contract administration, and
2 pursuing matters affecting wages, hours, and other conditions
3 of employment, but not to exceed the amount of dues uniformly
4 required of members. The amount certified by the exclusive
5 representative shall not include any fees for contributions
6 related to the election or support of any candidate for
7 political office. Nothing in this subsection (g) shall
8 preclude an employee from making voluntary political
9 contributions in conjunction with his or her fair share
10 payment.

11 (g-1) "Fire fighter" means, for the purposes of this Act
12 only, any person who has been or is hereafter appointed to a
13 fire department or fire protection district or employed by a
14 state university and sworn or commissioned to perform fire
15 fighter duties or paramedic duties, including paramedics
16 employed by a unit of local government, except that the
17 following persons are not included: part-time fire fighters,
18 auxiliary, reserve or voluntary fire fighters, including paid
19 on-call fire fighters, clerks and dispatchers or other
20 civilian employees of a fire department or fire protection
21 district who are not routinely expected to perform fire
22 fighter duties, or elected officials.

23 (g-2) "General Assembly of the State of Illinois" means
24 the legislative branch of the government of the State of
25 Illinois, as provided for under Article IV of the Constitution
26 of the State of Illinois, and includes, but is not limited to,

1 the House of Representatives, the Senate, the Speaker of the
2 House of Representatives, the Minority Leader of the House of
3 Representatives, the President of the Senate, the Minority
4 Leader of the Senate, the Joint Committee on Legislative
5 Support Services, and any legislative support services agency
6 listed in the Legislative Commission Reorganization Act of
7 1984.

8 (h) "Governing body" means, in the case of the State, the
9 State Panel of the Illinois Labor Relations Board, the
10 Director of the Department of Central Management Services, and
11 the Director of the Department of Labor; the county board in
12 the case of a county; the corporate authorities in the case of
13 a municipality; and the appropriate body authorized to provide
14 for expenditures of its funds in the case of any other unit of
15 government.

16 (i) "Labor organization" means any organization in which
17 public employees participate and that exists for the purpose,
18 in whole or in part, of dealing with a public employer
19 concerning wages, hours, and other terms and conditions of
20 employment, including the settlement of grievances.

21 (i-5) "Legislative liaison" means a person who is an
22 employee of a State agency, the Attorney General, the
23 Secretary of State, the Comptroller, or the Treasurer, as the
24 case may be, and whose job duties require the person to
25 regularly communicate in the course of his or her employment
26 with any official or staff of the General Assembly of the State

1 of Illinois for the purpose of influencing any legislative
2 action.

3 (j) "Managerial employee" means an individual who is
4 engaged predominantly in executive and management functions
5 and is charged with the responsibility of directing the
6 effectuation of management policies and practices.
7 Determination of managerial employee status shall be based on
8 actual employee job duties and not solely on written job
9 descriptions. With respect only to State employees in
10 positions under the jurisdiction of the Attorney General,
11 Secretary of State, Comptroller, or Treasurer (i) that were
12 certified in a bargaining unit on or after December 2, 2008,
13 (ii) for which a petition is filed with the Illinois Public
14 Labor Relations Board on or after April 5, 2013 (the effective
15 date of Public Act 97-1172), or (iii) for which a petition is
16 pending before the Illinois Public Labor Relations Board on
17 that date, "managerial employee" means an individual who is
18 engaged in executive and management functions or who is
19 charged with the effectuation of management policies and
20 practices or who represents management interests by taking or
21 recommending discretionary actions that effectively control or
22 implement policy. Nothing in this definition prohibits an
23 individual from also meeting the definition of "supervisor"
24 under subsection (r) of this Section.

25 (k) "Peace officer" means, for the purposes of this Act
26 only, any persons who have been or are hereafter appointed to a

1 police force, department, or agency and sworn or commissioned
2 to perform police duties, except that the following persons
3 are not included: part-time police officers, special police
4 officers, auxiliary police as defined by Section 3.1-30-20 of
5 the Illinois Municipal Code, night watchmen, "merchant
6 police", court security officers as defined by Section
7 3-6012.1 of the Counties Code, temporary employees, traffic
8 guards or wardens, civilian parking meter and parking
9 facilities personnel or other individuals specially appointed
10 to aid or direct traffic at or near schools or public functions
11 or to aid in civil defense or disaster, parking enforcement
12 employees who are not commissioned as peace officers and who
13 are not armed and who are not routinely expected to effect
14 arrests, parking lot attendants, clerks and dispatchers or
15 other civilian employees of a police department who are not
16 routinely expected to effect arrests, or elected officials.

17 (l) "Person" includes one or more individuals, labor
18 organizations, public employees, associations, corporations,
19 legal representatives, trustees, trustees in bankruptcy,
20 receivers, or the State of Illinois or any political
21 subdivision of the State or governing body, but does not
22 include the General Assembly of the State of Illinois or any
23 individual employed by the General Assembly of the State of
24 Illinois.

25 (m) "Professional employee" means any employee engaged in
26 work predominantly intellectual and varied in character rather

1 than routine mental, manual, mechanical or physical work;
2 involving the consistent exercise of discretion and adjustment
3 in its performance; of such a character that the output
4 produced or the result accomplished cannot be standardized in
5 relation to a given period of time; and requiring advanced
6 knowledge in a field of science or learning customarily
7 acquired by a prolonged course of specialized intellectual
8 instruction and study in an institution of higher learning or
9 a hospital, as distinguished from a general academic education
10 or from apprenticeship or from training in the performance of
11 routine mental, manual, or physical processes; or any employee
12 who has completed the courses of specialized intellectual
13 instruction and study prescribed in this subsection (m) and is
14 performing related work under the supervision of a
15 professional person to qualify to become a professional
16 employee as defined in this subsection (m).

17 (n) "Public employee" or "employee", for the purposes of
18 this Act, means any individual employed by a public employer,
19 including (i) interns and residents at public hospitals, (ii)
20 as of July 16, 2003 (the effective date of Public Act 93-204),
21 but not before, personal assistants working under the Home
22 Services Program under Section 3 of the Rehabilitation of
23 Persons with Disabilities Act, subject to the limitations set
24 forth in this Act and in the Rehabilitation of Persons with
25 Disabilities Act, (iii) as of January 1, 2006 (the effective
26 date of Public Act 94-320), but not before, child and day care

1 home providers participating in the child care assistance
2 program under Section 9A-11 of the Illinois Public Aid Code,
3 subject to the limitations set forth in this Act and in Section
4 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
5 2013 (the effective date of Public Act 97-1158), but not
6 before except as otherwise provided in this subsection (n),
7 home care and home health workers who function as personal
8 assistants and individual maintenance home health workers and
9 who also work under the Home Services Program under Section 3
10 of the Rehabilitation of Persons with Disabilities Act, no
11 matter whether the State provides those services through
12 direct fee-for-service arrangements, with the assistance of a
13 managed care organization or other intermediary, or otherwise,
14 (v) beginning on July 19, 2013 (the effective date of Public
15 Act 98-100) and notwithstanding any other provision of this
16 Act, any person employed by a public employer and who is
17 classified as or who holds the employment title of Chief
18 Stationary Engineer, Assistant Chief Stationary Engineer,
19 Sewage Plant Operator, Water Plant Operator, Stationary
20 Engineer, Plant Operating Engineer, and any other employee who
21 holds the position of: Civil Engineer V, Civil Engineer VI,
22 Civil Engineer VII, Technical Manager I, Technical Manager II,
23 Technical Manager III, Technical Manager IV, Technical Manager
24 V, Technical Manager VI, Realty Specialist III, Realty
25 Specialist IV, Realty Specialist V, Technical Advisor I,
26 Technical Advisor II, Technical Advisor III, Technical Advisor

1 IV, or Technical Advisor V employed by the Department of
2 Transportation who is in a position which is certified in a
3 bargaining unit on or before July 19, 2013 (the effective date
4 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
5 effective date of Public Act 98-100) and notwithstanding any
6 other provision of this Act, any mental health administrator
7 in the Department of Corrections who is classified as or who
8 holds the position of Public Service Administrator (Option
9 8K), any employee of the Office of the Inspector General in the
10 Department of Human Services who is classified as or who holds
11 the position of Public Service Administrator (Option 7), any
12 Deputy of Intelligence in the Department of Corrections who is
13 classified as or who holds the position of Public Service
14 Administrator (Option 7), and any employee of the Illinois
15 State Police who handles issues concerning the Illinois State
16 Police Sex Offender Registry and who is classified as or holds
17 the position of Public Service Administrator (Option 7), but
18 excluding all of the following: employees of the General
19 Assembly of the State of Illinois; elected officials;
20 executive heads of a department; members of boards or
21 commissions; the Executive Inspectors General; any special
22 Executive Inspectors General; employees of each Office of an
23 Executive Inspector General; commissioners and employees of
24 the Executive Ethics Commission; the Auditor General's
25 Inspector General; employees of the Office of the Auditor
26 General's Inspector General; the Legislative Inspector

1 General; any special Legislative Inspectors General; employees
2 of the Office of the Legislative Inspector General;
3 commissioners and employees of the Legislative Ethics
4 Commission; employees of any agency, board or commission
5 created by this Act; employees appointed to State positions of
6 a temporary or emergency nature; all employees of school
7 districts and higher education institutions except
8 firefighters and peace officers employed by a state university
9 and except peace officers employed by a school district in its
10 own police department in existence on July 23, 2010 (the
11 effective date of Public Act 96-1257); managerial employees;
12 short-term employees; legislative liaisons; a person who is a
13 State employee under the jurisdiction of the Office of the
14 Attorney General who is licensed to practice law or whose
15 position authorizes, either directly or indirectly, meaningful
16 input into government decision-making on issues where there is
17 room for principled disagreement on goals or their
18 implementation; a person who is a State employee under the
19 jurisdiction of the Office of the Comptroller who holds the
20 position of Public Service Administrator or whose position is
21 otherwise exempt under the Comptroller Merit Employment Code;
22 a person who is a State employee under the jurisdiction of the
23 Secretary of State who holds the position classification of
24 Executive I or higher, whose position authorizes, either
25 directly or indirectly, meaningful input into government
26 decision-making on issues where there is room for principled

1 disagreement on goals or their implementation, or who is
2 otherwise exempt under the Secretary of State Merit Employment
3 Code; employees in the Office of the Secretary of State who are
4 completely exempt from jurisdiction B of the Secretary of
5 State Merit Employment Code and who are in Rutan-exempt
6 positions on or after April 5, 2013 (the effective date of
7 Public Act 97-1172); a person who is a State employee under the
8 jurisdiction of the Treasurer who holds a position that is
9 exempt from the State Treasurer Employment Code; any employee
10 of a State agency who (i) holds the title or position of, or
11 exercises substantially similar duties as a legislative
12 liaison, Agency General Counsel, Agency Chief of Staff, Agency
13 Executive Director, Agency Deputy Director, Agency Chief
14 Fiscal Officer, Agency Human Resources Director, Public
15 Information Officer, or Chief Information Officer and (ii) was
16 neither included in a bargaining unit nor subject to an active
17 petition for certification in a bargaining unit; any employee
18 of a State agency who (i) is in a position that is
19 Rutan-exempt, as designated by the employer, and completely
20 exempt from jurisdiction B of the Personnel Code and (ii) was
21 neither included in a bargaining unit nor subject to an active
22 petition for certification in a bargaining unit; any term
23 appointed employee of a State agency pursuant to Section 8b.18
24 or 8b.19 of the Personnel Code who was neither included in a
25 bargaining unit nor subject to an active petition for
26 certification in a bargaining unit; any employment position

1 properly designated pursuant to Section 6.1 of this Act;
2 confidential employees; independent contractors; and
3 supervisors except as provided in this Act.

4 Home care and home health workers who function as personal
5 assistants and individual maintenance home health workers and
6 who also work under the Home Services Program under Section 3
7 of the Rehabilitation of Persons with Disabilities Act shall
8 not be considered public employees for any purposes not
9 specifically provided for in Public Act 93-204 or Public Act
10 97-1158, including, but not limited to, purposes of vicarious
11 liability in tort and purposes of statutory retirement or
12 health insurance benefits. Home care and home health workers
13 who function as personal assistants and individual maintenance
14 home health workers and who also work under the Home Services
15 Program under Section 3 of the Rehabilitation of Persons with
16 Disabilities Act shall not be covered by the State Employees
17 Group Insurance Act of 1971.

18 Child and day care home providers shall not be considered
19 public employees for any purposes not specifically provided
20 for in Public Act 94-320, including, but not limited to,
21 purposes of vicarious liability in tort and purposes of
22 statutory retirement or health insurance benefits. Child and
23 day care home providers shall not be covered by the State
24 Employees Group Insurance Act of 1971.

25 Notwithstanding Section 9, subsection (c), or any other
26 provisions of this Act, all peace officers above the rank of

1 captain in municipalities with more than 1,000,000 inhabitants
2 shall be excluded from this Act.

3 (o) Except as otherwise in subsection (o-5), "public
4 employer" or "employer" means the State of Illinois; any
5 political subdivision of the State, unit of local government
6 or school district; authorities including departments,
7 divisions, bureaus, boards, commissions, or other agencies of
8 the foregoing entities; and any person acting within the scope
9 of his or her authority, express or implied, on behalf of those
10 entities in dealing with its employees. As of July 16, 2003
11 (the effective date of Public Act 93-204), but not before, the
12 State of Illinois shall be considered the employer of the
13 personal assistants working under the Home Services Program
14 under Section 3 of the Rehabilitation of Persons with
15 Disabilities Act, subject to the limitations set forth in this
16 Act and in the Rehabilitation of Persons with Disabilities
17 Act. As of January 29, 2013 (the effective date of Public Act
18 97-1158), but not before except as otherwise provided in this
19 subsection (o), the State shall be considered the employer of
20 home care and home health workers who function as personal
21 assistants and individual maintenance home health workers and
22 who also work under the Home Services Program under Section 3
23 of the Rehabilitation of Persons with Disabilities Act, no
24 matter whether the State provides those services through
25 direct fee-for-service arrangements, with the assistance of a
26 managed care organization or other intermediary, or otherwise,

1 but subject to the limitations set forth in this Act and the
2 Rehabilitation of Persons with Disabilities Act. The State
3 shall not be considered to be the employer of home care and
4 home health workers who function as personal assistants and
5 individual maintenance home health workers and who also work
6 under the Home Services Program under Section 3 of the
7 Rehabilitation of Persons with Disabilities Act, for any
8 purposes not specifically provided for in Public Act 93-204 or
9 Public Act 97-1158, including but not limited to, purposes of
10 vicarious liability in tort and purposes of statutory
11 retirement or health insurance benefits. Home care and home
12 health workers who function as personal assistants and
13 individual maintenance home health workers and who also work
14 under the Home Services Program under Section 3 of the
15 Rehabilitation of Persons with Disabilities Act shall not be
16 covered by the State Employees Group Insurance Act of 1971. As
17 of January 1, 2006 (the effective date of Public Act 94-320),
18 but not before, the State of Illinois shall be considered the
19 employer of the day and child care home providers
20 participating in the child care assistance program under
21 Section 9A-11 of the Illinois Public Aid Code, subject to the
22 limitations set forth in this Act and in Section 9A-11 of the
23 Illinois Public Aid Code. The State shall not be considered to
24 be the employer of child and day care home providers for any
25 purposes not specifically provided for in Public Act 94-320,
26 including, but not limited to, purposes of vicarious liability

1 in tort and purposes of statutory retirement or health
2 insurance benefits. Child and day care home providers shall
3 not be covered by the State Employees Group Insurance Act of
4 1971.

5 "Public employer" or "employer" as used in this Act,
6 however, does not mean and shall not include the General
7 Assembly of the State of Illinois, the Executive Ethics
8 Commission, the Offices of the Executive Inspectors General,
9 the Legislative Ethics Commission, the Office of the
10 Legislative Inspector General, the Office of the Auditor
11 General's Inspector General, the Office of the Governor, the
12 Governor's Office of Management and Budget, the Illinois
13 Finance Authority, the Office of the Lieutenant Governor, the
14 State Board of Elections, and educational employers or
15 employers as defined in the Illinois Educational Labor
16 Relations Act, except with respect to a state university in
17 its employment of firefighters and peace officers and except
18 with respect to a school district in the employment of peace
19 officers in its own police department in existence on July 23,
20 2010 (the effective date of Public Act 96-1257). County boards
21 and county sheriffs shall be designated as joint or
22 co-employers of county peace officers appointed under the
23 authority of a county sheriff. Nothing in this subsection (o)
24 shall be construed to prevent the State Panel or the Local
25 Panel from determining that employers are joint or
26 co-employers.

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

6 (1) For court reporters employed by the Cook County
7 Judicial Circuit, the chief judge of the Cook County
8 Circuit Court is the public employer and employer
9 representative.

10 (2) For court reporters employed by the 12th, 18th,
11 19th, and, on and after December 4, 2006, the 22nd
12 judicial circuits, a group consisting of the chief judges
13 of those circuits, acting jointly by majority vote, is the
14 public employer and employer representative.

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

19 (p) "Security employee" means an employee who is
20 responsible for the supervision and control of inmates at
21 correctional facilities. The term also includes other
22 non-security employees in bargaining units having the majority
23 of employees being responsible for the supervision and control
24 of inmates at correctional facilities.

25 (q) "Short-term employee" means an employee who is
26 employed for less than 2 consecutive calendar quarters during

1 a calendar year and who does not have a reasonable assurance
2 that he or she will be rehired by the same employer for the
3 same service in a subsequent calendar year.

4 (q-5) "State agency" means an agency directly responsible
5 to the Governor, as defined in Section 3.1 of the Executive
6 Reorganization Implementation Act, and the Illinois Commerce
7 Commission, the Illinois Workers' Compensation Commission, the
8 Civil Service Commission, the Pollution Control Board, the
9 Illinois Racing Board, and the Illinois State Police Merit
10 Board.

11 (r) "Supervisor" is:

12 (1) An employee whose principal work is substantially
13 different from that of his or her subordinates and who has
14 authority, in the interest of the employer, to hire,
15 transfer, suspend, lay off, recall, promote, discharge,
16 direct, reward, or discipline employees, to adjust their
17 grievances, or to effectively recommend any of those
18 actions, if the exercise of that authority is not of a
19 merely routine or clerical nature, but requires the
20 consistent use of independent judgment. Except with
21 respect to police employment, the term "supervisor"
22 includes only those individuals who devote a preponderance
23 of their employment time to exercising that authority,
24 State supervisors notwithstanding. Determinations of
25 supervisor status shall be based on actual employee job
26 duties and not solely on written job descriptions. Nothing

1 in this definition prohibits an individual from also
2 meeting the definition of "managerial employee" under
3 subsection (j) of this Section. In addition, in
4 determining supervisory status in police employment, rank
5 shall not be determinative. The Board shall consider, as
6 evidence of bargaining unit inclusion or exclusion, the
7 common law enforcement policies and relationships between
8 police officer ranks and certification under applicable
9 civil service law, ordinances, personnel codes, or
10 Division 2.1 of Article 10 of the Illinois Municipal Code,
11 but these factors shall not be the sole or predominant
12 factors considered by the Board in determining police
13 supervisory status.

14 Notwithstanding the provisions of the preceding
15 paragraph, in determining supervisory status in fire
16 fighter employment, no fire fighter shall be excluded as a
17 supervisor who has established representation rights under
18 Section 9 of this Act. Further, in fire fighter units,
19 employees shall consist of fire fighters of the highest
20 rank of company officer and below. A company officer may
21 be responsible for multiple companies or apparatus on a
22 shift, multiple stations, or an entire shift. There may be
23 more than one company officer per shift. If a company
24 officer otherwise qualifies as a supervisor under the
25 preceding paragraph, however, he or she shall not be
26 included in the fire fighter unit. If there is no rank

1 between that of chief and the highest company officer, the
2 employer may designate a position on each shift as a Shift
3 Commander, and the persons occupying those positions shall
4 be supervisors. All other ranks above that of the highest
5 company officer shall be supervisors.

6 (2) With respect only to State employees in positions
7 under the jurisdiction of the Attorney General, Secretary
8 of State, Comptroller, or Treasurer (i) that were
9 certified in a bargaining unit on or after December 2,
10 2008, (ii) for which a petition is filed with the Illinois
11 Public Labor Relations Board on or after April 5, 2013
12 (the effective date of Public Act 97-1172), or (iii) for
13 which a petition is pending before the Illinois Public
14 Labor Relations Board on that date, an employee who
15 qualifies as a supervisor under (A) Section 152 of the
16 National Labor Relations Act and (B) orders of the
17 National Labor Relations Board interpreting that provision
18 or decisions of courts reviewing decisions of the National
19 Labor Relations Board.

20 (s)(1) "Unit" means a class of jobs or positions that are
21 held by employees whose collective interests may suitably be
22 represented by a labor organization for collective bargaining.
23 Except with respect to non-State fire fighters and paramedics
24 employed by fire departments and fire protection districts,
25 non-State peace officers, and peace officers in the Illinois
26 State Police, a bargaining unit determined by the Board shall

1 not include both employees and supervisors, or supervisors
2 only, except as provided in paragraph (2) of this subsection
3 (s) and except for bargaining units in existence on July 1,
4 1984 (the effective date of this Act). With respect to
5 non-State fire fighters and paramedics employed by fire
6 departments and fire protection districts, non-State peace
7 officers, and peace officers in the Illinois State Police, a
8 bargaining unit determined by the Board shall not include both
9 supervisors and nonsupervisors, or supervisors only, except as
10 provided in paragraph (2) of this subsection (s) and except
11 for bargaining units in existence on January 1, 1986 (the
12 effective date of this amendatory Act of 1985). A bargaining
13 unit determined by the Board to contain peace officers shall
14 contain no employees other than peace officers unless
15 otherwise agreed to by the employer and the labor organization
16 or labor organizations involved. Notwithstanding any other
17 provision of this Act, a bargaining unit, including a
18 historical bargaining unit, containing sworn peace officers of
19 the Department of Natural Resources (formerly designated the
20 Department of Conservation) shall contain no employees other
21 than such sworn peace officers upon the effective date of this
22 amendatory Act of 1990 or upon the expiration date of any
23 collective bargaining agreement in effect upon the effective
24 date of this amendatory Act of 1990 covering both such sworn
25 peace officers and other employees.

26 (2) Notwithstanding the exclusion of supervisors from

1 bargaining units as provided in paragraph (1) of this
2 subsection (s), a public employer may agree to permit its
3 supervisory employees to form bargaining units and may bargain
4 with those units. This Act shall apply if the public employer
5 chooses to bargain under this subsection.

6 (3) Public employees who are court reporters, as defined
7 in the Court Reporters Act, shall be divided into 3 units for
8 collective bargaining purposes. One unit shall be court
9 reporters employed by the Cook County Judicial Circuit; one
10 unit shall be court reporters employed by the 12th, 18th,
11 19th, and, on and after December 4, 2006, the 22nd judicial
12 circuits; and one unit shall be court reporters employed by
13 all other judicial circuits.

14 (t) "Active petition for certification in a bargaining
15 unit" means a petition for certification filed with the Board
16 under one of the following case numbers: S-RC-11-110;
17 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
18 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
19 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
20 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
21 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
22 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
23 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
24 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
25 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
26 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;

1 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
2 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
3 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
4 S-RC-07-100.

5 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
6 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)

7 Section 25. The Illinois Governmental Ethics Act is
8 amended by changing Section 2-104 as follows:

9 (5 ILCS 420/2-104) (from Ch. 127, par. 602-104)

10 Sec. 2-104. No legislator may accept or participate in any
11 way in any representation case, as that term is defined in
12 Section 1-113, before (1) the Court of Claims of this State or
13 (2) ~~before~~ the Illinois Workers' Compensation Commission, when
14 the State of Illinois is the respondent.

15 This Section does not prohibit participation in such a
16 representation case by a person with whom the legislator
17 maintains a close economic association, unless the fact of
18 that association is used to influence or attempt to influence
19 the State agency in the rendering of its decision.

20 A violation of this Section is a Class A misdemeanor.

21 (Source: P.A. 93-721, eff. 1-1-05; revised 6-13-22.)

22 Section 30. The Illinois TRUST Act is amended by changing
23 Sections 10 and 15 as follows:

1 (5 ILCS 805/10)

2 Sec. 10. Definitions. In this Act:

3 "Citizenship or immigration status" means all matters
4 regarding citizenship of the United States or any other
5 country or the authority to reside in or otherwise be present
6 in the United States.

7 "Civil immigration warrant" means any document that is not
8 approved or ordered by a judge that can form the basis for an
9 individual's arrest or detention for a civil immigration
10 enforcement purpose. "Civil immigration warrant" includes Form
11 I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to
12 Detain or Release Alien", Form I-205 "Warrant of
13 Removal/Deportation", Form I-286 "Notice of Custody
14 Determination", any predecessor or successor form, and all
15 warrants, hits, or requests contained in the "Immigration
16 Violator File" of the FBI's National Crime Information Center
17 (NCIC) database. "Civil immigration warrant" does not include
18 any criminal warrant.

19 "Contact information" means home address, work address,
20 telephone number, electronic mail address, social media
21 information, or any other personal identifying information
22 that could be used as a means to contact an individual.

23 "Immigration agent" means an agent of federal Immigration
24 and Customs Enforcement, federal Customs and Border
25 Protection, or any similar or successor agency.

1 "Immigration detainer" means a request to a State or local
2 law enforcement agency to provide notice of release or
3 maintain custody of an individual based on an alleged
4 violation of a civil immigration law, including detainers
5 issued under Sections 1226 or 1357 of Title 8 of the United
6 States Code or 287.7 or 236.1 of Title 8 of the Code of Federal
7 Regulations. "Immigration detainer" includes Form I-247A
8 "Immigration Detainer - Notice of Action" and any predecessor
9 or successor form.

10 "Law enforcement agency" means an agency of the State or
11 of a unit of local government charged with enforcement of
12 State, county, or municipal laws or with managing custody of
13 detained persons in the State.

14 "Law enforcement official" means any individual with the
15 power to arrest or detain individuals, including law
16 enforcement officers, corrections officers ~~officer~~, and others
17 employed or designated by a law enforcement agency. "Law
18 enforcement official" includes any probation officer.

19 (Source: P.A. 102-234, eff. 8-2-21; revised 9-13-22.)

20 (5 ILCS 805/15)

21 Sec. 15. Prohibition on enforcing federal civil
22 immigration laws.

23 (a) A law enforcement agency or law enforcement official
24 shall not detain or continue to detain any individual solely
25 on the basis of any immigration detainer or civil immigration

1 warrant or otherwise comply with an immigration detainer or
2 civil immigration warrant.

3 (b) A law enforcement agency or law enforcement official
4 shall not stop, arrest, search, detain, or continue to detain
5 a person solely based on an individual's citizenship or
6 immigration status.

7 (c) (Blank).

8 (d) A law enforcement agency or law enforcement official
9 acting in good faith in compliance with this Section who
10 releases a person subject to an immigration detainer or civil
11 immigration warrant shall have immunity from any civil or
12 criminal liability that might otherwise occur as a result of
13 making the release, with the exception of willful or wanton
14 misconduct.

15 (e) A law enforcement agency or law enforcement official
16 may not inquire about or investigate the citizenship or
17 immigration status or place of birth of any individual in the
18 agency or official's custody or who has otherwise been stopped
19 or detained by the agency or official. Nothing in this
20 subsection shall be construed to limit the ability of a law
21 enforcement agency or law enforcement official, pursuant to
22 State or federal law, to notify a person in the law enforcement
23 agency's custody about that person's right to communicate with
24 consular officers from that person's country of nationality,
25 or facilitate such communication, in accordance with the
26 Vienna Convention on Consular Relations or other bilateral

1 agreements. Nothing in this subsection shall be construed to
2 limit the ability of a law enforcement agency or law
3 enforcement official to request evidence of citizenship or
4 immigration status pursuant to the Firearm Owners
5 Identification Card Act, the Firearm Concealed Carry Act,
6 Article 24 of the Criminal Code of 2012, or 18 United States
7 Code Sections 921 through 931.

8 (f) Unless otherwise limited by federal law, a law
9 enforcement agency or law enforcement official may not deny
10 services, benefits, privileges, or opportunities to an
11 individual in custody or under probation status, including,
12 but not limited to, eligibility for or placement in a lower
13 custody classification, educational, rehabilitative, or
14 diversionary programs, on the basis of the individual's
15 citizenship or immigration status, the issuance of an
16 immigration detainer or civil immigration warrant against the
17 individual, or the individual being in immigration removal
18 proceedings.

19 (g) (1) No law enforcement agency, law enforcement
20 official, or any unit of State or local government may enter
21 into or renew any contract, intergovernmental service
22 agreement, or any other agreement to house or detain
23 individuals for federal civil immigration violations.

24 (2) Any law enforcement agency, law enforcement official,
25 or unit of State or local government with an existing
26 contract, intergovernmental agreement, or other agreement,

1 whether in whole or in part, that is utilized to house or
2 detain individuals for civil immigration violations shall
3 exercise the termination provision in the agreement as applied
4 to housing or detaining individuals for civil immigration
5 violations no later than January 1, 2022.

6 (h) Unless presented with a federal criminal warrant, or
7 otherwise required by federal law, a law enforcement agency or
8 official may not:

9 (1) participate, support, or assist in any capacity
10 with an immigration agent's enforcement operations,
11 including any collateral assistance such as coordinating
12 an arrest in a courthouse or other public facility,
13 providing use of any equipment, transporting any
14 individuals, or establishing a security or traffic
15 perimeter surrounding such operations, or any other
16 on-site support;

17 (2) give any immigration agent access, including by
18 telephone, to any individual who is in that agency's
19 custody;

20 (3) transfer any person into an immigration agent's
21 custody;

22 (4) permit immigration agents use of agency facilities
23 or equipment, including any agency electronic databases
24 not available to the public, for investigative interviews
25 or other investigative or immigration enforcement purpose;

26 (5) enter into or maintain any agreement regarding

1 direct access to any electronic database or other
2 data-sharing platform maintained by any law enforcement
3 agency, or otherwise provide such direct access to the
4 U.S. Immigration and Customs Enforcement, United States
5 Customs and Border Protection or any other federal entity
6 enforcing civil immigration violations;

7 (6) provide information in response to any immigration
8 agent's inquiry or request for information regarding any
9 individual in the agency's custody; or

10 (7) provide to any immigration agent information not
11 otherwise available to the public relating to an
12 individual's release or contact information, or otherwise
13 facilitate for an immigration agent to apprehend or
14 question an individual for immigration enforcement.

15 (i) Nothing in this Section shall preclude a law
16 enforcement official from otherwise executing that official's
17 duties in investigating violations of criminal law and
18 cooperating in such investigations with federal and other law
19 enforcement agencies (including criminal investigations
20 conducted by federal Homeland Security Investigations (HSI))
21 in order to ensure public safety.

22 (Source: P.A. 102-234, eff. 8-2-21; revised 9-14-22.)

23 Section 35. The First Responders Suicide Prevention Act is
24 amended by changing Section 40 as follows:

1 (5 ILCS 840/40)

2 Sec. 40. Task Force recommendations.

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

9 (1) Revising agencies' and organizations' employee
10 assistance programs (EAPs).

11 (2) Urging health care providers to replace outdated
12 healthcare plans and include more progressive options
13 catering to the needs and disproportionate risks
14 shouldered by our first responders.

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

18 (4) Encouraging agencies and organizations to attach
19 lists of all available resources to training manuals and
20 continuing education requirements.

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

26 (1) Assigning, appointing, or designating one member

1 of an agency or organization to attend specialized
2 training(s) sponsored by an accredited agency,
3 association, or organization recognized in their fields of
4 study.

5 (2) Seeking sponsorships or conducting fund-raisers,
6 to host annual or semiannual on-site visits from qualified
7 clinicians or physicians to provide early detection
8 training techniques, or to provide regular access to
9 mental health professionals.

10 (3) Requiring a minimum number of hours of disorders
11 and wellness training be incorporated into reoccurring,
12 annual or biannual training standards, examinations, and
13 curriculums, taking into close consideration respective
14 agency or organization size, frequency, and number of all
15 current federal and state mandatory examinations and
16 trainings expected respectively.

17 (4) Not underestimating the crucial importance of a
18 balanced diet, sleep, mindfulness-based stress reduction
19 techniques, moderate and vigorous intensity activities,
20 and recreational hobbies, which have been scientifically
21 proven to play a major role in brain health and mental
22 wellness.

23 (c) Task Force members shall recommend that administrators
24 and leadership personnel solicit training services from
25 evidence-based, data driven organizations. Organizations with
26 personnel trained on the analytical review and interpretation

1 of specific fields related to the nature of first responders'
2 exploits, such as PTSD, substance abuse, chronic state of
3 duress. Task Force members shall further recommend funding for
4 expansion and messaging campaigns of preliminary
5 self-diagnosing technologies like the one described above.
6 These objectives could be met by:

7 (1) Contacting an accredited agency, association, or
8 organization recognized in the field or fields of specific
9 study. Unbeknownst to the majority, many of the agencies
10 and organizations listed above receive grants and
11 allocations to assist communities with the very issues
12 being discussed in this Section.

13 (2) Normalizing help-seeking behaviors for both first
14 responders and their families through regular messaging
15 and peer support outreach, beginning with academy
16 curricula and continuing education throughout individuals'
17 careers.

18 (3) Funding and implementing PSA campaigns that
19 provide clear and concise calls to action about mental
20 health and wellness, resiliency, help-seeking, treatment,
21 and recovery.

22 (4) Promoting and raising awareness of not-for-profit
23 ~~non-for-profit~~ organizations currently available to assist
24 individuals in search of care and treatment. Organizations
25 have intuitive user-friendly sites, most of which have
26 mobile applications, so first responders can access at a

1 moment's notice. However, because of limited funds, these
2 organizations have a challenging time of getting the word
3 out there about their existence.

4 (5) Expanding Family and Medical Leave Act protections
5 for individuals voluntarily seeking preventative
6 treatment.

7 (6) Promoting and ensuring complete patient
8 confidentiality protections.

9 (d) Task Force members shall recommend that agencies and
10 organizations incorporate the following training components
11 into already existing modules and educational curriculums.
12 Doing so could be done by:

13 (1) Bolstering academy and school curricula by
14 requiring depressive disorder training catered to PTSD,
15 substance abuse, and early detection techniques training,
16 taking into close consideration respective agency or
17 organization size, and the frequency and number of all
18 current federal and state mandatory examinations and
19 trainings expected respectively.

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

22 (3) Incorporating a state certificate for peer support
23 training into already exiting statewide curriculums and
24 mandatory examinations, annual State Fire Marshal
25 examinations, and physical fitness examinations. The
26 subject matter of the certificate should have an emphasis

1 on mental health and wellness, as well as familiarization
2 with topics ranging from clinical social work, clinical
3 psychology, clinical behaviorist, and clinical psychiatry.

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

9 (5) Recommending comprehensive and evidence-based
10 training on the importance of preventative measures on the
11 topics of sleep, nutrition, mindfulness, and physical
12 movement.

13 (6) Law enforcement agencies should provide training
14 on the Firearm Owner's Identification Card Act, including
15 seeking relief from the Illinois State Police under
16 Section 10 of the Firearm Owners Identification Card Act
17 and a FOID card being a continued condition of employment
18 under Section 7.2 of the Uniform Peace Officers'
19 Disciplinary Act.

20 (Source: P.A. 102-352, eff. 6-1-22; revised 8-8-22.)

21 Section 40. The Election Code is amended by changing
22 Sections 7-13, 7-16, 7-42, 7-43, 7-59, 7-61, 8-8, 10-14, 16-3,
23 and 16-5.01 as follows:

24 (10 ILCS 5/7-13) (from Ch. 46, par. 7-13)

1 Sec. 7-13. The board of election commissioners in cities
2 of 500,000 or more population having such board, shall
3 constitute an electoral board for the hearing and passing upon
4 objections to nomination petitions for ward committeepersons.

5 Except as otherwise provided in this Code, such objections
6 shall be filed in the office of the county clerk within 5
7 business days after the last day for filing nomination papers.
8 The objection shall state the name and address of the
9 objector, who may be any qualified elector in the ward, the
10 specific grounds of objection and the relief requested of the
11 electoral board. Upon the receipt of the objection, the county
12 clerk shall forthwith transmit such objection and the petition
13 of the candidate to the board of election commissioners. The
14 board of election commissioners shall forthwith notify the
15 objector and candidate objected to of the time and place for
16 hearing hereon. After a hearing upon the validity of such
17 objections, the board shall certify to the county clerk its
18 decision stating whether or not the name of the candidate
19 shall be printed on the ballot and the county clerk in his or
20 her certificate to the board of election commissioners shall
21 leave off of the certificate the name of the candidate for ward
22 committeeperson that the election commissioners order not to
23 be printed on the ballot. However, the decision of the board of
24 election commissioners is subject to judicial review as
25 provided in Section 10-10.1.

26 The county electoral board composed as provided in Section

1 10-9 shall constitute an electoral board for the hearing and
2 passing upon objections to nomination petitions for precinct
3 and township committee persons. Such objections shall be filed
4 in the office of the county clerk within 5 business days after
5 the last day for filing nomination papers. The objection shall
6 state the name and address of the objector who may be any
7 qualified elector in the precinct or in the township or part of
8 a township that lies outside of a city having a population of
9 500,000 or more, the specific grounds of objection and the
10 relief requested of the electoral board. Upon the receipt of
11 the objection the county clerk shall forthwith transmit such
12 objection and the petition of the candidate to the chair of the
13 county electoral board. The chair of the county electoral
14 board shall forthwith notify the objector, the candidate whose
15 petition is objected to and the other members of the electoral
16 board of the time and place for hearing thereon. After hearing
17 upon the validity of such objections the board shall certify
18 its decision to the county clerk stating whether or not the
19 name of the candidate shall be printed on the ballot, and the
20 county clerk, in his or her certificate to the board of
21 election commissioners, shall leave off of the certificate the
22 name of the candidate ordered by the board not to be printed on
23 the ballot, and the county clerk shall also refrain from
24 printing on the official primary ballot, the name of any
25 candidate whose name has been ordered by the electoral board
26 not to be printed on the ballot. However, the decision of the

1 board is subject to judicial review as provided in Section
2 10-10.1.

3 In such proceedings the electoral boards have the same
4 powers as other electoral boards under the provisions of
5 Section 10-10 of this Code Act and their decisions are subject
6 to judicial review under Section 10-10.1.

7 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

8 (10 ILCS 5/7-16) (from Ch. 46, par. 7-16)

9 Sec. 7-16. Each election authority in each county shall
10 prepare and cause to be printed the primary ballot of each
11 political party for each precinct in his respective
12 jurisdiction.

13 Except as otherwise provided in this Code, the election
14 authority shall, at least 45 days prior to the date of the
15 primary election, have a sufficient number of ballots printed
16 so that such ballots will be available for mailing 45 days
17 prior to the primary election to persons who have filed
18 application for a ballot under the provisions of Article 20 of
19 this Code Act.

20 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

21 (10 ILCS 5/7-42) (from Ch. 46, par. 7-42)

22 Sec. 7-42. (a) Any person entitled to vote at such primary
23 shall, on the day of such primary, with the consent of his
24 employer, be entitled to absent himself from any service or

1 employment in which he is then engaged or employed for a period
2 of 2 ~~two~~ hours between the time of opening and closing the
3 polls. The employer may specify the hours during which said
4 employee ~~employe~~ may absent himself.

5 (b) Beginning the 15th day before the primary election or
6 on the day of the primary election, any student entitled to
7 vote at such primary shall be entitled to be absent from school
8 for a period of 2 hours during the school day in order to vote.
9 The school may specify the hours during which the eligible
10 student may be absent. A student who is absent from school
11 under this subsection (b) is not considered absent for the
12 purpose of calculating enrollment under Section 18-8.15 of the
13 School Code.

14 (Source: P.A. 101-624, eff. 6-1-20; revised 8-23-22.)

15 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

16 Sec. 7-43. Every person having resided in this State 6
17 months and in the precinct 30 days next preceding any primary
18 therein who shall be a citizen of the United States of the age
19 of 18 or more years shall be entitled to vote at such primary.

20 The following regulations shall be applicable to
21 primaries:

22 No person shall be entitled to vote at a primary:

23 (a) Unless he declares his party affiliations as
24 required by this Article.

25 (b) (Blank).

1 (c) (Blank).

2 (c.5) If that person has participated in the town
3 political party caucus, under Section 45-50 of the
4 Township Code, of another political party by signing
5 an affidavit of voters attending the caucus within 45
6 days before the first day of the calendar month in
7 which the primary is held.

8 (d) (Blank).

9 In cities, villages, and incorporated towns having a
10 board of election commissioners, only voters registered as
11 provided by Article 6 of this Code Act shall be entitled to
12 vote at such primary.

13 No person shall be entitled to vote at a primary
14 unless he is registered under the provisions of Article
15 ~~Articles~~ 4, 5, or 6 of this Code Act, when his registration
16 is required by any of said Articles to entitle him to vote
17 at the election with reference to which the primary is
18 held.

19 A person (i) who filed a statement of candidacy for a
20 partisan office as a qualified primary voter of an established
21 political party or (ii) who voted the ballot of an established
22 political party at a general primary election may not file a
23 statement of candidacy as a candidate of a different
24 established political party, a new political party, or as an
25 independent candidate for a partisan office to be filled at
26 the general election immediately following the general primary

1 for which the person filed the statement or voted the ballot. A
2 person may file a statement of candidacy for a partisan office
3 as a qualified primary voter of an established political party
4 regardless of any prior filing of candidacy for a partisan
5 office or voting the ballot of an established political party
6 at any prior election.

7 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

8 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

9 Sec. 7-59. (a) The person receiving the highest number of
10 votes at a primary as a candidate of a party for the nomination
11 for an office shall be the candidate of that party for such
12 office, and his name as such candidate shall be placed on the
13 official ballot at the election then next ensuing; provided,
14 that where there are 2 ~~two~~ or more persons to be nominated for
15 the same office or board, the requisite number of persons
16 receiving the highest number of votes shall be nominated, and
17 their names shall be placed on the official ballot at the
18 following election.

19 Except as otherwise provided by Section 7-8 of this Code
20 ~~Act~~, the person receiving the highest number of votes of his
21 party for State central committeeperson of his congressional
22 district shall be declared elected State central
23 committeeperson from said congressional district.

24 Unless a national political party specifies that delegates
25 and alternate delegates to a National nominating convention be

1 allocated by proportional selection representation according
2 to the results of a Presidential preference primary, the
3 requisite number of persons receiving the highest number of
4 votes of their party for delegates and alternate delegates to
5 National nominating conventions from the State at large, and
6 the requisite number of persons receiving the highest number
7 of votes of their party for delegates and alternate delegates
8 to National nominating conventions in their respective
9 congressional districts shall be declared elected delegates
10 and alternate delegates to the National nominating conventions
11 of their party.

12 A political party which elects the members to its State
13 Central Committee by Alternative B under paragraph (a) of
14 Section 7-8 shall select its congressional district delegates
15 and alternate delegates to its national nominating convention
16 by proportional selection representation according to the
17 results of a Presidential preference primary in each
18 congressional district in the manner provided by the rules of
19 the national political party and the State Central Committee,
20 when the rules and policies of the national political party so
21 require.

22 A political party which elects the members to its State
23 Central Committee by Alternative B under paragraph (a) of
24 Section 7-8 shall select its at large delegates and alternate
25 delegates to its national nominating convention by
26 proportional selection representation according to the results

1 of a Presidential preference primary in the whole State in the
2 manner provided by the rules of the national political party
3 and the State Central Committee, when the rules and policies
4 of the national political party so require.

5 The person receiving the highest number of votes of his
6 party for precinct committeeperson of his precinct shall be
7 declared elected precinct committeeperson from said precinct.

8 The person receiving the highest number of votes of his
9 party for township committeeperson of his township or part of
10 a township as the case may be, shall be declared elected
11 township committeeperson from said township or part of a
12 township as the case may be. In cities where ward
13 committeepersons are elected, the person receiving the highest
14 number of votes of his party for ward committeeperson of his
15 ward shall be declared elected ward committeeperson from said
16 ward.

17 When 2 ~~two~~ or more persons receive an equal and the highest
18 number of votes for the nomination for the same office or for
19 committeeperson of the same political party, or where more
20 than one person of the same political party is to be nominated
21 as a candidate for office or committeeperson, if it appears
22 that more than the number of persons to be nominated for an
23 office or elected committeeperson have the highest and an
24 equal number of votes for the nomination for the same office or
25 for election as committeeperson, the election authority by
26 which the returns of the primary are canvassed shall decide by

1 lot which of said persons shall be nominated or elected, as the
2 case may be. In such case the election authority shall issue
3 notice in writing to such persons of such tie vote stating
4 therein the place, the day (which shall not be more than 5 days
5 thereafter) and the hour when such nomination or election
6 shall be so determined.

7 (b) Except as otherwise provided in this Code, write-in
8 votes shall be counted only for persons who have filed
9 notarized declarations of intent to be write-in candidates
10 with the proper election authority or authorities not later
11 than 61 days prior to the primary. However, whenever an
12 objection to a candidate's nominating papers or petitions for
13 any office is sustained under Section 10-10 after the 61st day
14 before the election, then write-in votes shall be counted for
15 that candidate if he or she has filed a notarized declaration
16 of intent to be a write-in candidate for that office with the
17 proper election authority or authorities not later than 7 days
18 prior to the election.

19 Forms for the declaration of intent to be a write-in
20 candidate shall be supplied by the election authorities. Such
21 declaration shall specify the office for which the person
22 seeks nomination or election as a write-in candidate.

23 The election authority or authorities shall deliver a list
24 of all persons who have filed such declarations to the
25 election judges in the appropriate precincts prior to the
26 primary.

1 (c) (1) Notwithstanding any other provisions of this
2 Section, where the number of candidates whose names have been
3 printed on a party's ballot for nomination for or election to
4 an office at a primary is less than the number of persons the
5 party is entitled to nominate for or elect to the office at the
6 primary, a person whose name was not printed on the party's
7 primary ballot as a candidate for nomination for or election
8 to the office, is not nominated for or elected to that office
9 as a result of a write-in vote at the primary unless the number
10 of votes he received equals or exceeds the number of
11 signatures required on a petition for nomination for that
12 office; or unless the number of votes he receives exceeds the
13 number of votes received by at least one of the candidates
14 whose names were printed on the primary ballot for nomination
15 for or election to the same office.

16 (2) Paragraph (1) of this subsection does not apply where
17 the number of candidates whose names have been printed on the
18 party's ballot for nomination for or election to the office at
19 the primary equals or exceeds the number of persons the party
20 is entitled to nominate for or elect to the office at the
21 primary.

22 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

23 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

24 Sec. 7-61. Whenever a special election is necessary, the
25 provisions of this Article are applicable to the nomination of

1 candidates to be voted for at such special election.

2 In cases where a primary election is required, the officer
3 or board or commission whose duty it is under the provisions of
4 this Code Act relating to general elections to call an
5 election, shall fix a date for the primary for the nomination
6 of candidates to be voted for at such special election. Notice
7 of such primary shall be given at least 15 days prior to the
8 maximum time provided for the filing of petitions for such a
9 primary as provided in Section 7-12.

10 Any vacancy in nomination under the provisions of this
11 Article 7 occurring on or after the primary and prior to
12 certification of candidates by the certifying board or
13 officer, must be filled prior to the date of certification.
14 Any vacancy in nomination occurring after certification but
15 prior to 15 days before the general election shall be filled
16 within 8 days after the event creating the vacancy. The
17 resolution filling the vacancy shall be sent by U. S. mail or
18 personal delivery to the certifying officer or board within 3
19 days of the action by which the vacancy was filled; provided,
20 if such resolution is sent by mail and the U. S. postmark on
21 the envelope containing such resolution is dated prior to the
22 expiration of such 3-day ~~3-day~~ limit, the resolution shall be
23 deemed filed within such 3-day ~~3-day~~ limit. Failure to so
24 transmit the resolution within the time specified in this
25 Section shall authorize the certifying officer or board to
26 certify the original candidate. Vacancies shall be filled by

1 the officers of a local municipal or township political party
2 as specified in subsection (h) of Section 7-8, other than a
3 statewide political party, that is established only within a
4 municipality or township and the managing committee (or
5 legislative committee in case of a candidate for State Senator
6 or representative committee in the case of a candidate for
7 State Representative in the General Assembly or State central
8 committee in the case of a candidate for statewide office,
9 including, but not limited to, the office of United States
10 Senator) of the respective political party for the territorial
11 area in which such vacancy occurs.

12 The resolution to fill a vacancy in nomination shall be
13 duly acknowledged before an officer qualified to take
14 acknowledgments ~~acknowledgements~~ of deeds and shall include,
15 upon its face, the following information:

16 (a) the name of the original nominee and the office
17 vacated;

18 (b) the date on which the vacancy occurred;

19 (c) the name and address of the nominee selected to
20 fill the vacancy and the date of selection.

21 The resolution to fill a vacancy in nomination shall be
22 accompanied by a Statement of Candidacy, as prescribed in
23 Section 7-10, completed by the selected nominee and a receipt
24 indicating that such nominee has filed a statement of economic
25 interests as required by the Illinois Governmental Ethics Act.

26 The provisions of Section 10-8 through 10-10.1 relating to

1 objections to certificates of nomination and nomination
2 papers, hearings on objections, and judicial review, shall
3 apply to and govern objections to resolutions for filling a
4 vacancy in nomination.

5 Any vacancy in nomination occurring 15 days or less before
6 the consolidated election or the general election shall not be
7 filled. In this event, the certification of the original
8 candidate shall stand and his name shall appear on the
9 official ballot to be voted at the general election.

10 A vacancy in nomination occurs when a candidate who has
11 been nominated under the provisions of this Article 7 dies
12 before the election (whether death occurs prior to, on or
13 after the day of the primary), or declines the nomination;
14 provided that nominations may become vacant for other reasons.

15 If the name of no established political party candidate
16 was printed on the consolidated primary ballot for a
17 particular office and if no person was nominated as a write-in
18 candidate for such office, a vacancy in nomination shall be
19 created which may be filled in accordance with the
20 requirements of this Section. Except as otherwise provided in
21 this Code, if the name of no established political party
22 candidate was printed on the general primary ballot for a
23 particular office and if no person was nominated as a write-in
24 candidate for such office, a vacancy in nomination shall be
25 filled only by a person designated by the appropriate
26 committee of the political party and only if that designated

1 person files nominating petitions with the number of
2 signatures required for an established party candidate for
3 that office within 75 days after the day of the general
4 primary. The circulation period for those petitions begins on
5 the day the appropriate committee designates that person. The
6 person shall file his or her nominating petitions, statements
7 of candidacy, notice of appointment by the appropriate
8 committee, and receipt of filing his or her statement of
9 economic interests together. These documents shall be filed at
10 the same location as provided in Section 7-12. The electoral
11 boards having jurisdiction under Section 10-9 to hear and pass
12 upon objections to nominating petitions also shall hear and
13 pass upon objections to nomination petitions filed by
14 candidates under this paragraph.

15 A candidate for whom a nomination paper has been filed as a
16 partisan candidate at a primary election, and who is defeated
17 for his or her nomination at such primary election, is
18 ineligible to be listed on the ballot at that general or
19 consolidated election as a candidate of another political
20 party.

21 A candidate seeking election to an office for which
22 candidates of political parties are nominated by caucus who is
23 a participant in the caucus and who is defeated for his or her
24 nomination at such caucus, is ineligible to be listed on the
25 ballot at that general or consolidated election as a candidate
26 of another political party.

1 In the proceedings to nominate a candidate to fill a
2 vacancy or to fill a vacancy in the nomination, each precinct,
3 township, ward, county, or congressional district, as the case
4 may be, shall, through its representative on such central or
5 managing committee, be entitled to one vote for each ballot
6 voted in such precinct, township, ward, county, or
7 congressional district, as the case may be, by the primary
8 electors of its party at the primary election immediately
9 preceding the meeting at which such vacancy is to be filled.

10 For purposes of this Section, the words "certify" and
11 "certification" shall refer to the act of officially declaring
12 the names of candidates entitled to be printed upon the
13 official ballot at an election and directing election
14 authorities to place the names of such candidates upon the
15 official ballot. "Certifying officers or board" shall refer to
16 the local election official, the election authority, or the
17 State Board of Elections, as the case may be, with whom
18 nomination papers, including certificates of nomination and
19 resolutions to fill vacancies in nomination, are filed and
20 whose duty it is to "certify" candidates.

21 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

22 (10 ILCS 5/8-8) (from Ch. 46, par. 8-8)

23 Sec. 8-8. Form of petition for nomination. The name of no
24 candidate for nomination shall be printed upon the primary
25 ballot unless a petition for nomination shall have been filed

1 in his behalf as provided for in this Section. Each such
 2 petition shall include as a part thereof the oath required by
 3 Section 7-10.1 of this Code Act and a statement of candidacy by
 4 the candidate filing or in whose behalf the petition is filed.
 5 This statement shall set out the address of such candidate
 6 and the office for which he is a candidate; shall state that
 7 the candidate is a qualified primary voter of the party to
 8 which the petition relates, is qualified for the office
 9 specified, and has filed a statement of economic interests as
 10 required by the Illinois Governmental Ethics Act; shall
 11 request that the candidate's name be placed upon the official
 12 ballot; and shall be subscribed and sworn by such candidate
 13 before some officer authorized to take acknowledgment of deeds
 14 in this State and may be in substantially the following form:

15 State of Illinois)
 16) ss.
 17 County

18 I,, being first duly sworn, say that I reside at
 19 street in the city (or village of) in the county of
 20 State of Illinois; that I am a qualified voter therein and am a
 21 qualified primary voter of party; that I am a candidate
 22 for nomination to the office of to be voted upon at the
 23 primary election to be held on (insert date); that I am legally
 24 qualified to hold such office and that I have filed a statement
 25 of economic interests as required by the Illinois Governmental
 26 Ethics Act and I hereby request that my name be printed upon

1 the official primary ballot for nomination for such office.

2 Signed

3 Subscribed and sworn to (or affirmed) before me by,
4 who is to me personally known, on (insert date).

5 Signed (Official Character)

6 (Seal if officer has one.)

7 The receipt issued by the Secretary of State indicating
8 that the candidate has filed the statement of economic
9 interests required by the Illinois Governmental Ethics Act
10 must be filed with the petitions for nomination as provided in
11 subsection (8) of Section 7-12 of this Code.

12 Except as otherwise provided in this Code, all petitions
13 for nomination for the office of State Senator shall be signed
14 by at least 1,000 but not more than 3,000 of the qualified
15 primary electors of the candidate's party in his legislative
16 district.

17 Except as otherwise provided in this Code, all petitions
18 for nomination for the office of Representative in the General
19 Assembly shall be signed by at least 500 but not more than
20 1,500 of the qualified primary electors of the candidate's
21 party in his or her representative district.

22 Opposite the signature of each qualified primary elector
23 who signs a petition for nomination for the office of State
24 Representative or State Senator such elector's residence
25 address shall be written or printed. The residence address
26 required to be written or printed opposite each qualified

1 primary elector's name shall include the street address or
2 rural route number of the signer, as the case may be, as well
3 as the signer's county and city, village, or town.

4 For the purposes of this Section, the number of primary
5 electors shall be determined by taking the total vote cast, in
6 the applicable district, for the candidate for such political
7 party who received the highest number of votes, state-wide, at
8 the last general election in the State at which electors for
9 President of the United States were elected.

10 A "qualified primary elector" of a party may not sign
11 petitions for or be a candidate in the primary of more than one
12 party.

13 In the affidavit at the bottom of each sheet, the petition
14 circulator, who shall be a person 18 years of age or older who
15 is a citizen of the United States, shall state his or her
16 street address or rural route number, as the case may be, as
17 well as his or her county, city, village or town, and state;
18 and shall certify that the signatures on that sheet of the
19 petition were signed in his or her presence; and shall certify
20 that the signatures are genuine; and shall certify that, to
21 the best of his or her knowledge and belief, the persons so
22 signing were at the time of signing the petition qualified
23 primary voters for which the nomination is sought.

24 In the affidavit at the bottom of each petition sheet, the
25 petition circulator shall ~~either~~ (1) indicate the dates on
26 which he or she circulated that sheet, or (2) indicate the

1 first and last dates on which the sheet was circulated, or (3)
2 for elections where the petition circulation period is 90
3 days, certify that none of the signatures on the sheet were
4 signed more than 90 days preceding the last day for the filing
5 of the petition, or (4) for the 2022 general primary election
6 only, certify that the signatures on the sheet were signed
7 during the period of January 13, 2022 through March 14, 2022 or
8 certify that the signatures on the sheet were signed during
9 the period of January 13, 2022 through the date on which this
10 statement was sworn or affirmed to. No petition sheet shall be
11 circulated more than 90 days preceding the last day provided
12 in Section 8-9 for the filing of such petition.

13 All petition sheets which are filed with the State Board
14 of Elections shall be the original sheets which have been
15 signed by the voters and by the circulator, and not
16 photocopies or duplicates of such sheets.

17 The person circulating the petition, or the candidate on
18 whose behalf the petition is circulated, may strike any
19 signature from the petition, provided that:

20 (1) the person striking the signature shall initial
21 the petition at the place where the signature is struck;
22 and

23 (2) the person striking the signature shall sign a
24 certification listing the page number and line number of
25 each signature struck from the petition. Such
26 certification shall be filed as a part of the petition.

1 (Source: P.A. 102-15, eff. 6-17-21; 102-692, eff. 1-7-22;
2 revised 2-28-22.)

3 (10 ILCS 5/10-14) (from Ch. 46, par. 10-14)

4 Sec. 10-14. Except as otherwise provided in this Code, not
5 less than 74 days before the date of the general election the
6 State Board of Elections shall certify to the county clerk of
7 each county the name of each candidate whose nomination
8 papers, certificate of nomination, or resolution to fill a
9 vacancy in nomination has been filed with the State Board of
10 Elections and direct the county clerk to place upon the
11 official ballot for the general election the names of such
12 candidates in the same manner and in the same order as shown
13 upon the certification. The name of no candidate for an office
14 to be filled by the electors of the entire state shall be
15 placed upon the official ballot unless his name is duly
16 certified to the county clerk upon a certificate signed by the
17 members of the State Board of Elections. The names of group
18 candidates on petitions shall be certified to the several
19 county clerks in the order in which such names appear on such
20 petitions filed with the State Board of Elections.

21 Except as otherwise provided in this Code, not less than
22 68 days before the date of the general election, each county
23 clerk shall certify the names of each of the candidates for
24 county offices whose nomination papers, certificates of
25 nomination, or resolutions to fill a vacancy in nomination

1 have been filed with such clerk and declare that the names of
2 such candidates for the respective offices shall be placed
3 upon the official ballot for the general election in the same
4 manner and in the same order as shown upon the certification.
5 Each county clerk shall place a copy of the certification on
6 file in his or her office and at the same time issue to the
7 State Board of Elections a copy of such certification. In
8 addition, each county clerk in whose county there is a board of
9 election commissioners shall, not less than 69 days before the
10 election, certify to the board of election commissioners the
11 name of the person or persons nominated for such office as
12 shown by the certificate of the State Board of Elections,
13 together with the names of all other candidates as shown by the
14 certification of county officers on file in the clerk's
15 office, and in the order so certified. The county clerk or
16 board of election commissioners shall print the names of the
17 nominees on the ballot for each office in the order in which
18 they are certified to or filed with the county clerk;
19 provided, that in printing the name of nominees for any
20 office, if any of such nominees have also been nominated by one
21 or more political parties pursuant to this Code Act, the
22 location of the name of such candidate on the ballot for
23 nominations made under this Article shall be precisely in the
24 same order in which it appears on the certification of the
25 State Board of Elections to the county clerk.

26 For the general election, the candidates of new political

1 parties shall be placed on the ballot for said election after
2 the established political party candidates and in the order of
3 new political party petition filings.

4 Each certification shall indicate, where applicable, the
5 following:

6 (1) The political party affiliation, if any, of the
7 candidates for the respective offices;

8 (2) If there is to be more than one candidate elected
9 to an office from the State, political subdivision, or
10 district;

11 (3) If the voter has the right to vote for more than
12 one candidate for an office;

13 (4) The term of office, if a vacancy is to be filled
14 for less than a full term or if the offices to be filled in
15 a political subdivision are for different terms.

16 The State Board of Elections or the county clerk, as the
17 case may be, shall issue an amended certification whenever it
18 is discovered that the original certification is in error.

19 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

20 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

21 Sec. 16-3. (a) The names of all candidates to be voted for
22 in each election district or precinct shall be printed on one
23 ballot, except as is provided in Sections 16-6.1 and 21-1.01
24 of this Code Act and except as otherwise provided in this Code
25 Act with respect to the odd year regular elections and the

1 emergency referenda; all nominations of any political party
2 being placed under the party appellation or title of such
3 party as designated in the certificates of nomination or
4 petitions. The names of all independent candidates shall be
5 printed upon the ballot in a column or columns under the
6 heading "independent" arranged under the names or titles of
7 the respective offices for which such independent candidates
8 shall have been nominated and so far as practicable, the name
9 or names of any independent candidate or candidates for any
10 office shall be printed upon the ballot opposite the name or
11 names of any candidate or candidates for the same office
12 contained in any party column or columns upon said ballot. The
13 ballot shall contain no other names, except that in cases of
14 electors for President and Vice-President of the United
15 States, the names of the candidates for President and
16 Vice-President may be added to the party designation and words
17 calculated to aid the voter in his choice of candidates may be
18 added, such as "Vote for one," "Vote for not more than three."
19 If no candidate or candidates file for an office and if no
20 person or persons file a declaration as a write-in candidate
21 for that office, then below the title of that office the
22 election authority instead shall print "No Candidate". When an
23 electronic voting system is used which utilizes a ballot label
24 booklet, the candidates and questions shall appear on the
25 pages of such booklet in the order provided by this Code; and,
26 in any case where candidates for an office appear on a page

1 which does not contain the name of any candidate for another
2 office, and where less than 50% of the page is utilized, the
3 name of no candidate shall be printed on the lowest 25% of such
4 page. On the back or outside of the ballot, so as to appear
5 when folded, shall be printed the words "Official Ballot",
6 followed by the designation of the polling place for which the
7 ballot is prepared, the date of the election and a facsimile of
8 the signature of the election authority who has caused the
9 ballots to be printed. The ballots shall be of plain white
10 paper, through which the printing or writing cannot be read.
11 However, ballots for use at the nonpartisan and consolidated
12 elections may be printed on different color paper, except blue
13 paper, whenever necessary or desirable to facilitate
14 distinguishing between ballots for different political
15 subdivisions. In the case of nonpartisan elections for
16 officers of a political subdivision, unless the statute or an
17 ordinance adopted pursuant to Article VII of the Constitution
18 providing the form of government therefor requires otherwise,
19 the column listing such nonpartisan candidates shall be
20 printed with no appellation or circle at its head. The party
21 appellation or title, or the word "independent" at the head of
22 any column provided for independent candidates, shall be
23 printed in letters not less than one-fourth of an inch in
24 height and a circle one-half inch in diameter shall be printed
25 at the beginning of the line in which such appellation or title
26 is printed, provided, however, that no such circle shall be

1 printed at the head of any column or columns provided for such
2 independent candidates. The names of candidates shall be
3 printed in letters not less than one-eighth nor more than
4 one-fourth of an inch in height, and at the beginning of each
5 line in which a name of a candidate is printed a square shall
6 be printed, the sides of which shall be not less than
7 one-fourth of an inch in length. However, the names of the
8 candidates for Governor and Lieutenant Governor on the same
9 ticket shall be printed within a bracket and a single square
10 shall be printed in front of the bracket. The list of
11 candidates of the several parties and any such list of
12 independent candidates shall be placed in separate columns on
13 the ballot in such order as the election authorities charged
14 with the printing of the ballots shall decide; provided, that
15 the names of the candidates of the several political parties,
16 certified by the State Board of Elections to the several
17 county clerks shall be printed by the county clerk of the
18 proper county on the official ballot in the order certified by
19 the State Board of Elections. Any county clerk refusing,
20 neglecting or failing to print on the official ballot the
21 names of candidates of the several political parties in the
22 order certified by the State Board of Elections, and any
23 county clerk who prints or causes to be printed upon the
24 official ballot the name of a candidate, for an office to be
25 filled by the Electors of the entire State, whose name has not
26 been duly certified to him upon a certificate signed by the

1 State Board of Elections shall be guilty of a Class C
2 misdemeanor.

3 (b) When an electronic voting system is used which
4 utilizes a ballot card, on the inside flap of each ballot card
5 envelope there shall be printed a form for write-in voting
6 which shall be substantially as follows:

7 WRITE-IN VOTES

8 (See card of instructions for specific information.
9 Duplicate form below by hand for additional write-in votes.)

10

11 Title of Office

12 ()

13 Name of Candidate

14 Write-in lines equal to the number of candidates for which
15 a voter may vote shall be printed for an office only if one or
16 more persons filed declarations of intent to be write-in
17 candidates or qualify to file declarations to be write-in
18 candidates under Sections 17-16.1 and 18-9.1 when the
19 certification of ballot contains the words "OBJECTION
20 PENDING".

21 (c) When an electronic voting system is used which uses a
22 ballot sheet, the instructions to voters on the ballot sheet
23 shall refer the voter to the card of instructions for specific
24 information on write-in voting. Below each office appearing on
25 such ballot sheet there shall be a provision for the casting of
26 a write-in vote. Write-in lines equal to the number of

1 candidates for which a voter may vote shall be printed for an
2 office only if one or more persons filed declarations of
3 intent to be write-in candidates or qualify to file
4 declarations to be write-in candidates under Sections 17-16.1
5 and 18-9.1 when the certification of ballot contains the words
6 "OBJECTION PENDING".

7 (d) When such electronic system is used, there shall be
8 printed on the back of each ballot card, each ballot card
9 envelope, and the first page of the ballot label when a ballot
10 label is used, the words "Official Ballot," followed by the
11 number of the precinct or other precinct identification, which
12 may be stamped, in lieu thereof and, as applicable, the number
13 and name of the township, ward or other election district for
14 which the ballot card, ballot card envelope, and ballot label
15 are prepared, the date of the election and a facsimile of the
16 signature of the election authority who has caused the ballots
17 to be printed. The back of the ballot card shall also include a
18 method of identifying the ballot configuration such as a
19 listing of the political subdivisions and districts for which
20 votes may be cast on that ballot, or a number code identifying
21 the ballot configuration or color coded ballots, except that
22 where there is only one ballot configuration in a precinct,
23 the precinct identification, and any applicable ward
24 identification, shall be sufficient. Ballot card envelopes
25 used in punch card systems shall be of paper through which no
26 writing or punches may be discerned and shall be of sufficient

1 length to enclose all voting positions. However, the election
2 authority may provide ballot card envelopes on which no
3 precinct number or township, ward or other election district
4 designation, or election date are preprinted, if space and a
5 preprinted form are provided below the space provided for the
6 names of write-in candidates where such information may be
7 entered by the judges of election. Whenever an election
8 authority utilizes ballot card envelopes on which the election
9 date and precinct is not preprinted, a judge of election shall
10 mark such information for the particular precinct and election
11 on the envelope in ink before tallying and counting any
12 write-in vote written thereon. If some method of insuring
13 ballot secrecy other than an envelope is used, such
14 information must be provided on the ballot itself.

15 (e) In the designation of the name of a candidate on the
16 ballot, the candidate's given name or names, initial or
17 initials, a nickname by which the candidate is commonly known,
18 or a combination thereof, may be used in addition to the
19 candidate's surname. If a candidate has changed his or her
20 name, whether by a statutory or common law procedure in
21 Illinois or any other jurisdiction, within 3 years before the
22 last day for filing the petition for nomination, nomination
23 papers, or certificate of nomination for that office,
24 whichever is applicable, then (i) the candidate's name on the
25 ballot must be followed by "formerly known as (list all prior
26 names during the 3-year period) until name changed on (list

1 date of each such name change)" and (ii) the petition, papers,
2 or certificate must be accompanied by the candidate's
3 affidavit stating the candidate's previous names during the
4 period specified in (i) and the date or dates each of those
5 names was changed; failure to meet these requirements shall be
6 grounds for denying certification of the candidate's name for
7 the ballot or removing the candidate's name from the ballot,
8 as appropriate, but these requirements do not apply to name
9 changes resulting from adoption to assume an adoptive parent's
10 or parents' surname, marriage or civil union to assume a
11 spouse's surname, or dissolution of marriage or civil union or
12 declaration of invalidity of marriage or civil union to assume
13 a former surname or a name change that conforms the
14 candidate's name to his or her gender identity. No other
15 designation such as a political slogan, title, or degree or
16 nickname suggesting or implying possession of a title, degree
17 or professional status, or similar information may be used in
18 connection with the candidate's surname. For purposes of this
19 Section, a "political slogan" is defined as any word or words
20 expressing or connoting a position, opinion, or belief that
21 the candidate may espouse, including, but not limited to, any
22 word or words conveying any meaning other than that of the
23 personal identity of the candidate. A candidate may not use a
24 political slogan as part of his or her name on the ballot,
25 notwithstanding that the political slogan may be part of the
26 candidate's name.

1 (f) The State Board of Elections, a local election
2 official, or an election authority shall remove any
3 candidate's name designation from a ballot that is
4 inconsistent with subsection (e) of this Section. In addition,
5 the State Board of Elections, a local election official, or an
6 election authority shall not certify to any election authority
7 any candidate name designation that is inconsistent with
8 subsection (e) of this Section.

9 (g) If the State Board of Elections, a local election
10 official, or an election authority removes a candidate's name
11 designation from a ballot under subsection (f) of this
12 Section, then the aggrieved candidate may seek appropriate
13 relief in circuit court.

14 Where voting machines or electronic voting systems are
15 used, the provisions of this Section may be modified as
16 required or authorized by Article 24 or Article 24A, whichever
17 is applicable.

18 Nothing in this Section shall prohibit election
19 authorities from using or reusing ballot card envelopes which
20 were printed before January 1, 1986 (the effective date of
21 Public Act 84-820) ~~this amendatory Act of 1985.~~

22 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

23 (10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

24 Sec. 16-5.01. (a) Except as otherwise provided in this
25 Code, the election authority shall, at least 46 days prior to

1 the date of any election at which federal officers are elected
 2 and 45 days prior to any other regular election, have a
 3 sufficient number of ballots printed so that such ballots will
 4 be available for mailing 45 days prior to the date of the
 5 election to persons who have filed application for a ballot
 6 under the provisions of Article 20 of this Code Act.

7 (b) If at any election at which federal offices are
 8 elected or nominated the election authority is unable to
 9 comply with the provisions of subsection (a), the election
 10 authority shall mail to each such person, in lieu of the
 11 ballot, a Special Write-in Vote by Mail Voter's Blank Ballot.
 12 The Special Write-in Vote by Mail Voter's Blank Ballot shall
 13 be used at all elections at which federal officers are elected
 14 or nominated and shall be prepared by the election authority
 15 in substantially the following form:

16 Special Write-in Vote by Mail Voter's Blank Ballot

17 (To vote for a person, write the title of the office and
 18 his or her name on the lines provided. Place to the left of and
 19 opposite the title of office a square and place a cross (X) in
 20 the square.)

21	Title of Office	Name of Candidate
22	()	
23	()	
24	()	
25	()	
26	()	

1 ()

2 The election authority shall send with the Special
3 Write-in Vote by Mail Voter's Blank Ballot a list of all
4 referenda for which the voter is qualified to vote and all
5 candidates for whom nomination papers have been filed and for
6 whom the voter is qualified to vote. The voter shall be
7 entitled to write in the name of any candidate seeking
8 election and any referenda for which he or she is entitled to
9 vote.

10 On the back or outside of the ballot, so as to appear when
11 folded, shall be printed the words "Official Ballot", the date
12 of the election and a facsimile of the signature of the
13 election authority who has caused the ballot to be printed.

14 The provisions of Article 20, insofar as they may be
15 applicable to the Special Write-in Vote by Mail Voter's Blank
16 Ballot, shall be applicable herein.

17 (c) Notwithstanding any provision of this Code or other
18 law to the contrary, the governing body of a municipality may
19 adopt, upon submission of a written statement by the
20 municipality's election authority attesting to the
21 administrative ability of the election authority to administer
22 an election using a ranked ballot to the municipality's
23 governing body, an ordinance requiring, and that
24 municipality's election authority shall prepare, a ranked vote
25 by mail ballot for municipal and township office candidates to
26 be voted on in the consolidated election. This ranked ballot

1 shall be for use only by a qualified voter who either is a
2 member of the United States military or will be outside of the
3 United States on the consolidated primary election day and the
4 consolidated election day. The ranked ballot shall contain a
5 list of the titles of all municipal and township offices
6 potentially contested at both the consolidated primary
7 election and the consolidated election and the candidates for
8 each office and shall permit the elector to vote in the
9 consolidated election by indicating his or her order of
10 preference for each candidate for each office. To indicate his
11 or her order of preference for each candidate for each office,
12 the voter shall put the number one next to the name of the
13 candidate who is the voter's first choice, the number 2 for his
14 or her second choice, and so forth so that, in consecutive
15 numerical order, a number indicating the voter's preference is
16 written by the voter next to each candidate's name on the
17 ranked ballot. The voter shall not be required to indicate his
18 or her preference for more than one candidate on the ranked
19 ballot. The voter may not cast a write-in vote using the ranked
20 ballot for the consolidated election. The election authority
21 shall, if using the ranked vote by mail ballot authorized by
22 this subsection, also prepare instructions for use of the
23 ranked ballot. The ranked ballot for the consolidated election
24 shall be mailed to the voter at the same time that the ballot
25 for the consolidated primary election is mailed to the voter
26 and the election authority shall accept the completed ranked

1 ballot for the consolidated election when the authority
2 accepts the completed ballot for the consolidated primary
3 election.

4 The voter shall also be sent a vote by mail ballot for the
5 consolidated election for those races that are not related to
6 the results of the consolidated primary election as soon as
7 the consolidated election ballot is certified.

8 The State Board of Elections shall adopt rules for
9 election authorities for the implementation of this
10 subsection, including, but not limited to, the application for
11 and counting of ranked ballots.

12 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

13 Section 45. The Disaster Relief Act is amended by changing
14 Section 1 as follows:

15 (15 ILCS 30/1) (from Ch. 127, par. 293.1)

16 Sec. 1. As used in this Act:

17 "Disaster" has ~~shall have~~ the same meaning as provided in
18 Section 4 of the Illinois Emergency Management Agency Act.

19 "Disaster area" means the area directly affected by or
20 threatened with a disaster.

21 (Source: P.A. 102-955, eff. 1-1-23; revised 12-8-22.)

22 Section 50. The Governor's Office of New Americans Act is
23 amended by changing Section 10 as follows:

1 (15 ILCS 55/10)

2 Sec. 10. State agency New American ~~Americans~~ Plans. Each
3 State agency under the jurisdiction of the Governor shall
4 develop a New American Plan that incorporates effective
5 training and resources, ensures language access and culturally
6 appropriate services, and includes administrative practices
7 that reach out to and reflect the needs of the immigrant
8 refugees. Each State agency under the jurisdiction of the
9 Governor shall integrate guidance and recommendations made by
10 the Governor's Office of New Americans statewide plan. Agency
11 plans shall be submitted to the Governor's Office of New
12 Americans for approval.

13 (Source: P.A. 102-1054, eff. 1-1-23; revised 12-8-22.)

14 Section 55. The State Treasurer Act is amended by changing
15 Section 20 as follows:

16 (15 ILCS 505/20)

17 Sec. 20. State Treasurer administrative charge. The State
18 Treasurer may retain an administrative charge for both the
19 costs of services associated with the deposit of moneys that
20 are remitted directly to the State Treasurer and the
21 investment or safekeeping of funds by the State Treasurer. The
22 administrative charges collected under this Section shall be
23 deposited into the State Treasurer's Administrative Fund. The

1 amount of the administrative charges may be determined by the
2 State Treasurer. Administrative charges from the deposit of
3 moneys remitted directly to the State Treasurer shall not
4 exceed 2% of the amount deposited. Administrative charges from
5 the investment or safekeeping of funds by the State Treasurer
6 shall be charged no more than monthly and the total amount
7 charged per fiscal year shall not exceed \$12,000,000 plus any
8 amounts required as employer contributions under Section
9 14-131 of the Illinois Pension Code and Section 10 of the State
10 Employees Group Insurance Act of 1971.

11 Administrative charges for the deposit of moneys shall
12 apply to fines, fees, or other amounts remitted directly to
13 the State Treasurer by circuit clerks, county clerks, and
14 other entities for deposit into a fund in the State treasury.
15 Administrative charges for the deposit of moneys do not apply
16 to amounts remitted by State agencies or certified collection
17 specialists as defined in 74 Ill. ~~Adm. Admin.~~ Code 1200.50.
18 Administrative charges for the deposit of moneys shall apply
19 only to any form of fines, fees, or other collections created
20 on or after August 15, 2014 (the effective date of Public Act
21 98-965).

22 Moneys in the State Treasurer's Administrative Fund are
23 subject to appropriation by the General Assembly.

24 (Source: P.A. 100-587, eff. 6-4-18; revised 2-28-22.)

25 Section 60. The Data Governance and Organization to

1 Support Equity and Racial Justice Act is amended by changing
2 Section 20-15 as follows:

3 (20 ILCS 65/20-15)

4 Sec. 20-15. Data Governance and Organization to Support
5 Equity and Racial Justice.

6 (a) On or before July 1, 2022 and each July 1 thereafter,
7 the Board and the Department shall report statistical data on
8 the racial, ethnic, age, sex, disability status, sexual
9 orientation, gender identity, and primary or preferred
10 language demographics of program participants for each major
11 program administered by the Board or the Department. Except as
12 provided in subsection (b), when reporting the data required
13 under this Section, the Board or the Department shall use the
14 same racial and ethnic classifications for each program, which
15 shall include, but not be limited to, the following:

16 (1) American Indian and Alaska Native alone.

17 (2) Asian alone.

18 (3) Black or African American alone.

19 (4) Hispanic or Latino of any race.

20 (5) Native Hawaiian and Other Pacific Islander alone.

21 (6) White alone.

22 (7) Some other race alone.

23 (8) Two or more races.

24 The Board and the Department may further define, by rule,
25 the racial and ethnic classifications, including, if

1 necessary, a classification of "No Race Specified".

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

10 (c) ~~(d)~~ The Department of Innovation and Technology shall
11 assist the Board and the Department by establishing common
12 technological processes and procedures for the Board and the
13 Department to:

- 14 (1) Catalog data.
- 15 (2) Identify similar fields in datasets.
- 16 (3) Manage data requests.
- 17 (4) Share data.
- 18 (5) Collect data.
- 19 (6) Improve and clean data.
- 20 (7) Match data across the Board and Departments.
- 21 (8) Develop research and analytic agendas.
- 22 (9) Report on program participation disaggregated by
23 race and ethnicity.
- 24 (10) Evaluate equitable outcomes for underserved
25 populations in Illinois.
- 26 (11) Define common roles for data management.

1 (12) Ensure that all major programs can report
2 disaggregated data by race, ethnicity, age, sex,
3 disability status, sexual orientation, and gender
4 identity, and primary or preferred language.

5 The Board and the Department shall use the common
6 technological processes and procedures established by the
7 Department of Innovation and Technology.

8 (d) ~~(e)~~ If the Board or the Department is unable to begin
9 reporting the data required by subsection (a) by July 1, 2022,
10 the Board or the Department shall state the reasons for the
11 delay under the reporting requirements.

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

23 (f) ~~(g)~~ By no later than October 31, 2021, the Governor's
24 Office shall provide a plan to establish processes for input
25 from the Board and the Department into processes outlined in
26 subsection (c) ~~(b)~~. The plan shall incorporate ongoing efforts

1 at data interoperability within the Department and the
2 governance established to support the P-20 Longitudinal
3 Education Data System enacted by Public Act 96-107.

4 (g) ~~(h)~~ Nothing in this Section shall be construed to
5 limit the rights granted to individuals or data sharing
6 protections established under existing State and federal data
7 privacy and security laws.

8 (Source: P.A. 101-654, eff. 3-8-21; 102-543, eff. 8-20-21;
9 revised 2-4-23.)

10 Section 65. The Children and Family Services Act is
11 amended by setting forth and renumbering multiple versions of
12 Sections 5.26 and 5.46 and by changing Sections 7.4, 8, and
13 35.10 as follows:

14 (20 ILCS 505/5.26)

15 Sec. 5.26. Foster children; exit interviews.

16 (a) Unless clinically contraindicated, the Department
17 shall ensure that an exit interview is conducted with every
18 child age 5 and over who leaves a foster home.

19 (1) The interview shall be conducted by a caseworker,
20 mental health provider, or clinician from the Department's
21 Division of Clinical Practice.

22 (2) The interview shall be conducted within 5 days of
23 the child's removal from the home.

24 (3) The interviewer shall comply with the provisions

1 of the Abused and Neglected Child Reporting Act if the
2 child discloses abuse or neglect as defined by that Act.

3 (4) The interviewer shall immediately inform the
4 licensing agency if the child discloses any information
5 that would constitute a potential licensing violation.

6 (5) Documentation of the interview shall be (i)
7 maintained in the foster parent's licensing file, (ii)
8 maintained in the child's case file, (iii) included in the
9 service plan for the child, and (iv) and provided to the
10 child's guardian ad litem and attorney appointed under
11 Section 2-17 of the Juvenile Court Act of 1987.

12 (6) The determination that an interview in compliance
13 with this Section is clinically contraindicated shall be
14 made by the caseworker, in consultation with the child's
15 mental health provider, if any, and the caseworker's
16 supervisor. If the child does not have a mental health
17 provider, the caseworker shall request a consultation with
18 the Department's Division of Clinical Practice regarding
19 whether an interview is clinically contraindicated. The
20 decision and the basis for the decision shall be
21 documented in writing and shall be (i) maintained in the
22 foster parent's licensing file, (ii) maintained in the
23 child's case file, and (iii) attached as part of the
24 service plan for the child.

25 (7) The information gathered during the interview
26 shall be dependent on the age and maturity of the child and

1 the circumstances of the child's removal. The
2 interviewer's observations and any information relevant to
3 understanding the child's responses shall be recorded on
4 the interview form. At a minimum, the interview shall
5 address the following areas:

6 (A) How the child's basic needs were met in the
7 home: who prepared food and was there sufficient food;
8 whether the child had appropriate clothing; sleeping
9 arrangements; supervision appropriate to the child's
10 age and special needs; was the child enrolled in
11 school; and did the child receive the support needed
12 to complete his or her school work.

13 (B) Access to caseworker, therapist, or guardian
14 ad litem: whether the child was able to contact these
15 professionals and how.

16 (C) Safety and comfort in the home: how did the
17 child feel in the home; was the foster parent
18 affirming of the child's identity; did anything happen
19 that made the child happy; did anything happen that
20 was scary or sad; what happened when the child did
21 something he or she should not have done; if relevant,
22 how does the child think the foster parent felt about
23 the child's family of origin, including parents and
24 siblings; and was the foster parent supportive of the
25 permanency goal.

26 (D) Normalcy: whether the child felt included in

1 the family; whether the child participated in
2 extracurricular activities; whether the foster parent
3 participated in planning for the child, including
4 child and family team meetings and school meetings.

5 (b) The Department shall develop procedures, including an
6 interview form, no later than January 1, 2023, to implement
7 this Section.

8 (c) Beginning July 1, 2023 and quarterly thereafter, the
9 Department shall post on its webpage a report summarizing the
10 details of the exit interviews.

11 (Source: P.A. 102-763, eff. 1-1-23; revised 12-19-22.)

12 (20 ILCS 505/5.27)

13 (Section scheduled to be repealed on January 1, 2026)

14 Sec. 5.27 ~~5.26~~. Holistic Mental Health Care for Youth in
15 Care Task Force.

16 (a) The Holistic Mental Health Care for Youth in Care Task
17 Force is created. The Task Force shall review and make
18 recommendations regarding mental health and wellness services
19 provided to youth in care, including a program of holistic
20 mental health services provided 30 days after the date upon
21 which a youth is placed in foster care, in order to determine
22 how to best meet the mental health needs of youth in care.
23 Additionally, the Task Force shall:

24 (1) assess the capacity of State licensed mental
25 health professionals to provide preventive mental health

1 care to youth in care;

2 (2) review the current payment rates for mental health
3 providers serving the youth in care population;

4 (3) evaluate the process for smaller private practices
5 and agencies to bill through managed care, evaluate
6 delayed payments to mental health providers, and recommend
7 improvements to make billing practices more efficient;

8 (4) evaluate the recruitment and retention of mental
9 health providers who are persons of color to serve the
10 youth in care population; and

11 (5) any other relevant subject and processes as deemed
12 necessary by the Task Force.

13 (b) The Task Force shall have 9 members, comprised as
14 follows:

15 (1) The Director of Healthcare and Family Services or
16 the Director's designee.

17 (2) The Director of Children and Family Services or
18 the Director's designee.

19 (3) A member appointed by the Governor from the Office
20 of the Governor who has a focus on mental health issues.

21 (4) Two members from the House of Representatives,
22 appointed one each by the Speaker of the House of
23 Representatives and the Minority Leader of the House of
24 Representatives.

25 (5) Two members of the Senate, appointed one each by
26 the President of the Senate and the Minority Leader of the

1 Senate.

2 (6) One member who is a former youth in care,
3 appointed by the Governor.

4 (7) One representative from the managed care entity
5 managing the YouthCare program, appointed by the Director
6 of Healthcare and Family Services.

7 Task Force members shall serve without compensation but
8 may be reimbursed for necessary expenses incurred in the
9 performance of their duties.

10 (c) The Task Force shall meet at least once each month
11 beginning no later than July 1, 2022 and at other times as
12 determined by the Task Force. The Task Force may hold
13 electronic meetings and a member of the Task Force shall be
14 deemed present for the purposes of establishing a quorum and
15 voting.

16 (d) The Department of Healthcare and Family Services, in
17 conjunction with the Department of Children and Family
18 Services, shall provide administrative and other support to
19 the Task Force.

20 (e) The Task Force shall prepare and submit to the
21 Governor and the General Assembly at the end of each quarter a
22 report that summarizes its work and makes recommendations
23 resulting from its study. The Task Force shall submit its
24 final report to the Governor and the General Assembly no later
25 than December 31, 2024. Upon submission of its final report,
26 the Task Force is dissolved.

1 (f) This Section is repealed on January 1, 2026.

2 (Source: P.A. 102-898, eff. 5-25-22; revised 7-26-22.)

3 (20 ILCS 505/5.46)

4 Sec. 5.46. Application for Social Security benefits,
5 Supplemental Security Income, Veterans benefits, and Railroad
6 Retirement benefits.

7 (a) Definitions. As used in this Section:

8 "Benefits" means Social Security benefits, Supplemental
9 Security Income, Veterans benefits, and Railroad Retirement
10 benefits.

11 "Youth's attorney and guardian ad litem" means the person
12 appointed as the youth's attorney or guardian ad litem in
13 accordance with the Juvenile Court Act of 1987 in the
14 proceeding in which the Department is appointed as the youth's
15 guardian or custodian.

16 (b) Application for benefits.

17 (1) Upon receiving temporary custody or guardianship
18 of a youth in care, the Department shall assess the youth
19 to determine whether the youth may be eligible for
20 benefits. If, after the assessment, the Department
21 determines that the youth may be eligible for benefits,
22 the Department shall ensure that an application is filed
23 on behalf of the youth. The Department shall prescribe by
24 rule how it will review cases of youth in care at regular
25 intervals to determine whether the youth may have become

1 eligible for benefits after the initial assessment. The
2 Department shall make reasonable efforts to encourage
3 youth in care over the age of 18 who are likely eligible
4 for benefits to cooperate with the application process and
5 to assist youth with the application process.

6 (2) When applying for benefits under this Section for
7 a youth in care the Department shall identify a
8 representative payee in accordance with the requirements
9 of 20 CFR 404.2021 and 416.621. If the Department is
10 seeking to be appointed as the youth's representative
11 payee, the Department must consider input, if provided,
12 from the youth's attorney and guardian ad litem regarding
13 whether another representative payee, consistent with the
14 requirements of 20 CFR 404.2021 and 416.621, is available.
15 If the Department serves as the representative payee for a
16 youth over the age of 18, the Department shall request a
17 court order, as described in subparagraph (C) of paragraph
18 (1) of subsection (d) and in subparagraph (C) of paragraph
19 (2) of subsection (d).

20 (c) Notifications. The Department shall immediately notify
21 a youth over the age of 16, the youth's attorney and guardian
22 ad litem, and the youth's parent or legal guardian or another
23 responsible adult of:

24 (1) any application for or any application to become
25 representative payee for benefits on behalf of a youth in
26 care;

1 (2) any communications from the Social Security
2 Administration, the U.S. Department of Veterans Affairs,
3 or the Railroad Retirement Board pertaining to the
4 acceptance or denial of benefits or the selection of a
5 representative payee; and

6 (3) any appeal or other action requested by the
7 Department regarding an application for benefits.

8 (d) Use of benefits. Consistent with federal law, when the
9 Department serves as the representative payee for a youth
10 receiving benefits and receives benefits on the youth's
11 behalf, the Department shall:

12 (1) Beginning January 1, 2023, ensure that when the
13 youth attains the age of 14 years and until the Department
14 no longer serves as the representative payee, a minimum
15 percentage of the youth's Supplemental Security Income
16 benefits are conserved in accordance with paragraph (4) as
17 follows:

18 (A) From the age of 14 through age 15, at least
19 40%.

20 (B) From the age of 16 through age 17, at least
21 80%.

22 (C) From the age of 18 through 20, 100%, when a
23 court order has been entered expressly allowing the
24 Department to have the authority to establish and
25 serve as an authorized agent of the youth over the age
26 of 18 with respect to an account established in

1 accordance with paragraph (4).

2 (2) Beginning January 1, 2024, ensure that when the
3 youth attains the age of 14 years and until the Department
4 no longer serves as the representative payee a minimum
5 percentage of the youth's Social Security benefits,
6 Veterans benefits, or Railroad Retirement benefits are
7 conserved in accordance with paragraph (4) as follows:

8 (A) From the age of 14 through age 15, at least
9 40%.

10 (B) From the age of 16 through age 17, at least
11 80%.

12 (C) From the age of 18 through 20, 100%, when a
13 court order has been entered expressly allowing the
14 Department to have the authority to establish and
15 serve as an authorized agent of the youth over the age
16 of 18 with respect to an account established in
17 accordance with paragraph (4).

18 (3) Exercise discretion in accordance with federal law
19 and in the best interests of the youth when making
20 decisions to use or conserve the youth's benefits that are
21 less than or not subject to asset or resource limits under
22 federal law, including using the benefits to address the
23 youth's special needs and conserving the benefits for the
24 youth's reasonably foreseeable future needs.

25 (4) Appropriately monitor any federal asset or
26 resource limits for the benefits and ensure that the

1 youth's best interest is served by using or conserving the
2 benefits in a way that avoids violating any federal asset
3 or resource limits that would affect the youth's
4 eligibility to receive the benefits, including:

5 (A) applying to the Social Security Administration
6 to establish a Plan to Achieve Self-Support (PASS)
7 Account for the youth under the Social Security Act
8 and determining whether it is in the best interest of
9 the youth to conserve all or parts of the benefits in
10 the PASS account;

11 (B) establishing a 529 plan for the youth and
12 conserving the youth's benefits in that account in a
13 manner that appropriately avoids any federal asset or
14 resource limits;

15 (C) establishing an Individual Development Account
16 for the youth and conserving the youth's benefits in
17 that account in a manner that appropriately avoids any
18 federal asset or resource limits;

19 (D) establishing an ABLE account authorized by
20 Section 529A of the Internal Revenue Code of 1986, for
21 the youth and conserving the youth's benefits in that
22 account in a manner that appropriately avoids any
23 federal asset or resource limits;

24 (E) establishing a Social Security Plan to Achieve
25 Self-Support account for the youth and conserving the
26 youth's benefits in a manner that appropriately avoids

1 any federal asset or resource limits;

2 (F) establishing a special needs trust for the
3 youth and conserving the youth's benefits in the trust
4 in a manner that is consistent with federal
5 requirements for special needs trusts and that
6 appropriately avoids any federal asset or resource
7 limits;

8 (G) if the Department determines that using the
9 benefits for services for current special needs not
10 already provided by the Department is in the best
11 interest of the youth, using the benefits for those
12 services;

13 (H) if federal law requires certain back payments
14 of benefits to be placed in a dedicated account,
15 complying with the requirements for dedicated accounts
16 under 20 CFR 416.640(e); and

17 (I) applying any other exclusions from federal
18 asset or resource limits available under federal law
19 and using or conserving the youth's benefits in a
20 manner that appropriately avoids any federal asset or
21 resource limits.

22 (e) By July 1, 2024, the Department shall provide a report
23 to the General Assembly regarding youth in care who receive
24 benefits who are not subject to this Act. The report shall
25 discuss a goal of expanding conservation of children's
26 benefits to all benefits of all children of any age for whom

1 the Department serves as representative payee. The report
2 shall include a description of any identified obstacles, steps
3 to be taken to address the obstacles, and a description of any
4 need for statutory, rule, or procedural changes.

5 (f) Accounting. The Department shall provide an annual
6 accounting to the youth's attorney and guardian ad litem of
7 how the youth's benefits have been used and conserved. In
8 addition, within 10 business days of a request from a youth or
9 the youth's attorney and guardian ad litem, the Department
10 shall provide an accounting to the youth of how the youth's
11 benefits have been used and conserved. The accounting shall
12 include:

13 (1) The amount of benefits received on the youth's
14 behalf since the most recent accounting and the date the
15 benefits were received.

16 (2) Information regarding the youth's benefits and
17 resources, including the youth's benefits, insurance, cash
18 assets, trust accounts, earnings, and other resources.

19 (3) An accounting of the disbursement of benefit
20 funds, including the date, amount, identification of
21 payee, and purpose.

22 (4) Information regarding each request by the youth,
23 the youth's attorney and guardian ad litem, or the youth's
24 caregiver for disbursement of funds and a statement
25 regarding the reason for not granting the request if the
26 request was denied.

1 When the Department's guardianship of the youth is being
2 terminated, the Department shall provide (i) a final
3 accounting to the Social Security Administration, to the
4 youth's attorney and guardian ad litem, and to either the
5 person or persons who will assume guardianship of the youth or
6 who is in the process of adopting the youth, if the youth is
7 under 18, or to the youth, if the youth is over 18 and (ii)
8 information to the parent, guardian, or youth regarding how to
9 apply to become the representative payee. The Department shall
10 adopt rules to ensure that the representative payee
11 transitions occur in a timely and appropriate manner.

12 (g) Financial literacy. The Department shall provide the
13 youth with financial literacy training and support, including
14 specific information regarding the existence, availability,
15 and use of funds conserved for the youth in accordance with
16 this subsection, beginning by age 14. The literacy program and
17 support services shall be developed in consultation with input
18 from the Department's Statewide Youth Advisory Board.

19 (h) Adoption of rules. The Department shall adopt rules to
20 implement the provisions of this Section by January 1, 2023.

21 (i) Reporting. No later than February 28, 2023, the
22 Department shall file a report with the General Assembly
23 providing the following information for State Fiscal Years
24 2019, 2020, 2021, and 2022 and annually beginning February 28,
25 2023, for the preceding fiscal year:

26 (1) The number of youth entering care.

1 (2) The number of youth entering care receiving each
2 of the following types of benefits: Social Security
3 benefits, Supplemental Security Income, Veterans benefits,
4 Railroad Retirement benefits.

5 (3) The number of youth entering care for whom the
6 Department filed an application for each of the following
7 types of benefits: Social Security benefits, Supplemental
8 Security Income, Veterans benefits, Railroad Retirement
9 benefits.

10 (4) The number of youth entering care who were awarded
11 each of the following types of benefits based on an
12 application filed by the Department: Social Security
13 benefits, Supplemental Security Income, Veterans benefits,
14 Railroad Retirement benefits.

15 (j) Annually beginning December 31, 2023, the Department
16 shall file a report with the General Assembly with the
17 following information regarding the preceding fiscal year:

18 (1) the number of conserved accounts established and
19 maintained for youth in care;

20 (2) the average amount conserved by age group; and

21 (3) the total amount conserved by age group.

22 (Source: P.A. 102-1014, eff. 5-27-22.)

23 (20 ILCS 505/5.47)

24 Sec. 5.47 ~~5.46~~. Extended Family Support Pilot Program. The
25 Department may consult with independent partners to review

1 Extended Family Support Program services and advise if
2 additional services are needed prior to the start of the pilot
3 program required under this Section. Beginning January 1,
4 2023, the Department shall implement a 3-year pilot program of
5 additional resources for families receiving Extended Family
6 Support Program services from the Department for the purpose
7 of supporting relative caregivers. These resources may
8 include, but are not limited to: (i) wraparound case
9 management services, (ii) home visiting services for
10 caregivers with children under the age of 5, and (iii) parent
11 mentors for caregivers with children over the age of 3.

12 The services for the Extended Family Support Program are
13 expanded given the program's inclusion in the Family First
14 Prevention Services Act's targeted populations. Other target
15 populations include intact families, pregnant and parenting
16 youth, reunification within 6 months, and post adoption and
17 subsidized guardianship. Inclusion provides the array of
18 evidence-based interventions included within the State's
19 Family First Prevention Services plan. Funding through Title
20 IV-E of the Social Security Act shall be spent on services to
21 prevent children and youth who are candidates for foster care
22 from coming into care and allow them to remain with their
23 families. Given the inclusion of the Extended Family Support
24 Program in the Family First Prevention Services Act, the
25 program is a part of the independent evaluation of Family
26 First Prevention Services. This includes tracking deflection

1 from foster care.

2 The resources provided by the pilot program are voluntary
3 and refusing such resources shall not be used as evidence of
4 neglect of a child.

5 The Department shall arrange for an independent evaluation
6 of the pilot program to determine whether the pilot program is
7 successfully supporting families receiving Extended Family
8 Support Program services or Family First Prevention Program
9 services and preventing entrance into the foster care system.
10 This evaluation will support determining whether there is a
11 long-term cost benefit to continuing the pilot program.

12 At the end of the 3-year pilot program, the Department
13 shall submit a report to the General Assembly with its
14 findings of the evaluation. The report shall state whether the
15 Department intends to continue the pilot program and the
16 rationale for its decision.

17 The Department may adopt rules and procedures to implement
18 and administer this Section.

19 (Source: P.A. 102-1029, eff. 5-27-22; revised 7-26-22.)

20 (20 ILCS 505/7.4)

21 Sec. 7.4. Development and preservation of sibling
22 relationships for children in care; placement of siblings;
23 contact among siblings placed apart.

24 (a) Purpose and policy. The General Assembly recognizes
25 that sibling relationships are unique and essential for a

1 person, but even more so for children who are removed from the
2 care of their families and placed in the State child welfare
3 system. When family separation occurs through State
4 intervention, every effort must be made to preserve, support
5 and nurture sibling relationships when doing so is in the best
6 interest of each sibling. It is in the interests of foster
7 children who are part of a sibling group to enjoy contact with
8 one another, as long as the contact is in each child's best
9 interest. This is true both while the siblings are in State
10 care and after one or all of the siblings leave State care
11 through adoption, guardianship, or aging out.

12 (b) Definitions. For purposes of this Section:

13 (1) Whenever a best interest determination is required
14 by this Section, the Department shall consider the factors
15 set out in subsection (4.05) of Section 1-3 of the
16 Juvenile Court Act of 1987 and the Department's rules
17 regarding Sibling Placement, 89 Ill. Adm. ~~111. Admin.~~ Code
18 301.70 and Sibling Visitation, 89 Ill. Adm. ~~111. Admin.~~
19 Code 301.220, and the Department's rules regarding
20 Placement Selection Criteria, 89 Ill. Adm. ~~111. Admin.~~
21 Code 301.60.

22 (2) "Adopted child" means a child who, immediately
23 preceding the adoption, was in the custody or guardianship
24 of the Illinois Department of Children and Family Services
25 under Article II of the Juvenile Court Act of 1987.

26 (3) "Adoptive parent" means a person who has become a

1 parent through the legal process of adoption.

2 (4) "Child" means a person in the temporary custody or
3 guardianship of the Department who is under the age of 21.

4 (5) "Child placed in private guardianship" means a
5 child who, immediately preceding the guardianship, was in
6 the custody or guardianship of the Illinois Department of
7 Children and Family Services under Article II of the
8 Juvenile Court Act.

9 (6) "Contact" may include, but is not limited to
10 visits, telephone calls, letters, sharing of photographs
11 or information, e-mails, video conferencing, and other
12 form of communication or contact.

13 (7) "Legal guardian" means a person who has become the
14 legal guardian of a child who, immediately prior to the
15 guardianship, was in the custody or guardianship of the
16 Illinois Department of Children and Family Services under
17 Article II of the Juvenile Court Act of 1987.

18 (8) "Parent" means the child's mother or father who is
19 named as the respondent in proceedings conducted under
20 Article II of the Juvenile Court Act of 1987.

21 (9) "Post Permanency Sibling Contact" means contact
22 between siblings following the entry of a Judgment Order
23 for Adoption under Section 14 of the Adoption Act
24 regarding at least one sibling or an Order for
25 Guardianship appointing a private guardian under Section
26 2-27 or the Juvenile Court Act of 1987, regarding at least

1 one sibling. Post Permanency Sibling Contact may include,
2 but is not limited to, visits, telephone calls, letters,
3 sharing of photographs or information, emails, video
4 conferencing, and other form of communication or
5 connection agreed to by the parties to a Post Permanency
6 Sibling Contact Agreement.

7 (10) "Post Permanency Sibling Contact Agreement" means
8 a written agreement between the adoptive parent or
9 parents, the child, and the child's sibling regarding post
10 permanency contact between the adopted child and the
11 child's sibling, or a written agreement between the legal
12 guardians, the child, and the child's sibling regarding
13 post permanency contact between the child placed in
14 guardianship and the child's sibling. The Post Permanency
15 Sibling Contact Agreement may specify the nature and
16 frequency of contact between the adopted child or child
17 placed in guardianship and the child's sibling following
18 the entry of the Judgment Order for Adoption or Order for
19 Private Guardianship. The Post Permanency Sibling Contact
20 Agreement may be supported by services as specified in
21 this Section. The Post Permanency Sibling Contact
22 Agreement is voluntary on the part of the parties to the
23 Post Permanency Sibling Contact Agreement and is not a
24 requirement for finalization of the child's adoption or
25 guardianship. The Post Permanency Sibling Contract
26 Agreement shall not be enforceable in any court of law or

1 administrative forum and no cause of action shall be
2 brought to enforce the Agreement. When entered into, the
3 Post Permanency Sibling Contact Agreement shall be placed
4 in the child's Post Adoption or Guardianship case record
5 and in the case file of a sibling who is a party to the
6 agreement and who remains in the Department's custody or
7 guardianship.

8 (11) "Sibling Contact Support Plan" means a written
9 document that sets forth the plan for future contact
10 between siblings who are in the Department's care and
11 custody and residing separately. The goal of the Support
12 Plan is to develop or preserve and nurture the siblings'
13 relationships. The Support Plan shall set forth the role
14 of the foster parents, caregivers, and others in
15 implementing the Support Plan. The Support Plan must meet
16 the minimum standards regarding frequency of in-person
17 visits provided for in Department rule.

18 (12) "Siblings" means children who share at least one
19 parent in common. This definition of siblings applies
20 solely for purposes of placement and contact under this
21 Section. For purposes of this Section, children who share
22 at least one parent in common continue to be siblings
23 after their parent's parental rights are terminated, if
24 parental rights were terminated while a petition under
25 Article II of the Juvenile Court Act of 1987 was pending.
26 For purposes of this Section, children who share at least

1 one parent in common continue to be siblings after a
2 sibling is adopted or placed in private guardianship when
3 the adopted child or child placed in private guardianship
4 was in the Department's custody or guardianship under
5 Article II of the Juvenile Court Act of 1987 immediately
6 prior to the adoption or private guardianship. For
7 children who have been in the guardianship of the
8 Department under Article II of the Juvenile Court Act of
9 1987, have been adopted, and are subsequently returned to
10 the temporary custody or guardianship of the Department
11 under Article II of the Juvenile Court Act of 1987,
12 "siblings" includes a person who would have been
13 considered a sibling prior to the adoption and siblings
14 through adoption.

15 (c) No later than January 1, 2013, the Department shall
16 promulgate rules addressing the development and preservation
17 of sibling relationships. The rules shall address, at a
18 minimum:

19 (1) Recruitment, licensing, and support of foster
20 parents willing and capable of either fostering sibling
21 groups or supporting and being actively involved in
22 planning and executing sibling contact for siblings placed
23 apart. The rules shall address training for foster
24 parents, licensing workers, placement workers, and others
25 as deemed necessary.

26 (2) Placement selection for children who are separated

1 from their siblings and how to best promote placements of
2 children with foster parents or programs that can meet the
3 children's needs, including the need to develop and
4 maintain contact with siblings.

5 (3) State-supported guidance to siblings who have aged
6 out of state care regarding positive engagement with
7 siblings.

8 (4) Implementation of Post Permanency Sibling Contact
9 Agreements for children exiting State care, including
10 services offered by the Department to encourage and assist
11 parties in developing agreements, services offered by the
12 Department post permanency to support parties in
13 implementing and maintaining agreements, and including
14 services offered by the Department post permanency to
15 assist parties in amending agreements as necessary to meet
16 the needs of the children.

17 (5) Services offered by the Department for children
18 who exited foster care prior to the availability of Post
19 Permanency Sibling Contact Agreements, to invite willing
20 parties to participate in a facilitated discussion,
21 including, but not limited to, a mediation or joint team
22 decision-making meeting, to explore sibling contact.

23 (d) The Department shall develop a form to be provided to
24 youth entering care and exiting care explaining their rights
25 and responsibilities related to sibling visitation while in
26 care and post permanency.

1 (e) Whenever a child enters care or requires a new
2 placement, the Department shall consider the development and
3 preservation of sibling relationships.

4 (1) This subsection applies when a child entering care
5 or requiring a change of placement has siblings who are in
6 the custody or guardianship of the Department. When a
7 child enters care or requires a new placement, the
8 Department shall examine its files and other available
9 resources and determine whether a sibling of that child is
10 in the custody or guardianship of the Department. If the
11 Department determines that a sibling is in its custody or
12 guardianship, the Department shall then determine whether
13 it is in the best interests of each of the siblings for the
14 child needing placement to be placed with the sibling. If
15 the Department determines that it is in the best interest
16 of each sibling to be placed together, and the sibling's
17 foster parent is able and willing to care for the child
18 needing placement, the Department shall place the child
19 needing placement with the sibling. A determination that
20 it is not in a child's best interest to be placed with a
21 sibling shall be made in accordance with Department rules,
22 and documented in the file of each sibling.

23 (2) This subsection applies when a child who is
24 entering care has siblings who have been adopted or placed
25 in private guardianship. When a child enters care, the
26 Department shall examine its files and other available

1 resources, including consulting with the child's parents,
2 to determine whether a sibling of the child was adopted or
3 placed in private guardianship from State care. The
4 Department shall determine, in consultation with the
5 child's parents, whether it would be in the child's best
6 interests to explore placement with the adopted sibling or
7 sibling in guardianship. Unless the parent objects, if the
8 Department determines it is in the child's best interest
9 to explore the placement, the Department shall contact the
10 adoptive parents or guardians of the sibling, determine
11 whether they are willing to be considered as placement
12 resources for the child, and, if so, determine whether it
13 is in the best interests of the child to be placed in the
14 home with the sibling. If the Department determines that
15 it is in the child's best interests to be placed in the
16 home with the sibling, and the sibling's adoptive parents
17 or guardians are willing and capable, the Department shall
18 make the placement. A determination that it is not in a
19 child's best interest to be placed with a sibling shall be
20 made in accordance with Department rule, and documented in
21 the child's file.

22 (3) This subsection applies when a child in Department
23 custody or guardianship requires a change of placement,
24 and the child has siblings who have been adopted or placed
25 in private guardianship. When a child in care requires a
26 new placement, the Department may consider placing the

1 child with the adoptive parent or guardian of a sibling
2 under the same procedures and standards set forth in
3 paragraph (2) of this subsection.

4 (4) When the Department determines it is not in the
5 best interest of one or more siblings to be placed
6 together the Department shall ensure that the child
7 requiring placement is placed in a home or program where
8 the caregiver is willing and able to be actively involved
9 in supporting the sibling relationship to the extent doing
10 so is in the child's best interest.

11 (f) When siblings in care are placed in separate
12 placements, the Department shall develop a Sibling Contact
13 Support Plan. The Department shall convene a meeting to
14 develop the Support Plan. The meeting shall include, at a
15 minimum, the case managers for the siblings, the foster
16 parents or other care providers if a child is in a non-foster
17 home placement and the child, when developmentally and
18 clinically appropriate. The Department shall make all
19 reasonable efforts to promote the participation of the foster
20 parents. Parents whose parental rights are intact shall be
21 invited to the meeting. Others, such as therapists and
22 mentors, shall be invited as appropriate. The Support Plan
23 shall set forth future contact and visits between the siblings
24 to develop or preserve, and nurture the siblings'
25 relationships. The Support Plan shall set forth the role of
26 the foster parents and caregivers and others in implementing

1 the Support Plan. The Support Plan must meet the minimum
2 standards regarding frequency of in-person visits provided for
3 in Department rule. The Support Plan will be incorporated in
4 the child's service plan and reviewed at each administrative
5 case review. The Support Plan should be modified if one of the
6 children moves to a new placement, or as necessary to meet the
7 needs of the children. The Sibling Contact Support Plan for a
8 child in care may include siblings who are not in the care of
9 the Department, with the consent and participation of that
10 child's parent or guardian.

11 (g) By January 1, 2013, the Department shall develop a
12 registry so that placement information regarding adopted
13 siblings and siblings in private guardianship is readily
14 available to Department and private agency caseworkers
15 responsible for placing children in the Department's care.
16 When a child is adopted or placed in private guardianship from
17 foster care the Department shall inform the adoptive parents
18 or guardians that they may be contacted in the future
19 regarding placement of or contact with siblings subsequently
20 requiring placement.

21 (h) When a child is in need of an adoptive placement, the
22 Department shall examine its files and other available
23 resources and attempt to determine whether a sibling of the
24 child has been adopted or placed in private guardianship after
25 being in the Department's custody or guardianship. If the
26 Department determines that a sibling of the child has been

1 adopted or placed in private guardianship, the Department
2 shall make a good faith effort to locate the adoptive parents
3 or guardians of the sibling and inform them of the
4 availability of the child for adoption. The Department may
5 determine not to inform the adoptive parents or guardians of a
6 sibling of a child that the child is available for adoption
7 only for a reason permitted under criteria adopted by the
8 Department by rule, and documented in the child's case file.
9 If a child available for adoption has a sibling who has been
10 adopted or placed in guardianship, and the adoptive parents or
11 guardians of that sibling apply to adopt the child, the
12 Department shall consider them as adoptive applicants for the
13 adoption of the child. The Department's final decision as to
14 whether it will consent to the adoptive parents or guardians
15 of a sibling being the adoptive parents of the child shall be
16 based upon the welfare and best interest of the child. In
17 arriving at its decision, the Department shall consider all
18 relevant factors, including, but not limited to:

19 (1) the wishes of the child;

20 (2) the interaction and interrelationship of the child
21 with the applicant to adopt the child;

22 (3) the child's need for stability and continuity of
23 relationship with parent figures;

24 (4) the child's adjustment to his or her present home,
25 school, and community;

26 (5) the mental and physical health of all individuals

1 involved;

2 (6) the family ties between the child and the child's
3 relatives, including siblings;

4 (7) the background, age, and living arrangements of
5 the applicant to adopt the child;

6 (8) a criminal background report of the applicant to
7 adopt the child.

8 If placement of the child available for adoption with the
9 adopted sibling or sibling in private guardianship is not
10 feasible, but it is in the child's best interest to develop a
11 relationship with his or her sibling, the Department shall
12 invite the adoptive parents, guardian, or guardians for a
13 mediation or joint team decision-making meeting to facilitate
14 a discussion regarding future sibling contact.

15 (i) Post Permanency Sibling Contact Agreement. When a
16 child in the Department's care has a permanency goal of
17 adoption or private guardianship, and the Department is
18 preparing to finalize the adoption or guardianship, the
19 Department shall convene a meeting with the pre-adoptive
20 parent or prospective guardian and the case manager for the
21 child being adopted or placed in guardianship and the foster
22 parents and case managers for the child's siblings, and others
23 as applicable. The children should participate as is
24 developmentally appropriate. Others, such as therapists and
25 mentors, may participate as appropriate. At the meeting the
26 Department shall encourage the parties to discuss sibling

1 contact post permanency. The Department may assist the parties
2 in drafting a Post Permanency Sibling Contact Agreement.

3 (1) Parties to the Post Permanency Sibling Contact
4 Agreement shall include:

5 (A) The adoptive parent or parents or guardian.

6 (B) The child's sibling or siblings, parents or
7 guardians.

8 (C) The child.

9 (2) Consent of child 14 and over. The written consent
10 of a child age 14 and over to the terms and conditions of
11 the Post Permanency Sibling Contact Agreement and
12 subsequent modifications is required.

13 (3) In developing this Agreement, the Department shall
14 encourage the parties to consider the following factors:

15 (A) the physical and emotional safety and welfare
16 of the child;

17 (B) the child's wishes;

18 (C) the interaction and interrelationship of the
19 child with the child's sibling or siblings who would
20 be visiting or communicating with the child,
21 including:

22 (i) the quality of the relationship between
23 the child and the sibling or siblings, and

24 (ii) the benefits and potential harms to the
25 child in allowing the relationship or
26 relationships to continue or in ending them;

1 (D) the child's sense of attachments to the birth
2 sibling or siblings and adoptive family, including:

- 3 (i) the child's sense of being valued;
4 (ii) the child's sense of familiarity; and
5 (iii) continuity of affection for the child;
6 and

7 (E) other factors relevant to the best interest of
8 the child.

9 (4) In considering the factors in paragraph (3) of
10 this subsection, the Department shall encourage the
11 parties to recognize the importance to a child of
12 developing a relationship with siblings including siblings
13 with whom the child does not yet have a relationship; and
14 the value of preserving family ties between the child and
15 the child's siblings, including:

- 16 (A) the child's need for stability and continuity
17 of relationships with siblings, and
18 (B) the importance of sibling contact in the
19 development of the child's identity.

20 (5) Modification or termination of Post Permanency
21 Sibling Contact Agreement. The parties to the agreement
22 may modify or terminate the Post Permanency Sibling
23 Contact Agreement. If the parties cannot agree to
24 modification or termination, they may request the
25 assistance of the Department of Children and Family
26 Services or another agency identified and agreed upon by

1 the parties to the Post Permanency Sibling Contact
2 Agreement. Any and all terms may be modified by agreement
3 of the parties. Post Permanency Sibling Contact Agreements
4 may also be modified to include contact with siblings
5 whose whereabouts were unknown or who had not yet been
6 born when the Judgment Order for Adoption or Order for
7 Private Guardianship was entered.

8 (6) Adoptions and private guardianships finalized
9 prior to the effective date of amendatory Act. Nothing in
10 this Section prohibits the parties from entering into a
11 Post Permanency Sibling Contact Agreement if the adoption
12 or private guardianship was finalized prior to the
13 effective date of this Section. If the Agreement is
14 completed and signed by the parties, the Department shall
15 include the Post Permanency Sibling Contact Agreement in
16 the child's Post Adoption or Private Guardianship case
17 record and in the case file of siblings who are parties to
18 the agreement who are in the Department's custody or
19 guardianship.

20 (Source: P.A. 97-1076, eff. 8-24-12; 98-463, eff. 8-16-13;
21 revised 2-28-22.)

22 (20 ILCS 505/8) (from Ch. 23, par. 5008)

23 Sec. 8. Scholarships and fee waivers; tuition waiver.

24 (a) Each year the Department shall select a minimum of 53
25 students (at least 4 of whom shall be children of veterans) to

1 receive scholarships and fee waivers which will enable them to
2 attend and complete their post-secondary education at a
3 community college, university, or college. Youth shall be
4 selected from among the youth for whom the Department has
5 court-ordered legal responsibility, youth who aged out of care
6 at age 18 or older, or youth formerly under care who have been
7 adopted or who have been placed in private guardianship.
8 Recipients must have earned a high school diploma from an
9 accredited institution or a State of Illinois High School
10 Diploma ~~or diploma~~ or have met the State criteria for high
11 school graduation before the start of the school year for
12 which they are applying for the scholarship and waiver.
13 Scholarships and fee waivers shall be available to students
14 for at least 5 years, provided they are continuing to work
15 toward graduation. Unused scholarship dollars and fee waivers
16 shall be reallocated to new recipients. No later than January
17 1, 2015, the Department shall promulgate rules identifying the
18 criteria for "continuing to work toward graduation" and for
19 reallocating unused scholarships and fee waivers. Selection
20 shall be made on the basis of several factors, including, but
21 not limited to, scholastic record, aptitude, and general
22 interest in higher education. The selection committee shall
23 include at least 2 individuals formerly under the care of the
24 Department who have completed their post-secondary education.
25 In accordance with this Act, tuition scholarships and fee
26 waivers shall be available to such students at any university

1 or college maintained by the State of Illinois. The Department
2 shall provide maintenance and school expenses, except tuition
3 and fees, during the academic years to supplement the
4 students' earnings or other resources so long as they
5 consistently maintain scholastic records which are acceptable
6 to their schools and to the Department. Students may attend
7 other colleges and universities, if scholarships are awarded
8 to them, and receive the same benefits for maintenance and
9 other expenses as those students attending any Illinois State
10 community college, university, or college under this Section.
11 Beginning with recipients receiving scholarships and waivers
12 in August 2014, the Department shall collect data and report
13 annually to the General Assembly on measures of success,
14 including (i) the number of youth applying for and receiving
15 scholarships or waivers, (ii) the percentage of scholarship or
16 waiver recipients who complete their college or university
17 degree within 5 years, (iii) the average length of time it
18 takes for scholarship or waiver recipients to complete their
19 college or university degree, (iv) the reasons that
20 scholarship or waiver recipients are discharged or fail to
21 complete their college or university degree, (v) when
22 available, youths' outcomes 5 years and 10 years after being
23 awarded the scholarships or waivers, and (vi) budget
24 allocations for maintenance and school expenses incurred by
25 the Department.

26 (b) Youth shall receive a tuition and fee waiver to assist

1 them in attending and completing their post-secondary
2 education at any community college, university, or college
3 maintained by the State of Illinois if they are youth for whom
4 the Department has court-ordered legal responsibility, youth
5 who aged out of care at age 18 or older, or youth formerly
6 under care who have been adopted and were the subject of an
7 adoption assistance agreement or who have been placed in
8 private guardianship and were the subject of a subsidized
9 guardianship agreement.

10 To receive a waiver under this subsection, an applicant
11 must:

12 (1) have earned a high school diploma from an
13 accredited institution or a State of Illinois High School
14 Diploma or have met the State criteria for high school
15 graduation before the start of the school year for which
16 the applicant is applying for the waiver;

17 (2) enroll in a qualifying post-secondary education
18 before the applicant reaches the age of 26; and

19 (3) apply for federal and State grant assistance by
20 completing the Free Application for Federal Student Aid.

21 The community college or public university that an
22 applicant attends must waive any tuition and fee amounts that
23 exceed the amounts paid to the applicant under the federal
24 Pell Grant Program or the State's Monetary Award Program.

25 Tuition and fee waivers shall be available to a student
26 for at least the first 5 years the student is enrolled in a

1 community college, university, or college maintained by the
2 State of Illinois so long as the student makes satisfactory
3 progress toward completing his or her degree. The age
4 requirement and 5-year cap on tuition and fee waivers under
5 this subsection shall be waived and eligibility for tuition
6 and fee waivers shall be extended for any applicant or student
7 who the Department determines was unable to enroll in a
8 qualifying post-secondary school or complete an academic term
9 because the applicant or student: (i) was called into active
10 duty with the United States Armed Forces; (ii) was deployed
11 for service in the United States Public Health Service
12 Commissioned Corps; or (iii) volunteered in the Peace Corps or
13 the AmeriCorps. The Department shall extend eligibility for a
14 qualifying applicant or student by the total number of months
15 or years during which the applicant or student served on
16 active duty with the United States Armed Forces, was deployed
17 for service in the United States Public Health Service
18 Commissioned Corps, or volunteered in the Peace Corps or the
19 AmeriCorps. The number of months an applicant or student
20 served on active duty with the United States Armed Forces
21 shall be rounded up to the next higher year to determine the
22 maximum length of time to extend eligibility for the applicant
23 or student.

24 The Department may provide the student with a stipend to
25 cover maintenance and school expenses, except tuition and
26 fees, during the academic years to supplement the student's

1 earnings or other resources so long as the student
2 consistently maintains scholastic records which are acceptable
3 to the student's school and to the Department.

4 The Department shall develop outreach programs to ensure
5 that youths who qualify for the tuition and fee waivers under
6 this subsection who are high school students in grades 9
7 through 12 or who are enrolled in a high school equivalency
8 testing program are aware of the availability of the tuition
9 and fee waivers.

10 (c) Subject to appropriation, the Department shall provide
11 eligible youth an apprenticeship stipend to cover those costs
12 associated with entering and sustaining through completion an
13 apprenticeship, including, but not limited to fees, tuition
14 for classes, work clothes, rain gear, boots, and
15 occupation-specific tools. The following youth may be eligible
16 for the apprenticeship stipend provided under this subsection:
17 youth for whom the Department has court-ordered legal
18 responsibility; youth who aged out of care at age 18 or older;
19 or youth formerly under care who have been adopted and were the
20 subject of an adoption assistance agreement or who have been
21 placed in private guardianship and were the subject of a
22 subsidized guardianship agreement.

23 To receive a stipend under this subsection, an applicant
24 must:

25 (1) be enrolled in an apprenticeship training program
26 approved or recognized by the Illinois Department of

1 Employment Security or an apprenticeship program approved
2 by the United States Department of Labor;

3 (2) not be a recipient of a scholarship or fee waiver
4 under subsection (a) or (b); and

5 (3) be under the age of 26 before enrolling in a
6 qualified apprenticeship program.

7 Apprenticeship stipends shall be available to an eligible
8 youth for a maximum of 5 years after the youth enrolls in a
9 qualifying apprenticeship program so long as the youth makes
10 satisfactory progress toward completing his or her
11 apprenticeship. The age requirement and 5-year cap on the
12 apprenticeship stipend provided under this subsection shall be
13 extended for any applicant who the Department determines was
14 unable to enroll in a qualifying apprenticeship program
15 because the applicant: (i) was called into active duty with
16 the United States Armed Forces; (ii) was deployed for service
17 in the United States Public Health Service Commissioned Corps;
18 or (iii) volunteered in the Peace Corps or the AmeriCorps. The
19 Department shall extend eligibility for a qualifying applicant
20 by the total number of months or years during which the
21 applicant served on active duty with the United States Armed
22 Forces, was deployed for service in the United States Public
23 Health Service Commissioned Corps, or volunteered in the Peace
24 Corps or the AmeriCorps. The number of months an applicant
25 served on active duty with the United States Armed Forces
26 shall be rounded up to the next higher year to determine the

1 maximum length of time to extend eligibility for the
2 applicant.

3 The Department shall develop outreach programs to ensure
4 that youths who qualify for the apprenticeship stipends under
5 this subsection who are high school students in grades 9
6 through 12 or who are enrolled in a high school equivalency
7 testing program are aware of the availability of the
8 apprenticeship stipend.

9 (Source: P.A. 101-558, eff. 1-1-20; 102-1100, eff. 1-1-23;
10 revised 12-8-22.)

11 (20 ILCS 505/35.10)

12 Sec. 35.10. Documents necessary for adult living. The
13 Department shall assist a youth in care in identifying and
14 obtaining documents necessary to function as an independent
15 adult prior to the closure of the youth's case to terminate
16 wardship as provided in Section 2-31 of the Juvenile Court Act
17 of 1987. These necessary documents shall include, but not be
18 limited to, any of the following:

19 (1) State identification card or driver's license.

20 (2) Social Security card.

21 (3) Medical records, including, but not limited to,
22 health passport, dental records, immunization records,
23 name and contact information for all current medical,
24 dental, and mental health providers, and a signed
25 certification that the Department provided the youth with

1 education on executing a healthcare power of attorney.

2 (4) Medicaid card or other health eligibility
3 documentation.

4 (5) Certified copy of birth certificate.

5 (6) Any applicable religious documents.

6 (7) Voter registration card.

7 (8) Immigration, citizenship, or naturalization
8 documentation, if applicable.

9 (9) Death certificates of parents, if applicable.

10 (10) Life book or compilation of personal history and
11 photographs.

12 (11) List of known relatives with relationships,
13 addresses, telephone numbers, and other contact
14 information, with the permission of the involved relative.

15 (12) Resume.

16 (13) Educational records, including list of schools
17 attended, and transcript, high school diploma, or State of
18 Illinois High School Diploma.

19 (14) List of placements while in care.

20 (15) List of community resources with referral
21 information, including the Midwest Adoption Center for
22 search and reunion services for former youth in care,
23 whether or not they were adopted, and the Illinois Chapter
24 of Foster Care Alumni of America.

25 (16) All documents necessary to complete a Free
26 Application for Federal Student Aid form, if applicable,

1 or an application for State financial aid.

2 (17) If applicable, a final accounting of the account
3 maintained on behalf of the youth as provided under
4 Section 5.46.

5 If a court determines that a youth in care no longer requires
6 wardship of the court and orders the wardship terminated and
7 all proceedings under the Juvenile Court Act of 1987
8 respecting the youth in care finally closed and discharged,
9 the Department shall ensure that the youth in care receives a
10 copy of the court's order.

11 (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;
12 102-1100, eff. 1-1-23; revised 12-13-22.)

13 Section 70. The Department of Commerce and Economic
14 Opportunity Law of the Civil Administrative Code of Illinois
15 is amended by changing Section 605-503 and by setting forth,
16 renumbering, and changing multiple versions of Section
17 605-1095 as follows:

18 (20 ILCS 605/605-503)

19 Sec. 605-503. Entrepreneurship assistance centers.

20 (a) The Department shall establish and support, subject to
21 appropriation, entrepreneurship assistance centers, including
22 the issuance of grants, at career education agencies and
23 not-for-profit corporations, including, but not limited to,
24 local development corporations, chambers of commerce,

1 community-based business outreach centers, and other
2 community-based organizations. The purpose of the centers
3 shall be to train minority group members, women, individuals
4 with a disability, dislocated workers, veterans, and youth
5 entrepreneurs in the principles and practice of
6 entrepreneurship in order to prepare those persons to pursue
7 self-employment opportunities and to pursue a minority
8 business enterprise or a women-owned business enterprise. The
9 centers shall provide for training in all aspects of business
10 development and small business management as defined by the
11 Department.

12 (b) The Department shall establish criteria for selection
13 and designation of the centers which shall include, but not be
14 limited to:

15 (1) the level of support for the center from local
16 post-secondary education institutions, businesses, and
17 government;

18 (2) the level of financial assistance provided at the
19 local and federal level to support the operations of the
20 center;

21 (3) the applicant's understanding of program goals and
22 objectives articulated by the Department;

23 (4) the plans of the center to supplement State and
24 local funding through fees for services which may be based
25 on a sliding scale based on ability to pay;

26 (5) the need for and anticipated impact of the center

1 on the community in which it will function;

2 (6) the quality of the proposed work plan and staff of
3 the center; and

4 (7) the extent of economic distress in the area to be
5 served.

6 (c) Each center shall:

7 (1) be operated by a board of directors representing
8 community leaders in business, education, finance, and
9 government;

10 (2) be incorporated as a not-for-profit corporation;

11 (3) be located in an area accessible to eligible
12 clients;

13 (4) establish an advisory group of community business
14 experts, at least one-half of whom shall be representative
15 of the clientele to be served by the center, which shall
16 constitute a support network to provide counseling and
17 mentoring services to minority group members, women,
18 individuals with a disability, dislocated workers,
19 veterans, and youth entrepreneurs from the concept stage
20 of development through the first one to 2 years of
21 existence on a regular basis and as needed thereafter; and

22 (5) establish a referral system and linkages to
23 existing area small business assistance programs and
24 financing sources.

25 (d) Each entrepreneurship assistance center shall provide
26 needed services to eligible clients, including, but not

1 limited to: (i) orientation and screening of prospective
2 entrepreneurs; (ii) analysis of business concepts and
3 technical feasibility; (iii) market analysis; (iv) management
4 analysis and counseling; (v) business planning and financial
5 planning assistance; (vi) referrals to financial resources;
6 (vii) referrals to existing educational programs for training
7 in such areas as marketing, accounting, and other training
8 programs as may be necessary and available; and (viii)
9 referrals to business incubator facilities, when appropriate,
10 for the purpose of entering into agreements to access shared
11 support services.

12 (e) Applications for grants made under this Section shall
13 be made in the manner and on forms prescribed by the
14 Department. The application shall include, but shall not be
15 limited to:

16 (1) a description of the training programs available
17 within the geographic area to be served by the center to
18 which eligible clients may be referred;

19 (2) designation of a program director;

20 (3) plans for providing ongoing technical assistance
21 to program graduates, including linkages with providers of
22 other entrepreneurial assistance programs and with
23 providers of small business technical assistance and
24 services;

25 (4) a program budget, including matching funds,
26 in-kind and otherwise, to be provided by the applicant;

1 and

2 (5) any other requirements as deemed necessary by the
3 Department.

4 (f) Grants made under this Section shall be disbursed for
5 payment of the cost of services and expenses of the program
6 director, the instructors of the participating career
7 education agency or not-for-profit corporation, the faculty
8 and support personnel thereof, and any other person in the
9 service of providing instruction and counseling in furtherance
10 of the program.

11 (g) The Department shall monitor the performance of each
12 entrepreneurial assistance center and require quarterly
13 reports from each center at such time and in such a manner as
14 prescribed by the Department.

15 The Department shall also evaluate the entrepreneurial
16 assistance centers established under this Section and report
17 annually beginning on January 1, 2023, and on or before
18 January 1 of each year thereafter, the results of the
19 evaluation to the Governor and the General Assembly. The
20 report shall discuss the extent to which the centers serve
21 minority group members, women, individuals with a disability,
22 dislocated workers, veterans, and youth entrepreneurs; the
23 extent to which the training program is coordinated with other
24 assistance programs targeted to small and new businesses; the
25 ability of the program to leverage other sources of funding
26 and support; and the success of the program in aiding

1 entrepreneurs to start up new businesses, including the number
2 of new business start-ups resulting from the program. The
3 report shall recommend changes and improvements in the
4 training program and in the quality of supplemental technical
5 assistance offered to graduates of the training programs. The
6 report shall be made available to the public on the
7 Department's website. Between evaluation due dates, the
8 Department shall maintain the necessary records and data
9 required to satisfy the evaluation requirements.

10 (h) For purposes of this Section:

11 "Entrepreneurship assistance center" or "center" means the
12 business development centers or programs which provide
13 assistance to primarily minority group members, women,
14 individuals with a disability, dislocated workers, veterans,
15 and youth entrepreneurs under this Section.

16 "Disability" means, with respect to an individual: (i) a
17 physical or mental impairment that substantially limits one or
18 more of the major life activities of an individual; (ii) a
19 record of such an impairment; or (iii) being regarded as
20 having an impairment.

21 "Minority business enterprise" has the same meaning as
22 provided for "minority-owned business" under Section 2 of the
23 Business Enterprise for Minorities, Women, and Persons with
24 Disabilities Act.

25 "Minority group member" has the same meaning as provided
26 for "minority person" under Section 2 of the Business

1 Enterprise for Minorities, Women, and Persons with
2 Disabilities Act.

3 "Women-owned business enterprise" has the same meaning as
4 provided for "women-owned business" under Section 2 of the
5 Business Enterprise for Minorities, Women, and Persons with
6 Disabilities Act.

7 "Veteran" means a person who served in and who has
8 received an honorable or general discharge from, the United
9 States Army, Navy, Air Force, Marines, Coast Guard, or
10 reserves thereof, or who served in the Army National Guard,
11 Air National Guard, or Illinois National Guard.

12 "Youth entrepreneur" means a person who is between the
13 ages of 16 and 29 years old and ~~that~~ is seeking community
14 support to start a business in Illinois.

15 (Source: P.A. 102-272, eff. 1-1-22; 102-821, eff. 1-1-23;
16 revised 12-8-22.)

17 (20 ILCS 605/605-1095)

18 (Section scheduled to be repealed on December 31, 2024)

19 Sec. 605-1095. Hotel Jobs Recovery Grant Program.

20 (a) In 2019, the hotel industry in the State of Illinois
21 directly employed more than 60,000 people and generated
22 \$4,000,000,000 in State and local taxes. During the first year
23 of the COVID-19 pandemic, one in three hotel workers were laid
24 off or furloughed, and hotels lost \$3,600,000,000 in economic
25 activity. Unlike other segments of the hospitality industry,

1 the hotel industry has not received any direct hotel-specific
2 support from the federal government. Funds awarded under this
3 Section will be used by hotels to support their workforce and
4 recover from the COVID-19 pandemic.

5 (b) As used in this Section:

6 "Hotel" means any building or buildings in which the
7 public may, for a consideration, obtain living quarters or
8 sleeping or housekeeping accommodations. The term includes,
9 but is not limited to, inns, motels, tourist homes or courts,
10 lodging houses, rooming houses, retreat centers, conference
11 centers, and hunting lodges. "Hotel" does not include a
12 short-term rental.

13 "Short-term rental" means a single-family dwelling, or a
14 residential dwelling unit in a multi-unit structure,
15 condominium, cooperative, timeshare, or similar joint property
16 ownership arrangement, that is rented for a fee for less than
17 30 consecutive days. "Short-term rental" includes a vacation
18 rental.

19 "Operator" and "room" have the meanings given to those
20 terms in the Hotel Operators' Occupation Tax Act.

21 (c) The Department may receive State funds and, directly
22 or indirectly, federal funds under the authority of
23 legislation passed in response to the Coronavirus epidemic
24 including, but not limited to, the American Rescue Plan Act of
25 2021, (Public Law 117-2) ("ARPA"); such funds shall be used in
26 accordance with the ARPA legislation and other State and

1 federal law. Upon receipt or availability of such State or
2 federal funds, and subject to appropriations for their use,
3 the Department shall establish the Hotel Jobs Recovery Grant
4 Program for the purpose of providing direct relief to hotels
5 impacted by the COVID-19 pandemic. Based on an application
6 filed by the hotel operator, the Department shall award a
7 one-time grant in an amount of up to \$1,500 for each room in
8 the hotel. Every hotel in operation in the state prior to March
9 12, 2020 that remains in operation shall be eligible to apply
10 for the grant. Grant awards shall be scaled based on a process
11 determined by the Department, including reducing the grant
12 amount by previous state and local relief provided to the
13 business during the COVID-19 pandemic.

14 (d) Any operator who receives grant funds under this
15 Section shall use a minimum of 80% of the funds on payroll
16 costs, to the extent permitted by Section 9901 of ARPA,
17 including, but not limited to, wages, benefits, and employer
18 contributions to employee healthcare costs. The remaining
19 funds shall be used on any other costs and losses permitted by
20 ARPA.

21 (e) Within 12 months after receiving grant funds under
22 this Section, the operator shall submit a written attestation
23 to the Department acknowledging compliance with subsection
24 (d).

25 (f) The Department may establish by rule administrative
26 procedures for the grant program, including any application

1 procedures, grant agreements, certifications, payment
2 methodologies, and other accountability measures that may be
3 imposed upon participants in the program. The emergency
4 rulemaking process may be used to promulgate the initial rules
5 of the program following April 19, 2022 (the effective date of
6 Public Act 102-699) ~~this amendatory Act of the 102nd General~~
7 ~~Assembly.~~

8 (g) The Department has the power to issue grants and enter
9 into agreements with eligible hotels to carry out the purposes
10 of this program.

11 (h) This Section is repealed on December 31, 2024.

12 (Source: P.A. 102-699, eff. 4-19-22; revised 7-27-22.)

13 (20 ILCS 605/605-1096)

14 Sec. 605-1096 ~~605-1095~~. Industrial Biotechnology Workforce
15 Development Grant Program.

16 (a) The Industrial Biotechnology Workforce Development
17 Grant Program is hereby established as a program to be
18 implemented and administered by the Department. The Program
19 shall provide grants for the purpose of fostering a
20 well-trained and well-skilled industrial biotechnology
21 workforce.

22 (b) Subject to appropriation, grants under the Program may
23 be awarded on an annual basis for one or more of the following:

24 (1) industrial biotechnology apprenticeships or
25 apprenticeship programs;

1 (2) industrial biotechnology talent pipeline
2 management programs that emphasize business-oriented
3 strategies to increase workforce competitiveness, improve
4 workforce diversity, and expand a regional talent pool
5 around high-growth industries;

6 (3) industrial biotechnology industry-aligned
7 credential (digital badging) expansion programs to
8 increase the number of workers with in-demand skills
9 needed to obtain a job or advance within the workplace and
10 for merging competency-based education with responsive
11 workforce training strategies; and

12 (4) high school and community college industrial
13 biotechnology career pathway and pre-apprenticeship
14 program development.

15 (c) To be eligible for grants provided under the Program,
16 an entity must be either: (i) a State-sponsored,
17 university-affiliated laboratory or research institution
18 conducting collaboratives or for-hire research in the
19 development of biorenewable chemicals, bio-based polymers,
20 materials, novel feeds, or additional value-added
21 biorenewables; or (ii) a State-accredited university or
22 community college. An eligible entity must establish that it
23 plans to use grant funds for a purpose specifically provided
24 under subsection (b).

25 (d) On or before January 31 of the next calendar year to
26 occur after the last day of any State fiscal year in which the

1 Department of Commerce and Economic Opportunity receives State
2 funding for the Program under this Section, the Department of
3 Commerce and Economic Opportunity shall submit an annual
4 report to the General Assembly and the Governor on the use of
5 grant funds under the Program. The report shall include, but
6 not be limited to: (i) the disbursement of grant funds,
7 categorized by eligible entity; (ii) the number of persons
8 enrolled in or taking advantage of a program established or
9 maintained using grant funds; (iii) the number of persons
10 completing a program established or maintained using grant
11 funds; and (iv) the number of person gaining employment in the
12 industrial biotechnology industry following completion of a
13 program established or maintained using grant funds.

14 (e) The Department shall adopt all rules necessary for the
15 implementation and administration of the Program under this
16 Section.

17 (Source: P.A. 102-991, eff. 1-1-23; revised 12-29-22.)

18 Section 75. The Electric Vehicle Act is amended by
19 changing Section 45 as follows:

20 (20 ILCS 627/45)

21 Sec. 45. Beneficial electrification.

22 (a) It is the intent of the General Assembly to decrease
23 reliance on fossil fuels, reduce pollution from the
24 transportation sector, increase access to electrification for

1 all consumers, and ensure that electric vehicle adoption and
2 increased electricity usage and demand do not place
3 significant additional burdens on the electric system and
4 create benefits for Illinois residents.

5 (1) Illinois should increase the adoption of electric
6 vehicles in the State to 1,000,000 by 2030.

7 (2) Illinois should strive to be the best state in the
8 nation in which to drive and manufacture electric
9 vehicles.

10 (3) Widespread adoption of electric vehicles is
11 necessary to electrify the transportation sector,
12 diversify the transportation fuel mix, drive economic
13 development, and protect air quality.

14 (4) Accelerating the adoption of electric vehicles
15 will drive the decarbonization of Illinois' transportation
16 sector.

17 (5) Expanded infrastructure investment will help
18 Illinois more rapidly decarbonize the transportation
19 sector.

20 (6) Statewide adoption of electric vehicles requires
21 increasing access to electrification for all consumers.

22 (7) Widespread adoption of electric vehicles requires
23 increasing public access to charging equipment throughout
24 Illinois, especially in low-income and environmental
25 justice communities, where levels of air pollution burden
26 tend to be higher.

1 (8) Widespread adoption of electric vehicles and
2 charging equipment has the potential to provide customers
3 with fuel cost savings and electric utility customers with
4 cost-saving benefits.

5 (9) Widespread adoption of electric vehicles can
6 improve an electric utility's electric system efficiency
7 and operational flexibility, including the ability of the
8 electric utility to integrate renewable energy resources
9 and make use of off-peak generation resources that support
10 the operation of charging equipment.

11 (10) Widespread adoption of electric vehicles should
12 stimulate innovation, competition, and increased choices
13 in charging equipment and networks and should also attract
14 private capital investments and create high-quality jobs
15 in Illinois.

16 (b) As used in this Section:

17 "Agency" means the Environmental Protection Agency.

18 "Beneficial electrification programs" means programs that
19 lower carbon dioxide emissions, replace fossil fuel use,
20 create cost savings, improve electric grid operations, reduce
21 increases to peak demand, improve electric usage load shape,
22 and align electric usage with times of renewable generation.
23 All beneficial electrification programs shall provide for
24 incentives such that customers are induced to use electricity
25 at times of low overall system usage or at times when
26 generation from renewable energy sources is high. "Beneficial

1 electrification programs" include a portfolio of the
2 following:

3 (1) time-of-use electric rates;

4 (2) hourly pricing electric rates;

5 (3) optimized charging programs or programs that
6 encourage charging at times beneficial to the electric
7 grid;

8 (4) optional demand-response programs specifically
9 related to electrification efforts;

10 (5) incentives for electrification and associated
11 infrastructure tied to using electricity at off-peak
12 times;

13 (6) incentives for electrification and associated
14 infrastructure targeted to medium-duty and heavy-duty
15 vehicles used by transit agencies;

16 (7) incentives for electrification and associated
17 infrastructure targeted to school buses;

18 (8) incentives for electrification and associated
19 infrastructure for medium-duty and heavy-duty government
20 and private fleet vehicles;

21 (9) low-income programs that provide access to
22 electric vehicles for communities where car ownership or
23 new car ownership is not common;

24 (10) incentives for electrification in eligible
25 communities;

26 (11) incentives or programs to enable quicker adoption

1 of electric vehicles by developing public charging
2 stations in dense areas, workplaces, and low-income
3 communities;

4 (12) incentives or programs to develop electric
5 vehicle infrastructure that minimizes range anxiety,
6 filling the gaps in deployment, particularly in rural
7 areas and along highway corridors;

8 (13) incentives to encourage the development of
9 electrification and renewable energy generation in close
10 proximity in order to reduce grid congestion;

11 (14) offer support to low-income communities who are
12 experiencing financial and accessibility barriers such
13 that electric vehicle ownership is not an option; and

14 (15) other such programs as defined by the Commission.

15 "Black, indigenous, and people of color" or "BIPOC" means
16 people who are members of the groups described in
17 subparagraphs (a) through (e) of paragraph (A) of subsection
18 (1) of Section 2 of the Business Enterprise for Minorities,
19 Women, and Persons with Disabilities Act.

20 "Commission" means the Illinois Commerce Commission.

21 "Coordinator" means the Electric Vehicle Coordinator.

22 "Electric vehicle" means a vehicle that is exclusively
23 powered by and refueled by electricity, must be plugged in to
24 charge, and is licensed to drive on public roadways. "Electric
25 vehicle" does not include electric mopeds, electric
26 off-highway vehicles, or hybrid electric vehicles and

1 extended-range electric vehicles that are also equipped with
2 conventional fueled propulsion or auxiliary engines.

3 "Electric vehicle charging station" means a station that
4 delivers electricity from a source outside an electric vehicle
5 into one or more electric vehicles.

6 "Environmental justice communities" means the definition
7 of that term based on existing methodologies and findings,
8 used and as may be updated by the Illinois Power Agency and its
9 program administrator in the Illinois Solar for All Program.

10 "Equity investment eligible community" or "eligible
11 community" means the geographic areas throughout Illinois
12 which would most benefit from equitable investments by the
13 State designed to combat discrimination and foster sustainable
14 economic growth. Specifically, "eligible community" means the
15 following areas:

16 (1) areas where residents have been historically
17 excluded from economic opportunities, including
18 opportunities in the energy sector, as defined pursuant to
19 Section 10-40 of the Cannabis Regulation and Tax Act; and

20 (2) areas where residents have been historically
21 subject to disproportionate burdens of pollution,
22 including pollution from the energy sector, as established
23 by environmental justice communities as defined by the
24 Illinois Power Agency pursuant to Illinois Power Agency
25 Act, excluding any racial or ethnic indicators.

26 "Equity investment eligible person" or "eligible person"

1 means the persons who would most benefit from equitable
2 investments by the State designed to combat discrimination and
3 foster sustainable economic growth. Specifically, "eligible
4 person" means the following people:

5 (1) persons whose primary residence is in an equity
6 investment eligible community;

7 (2) persons who are graduates of or currently enrolled
8 in the foster care system; or

9 (3) persons who were formerly incarcerated.

10 "Low-income" means persons and families whose income does
11 not exceed 80% of the state median income for the current State
12 fiscal year as established by the U.S. Department of Health
13 and Human Services.

14 "Make-ready infrastructure" means the electrical and
15 construction work necessary between the distribution circuit
16 to the connection point of charging equipment.

17 "Optimized charging programs" mean programs whereby owners
18 of electric vehicles can set their vehicles to be charged
19 based on the electric system's current demand, retail or
20 wholesale market rates, incentives, the carbon or other
21 pollution intensity of the electric generation mix, the
22 provision of grid services, efficient use of the electric
23 grid, or the availability of clean energy generation.
24 Optimized charging programs may be operated by utilities as
25 well as third parties.

26 (c) The Commission shall initiate a workshop process no

1 later than November 30, 2021 for the purpose of soliciting
2 input on the design of beneficial electrification programs
3 that the utility shall offer. The workshop shall be
4 coordinated by the Staff of the Commission, or a facilitator
5 retained by Staff, and shall be organized and facilitated in a
6 manner that encourages representation from diverse
7 stakeholders, including stakeholders representing
8 environmental justice and low-income communities, and ensures
9 equitable opportunities for participation, without requiring
10 formal intervention or representation by an attorney.

11 The stakeholder workshop process shall take into
12 consideration the benefits of electric vehicle adoption and
13 barriers to adoption, including:

14 (1) the benefit of lower bills for customers who do
15 not charge electric vehicles;

16 (2) benefits to the distribution system from electric
17 vehicle usage;

18 (3) the avoidance and reduction in capacity costs from
19 optimized charging and off-peak charging;

20 (4) energy price and cost reductions;

21 (5) environmental benefits, including greenhouse gas
22 emission and other pollution reductions;

23 (6) current barriers to mass-market adoption,
24 including cost of ownership and availability of charging
25 stations;

26 (7) current barriers to increasing access among

1 populations that have limited access to electric vehicle
2 ownership, communities significantly impacted by
3 transportation-related pollution, and market segments that
4 create disproportionate pollution impacts;

5 (8) benefits of and incentives for medium-duty and
6 heavy-duty fleet vehicle electrification;

7 (9) opportunities for eligible communities to benefit
8 from electrification;

9 (10) geographic areas and market segments that should
10 be prioritized for electrification infrastructure
11 investment.

12 The workshops shall consider barriers, incentives,
13 enabling rate structures, and other opportunities for the bill
14 reduction and environmental benefits described in this
15 subsection.

16 The workshop process shall conclude no later than February
17 28, 2022. Following the workshop, the Staff of the Commission,
18 or the facilitator retained by the Staff, shall prepare and
19 submit a report, no later than March 31, 2022, to the
20 Commission that includes, but is not limited to,
21 recommendations for transportation electrification investment
22 or incentives in the following areas:

23 (i) publicly accessible Level 2 and fast-charging
24 stations, with a focus on bringing access to
25 transportation electrification in densely populated areas
26 and workplaces within eligible communities;

1 (ii) medium-duty and heavy-duty charging
2 infrastructure used by government and private fleet
3 vehicles that serve or travel through environmental
4 justice or eligible communities;

5 (iii) medium-duty and heavy-duty charging
6 infrastructure used in school bus operations, whether
7 private or public, that primarily serve governmental or
8 educational institutions, and also serve or travel through
9 environmental justice or eligible communities;

10 (iv) public transit medium-duty and heavy-duty
11 charging infrastructure, developed in consultation with
12 public transportation agencies; and

13 (v) publicly accessible Level 2 and fast-charging
14 stations targeted to fill gaps in deployment, particularly
15 in rural areas and along State highway corridors.

16 The report must also identify the participants in the
17 process, program designs proposed during the process,
18 estimates of the costs and benefits of proposed programs, any
19 material issues that remained unresolved at the conclusions of
20 such process, and any recommendations for workshop process
21 improvements. The report shall be used by the Commission to
22 inform and evaluate the cost effectiveness and achievement of
23 goals within the submitted Beneficial Electrification Plans.

24 (d) No later than July 1, 2022, electric utilities serving
25 greater than 500,000 customers in the State shall file a
26 Beneficial Electrification Plan with the Illinois Commerce

1 Commission for programs that start no later than January 1,
2 2023. The plan shall take into consideration recommendations
3 from the workshop report described in this Section. Within 45
4 days after the filing of the Beneficial Electrification Plan,
5 the Commission shall, with reasonable notice, open an
6 investigation to consider whether the plan meets the
7 objectives and contains the information required by this
8 Section. The Commission shall determine if the proposed plan
9 is cost-beneficial and in the public interest. When
10 considering if the plan is in the public interest and
11 determining appropriate levels of cost recovery for
12 investments and expenditures related to programs proposed by
13 an electric utility, the Commission shall consider whether the
14 investments and other expenditures are designed and reasonably
15 expected to:

16 (1) maximize total energy cost savings and rate
17 reductions so that nonparticipants can benefit;

18 (2) address environmental justice interests by
19 ensuring there are significant opportunities for residents
20 and businesses in eligible communities to directly
21 participate in and benefit from beneficial electrification
22 programs;

23 (3) support at least a 40% investment of make-ready
24 infrastructure incentives to facilitate the rapid
25 deployment of charging equipment in or serving
26 environmental justice, low-income, and eligible

1 communities; however, nothing in this subsection is
2 intended to require a specific amount of spending in a
3 particular geographic area;

4 (4) support at least a 5% investment target in
5 electrifying medium-duty and heavy-duty school bus and
6 diesel public transportation vehicles located in or
7 serving environmental justice, low-income, and eligible
8 communities in order to provide those communities and
9 businesses with greater economic investment,
10 transportation opportunities, and a cleaner environment so
11 they can directly benefit from transportation
12 electrification efforts; however, nothing in this
13 subsection is intended to require a specific amount of
14 spending in a particular geographic area;

15 (5) stimulate innovation, competition, private
16 investment, and increased consumer choices in electric
17 vehicle charging equipment and networks;

18 (6) contribute to the reduction of carbon emissions
19 and meeting air quality standards, including improving air
20 quality in eligible communities who disproportionately
21 suffer from emissions from the medium-duty and heavy-duty
22 transportation sector;

23 (7) support the efficient and cost-effective use of
24 the electric grid in a manner that supports electric
25 vehicle charging operations; and

26 (8) provide resources to support private investment in

1 charging equipment for uses in public and private charging
2 applications, including residential, multi-family, fleet,
3 transit, community, and corridor applications.

4 The plan shall be determined to be cost-beneficial if the
5 total cost of beneficial electrification expenditures is less
6 than the net present value of increased electricity costs
7 (defined as marginal avoided energy, avoided capacity, and
8 avoided transmission and distribution system costs) avoided by
9 programs under the plan, the net present value of reductions
10 in other customer energy costs, net revenue from all electric
11 charging in the service territory, and the societal value of
12 reduced carbon emissions and surface-level pollutants,
13 particularly in environmental justice communities. The
14 calculation of costs and benefits should be based on net
15 impacts, including the impact on customer rates.

16 The Commission shall approve, approve with modifications,
17 or reject the plan within 270 days from the date of filing. The
18 Commission may approve the plan if it finds that the plan will
19 achieve the goals described in this Section and contains the
20 information described in this Section. Proceedings under this
21 Section shall proceed according to the rules provided by
22 Article IX of the Public Utilities Act. Information contained
23 in the approved plan shall be considered part of the record in
24 any Commission proceeding under Section 16-107.6 of the Public
25 Utilities Act, provided that a final order has not been
26 entered prior to the initial filing date. The Beneficial

1 Electrification Plan shall specifically address, at a minimum,
2 the following:

3 (i) make-ready investments to facilitate the rapid
4 deployment of charging equipment throughout the State,
5 facilitate the electrification of public transit and other
6 vehicle fleets in the light-duty, medium-duty, and
7 heavy-duty sectors, and align with Agency-issued rebates
8 for charging equipment;

9 (ii) the development and implementation of beneficial
10 electrification programs, including time-of-use rates and
11 their benefit for electric vehicle users and for all
12 customers, optimized charging programs to achieve savings
13 identified, and new contracts and compensation for
14 services in those programs, through signals that allow
15 electric vehicle charging to respond to local system
16 conditions, manage critical peak periods, serve as a
17 demand response or peak resource, and maximize renewable
18 energy use and integration into the grid;

19 (iii) optional commercial tariffs utilizing
20 alternatives to traditional demand-based rate structures
21 to facilitate charging for light-duty, heavy-duty, ~~light~~
22 ~~duty, heavy-duty,~~ and fleet electric vehicles;

23 (iv) financial and other challenges to electric
24 vehicle usage in low-income communities, and strategies
25 for overcoming those challenges, particularly in
26 communities where and for people for whom car ownership is

1 not an option;

2 (v) methods of minimizing ratepayer impacts and
3 exempting or minimizing, to the extent possible,
4 low-income ratepayers from the costs associated with
5 facilitating the expansion of electric vehicle charging;

6 (vi) plans to increase access to Level 3 Public
7 Electric Vehicle Charging Infrastructure to serve vehicles
8 that need quicker charging times and vehicles of persons
9 who have no other access to charging infrastructure,
10 regardless of whether those projects participate in
11 optimized charging programs;

12 (vii) whether to establish charging standards for type
13 of plugs eligible for investment or incentive programs,
14 and if so, what standards;

15 (viii) opportunities for coordination and cohesion
16 with electric vehicle and electric vehicle charging
17 equipment incentives established by any agency,
18 department, board, or commission of the State, any other
19 unit of government in the State, any national programs, or
20 any unit of the federal government;

21 (ix) ideas for the development of online tools,
22 applications, and data sharing that provide essential
23 information to those charging electric vehicles, and
24 enable an automated charging response to price signals,
25 emission signals, real-time renewable generation
26 production, and other Commission-approved or

1 customer-desired indicators of beneficial charging times;
2 and

3 (x) customer education, outreach, and incentive
4 programs that increase awareness of the programs and the
5 benefits of transportation electrification, including
6 direct outreach to eligible communities.†

7 (e) Proceedings under this Section shall proceed according
8 to the rules provided by Article IX of the Public Utilities
9 Act. Information contained in the approved plan shall be
10 considered part of the record in any Commission proceeding
11 under Section 16-107.6 of the Public Utilities Act, provided
12 that a final order has not been entered prior to the initial
13 filing date.

14 (f) The utility shall file an update to the plan on July 1,
15 2024 and every 3 years thereafter. This update shall describe
16 transportation investments made during the prior plan period,
17 investments planned for the following 24 months, and updates
18 to the information required by this Section. Beginning with
19 the first update, the utility shall develop the plan in
20 conjunction with the distribution system planning process
21 described in Section 16-105.17, including incorporation of
22 stakeholder feedback from that process.

23 (g) Within 35 days after the utility files its report, the
24 Commission shall, upon its own initiative, open an
25 investigation regarding the utility's plan update to
26 investigate whether the objectives described in this Section

1 are being achieved. The Commission shall determine whether
2 investment targets should be increased based on achievement of
3 spending goals outlined in the Beneficial Electrification Plan
4 and consistency with outcomes directed in the plan stakeholder
5 workshop report. If the Commission finds, after notice and
6 hearing, that the utility's plan is materially deficient, the
7 Commission shall issue an order requiring the utility to
8 devise a corrective action plan, subject to Commission
9 approval, to bring the plan into compliance with the goals of
10 this Section. The Commission's order shall be entered within
11 270 days after the utility files its annual report. The
12 contents of a plan filed under this Section shall be available
13 for evidence in Commission proceedings. However, omission from
14 an approved plan shall not render any future utility
15 expenditure to be considered unreasonable or imprudent. The
16 Commission may, upon sufficient evidence, allow expenditures
17 that were not part of any particular distribution plan. The
18 Commission shall consider revenues from electric vehicles in
19 the utility's service territory in evaluating the retail rate
20 impact. The retail rate impact from the development of
21 electric vehicle infrastructure shall not exceed 1% per year
22 of the total annual revenue requirements of the utility.

23 (h) In meeting the requirements of this Section, the
24 utility shall demonstrate efforts to increase the use of
25 contractors and electric vehicle charging station installers
26 that meet multiple workforce equity actions, including, but

1 not limited to:

2 (1) the business is headquartered in or the person
3 resides in an eligible community;

4 (2) the business is majority owned by eligible person
5 or the contractor is an eligible person;

6 (3) the business or person is certified by another
7 municipal, State, federal, or other certification for
8 disadvantaged businesses;

9 (4) the business or person meets the eligibility
10 criteria for a certification program such as:

11 (A) certified under Section 2 of the Business
12 Enterprise for Minorities, Women, and Persons with
13 Disabilities Act;

14 (B) certified by another municipal, State,
15 federal, or other certification for disadvantaged
16 businesses;

17 (C) submits an affidavit showing that the vendor
18 meets the eligibility criteria for a certification
19 program such as those in items (A) and (B); ~~or~~

20 (D) if the vendor is a nonprofit, meets any of the
21 criteria in those in item (A), (B), or (C) with the
22 exception that the nonprofit is not required to meet
23 any criteria related to being a for-profit entity, or
24 is controlled by a board of directors that consists of
25 51% or greater individuals who are equity investment
26 eligible persons; or

1 (E) ensuring that program implementation
2 contractors and electric vehicle charging station
3 installers pay employees working on electric vehicle
4 charging installations at or above the prevailing wage
5 rate as published by the Department of Labor.

6 Utilities shall establish reporting procedures for vendors
7 that ensure compliance with this subsection, but are
8 structured to avoid, wherever possible, placing an undue
9 administrative burden on vendors.

10 (i) Program data collection.

11 (1) In order to ensure that the benefits provided to
12 Illinois residents and business by the clean energy
13 economy are equitably distributed across the State, it is
14 necessary to accurately measure the applicants and
15 recipients of this Program. The purpose of this paragraph
16 is to require the implementing utilities to collect all
17 data from Program applicants and beneficiaries to track
18 and improve equitable distribution of benefits across
19 Illinois communities. The further purpose is to measure
20 any potential impact of racial discrimination on the
21 distribution of benefits and provide the utilities the
22 information necessary to correct any discrimination
23 through methods consistent with State and federal law.

24 (2) The implementing utilities shall collect
25 demographic and geographic data for each applicant and
26 each person or business awarded benefits or contracts

1 under this Program.

2 (3) The implementing utilities shall collect the
3 following information from applicants and Program or
4 procurement beneficiaries where applicable:

5 (A) demographic information, including racial or
6 ethnic identity for real persons employed, contracted,
7 or subcontracted through the program;

8 (B) demographic information, including racial or
9 ethnic identity of business owners;

10 (C) geographic location of the residency of real
11 persons or geographic location of the headquarters for
12 businesses; and

13 (D) any other information necessary for the
14 purpose of achieving the purpose of this paragraph.

15 (4) The utility shall publish, at least annually,
16 aggregated information on the demographics of program and
17 procurement applicants and beneficiaries. The utilities
18 shall protect personal and confidential business
19 information as necessary.

20 (5) The utilities shall conduct a regular review
21 process to confirm the accuracy of reported data.

22 (6) On a quarterly basis, utilities shall collect data
23 necessary to ensure compliance with this Section and shall
24 communicate progress toward compliance to program
25 implementation contractors and electric vehicle charging
26 station installation vendors.

1 (7) Utilities filing Beneficial Electrification Plans
2 under this Section shall report annually to the Illinois
3 Commerce Commission and the General Assembly on how
4 hiring, contracting, job training, and other practices
5 related to its Beneficial electrification programs enhance
6 the diversity of vendors working on such programs. These
7 reports must include data on vendor and employee
8 diversity.

9 (j) The provisions of this Section are severable under
10 Section 1.31 of the Statute on Statutes.

11 (Source: P.A. 102-662, eff. 9-15-21; 102-820, eff. 5-13-22;
12 revised 9-14-22.)

13 Section 80. The Renewable Energy, Energy Efficiency, and
14 Coal Resources Development Law of 1997 is amended by changing
15 Section 6-5 as follows:

16 (20 ILCS 687/6-5)

17 (Section scheduled to be repealed on December 31, 2025)

18 Sec. 6-5. Renewable Energy Resources and Coal Technology
19 Development Assistance Charge.

20 (a) Notwithstanding the provisions of Section 16-111 of
21 the Public Utilities Act but subject to subsection (e) of this
22 Section, each public utility, electric cooperative, as defined
23 in Section 3.4 of the Electric Supplier Act, and municipal
24 utility, as referenced in Section 3-105 of the Public

1 Utilities Act, that is engaged in the delivery of electricity
2 or the distribution of natural gas within the State of
3 Illinois shall, effective January 1, 1998, assess each of its
4 customer accounts a monthly Renewable Energy Resources and
5 Coal Technology Development Assistance Charge. The delivering
6 public utility, municipal electric or gas utility, or electric
7 or gas cooperative for a self-assessing purchaser remains
8 subject to the collection of the fee imposed by this Section.
9 The monthly charge shall be as follows:

10 (1) \$0.05 per month on each account for residential
11 electric service as defined in Section 13 of the Energy
12 Assistance Act;

13 (2) \$0.05 per month on each account for residential
14 gas service as defined in Section 13 of the Energy
15 Assistance Act;

16 (3) \$0.50 per month on each account for nonresidential
17 electric service, as defined in Section 13 of the Energy
18 Assistance Act, which had less than 10 megawatts of peak
19 demand during the previous calendar year;

20 (4) \$0.50 per month on each account for nonresidential
21 gas service, as defined in Section 13 of the Energy
22 Assistance Act, which had distributed to it less than
23 4,000,000 therms of gas during the previous calendar year;

24 (5) \$37.50 per month on each account for
25 nonresidential electric service, as defined in Section 13
26 of the Energy Assistance Act, which had 10 megawatts or

1 greater of peak demand during the previous calendar year;
2 and

3 (6) \$37.50 per month on each account for
4 nonresidential gas service, as defined in Section 13 of
5 the Energy Assistance Act, which had 4,000,000 or more
6 therms of gas distributed to it during the previous
7 calendar year.

8 (b) The Renewable Energy Resources and Coal Technology
9 Development Assistance Charge assessed by electric and gas
10 public utilities shall be considered a charge for public
11 utility service.

12 (c) Fifty percent of the moneys collected pursuant to this
13 Section shall be deposited in the Renewable Energy Resources
14 Trust Fund by the Department of Revenue. From those funds,
15 \$2,000,000 may be used annually by the Environmental
16 Protection Agency to provide grants to the Illinois Green
17 Economy Network for the purposes of funding education and
18 training for renewable energy and energy efficiency technology
19 and for the operation and services of the Illinois Green
20 Economy Network. The remaining 50 percent of the moneys
21 collected pursuant to this Section shall be deposited in the
22 Coal Technology Development Assistance Fund by the Department
23 of Revenue for the exclusive purposes of (1) capturing or
24 sequestering carbon emissions produced by coal combustion; (2)
25 supporting research on the capture and sequestration of carbon
26 emissions produced by coal combustion; and (3) improving coal

1 miner safety.

2 (d) By the 20th day of the month following the month in
3 which the charges imposed by this Section were collected, each
4 utility and alternative retail electric supplier collecting
5 charges pursuant to this Section shall remit to the Department
6 of Revenue for deposit in the Renewable Energy Resources Trust
7 Fund and the Coal Technology Development Assistance Fund all
8 moneys received as payment of the charge provided for in this
9 Section on a return prescribed and furnished by the Department
10 of Revenue showing such information as the Department of
11 Revenue may reasonably require.

12 If any payment provided for in this Section exceeds the
13 utility or alternative ~~alternate~~ retail electric supplier's
14 liabilities under this Act, as shown on an original return,
15 the utility or alternative retail electric supplier may credit
16 the excess payment against liability subsequently to be
17 remitted to the Department of Revenue under this Act.

18 (e) The charges imposed by this Section shall only apply
19 to customers of municipal electric or gas utilities and
20 electric or gas cooperatives if the municipal electric or gas
21 utility or electric or gas cooperative makes an affirmative
22 decision to impose the charge. If a municipal electric or gas
23 utility or an electric or gas cooperative makes an affirmative
24 decision to impose the charge provided by this Section, the
25 municipal electric or gas utility or electric or gas
26 cooperative shall inform the Department of Revenue in writing

1 of such decision when it begins to impose the charge. If a
2 municipal electric or gas utility or electric or gas
3 cooperative does not assess this charge, its customers shall
4 not be eligible for the Renewable Energy Resources Program.

5 (f) The Department of Revenue may establish such rules as
6 it deems necessary to implement this Section.

7 (Source: P.A. 102-444, eff. 8-20-21; revised 9-13-22.)

8 Section 85. The Financial Institutions Code is amended by
9 changing Section 6 as follows:

10 (20 ILCS 1205/6)

11 Sec. 6. General powers and duties. In addition to the
12 powers and duties provided by law and imposed elsewhere in
13 this Act, the Division has the following powers and duties:

14 (1) To administer and enforce the Consumer Installment
15 Loan Act and its implementing rules.

16 (2) To administer and enforce the Currency Exchange
17 Act and its implementing rules. ~~the Currency Exchange Act~~

18 (3) To administer and enforce the Debt Management
19 Service Act and its implementing rules.

20 (4) To administer and enforce the Debt Settlement
21 Consumer Protection Act and its implementing rules.

22 (5) To administer and enforce the Illinois Development
23 Credit Corporation Act and its implementing rules.

24 (6) To administer and enforce the Payday Loan Reform

1 Act and its implementing rules. ~~the Safety Deposit License~~
2 ~~Act~~

3 (7) To administer and enforce the Safety Deposit
4 License Act and its implementing rules.

5 (8) To administer and enforce the Sales Finance Agency
6 Act and its implementing rules.

7 (9) To administer and enforce the Title Insurance Act
8 and its implementing rules.

9 (10) To administer and enforce the Transmitters of
10 Money Act and its implementing rules.

11 (11) To administer and enforce the Predatory Loan
12 Prevention Act and its implementing rules.

13 (12) To administer and enforce the Motor Vehicle
14 Retail Installment Sales Act and its implementing rules.

15 (13) To administer and enforce the Retail Installment
16 Sales Act and its implementing rules.

17 (14) To administer and enforce the Illinois Credit
18 Union Act and its implementing rules.

19 (15) To administer and enforce the Collection Agency
20 Act and its implementing rules.

21 (16) To administer and enforce any other Act
22 administered by the Director or Division.

23 (17) If the Division is authorized or required by law
24 to consider some aspect of criminal history record
25 information for the purpose of carrying out its statutory
26 powers and responsibilities, to obtain from the Illinois

1 State Police, upon request and payment of the fees
2 required by the Illinois State Police Law of the Civil
3 Administrative Code of Illinois, pursuant to positive
4 identification, such information contained in State files
5 as is necessary to carry out the duties of the Division.

6 (18) To authorize and administer examinations to
7 ascertain the qualifications of applicants and licensees
8 for which the examination is held.

9 (19) To conduct hearings in proceedings to revoke,
10 suspend, refuse to renew, or take other disciplinary
11 action regarding licenses, charters, certifications,
12 registrations, or authorities of persons as authorized in
13 any Act administered by the Division.

14 (Source: P.A. 101-658, eff. 3-23-21; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22; 102-975, eff. 1-1-23; revised
16 12-13-22.)

17 Section 90. The Department of Human Services Act is
18 amended by changing Section 1-17 and by setting forth and
19 renumbering multiple versions of Section 1-75 as follows:

20 (20 ILCS 1305/1-17)

21 Sec. 1-17. Inspector General.

22 (a) Nature and purpose. It is the express intent of the
23 General Assembly to ensure the health, safety, and financial
24 condition of individuals receiving services in this State due

1 to mental illness, developmental disability, or both by
2 protecting those persons from acts of abuse, neglect, or both
3 by service providers. To that end, the Office of the Inspector
4 General for the Department of Human Services is created to
5 investigate and report upon allegations of the abuse, neglect,
6 or financial exploitation of individuals receiving services
7 within mental health facilities, developmental disabilities
8 facilities, and community agencies operated, licensed, funded,
9 or certified by the Department of Human Services, but not
10 licensed or certified by any other State agency.

11 (b) Definitions. The following definitions apply to this
12 Section:

13 "Agency" or "community agency" means (i) a community
14 agency licensed, funded, or certified by the Department, but
15 not licensed or certified by any other human services agency
16 of the State, to provide mental health service or
17 developmental disabilities service, or (ii) a program
18 licensed, funded, or certified by the Department, but not
19 licensed or certified by any other human services agency of
20 the State, to provide mental health service or developmental
21 disabilities service.

22 "Aggravating circumstance" means a factor that is
23 attendant to a finding and that tends to compound or increase
24 the culpability of the accused.

25 "Allegation" means an assertion, complaint, suspicion, or
26 incident involving any of the following conduct by an

1 employee, facility, or agency against an individual or
2 individuals: mental abuse, physical abuse, sexual abuse,
3 neglect, or financial exploitation.

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

5 "Deflection" means a situation in which an individual is
6 presented for admission to a facility or agency, and the
7 facility staff or agency staff do not admit the individual.
8 "Deflection" includes triage, redirection, and denial of
9 admission.

10 "Department" means the Department of Human Services.

11 "Developmental disability" means "developmental
12 disability" as defined in the Mental Health and Developmental
13 Disabilities Code.

14 "Egregious neglect" means a finding of neglect as
15 determined by the Inspector General that (i) represents a
16 gross failure to adequately provide for, or a callused
17 indifference to, the health, safety, or medical needs of an
18 individual and (ii) results in an individual's death or other
19 serious deterioration of an individual's physical condition or
20 mental condition.

21 "Employee" means any person who provides services at the
22 facility or agency on-site or off-site. The service
23 relationship can be with the individual or with the facility
24 or agency. Also, "employee" includes any employee or
25 contractual agent of the Department of Human Services or the
26 community agency involved in providing or monitoring or

1 administering mental health or developmental disability
2 services. This includes but is not limited to: owners,
3 operators, payroll personnel, contractors, subcontractors, and
4 volunteers.

5 "Facility" or "State-operated facility" means a mental
6 health facility or developmental disabilities facility
7 operated by the Department.

8 "Financial exploitation" means taking unjust advantage of
9 an individual's assets, property, or financial resources
10 through deception, intimidation, or conversion for the
11 employee's, facility's, or agency's own advantage or benefit.

12 "Finding" means the Office of Inspector General's
13 determination regarding whether an allegation is
14 substantiated, unsubstantiated, or unfounded.

15 "Health Care Worker Registry" or "Registry" means the
16 Health Care Worker Registry under the Health Care Worker
17 Background Check Act.

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

21 "Mental abuse" means the use of demeaning, intimidating,
22 or threatening words, signs, gestures, or other actions by an
23 employee about an individual and in the presence of an
24 individual or individuals that results in emotional distress
25 or maladaptive behavior, or could have resulted in emotional
26 distress or maladaptive behavior, for any individual present.

1 "Mental illness" means "mental illness" as defined in the
2 Mental Health and Developmental Disabilities Code.

3 "Mentally ill" means having a mental illness.

4 "Mitigating circumstance" means a condition that (i) is
5 attendant to a finding, (ii) does not excuse or justify the
6 conduct in question, but (iii) may be considered in evaluating
7 the severity of the conduct, the culpability of the accused,
8 or both the severity of the conduct and the culpability of the
9 accused.

10 "Neglect" means an employee's, agency's, or facility's
11 failure to provide adequate medical care, personal care, or
12 maintenance and that, as a consequence, (i) causes an
13 individual pain, injury, or emotional distress, (ii) results
14 in either an individual's maladaptive behavior or the
15 deterioration of an individual's physical condition or mental
16 condition, or (iii) places the individual's health or safety
17 at substantial risk.

18 "Person with a developmental disability" means a person
19 having a developmental disability.

20 "Physical abuse" means an employee's non-accidental and
21 inappropriate contact with an individual that causes bodily
22 harm. "Physical abuse" includes actions that cause bodily harm
23 as a result of an employee directing an individual or person to
24 physically abuse another individual.

25 "Recommendation" means an admonition, separate from a
26 finding, that requires action by the facility, agency, or

1 Department to correct a systemic issue, problem, or deficiency
2 identified during an investigation.

3 "Required reporter" means any employee who suspects,
4 witnesses, or is informed of an allegation of any one or more
5 of the following: mental abuse, physical abuse, sexual abuse,
6 neglect, or financial exploitation.

7 "Secretary" means the Chief Administrative Officer of the
8 Department.

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

22 "Sexually explicit images" includes, but is not limited
23 to, any material which depicts nudity, sexual conduct, or
24 sado-masochistic abuse, or which contains explicit and
25 detailed verbal descriptions or narrative accounts of sexual
26 excitement, sexual conduct, or sado-masochistic abuse.

1 "Substantiated" means there is a preponderance of the
2 evidence to support the allegation.

3 "Unfounded" means there is no credible evidence to support
4 the allegation.

5 "Unsubstantiated" means there is credible evidence, but
6 less than a preponderance of evidence to support the
7 allegation.

8 (c) Appointment. The Governor shall appoint, and the
9 Senate shall confirm, an Inspector General. The Inspector
10 General shall be appointed for a term of 4 years and shall
11 function within the Department of Human Services and report to
12 the Secretary and the Governor.

13 (d) Operation and appropriation. The Inspector General
14 shall function independently within the Department with
15 respect to the operations of the Office, including the
16 performance of investigations and issuance of findings and
17 recommendations. The appropriation for the Office of Inspector
18 General shall be separate from the overall appropriation for
19 the Department.

20 (e) Powers and duties. The Inspector General shall
21 investigate reports of suspected mental abuse, physical abuse,
22 sexual abuse, neglect, or financial exploitation of
23 individuals in any mental health or developmental disabilities
24 facility or agency and shall have authority to take immediate
25 action to prevent any one or more of the following from
26 happening to individuals under its jurisdiction: mental abuse,

1 physical abuse, sexual abuse, neglect, or financial
2 exploitation. Upon written request of an agency of this State,
3 the Inspector General may assist another agency of the State
4 in investigating reports of the abuse, neglect, or abuse and
5 neglect of persons with mental illness, persons with
6 developmental disabilities, or persons with both. To comply
7 with the requirements of subsection (k) of this Section, the
8 Inspector General shall also review all reportable deaths for
9 which there is no allegation of abuse or neglect. Nothing in
10 this Section shall preempt any duties of the Medical Review
11 Board set forth in the Mental Health and Developmental
12 Disabilities Code. The Inspector General shall have no
13 authority to investigate alleged violations of the State
14 Officials and Employees Ethics Act. Allegations of misconduct
15 under the State Officials and Employees Ethics Act shall be
16 referred to the Office of the Governor's Executive Inspector
17 General for investigation.

18 (f) Limitations. The Inspector General shall not conduct
19 an investigation within an agency or facility if that
20 investigation would be redundant to or interfere with an
21 investigation conducted by another State agency. The Inspector
22 General shall have no supervision over, or involvement in, the
23 routine programmatic, licensing, funding, or certification
24 operations of the Department. Nothing in this subsection
25 limits investigations by the Department that may otherwise be
26 required by law or that may be necessary in the Department's

1 capacity as central administrative authority responsible for
2 the operation of the State's mental health and developmental
3 disabilities facilities.

4 (g) Rulemaking authority. The Inspector General shall
5 promulgate rules establishing minimum requirements for
6 reporting allegations as well as for initiating, conducting,
7 and completing investigations based upon the nature of the
8 allegation or allegations. The rules shall clearly establish
9 that if 2 or more State agencies could investigate an
10 allegation, the Inspector General shall not conduct an
11 investigation that would be redundant to, or interfere with,
12 an investigation conducted by another State agency. The rules
13 shall further clarify the method and circumstances under which
14 the Office of Inspector General may interact with the
15 licensing, funding, or certification units of the Department
16 in preventing further occurrences of mental abuse, physical
17 abuse, sexual abuse, neglect, egregious neglect, and financial
18 exploitation.

19 (h) Training programs. The Inspector General shall (i)
20 establish a comprehensive program to ensure that every person
21 authorized to conduct investigations receives ongoing training
22 relative to investigation techniques, communication skills,
23 and the appropriate means of interacting with persons
24 receiving treatment for mental illness, developmental
25 disability, or both mental illness and developmental
26 disability, and (ii) establish and conduct periodic training

1 programs for facility and agency employees concerning the
2 prevention and reporting of any one or more of the following:
3 mental abuse, physical abuse, sexual abuse, neglect, egregious
4 neglect, or financial exploitation. The Inspector General
5 shall further ensure (i) every person authorized to conduct
6 investigations at community agencies receives ongoing training
7 in Title 59, Parts 115, 116, and 119 of the Illinois
8 Administrative Code, and (ii) every person authorized to
9 conduct investigations shall receive ongoing training in Title
10 59, Part 50 of the Illinois Administrative Code. Nothing in
11 this Section shall be deemed to prevent the Office of
12 Inspector General from conducting any other training as
13 determined by the Inspector General to be necessary or
14 helpful.

15 (i) Duty to cooperate.

16 (1) The Inspector General shall at all times be
17 granted access to any facility or agency for the purpose
18 of investigating any allegation, conducting unannounced
19 site visits, monitoring compliance with a written
20 response, or completing any other statutorily assigned
21 duty. The Inspector General shall conduct unannounced site
22 visits to each facility at least annually for the purpose
23 of reviewing and making recommendations on systemic issues
24 relative to preventing, reporting, investigating, and
25 responding to all of the following: mental abuse, physical
26 abuse, sexual abuse, neglect, egregious neglect, or

1 financial exploitation.

2 (2) Any employee who fails to cooperate with an Office
3 of the Inspector General investigation is in violation of
4 this Act. Failure to cooperate with an investigation
5 includes, but is not limited to, any one or more of the
6 following: (i) creating and transmitting a false report to
7 the Office of the Inspector General hotline, (ii)
8 providing false information to an Office of the Inspector
9 General Investigator during an investigation, (iii)
10 colluding with other employees to cover up evidence, (iv)
11 colluding with other employees to provide false
12 information to an Office of the Inspector General
13 investigator, (v) destroying evidence, (vi) withholding
14 evidence, or (vii) otherwise obstructing an Office of the
15 Inspector General investigation. Additionally, any
16 employee who, during an unannounced site visit or written
17 response compliance check, fails to cooperate with
18 requests from the Office of the Inspector General is in
19 violation of this Act.

20 (j) Subpoena powers. The Inspector General shall have the
21 power to subpoena witnesses and compel the production of all
22 documents and physical evidence relating to his or her
23 investigations and any hearings authorized by this Act. This
24 subpoena power shall not extend to persons or documents of a
25 labor organization or its representatives insofar as the
26 persons are acting in a representative capacity to an employee

1 whose conduct is the subject of an investigation or the
2 documents relate to that representation. Any person who
3 otherwise fails to respond to a subpoena or who knowingly
4 provides false information to the Office of the Inspector
5 General by subpoena during an investigation is guilty of a
6 Class A misdemeanor.

7 (k) Reporting allegations and deaths.

8 (1) Allegations. If an employee witnesses, is told of,
9 or has reason to believe an incident of mental abuse,
10 physical abuse, sexual abuse, neglect, or financial
11 exploitation has occurred, the employee, agency, or
12 facility shall report the allegation by phone to the
13 Office of the Inspector General hotline according to the
14 agency's or facility's procedures, but in no event later
15 than 4 hours after the initial discovery of the incident,
16 allegation, or suspicion of any one or more of the
17 following: mental abuse, physical abuse, sexual abuse,
18 neglect, or financial exploitation. A required reporter as
19 defined in subsection (b) of this Section who knowingly or
20 intentionally fails to comply with these reporting
21 requirements is guilty of a Class A misdemeanor.

22 (2) Deaths. Absent an allegation, a required reporter
23 shall, within 24 hours after initial discovery, report by
24 phone to the Office of the Inspector General hotline each
25 of the following:

26 (i) Any death of an individual occurring within 14

1 calendar days after discharge or transfer of the
2 individual from a residential program or facility.

3 (ii) Any death of an individual occurring within
4 24 hours after deflection from a residential program
5 or facility.

6 (iii) Any other death of an individual occurring
7 at an agency or facility or at any Department-funded
8 site.

9 (3) Retaliation. It is a violation of this Act for any
10 employee or administrator of an agency or facility to take
11 retaliatory action against an employee who acts in good
12 faith in conformance with his or her duties as a required
13 reporter.

14 (1) Reporting to law enforcement. Reporting criminal acts.
15 Within 24 hours after determining that there is credible
16 evidence indicating that a criminal act may have been
17 committed or that special expertise may be required in an
18 investigation, the Inspector General shall notify the Illinois
19 State Police or other appropriate law enforcement authority,
20 or ensure that such notification is made. The Illinois State
21 Police shall investigate any report from a State-operated
22 facility indicating a possible murder, sexual assault, or
23 other felony by an employee. All investigations conducted by
24 the Inspector General shall be conducted in a manner designed
25 to ensure the preservation of evidence for possible use in a
26 criminal prosecution.

1 (m) Investigative reports. Upon completion of an
2 investigation, the Office of Inspector General shall issue an
3 investigative report identifying whether the allegations are
4 substantiated, unsubstantiated, or unfounded. Within 10
5 business days after the transmittal of a completed
6 investigative report substantiating an allegation, finding an
7 allegation is unsubstantiated, or if a recommendation is made,
8 the Inspector General shall provide the investigative report
9 on the case to the Secretary and to the director of the
10 facility or agency where any one or more of the following
11 occurred: mental abuse, physical abuse, sexual abuse, neglect,
12 egregious neglect, or financial exploitation. The director of
13 the facility or agency shall be responsible for maintaining
14 the confidentiality of the investigative report consistent
15 with State and federal law. In a substantiated case, the
16 investigative report shall include any mitigating or
17 aggravating circumstances that were identified during the
18 investigation. If the case involves substantiated neglect, the
19 investigative report shall also state whether egregious
20 neglect was found. An investigative report may also set forth
21 recommendations. All investigative reports prepared by the
22 Office of the Inspector General shall be considered
23 confidential and shall not be released except as provided by
24 the law of this State or as required under applicable federal
25 law. Unsubstantiated and unfounded reports shall not be
26 disclosed except as allowed under Section 6 of the Abused and

1 Neglected Long Term Care Facility Residents Reporting Act. Raw
2 data used to compile the investigative report shall not be
3 subject to release unless required by law or a court order.
4 "Raw data used to compile the investigative report" includes,
5 but is not limited to, any one or more of the following: the
6 initial complaint, witness statements, photographs,
7 investigator's notes, police reports, or incident reports. If
8 the allegations are substantiated, the victim, the victim's
9 guardian, and the accused shall be provided with a redacted
10 copy of the investigative report. Death reports where there
11 was no allegation of abuse or neglect shall only be released
12 pursuant to applicable State or federal law or a valid court
13 order. Unredacted investigative reports, as well as raw data,
14 may be shared with a local law enforcement entity, a State's
15 Attorney's office, or a county coroner's office upon written
16 request.

17 (n) Written responses, clarification requests, and
18 reconsideration requests.

19 (1) Written responses. Within 30 calendar days from
20 receipt of a substantiated investigative report or an
21 investigative report which contains recommendations,
22 absent a reconsideration request, the facility or agency
23 shall file a written response that addresses, in a concise
24 and reasoned manner, the actions taken to: (i) protect the
25 individual; (ii) prevent recurrences; and (iii) eliminate
26 the problems identified. The response shall include the

1 implementation and completion dates of such actions. If
2 the written response is not filed within the allotted 30
3 calendar day period, the Secretary shall determine the
4 appropriate corrective action to be taken.

5 (2) Requests for clarification. The facility, agency,
6 victim or guardian, or the subject employee may request
7 that the Office of Inspector General clarify the finding
8 or findings for which clarification is sought.

9 (3) Requests for reconsideration. The facility,
10 agency, victim or guardian, or the subject employee may
11 request that the Office of the Inspector General
12 reconsider the finding or findings or the recommendations.
13 A request for reconsideration shall be subject to a
14 multi-layer review and shall include at least one reviewer
15 who did not participate in the investigation or approval
16 of the original investigative report. After the
17 multi-layer review process has been completed, the
18 Inspector General shall make the final determination on
19 the reconsideration request. The investigation shall be
20 reopened if the reconsideration determination finds that
21 additional information is needed to complete the
22 investigative record.

23 (o) Disclosure of the finding by the Inspector General.
24 The Inspector General shall disclose the finding of an
25 investigation to the following persons: (i) the Governor, (ii)
26 the Secretary, (iii) the director of the facility or agency,

1 (iv) the alleged victims and their guardians, (v) the
2 complainant, and (vi) the accused. This information shall
3 include whether the allegations were deemed substantiated,
4 unsubstantiated, or unfounded.

5 (p) Secretary review. Upon review of the Inspector
6 General's investigative report and any agency's or facility's
7 written response, the Secretary shall accept or reject the
8 written response and notify the Inspector General of that
9 determination. The Secretary may further direct that other
10 administrative action be taken, including, but not limited to,
11 any one or more of the following: (i) additional site visits,
12 (ii) training, (iii) provision of technical assistance
13 relative to administrative needs, licensure, or certification,
14 or (iv) the imposition of appropriate sanctions.

15 (q) Action by facility or agency. Within 30 days of the
16 date the Secretary approves the written response or directs
17 that further administrative action be taken, the facility or
18 agency shall provide an implementation report to the Inspector
19 General that provides the status of the action taken. The
20 facility or agency shall be allowed an additional 30 days to
21 send notice of completion of the action or to send an updated
22 implementation report. If the action has not been completed
23 within the additional 30-day period, the facility or agency
24 shall send updated implementation reports every 60 days until
25 completion. The Inspector General shall conduct a review of
26 any implementation plan that takes more than 120 days after

1 approval to complete, and shall monitor compliance through a
2 random review of approved written responses, which may
3 include, but are not limited to: (i) site visits, (ii)
4 telephone contact, and (iii) requests for additional
5 documentation evidencing compliance.

6 (r) Sanctions. Sanctions, if imposed by the Secretary
7 under Subdivision (p)(iv) of this Section, shall be designed
8 to prevent further acts of mental abuse, physical abuse,
9 sexual abuse, neglect, egregious neglect, or financial
10 exploitation or some combination of one or more of those acts
11 at a facility or agency, and may include any one or more of the
12 following:

13 (1) Appointment of on-site monitors.

14 (2) Transfer or relocation of an individual or
15 individuals.

16 (3) Closure of units.

17 (4) Termination of any one or more of the following:
18 (i) Department licensing, (ii) funding, or (iii)
19 certification.

20 The Inspector General may seek the assistance of the
21 Illinois Attorney General or the office of any State's
22 Attorney in implementing sanctions.

23 (s) Health Care Worker Registry.

24 (1) Reporting to the Registry. The Inspector General
25 shall report to the Department of Public Health's Health
26 Care Worker Registry, a public registry, the identity and

1 finding of each employee of a facility or agency against
2 whom there is a final investigative report prepared by the
3 Office of the Inspector General containing a substantiated
4 allegation of physical or sexual abuse, financial
5 exploitation, or egregious neglect of an individual,
6 unless the Inspector General requests a stipulated
7 disposition of the investigative report that does not
8 include the reporting of the employee's name to the Health
9 Care Worker Registry and the Secretary of Human Services
10 agrees with the requested stipulated disposition.

11 (2) Notice to employee. Prior to reporting the name of
12 an employee, the employee shall be notified of the
13 Department's obligation to report and shall be granted an
14 opportunity to request an administrative hearing, the sole
15 purpose of which is to determine if the substantiated
16 finding warrants reporting to the Registry. Notice to the
17 employee shall contain a clear and concise statement of
18 the grounds on which the report to the Registry is based,
19 offer the employee an opportunity for a hearing, and
20 identify the process for requesting such a hearing. Notice
21 is sufficient if provided by certified mail to the
22 employee's last known address. If the employee fails to
23 request a hearing within 30 days from the date of the
24 notice, the Inspector General shall report the name of the
25 employee to the Registry. Nothing in this subdivision
26 (s)(2) shall diminish or impair the rights of a person who

1 is a member of a collective bargaining unit under the
2 Illinois Public Labor Relations Act or under any other
3 federal labor statute.

4 (3) Registry hearings. If the employee requests an
5 administrative hearing, the employee shall be granted an
6 opportunity to appear before an administrative law judge
7 to present reasons why the employee's name should not be
8 reported to the Registry. The Department shall bear the
9 burden of presenting evidence that establishes, by a
10 preponderance of the evidence, that the substantiated
11 finding warrants reporting to the Registry. After
12 considering all the evidence presented, the administrative
13 law judge shall make a recommendation to the Secretary as
14 to whether the substantiated finding warrants reporting
15 the name of the employee to the Registry. The Secretary
16 shall render the final decision. The Department and the
17 employee shall have the right to request that the
18 administrative law judge consider a stipulated disposition
19 of these proceedings.

20 (4) Testimony at Registry hearings. A person who makes
21 a report or who investigates a report under this Act shall
22 testify fully in any judicial proceeding resulting from
23 such a report, as to any evidence of abuse or neglect, or
24 the cause thereof. No evidence shall be excluded by reason
25 of any common law or statutory privilege relating to
26 communications between the alleged perpetrator of abuse or

1 neglect, or the individual alleged as the victim in the
2 report, and the person making or investigating the report.
3 Testimony at hearings is exempt from the confidentiality
4 requirements of subsection (f) of Section 10 of the Mental
5 Health and Developmental Disabilities Confidentiality Act.

6 (5) Employee's rights to collateral action. No
7 reporting to the Registry shall occur and no hearing shall
8 be set or proceed if an employee notifies the Inspector
9 General in writing, including any supporting
10 documentation, that he or she is formally contesting an
11 adverse employment action resulting from a substantiated
12 finding by complaint filed with the Illinois Civil Service
13 Commission, or which otherwise seeks to enforce the
14 employee's rights pursuant to any applicable collective
15 bargaining agreement. If an action taken by an employer
16 against an employee as a result of a finding of physical
17 abuse, sexual abuse, or egregious neglect is overturned
18 through an action filed with the Illinois Civil Service
19 Commission or under any applicable collective bargaining
20 agreement and if that employee's name has already been
21 sent to the Registry, the employee's name shall be removed
22 from the Registry.

23 (6) Removal from Registry. At any time after the
24 report to the Registry, but no more than once in any
25 12-month period, an employee may petition the Department
26 in writing to remove his or her name from the Registry.

1 Upon receiving notice of such request, the Inspector
2 General shall conduct an investigation into the petition.

3 Upon receipt of such request, an administrative hearing
4 will be set by the Department. At the hearing, the
5 employee shall bear the burden of presenting evidence that
6 establishes, by a preponderance of the evidence, that
7 removal of the name from the Registry is in the public
8 interest. The parties may jointly request that the
9 administrative law judge consider a stipulated disposition
10 of these proceedings.

11 (t) Review of Administrative Decisions. The Department
12 shall preserve a record of all proceedings at any formal
13 hearing conducted by the Department involving Health Care
14 Worker Registry hearings. Final administrative decisions of
15 the Department are subject to judicial review pursuant to
16 provisions of the Administrative Review Law.

17 (u) Quality Care Board. There is created, within the
18 Office of the Inspector General, a Quality Care Board to be
19 composed of 7 members appointed by the Governor with the
20 advice and consent of the Senate. One of the members shall be
21 designated as chairman by the Governor. Of the initial
22 appointments made by the Governor, 4 Board members shall each
23 be appointed for a term of 4 years and 3 members shall each be
24 appointed for a term of 2 years. Upon the expiration of each
25 member's term, a successor shall be appointed for a term of 4
26 years. In the case of a vacancy in the office of any member,

1 the Governor shall appoint a successor for the remainder of
2 the unexpired term.

3 Members appointed by the Governor shall be qualified by
4 professional knowledge or experience in the area of law,
5 investigatory techniques, or in the area of care of the
6 mentally ill or care of persons with developmental
7 disabilities. Two members appointed by the Governor shall be
8 persons with a disability or parents of persons with a
9 disability. Members shall serve without compensation, but
10 shall be reimbursed for expenses incurred in connection with
11 the performance of their duties as members.

12 The Board shall meet quarterly, and may hold other
13 meetings on the call of the chairman. Four members shall
14 constitute a quorum allowing the Board to conduct its
15 business. The Board may adopt rules and regulations it deems
16 necessary to govern its own procedures.

17 The Board shall monitor and oversee the operations,
18 policies, and procedures of the Inspector General to ensure
19 the prompt and thorough investigation of allegations of
20 neglect and abuse. In fulfilling these responsibilities, the
21 Board may do the following:

22 (1) Provide independent, expert consultation to the
23 Inspector General on policies and protocols for
24 investigations of alleged abuse, neglect, or both abuse
25 and neglect.

26 (2) Review existing regulations relating to the

1 operation of facilities.

2 (3) Advise the Inspector General as to the content of
3 training activities authorized under this Section.

4 (4) Recommend policies concerning methods for
5 improving the intergovernmental relationships between the
6 Office of the Inspector General and other State or federal
7 offices.

8 (v) Annual report. The Inspector General shall provide to
9 the General Assembly and the Governor, no later than January 1
10 of each year, a summary of reports and investigations made
11 under this Act for the prior fiscal year with respect to
12 individuals receiving mental health or developmental
13 disabilities services. The report shall detail the imposition
14 of sanctions, if any, and the final disposition of any
15 corrective or administrative action directed by the Secretary.
16 The summaries shall not contain any confidential or
17 identifying information of any individual, but shall include
18 objective data identifying any trends in the number of
19 reported allegations, the timeliness of the Office of the
20 Inspector General's investigations, and their disposition, for
21 each facility and Department-wide, for the most recent 3-year
22 time period. The report shall also identify, by facility, the
23 staff-to-patient ratios taking account of direct care staff
24 only. The report shall also include detailed recommended
25 administrative actions and matters for consideration by the
26 General Assembly.

1 (w) Program audit. The Auditor General shall conduct a
2 program audit of the Office of the Inspector General on an
3 as-needed basis, as determined by the Auditor General. The
4 audit shall specifically include the Inspector General's
5 compliance with the Act and effectiveness in investigating
6 reports of allegations occurring in any facility or agency.
7 The Auditor General shall conduct the program audit according
8 to the provisions of the Illinois State Auditing Act and shall
9 report its findings to the General Assembly no later than
10 January 1 following the audit period.

11 (x) Nothing in this Section shall be construed to mean
12 that an individual is a victim of abuse or neglect because of
13 health care services appropriately provided or not provided by
14 health care professionals.

15 (y) Nothing in this Section shall require a facility,
16 including its employees, agents, medical staff members, and
17 health care professionals, to provide a service to an
18 individual in contravention of that individual's stated or
19 implied objection to the provision of that service on the
20 ground that that service conflicts with the individual's
21 religious beliefs or practices, nor shall the failure to
22 provide a service to an individual be considered abuse under
23 this Section if the individual has objected to the provision
24 of that service based on his or her religious beliefs or
25 practices.

26 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;

1 102-883, eff. 5-13-22; 102-1071, eff. 6-10-22; revised
2 7-26-22.)

3 (20 ILCS 1305/1-75)

4 Sec. 1-75. Off-Hours Child Care Program.

5 (a) Legislative intent. The General Assembly finds that:

6 (1) Finding child care can be a challenge for
7 firefighters, paramedics, police officers, nurses, and
8 other third shift workers across the State who often work
9 non-typical work hours. This can impact home life, school,
10 bedtime routines, job safety, and the mental health of
11 some of our most critical front line workers and their
12 families.

13 (2) There is a need for increased options for
14 off-hours child care in the State. A majority of the
15 State's child care facilities do not provide care outside
16 of normal work hours, with just 3,251 day care homes and
17 435 group day care homes that provide night care.

18 (3) Illinois has a vested interest in ensuring that
19 our first responders and working families can provide
20 their children with appropriate care during off hours to
21 improve the morale of existing first responders and to
22 improve recruitment into the future.

23 (b) As used in this Section, "first responders" means
24 emergency medical services personnel as defined in the
25 Emergency Medical Services (EMS) Systems Act, firefighters,

1 law enforcement officers, and, as determined by the
2 Department, any other workers who, on account of their work
3 schedule, need child care outside of the hours when licensed
4 child care facilities typically operate.

5 (c) Subject to appropriation, the Department of Human
6 Services shall establish and administer an Off-Hours Child
7 Care Program to help first responders and other workers
8 identify and access off-hours, night, or sleep time child
9 care. Services funded under the program must address the child
10 care needs of first responders. Funding provided under the
11 program may also be used to cover any capital and operating
12 expenses related to the provision of off-hours, night, or
13 sleep time child care for first responders. Funding awarded
14 under this Section shall be funded through appropriations from
15 the Off-Hours Child Care Program Fund created under subsection
16 (d). The Department shall implement the program by July 1,
17 2023. The Department may adopt any rules necessary to
18 implement the program.

19 (d) The Off-Hours Child Care Program Fund is created as a
20 special fund in the State treasury. The Fund shall consist of
21 any moneys appropriated to the Department of Human Services
22 for the Off-Hours Child Care Program. Moneys in the Fund shall
23 be expended for the Off-Hours Child Care Program and for no
24 other purpose. All interest earned on moneys in the Fund shall
25 be deposited into the Fund.

26 (Source: P.A. 102-912, eff. 5-27-22.)

1 (20 ILCS 1305/1-80)

2 Sec. 1-80 ~~1-75~~. Homeless services and supportive housing;
3 veterans data. The Department's Bureau of Homeless Services
4 and Supportive Housing within the Office of Family Support
5 Services shall annually review and collect data on the number
6 of military veterans receiving services or benefits under the
7 Emergency and Transitional Housing Program, the Emergency Food
8 Program, the Homeless Prevention Program, the Supporting
9 Housing Program, and the Prince Home at Manteno administered
10 by the Department of Veterans' Affairs. The Bureau may request
11 and receive the cooperation of the Department of Veterans'
12 Affairs and any other State agency that is relevant to the
13 collection of the data required under this Section. The Bureau
14 shall annually submit to the General Assembly a written report
15 that details the number of military veterans served under each
16 program no later than December 31, 2023 and every December 31
17 thereafter.

18 (Source: P.A. 102-961, eff. 1-1-23; revised 12-29-22.)

19 Section 95. The Mental Health and Developmental
20 Disabilities Administrative Act is amended by changing Section
21 74 as follows:

22 (20 ILCS 1705/74)

23 Sec. 74. Rates and reimbursements.

1 (a) Within 30 days after July 6, 2017 (the effective date
2 of Public Act 100-23), the Department shall increase rates and
3 reimbursements to fund a minimum of a \$0.75 per hour wage
4 increase for front-line personnel, including, but not limited
5 to, direct support professionals, aides, front-line
6 supervisors, qualified intellectual disabilities
7 professionals, nurses, and non-administrative support staff
8 working in community-based provider organizations serving
9 individuals with developmental disabilities. The Department
10 shall adopt rules, including emergency rules under subsection
11 (y) of Section 5-45 of the Illinois Administrative Procedure
12 Act, to implement the provisions of this Section.

13 (b) Rates and reimbursements. Within 30 days after June 4,
14 2018 (the effective date of Public Act 100-587) ~~this~~
15 ~~amendatory Act of the 100th General Assembly~~, the Department
16 shall increase rates and reimbursements to fund a minimum of a
17 \$0.50 per hour wage increase for front-line personnel,
18 including, but not limited to, direct support professionals,
19 aides, front-line supervisors, qualified intellectual
20 disabilities professionals, nurses, and non-administrative
21 support staff working in community-based provider
22 organizations serving individuals with developmental
23 disabilities. The Department shall adopt rules, including
24 emergency rules under subsection (bb) of Section 5-45 of the
25 Illinois Administrative Procedure Act, to implement the
26 provisions of this Section.

1 (c) Rates and reimbursements. Within 30 days after June 5,
2 2019 (the effective date of Public Act 101-10) ~~this amendatory~~
3 ~~Act of the 101st General Assembly,~~ subject to federal
4 approval, the Department shall increase rates and
5 reimbursements in effect on June 30, 2019 for community-based
6 providers for persons with Developmental Disabilities by 3.5%
7 The Department shall adopt rules, including emergency rules
8 under subsection (jj) of Section 5-45 of the Illinois
9 Administrative Procedure Act, to implement the provisions of
10 this Section, including wage increases for direct care staff.

11 (d) For community-based providers serving persons with
12 intellectual/developmental disabilities, subject to federal
13 approval of any relevant Waiver Amendment, the rates taking
14 effect for services delivered on or after January 1, 2022,
15 shall include an increase in the rate methodology sufficient
16 to provide a \$1.50 per hour wage increase for direct support
17 professionals in residential settings and sufficient to
18 provide wages for all residential non-executive direct care
19 staff, excluding direct support professionals, at the federal
20 Department of Labor, Bureau of Labor Statistics' average wage
21 as defined in rule by the Department.

22 The establishment of and any changes to the rate
23 methodologies for community-based services provided to persons
24 with intellectual/developmental disabilities are subject to
25 federal approval of any relevant Waiver Amendment and shall be
26 defined in rule by the Department. The Department shall adopt

1 rules, including emergency rules as authorized by Section 5-45
2 of the Illinois Administrative Procedure Act, to implement the
3 provisions of this subsection (d).

4 (e) For community-based providers serving persons with
5 intellectual/developmental disabilities, subject to federal
6 approval of any relevant Waiver Amendment, the rates taking
7 effect for services delivered on or after January 1, 2023,
8 shall include an increase in the rate methodology sufficient
9 to provide a \$1.00 per hour wage increase for all direct
10 support professionals ~~personnel~~ and all other frontline
11 personnel who are not subject to the Bureau of Labor
12 Statistics' average wage increases, who work in residential
13 and community day services settings, with at least \$0.50 of
14 those funds to be provided as a direct increase to base wages,
15 with the remaining \$0.50 to be used flexibly for base wage
16 increases. In addition, the rates taking effect for services
17 delivered on or after January 1, 2023 shall include an
18 increase sufficient to provide wages for all residential
19 non-executive direct care staff, excluding direct support
20 professionals ~~personnel~~, at the federal Department of Labor,
21 Bureau of Labor Statistics' average wage as defined in rule by
22 the Department.

23 The establishment of and any changes to the rate
24 methodologies for community-based services provided to persons
25 with intellectual/developmental disabilities are subject to
26 federal approval of any relevant Waiver Amendment and shall be

1 defined in rule by the Department. The Department shall adopt
2 rules, including emergency rules as authorized by Section 5-45
3 of the Illinois Administrative Procedure Act, to implement the
4 provisions of this subsection.

5 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21;
6 102-699, eff. 4-19-22; 102-830, eff. 1-1-23; revised
7 12-13-22.)

8 Section 100. The Department of Public Health Powers and
9 Duties Law of the Civil Administrative Code of Illinois is
10 amended by setting forth, renumbering, and changing multiple
11 versions of Sections 2310-434 and 2310-710 as follows:

12 (20 ILCS 2310/2310-434)

13 Sec. 2310-434. Certified Nursing Assistant Intern Program.

14 (a) As used in this Section, "facility" means a facility
15 licensed by the Department under the Nursing Home Care Act,
16 the MC/DD Act, or the ID/DD Community Care Act or an
17 establishment licensed under the Assisted Living and Shared
18 Housing Act.

19 (b) The Department shall establish or approve a Certified
20 Nursing Assistant Intern Program to address the increasing
21 need for trained health care workers and provide additional
22 pathways for individuals to become certified nursing
23 assistants. Upon successful completion of the classroom
24 education and on-the-job training requirements of the Program

1 required under this Section, an individual may provide, at a
2 facility, the patient and resident care services determined
3 under the Program and may perform the procedures listed under
4 subsection (e).

5 (c) In order to qualify as a certified nursing assistant
6 intern, an individual shall successfully complete at least 8
7 hours of classroom education on the services and procedures
8 determined under the Program and listed under subsection (e).
9 The classroom education shall be:

10 (1) taken within the facility where the certified
11 nursing assistant intern will be employed;

12 (2) proctored by either an advanced practice
13 registered nurse or a registered nurse who holds a
14 bachelor's degree in nursing, has a minimum of 3 years of
15 continuous experience in geriatric care, or is certified
16 as a nursing assistant instructor; and

17 (3) satisfied by the successful completion of an
18 approved 8-hour online training course or in-person group
19 training.

20 (d) In order to qualify as a certified nursing assistant
21 intern, an individual shall successfully complete at least 24
22 hours of on-the-job training in the services and procedures
23 determined under the Program and listed under subsection (e),
24 as follows:

25 (1) The training program instructor shall be either an
26 advanced practice registered nurse or a registered nurse

1 who holds a bachelor's degree in nursing, has a minimum of
2 3 years of continuous experience in geriatric care, or is
3 certified as a nursing assistant instructor.

4 (2) The training program instructor shall ensure that
5 the student meets the competencies determined under the
6 Program and those listed under subsection (e). The
7 instructor shall document the successful completion or
8 failure of the competencies and any remediation that may
9 allow for the successful completion of the competencies.

10 (3) All on-the-job training shall be under the direct
11 observation of either an advanced practice registered
12 nurse or a registered nurse who holds a bachelor's degree
13 in nursing, has a minimum of 3 years of continuous
14 experience in geriatric care, or is certified as a nursing
15 assistant instructor.

16 (4) All on-the-job training shall be conducted at a
17 facility that is licensed by the State of Illinois and
18 that is the facility where the certified nursing assistant
19 intern will be working.

20 (e) A certified nursing assistant intern shall receive
21 classroom and on-the-job training on how to provide the
22 patient or resident care services and procedures, as
23 determined under the Program, that are required of a certified
24 nursing assistant's performance skills, including, but not
25 limited to, all of the following:

26 (1) Successful completion and maintenance of active

1 certification in both first aid and the American Red
2 Cross' courses on cardiopulmonary resuscitation.

3 (2) Infection control and in-service training required
4 at the facility.

5 (3) Washing a resident's hands.

6 (4) Performing oral hygiene on a resident.

7 (5) Shaving a resident with an electric razor.

8 (6) Giving a resident a partial bath.

9 (7) Making a bed that is occupied.

10 (8) Dressing a resident.

11 (9) Transferring a resident to a wheelchair using a
12 gait belt or transfer belt.

13 (10) Ambulating a resident with a gait belt or
14 transfer belt.

15 (11) Feeding a resident.

16 (12) Calculating a resident's intake and output.

17 (13) Placing a resident in a side-lying position.

18 (14) The Heimlich maneuver.

19 (f) A certified nursing assistant intern may not perform
20 any of the following on a resident:

21 (1) Shaving with a nonelectric razor.

22 (2) Nail care.

23 (3) Perineal care.

24 (4) Transfer using a mechanical lift.

25 (5) Passive range of motion.

26 (g) A certified nursing assistant intern may only provide

1 the patient or resident care services and perform the
2 procedures that he or she is deemed qualified to perform that
3 are listed under subsection (e). A certified nursing assistant
4 intern may not provide the procedures excluded under
5 subsection (f).

6 (h) The Program is subject to the Health Care Worker
7 Background Check Act and the Health Care Worker Background
8 Check Code under 77 Ill. Adm. Code 955. Program participants
9 and personnel shall be included on the Health Care Worker
10 Registry.

11 (i) A Program participant who has completed the training
12 required under paragraph (5) of subsection (a) of Section
13 3-206 of the Nursing Home Care Act, has completed the Program
14 from April 21, 2020 through September 18, 2020, and has shown
15 competency in all of the performance skills listed under
16 subsection (e) may be considered a certified nursing assistant
17 intern once the observing advanced practice registered nurse
18 or registered nurse educator has confirmed the Program
19 participant's competency in all of those performance skills.

20 (j) The requirement under subsection (b) of Section
21 395.400 of Title 77 of the Illinois Administrative Code that a
22 student must pass a BNATP written competency examination
23 within 12 months after the completion of the BNATP does not
24 apply to a certified nursing assistant intern under this
25 Section. However, upon a Program participant's enrollment in a
26 certified nursing assistant course, the requirement under

1 subsection (b) of Section 395.400 of Title 77 of the Illinois
2 Administrative Code that a student pass a BNATP written
3 competency examination within 12 months after completion of
4 the BNATP program applies.

5 (k) A certified nursing assistant intern shall enroll in a
6 certified nursing assistant program within 6 months after
7 completing his or her certified nursing assistant intern
8 training under the Program. The individual may continue to
9 work as a certified nursing assistant intern during his or her
10 certified nursing assistant training. If the scope of work for
11 a nurse assistant in training pursuant to 77 Ill. Adm. Code
12 300.660 is broader in scope than the work permitted to be
13 performed by a certified nursing assistant intern, then the
14 certified nursing assistant intern enrolled in certified
15 nursing assistant training may perform the work allowed under
16 ~~77~~ Ill. Adm. Code 300.660 with written documentation that the
17 certified nursing assistant intern has successfully passed the
18 competencies necessary to perform such skills. The facility
19 shall maintain documentation as to the additional jobs and
20 duties the certified nursing assistant intern is authorized to
21 perform, which shall be made available to the Department upon
22 request. The individual shall receive one hour of credit for
23 every hour employed as a certified nursing assistant intern or
24 as a temporary nurse assistant, not to exceed 30 hours of
25 credit, subject to the approval of an accredited certified
26 nursing assistant training program.

1 (1) A facility that seeks to train and employ a certified
2 nursing assistant intern at the facility must:

3 (1) not have received or applied for a registered
4 nurse waiver under Section 3-303.1 of the Nursing Home
5 Care Act, if applicable;

6 (2) not have been cited for a violation, except a
7 citation for noncompliance with COVID-19 reporting
8 requirements, that has caused severe harm to or the death
9 of a resident within the 2 years prior to employing a
10 certified nursing assistant; for purposes of this
11 paragraph, the revocation of the facility's ability to
12 hire and train a certified nursing assistant intern shall
13 only occur if the underlying federal citation for the
14 revocation remains substantiated following an informal
15 dispute resolution or independent informal dispute
16 resolution;

17 (3) not have been cited for a violation that resulted
18 in a pattern of certified nursing assistants being removed
19 from the Health Care Worker Registry as a result of
20 resident abuse, neglect, or exploitation within the 2
21 years prior to employing a certified nursing assistant
22 intern;

23 (4) if the facility is a skilled nursing facility,
24 meet a minimum staffing ratio of 3.8 hours of nursing and
25 personal care time, as those terms are used in subsection
26 (e) of Section 3-202.05 of the Nursing Home Care Act, each

1 day for a resident needing skilled care and 2.5 hours of
2 nursing and personal care time each day for a resident
3 needing intermediate care;

4 (5) not have lost the ability to offer a Nursing
5 Assistant Training and Competency Evaluation Program as a
6 result of an enforcement action;

7 (6) establish a certified nursing assistant intern
8 mentoring program within the facility for the purposes of
9 increasing education and retention, which must include an
10 experienced certified nurse assistant who has at least 3
11 years of active employment and is employed by the
12 facility;

13 (7) not have a monitor or temporary management placed
14 upon the facility by the Department;

15 (8) not have provided the Department with a notice of
16 imminent closure; and

17 (9) not have had a termination action initiated by the
18 federal Centers for Medicare and Medicaid Services or the
19 Department for failing to comply with minimum regulatory
20 or licensure requirements.

21 (m) A facility that does not meet the requirements of
22 subsection (l) shall cease its new employment training,
23 education, or onboarding of any employee under the Program.
24 The facility may resume its new employment training,
25 education, or onboarding of an employee under the Program once
26 the Department determines that the facility is in compliance

1 with subsection (l).

2 (n) To study the effectiveness of the Program, the
3 Department shall collect data from participating facilities
4 and publish a report on the extent to which the Program brought
5 individuals into continuing employment as certified nursing
6 assistants in long-term care. Data collected from facilities
7 shall include, but shall not be limited to, the number of
8 certified nursing assistants employed, the number of persons
9 who began participation in the Program, the number of persons
10 who successfully completed the Program, and the number of
11 persons who continue employment in a long-term care service or
12 facility. The report shall be published no later than 6 months
13 after the Program end date determined under subsection (p). A
14 facility participating in the Program shall, twice annually,
15 submit data under this subsection in a manner and time
16 determined by the Department. Failure to submit data under
17 this subsection shall result in suspension of the facility's
18 Program.

19 (o) The Department may adopt emergency rules in accordance
20 with Section 5-45.30 ~~5-45.21~~ of the Illinois Administrative
21 Procedure Act.

22 (p) The Program shall end upon the termination of the
23 Secretary of Health and Human Services' public health
24 emergency declaration for COVID-19 or 3 years after the date
25 that the Program becomes operational, whichever occurs later.

26 (q) This Section is inoperative 18 months after the

1 Program end date determined under subsection (p).

2 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

3 (20 ILCS 2310/2310-436)

4 Sec. 2310-436 ~~2310-434~~. Homeless service providers.

5 (a) In this Section, "homeless service provider" means a
6 person or entity who provides services to homeless persons
7 under any of the programs of or identified by the Department of
8 Human Services.

9 (b) The Department shall consider all homeless service
10 providers in the State to be essential critical infrastructure
11 workers in accordance with the most recent guidance from the
12 federal Cybersecurity and Infrastructure Security Agency. The
13 Department shall ensure that homeless service providers
14 qualify for the same priority benefits afforded to frontline
15 workers by the State, including, but not limited to:

16 (1) federal funding for relief relating to public
17 health emergencies;

18 (2) personal protective equipment; and

19 (3) vaccinations.

20 (c) In accordance with this Section, during a federally
21 designated ~~federally-designated~~ public health emergency or a
22 public health disaster declared by a proclamation issued by
23 the Governor under Section 7 of the Illinois Emergency
24 Management Agency Act, the Department and the Illinois
25 Emergency Management Agency shall offer recommendations to

1 their local counterparts, including local public health
2 departments and local emergency management assistance
3 agencies, encouraging them to consider homeless service
4 providers when making determinations about providing
5 assistance.

6 (d) The Department may adopt rules for the implementation
7 and administration of this Section and to ensure that homeless
8 service providers are considered essential critical
9 infrastructure workers in the event of a pandemic.

10 (Source: P.A. 102-919, eff. 5-27-22; revised 7-26-22.)

11 (20 ILCS 2310/2310-437)

12 Sec. 2310-437 ~~2310-434~~. Governors State University; stroke
13 awareness campaign.

14 (a) Subject to appropriation, the Department shall partner
15 with Governors State University's College of Health and Human
16 Services, and any additional partnership that may be
17 necessary, in establishing a 12-month outreach and educational
18 campaign focused on promoting the following:

19 (1) Stroke awareness for select communities determined
20 by the Department to be at risk for strokes, particularly
21 within Chicago's Southland community.

22 (2) Stroke recognition and prevention strategies.

23 (3) Access to reliable sources of information about
24 strokes.

25 (b) An amount of the moneys appropriated to the Department

1 under subsection (a) shall be made available to the Governors
2 State University's College of Health and Human Services in an
3 amount to be mutually agreed upon between the Governors State
4 University's College of Health and Human Services and the
5 Department.

6 (Source: P.A. 102-1070, eff. 1-1-23; revised 7-26-22.)

7 (20 ILCS 2310/2310-710)

8 Sec. 2310-710. Emergency Medical Services personnel;
9 continuing training on Alzheimer's disease and other
10 dementias.

11 (a) In this Section, "Emergency Medical Services
12 personnel" means a person licensed or registered under any of
13 the levels of licensure defined in Section 3.50 of the
14 Emergency Medical Services (EMS) Systems Act, including, but
15 not limited to, Emergency Medical Technician, Emergency
16 Medical Technician-Intermediate, Advanced Emergency Medical
17 Technician, Paramedic (EMT-P), or Emergency Medical Responder.

18 (b) For license renewals occurring on or after January 1,
19 2023, Emergency Medical Services personnel must complete at
20 least one one-hour course of training on the diagnosis,
21 treatment, and care of individuals with Alzheimer's disease or
22 other dementias per license renewal period. This training
23 shall include, but not be limited to, assessment and
24 diagnosis, effective communication strategies, and management
25 and care planning.

1 (c) Emergency Medical Services personnel may count one
2 hour for completion of the course toward meeting the minimum
3 credit hours required for Emergency Medical Services personnel
4 relicensure requirements.

5 (d) Any training on Alzheimer's disease and other
6 dementias applied to meet any other State licensure
7 requirement, professional accreditation or certification
8 requirement, or health care institutional practice agreement
9 may count toward the continuing education required under this
10 Section.

11 (e) The Department may adopt rules for the implementation
12 of this Section.

13 (Source: P.A. 102-772, eff. 5-13-22.)

14 (20 ILCS 2310/2310-715)

15 Sec. 2310-715 ~~2310-710~~. Safety-Net Hospital Health Equity
16 and Access Leadership (HEAL) Grant Program.

17 (a) Findings. The General Assembly finds that there are
18 communities in Illinois that experience significant health
19 care disparities, as recently emphasized by the COVID-19
20 pandemic, aggravated by social determinants of health and a
21 lack of sufficient access to high quality health care
22 ~~healthcare~~ resources, particularly community-based services,
23 preventive care, obstetric care, chronic disease management,
24 and specialty care. Safety-net hospitals, as defined under the
25 Illinois Public Aid Code, serve as the anchors of the health

1 care system for many of these communities. Safety-net
2 hospitals not only care for their patients, they also are
3 rooted in their communities by providing jobs and partnering
4 with local organizations to help address the social
5 determinants of health, such as food, housing, and
6 transportation needs.

7 However, safety-net hospitals serve a significant number
8 of Medicare, Medicaid, and uninsured patients, and therefore,
9 are heavily dependent on underfunded government payers, and
10 are heavily burdened by uncompensated care. At the same time,
11 the overall cost of providing care has increased substantially
12 in recent years, driven by increasing costs for staffing,
13 prescription drugs, technology, and infrastructure.

14 For all of these reasons, the General Assembly finds that
15 the long-term ~~long-term~~ sustainability of safety-net hospitals
16 is threatened. While the General Assembly is providing funding
17 to the Department to be paid to support the expenses of
18 specific safety-net hospitals in State Fiscal Year 2023, such
19 annual, ad hoc funding is not a reliable and stable source of
20 funding that will enable safety-net hospitals to develop
21 strategies to achieve long term sustainability. Such annual,
22 ad hoc funding also does not provide the State with
23 transparency and accountability to ensure that such funding is
24 being used effectively and efficiently to maximize the benefit
25 to members of the community.

26 Therefore, it is the intent of the General Assembly that

1 the Department of Public Health and the Department of
2 Healthcare and Family Services jointly provide options and
3 recommendations to the General Assembly by February 1, 2023,
4 for the establishment of a permanent Safety-Net Hospital
5 Health Equity and Access Leadership (HEAL) Grant Program, in
6 accordance with this Section. It is the intention of the
7 General Assembly that during State fiscal years 2024 through
8 2029, the Safety-Net Hospital Health Equity and Access
9 Leadership (HEAL) Grant Program shall be supported by an
10 annual funding pool of up to \$100,000,000, subject to
11 appropriation.

12 (b) By February 1, 2023, the Department of Public Health
13 and the Department of Healthcare and Family Services shall
14 provide a joint report to the General Assembly on options and
15 recommendations for the establishment of a permanent
16 Safety-Net Hospital Health Equity and Access Leadership (HEAL)
17 Grant Program to be administered by the State. For this
18 report, "safety-net hospital" means a hospital identified by
19 the Department of Healthcare and Family Services under Section
20 5-5e.1 of the Illinois Public Aid Code. The Departments of
21 Public Health and Healthcare and Family Services may consult
22 with the statewide association representing a majority of
23 hospitals and safety-net hospitals on the report. The report
24 may include, but need not be limited to:

25 (1) Criteria for a safety-net hospital to be eligible
26 for the program, such as:

1 (A) The hospital is a participating provider in at
2 least one Medicaid managed care plan.

3 (B) The hospital is located in a medically
4 underserved area.

5 (C) The hospital's Medicaid utilization rate (for
6 both inpatient and outpatient services).

7 (D) The hospital's Medicare utilization rate (for
8 both inpatient and outpatient services).

9 (E) The hospital's uncompensated care percentage.

10 (F) The hospital's role in providing access to
11 services, reducing health disparities, and improving
12 health equity in its service area.

13 (G) The hospital's performance on quality
14 indicators.

15 (2) Potential projects eligible for grant funds which
16 may include projects to reduce health disparities, advance
17 health equity, or improve access to or the quality of
18 health care ~~healthcare~~ services.

19 (3) Potential policies, standards, and procedures to
20 ensure accountability for the use of grant funds.

21 (4) Potential strategies to generate federal Medicaid
22 matching funds for expenditures under the program.

23 (5) Potential policies, processes, and procedures for
24 the administration of the program.

25 (Source: P.A. 102-886, eff. 5-17-22; revised 5-26-22.)

1 Section 105. The Illinois State Police Act is amended by
2 changing Sections 9, 12.6, and 46 as follows:

3 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

4 Sec. 9. Appointment; qualifications.

5 (a) Except as otherwise provided in this Section, the
6 appointment of Illinois State Police officers shall be made
7 from those applicants who have been certified by the Board as
8 being qualified for appointment. All persons so appointed
9 shall, at the time of their appointment, be not less than 21
10 years of age, or 20 years of age and have successfully
11 completed an associate's degree or 60 credit hours at an
12 accredited college or university. Any person appointed
13 subsequent to successful completion of an associate's degree
14 or 60 credit hours at an accredited college or university
15 shall not have power of arrest, nor shall he or she be
16 permitted to carry firearms, until he or she reaches 21 years
17 of age. In addition, all persons so certified for appointment
18 shall be of sound mind and body, be of good moral character, be
19 citizens of the United States, have no criminal records,
20 possess such prerequisites of training, education, and
21 experience as the Board may from time to time prescribe so long
22 as persons who have an associate's degree or 60 credit hours at
23 an accredited college or university are not disqualified, and
24 shall be required to pass successfully such mental and
25 physical tests and examinations as may be prescribed by the

1 Board. All persons who meet one of the following requirements
2 are deemed to have met the collegiate educational
3 requirements:

4 (i) have been honorably discharged and who have been
5 awarded a Southwest Asia Service Medal, Kosovo Campaign
6 Medal, Korean Defense Service Medal, Afghanistan Campaign
7 Medal, Iraq Campaign Medal, or Global War on Terrorism
8 Expeditionary Medal by the United States Armed Forces;

9 (ii) are active members of the Illinois National Guard
10 or a reserve component of the United States Armed Forces
11 and who have been awarded a Southwest Asia Service Medal,
12 Kosovo Campaign Medal, Korean Defense Service Medal,
13 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
14 War on Terrorism Expeditionary Medal as a result of
15 honorable service during deployment on active duty;

16 (iii) have been honorably discharged who served in a
17 combat mission by proof of hostile fire pay or imminent
18 danger pay during deployment on active duty; or

19 (iv) have at least 3 years of full active and
20 continuous military duty and received an honorable
21 discharge before hiring.

22 Preference shall be given in such appointments to persons
23 who have honorably served in the military or naval services of
24 the United States. All appointees shall serve a probationary
25 period of 12 months from the date of appointment and during
26 that period may be discharged at the will of the Director.

1 However, the Director may in his or her sole discretion extend
2 the probationary period of an officer up to an additional 6
3 months when to do so is deemed in the best interest of the
4 Illinois State Police. Nothing in this subsection (a) limits
5 the Board's ability to prescribe education prerequisites or
6 requirements to certify Illinois State Police officers for
7 promotion as provided in Section 10 of this Act.

8 (b) Notwithstanding the other provisions of this Act,
9 after July 1, 1977 and before July 1, 1980, the Director of
10 State Police may appoint and promote not more than 20 persons
11 having special qualifications as special agents as he or she
12 deems necessary to carry out the Department's objectives. Any
13 such appointment or promotion shall be ratified by the Board.

14 (c) During the 90 days following March 31, 1995 (the
15 effective date of Public Act 89-9), the Director of State
16 Police may appoint up to 25 persons as State Police officers.
17 These appointments shall be made in accordance with the
18 requirements of this subsection (c) and any additional
19 criteria that may be established by the Director, but are not
20 subject to any other requirements of this Act. The Director
21 may specify the initial rank for each person appointed under
22 this subsection.

23 All appointments under this subsection (c) shall be made
24 from personnel certified by the Board. A person certified by
25 the Board and appointed by the Director under this subsection
26 must have been employed by the Illinois Commerce Commission on

1 November 30, 1994 in a job title subject to the Personnel Code
2 and in a position for which the person was eligible to earn
3 "eligible creditable service" as a "noncovered employee", as
4 those terms are defined in Article 14 of the Illinois Pension
5 Code.

6 Persons appointed under this subsection (c) shall
7 thereafter be subject to the same requirements and procedures
8 as other State police officers. A person appointed under this
9 subsection must serve a probationary period of 12 months from
10 the date of appointment, during which he or she may be
11 discharged at the will of the Director.

12 This subsection (c) does not affect or limit the
13 Director's authority to appoint other State Police officers
14 under subsection (a) of this Section.

15 (d) During the 180 days following January 1, 2022 (the
16 effective date of Public Act 101-652), the Director of the
17 Illinois State Police may appoint current Illinois State
18 Police employees serving in law enforcement officer positions
19 previously within Central Management Services as State Police
20 officers. These appointments shall be made in accordance with
21 the requirements of this subsection (d) and any institutional
22 criteria that may be established by the Director, but are not
23 subject to any other requirements of this Act. All
24 appointments under this subsection (d) shall be made from
25 personnel certified by the Board. A person certified by the
26 Board and appointed by the Director under this subsection must

1 have been employed by ~~the~~ a State agency, board, or commission
2 on January 1, 2021 in a job title subject to the Personnel Code
3 and in a position for which the person was eligible to earn
4 "eligible creditable service" as a "noncovered employee", as
5 those terms are defined in Article 14 of the Illinois Pension
6 Code. Persons appointed under this subsection (d) shall
7 thereafter be subject to the same requirements, and subject to
8 the same contractual benefits and obligations, as other State
9 police officers. This subsection (d) does not affect or limit
10 the Director's authority to appoint other State Police
11 officers under subsection (a) of this Section.

12 (e) The Merit Board shall review Illinois State Police
13 Cadet applicants. The Illinois State Police may provide
14 background check and investigation material to the Board for
15 its review pursuant to this Section. The Board shall approve
16 and ensure that no cadet applicant is certified unless the
17 applicant is a person of good character and has not been
18 convicted of, or entered a plea of guilty to, a felony offense,
19 any of the misdemeanors specified in this Section or if
20 committed in any other state would be an offense similar to
21 Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,
22 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,
23 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
24 violation of any Section of Part E of Title III of the Criminal
25 Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of
26 the Criminal Code of 1961 or the Criminal Code of 2012, or

1 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis
3 Control Act, or any felony or misdemeanor in violation of
4 federal law or the law of any state that is the equivalent of
5 any of the offenses specified therein. The Officer
6 Professional Conduct Database, provided for in Section 9.2 of
7 the Illinois Police Training Act, shall be searched as part of
8 this process. For purposes of this Section, "convicted of, or
9 entered a plea of guilty" regardless of whether the
10 adjudication of guilt or sentence is withheld or not entered
11 thereon. This includes sentences of supervision, conditional
12 discharge, or first offender probation, or any similar
13 disposition provided for by law.

14 (f) The Board shall by rule establish an application fee
15 waiver program for any person who meets one or more of the
16 following criteria:

17 (1) his or her available personal income is 200% or
18 less of the current poverty level; or

19 (2) he or she is, in the discretion of the Board,
20 unable to proceed in an action with payment of application
21 fee and payment of that fee would result in substantial
22 hardship to the person or the person's family.

23 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;
24 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 102-813, eff.
25 5-13-22; revised 8-24-22.)

1 (20 ILCS 2610/12.6)

2 Sec. 12.6. Automatic termination of Illinois State Police
3 officers. The Board shall terminate a State police officer
4 convicted of a felony offense under the laws of this State or
5 any other state which if committed in this State would be
6 punishable as a felony. The Board must also terminate Illinois
7 State Police officers who were convicted of, or entered a plea
8 of guilty to, on or after January 1, 2022 (the effective date
9 of Public Act 101-652) ~~this amendatory Act of the 101st~~
10 ~~General Assembly~~, any misdemeanor specified in this Section or
11 if committed in any other state would be an offense similar to
12 Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,
13 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,
14 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
15 violation of any Section of Part E of Title III of the Criminal
16 Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of
17 the Criminal Code of 1961 or the Criminal Code of 2012, or
18 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis
20 Control Act, or any felony or misdemeanor in violation of
21 federal law or the law of any state that is the equivalent of
22 any of the offenses specified therein. The Illinois State
23 Police Merit Board shall report terminations under this
24 Section to the Officer Professional Conduct Database provided
25 in Section 9.2 of the Illinois Police Training Act. For
26 purposes of this Section, "convicted of, or entered a plea of

1 guilty" regardless of whether the adjudication of guilt or
2 sentence is withheld or not entered thereon. This includes
3 sentences of supervision, conditional discharge, or first
4 offender probation, or any similar disposition provided for by
5 law.

6 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22;
7 102-813, eff. 5-13-22; revised 8-25-22.)

8 (20 ILCS 2610/46)

9 Sec. 46. Officer Professional Conduct Database; reporting,
10 transparency.

11 (a) The Illinois State Police Merit Board shall be
12 responsible for reporting all required information contained
13 in the Officer Professional Conduct Database provided in
14 Section 9.2 of the Illinois Police Training Act.

15 (b) Before the Illinois State Police Merit Board certifies
16 any Illinois State Police Cadet the Board shall conduct a
17 search of all Illinois State Police Cadet applicants in the
18 Officer Professional Conduct Database.

19 (c) The database, documents, materials, or other
20 information in the possession or control of the Board that are
21 obtained by or disclosed to the Board pursuant to this
22 subsection shall be confidential by law and privileged, shall
23 not be subject to subpoena, and shall not be subject to
24 discovery or admissible in evidence in any private civil
25 action. However, the Board is authorized to use such

1 documents, materials, or other information in furtherance of
2 any regulatory or legal action brought as part of the Board's
3 official duties. Unless otherwise required by law, the Board
4 shall not disclose the database or make such documents,
5 materials, or other information public without the prior
6 written consent of the law enforcement agency and the law
7 enforcement officer. The Board nor any person who received
8 documents, materials or other information shared pursuant to
9 this subsection shall be required to testify in any private
10 civil action concerning the database or any confidential
11 documents, materials, or information subject to this
12 subsection.

13 Nothing in this Section shall exempt a law enforcement
14 agency from which the Board has obtained data, documents,
15 materials, or other information or that has disclosed data,
16 documents, materials, or other information to the Board from
17 disclosing public records in accordance with the Freedom of
18 Information Act.

19 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22;
20 102-813, eff. 5-13-22; revised 8-24-22.)

21 Section 110. The Criminal Identification Act is amended by
22 changing Section 5.2 as follows:

23 (20 ILCS 2630/5.2)

24 Sec. 5.2. Expungement, sealing, and immediate sealing.

1 (a) General Provisions.

2 (1) Definitions. In this Act, words and phrases have
3 the meanings set forth in this subsection, except when a
4 particular context clearly requires a different meaning.

5 (A) The following terms shall have the meanings
6 ascribed to them in the following Sections of the
7 Unified Code of Corrections:

8 Business Offense, Section 5-1-2.

9 Charge, Section 5-1-3.

10 Court, Section 5-1-6.

11 Defendant, Section 5-1-7.

12 Felony, Section 5-1-9.

13 Imprisonment, Section 5-1-10.

14 Judgment, Section 5-1-12.

15 Misdemeanor, Section 5-1-14.

16 Offense, Section 5-1-15.

17 Parole, Section 5-1-16.

18 Petty Offense, Section 5-1-17.

19 Probation, Section 5-1-18.

20 Sentence, Section 5-1-19.

21 Supervision, Section 5-1-21.

22 Victim, Section 5-1-22.

23 (B) As used in this Section, "charge not initiated
24 by arrest" means a charge (as defined by Section 5-1-3
25 of the Unified Code of Corrections) brought against a
26 defendant where the defendant is not arrested prior to

1 or as a direct result of the charge.

2 (C) "Conviction" means a judgment of conviction or
3 sentence entered upon a plea of guilty or upon a
4 verdict or finding of guilty of an offense, rendered
5 by a legally constituted jury or by a court of
6 competent jurisdiction authorized to try the case
7 without a jury. An order of supervision successfully
8 completed by the petitioner is not a conviction. An
9 order of qualified probation (as defined in subsection
10 (a) (1) (J)) successfully completed by the petitioner is
11 not a conviction. An order of supervision or an order
12 of qualified probation that is terminated
13 unsatisfactorily is a conviction, unless the
14 unsatisfactory termination is reversed, vacated, or
15 modified and the judgment of conviction, if any, is
16 reversed or vacated.

17 (D) "Criminal offense" means a petty offense,
18 business offense, misdemeanor, felony, or municipal
19 ordinance violation (as defined in subsection
20 (a) (1) (H)). As used in this Section, a minor traffic
21 offense (as defined in subsection (a) (1) (G)) shall not
22 be considered a criminal offense.

23 (E) "Expunge" means to physically destroy the
24 records or return them to the petitioner and to
25 obliterate the petitioner's name from any official
26 index or public record, or both. Nothing in this Act

1 shall require the physical destruction of the circuit
2 court file, but such records relating to arrests or
3 charges, or both, ordered expunged shall be impounded
4 as required by subsections (d)(9)(A)(ii) and
5 (d)(9)(B)(ii).

6 (F) As used in this Section, "last sentence" means
7 the sentence, order of supervision, or order of
8 qualified probation (as defined by subsection
9 (a)(1)(J)), for a criminal offense (as defined by
10 subsection (a)(1)(D)) that terminates last in time in
11 any jurisdiction, regardless of whether the petitioner
12 has included the criminal offense for which the
13 sentence or order of supervision or qualified
14 probation was imposed in his or her petition. If
15 multiple sentences, orders of supervision, or orders
16 of qualified probation terminate on the same day and
17 are last in time, they shall be collectively
18 considered the "last sentence" regardless of whether
19 they were ordered to run concurrently.

20 (G) "Minor traffic offense" means a petty offense,
21 business offense, or Class C misdemeanor under the
22 Illinois Vehicle Code or a similar provision of a
23 municipal or local ordinance.

24 (G-5) "Minor Cannabis Offense" means a violation
25 of Section 4 or 5 of the Cannabis Control Act
26 concerning not more than 30 grams of any substance

1 containing cannabis, provided the violation did not
2 include a penalty enhancement under Section 7 of the
3 Cannabis Control Act and is not associated with an
4 arrest, conviction or other disposition for a violent
5 crime as defined in subsection (c) of Section 3 of the
6 Rights of Crime Victims and Witnesses Act.

7 (H) "Municipal ordinance violation" means an
8 offense defined by a municipal or local ordinance that
9 is criminal in nature and with which the petitioner
10 was charged or for which the petitioner was arrested
11 and released without charging.

12 (I) "Petitioner" means an adult or a minor
13 prosecuted as an adult who has applied for relief
14 under this Section.

15 (J) "Qualified probation" means an order of
16 probation under Section 10 of the Cannabis Control
17 Act, Section 410 of the Illinois Controlled Substances
18 Act, Section 70 of the Methamphetamine Control and
19 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
20 of the Unified Code of Corrections, Section
21 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
22 those provisions existed before their deletion by
23 Public Act 89-313), Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act, Section
25 40-10 of the Substance Use Disorder Act, or Section 10
26 of the Steroid Control Act. For the purpose of this

1 Section, "successful completion" of an order of
2 qualified probation under Section 10-102 of the
3 Illinois Alcoholism and Other Drug Dependency Act and
4 Section 40-10 of the Substance Use Disorder Act means
5 that the probation was terminated satisfactorily and
6 the judgment of conviction was vacated.

7 (K) "Seal" means to physically and electronically
8 maintain the records, unless the records would
9 otherwise be destroyed due to age, but to make the
10 records unavailable without a court order, subject to
11 the exceptions in Sections 12 and 13 of this Act. The
12 petitioner's name shall also be obliterated from the
13 official index required to be kept by the circuit
14 court clerk under Section 16 of the Clerks of Courts
15 Act, but any index issued by the circuit court clerk
16 before the entry of the order to seal shall not be
17 affected.

18 (L) "Sexual offense committed against a minor"
19 includes, but is not limited to, the offenses of
20 indecent solicitation of a child or criminal sexual
21 abuse when the victim of such offense is under 18 years
22 of age.

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section. A sentence is terminated notwithstanding any
2 outstanding financial legal obligation.

3 (2) Minor Traffic Offenses. Orders of supervision or
4 convictions for minor traffic offenses shall not affect a
5 petitioner's eligibility to expunge or seal records
6 pursuant to this Section.

7 (2.5) Commencing 180 days after July 29, 2016 (the
8 effective date of Public Act 99-697), the law enforcement
9 agency issuing the citation shall automatically expunge,
10 on or before January 1 and July 1 of each year, the law
11 enforcement records of a person found to have committed a
12 civil law violation of subsection (a) of Section 4 of the
13 Cannabis Control Act or subsection (c) of Section 3.5 of
14 the Drug Paraphernalia Control Act in the law enforcement
15 agency's possession or control and which contains the
16 final satisfactory disposition which pertain to the person
17 issued a citation for that offense. The law enforcement
18 agency shall provide by rule the process for access,
19 review, and to confirm the automatic expungement by the
20 law enforcement agency issuing the citation. Commencing
21 180 days after July 29, 2016 (the effective date of Public
22 Act 99-697), the clerk of the circuit court shall expunge,
23 upon order of the court, or in the absence of a court order
24 on or before January 1 and July 1 of each year, the court
25 records of a person found in the circuit court to have
26 committed a civil law violation of subsection (a) of

1 Section 4 of the Cannabis Control Act or subsection (c) of
2 Section 3.5 of the Drug Paraphernalia Control Act in the
3 clerk's possession or control and which contains the final
4 satisfactory disposition which pertain to the person
5 issued a citation for any of those offenses.

6 (3) Exclusions. Except as otherwise provided in
7 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
8 of this Section, the court shall not order:

9 (A) the sealing or expungement of the records of
10 arrests or charges not initiated by arrest that result
11 in an order of supervision for or conviction of: (i)
12 any sexual offense committed against a minor; (ii)
13 Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance; or (iii)
15 Section 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance, unless the
17 arrest or charge is for a misdemeanor violation of
18 subsection (a) of Section 11-503 or a similar
19 provision of a local ordinance, that occurred prior to
20 the offender reaching the age of 25 years and the
21 offender has no other conviction for violating Section
22 11-501 or 11-503 of the Illinois Vehicle Code or a
23 similar provision of a local ordinance.

24 (B) the sealing or expungement of records of minor
25 traffic offenses (as defined in subsection (a)(1)(G)),
26 unless the petitioner was arrested and released

1 without charging.

2 (C) the sealing of the records of arrests or
3 charges not initiated by arrest which result in an
4 order of supervision or a conviction for the following
5 offenses:

6 (i) offenses included in Article 11 of the
7 Criminal Code of 1961 or the Criminal Code of 2012
8 or a similar provision of a local ordinance,
9 except Section 11-14 and a misdemeanor violation
10 of Section 11-30 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, or a similar provision
12 of a local ordinance;

13 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
14 26-5, or 48-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, or a similar provision of a
16 local ordinance;

17 (iii) Section ~~Sections~~ 12-3.1 or 12-3.2 of the
18 Criminal Code of 1961 or the Criminal Code of
19 2012, or Section 125 of the Stalking No Contact
20 Order Act, or Section 219 of the Civil No Contact
21 Order Act, or a similar provision of a local
22 ordinance;

23 (iv) Class A misdemeanors or felony offenses
24 under the Humane Care for Animals Act; or

25 (v) any offense or attempted offense that
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) (blank).

3 (b) Expungement.

4 (1) A petitioner may petition the circuit court to
5 expunge the records of his or her arrests and charges not
6 initiated by arrest when each arrest or charge not
7 initiated by arrest sought to be expunged resulted in: (i)
8 acquittal, dismissal, or the petitioner's release without
9 charging, unless excluded by subsection (a)(3)(B); (ii) a
10 conviction which was vacated or reversed, unless excluded
11 by subsection (a)(3)(B); (iii) an order of supervision and
12 such supervision was successfully completed by the
13 petitioner, unless excluded by subsection (a)(3)(A) or
14 (a)(3)(B); or (iv) an order of qualified probation (as
15 defined in subsection (a)(1)(J)) and such probation was
16 successfully completed by the petitioner.

17 (1.5) When a petitioner seeks to have a record of
18 arrest expunged under this Section, and the offender has
19 been convicted of a criminal offense, the State's Attorney
20 may object to the expungement on the grounds that the
21 records contain specific relevant information aside from
22 the mere fact of the arrest.

23 (2) Time frame for filing a petition to expunge.

24 (A) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an acquittal,
26 dismissal, the petitioner's release without charging,

1 or the reversal or vacation of a conviction, there is
2 no waiting period to petition for the expungement of
3 such records.

4 (B) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an order of
6 supervision, successfully completed by the petitioner,
7 the following time frames will apply:

8 (i) Those arrests or charges that resulted in
9 orders of supervision under Section 3-707, 3-708,
10 3-710, or 5-401.3 of the Illinois Vehicle Code or
11 a similar provision of a local ordinance, or under
12 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
13 Code of 1961 or the Criminal Code of 2012, or a
14 similar provision of a local ordinance, shall not
15 be eligible for expungement until 5 years have
16 passed following the satisfactory termination of
17 the supervision.

18 (i-5) Those arrests or charges that resulted
19 in orders of supervision for a misdemeanor
20 violation of subsection (a) of Section 11-503 of
21 the Illinois Vehicle Code or a similar provision
22 of a local ordinance, that occurred prior to the
23 offender reaching the age of 25 years and the
24 offender has no other conviction for violating
25 Section 11-501 or 11-503 of the Illinois Vehicle
26 Code or a similar provision of a local ordinance

1 shall not be eligible for expungement until the
2 petitioner has reached the age of 25 years.

3 (ii) Those arrests or charges that resulted in
4 orders of supervision for any other offenses shall
5 not be eligible for expungement until 2 years have
6 passed following the satisfactory termination of
7 the supervision.

8 (C) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an order of
10 qualified probation, successfully completed by the
11 petitioner, such records shall not be eligible for
12 expungement until 5 years have passed following the
13 satisfactory termination of the probation.

14 (3) Those records maintained by the Illinois State
15 Police for persons arrested prior to their 17th birthday
16 shall be expunged as provided in Section 5-915 of the
17 Juvenile Court Act of 1987.

18 (4) Whenever a person has been arrested for or
19 convicted of any offense, in the name of a person whose
20 identity he or she has stolen or otherwise come into
21 possession of, the aggrieved person from whom the identity
22 was stolen or otherwise obtained without authorization,
23 upon learning of the person having been arrested using his
24 or her identity, may, upon verified petition to the chief
25 judge of the circuit wherein the arrest was made, have a
26 court order entered nunc pro tunc by the Chief Judge to

1 correct the arrest record, conviction record, if any, and
2 all official records of the arresting authority, the
3 Illinois State Police, other criminal justice agencies,
4 the prosecutor, and the trial court concerning such
5 arrest, if any, by removing his or her name from all such
6 records in connection with the arrest and conviction, if
7 any, and by inserting in the records the name of the
8 offender, if known or ascertainable, in lieu of the
9 aggrieved's name. The records of the circuit court clerk
10 shall be sealed until further order of the court upon good
11 cause shown and the name of the aggrieved person
12 obliterated on the official index required to be kept by
13 the circuit court clerk under Section 16 of the Clerks of
14 Courts Act, but the order shall not affect any index
15 issued by the circuit court clerk before the entry of the
16 order. Nothing in this Section shall limit the Illinois
17 State Police or other criminal justice agencies or
18 prosecutors from listing under an offender's name the
19 false names he or she has used.

20 (5) Whenever a person has been convicted of criminal
21 sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, criminal
23 sexual abuse, or aggravated criminal sexual abuse, the
24 victim of that offense may request that the State's
25 Attorney of the county in which the conviction occurred
26 file a verified petition with the presiding trial judge at

1 the petitioner's trial to have a court order entered to
2 seal the records of the circuit court clerk in connection
3 with the proceedings of the trial court concerning that
4 offense. However, the records of the arresting authority
5 and the Illinois State Police concerning the offense shall
6 not be sealed. The court, upon good cause shown, shall
7 make the records of the circuit court clerk in connection
8 with the proceedings of the trial court concerning the
9 offense available for public inspection.

10 (6) If a conviction has been set aside on direct
11 review or on collateral attack and the court determines by
12 clear and convincing evidence that the petitioner was
13 factually innocent of the charge, the court that finds the
14 petitioner factually innocent of the charge shall enter an
15 expungement order for the conviction for which the
16 petitioner has been determined to be innocent as provided
17 in subsection (b) of Section 5-5-4 of the Unified Code of
18 Corrections.

19 (7) Nothing in this Section shall prevent the Illinois
20 State Police from maintaining all records of any person
21 who is admitted to probation upon terms and conditions and
22 who fulfills those terms and conditions pursuant to
23 Section 10 of the Cannabis Control Act, Section 410 of the
24 Illinois Controlled Substances Act, Section 70 of the
25 Methamphetamine Control and Community Protection Act,
26 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of

1 Corrections, Section 12-4.3 or subdivision (b)(1) of
2 Section 12-3.05 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, Section 10-102 of the Illinois
4 Alcoholism and Other Drug Dependency Act, Section 40-10 of
5 the Substance Use Disorder Act, or Section 10 of the
6 Steroid Control Act.

7 (8) If the petitioner has been granted a certificate
8 of innocence under Section 2-702 of the Code of Civil
9 Procedure, the court that grants the certificate of
10 innocence shall also enter an order expunging the
11 conviction for which the petitioner has been determined to
12 be innocent as provided in subsection (h) of Section 2-702
13 of the Code of Civil Procedure.

14 (c) Sealing.

15 (1) Applicability. Notwithstanding any other provision
16 of this Act to the contrary, and cumulative with any
17 rights to expungement of criminal records, this subsection
18 authorizes the sealing of criminal records of adults and
19 of minors prosecuted as adults. Subsection (g) of this
20 Section provides for immediate sealing of certain records.

21 (2) Eligible Records. The following records may be
22 sealed:

23 (A) All arrests resulting in release without
24 charging;

25 (B) Arrests or charges not initiated by arrest
26 resulting in acquittal, dismissal, or conviction when

1 the conviction was reversed or vacated, except as
2 excluded by subsection (a) (3) (B);

3 (C) Arrests or charges not initiated by arrest
4 resulting in orders of supervision, including orders
5 of supervision for municipal ordinance violations,
6 successfully completed by the petitioner, unless
7 excluded by subsection (a) (3);

8 (D) Arrests or charges not initiated by arrest
9 resulting in convictions, including convictions on
10 municipal ordinance violations, unless excluded by
11 subsection (a) (3);

12 (E) Arrests or charges not initiated by arrest
13 resulting in orders of first offender probation under
14 Section 10 of the Cannabis Control Act, Section 410 of
15 the Illinois Controlled Substances Act, Section 70 of
16 the Methamphetamine Control and Community Protection
17 Act, or Section 5-6-3.3 of the Unified Code of
18 Corrections; and

19 (F) Arrests or charges not initiated by arrest
20 resulting in felony convictions unless otherwise
21 excluded by subsection (a) paragraph (3) of this
22 Section.

23 (3) When Records Are Eligible to Be Sealed. Records
24 identified as eligible under subsection (c) (2) may be
25 sealed as follows:

26 (A) Records identified as eligible under

1 ~~subsections~~ subsection (c) (2) (A) and (c) (2) (B) may be
2 sealed at any time.

3 (B) Except as otherwise provided in subparagraph
4 (E) of this paragraph (3), records identified as
5 eligible under subsection (c) (2) (C) may be sealed 2
6 years after the termination of petitioner's last
7 sentence (as defined in subsection (a) (1) (F)).

8 (C) Except as otherwise provided in subparagraph
9 (E) of this paragraph (3), records identified as
10 eligible under subsections (c) (2) (D), (c) (2) (E), and
11 (c) (2) (F) may be sealed 3 years after the termination
12 of the petitioner's last sentence (as defined in
13 subsection (a) (1) (F)). Convictions requiring public
14 registration under the Arsonist Registration Act, the
15 Sex Offender Registration Act, or the Murderer and
16 Violent Offender Against Youth Registration Act may
17 not be sealed until the petitioner is no longer
18 required to register under that relevant Act.

19 (D) Records identified in subsection
20 (a) (3) (A) (iii) may be sealed after the petitioner has
21 reached the age of 25 years.

22 (E) Records identified as eligible under
23 subsection ~~subsections~~ (c) (2) (C), (c) (2) (D),
24 (c) (2) (E), or (c) (2) (F) may be sealed upon termination
25 of the petitioner's last sentence if the petitioner
26 earned a high school diploma, associate's degree,

1 career certificate, vocational technical
2 certification, or bachelor's degree, or passed the
3 high school level Test of General Educational
4 Development, during the period of his or her sentence
5 or mandatory supervised release. This subparagraph
6 shall apply only to a petitioner who has not completed
7 the same educational goal prior to the period of his or
8 her sentence or mandatory supervised release. If a
9 petition for sealing eligible records filed under this
10 subparagraph is denied by the court, the time periods
11 under subparagraph (B) or (C) shall apply to any
12 subsequent petition for sealing filed by the
13 petitioner.

14 (4) Subsequent felony convictions. A person may not
15 have subsequent felony conviction records sealed as
16 provided in this subsection (c) if he or she is convicted
17 of any felony offense after the date of the sealing of
18 prior felony convictions as provided in this subsection
19 (c). The court may, upon conviction for a subsequent
20 felony offense, order the unsealing of prior felony
21 conviction records previously ordered sealed by the court.

22 (5) Notice of eligibility for sealing. Upon entry of a
23 disposition for an eligible record under this subsection
24 (c), the petitioner shall be informed by the court of the
25 right to have the records sealed and the procedures for
26 the sealing of the records.

1 (d) Procedure. The following procedures apply to
2 expungement under subsections (b), (e), and (e-6) and sealing
3 under subsections (c) and (e-5):

4 (1) Filing the petition. Upon becoming eligible to
5 petition for the expungement or sealing of records under
6 this Section, the petitioner shall file a petition
7 requesting the expungement or sealing of records with the
8 clerk of the court where the arrests occurred or the
9 charges were brought, or both. If arrests occurred or
10 charges were brought in multiple jurisdictions, a petition
11 must be filed in each such jurisdiction. The petitioner
12 shall pay the applicable fee, except no fee shall be
13 required if the petitioner has obtained a court order
14 waiving fees under Supreme Court Rule 298 or it is
15 otherwise waived.

16 (1.5) County fee waiver pilot program. From August 9,
17 2019 (the effective date of Public Act 101-306) through
18 December 31, 2020, in a county of 3,000,000 or more
19 inhabitants, no fee shall be required to be paid by a
20 petitioner if the records sought to be expunged or sealed
21 were arrests resulting in release without charging or
22 arrests or charges not initiated by arrest resulting in
23 acquittal, dismissal, or conviction when the conviction
24 was reversed or vacated, unless excluded by subsection
25 (a)(3)(B). The provisions of this paragraph (1.5), other
26 than this sentence, are inoperative on and after January

1 1, 2022.

2 (2) Contents of petition. The petition shall be
3 verified and shall contain the petitioner's name, date of
4 birth, current address and, for each arrest or charge not
5 initiated by arrest sought to be sealed or expunged, the
6 case number, the date of arrest (if any), the identity of
7 the arresting authority, and such other information as the
8 court may require. During the pendency of the proceeding,
9 the petitioner shall promptly notify the circuit court
10 clerk of any change of his or her address. If the
11 petitioner has received a certificate of eligibility for
12 sealing from the Prisoner Review Board under paragraph
13 (10) of subsection (a) of Section 3-3-2 of the Unified
14 Code of Corrections, the certificate shall be attached to
15 the petition.

16 (3) Drug test. The petitioner must attach to the
17 petition proof that the petitioner has taken within 30
18 days before the filing of the petition a test showing the
19 absence within his or her body of all illegal substances
20 as defined by the Illinois Controlled Substances Act and
21 the Methamphetamine Control and Community Protection Act
22 if he or she is petitioning to:

23 (A) seal felony records under clause (c) (2) (E);

24 (B) seal felony records for a violation of the
25 Illinois Controlled Substances Act, the
26 Methamphetamine Control and Community Protection Act,

1 or the Cannabis Control Act under clause (c) (2) (F);
2 (C) seal felony records under subsection (e-5); or
3 (D) expunge felony records of a qualified
4 probation under clause (b) (1) (iv).

5 (4) Service of petition. The circuit court clerk shall
6 promptly serve a copy of the petition and documentation to
7 support the petition under subsection (e-5) or (e-6) on
8 the State's Attorney or prosecutor charged with the duty
9 of prosecuting the offense, the Illinois State Police, the
10 arresting agency and the chief legal officer of the unit
11 of local government effecting the arrest.

12 (5) Objections.

13 (A) Any party entitled to notice of the petition
14 may file an objection to the petition. All objections
15 shall be in writing, shall be filed with the circuit
16 court clerk, and shall state with specificity the
17 basis of the objection. Whenever a person who has been
18 convicted of an offense is granted a pardon by the
19 Governor which specifically authorizes expungement, an
20 objection to the petition may not be filed.

21 (B) Objections to a petition to expunge or seal
22 must be filed within 60 days of the date of service of
23 the petition.

24 (6) Entry of order.

25 (A) The Chief Judge of the circuit wherein the
26 charge was brought, any judge of that circuit

1 designated by the Chief Judge, or in counties of less
2 than 3,000,000 inhabitants, the presiding trial judge
3 at the petitioner's trial, if any, shall rule on the
4 petition to expunge or seal as set forth in this
5 subsection (d) (6).

6 (B) Unless the State's Attorney or prosecutor, the
7 Illinois State Police, the arresting agency, or the
8 chief legal officer files an objection to the petition
9 to expunge or seal within 60 days from the date of
10 service of the petition, the court shall enter an
11 order granting or denying the petition.

12 (C) Notwithstanding any other provision of law,
13 the court shall not deny a petition for sealing under
14 this Section because the petitioner has not satisfied
15 an outstanding legal financial obligation established,
16 imposed, or originated by a court, law enforcement
17 agency, or a municipal, State, county, or other unit
18 of local government, including, but not limited to,
19 any cost, assessment, fine, or fee. An outstanding
20 legal financial obligation does not include any court
21 ordered restitution to a victim under Section 5-5-6 of
22 the Unified Code of Corrections, unless the
23 restitution has been converted to a civil judgment.
24 Nothing in this subparagraph (C) waives, rescinds, or
25 abrogates a legal financial obligation or otherwise
26 eliminates or affects the right of the holder of any

1 financial obligation to pursue collection under
2 applicable federal, State, or local law.

3 (D) Notwithstanding any other provision of law,
4 the court shall not deny a petition to expunge or seal
5 under this Section because the petitioner has
6 submitted a drug test taken within 30 days before the
7 filing of the petition to expunge or seal that
8 indicates a positive test for the presence of cannabis
9 within the petitioner's body. In this subparagraph
10 (D), "cannabis" has the meaning ascribed to it in
11 Section 3 of the Cannabis Control Act.

12 (7) Hearings. If an objection is filed, the court
13 shall set a date for a hearing and notify the petitioner
14 and all parties entitled to notice of the petition of the
15 hearing date at least 30 days prior to the hearing. Prior
16 to the hearing, the State's Attorney shall consult with
17 the Illinois State Police as to the appropriateness of the
18 relief sought in the petition to expunge or seal. At the
19 hearing, the court shall hear evidence on whether the
20 petition should or should not be granted, and shall grant
21 or deny the petition to expunge or seal the records based
22 on the evidence presented at the hearing. The court may
23 consider the following:

24 (A) the strength of the evidence supporting the
25 defendant's conviction;

26 (B) the reasons for retention of the conviction

1 records by the State;

2 (C) the petitioner's age, criminal record history,
3 and employment history;

4 (D) the period of time between the petitioner's
5 arrest on the charge resulting in the conviction and
6 the filing of the petition under this Section; and

7 (E) the specific adverse consequences the
8 petitioner may be subject to if the petition is
9 denied.

10 (8) Service of order. After entering an order to
11 expunge or seal records, the court must provide copies of
12 the order to the Illinois State Police, in a form and
13 manner prescribed by the Illinois State Police, to the
14 petitioner, to the State's Attorney or prosecutor charged
15 with the duty of prosecuting the offense, to the arresting
16 agency, to the chief legal officer of the unit of local
17 government effecting the arrest, and to such other
18 criminal justice agencies as may be ordered by the court.

19 (9) Implementation of order.

20 (A) Upon entry of an order to expunge records
21 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
22 both:

23 (i) the records shall be expunged (as defined
24 in subsection (a) (1) (E)) by the arresting agency,
25 the Illinois State Police, and any other agency as
26 ordered by the court, within 60 days of the date of

1 service of the order, unless a motion to vacate,
2 modify, or reconsider the order is filed pursuant
3 to paragraph (12) of subsection (d) of this
4 Section;

5 (ii) the records of the circuit court clerk
6 shall be impounded until further order of the
7 court upon good cause shown and the name of the
8 petitioner obliterated on the official index
9 required to be kept by the circuit court clerk
10 under Section 16 of the Clerks of Courts Act, but
11 the order shall not affect any index issued by the
12 circuit court clerk before the entry of the order;
13 and

14 (iii) in response to an inquiry for expunged
15 records, the court, the Illinois State Police, or
16 the agency receiving such inquiry, shall reply as
17 it does in response to inquiries when no records
18 ever existed.

19 (B) Upon entry of an order to expunge records
20 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
21 both:

22 (i) the records shall be expunged (as defined
23 in subsection (a) (1) (E)) by the arresting agency
24 and any other agency as ordered by the court,
25 within 60 days of the date of service of the order,
26 unless a motion to vacate, modify, or reconsider

1 the order is filed pursuant to paragraph (12) of
2 subsection (d) of this Section;

3 (ii) the records of the circuit court clerk
4 shall be impounded until further order of the
5 court upon good cause shown and the name of the
6 petitioner obliterated on the official index
7 required to be kept by the circuit court clerk
8 under Section 16 of the Clerks of Courts Act, but
9 the order shall not affect any index issued by the
10 circuit court clerk before the entry of the order;

11 (iii) the records shall be impounded by the
12 Illinois State Police within 60 days of the date
13 of service of the order as ordered by the court,
14 unless a motion to vacate, modify, or reconsider
15 the order is filed pursuant to paragraph (12) of
16 subsection (d) of this Section;

17 (iv) records impounded by the Illinois State
18 Police may be disseminated by the Illinois State
19 Police only as required by law or to the arresting
20 authority, the State's Attorney, and the court
21 upon a later arrest for the same or a similar
22 offense or for the purpose of sentencing for any
23 subsequent felony, and to the Department of
24 Corrections upon conviction for any offense; and

25 (v) in response to an inquiry for such records
26 from anyone not authorized by law to access such

1 records, the court, the Illinois State Police, or
2 the agency receiving such inquiry shall reply as
3 it does in response to inquiries when no records
4 ever existed.

5 (B-5) Upon entry of an order to expunge records
6 under subsection (e-6):

7 (i) the records shall be expunged (as defined
8 in subsection (a)(1)(E)) by the arresting agency
9 and any other agency as ordered by the court,
10 within 60 days of the date of service of the order,
11 unless a motion to vacate, modify, or reconsider
12 the order is filed under paragraph (12) of
13 subsection (d) of this Section;

14 (ii) the records of the circuit court clerk
15 shall be impounded until further order of the
16 court upon good cause shown and the name of the
17 petitioner obliterated on the official index
18 required to be kept by the circuit court clerk
19 under Section 16 of the Clerks of Courts Act, but
20 the order shall not affect any index issued by the
21 circuit court clerk before the entry of the order;

22 (iii) the records shall be impounded by the
23 Illinois State Police within 60 days of the date
24 of service of the order as ordered by the court,
25 unless a motion to vacate, modify, or reconsider
26 the order is filed under paragraph (12) of

1 subsection (d) of this Section;

2 (iv) records impounded by the Illinois State
3 Police may be disseminated by the Illinois State
4 Police only as required by law or to the arresting
5 authority, the State's Attorney, and the court
6 upon a later arrest for the same or a similar
7 offense or for the purpose of sentencing for any
8 subsequent felony, and to the Department of
9 Corrections upon conviction for any offense; and

10 (v) in response to an inquiry for these
11 records from anyone not authorized by law to
12 access the records, the court, the Illinois State
13 Police, or the agency receiving the inquiry shall
14 reply as it does in response to inquiries when no
15 records ever existed.

16 (C) Upon entry of an order to seal records under
17 subsection (c), the arresting agency, any other agency
18 as ordered by the court, the Illinois State Police,
19 and the court shall seal the records (as defined in
20 subsection (a)(1)(K)). In response to an inquiry for
21 such records, from anyone not authorized by law to
22 access such records, the court, the Illinois State
23 Police, or the agency receiving such inquiry shall
24 reply as it does in response to inquiries when no
25 records ever existed.

26 (D) The Illinois State Police shall send written

1 notice to the petitioner of its compliance with each
2 order to expunge or seal records within 60 days of the
3 date of service of that order or, if a motion to
4 vacate, modify, or reconsider is filed, within 60 days
5 of service of the order resolving the motion, if that
6 order requires the Illinois State Police to expunge or
7 seal records. In the event of an appeal from the
8 circuit court order, the Illinois State Police shall
9 send written notice to the petitioner of its
10 compliance with an Appellate Court or Supreme Court
11 judgment to expunge or seal records within 60 days of
12 the issuance of the court's mandate. The notice is not
13 required while any motion to vacate, modify, or
14 reconsider, or any appeal or petition for
15 discretionary appellate review, is pending.

16 (E) Upon motion, the court may order that a sealed
17 judgment or other court record necessary to
18 demonstrate the amount of any legal financial
19 obligation due and owing be made available for the
20 limited purpose of collecting any legal financial
21 obligations owed by the petitioner that were
22 established, imposed, or originated in the criminal
23 proceeding for which those records have been sealed.
24 The records made available under this subparagraph (E)
25 shall not be entered into the official index required
26 to be kept by the circuit court clerk under Section 16

1 of the Clerks of Courts Act and shall be immediately
2 re-impounded upon the collection of the outstanding
3 financial obligations.

4 (F) Notwithstanding any other provision of this
5 Section, a circuit court clerk may access a sealed
6 record for the limited purpose of collecting payment
7 for any legal financial obligations that were
8 established, imposed, or originated in the criminal
9 proceedings for which those records have been sealed.

10 (10) Fees. The Illinois State Police may charge the
11 petitioner a fee equivalent to the cost of processing any
12 order to expunge or seal records. Notwithstanding any
13 provision of the Clerks of Courts Act to the contrary, the
14 circuit court clerk may charge a fee equivalent to the
15 cost associated with the sealing or expungement of records
16 by the circuit court clerk. From the total filing fee
17 collected for the petition to seal or expunge, the circuit
18 court clerk shall deposit \$10 into the Circuit Court Clerk
19 Operation and Administrative Fund, to be used to offset
20 the costs incurred by the circuit court clerk in
21 performing the additional duties required to serve the
22 petition to seal or expunge on all parties. The circuit
23 court clerk shall collect and remit the Illinois State
24 Police portion of the fee to the State Treasurer and it
25 shall be deposited in the State Police Services Fund. If
26 the record brought under an expungement petition was

1 previously sealed under this Section, the fee for the
2 expungement petition for that same record shall be waived.

3 (11) Final Order. No court order issued under the
4 expungement or sealing provisions of this Section shall
5 become final for purposes of appeal until 30 days after
6 service of the order on the petitioner and all parties
7 entitled to notice of the petition.

8 (12) Motion to Vacate, Modify, or Reconsider. Under
9 Section 2-1203 of the Code of Civil Procedure, the
10 petitioner or any party entitled to notice may file a
11 motion to vacate, modify, or reconsider the order granting
12 or denying the petition to expunge or seal within 60 days
13 of service of the order. If filed more than 60 days after
14 service of the order, a petition to vacate, modify, or
15 reconsider shall comply with subsection (c) of Section
16 2-1401 of the Code of Civil Procedure. Upon filing of a
17 motion to vacate, modify, or reconsider, notice of the
18 motion shall be served upon the petitioner and all parties
19 entitled to notice of the petition.

20 (13) Effect of Order. An order granting a petition
21 under the expungement or sealing provisions of this
22 Section shall not be considered void because it fails to
23 comply with the provisions of this Section or because of
24 any error asserted in a motion to vacate, modify, or
25 reconsider. The circuit court retains jurisdiction to
26 determine whether the order is voidable and to vacate,

1 modify, or reconsider its terms based on a motion filed
2 under paragraph (12) of this subsection (d).

3 (14) Compliance with Order Granting Petition to Seal
4 Records. Unless a court has entered a stay of an order
5 granting a petition to seal, all parties entitled to
6 notice of the petition must fully comply with the terms of
7 the order within 60 days of service of the order even if a
8 party is seeking relief from the order through a motion
9 filed under paragraph (12) of this subsection (d) or is
10 appealing the order.

11 (15) Compliance with Order Granting Petition to
12 Expunge Records. While a party is seeking relief from the
13 order granting the petition to expunge through a motion
14 filed under paragraph (12) of this subsection (d) or is
15 appealing the order, and unless a court has entered a stay
16 of that order, the parties entitled to notice of the
17 petition must seal, but need not expunge, the records
18 until there is a final order on the motion for relief or,
19 in the case of an appeal, the issuance of that court's
20 mandate.

21 (16) The changes to this subsection (d) made by Public
22 Act 98-163 apply to all petitions pending on August 5,
23 2013 (the effective date of Public Act 98-163) and to all
24 orders ruling on a petition to expunge or seal on or after
25 August 5, 2013 (the effective date of Public Act 98-163).

26 (e) Whenever a person who has been convicted of an offense

1 is granted a pardon by the Governor which specifically
2 authorizes expungement, he or she may, upon verified petition
3 to the Chief Judge of the circuit where the person had been
4 convicted, any judge of the circuit designated by the Chief
5 Judge, or in counties of less than 3,000,000 inhabitants, the
6 presiding trial judge at the defendant's trial, have a court
7 order entered expunging the record of arrest from the official
8 records of the arresting authority and order that the records
9 of the circuit court clerk and the Illinois State Police be
10 sealed until further order of the court upon good cause shown
11 or as otherwise provided herein, and the name of the defendant
12 obliterated from the official index requested to be kept by
13 the circuit court clerk under Section 16 of the Clerks of
14 Courts Act in connection with the arrest and conviction for
15 the offense for which he or she had been pardoned but the order
16 shall not affect any index issued by the circuit court clerk
17 before the entry of the order. All records sealed by the
18 Illinois State Police may be disseminated by the Illinois
19 State Police only to the arresting authority, the State's
20 Attorney, and the court upon a later arrest for the same or
21 similar offense or for the purpose of sentencing for any
22 subsequent felony. Upon conviction for any subsequent offense,
23 the Department of Corrections shall have access to all sealed
24 records of the Illinois State Police pertaining to that
25 individual. Upon entry of the order of expungement, the
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was pardoned.

2 (e-5) Whenever a person who has been convicted of an
3 offense is granted a certificate of eligibility for sealing by
4 the Prisoner Review Board which specifically authorizes
5 sealing, he or she may, upon verified petition to the Chief
6 Judge of the circuit where the person had been convicted, any
7 judge of the circuit designated by the Chief Judge, or in
8 counties of less than 3,000,000 inhabitants, the presiding
9 trial judge at the petitioner's trial, have a court order
10 entered sealing the record of arrest from the official records
11 of the arresting authority and order that the records of the
12 circuit court clerk and the Illinois State Police be sealed
13 until further order of the court upon good cause shown or as
14 otherwise provided herein, and the name of the petitioner
15 obliterated from the official index requested to be kept by
16 the circuit court clerk under Section 16 of the Clerks of
17 Courts Act in connection with the arrest and conviction for
18 the offense for which he or she had been granted the
19 certificate but the order shall not affect any index issued by
20 the circuit court clerk before the entry of the order. All
21 records sealed by the Illinois State Police may be
22 disseminated by the Illinois State Police only as required by
23 this Act or to the arresting authority, a law enforcement
24 agency, the State's Attorney, and the court upon a later
25 arrest for the same or similar offense or for the purpose of
26 sentencing for any subsequent felony. Upon conviction for any

1 subsequent offense, the Department of Corrections shall have
2 access to all sealed records of the Illinois State Police
3 pertaining to that individual. Upon entry of the order of
4 sealing, the circuit court clerk shall promptly mail a copy of
5 the order to the person who was granted the certificate of
6 eligibility for sealing.

7 (e-6) Whenever a person who has been convicted of an
8 offense is granted a certificate of eligibility for
9 expungement by the Prisoner Review Board which specifically
10 authorizes expungement, he or she may, upon verified petition
11 to the Chief Judge of the circuit where the person had been
12 convicted, any judge of the circuit designated by the Chief
13 Judge, or in counties of less than 3,000,000 inhabitants, the
14 presiding trial judge at the petitioner's trial, have a court
15 order entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Illinois State Police be
18 sealed until further order of the court upon good cause shown
19 or as otherwise provided herein, and the name of the
20 petitioner obliterated from the official index requested to be
21 kept by the circuit court clerk under Section 16 of the Clerks
22 of Courts Act in connection with the arrest and conviction for
23 the offense for which he or she had been granted the
24 certificate but the order shall not affect any index issued by
25 the circuit court clerk before the entry of the order. All
26 records sealed by the Illinois State Police may be

1 disseminated by the Illinois State Police only as required by
2 this Act or to the arresting authority, a law enforcement
3 agency, the State's Attorney, and the court upon a later
4 arrest for the same or similar offense or for the purpose of
5 sentencing for any subsequent felony. Upon conviction for any
6 subsequent offense, the Department of Corrections shall have
7 access to all expunged records of the Illinois State Police
8 pertaining to that individual. Upon entry of the order of
9 expungement, the circuit court clerk shall promptly mail a
10 copy of the order to the person who was granted the certificate
11 of eligibility for expungement.

12 (f) Subject to available funding, the Illinois Department
13 of Corrections shall conduct a study of the impact of sealing,
14 especially on employment and recidivism rates, utilizing a
15 random sample of those who apply for the sealing of their
16 criminal records under Public Act 93-211. At the request of
17 the Illinois Department of Corrections, records of the
18 Illinois Department of Employment Security shall be utilized
19 as appropriate to assist in the study. The study shall not
20 disclose any data in a manner that would allow the
21 identification of any particular individual or employing unit.
22 The study shall be made available to the General Assembly no
23 later than September 1, 2010.

24 (g) Immediate Sealing.

25 (1) Applicability. Notwithstanding any other provision
26 of this Act to the contrary, and cumulative with any

1 rights to expungement or sealing of criminal records, this
2 subsection authorizes the immediate sealing of criminal
3 records of adults and of minors prosecuted as adults.

4 (2) Eligible Records. Arrests or charges not initiated
5 by arrest resulting in acquittal or dismissal with
6 prejudice, except as excluded by subsection (a)(3)(B),
7 that occur on or after January 1, 2018 (the effective date
8 of Public Act 100-282), may be sealed immediately if the
9 petition is filed with the circuit court clerk on the same
10 day and during the same hearing in which the case is
11 disposed.

12 (3) When Records are Eligible to be Immediately
13 Sealed. Eligible records under paragraph (2) of this
14 subsection (g) may be sealed immediately after entry of
15 the final disposition of a case, notwithstanding the
16 disposition of other charges in the same case.

17 (4) Notice of Eligibility for Immediate Sealing. Upon
18 entry of a disposition for an eligible record under this
19 subsection (g), the defendant shall be informed by the
20 court of his or her right to have eligible records
21 immediately sealed and the procedure for the immediate
22 sealing of these records.

23 (5) Procedure. The following procedures apply to
24 immediate sealing under this subsection (g).

25 (A) Filing the Petition. Upon entry of the final
26 disposition of the case, the defendant's attorney may

1 immediately petition the court, on behalf of the
2 defendant, for immediate sealing of eligible records
3 under paragraph (2) of this subsection (g) that are
4 entered on or after January 1, 2018 (the effective
5 date of Public Act 100-282). The immediate sealing
6 petition may be filed with the circuit court clerk
7 during the hearing in which the final disposition of
8 the case is entered. If the defendant's attorney does
9 not file the petition for immediate sealing during the
10 hearing, the defendant may file a petition for sealing
11 at any time as authorized under subsection (c) (3) (A).

12 (B) Contents of Petition. The immediate sealing
13 petition shall be verified and shall contain the
14 petitioner's name, date of birth, current address, and
15 for each eligible record, the case number, the date of
16 arrest if applicable, the identity of the arresting
17 authority if applicable, and other information as the
18 court may require.

19 (C) Drug Test. The petitioner shall not be
20 required to attach proof that he or she has passed a
21 drug test.

22 (D) Service of Petition. A copy of the petition
23 shall be served on the State's Attorney in open court.
24 The petitioner shall not be required to serve a copy of
25 the petition on any other agency.

26 (E) Entry of Order. The presiding trial judge

1 shall enter an order granting or denying the petition
2 for immediate sealing during the hearing in which it
3 is filed. Petitions for immediate sealing shall be
4 ruled on in the same hearing in which the final
5 disposition of the case is entered.

6 (F) Hearings. The court shall hear the petition
7 for immediate sealing on the same day and during the
8 same hearing in which the disposition is rendered.

9 (G) Service of Order. An order to immediately seal
10 eligible records shall be served in conformance with
11 subsection (d) (8).

12 (H) Implementation of Order. An order to
13 immediately seal records shall be implemented in
14 conformance with subsections (d) (9) (C) and (d) (9) (D).

15 (I) Fees. The fee imposed by the circuit court
16 clerk and the Illinois State Police shall comply with
17 paragraph (1) of subsection (d) of this Section.

18 (J) Final Order. No court order issued under this
19 subsection (g) shall become final for purposes of
20 appeal until 30 days after service of the order on the
21 petitioner and all parties entitled to service of the
22 order in conformance with subsection (d) (8).

23 (K) Motion to Vacate, Modify, or Reconsider. Under
24 Section 2-1203 of the Code of Civil Procedure, the
25 petitioner, State's Attorney, or the Illinois State
26 Police may file a motion to vacate, modify, or

1 reconsider the order denying the petition to
2 immediately seal within 60 days of service of the
3 order. If filed more than 60 days after service of the
4 order, a petition to vacate, modify, or reconsider
5 shall comply with subsection (c) of Section 2-1401 of
6 the Code of Civil Procedure.

7 (L) Effect of Order. An order granting an
8 immediate sealing petition shall not be considered
9 void because it fails to comply with the provisions of
10 this Section or because of an error asserted in a
11 motion to vacate, modify, or reconsider. The circuit
12 court retains jurisdiction to determine whether the
13 order is voidable, and to vacate, modify, or
14 reconsider its terms based on a motion filed under
15 subparagraph (L) of this subsection (g).

16 (M) Compliance with Order Granting Petition to
17 Seal Records. Unless a court has entered a stay of an
18 order granting a petition to immediately seal, all
19 parties entitled to service of the order must fully
20 comply with the terms of the order within 60 days of
21 service of the order.

22 (h) Sealing; trafficking victims.

23 (1) A trafficking victim as defined by paragraph (10)
24 of subsection (a) of Section 10-9 of the Criminal Code of
25 2012 shall be eligible to petition for immediate sealing
26 of his or her criminal record upon the completion of his or

1 her last sentence if his or her participation in the
2 underlying offense was a direct result of human
3 trafficking under Section 10-9 of the Criminal Code of
4 2012 or a severe form of trafficking under the federal
5 Trafficking Victims Protection Act.

6 (2) A petitioner under this subsection (h), in
7 addition to the requirements provided under paragraph (4)
8 of subsection (d) of this Section, shall include in his or
9 her petition a clear and concise statement that: (A) he or
10 she was a victim of human trafficking at the time of the
11 offense; and (B) that his or her participation in the
12 offense was a direct result of human trafficking under
13 Section 10-9 of the Criminal Code of 2012 or a severe form
14 of trafficking under the federal Trafficking Victims
15 Protection Act.

16 (3) If an objection is filed alleging that the
17 petitioner is not entitled to immediate sealing under this
18 subsection (h), the court shall conduct a hearing under
19 paragraph (7) of subsection (d) of this Section and the
20 court shall determine whether the petitioner is entitled
21 to immediate sealing under this subsection (h). A
22 petitioner is eligible for immediate relief under this
23 subsection (h) if he or she shows, by a preponderance of
24 the evidence, that: (A) he or she was a victim of human
25 trafficking at the time of the offense; and (B) that his or
26 her participation in the offense was a direct result of

1 human trafficking under Section 10-9 of the Criminal Code
2 of 2012 or a severe form of trafficking under the federal
3 Trafficking Victims Protection Act.

4 (i) Minor Cannabis Offenses under the Cannabis Control
5 Act.

6 (1) Expungement of Arrest Records of Minor Cannabis
7 Offenses.

8 (A) The Illinois State Police and all law
9 enforcement agencies within the State shall
10 automatically expunge all criminal history records of
11 an arrest, charge not initiated by arrest, order of
12 supervision, or order of qualified probation for a
13 Minor Cannabis Offense committed prior to June 25,
14 2019 (the effective date of Public Act 101-27) if:

15 (i) One year or more has elapsed since the
16 date of the arrest or law enforcement interaction
17 documented in the records; and

18 (ii) No criminal charges were filed relating
19 to the arrest or law enforcement interaction or
20 criminal charges were filed and subsequently
21 dismissed or vacated or the arrestee was
22 acquitted.

23 (B) If the law enforcement agency is unable to
24 verify satisfaction of condition (ii) in paragraph
25 (A), records that satisfy condition (i) in paragraph
26 (A) shall be automatically expunged.

1 (C) Records shall be expunged by the law
2 enforcement agency under the following timelines:

3 (i) Records created prior to June 25, 2019
4 (the effective date of Public Act 101-27), but on
5 or after January 1, 2013, shall be automatically
6 expunged prior to January 1, 2021;

7 (ii) Records created prior to January 1, 2013,
8 but on or after January 1, 2000, shall be
9 automatically expunged prior to January 1, 2023;

10 (iii) Records created prior to January 1, 2000
11 shall be automatically expunged prior to January
12 1, 2025.

13 In response to an inquiry for expunged records,
14 the law enforcement agency receiving such inquiry
15 shall reply as it does in response to inquiries when no
16 records ever existed; however, it shall provide a
17 certificate of disposition or confirmation that the
18 record was expunged to the individual whose record was
19 expunged if such a record exists.

20 (D) Nothing in this Section shall be construed to
21 restrict or modify an individual's right to have that
22 individual's records expunged except as otherwise may
23 be provided in this Act, or diminish or abrogate any
24 rights or remedies otherwise available to the
25 individual.

26 (2) Pardons Authorizing Expungement of Minor Cannabis

1 Offenses.

2 (A) Upon June 25, 2019 (the effective date of
3 Public Act 101-27), the Department of State Police
4 shall review all criminal history record information
5 and identify all records that meet all of the
6 following criteria:

7 (i) one or more convictions for a Minor
8 Cannabis Offense;

9 (ii) the conviction identified in paragraph
10 (2)(A)(i) did not include a penalty enhancement
11 under Section 7 of the Cannabis Control Act; and

12 (iii) the conviction identified in paragraph
13 (2)(A)(i) is not associated with a conviction for
14 a violent crime as defined in subsection (c) of
15 Section 3 of the Rights of Crime Victims and
16 Witnesses Act.

17 (B) Within 180 days after June 25, 2019 (the
18 effective date of Public Act 101-27), the Department
19 of State Police shall notify the Prisoner Review Board
20 of all such records that meet the criteria established
21 in paragraph (2)(A).

22 (i) The Prisoner Review Board shall notify the
23 State's Attorney of the county of conviction of
24 each record identified by State Police in
25 paragraph (2)(A) that is classified as a Class 4
26 felony. The State's Attorney may provide a written

1 objection to the Prisoner Review Board on the sole
2 basis that the record identified does not meet the
3 criteria established in paragraph (2) (A). Such an
4 objection must be filed within 60 days or by such
5 later date set by the Prisoner Review Board in the
6 notice after the State's Attorney received notice
7 from the Prisoner Review Board.

8 (ii) In response to a written objection from a
9 State's Attorney, the Prisoner Review Board is
10 authorized to conduct a non-public hearing to
11 evaluate the information provided in the
12 objection.

13 (iii) The Prisoner Review Board shall make a
14 confidential and privileged recommendation to the
15 Governor as to whether to grant a pardon
16 authorizing expungement for each of the records
17 identified by the Department of State Police as
18 described in paragraph (2) (A).

19 (C) If an individual has been granted a pardon
20 authorizing expungement as described in this Section,
21 the Prisoner Review Board, through the Attorney
22 General, shall file a petition for expungement with
23 the Chief Judge of the circuit or any judge of the
24 circuit designated by the Chief Judge where the
25 individual had been convicted. Such petition may
26 include more than one individual. Whenever an

1 individual who has been convicted of an offense is
2 granted a pardon by the Governor that specifically
3 authorizes expungement, an objection to the petition
4 may not be filed. Petitions to expunge under this
5 subsection (i) may include more than one individual.
6 Within 90 days of the filing of such a petition, the
7 court shall enter an order expunging the records of
8 arrest from the official records of the arresting
9 authority and order that the records of the circuit
10 court clerk and the Illinois State Police be expunged
11 and the name of the defendant obliterated from the
12 official index requested to be kept by the circuit
13 court clerk under Section 16 of the Clerks of Courts
14 Act in connection with the arrest and conviction for
15 the offense for which the individual had received a
16 pardon but the order shall not affect any index issued
17 by the circuit court clerk before the entry of the
18 order. Upon entry of the order of expungement, the
19 circuit court clerk shall promptly provide a copy of
20 the order and a certificate of disposition to the
21 individual who was pardoned to the individual's last
22 known address or by electronic means (if available) or
23 otherwise make it available to the individual upon
24 request.

25 (D) Nothing in this Section is intended to
26 diminish or abrogate any rights or remedies otherwise

1 available to the individual.

2 (3) Any individual may file a motion to vacate and
3 expunge a conviction for a misdemeanor or Class 4 felony
4 violation of Section 4 or Section 5 of the Cannabis
5 Control Act. Motions to vacate and expunge under this
6 subsection (i) may be filed with the circuit court, Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge. The circuit court clerk
9 shall promptly serve a copy of the motion to vacate and
10 expunge, and any supporting documentation, on the State's
11 Attorney or prosecutor charged with the duty of
12 prosecuting the offense. When considering such a motion to
13 vacate and expunge, a court shall consider the following:
14 the reasons to retain the records provided by law
15 enforcement, the petitioner's age, the petitioner's age at
16 the time of offense, the time since the conviction, and
17 the specific adverse consequences if denied. An individual
18 may file such a petition after the completion of any
19 non-financial sentence or non-financial condition imposed
20 by the conviction. Within 60 days of the filing of such
21 motion, a State's Attorney may file an objection to such a
22 petition along with supporting evidence. If a motion to
23 vacate and expunge is granted, the records shall be
24 expunged in accordance with subparagraphs (d)(8) and
25 (d)(9)(A) of this Section. An agency providing civil legal
26 aid, as defined by Section 15 of the Public Interest

1 Attorney Assistance Act, assisting individuals seeking to
2 file a motion to vacate and expunge under this subsection
3 may file motions to vacate and expunge with the Chief
4 Judge of a judicial circuit or any judge of the circuit
5 designated by the Chief Judge, and the motion may include
6 more than one individual. Motions filed by an agency
7 providing civil legal aid concerning more than one
8 individual may be prepared, presented, and signed
9 electronically.

10 (4) Any State's Attorney may file a motion to vacate
11 and expunge a conviction for a misdemeanor or Class 4
12 felony violation of Section 4 or Section 5 of the Cannabis
13 Control Act. Motions to vacate and expunge under this
14 subsection (i) may be filed with the circuit court, Chief
15 Judge of a judicial circuit or any judge of the circuit
16 designated by the Chief Judge, and may include more than
17 one individual. Motions filed by a State's Attorney
18 concerning more than one individual may be prepared,
19 presented, and signed electronically. When considering
20 such a motion to vacate and expunge, a court shall
21 consider the following: the reasons to retain the records
22 provided by law enforcement, the individual's age, the
23 individual's age at the time of offense, the time since
24 the conviction, and the specific adverse consequences if
25 denied. Upon entry of an order granting a motion to vacate
26 and expunge records pursuant to this Section, the State's

1 Attorney shall notify the Prisoner Review Board within 30
2 days. Upon entry of the order of expungement, the circuit
3 court clerk shall promptly provide a copy of the order and
4 a certificate of disposition to the individual whose
5 records will be expunged to the individual's last known
6 address or by electronic means (if available) or otherwise
7 make available to the individual upon request. If a motion
8 to vacate and expunge is granted, the records shall be
9 expunged in accordance with subparagraphs (d)(8) and
10 (d)(9)(A) of this Section.

11 (5) In the public interest, the State's Attorney of a
12 county has standing to file motions to vacate and expunge
13 pursuant to this Section in the circuit court with
14 jurisdiction over the underlying conviction.

15 (6) If a person is arrested for a Minor Cannabis
16 Offense as defined in this Section before June 25, 2019
17 (the effective date of Public Act 101-27) and the person's
18 case is still pending but a sentence has not been imposed,
19 the person may petition the court in which the charges are
20 pending for an order to summarily dismiss those charges
21 against him or her, and expunge all official records of
22 his or her arrest, plea, trial, conviction, incarceration,
23 supervision, or expungement. If the court determines, upon
24 review, that: (A) the person was arrested before June 25,
25 2019 (the effective date of Public Act 101-27) for an
26 offense that has been made eligible for expungement; (B)

1 the case is pending at the time; and (C) the person has not
2 been sentenced of the minor cannabis violation eligible
3 for expungement under this subsection, the court shall
4 consider the following: the reasons to retain the records
5 provided by law enforcement, the petitioner's age, the
6 petitioner's age at the time of offense, the time since
7 the conviction, and the specific adverse consequences if
8 denied. If a motion to dismiss and expunge is granted, the
9 records shall be expunged in accordance with subparagraph
10 (d) (9) (A) of this Section.

11 (7) A person imprisoned solely as a result of one or
12 more convictions for Minor Cannabis Offenses under this
13 subsection (i) shall be released from incarceration upon
14 the issuance of an order under this subsection.

15 (8) The Illinois State Police shall allow a person to
16 use the access and review process, established in the
17 Illinois State Police, for verifying that his or her
18 records relating to Minor Cannabis Offenses of the
19 Cannabis Control Act eligible under this Section have been
20 expunged.

21 (9) No conviction vacated pursuant to this Section
22 shall serve as the basis for damages for time unjustly
23 served as provided in the Court of Claims Act.

24 (10) Effect of Expungement. A person's right to
25 expunge an expungeable offense shall not be limited under
26 this Section. The effect of an order of expungement shall

1 be to restore the person to the status he or she occupied
2 before the arrest, charge, or conviction.

3 (11) Information. The Illinois State Police shall post
4 general information on its website about the expungement
5 process described in this subsection (i).

6 (j) Felony Prostitution Convictions.

7 (1) Any individual may file a motion to vacate and
8 expunge a conviction for a prior Class 4 felony violation
9 of prostitution. Motions to vacate and expunge under this
10 subsection (j) may be filed with the circuit court, Chief
11 Judge of a judicial circuit, or any judge of the circuit
12 designated by the Chief Judge. When considering the motion
13 to vacate and expunge, a court shall consider the
14 following:

15 (A) the reasons to retain the records provided by
16 law enforcement;

17 (B) the petitioner's age;

18 (C) the petitioner's age at the time of offense;

19 and

20 (D) the time since the conviction, and the
21 specific adverse consequences if denied. An individual
22 may file the petition after the completion of any
23 sentence or condition imposed by the conviction.
24 Within 60 days of the filing of the motion, a State's
25 Attorney may file an objection to the petition along
26 with supporting evidence. If a motion to vacate and

1 expunge is granted, the records shall be expunged in
2 accordance with subparagraph (d)(9)(A) of this
3 Section. An agency providing civil legal aid, as
4 defined in Section 15 of the Public Interest Attorney
5 Assistance Act, assisting individuals seeking to file
6 a motion to vacate and expunge under this subsection
7 may file motions to vacate and expunge with the Chief
8 Judge of a judicial circuit or any judge of the circuit
9 designated by the Chief Judge, and the motion may
10 include more than one individual.

11 (2) Any State's Attorney may file a motion to vacate
12 and expunge a conviction for a Class 4 felony violation of
13 prostitution. Motions to vacate and expunge under this
14 subsection (j) may be filed with the circuit court, Chief
15 Judge of a judicial circuit, or any judge of the circuit
16 court designated by the Chief Judge, and may include more
17 than one individual. When considering the motion to vacate
18 and expunge, a court shall consider the following reasons:

19 (A) the reasons to retain the records provided by
20 law enforcement;

21 (B) the petitioner's age;

22 (C) the petitioner's age at the time of offense;

23 (D) the time since the conviction; and

24 (E) the specific adverse consequences if denied.

25 If the State's Attorney files a motion to vacate and
26 expunge records for felony prostitution convictions

1 pursuant to this Section, the State's Attorney shall
2 notify the Prisoner Review Board within 30 days of the
3 filing. If a motion to vacate and expunge is granted, the
4 records shall be expunged in accordance with subparagraph
5 (d) (9) (A) of this Section.

6 (3) In the public interest, the State's Attorney of a
7 county has standing to file motions to vacate and expunge
8 pursuant to this Section in the circuit court with
9 jurisdiction over the underlying conviction.

10 (4) The Illinois State Police shall allow a person to
11 a use the access and review process, established in the
12 Illinois State Police, for verifying that his or her
13 records relating to felony prostitution eligible under
14 this Section have been expunged.

15 (5) No conviction vacated pursuant to this Section
16 shall serve as the basis for damages for time unjustly
17 served as provided in the Court of Claims Act.

18 (6) Effect of Expungement. A person's right to expunge
19 an expungeable offense shall not be limited under this
20 Section. The effect of an order of expungement shall be to
21 restore the person to the status he or she occupied before
22 the arrest, charge, or conviction.

23 (7) Information. The Illinois State Police shall post
24 general information on its website about the expungement
25 process described in this subsection (j).

26 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;

1 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
2 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
3 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
4 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

5 Section 115. The Illinois Emergency Management Agency Act
6 is amended by changing Section 23 as follows:

7 (20 ILCS 3305/23)

8 (Section scheduled to be repealed on January 1, 2032)

9 Sec. 23. Access and Functional Needs Advisory Committee.

10 (a) In this Section, "Advisory Committee" means the Access
11 and Functional Needs Advisory Committee.

12 (b) The Access and Functional Needs Advisory Committee is
13 created.

14 (c) The Advisory Committee shall:

15 (1) Coordinate meetings occurring, at a minimum, 3
16 times each year, in addition to emergency meetings called
17 by the chairperson of the Advisory Committee.

18 (2) Research and provide recommendations for
19 identifying and effectively responding to the needs of
20 persons with access and functional needs before, during,
21 and after a disaster using an intersectional lens for
22 equity.

23 (3) Provide recommendations to the Illinois Emergency
24 Management Agency regarding how to ensure that persons

1 with a disability are included in disaster strategies and
2 emergency management plans, including updates and
3 implementation of disaster strategies and emergency
4 management plans.

5 (4) Review and provide recommendations for the
6 Illinois Emergency Management Agency, and all relevant
7 State agencies that are involved in drafting and
8 implementing the Illinois Emergency Operation Plan, to
9 integrate access and functional needs into State and local
10 emergency plans.

11 (d) The Advisory Committee shall be composed of the
12 Director of the Illinois Emergency Management Agency or his or
13 her designee, the Attorney General or his or her designee, the
14 Secretary of Human Services or his or her designee, the
15 Director of ~~on~~ Aging or his or her designee, and the Director
16 of Public Health or his or her designee, together with the
17 following members appointed by the Governor on or before
18 January 1, 2022:

19 (1) Two members, either from a municipal or
20 county-level emergency agency or a local emergency
21 management coordinator.

22 (2) Nine members from the community of persons with a
23 disability who represent persons with different types of
24 disabilities, including, but not limited to, individuals
25 with mobility and physical disabilities, hearing and
26 visual disabilities, deafness or who are hard of hearing,

1 blindness or who have low vision, mental health
2 disabilities, and intellectual or developmental
3 disabilities. Members appointed under this paragraph shall
4 reflect a diversity of age, gender, race, and ethnic
5 background.

6 (3) Four members who represent first responders from
7 different geographical regions around the State.

8 (e) Of those members appointed by the Governor, the
9 initial appointments of 6 members shall be for terms of 2 years
10 and the initial appointments of 5 members shall be for terms of
11 4 years. Thereafter, members shall be appointed for terms of 4
12 years. A member shall serve until his or her successor is
13 appointed and qualified. If a vacancy occurs in the Advisory
14 Committee membership, the vacancy shall be filled in the same
15 manner as the original appointment for the remainder of the
16 unexpired term.

17 (f) After all the members are appointed, and annually
18 thereafter, they shall elect a chairperson from among the
19 members appointed under paragraph (2) of subsection (d).

20 (g) The initial meeting of the Advisory Committee shall be
21 convened by the Director of the Illinois Emergency Management
22 Agency no later than February 1, 2022.

23 (h) Advisory Committee members shall serve without
24 compensation.

25 (i) The Illinois Emergency Management Agency shall provide
26 administrative support to the Advisory Committee.

1 (j) The Advisory Committee shall prepare and deliver a
2 report to the General Assembly, the Governor's Office, and the
3 Illinois Emergency Management Agency by July 1, 2022, and
4 annually thereafter. The report shall include the following:

5 (1) Identification of core emergency management
6 services that need to be updated or changed to ensure the
7 needs of persons with a disability are met, and shall
8 include disaster strategies in State and local emergency
9 plans.

10 (2) Any proposed changes in State policies, laws,
11 rules, or regulations necessary to fulfill the purposes of
12 this Act.

13 (3) Recommendations on improving the accessibility and
14 effectiveness of disaster and emergency communication.

15 (4) Recommendations on comprehensive training for
16 first responders and other frontline workers when working
17 with persons with a disability during emergency situations
18 or disasters, as defined in Section 4 of the Illinois
19 Emergency Management Agency Act.

20 (5) Any additional recommendations regarding emergency
21 management and persons with a disability that the Advisory
22 Committee deems necessary.

23 (k) The annual report prepared and delivered under
24 subsection (j) shall be annually considered by the Illinois
25 Emergency Management Agency when developing new State and
26 local emergency plans or updating existing State and local

1 emergency plans.

2 (1) The Advisory Committee is dissolved and this Section
3 is repealed on January 1, 2032.

4 (Source: P.A. 102-361, eff. 8-13-21; 102-671, eff. 11-30-21;
5 revised 8-24-22.)

6 Section 120. The Illinois State Agency Historic Resources
7 Preservation Act is amended by changing Section 5 as follows:

8 (20 ILCS 3420/5) (from Ch. 127, par. 133c25)

9 Sec. 5. Responsibilities of the Department of Natural
10 Resources.

11 (a) The Director shall include in the Department's annual
12 report an outline of State agency actions on which comment was
13 requested or issued under this Act.

14 (b) The Director shall maintain a current list of all
15 historic resources owned, operated, or leased by the State and
16 appropriate maps indicating the location of all such
17 resources. These maps shall be in a form available to the
18 public and State agencies, except that the location of
19 archaeological resources shall be excluded.

20 (c) The Director shall make rules and issue appropriate
21 guidelines to implement this Act. These shall include, but not
22 be limited to, regulations for holding on-site inspections,
23 public information meetings and procedures for consultation,
24 mediation, and resolutions by the Committee pursuant to

1 subsections (e) and (f) of Section 4.

2 (d) The Director shall (1) assist, to the fullest extent
3 possible, the State agencies in their identification of
4 properties for inclusion in an inventory of historic
5 resources, including provision of criteria for evaluation; (2)
6 provide information concerning professional methods and
7 techniques for preserving, improving, restoring, and
8 maintaining historic resources when requested by State
9 agencies; and (3) help facilitate State agency compliance with
10 this Act.

11 (e) The Director shall monitor the implementation of
12 actions of each State agency which have an effect, either
13 adverse or beneficial, on a ~~an~~ historic resource.

14 (f) The Department of Natural Resources shall manage and
15 control the preservation, conservation, inventory, and
16 analysis of fine and decorative arts, furnishings, and
17 artifacts of the Illinois Executive Mansion in Springfield,
18 the Governor's offices in the Capitol in Springfield and the
19 James R. Thompson Center in Chicago, and the Hayes House in
20 DuQuoin. The Department of Natural Resources shall manage the
21 preservation and conservation of the buildings and grounds of
22 the Illinois Executive Mansion in Springfield. The Governor
23 shall appoint a Curator of the Executive Mansion, with the
24 advice and consent of the Senate, to assist the Department of
25 Natural Resources in carrying out the duties under this item
26 (f). The person appointed Curator must have experience in

1 historic preservation or as a curator. The Curator shall serve
2 at the pleasure of the Governor. The Governor shall determine
3 the compensation of the Curator, which shall not be diminished
4 during the term of appointment.

5 (Source: P.A. 102-1005, eff. 5-27-22; revised 8-22-22.)

6 Section 125. The Illinois Power Agency Act is amended by
7 changing Section 1-10 as follows:

8 (20 ILCS 3855/1-10)

9 Sec. 1-10. Definitions.

10 "Agency" means the Illinois Power Agency.

11 "Agency loan agreement" means any agreement pursuant to
12 which the Illinois Finance Authority agrees to loan the
13 proceeds of revenue bonds issued with respect to a project to
14 the Agency upon terms providing for loan repayment
15 installments at least sufficient to pay when due all principal
16 of, interest and premium, if any, on those revenue bonds, and
17 providing for maintenance, insurance, and other matters in
18 respect of the project.

19 "Authority" means the Illinois Finance Authority.

20 "Brownfield site photovoltaic project" means photovoltaics
21 that are either:

22 (1) interconnected to an electric utility as defined
23 in this Section, a municipal utility as defined in this
24 Section, a public utility as defined in Section 3-105 of

1 the Public Utilities Act, or an electric cooperative as
2 defined in Section 3-119 of the Public Utilities Act and
3 located at a site that is regulated by any of the following
4 entities under the following programs:

5 (A) the United States Environmental Protection
6 Agency under the federal Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980, as
8 amended;

9 (B) the United States Environmental Protection
10 Agency under the Corrective Action Program of the
11 federal Resource Conservation and Recovery Act, as
12 amended;

13 (C) the Illinois Environmental Protection Agency
14 under the Illinois Site Remediation Program; or

15 (D) the Illinois Environmental Protection Agency
16 under the Illinois Solid Waste Program; or

17 (2) located at the site of a coal mine that has
18 permanently ceased coal production, permanently halted any
19 re-mining operations, and is no longer accepting any coal
20 combustion residues; has both completed all clean-up and
21 remediation obligations under the federal Surface Mining
22 and Reclamation Act of 1977 and all applicable Illinois
23 rules and any other clean-up, remediation, or ongoing
24 monitoring to safeguard the health and well-being of the
25 people of the State of Illinois, as well as demonstrated
26 compliance with all applicable federal and State

1 environmental rules and regulations, including, but not
2 limited, to 35 Ill. Adm. Code Part 845 and any rules for
3 historic fill of coal combustion residuals, including any
4 rules finalized in Subdocket A of Illinois Pollution
5 Control Board docket R2020-019.

6 "Clean coal facility" means an electric generating
7 facility that uses primarily coal as a feedstock and that
8 captures and sequesters carbon dioxide emissions at the
9 following levels: at least 50% of the total carbon dioxide
10 emissions that the facility would otherwise emit if, at the
11 time construction commences, the facility is scheduled to
12 commence operation before 2016, at least 70% of the total
13 carbon dioxide emissions that the facility would otherwise
14 emit if, at the time construction commences, the facility is
15 scheduled to commence operation during 2016 or 2017, and at
16 least 90% of the total carbon dioxide emissions that the
17 facility would otherwise emit if, at the time construction
18 commences, the facility is scheduled to commence operation
19 after 2017. The power block of the clean coal facility shall
20 not exceed allowable emission rates for sulfur dioxide,
21 nitrogen oxides, carbon monoxide, particulates and mercury for
22 a natural gas-fired combined-cycle facility the same size as
23 and in the same location as the clean coal facility at the time
24 the clean coal facility obtains an approved air permit. All
25 coal used by a clean coal facility shall have high volatile
26 bituminous rank and greater than 1.7 pounds of sulfur per

1 million Btu ~~btu~~ content, unless the clean coal facility does
2 not use gasification technology and was operating as a
3 conventional coal-fired electric generating facility on June
4 1, 2009 (the effective date of Public Act 95-1027).

5 "Clean coal SNG brownfield facility" means a facility that
6 (1) has commenced construction by July 1, 2015 on an urban
7 brownfield site in a municipality with at least 1,000,000
8 residents; (2) uses a gasification process to produce
9 substitute natural gas; (3) uses coal as at least 50% of the
10 total feedstock over the term of any sourcing agreement with a
11 utility and the remainder of the feedstock may be either
12 petroleum coke or coal, with all such coal having a high
13 bituminous rank and greater than 1.7 pounds of sulfur per
14 million Btu content unless the facility reasonably determines
15 that it is necessary to use additional petroleum coke to
16 deliver additional consumer savings, in which case the
17 facility shall use coal for at least 35% of the total feedstock
18 over the term of any sourcing agreement; and (4) captures and
19 sequesters at least 85% of the total carbon dioxide emissions
20 that the facility would otherwise emit.

21 "Clean coal SNG facility" means a facility that uses a
22 gasification process to produce substitute natural gas, that
23 sequesters at least 90% of the total carbon dioxide emissions
24 that the facility would otherwise emit, that uses at least 90%
25 coal as a feedstock, with all such coal having a high
26 bituminous rank and greater than 1.7 pounds of sulfur per

1 million Btu ~~btu~~ content, and that has a valid and effective
2 permit to construct emission sources and air pollution control
3 equipment and approval with respect to the federal regulations
4 for Prevention of Significant Deterioration of Air Quality
5 (PSD) for the plant pursuant to the federal Clean Air Act;
6 provided, however, a clean coal SNG brownfield facility shall
7 not be a clean coal SNG facility.

8 "Clean energy" means energy generation that is 90% or
9 greater free of carbon dioxide emissions.

10 "Commission" means the Illinois Commerce Commission.

11 "Community renewable generation project" means an electric
12 generating facility that:

13 (1) is powered by wind, solar thermal energy,
14 photovoltaic cells or panels, biodiesel, crops and
15 untreated and unadulterated organic waste biomass, and
16 hydropower that does not involve new construction or
17 significant expansion of hydropower dams;

18 (2) is interconnected at the distribution system level
19 of an electric utility as defined in this Section, a
20 municipal utility as defined in this Section that owns or
21 operates electric distribution facilities, a public
22 utility as defined in Section 3-105 of the Public
23 Utilities Act, or an electric cooperative, as defined in
24 Section 3-119 of the Public Utilities Act;

25 (3) credits the value of electricity generated by the
26 facility to the subscribers of the facility; and

1 (4) is limited in nameplate capacity to less than or
2 equal to 5,000 kilowatts.

3 "Costs incurred in connection with the development and
4 construction of a facility" means:

5 (1) the cost of acquisition of all real property,
6 fixtures, and improvements in connection therewith and
7 equipment, personal property, and other property, rights,
8 and easements acquired that are deemed necessary for the
9 operation and maintenance of the facility;

10 (2) financing costs with respect to bonds, notes, and
11 other evidences of indebtedness of the Agency;

12 (3) all origination, commitment, utilization,
13 facility, placement, underwriting, syndication, credit
14 enhancement, and rating agency fees;

15 (4) engineering, design, procurement, consulting,
16 legal, accounting, title insurance, survey, appraisal,
17 escrow, trustee, collateral agency, interest rate hedging,
18 interest rate swap, capitalized interest, contingency, as
19 required by lenders, and other financing costs, and other
20 expenses for professional services; and

21 (5) the costs of plans, specifications, site study and
22 investigation, installation, surveys, other Agency costs
23 and estimates of costs, and other expenses necessary or
24 incidental to determining the feasibility of any project,
25 together with such other expenses as may be necessary or
26 incidental to the financing, insuring, acquisition, and

1 construction of a specific project and starting up,
2 commissioning, and placing that project in operation.

3 "Delivery services" has the same definition as found in
4 Section 16-102 of the Public Utilities Act.

5 "Delivery year" means the consecutive 12-month period
6 beginning June 1 of a given year and ending May 31 of the
7 following year.

8 "Department" means the Department of Commerce and Economic
9 Opportunity.

10 "Director" means the Director of the Illinois Power
11 Agency.

12 "Demand-response" means measures that decrease peak
13 electricity demand or shift demand from peak to off-peak
14 periods.

15 "Distributed renewable energy generation device" means a
16 device that is:

17 (1) powered by wind, solar thermal energy,
18 photovoltaic cells or panels, biodiesel, crops and
19 untreated and unadulterated organic waste biomass, tree
20 waste, and hydropower that does not involve new
21 construction or significant expansion of hydropower dams,
22 waste heat to power systems, or qualified combined heat
23 and power systems;

24 (2) interconnected at the distribution system level of
25 either an electric utility as defined in this Section, a
26 municipal utility as defined in this Section that owns or

1 operates electric distribution facilities, or a rural
2 electric cooperative as defined in Section 3-119 of the
3 Public Utilities Act;

4 (3) located on the customer side of the customer's
5 electric meter and is primarily used to offset that
6 customer's electricity load; and

7 (4) (blank).

8 "Energy efficiency" means measures that reduce the amount
9 of electricity or natural gas consumed in order to achieve a
10 given end use. "Energy efficiency" includes voltage
11 optimization measures that optimize the voltage at points on
12 the electric distribution voltage system and thereby reduce
13 electricity consumption by electric customers' end use
14 devices. "Energy efficiency" also includes measures that
15 reduce the total Btus of electricity, natural gas, and other
16 fuels needed to meet the end use or uses.

17 "Electric utility" has the same definition as found in
18 Section 16-102 of the Public Utilities Act.

19 "Equity investment eligible community" or "eligible
20 community" are synonymous and mean the geographic areas
21 throughout Illinois which would most benefit from equitable
22 investments by the State designed to combat discrimination.
23 Specifically, the eligible communities shall be defined as the
24 following areas:

25 (1) R3 Areas as established pursuant to Section 10-40
26 of the Cannabis Regulation and Tax Act, where residents

1 have historically been excluded from economic
2 opportunities, including opportunities in the energy
3 sector; and

4 (2) environmental ~~Environmental~~ justice communities,
5 as defined by the Illinois Power Agency pursuant to the
6 Illinois Power Agency Act, where residents have
7 historically been subject to disproportionate burdens of
8 pollution, including pollution from the energy sector.

9 "Equity eligible persons" or "eligible persons" means
10 persons who would most benefit from equitable investments by
11 the State designed to combat discrimination, specifically:

12 (1) persons who graduate from or are current or former
13 participants in the Clean Jobs Workforce Network Program,
14 the Clean Energy Contractor Incubator Program, the
15 Illinois Climate Works Preapprenticeship Program,
16 Returning Residents Clean Jobs Training Program, or the
17 Clean Energy Primes Contractor Accelerator Program, and
18 the solar training pipeline and multi-cultural jobs
19 program created in paragraphs (a) (1) and (a) (3) of Section
20 16-208.12 ~~16-108.21~~ of the Public Utilities Act;

21 (2) persons who are graduates of or currently enrolled
22 in the foster care system;

23 (3) persons who were formerly incarcerated;

24 (4) persons whose primary residence is in an equity
25 investment eligible community.

26 "Equity eligible contractor" means a business that is

1 majority-owned by eligible persons, or a nonprofit or
2 cooperative that is majority-governed by eligible persons, or
3 is a natural person that is an eligible person offering
4 personal services as an independent contractor.

5 "Facility" means an electric generating unit or a
6 co-generating unit that produces electricity along with
7 related equipment necessary to connect the facility to an
8 electric transmission or distribution system.

9 "General contractor ~~Contractor~~" means the entity or
10 organization with main responsibility for the building of a
11 construction project and who is the party signing the prime
12 construction contract for the project.

13 "Governmental aggregator" means one or more units of local
14 government that individually or collectively procure
15 electricity to serve residential retail electrical loads
16 located within its or their jurisdiction.

17 "High voltage direct current converter station" means the
18 collection of equipment that converts direct current energy
19 from a high voltage direct current transmission line into
20 alternating current using Voltage Source Conversion technology
21 and that is interconnected with transmission or distribution
22 assets located in Illinois.

23 "High voltage direct current renewable energy credit"
24 means a renewable energy credit associated with a renewable
25 energy resource where the renewable energy resource has
26 entered into a contract to transmit the energy associated with

1 such renewable energy credit over high voltage direct current
2 transmission facilities.

3 "High voltage direct current transmission facilities"
4 means the collection of installed equipment that converts
5 alternating current energy in one location to direct current
6 and transmits that direct current energy to a high voltage
7 direct current converter station using Voltage Source
8 Conversion technology. "High voltage direct current
9 transmission facilities" includes the high voltage direct
10 current converter station itself and associated high voltage
11 direct current transmission lines. Notwithstanding the
12 preceding, after September 15, 2021 (the effective date of
13 Public Act 102-662) ~~this amendatory Act of the 102nd General~~
14 ~~Assembly~~, an otherwise qualifying collection of equipment does
15 not qualify as high voltage direct current transmission
16 facilities unless its developer entered into a project labor
17 agreement, is capable of transmitting electricity at 525kv
18 with an Illinois converter station located and interconnected
19 in the region of the PJM Interconnection, LLC, and the system
20 does not operate as a public utility, as that term is defined
21 in Section 3-105 of the Public Utilities Act.

22 "Index price" means the real-time energy settlement price
23 at the applicable Illinois trading hub, such as PJM-NIHUB or
24 MISO-IL, for a given settlement period.

25 "Indexed renewable energy credit" means a tradable credit
26 that represents the environmental attributes of one megawatt

1 hour of energy produced from a renewable energy resource, the
2 price of which shall be calculated by subtracting the strike
3 price offered by a new utility-scale wind project or a new
4 utility-scale photovoltaic project from the index price in a
5 given settlement period.

6 "Indexed renewable energy credit counterparty" has the
7 same meaning as "public utility" as defined in Section 3-105
8 of the Public Utilities Act.

9 "Local government" means a unit of local government as
10 defined in Section 1 of Article VII of the Illinois
11 Constitution.

12 "Municipality" means a city, village, or incorporated
13 town.

14 "Municipal utility" means a public utility owned and
15 operated by any subdivision or municipal corporation of this
16 State.

17 "Nameplate capacity" means the aggregate inverter
18 nameplate capacity in kilowatts AC.

19 "Person" means any natural person, firm, partnership,
20 corporation, either domestic or foreign, company, association,
21 limited liability company, joint stock company, or association
22 and includes any trustee, receiver, assignee, or personal
23 representative thereof.

24 "Project" means the planning, bidding, and construction of
25 a facility.

26 "Project labor agreement" means a pre-hire collective

1 bargaining agreement that covers all terms and conditions of
2 employment on a specific construction project and must include
3 the following:

4 (1) provisions establishing the minimum hourly wage
5 for each class of labor organization employee;

6 (2) provisions establishing the benefits and other
7 compensation for each class of labor organization
8 employee;

9 (3) provisions establishing that no strike or disputes
10 will be engaged in by the labor organization employees;

11 (4) provisions establishing that no lockout or
12 disputes will be engaged in by the general contractor
13 building the project; and

14 (5) provisions for minorities and women, as defined
15 under the Business Enterprise for Minorities, Women, and
16 Persons with Disabilities Act, setting forth goals for
17 apprenticeship hours to be performed by minorities and
18 women and setting forth goals for total hours to be
19 performed by underrepresented minorities and women.

20 A labor organization and the general contractor building
21 the project shall have the authority to include other terms
22 and conditions as they deem necessary.

23 "Public utility" has the same definition as found in
24 Section 3-105 of the Public Utilities Act.

25 "Qualified combined heat and power systems" means systems
26 that, either simultaneously or sequentially, produce

1 electricity and useful thermal energy from a single fuel
2 source. Such systems are eligible for "renewable energy
3 credits" in an amount equal to its total energy output where a
4 renewable fuel is consumed or in an amount equal to the net
5 reduction in nonrenewable fuel consumed on a total energy
6 output basis.

7 "Real property" means any interest in land together with
8 all structures, fixtures, and improvements thereon, including
9 lands under water and riparian rights, any easements,
10 covenants, licenses, leases, rights-of-way, uses, and other
11 interests, together with any liens, judgments, mortgages, or
12 other claims or security interests related to real property.

13 "Renewable energy credit" means a tradable credit that
14 represents the environmental attributes of one megawatt hour
15 of energy produced from a renewable energy resource.

16 "Renewable energy resources" includes energy and its
17 associated renewable energy credit or renewable energy credits
18 from wind, solar thermal energy, photovoltaic cells and
19 panels, biodiesel, anaerobic digestion, crops and untreated
20 and unadulterated organic waste biomass, and hydropower that
21 does not involve new construction or significant expansion of
22 hydropower dams, waste heat to power systems, or qualified
23 combined heat and power systems. For purposes of this Act,
24 landfill gas produced in the State is considered a renewable
25 energy resource. "Renewable energy resources" does not include
26 the incineration or burning of tires, garbage, general

1 household, institutional, and commercial waste, industrial
2 lunchroom or office waste, landscape waste, railroad
3 crossties, utility poles, or construction or demolition
4 debris, other than untreated and unadulterated waste wood.

5 "Renewable energy resources" also includes high voltage direct
6 current renewable energy credits and the associated energy
7 converted to alternating current by a high voltage direct
8 current converter station to the extent that: (1) the
9 generator of such renewable energy resource contracted with a
10 third party to transmit the energy over the high voltage
11 direct current transmission facilities, and (2) the
12 third-party contracting for delivery of renewable energy
13 resources over the high voltage direct current transmission
14 facilities have ownership rights over the unretired associated
15 high voltage direct current renewable energy credit.

16 "Retail customer" has the same definition as found in
17 Section 16-102 of the Public Utilities Act.

18 "Revenue bond" means any bond, note, or other evidence of
19 indebtedness issued by the Authority, the principal and
20 interest of which is payable solely from revenues or income
21 derived from any project or activity of the Agency.

22 "Sequester" means permanent storage of carbon dioxide by
23 injecting it into a saline aquifer, a depleted gas reservoir,
24 or an oil reservoir, directly or through an enhanced oil
25 recovery process that may involve intermediate storage,
26 regardless of whether these activities are conducted by a

1 clean coal facility, a clean coal SNG facility, a clean coal
2 SNG brownfield facility, or a party with which a clean coal
3 facility, clean coal SNG facility, or clean coal SNG
4 brownfield facility has contracted for such purposes.

5 "Service area" has the same definition as found in Section
6 16-102 of the Public Utilities Act.

7 "Settlement period" means the period of time utilized by
8 MISO and PJM and their successor organizations as the basis
9 for settlement calculations in the real-time energy market.

10 "Sourcing agreement" means (i) in the case of an electric
11 utility, an agreement between the owner of a clean coal
12 facility and such electric utility, which agreement shall have
13 terms and conditions meeting the requirements of paragraph (3)
14 of subsection (d) of Section 1-75, (ii) in the case of an
15 alternative retail electric supplier, an agreement between the
16 owner of a clean coal facility and such alternative retail
17 electric supplier, which agreement shall have terms and
18 conditions meeting the requirements of Section 16-115(d)(5) of
19 the Public Utilities Act, and (iii) in case of a gas utility,
20 an agreement between the owner of a clean coal SNG brownfield
21 facility and the gas utility, which agreement shall have the
22 terms and conditions meeting the requirements of subsection
23 (h-1) of Section 9-220 of the Public Utilities Act.

24 "Strike price" means a contract price for energy and
25 renewable energy credits from a new utility-scale wind project
26 or a new utility-scale photovoltaic project.

1 "Subscriber" means a person who (i) takes delivery service
2 from an electric utility, and (ii) has a subscription of no
3 less than 200 watts to a community renewable generation
4 project that is located in the electric utility's service
5 area. No subscriber's subscriptions may total more than 40% of
6 the nameplate capacity of an individual community renewable
7 generation project. Entities that are affiliated by virtue of
8 a common parent shall not represent multiple subscriptions
9 that total more than 40% of the nameplate capacity of an
10 individual community renewable generation project.

11 "Subscription" means an interest in a community renewable
12 generation project expressed in kilowatts, which is sized
13 primarily to offset part or all of the subscriber's
14 electricity usage.

15 "Substitute natural gas" or "SNG" means a gas manufactured
16 by gasification of hydrocarbon feedstock, which is
17 substantially interchangeable in use and distribution with
18 conventional natural gas.

19 "Total resource cost test" or "TRC test" means a standard
20 that is met if, for an investment in energy efficiency or
21 demand-response measures, the benefit-cost ratio is greater
22 than one. The benefit-cost ratio is the ratio of the net
23 present value of the total benefits of the program to the net
24 present value of the total costs as calculated over the
25 lifetime of the measures. A total resource cost test compares
26 the sum of avoided electric utility costs, representing the

1 benefits that accrue to the system and the participant in the
2 delivery of those efficiency measures and including avoided
3 costs associated with reduced use of natural gas or other
4 fuels, avoided costs associated with reduced water
5 consumption, and avoided costs associated with reduced
6 operation and maintenance costs, as well as other quantifiable
7 societal benefits, to the sum of all incremental costs of
8 end-use measures that are implemented due to the program
9 (including both utility and participant contributions), plus
10 costs to administer, deliver, and evaluate each demand-side
11 program, to quantify the net savings obtained by substituting
12 the demand-side program for supply resources. In calculating
13 avoided costs of power and energy that an electric utility
14 would otherwise have had to acquire, reasonable estimates
15 shall be included of financial costs likely to be imposed by
16 future regulations and legislation on emissions of greenhouse
17 gases. In discounting future societal costs and benefits for
18 the purpose of calculating net present values, a societal
19 discount rate based on actual, long-term Treasury bond yields
20 should be used. Notwithstanding anything to the contrary, the
21 TRC test shall not include or take into account a calculation
22 of market price suppression effects or demand reduction
23 induced price effects.

24 "Utility-scale solar project" means an electric generating
25 facility that:

- 26 (1) generates electricity using photovoltaic cells;

1 and

2 (2) has a nameplate capacity that is greater than
3 5,000 kilowatts.

4 "Utility-scale wind project" means an electric generating
5 facility that:

6 (1) generates electricity using wind; and

7 (2) has a nameplate capacity that is greater than
8 5,000 kilowatts.

9 "Waste Heat to Power Systems" means systems that capture
10 and generate electricity from energy that would otherwise be
11 lost to the atmosphere without the use of additional fuel.

12 "Zero emission credit" means a tradable credit that
13 represents the environmental attributes of one megawatt hour
14 of energy produced from a zero emission facility.

15 "Zero emission facility" means a facility that: (1) is
16 fueled by nuclear power; and (2) is interconnected with PJM
17 Interconnection, LLC or the Midcontinent Independent System
18 Operator, Inc., or their successors.

19 (Source: P.A. 102-662, eff. 9-15-21; revised 6-2-22.)

20 Section 130. The Illinois African-American Family
21 Commission Act is amended by changing Section 5 as follows:

22 (20 ILCS 3903/5)

23 Sec. 5. Legislative findings. It is the policy of this
24 State to promote family preservation and to preserve and

1 strengthen families.

2 (a) Over 12 million people live in Illinois.
3 African-Americans represent 15% of the population and 26% of
4 the residents living in Cook County. Despite some progress
5 over the last few decades, African-Americans in Illinois
6 continue to lag behind other racial groups relative to
7 indicators of well-being in education, employment, income, and
8 health. According to the 2000 U.S. Census, just 26% of the
9 African-American population over 25 years of age in Illinois
10 completed their high school education; 6% held an associate's
11 degree; less than 10% (9%) held a bachelor's degree; less than
12 5% (3%) held a master's degree; and less than one percent held
13 either a professional (.8%) or doctoral (.4%) degree.

14 These levels of education attainment reflect more
15 fundamental problems with retaining African-Americans in
16 school. The Illinois State Board of Education reported that
17 for the 2001-2002 school year, 36,373, or 6%, of students
18 enrolled in public high schools dropped out. Thirty-nine
19 percent of these students were African-Americans; 38% were
20 White; 21% were Hispanic; and 2% were classified as Other.

21 Although African-Americans make up 18% of the high school
22 population, they are disproportionately represented in the
23 number of students who are suspended and expelled. In the
24 2001-2002 school year, 29,068 students were suspended from
25 school. Forty-seven percent were White, 37% were
26 African-American, 14% were Hispanic, and 1% were classified as

1 Other. In regards to expulsions Statewide, the total number of
2 high school students expelled was 1,651. Forty-three percent
3 were African-American, 41% were White, 14% were Hispanic, and
4 2% were classified as Other. Within Chicago public schools,
5 448 students were expelled. Seventy-seven of these students
6 were African-American; 27% were White; 14% were Hispanic; and
7 4% were classified as Other. The fact that African-Americans
8 are more likely to be suspended or expelled from school also
9 contributes to the high dropout rate among African-American
10 high school students.

11 In addition to educational challenges, African-Americans
12 face challenges in the areas of employment and income. In the
13 year 2000, the unemployment rate for African-Americans age 16
14 years or older was 15% compared to only 6% for the total
15 Illinois population. Moreover, the median household income of
16 African-Americans in Illinois was \$31,699 compared to \$46,590
17 for the total Illinois population, and the percentage of
18 African-American families below the poverty level in Illinois
19 was 26% ~~percent~~ in 1999 compared to 10.7% for the total
20 Illinois population in that same year.

21 Indicators of child welfare and criminal justice reveal
22 still more challenges that African-American families face in
23 Illinois. In 2000, African-American children represented 18%
24 of children 18 years of age and under, but comprised 73% of
25 children in substitute care. African-Americans are also
26 overrepresented in the criminal justice population. Of the

1 total Illinois adult inmate population in the year 2000, 65%
2 were African-American. During this same time period,
3 African-American youth represented 58% of the juvenile inmate
4 population in Illinois.

5 While the leading causes of death among African-Americans
6 are the same as those for the general population in Illinois,
7 African-Americans have a higher rate of death per 100,000
8 residents. The rate of overall deaths per 100,000 residents
9 among African-Americans in the year 2000 was 1,181; 847 for
10 Whites; and 411 for those classified as Other. The rate of
11 cancer-related deaths per 100,000 residents by racial or
12 ethnic groups in 2000 was: 278 African-Americans; 206 Whites;
13 and 110 of those classified as Other. The rate of
14 diabetes-related deaths per 100,000 residents among
15 African-Americans in 2000 was 41 compared to 23 for Whites and
16 13 for those classified as Other. The rate of deaths per
17 100,000 residents by heart disease among African-Americans in
18 2000 was 352 compared to 257 for Whites and 120 for those
19 classified as Other. The rate of deaths per 100,000 residents
20 by stroke among African-Americans in 2000 was 75; 60 for
21 Whites; and 35 for those classified as Other.

22 African-Americans had higher rates of smoking and obesity
23 than other racial groups in Illinois in 2001.
24 African-Americans accounted for more of the new
25 adult/adolescent AIDS cases, cumulative adult/adolescent AIDS
26 cases, and number of people living with AIDS than other racial

1 groups in Illinois in the year 2002. Still, 23% of uninsured
2 persons in Illinois are African-American.

3 (b) The Illinois African-American Family Commission
4 continues to be an essential key to promoting the preservation
5 and strengthening of families. As of January 1, 2015 (the
6 effective date of Public Act 98-693) ~~this amendatory Act of~~
7 ~~the 98th General Assembly~~, just under 13 million people live
8 in Illinois. African-Americans represent 15% of the population
9 and 25% of the residents living in Cook County. Despite some
10 progress over the last few decades, African-Americans in
11 Illinois continue to lag behind other racial groups relative
12 to indicators of well-being in education, employment, income,
13 and health. According to the 2010 federal decennial census:
14 just 28% of the African-American population over 25 years of
15 age in Illinois completed their high school education; 36% had
16 some college or an associate's degree; less than 12% held a
17 bachelor's degree; less than 8% held either a graduate or
18 professional degree.

19 These levels of education attainment reflect more
20 fundamental problems with retaining African-Americans in
21 school. The State Board of Education reported that for the
22 2010-2011 school year, 18,210, or 2.77%, of students enrolled
23 in public high schools dropped out. 39.3% of these students
24 were African-Americans; 32.6% were White; 24.2% were Hispanic;
25 and 2% were classified as Other.

26 Although African-Americans make up 20% of the high school

1 population, they are disproportionately represented in the
2 number of students who are suspended and expelled. In the
3 2011-2012 school year, 29,928 students were suspended from
4 school. 36% were White, 34% were African-American, 26% were
5 Hispanic, and 4% were classified as Other. With regard to
6 expulsions statewide, the total number of high school students
7 expelled was 982. 37% were African-American, 41% were White,
8 21% were Hispanic, and 2% were classified as Other. Within
9 Chicago public schools, 294 students were expelled. 80% of
10 these students were African-American; none were White; 17%
11 were Hispanic; and 3% were classified as Other. The fact that
12 African-Americans are more likely to be suspended or expelled
13 from school also contributes to the high dropout rate among
14 African-American high school students.

15 In addition to educational challenges, African-Americans
16 face challenges in the areas of employment and income. In the
17 year 2010, the unemployment rate for African-Americans age 16
18 years or older was 16% compared to only 9% for the total
19 Illinois population. Moreover, the median household income of
20 African-Americans in Illinois was \$34,874 compared to \$60,433
21 for the total Illinois population, and the percentage of
22 African-American families below the poverty level in Illinois
23 was 32% ~~percent~~ in 2012 compared to 15% for the total Illinois
24 population in that same year.

25 Indicators of child welfare and criminal justice reveal
26 still more challenges that African-American families face in

1 Illinois. In 2010, African-American children represented 14%
2 of children 18 years of age and under, but comprised 56% of
3 children in substitute care. African-Americans are also
4 overrepresented in the criminal justice population. Of the
5 total Illinois adult inmate population in the year 2012, 57%
6 were African-American. During this same time period,
7 African-American youth represented 66% of the juvenile inmate
8 population in Illinois.

9 While the leading causes of death among African-Americans
10 are the same as those for the general population in Illinois,
11 African-Americans have a higher rate of death per 100,000
12 residents. The rate of overall deaths per 100,000 residents
13 among African-Americans in the year 2010 was 898; 741 for
14 Whites; and 458 for those classified as Other. The rate of
15 cancer-related deaths per 100,000 residents by racial or
16 ethnic groups in 2010 was 216 for African-Americans; 179 for
17 Whites; and 124 for those classified as Other. The rate of
18 diabetes-related deaths per 100,000 residents among
19 African-Americans in 2010 was 114 compared to 66 for Whites
20 and 75 for those classified as Other. The rate of deaths per
21 100,000 residents by heart disease among African-Americans in
22 2010 was 232 compared to 179 for Whites and 121 for those
23 classified as Other. The rate of deaths per 100,000 residents
24 by stroke among African-Americans in 2010 was 108; 73 for
25 Whites; and 56 for those classified as Other.

26 African-Americans had higher rates of smoking and obesity

1 than other racial groups in Illinois in 2013.
2 African-Americans accounted for more of the new
3 adult/adolescent AIDS cases, cumulative adult/adolescent AIDS
4 cases, and number of people living with AIDS than other racial
5 groups in Illinois in the year 2013. Still, 24% of uninsured
6 persons in Illinois are African-American.

7 (c) These huge disparities in education, employment,
8 income, child welfare, criminal justice, and health
9 demonstrate the tremendous challenges facing the
10 African-American family in Illinois. These challenges are
11 severe. There is a need for government, child and family
12 advocates, and other key stakeholders to create and implement
13 public policies to address the health and social crises facing
14 African-American families. The development of given solutions
15 clearly transcends any one State agency and requires a
16 coordinated effort. The Illinois African-American Family
17 Commission shall assist State agencies with this task.

18 The African-American Family Commission was created in
19 October 1994 by Executive Order to assist the Illinois
20 Department of Children and Family Services in developing and
21 implementing programs and public policies that affect the
22 State's child welfare system. The Commission has a proven
23 track record of bringing State agencies, community providers,
24 and consumers together to address child welfare issues. The
25 ability of the Commission to address the above-mentioned
26 health issues, community factors, and the personal well-being

1 of African-American families and children has been limited due
2 to the Executive Order's focus on child welfare. It is
3 apparent that broader issues of health, mental health,
4 criminal justice, education, and economic development also
5 directly affect the health and well-being of African-American
6 families and children. Accordingly, the role of the Illinois
7 African-American Family Commission is hereby expanded to
8 encompass working relationships with every department, agency,
9 and commission within State government if any of its
10 activities impact African-American children and families. The
11 focus of the Commission is hereby restructured and shall exist
12 by legislative mandate to engage State agencies in its efforts
13 to preserve and strengthen African-American families.

14 (Source: P.A. 98-693, eff. 1-1-15; revised 9-14-22.)

15 Section 135. The Illinois Vehicle Hijacking and Motor
16 Vehicle Theft Prevention and Insurance Verification Act is
17 amended by changing Sections 8.5 and 8.6 as follows:

18 (20 ILCS 4005/8.5)

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

20 Sec. 8.5. State Police Vehicle Hijacking and Motor Vehicle
21 Theft Prevention Trust Fund. The State Police Vehicle
22 Hijacking and Motor Vehicle Theft Prevention Trust Fund is
23 created as a trust fund in the State treasury. The State
24 Treasurer shall be the custodian of the Fund. The State Police

1 Vehicle Hijacking and Motor Vehicle Theft Prevention Trust
2 Fund is established to receive funds from the Illinois Vehicle
3 Hijacking and Motor Vehicle Theft Prevention and Insurance
4 Verification Council. All interest earned from the investment
5 or deposit of moneys accumulated in the Fund shall be
6 deposited into the Fund. Moneys in the Fund shall be used by
7 the Illinois State Police for motor vehicle theft prevention
8 purposes.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-775, eff. 5-13-22;
10 102-904, eff. 1-1-23; revised 12-13-22.)

11 (20 ILCS 4005/8.6)

12 Sec. 8.6. State Police Training and Academy Fund; Law
13 Enforcement Training Fund. Before April 1 of each year, each
14 insurer engaged in writing private passenger motor vehicle
15 insurance coverage that is included in Class 2 and Class 3 of
16 Section 4 of the Illinois Insurance Code, as a condition of its
17 authority to transact business in this State, may collect and
18 shall pay to the Department of Insurance an amount equal to \$4,
19 or a lesser amount determined by the Illinois Law Enforcement
20 Training Standards Board by rule, multiplied by the insurer's
21 total earned car years of private passenger motor vehicle
22 insurance policies providing physical damage insurance
23 coverage written in this State during the preceding calendar
24 year. Of the amounts collected under this Section, the
25 Department of Insurance shall deposit 10% into the State

1 Police Training and Academy Fund and 90% into the Law
2 Enforcement Training Fund.

3 (Source: P.A. 102-16, eff. 6-17-21; 102-775, eff. 5-13-22;
4 102-1071, eff. 6-10-22; revised 9-1-22.)

5 Section 140. The Task Force on Missing and Murdered
6 Chicago Women Act is amended by changing Section 10 as
7 follows:

8 (20 ILCS 4119/10)

9 Sec. 10. Task Force on Missing and Murdered Chicago Women.

10 (a) The Executive Director of the Illinois Criminal
11 Justice Information Authority or the Executive Director's
12 designee, in consultation with the Director of the Illinois
13 State Police and the Chicago Police Superintendent, shall
14 appoint the non-legislative members to the Task Force on
15 Missing and Murdered Chicago Women to advise the Director and
16 the Chicago Police Superintendent and to report to the General
17 Assembly on recommendations to reduce and end violence against
18 Chicago women and girls. The Task Force may also serve as a
19 liaison between the Director, the Chicago Police
20 Superintendent, and agencies and nongovernmental organizations
21 that provide services to victims, victims' families, and
22 victims' communities. Task Force members shall serve without
23 compensation but may, subject to appropriation, receive
24 reimbursement for their expenses as members of the Task Force.

1 (b) There is created the Task Force on Missing and
2 Murdered Chicago Women, which shall consist of the following
3 individuals, or their designees, who are knowledgeable in
4 crime victims' rights or violence protection and, unless
5 otherwise specified, members shall be appointed for 2-year
6 terms as follows:

7 (1) Two members of the Senate, one appointed by the
8 President of the Senate and one appointed by the Minority
9 Leader of the Senate;~~;~~

10 (2) Two members of the House of Representatives, one
11 appointed by the Speaker of the House of Representatives
12 and one appointed by the Minority Leader of the House of
13 Representatives;~~;~~

14 (3) Two members from among the following appointed by
15 the Executive Director of the Illinois Criminal Justice
16 Information Authority or the Executive Director's
17 designee:

18 (A) an association representing Illinois chiefs of
19 police;

20 (B) an association representing Illinois sheriffs;

21 (C) an officer who is employed by the Illinois
22 State Police; or

23 (D) an Illinois peace officer's association;~~;~~

24 (4) One or more representatives from among the
25 following:

26 (A) an association representing State's Attorneys;

1 (B) an attorney representing the United States
2 Attorney's Office in Chicago; or

3 (C) a circuit judge, associate judge, or attorney
4 working in juvenile court;

5 (D) the Cook County Medical Examiner, or his or
6 her designee, or a representative from a statewide
7 coroner's or medical examiner's association or a
8 representative of the Department of Public Health;

9 (5) Two representatives for victims, with a focus on
10 individuals who work with victims of violence or their
11 families appointed by the Executive Director of the
12 Illinois Criminal Justice Information Authority or the
13 Executive Director's designee; and

14 (6) Four or more members from among the following
15 appointed by the Executive Director of the Illinois
16 Criminal Justice Information Authority or the Executive
17 Director's designee:

18 (A) a statewide or local organization that
19 provides legal services to Chicago women and girls;

20 (B) a statewide or local organization that
21 provides advocacy or counseling for Chicago women and
22 girls who have been victims of violence;

23 (C) a statewide or local organization that
24 provides healthcare services to Chicago women and
25 girls;

26 (D) a statewide organization that represents women

1 and girls who have been sexually assaulted;

2 (E) a women's health organization or agency; or

3 (F) a Chicago woman who is a survivor of
4 gender-related violence.

5 (c) Vacancies in positions appointed by the Executive
6 Director of the Illinois Criminal Justice Information
7 Authority or the Executive Director's designee shall be filled
8 by the Executive Director of the Illinois Criminal Justice
9 Information Authority or the Executive Director's designee
10 consistent with the qualifications of the vacating member
11 required by this Section.

12 (d) Task Force members shall annually elect a chair and
13 vice-chair from among the Task Force's members, and may elect
14 other officers as necessary. The Task Force shall meet at
15 least quarterly, or upon the call of its chair, and may hold
16 meetings throughout the City of Chicago. The Task Force shall
17 meet frequently enough to accomplish the tasks identified in
18 this Section. Meetings of the Task Force are subject to the
19 Open Meetings Act. The Task Force shall seek out and enlist the
20 cooperation and assistance of nongovernmental organizations,
21 community, and advocacy organizations working with the Chicago
22 community, and academic researchers and experts, specifically
23 those specializing in violence against Chicago women and
24 girls, representing diverse communities disproportionately
25 affected by violence against women and girls, or focusing on
26 issues related to gender-related violence and violence against

1 Chicago women and girls.

2 (e) The Executive Director of the Illinois Criminal
3 Justice Information Authority or the Executive Director's
4 designee shall convene the first meeting of the Task Force no
5 later than 30 days after the appointment of a majority of the
6 members of the Task Force. The Illinois Criminal Justice
7 Information Authority shall provide meeting space and
8 administrative assistance as necessary for the Task Force to
9 conduct its work. The chair of the Task Force may call
10 electronic meetings of the Task Force. A member of the Task
11 Force participating electronically shall be deemed present for
12 purposes of establishing a quorum and voting.

13 (f) The Task Force must examine and report on the
14 following:

15 (1) the systemic causes behind violence that Chicago
16 women and girls experience, including patterns and
17 underlying factors that explain why disproportionately
18 high levels of violence occur against Chicago women and
19 girls, including underlying historical, social, economic,
20 institutional, and cultural factors that may contribute to
21 the violence;

22 (2) appropriate methods for tracking and collecting
23 data on violence against Chicago women and girls,
24 including data on missing and murdered Chicago women and
25 girls;

26 (3) policies and institutions such as policing, child

1 welfare, medical examiner practices, and other
2 governmental practices that impact violence against
3 Chicago women and girls and the investigation and
4 prosecution of crimes of gender-related violence against
5 Chicago residents;

6 (4) measures necessary to address and reduce violence
7 against Chicago women and girls; and

8 (5) measures to help victims, victims' families, and
9 victims' communities prevent and heal from violence that
10 occurs against Chicago women and girls.

11 (g) The Task Force shall report on or before December 31 of
12 2024, and on or before December 31 of each year thereafter, to
13 the General Assembly and the Governor on the work of the Task
14 Force, including, but not limited to, the issues to be
15 examined in subsection (g), and shall include in the annual
16 report recommendations regarding institutional policies and
17 practices or proposed institutional policies and practices
18 that are effective in reducing gender-related violence and
19 increasing the safety of Chicago women and girls. The report
20 shall include recommendations to reduce and end violence
21 against Chicago women and girls and help victims and
22 communities heal from gender-related violence and violence
23 against Chicago women and girls.

24 (Source: P.A. 102-1057, eff. 1-1-23; revised 12-16-22.)

25 Section 150. The Legislative Audit Commission Act is

1 amended by changing Section 3 as follows:

2 (25 ILCS 150/3) (from Ch. 63, par. 106)

3 Sec. 3. The Commission shall receive the reports of the
4 Auditor General and other financial statements and shall
5 determine what remedial measures, if any, are needed, and
6 whether special studies and investigations are necessary. If
7 the Commission shall deem such studies and investigations to
8 be necessary, the Commission may direct the Auditor General to
9 undertake such studies or investigations.

10 When a disagreement between the Audit Commission and an
11 agency under the Governor's jurisdiction arises in the process
12 of the Audit Commission's review of audit reports relating to
13 such agency, the Audit Commission shall promptly advise the
14 Governor of such areas of disagreement. The Governor shall
15 respond to the Audit Commission within a reasonable period of
16 time, and in no event later than 60 days, expressing his views
17 concerning such areas of disagreement and indicating the
18 corrective action taken by his office with reference thereto
19 or, if no action is taken, indicating the reasons therefor.

20 The Audit Commission also promptly shall advise all other
21 responsible officials of the Executive, Judicial, and
22 Legislative branches of the State government of areas of
23 disagreement arising in the process of the Commission's review
24 of their respective audit reports. With reference to his
25 particular office, each such responsible official shall

1 respond to the Audit Commission within a reasonable period of
2 time, and in no event later than 60 days, expressing his view
3 concerning such areas of disagreement and indicating the
4 corrective action taken with reference thereto or stating the
5 reasons that no action has been taken.

6 The Commission shall report its activities to the General
7 Assembly including such remedial measures as it deems to be
8 necessary. The report of the Commission shall be made to the
9 General Assembly not less often than annually and not later
10 than March 1 in each year.

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

17 In addition, the Commission has the powers and duties
18 provided for in the ~~"Illinois State Auditing Act", enacted by~~
19 ~~the 78th General Assembly,~~ and, if the provisions of that Act
20 ~~are~~ conflict with those of this Act, that Act prevails.

21 (Source: P.A. 100-1148, eff. 12-10-18; revised 9-12-22.)

22 Section 155. The State Finance Act is amended by setting
23 forth and renumbering multiple versions of Sections 5.935,
24 5.970, 5.971, 5.972, 5.973, 5.974, 5.975, 5.976, and 6z-131,
25 by changing Sections 6z-18, 6z-64, 6z-126, and 29a, and by

1 setting forth, renumbering, and changing multiple versions of
2 Section 6z-130 as follows:

3 (30 ILCS 105/5.935)

4 Sec. 5.935. The Freedom Schools Fund.

5 (Source: P.A. 101-654, eff. 3-8-21; 102-813, eff. 5-13-22.)

6 (30 ILCS 105/5.965)

7 Sec. 5.965 ~~5.935~~. The 100 Club of Illinois Fund.

8 (Source: P.A. 102-1060, eff. 6-10-22; revised 7-27-22.)

9 (30 ILCS 105/5.966)

10 Sec. 5.966 ~~5.970~~. The Serve Illinois Commission Fund.

11 (Source: P.A. 102-699, eff. 4-19-22; revised 7-27-22.)

12 (30 ILCS 105/5.967)

13 Sec. 5.967 ~~5.970~~. The Illinois Production Workforce
14 Development Fund.

15 (Source: P.A. 102-700, eff. 4-19-22; revised 7-27-22.)

16 (30 ILCS 105/5.968)

17 Sec. 5.968 ~~5.970~~. The Law Enforcement Recruitment and
18 Retention Fund.

19 (Source: P.A. 102-755, eff. 5-10-22; revised 7-27-22.)

20 (30 ILCS 105/5.969)

1 Sec. 5.969 ~~5.970~~. The Organized Retail Crime Enforcement
2 Fund.

3 (Source: P.A. 102-757, eff. 1-1-23; revised 1-10-23.)

4 (30 ILCS 105/5.970)

5 Sec. 5.970. The Future Farmers of America Fund.

6 (Source: P.A. 102-809, eff. 1-1-23.)

7 (30 ILCS 105/5.971)

8 Sec. 5.971. The Statewide 9-8-8 Trust Fund.

9 (Source: P.A. 102-699, eff. 4-19-22.)

10 (30 ILCS 105/5.972)

11 Sec. 5.972. The Board of Higher Education State Contracts
12 and Grants Fund.

13 (Source: P.A. 102-699, eff. 4-19-22.)

14 (30 ILCS 105/5.973)

15 Sec. 5.973. The Agriculture Federal Projects Fund.

16 (Source: P.A. 102-699, eff. 4-19-22.)

17 (30 ILCS 105/5.974)

18 Sec. 5.974. The DNR Federal Projects Fund.

19 (Source: P.A. 102-699, eff. 4-19-22.)

20 (30 ILCS 105/5.975)

1 Sec. 5.975. The Illinois Opioid Remediation State Trust
2 Fund.

3 (Source: P.A. 102-699, eff. 4-19-22.)

4 (30 ILCS 105/5.976)

5 Sec. 5.976. The General Assembly Technology Fund.

6 (Source: P.A. 102-699, eff. 4-19-22.)

7 (30 ILCS 105/5.977)

8 Sec. 5.977 ~~5.970~~. The First Responder Behavioral Health
9 Grant Fund.

10 (Source: P.A. 102-911, eff. 1-1-23; revised 1-10-23.)

11 (30 ILCS 105/5.978)

12 Sec. 5.978 ~~5.970~~. The Off-Hours Child Care Program Fund.

13 (Source: P.A. 102-912, eff. 5-27-22; revised 7-27-22.)

14 (30 ILCS 105/5.979)

15 Sec. 5.979 ~~5.970~~. The Division of Real Estate General
16 Fund.

17 (Source: P.A. 102-970, eff. 5-27-22; revised 7-27-22.)

18 (30 ILCS 105/5.980)

19 Sec. 5.980 ~~5.970~~. The Aeronautics Fund.

20 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-27-22.)

1 (30 ILCS 105/5.981)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 5.981 ~~5.971~~. The Grocery Tax Replacement Fund. This
4 Section is repealed January 1, 2024.

5 (Source: P.A. 102-700, eff. 4-19-22; revised 7-28-22.)

6 (30 ILCS 105/5.982)

7 Sec. 5.982 ~~5.971~~. The Emergency Planning and Training
8 Fund.

9 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

10 (30 ILCS 105/5.983)

11 Sec. 5.983 ~~5.972~~. The ISAC Accounts Receivable Fund.

12 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

13 (30 ILCS 105/5.984)

14 Sec. 5.984 ~~5.973~~. The Motor Fuel and Petroleum Standards
15 Fund.

16 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

17 (30 ILCS 105/5.985)

18 Sec. 5.985 ~~5.974~~. The State Small Business Credit
19 Initiative Fund.

20 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

21 (30 ILCS 105/5.986)

1 Sec. 5.986 ~~5.975~~. The Public Pension Regulation Fund.

2 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

3 (30 ILCS 105/5.987)

4 Sec. 5.987 ~~5.976~~. The Vehicle Inspection Fund.

5 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

6 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

7 Sec. 6z-18. Local Government Tax Fund. A portion of the
8 money paid into the Local Government Tax Fund from sales of
9 tangible personal property taxed at the 1% rate under the
10 Retailers' Occupation Tax Act and the Service Occupation Tax
11 Act, which occurred in municipalities, shall be distributed to
12 each municipality based upon the sales which occurred in that
13 municipality. The remainder shall be distributed to each
14 county based upon the sales which occurred in the
15 unincorporated area of that county.

16 Moneys transferred from the Grocery Tax Replacement Fund
17 to the Local Government Tax Fund under Section 6z-130 shall be
18 treated under this Section in the same manner as if they had
19 been remitted with the return on which they were reported.

20 A portion of the money paid into the Local Government Tax
21 Fund from the 6.25% general use tax rate on the selling price
22 of tangible personal property which is purchased outside
23 Illinois at retail from a retailer and which is titled or
24 registered by any agency of this State's government shall be

1 distributed to municipalities as provided in this paragraph.
2 Each municipality shall receive the amount attributable to
3 sales for which Illinois addresses for titling or registration
4 purposes are given as being in such municipality. The
5 remainder of the money paid into the Local Government Tax Fund
6 from such sales shall be distributed to counties. Each county
7 shall receive the amount attributable to sales for which
8 Illinois addresses for titling or registration purposes are
9 given as being located in the unincorporated area of such
10 county.

11 A portion of the money paid into the Local Government Tax
12 Fund from the 6.25% general rate (and, beginning July 1, 2000
13 and through December 31, 2000, the 1.25% rate on motor fuel and
14 gasohol, and beginning on August 6, 2010 through August 15,
15 2010, and beginning again on August 5, 2022 through August 14,
16 2022, the 1.25% rate on sales tax holiday items) on sales
17 subject to taxation under the Retailers' Occupation Tax Act
18 and the Service Occupation Tax Act, which occurred in
19 municipalities, shall be distributed to each municipality,
20 based upon the sales which occurred in that municipality. The
21 remainder shall be distributed to each county, based upon the
22 sales which occurred in the unincorporated area of such
23 county.

24 For the purpose of determining allocation to the local
25 government unit, a retail sale by a producer of coal or other
26 mineral mined in Illinois is a sale at retail at the place

1 where the coal or other mineral mined in Illinois is extracted
2 from the earth. This paragraph does not apply to coal or other
3 mineral when it is delivered or shipped by the seller to the
4 purchaser at a point outside Illinois so that the sale is
5 exempt under the United States Constitution as a sale in
6 interstate or foreign commerce.

7 Whenever the Department determines that a refund of money
8 paid into the Local Government Tax Fund should be made to a
9 claimant instead of issuing a credit memorandum, the
10 Department shall notify the State Comptroller, who shall cause
11 the order to be drawn for the amount specified, and to the
12 person named, in such notification from the Department. Such
13 refund shall be paid by the State Treasurer out of the Local
14 Government Tax Fund.

15 As soon as possible after the first day of each month,
16 beginning January 1, 2011, upon certification of the
17 Department of Revenue, the Comptroller shall order
18 transferred, and the Treasurer shall transfer, to the STAR
19 Bonds Revenue Fund the local sales tax increment, as defined
20 in the Innovation Development and Economy Act, collected
21 during the second preceding calendar month for sales within a
22 STAR bond district and deposited into the Local Government Tax
23 Fund, less 3% of that amount, which shall be transferred into
24 the Tax Compliance and Administration Fund and shall be used
25 by the Department, subject to appropriation, to cover the
26 costs of the Department in administering the Innovation

1 Development and Economy Act.

2 After the monthly transfer to the STAR Bonds Revenue Fund,
3 on or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to named municipalities
6 and counties, the municipalities and counties to be those
7 entitled to distribution of taxes or penalties paid to the
8 Department during the second preceding calendar month. The
9 amount to be paid to each municipality or county shall be the
10 amount (not including credit memoranda) collected during the
11 second preceding calendar month by the Department and paid
12 into the Local Government Tax Fund, plus an amount the
13 Department determines is necessary to offset any amounts which
14 were erroneously paid to a different taxing body, and not
15 including an amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department, and not
17 including any amount which the Department determines is
18 necessary to offset any amounts which are payable to a
19 different taxing body but were erroneously paid to the
20 municipality or county, and not including any amounts that are
21 transferred to the STAR Bonds Revenue Fund. Within 10 days
22 after receipt, by the Comptroller, of the disbursement
23 certification to the municipalities and counties, provided for
24 in this Section to be given to the Comptroller by the
25 Department, the Comptroller shall cause the orders to be drawn
26 for the respective amounts in accordance with the directions

1 contained in such certification.

2 When certifying the amount of monthly disbursement to a
3 municipality or county under this Section, the Department
4 shall increase or decrease that amount by an amount necessary
5 to offset any misallocation of previous disbursements. The
6 offset amount shall be the amount erroneously disbursed within
7 the 6 months preceding the time a misallocation is discovered.

8 The provisions directing the distributions from the
9 special fund in the State treasury ~~Treasury~~ provided for in
10 this Section shall constitute an irrevocable and continuing
11 appropriation of all amounts as provided herein. The State
12 Treasurer and State Comptroller are hereby authorized to make
13 distributions as provided in this Section.

14 In construing any development, redevelopment, annexation,
15 preannexation, or other lawful agreement in effect prior to
16 September 1, 1990, which describes or refers to receipts from
17 a county or municipal retailers' occupation tax, use tax or
18 service occupation tax which now cannot be imposed, such
19 description or reference shall be deemed to include the
20 replacement revenue for such abolished taxes, distributed from
21 the Local Government Tax Fund.

22 As soon as possible after March 8, 2013 (the effective
23 date of Public Act 98-3) ~~this amendatory Act of the 98th~~
24 ~~General Assembly~~, the State Comptroller shall order and the
25 State Treasurer shall transfer \$6,600,000 from the Local
26 Government Tax Fund to the Illinois State Medical Disciplinary

1 Fund.

2 (Source: P.A. 102-700, Article 60, Section 60-10, eff.
3 4-19-22; 102-700, Article 65, Section 65-15, eff. 4-19-22;
4 revised 6-2-22.)

5 (30 ILCS 105/6z-64)

6 Sec. 6z-64. The Workers' Compensation Revolving Fund.

7 (a) The Workers' Compensation Revolving Fund is created as
8 a revolving fund, not subject to fiscal year limitations, in
9 the State treasury. The following moneys shall be deposited
10 into the Fund:

11 (1) amounts authorized for transfer to the Fund from
12 the General Revenue Fund and other State funds (except for
13 funds classified by the Comptroller as federal trust funds
14 or State trust funds) pursuant to State law or Executive
15 Order;

16 (2) federal funds received by the Department of
17 Central Management Services (the "Department") as a result
18 of expenditures from the Fund;

19 (3) interest earned on moneys in the Fund;

20 (4) receipts or inter-fund transfers resulting from
21 billings issued to State agencies, officers, boards,
22 commissions, and universities for the cost of workers'
23 compensation services that are not compensated through the
24 specific fund transfers authorized by this Section, if
25 any;

1 (5) amounts received from a State agency, officer,
2 board, commission, or university for workers' compensation
3 payments for temporary total disability, as provided in
4 Section 405-105 of the Department of Central Management
5 Services Law of the Civil Administrative Code of Illinois;
6 and

7 (6) amounts recovered through subrogation in workers'
8 compensation and workers' occupational disease cases.

9 (b) Moneys in the Fund may be used by the Department for
10 reimbursement or payment for:

11 (1) providing workers' compensation services to State
12 agencies, officers, boards, commissions, and universities;
13 or

14 (2) providing for payment of administrative and other
15 expenses (and, beginning January 1, 2013, fees and charges
16 made pursuant to a contract with a private vendor)
17 incurred in providing workers' compensation services. The
18 Department, or any successor agency designated to enter
19 into contracts with one or more private vendors for the
20 administration of the workers' compensation program for
21 State employees pursuant to subdivision (10b) ~~subsection~~
22 ~~10b~~ of Section 405-105 of the Department of Central
23 Management Services Law of the Civil Administrative Code
24 of Illinois, is authorized to establish one or more
25 special funds, as separate accounts provided by any bank
26 or banks as defined by the Illinois Banking Act, any

1 savings and loan association or associations as defined by
2 the Illinois Savings and Loan Act of 1985, or any credit
3 union as defined by the Illinois Credit Union Act, to be
4 held by the Director outside of the State treasury, for
5 the purpose of receiving the transfer of moneys from the
6 Workers' Compensation Revolving Fund. The Department may
7 promulgate rules further defining the methodology for the
8 transfers. Any interest earned by moneys in the funds or
9 accounts shall be deposited into the Workers' Compensation
10 Revolving Fund. The transferred moneys, and interest
11 accrued thereon, shall be used exclusively for transfers
12 to contracted private vendors or their financial
13 institutions for payments to workers' compensation
14 claimants and providers for workers' compensation
15 services, claims, and benefits pursuant to this Section
16 and subdivision (9) ~~subsection 9~~ of Section 405-105 of the
17 Department of Central Management Services Law of the Civil
18 Administrative Code of Illinois. The transferred moneys,
19 and interest accrued thereon, shall not be used for any
20 other purpose, including, but not limited to,
21 reimbursement or payment of administrative fees due the
22 contracted vendor pursuant to its contract or contracts
23 with the Department.

24 (c) State agencies, officers, boards, and commissions may
25 direct the Comptroller to process inter-fund transfers or make
26 payment through the voucher and warrant process to the

1 Workers' Compensation Revolving Fund in satisfaction of
2 billings issued under subsection (a) of this Section.

3 (d) (Blank~~ed~~).

4 (d-5) (Blank~~ed~~).

5 (d-10) (Blank~~ed~~).

6 (d-12) (Blank~~ed~~).

7 (d-15) (Blank~~ed~~).

8 (d-20) (Blank~~ed~~).

9 (d-25) (Blank~~ed~~).

10 (d-30) (Blank~~ed~~).

11 (d-35) (Blank~~ed~~).

12 (d-40) (Blank~~ed~~).

13 (d-45) (Blank~~ed~~).

14 (d-50) (Blank~~ed~~).

15 (d-55) (Blank~~ed~~).

16 (e) The term "workers' compensation services" means
17 services, claims expenses, and related administrative costs
18 incurred in performing the duties under Sections 405-105 and
19 405-411 of the Department of Central Management Services Law
20 of the Civil Administrative Code of Illinois.

21 (Source: P.A. 102-767, eff. 5-13-22; revised 9-13-22.)

22 (30 ILCS 105/6z-126)

23 Sec. 6z-126. Law Enforcement Training Fund. The Law
24 Enforcement Training Fund is hereby created as a special fund
25 in the State treasury. Moneys in the Fund shall consist of: (i)

1 90% of the revenue from increasing the insurance producer
2 license fees, as provided under subsection (a-5) of Section
3 500-135 of the Illinois Insurance Code; and (ii) 90% of the
4 moneys collected from auto insurance policy fees under Section
5 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft
6 Prevention and Insurance Verification Act. This Fund shall be
7 used by the Illinois Law Enforcement Training Standards Board
8 to fund law enforcement certification compliance and the
9 development and provision of basic courses by Board-approved
10 academics, and in-service courses by approved academies.

11 (Source: P.A. 102-16, eff. 6-17-21; 102-904, eff. 1-1-23;
12 102-1071, eff. 6-10-22; revised 12-13-22.)

13 (30 ILCS 105/6z-130)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 6z-130. Grocery Tax Replacement Fund.

16 (a) The Grocery Tax Replacement Fund is hereby created as
17 a special fund in the State Treasury.

18 (b) On April 19, 2022 (the effective date of Public Act
19 102-700) ~~this amendatory Act of the 102nd General Assembly~~, or
20 as soon thereafter as practical, but no later than June 30,
21 2022, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$325,000,000 from the
23 General Revenue Fund to the Grocery Tax Replacement Fund.

24 (c) On July 1, 2022, or as soon thereafter as practical,
25 the State Comptroller shall direct and the State Treasurer

1 shall transfer the sum of \$75,000,000 from the General Revenue
2 Fund to the Grocery Tax Replacement Fund.

3 (d) In addition to any other transfers that may be
4 provided for by law, beginning on April 19, 2022 (the
5 effective date of Public Act 102-700) ~~this amendatory Act of~~
6 ~~the 102nd General Assembly~~ and until November 30, 2023, the
7 Director may certify additional transfer amounts needed beyond
8 the amounts specified in subsections (b) and (c) to cover any
9 additional amounts needed to equal the net revenue that, but
10 for the reduction of the rate to 0% in the Use Tax Act, the
11 Service Use Tax Act, the Service Occupation Tax Act, and the
12 Retailers' Occupation Tax Act under Public Act 102-700 ~~this~~
13 ~~amendatory Act of the 102nd General Assembly~~, would have been
14 realized if the items that are subject to the rate reduction
15 had been taxed at the 1% rate during the period of the
16 reduction. The State Comptroller shall direct and the State
17 Treasurer shall transfer the amounts certified by the Director
18 from the General Revenue Fund to the Grocery Tax Replacement
19 Fund.

20 (e) In addition to any other transfers that may be
21 provided for by law, beginning on July 1, 2022 and until
22 December 1, 2023, at the direction of the Department of
23 Revenue, the State Comptroller shall direct and the State
24 Treasurer shall transfer from the Grocery Tax Replacement Fund
25 to the State and Local Sales Tax Reform Fund any amounts needed
26 to equal the net revenue that, but for the reduction of the

1 rate to 0% in the Use Tax Act and Service Use Tax Act under
2 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
3 ~~Assembly~~, would have been deposited into the State and Local
4 Sales Tax Reform Fund if the items that are subject to the rate
5 reduction had been taxed at the 1% rate during the period of
6 the reduction.

7 (f) In addition to any other transfers that may be
8 provided for by law, beginning on July 1, 2022 and until
9 December 1, 2023, at the direction of the Department of
10 Revenue, the State Comptroller shall direct and the State
11 Treasurer shall transfer from the Grocery Tax Replacement Fund
12 to the Local Government Tax Fund any amounts needed to equal
13 the net revenue that, but for the reduction of the rate to 0%
14 in the Service Occupation Tax Act and the Retailers'
15 Occupation Tax Act under Public Act 102-700 ~~this amendatory~~
16 ~~Act of the 102nd General Assembly~~, would have been deposited
17 into the Local Government Tax Fund if the items that are
18 subject to the rate reduction had been taxed at the 1% rate
19 during the period of the reduction.

20 (g) The State Comptroller shall direct and the State
21 Treasurer shall transfer the remaining balance in the Grocery
22 Tax Replacement Fund to the General Revenue Fund on December
23 1, 2023, or as soon thereafter as practical. Upon completion
24 of the transfer, the Grocery Tax Replacement Fund is
25 dissolved.

26 (h) This Section is repealed on January 1, 2024.

1 (Source: P.A. 102-700, eff. 4-19-22; revised 8-1-22.)

2 (30 ILCS 105/6z-131)

3 Sec. 6z-131. Agriculture Federal Projects Fund. The
4 Agriculture Federal Projects Fund is established as a federal
5 trust fund in the State treasury. This Fund is established to
6 receive funds from all federal departments and agencies,
7 including grants and awards. In addition, the Fund may also
8 receive interagency receipts from other State agencies and
9 funds from other public and private sources. Moneys in the
10 Agriculture Federal Projects Fund shall be held by the State
11 Treasurer as ex officio custodian and shall be used for the
12 specific purposes established by the terms and conditions of
13 the federal grant or award and for other authorized expenses
14 in accordance with federal requirements. Other moneys
15 deposited into the Fund may be used for purposes associated
16 with the federally financed projects.

17 (Source: P.A. 102-699, eff. 4-19-22.)

18 (30 ILCS 105/6z-135)

19 Sec. 6z-135 ~~6z-130~~. The Law Enforcement Recruitment and
20 Retention Fund.

21 (a) The Law Enforcement Recruitment and Retention Fund is
22 hereby created as a special fund in the State Treasury.

23 (b) Subject to appropriation, moneys in the Law
24 Enforcement Recruitment and Retention Fund shall be used by

1 the Illinois Law Enforcement Training Standards Board to award
2 grants to units of local government, public institutions of
3 higher education, and qualified nonprofit entities for the
4 purpose of hiring and retaining law enforcement officers.

5 (c) When awarding grants, the Board shall prioritize:

6 (1) grants that will be used to hire, retain, or hire
7 and retain law enforcement officers in underserved areas
8 and areas experiencing the most need;

9 (2) achieving demographic and geographic diversity of
10 law enforcement officers that are recruited or hired by
11 applicants that are awarded grants;

12 (3) maximizing the effects of moneys spent on the
13 actual recruitment and retention of law enforcement
14 officers; and

15 (4) providing grants that can impact multiple
16 employers.

17 (d) Moneys received for the purposes of this Section,
18 including, but not limited to, fee receipts, gifts, grants,
19 and awards from any public or private entity, must be
20 deposited into the Fund. Any interest earned on moneys in the
21 Fund must be deposited into the Fund.

22 (e) The Illinois Law Enforcement Training Standards Board
23 may, by rule, set requirements for the distribution of grant
24 moneys and determine which entities are eligible.

25 (f) The Illinois Law Enforcement Training Standards Board
26 shall consider compliance with the Uniform Crime Reporting Act

1 as a factor in awarding grant moneys.

2 (g) As used in this Section, "qualified nonprofit entity"
3 means a nonprofit entity, as defined by the Board by rule, that
4 has established experience in recruitment and retention of law
5 enforcement officers in Illinois.

6 (Source: P.A. 102-755, eff. 5-10-22; revised 8-1-22.)

7 (30 ILCS 105/6z-136)

8 Sec. 6z-136 ~~6z-130~~. Industrial Biotechnology Human Capital
9 Fund.

10 (a) The Industrial Biotechnology Human Capital Fund is
11 created as a special fund in the State treasury and may receive
12 funds from any source, public or private, including moneys
13 appropriated for use by the Department of Commerce and
14 Economic Opportunity and laboratories and institutions
15 conducting industrial biotechnology research. Subject to
16 appropriation, the Industrial Biotechnology Human Capital Fund
17 shall receive moneys from the General Revenue Fund until June
18 30, 2025. Each eligible entity receiving a grant under this
19 Section shall, as a condition of receiving the grant,
20 contribute moneys to the Fund as part of a cost-sharing
21 agreement between the grantee and the Department of Commerce
22 and Economic Opportunity in accordance with rules adopted by
23 the Department of Commerce and Economic Opportunity. Grants
24 issued under this ~~the~~ Section may be for a period of 2 years.
25 An eligible entity issued a grant under this Section ~~Sections~~

1 shall be eligible for more than one such grant, but no more
2 than one grant annually, for the purpose of hiring and
3 retaining experts in residence ~~Experts in Residence~~; however,
4 such entity may maintain more than one grant at any given time.

5 (b) Subject to appropriation, moneys in the Fund shall be
6 used for providing grants to laboratories and research
7 institutions for the purpose of hiring and retaining in-house
8 specialists, to be known as experts in residence, with the
9 knowledge and experience in moving industrial biotechnology
10 products through the development phase.

11 (c) To be eligible for grants provided from the Fund, an
12 entity must be a State-sponsored, university-affiliated
13 laboratory or research institution conducting collaboratives
14 or for-hire research in the development of biorenewable
15 chemicals, bio-based polymers, materials, novel feeds, or
16 additional value added biorenewables. Eligible entities must
17 also establish that the expert in residence
18 ~~Expert In Residence~~ they seek to hire or retain using the
19 grant funds possesses expertise in fermentation engineering,
20 process engineering, catalytic engineering, analytical
21 chemistry, or is a scale-up specialist.

22 (d) On or before January 31 of the next calendar year to
23 occur after the last day of any State fiscal year in which the
24 Department of Commerce and Economic Opportunity receives State
25 funding for the Program under this Section, the Department of
26 Commerce and Economic Opportunity shall submit an annual

1 report to the General Assembly and the Governor on the use of
2 moneys in the Fund. The report shall include, but not be
3 limited to: (i) the number of laboratories or institutions
4 utilizing moneys in the Fund, including the name of such
5 entities; (ii) the number of experts in residence hired by
6 each laboratory or institution; (iii) the expertise or
7 specialty area of each expert in residence hired or retained;
8 and (iv) a summary of the benefit to the economy of the State
9 of Illinois economy in providing the grants.

10 (e) The Department of Commerce and Economic Opportunity
11 shall adopt all rules necessary for the implementation of this
12 Section.

13 (Source: P.A. 102-991, eff. 1-1-23; revised 8-1-22.)

14 (30 ILCS 105/6z-137)

15 Sec. 6z-137 ~~6z-131~~. Industrial Biotechnology Capital
16 Maintenance Fund.

17 (a) The Industrial Biotechnology Capital Maintenance Fund
18 is created as a special fund in the State treasury and may
19 receive funds from any source, public or private, including
20 from moneys appropriated for use by the Department of Commerce
21 and Economic Opportunity and laboratories and institutions
22 conducting industrial biotechnology research.

23 (b) Subject to appropriation, moneys in the Fund shall be
24 used for providing grants to laboratories and research
25 institutions for the purpose of maintenance and repair of

1 capital assets. Such maintenance and repairs of capital assets
2 shall be designed to extend the serviceable life of equipment
3 and buildings and expand the capacity of equipment and
4 buildings by at least 10%. For the purposes of this Section,
5 "capital assets" means equipment or buildings that have a
6 value greater than \$250,000.

7 (c) To be eligible for grants provided from the Fund, an
8 entity must be a State-sponsored, university-affiliated
9 laboratory or research institution conducting collaboratives
10 or for-hire research in the development of biorenewable
11 chemicals, bio-based polymers, materials, novel feeds, or
12 additional value added biorenewables. The Department of
13 Commerce and Economic Opportunity shall determine the
14 disbursement of moneys for the purposes of this Section. Each
15 eligible entity, as a condition of receiving a grant under
16 this Section, shall match up to at least 50% of the moneys to
17 be granted to the entity.

18 (d) On or before January 31 of the next calendar year to
19 occur after the last day of any State fiscal year in which the
20 Department of Commerce and Economic Opportunity receives State
21 funding for the Program under this Section, the Department of
22 Commerce and Economic Opportunity shall submit an annual
23 report to the General Assembly and the Governor on the use of
24 moneys in the Fund. The report shall include, but not be
25 limited to: (i) the name of the institution or laboratory
26 receiving funds; (ii) the capital assets that were maintained

1 or repaired at each institution or laboratory; (iii) the
2 expected usable life extension of each maintained or repaired
3 asset; and (iv) the capacity increase of each maintained or
4 repaired asset.

5 (e) The Department of Commerce and Economic Opportunity
6 shall adopt all rules necessary for the implementation of this
7 Section.

8 (Source: P.A. 102-991, eff. 1-1-23; revised 8-1-22.)

9 (30 ILCS 105/29a) (from Ch. 127, par. 165a)

10 Sec. 29a. The Department of Transportation is authorized
11 to contract with any bank or banks in the State for the payment
12 by such banks for the labor and services of day laborers
13 engaged in State road construction and maintenance work and
14 for emergency purchases in such work. Any such emergency
15 purchase shall not be for an amount in excess of \$25.00. Such
16 bank or banks shall be reimbursed out of appropriations made
17 to the Department in accordance with the provisions of this
18 Act, and shall be paid such reasonable compensation for its
19 services as may be agreed on by the Department and the bank.

20 Such payments by any bank shall be made only upon the
21 authorization of some employee ~~employe~~ or agent of the
22 Department duly designated by it for this purpose. Such
23 employee ~~employe~~ or agent shall be required to furnish to the
24 Department a bond, to be paid for by the Department, in an
25 amount equal to twice the total of such payments at any one

1 time.

2 (Source: P.A. 81-840; revised 9-9-22.)

3 Section 160. The Illinois Procurement Code is amended by
4 changing Sections 35-40 and 45-23 as follows:

5 (30 ILCS 500/35-40)

6 Sec. 35-40. Subcontractors.

7 (a) Any contract granted under this Article shall state
8 whether the services of a subcontractor will be used. The
9 contract shall include the names and addresses of all
10 subcontractors with an annual value that exceeds the small
11 purchase maximum established by Section 20-20 of this Code,
12 the general type of work to be performed by these
13 subcontractors, and the expected amount of money each will
14 receive under the contract. Upon the request of the chief
15 procurement officer appointed pursuant to paragraph (2) of
16 subsection (a) of Section 10-20, the contractor shall provide
17 the chief procurement officer a copy of a subcontract so
18 identified within 15 calendar days after the request is made.
19 A subcontractor, or contractor on behalf of a subcontractor,
20 may identify information that is deemed proprietary or
21 confidential. If the chief procurement officer determines the
22 information is not relevant to the primary contract, the chief
23 procurement officer may excuse the inclusion of the
24 information. If the chief procurement officer determines the

1 information is proprietary or could harm the business interest
2 of the subcontractor, the chief procurement officer may, in
3 his or her discretion, redact the information. Redacted
4 information shall not become part of the public record.

5 (b) If at any time during the term of a contract, a
6 contractor adds or changes any subcontractors, he or she shall
7 promptly notify, in writing, the chief procurement officer for
8 matters other than construction or the higher education chief
9 procurement officer, whichever is appropriate, and the
10 responsible State purchasing officer, or their designee of the
11 names and addresses and the expected amount of money each new
12 or replaced subcontractor will receive. Upon request of the
13 chief procurement officer appointed pursuant to paragraph (2)
14 of subsection (a) of Section 10-20, the contractor shall
15 provide the chief procurement officer a copy of any new or
16 amended subcontract so identified within 15 calendar days
17 after the request is made.

18 (c) In addition to any other requirements of this Code, a
19 subcontract subject to this Section must include all of the
20 subcontractor's certifications required by Article 50 of this
21 Code.

22 (d) For purposes of this Section, the changes made by
23 Public Act 98-1076 ~~this amendatory Act of the 98th General~~
24 ~~Assembly~~ apply to procurements solicited on or after January
25 1, 2015 (the effective date of Public Act 98-1076) ~~this~~
26 ~~amendatory Act of the 98th General Assembly.~~

1 (Source: P.A. 102-721, eff. 1-1-23; revised 12-9-22.)

2 (30 ILCS 500/45-23)

3 Sec. 45-23. Single-use plastics prohibition; preference.

4 (a) For the purposes of this Section:

5 "Compostable" means that the item meets the ASTM D6400
6 standard of compostability and has been certified by the
7 Biodegradable Products Institute as compostable.

8 "Compostable foodware" means containers, bowls, straws,
9 plates, trays, cartons, cups, lids, forks, spoons, knives, and
10 other items that are designed for one-time use for beverages,
11 prepared food, or leftovers from meals that are compostable.

12 "Plastic" means a synthetic material made from linking
13 monomers through a chemical reaction to create an organic
14 polymer chain that can be molded or extruded at high heat into
15 various solid forms retaining their defined shapes during
16 their life cycle and after disposal.

17 "Recyclable foodware" means items that are designed for
18 one-time use for beverages, prepared food, or leftovers from
19 meals and that are commonly accepted in local curbside
20 residential recycling pickup ~~pick-up~~.

21 "Single-use plastic disposable foodware" means containers,
22 bowls, straws, plates, trays, cartons, cups, lids, forks,
23 spoons, knives, and other items that are designed for one-time
24 use for beverages, prepared food, or leftovers from meals and
25 that are made of plastic, are not compostable, and are not

1 accepted in residential curbside recycling pickup ~~pick-up~~.

2 (b) When a State agency or institution of higher education
3 is to award a contract to the lowest responsible bidder, an
4 otherwise qualified bidder who will fulfill the contract
5 through the use of compostable foodware or recyclable foodware
6 may be given preference over other bidders unable to do so;
7 provided that the bid is not more than 5% greater than the cost
8 of products that are single-use plastic disposable foodware.
9 The contract awarded the cost preference in this subsection
10 (b) shall also include the option of providing the State
11 agency or institution of higher education with single-use
12 plastic straws.

13 (c) After January 1, 2023, State agencies and departments
14 may not procure single-use plastic disposable foodware for use
15 at any State parks or natural areas, and instead shall offer
16 only compostable foodware or recyclable foodware for use at
17 State parks or natural areas.

18 (d) After January 1, 2024, or at the renewal of its next
19 contract, whichever occurs later, no vendor contracted through
20 a State agency or department may provide customers with
21 single-use plastic disposable foodware at any site located at
22 a State park or a natural area, and instead shall offer only
23 compostable foodware or recyclable foodware for use at State
24 parks or natural areas.

25 (e) This Section does not apply to the procurement of
26 supplies for the Illinois State Fair.

1 (Source: P.A. 102-1081, eff. 1-1-23; revised 12-16-22.)

2 Section 165. The Community Behavioral Health Center
3 Infrastructure Act is amended by changing Section 5 as
4 follows:

5 (30 ILCS 732/5)

6 Sec. 5. Definitions. In this Act:

7 "Behavioral health center site" means a physical site
8 where a community behavioral health center shall provide
9 behavioral healthcare services linked to a particular
10 Department-contracted community behavioral healthcare
11 provider, from which this provider delivers a
12 Department-funded service and has the following
13 characteristics:

14 (i) The site must be owned, leased, or otherwise
15 controlled by a Department-funded provider.

16 (ii) A Department-funded provider may have multiple
17 service sites.

18 (iii) A Department-funded provider may provide both
19 Medicaid and non-Medicaid services for which they are
20 certified or approved at a certified site.

21 "Board" means the Capital Development Board.

22 "Community behavioral healthcare provider" includes, but
23 is not limited to, Department-contracted prevention,
24 intervention, or treatment care providers of services and

1 supports for persons with mental health services, alcohol and
2 substance abuse services, rehabilitation services, and early
3 intervention services provided by a vendor.

4 For the purposes of this definition, "vendor" includes,
5 but is not limited to, community providers, including
6 community-based organizations that are licensed to provide
7 prevention, intervention, or treatment services and support
8 for persons with mental illness or substance abuse problems in
9 this State, that comply with applicable federal, State, and
10 local rules and statutes, including, but not limited to, the
11 following:

12 (A) Federal requirements:

13 (1) Block Grants for Community Mental Health
14 Services, Subpart I & III, Part B, Title XIX, P.H.S.
15 Act/45 CFR ~~C.F.R.~~ Part 96.

16 (2) Medicaid (42 U.S.C. ~~U.S.C.A.~~ 1396 (1996)).

17 (3) 42 CFR ~~C.F.R.~~ 440 (Services: General
18 Provision) and 456 (Utilization Control) (1996).

19 (4) Health Insurance Portability and
20 Accountability Act (HIPAA) as specified in 45 CFR
21 ~~C.F.R. Section~~ 160.310.

22 (5) The Substance Abuse Prevention Block Grant
23 Regulations (45 CFR ~~C.F.R.~~ Part 96).

24 (6) Program Fraud Civil Remedies Act of 1986 (45
25 CFR ~~C.F.R.~~ Part 79).

26 (7) Federal regulations regarding Opioid

1 Maintenance Therapy (21 CFR ~~C.F.R.~~ 29) (21 CFR ~~C.F.R.~~
2 1301-1307 (D.E.A.)).

3 (8) Federal regulations regarding Diagnostic,
4 Screening, Prevention, and Rehabilitation Services
5 (Medicaid) (42 CFR ~~C.F.R.~~ 440.130).

6 (9) Charitable Choice: Providers that qualify as
7 religious organizations under 42 CFR ~~C.F.R.~~ 54.2(b),
8 who comply with the Charitable Choice Regulations as
9 set forth in 42 CFR ~~C.F.R.~~ 54.1 et seq. with regard to
10 funds provided directly to pay for substance abuse
11 prevention and treatment services.

12 (B) State requirements:

13 (1) 59 Ill. Adm. ~~Admin.~~ Code 50, Office of
14 Inspector General Investigations of Alleged Abuse or
15 Neglect in State-Operated Facilities and Community
16 Agencies.

17 (2) (Blank). ~~59 Ill. Admin. Code 51, Office of~~
18 ~~Inspector General Adults with Disabilities Project.~~

19 (3) 59 Ill. Adm. ~~Admin.~~ Code 103, Grants.

20 (4) 59 Ill. Adm. ~~Admin.~~ Code 115, Standards and
21 Licensure Requirements for Community-Integrated Living
22 Arrangements.

23 (5) 59 Ill. Adm. ~~Admin.~~ Code 117, Family
24 Assistance and Home-Based Support Programs for Persons
25 with Mental Disabilities.

26 (6) 59 Ill. Adm. ~~Admin.~~ Code 125, Recipient

1 Discharge/Linkage/Aftercare.

2 (7) 59 Ill. Adm. ~~Admin.~~ Code 131, Children's
3 Mental Health Screening, Assessment and Supportive
4 Services Program.

5 (8) 59 Ill. Adm. ~~Admin.~~ Code 132, Medicaid
6 Community Mental Health Services Program.

7 (9) (Blank). ~~59 Ill. Admin. Code 135, Individual~~
8 ~~Care Grants for Mentally Ill Children.~~

9 (10) 89 Ill. Adm. ~~Admin.~~ Code 140, Medical
10 Payment.

11 (11) 89 Ill. Adm. ~~Admin.~~ Code 140.642, Screening
12 Assessment for Nursing Facility and Alternative
13 Residential Settings and Services.

14 (12) 89 Ill. Adm. ~~Admin.~~ Code 507, Audit
15 Requirements of Illinois Department of Human Services.

16 (13) 89 Ill. Adm. ~~Admin.~~ Code 509,
17 Fiscal/Administrative Recordkeeping and Requirements.

18 (14) 89 Ill. Adm. ~~Admin.~~ Code 511, Grants and
19 Grant Funds Recovery.

20 (15) 77 Ill. Adm. ~~Admin.~~ Code~~7~~ Parts 2030, 2060,
21 and 2090.

22 (16) Title 77 Illinois Administrative Code:

23 (a) Part 630: Maternal and Child Health
24 Services Code.

25 (b) Part 635: Family Planning Services Code.

26 (c) Part 672: WIC Vendor Management Code.

- 1 (d) Part 2030: Award and Monitoring of Funds.
- 2 (e) Part 2200: School Based/Linked Health
3 Centers.
- 4 (17) Title 89 Illinois Administrative Code:
- 5 (a) Section ~~Part~~ 130.200: ~~Administration of~~
6 ~~Social Service Programs~~, Domestic Violence Shelter
7 and Service Programs.
- 8 (b) Part 310: Delivery of Youth Services
9 Funded by the Department of Human Services.
- 10 (c) Part 313: Community Services.
- 11 (d) Part 334: Administration and Funding of
12 Community-Based Services to Youth.
- 13 (e) Part 500: Early Intervention Program.
- 14 (f) Part 501: Partner Abuse Intervention.
- 15 ~~(g) Part 507: Audit Requirements of DHS.~~
- 16 ~~(h) Part 509: Fiscal/Administrative~~
17 ~~Recordkeeping and Requirements.~~
- 18 ~~(i) Part 511: Grants and Grant Funds Recovery.~~
- 19 (18) State statutes:
- 20 (a) The Mental Health and Developmental
21 Disabilities Code.
- 22 (b) The Community Services Act.
- 23 (c) The Mental Health and Developmental
24 Disabilities Confidentiality Act.
- 25 (d) The Substance Use Disorder Act.
- 26 (e) The Early Intervention Services System

1 Act.

2 (f) The Children and Family Services Act.

3 (g) The Illinois Commission on Volunteerism
4 and Community Services Act.

5 (h) The Department of Human Services Act.

6 (i) The Domestic Violence Shelters Act.

7 (j) The Illinois Youthbuild Act.

8 (k) The Civil Administrative Code of Illinois.

9 (l) The Illinois Grant Funds Recovery Act.

10 (m) The Child Care Act of 1969.

11 (n) The Solicitation for Charity Act.

12 (o) Sections 9-1, 12-4.5 through 12-4.7, and
13 12-13 of the ~~The~~ Illinois Public Aid Code ~~(305~~
14 ~~ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13).~~

15 (p) The Abused and Neglected Child Reporting
16 Act.

17 (q) The Charitable Trust Act.

18 ~~(r) The Illinois Alcoholism and Other Drug~~
19 ~~Dependency Act.~~

20 (C) The Provider shall be in compliance with all
21 applicable requirements for services and service reporting
22 as specified in the following Department manuals or
23 handbooks:

24 (1) DHS/DMH Provider Manual.

25 (2) DHS Mental Health CSA Program Manual.

26 (3) DHS/DMH PAS/MH Manual.

- 1 (4) Community Forensic Services Handbook.
- 2 (5) Community Mental Health Service Definitions
3 and Reimbursement Guide.
- 4 (6) DHS/DMH Collaborative Provider Manual.
- 5 (7) Handbook for Providers of Screening Assessment
6 and Support Services, Chapter CMH-200 Policy and
7 Procedures For Screening, Assessment and Support
8 Services.
- 9 (8) DHS Division of Substance Use Prevention and
10 Recovery:
- 11 (a) Contractual Policy Manual.
- 12 (b) Medicaid Handbook.
- 13 (c) DARTS Manual.
- 14 (9) Division of Substance Use Prevention and
15 Recovery Best Practice Program Guidelines for Specific
16 Populations.
- 17 (10) Division of Substance Use Prevention and
18 Recovery Contract Program Manual.
- 19 "Community behavioral healthcare services" means any of
20 the following:
- 21 (i) Behavioral health services, including, but not
22 limited to, prevention, intervention, or treatment care
23 services and support for eligible persons provided by a
24 vendor of the Department.
- 25 (ii) Referrals to providers of medical services and
26 other health-related services, including substance abuse

1 and mental health services.

2 (iii) Patient case management services, including
3 counseling, referral, and follow-up services, and other
4 services designed to assist community behavioral health
5 center patients in establishing eligibility for and
6 gaining access to federal, State, and local programs that
7 provide or financially support the provision of medical,
8 social, educational, or other related services.

9 (iv) Services that enable individuals to use the
10 services of the behavioral health center including
11 outreach and transportation services and, if a substantial
12 number of the individuals in the population are of limited
13 English-speaking ability, the services of appropriate
14 personnel fluent in the language spoken by a predominant
15 number of those individuals.

16 (v) Education of patients and the general population
17 served by the community behavioral health center regarding
18 the availability and proper use of behavioral health
19 services.

20 (vi) Additional behavioral healthcare services
21 consisting of services that are appropriate to meet the
22 health needs of the population served by the behavioral
23 health center involved and that may include housing
24 assistance.

25 "Department" means the Department of Human Services.

26 "Uninsured population" means persons who do not own

1 private healthcare insurance, are not part of a group
2 insurance plan, and are not eligible for any State or federal
3 government-sponsored healthcare program.

4 (Source: P.A. 100-759, eff. 1-1-19; revised 2-28-22.)

5 Section 170. The Downstate Public Transportation Act is
6 amended by changing Section 2-7 as follows:

7 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

8 Sec. 2-7. Quarterly reports; annual audit.

9 (a) Any Metro-East Transit District participant shall, no
10 later than 60 days following the end of each quarter of any
11 fiscal year, file with the Department on forms provided by the
12 Department for that purpose, a report of the actual operating
13 deficit experienced during that quarter. The Department shall,
14 upon receipt of the quarterly report, determine whether the
15 operating deficits were incurred in conformity with the
16 program of proposed expenditures and services approved by the
17 Department pursuant to Section 2-11. Any Metro-East District
18 may either monthly or quarterly for any fiscal year file a
19 request for the participant's eligible share, as allocated in
20 accordance with Section 2-6, of the amounts transferred into
21 the Metro-East Public Transportation Fund.

22 (b) Each participant other than any Metro-East Transit
23 District participant shall, 30 days before the end of each
24 quarter, file with the Department on forms provided by the

1 Department for such purposes a report of the projected
2 eligible operating expenses to be incurred in the next quarter
3 and 30 days before the third and fourth quarters of any fiscal
4 year a statement of actual eligible operating expenses
5 incurred in the preceding quarters. Except as otherwise
6 provided in subsection (b-5), within 45 days of receipt by the
7 Department of such quarterly report, the Comptroller shall
8 order paid and the Treasurer shall pay from the Downstate
9 Public Transportation Fund to each participant an amount equal
10 to one-third of such participant's eligible operating
11 expenses; provided, however, that in Fiscal Year 1997, the
12 amount paid to each participant from the Downstate Public
13 Transportation Fund shall be an amount equal to 47% of such
14 participant's eligible operating expenses and shall be
15 increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999,
16 53% in Fiscal Year 2000, 55% in Fiscal Years 2001 through 2007,
17 and 65% in Fiscal Year 2008 and thereafter; however, in any
18 year that a participant receives funding under subsection (i)
19 of Section 2705-305 of the Department of Transportation Law
20 (20 ILCS 2705/2705-305), that participant shall be eligible
21 only for assistance equal to the following percentage of its
22 eligible operating expenses: 42% in Fiscal Year 1997, 44% in
23 Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year
24 2000, and 50% in Fiscal Year 2001 and thereafter. Any such
25 payment for the third and fourth quarters of any fiscal year
26 shall be adjusted to reflect actual eligible operating

1 expenses for preceding quarters of such fiscal year. However,
2 no participant shall receive an amount less than that which
3 was received in the immediate prior year, provided in the
4 event of a shortfall in the fund those participants receiving
5 less than their full allocation pursuant to Section 2-6 of
6 this Article shall be the first participants to receive an
7 amount not less than that received in the immediate prior
8 year.

9 (b-5) (Blank-).

10 (b-10) On July 1, 2008, each participant shall receive an
11 appropriation in an amount equal to 65% of its fiscal year 2008
12 eligible operating expenses adjusted by the annual 10%
13 increase required by Section 2-2.04 of this Act. In no case
14 shall any participant receive an appropriation that is less
15 than its fiscal year 2008 appropriation. Every fiscal year
16 thereafter, each participant's appropriation shall increase by
17 10% over the appropriation established for the preceding
18 fiscal year as required by Section 2-2.04 of this Act.

19 (b-15) Beginning on July 1, 2007, and for each fiscal year
20 thereafter, each participant shall maintain a minimum local
21 share contribution (from farebox and all other local revenues)
22 equal to the actual amount provided in Fiscal Year 2006 or, for
23 new recipients, an amount equivalent to the local share
24 provided in the first year of participation. The local share
25 contribution shall be reduced by an amount equal to the total
26 amount of lost revenue for services provided under Section

1 2-15.2 and Section 2-15.3 of this Act.

2 (b-20) Any participant in the Downstate Public
3 Transportation Fund may use State operating assistance funding
4 pursuant to this Section to provide transportation services
5 within any county that is contiguous to its territorial
6 boundaries as defined by the Department and subject to
7 Departmental approval. Any such contiguous-area service
8 provided by a participant after July 1, 2007 must meet the
9 requirements of subsection (a) of Section 2-5.1.

10 (c) No later than 180 days following the last day of the
11 participant's Fiscal Year each participant shall provide the
12 Department with an audit prepared by a Certified Public
13 Accountant covering that Fiscal Year. For those participants
14 other than a Metro-East Transit District, any discrepancy
15 between the funds paid and the percentage of the eligible
16 operating expenses provided for by paragraph (b) of this
17 Section shall be reconciled by appropriate payment or credit.
18 In the case of any Metro-East Transit District, any amount of
19 payments from the Metro-East Public Transportation Fund which
20 exceed the eligible deficit of the participant shall be
21 reconciled by appropriate payment or credit.

22 (d) Upon the Department's final reconciliation
23 determination that identifies a discrepancy between the
24 Downstate Operating Assistance Program funds paid and the
25 percentage of the eligible operating expenses which results in
26 a reimbursement payment due to the Department, the participant

1 shall remit the reimbursement payment to the Department no
2 later than 90 days after written notification.

3 (e) Funds received by the Department from participants for
4 reimbursement as a result of an overpayment ~~over payment~~ from
5 a prior State fiscal year shall be deposited into the
6 Downstate Public Transportation Fund in the fiscal year in
7 which they are received and all unspent funds shall roll to
8 following fiscal years.

9 (f) Upon the Department's final reconciliation
10 determination that identifies a discrepancy between the
11 Downstate Operating Assistance Program funds paid and the
12 percentage of the eligible operating expenses which results in
13 a reimbursement payment due to the participant, the Department
14 shall remit the reimbursement payment to the participant no
15 later than 90 days after written notifications.

16 (Source: P.A. 102-626, eff. 8-27-21; 102-790, eff. 1-1-23;
17 revised 12-9-22.)

18 Section 175. The State Mandates Act is amended by changing
19 Sections 8.45 as follows:

20 (30 ILCS 805/8.45)

21 (Text of Section before amendment by P.A. 102-466)

22 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
23 8 of this Act, no reimbursement by the State is required for
24 the implementation of any mandate created by Public Act

1 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125,
2 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-540,
3 102-552, ~~or~~ 102-636, or 102-822.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21;
5 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22;
6 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff.
7 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265,
8 eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21;
9 102-540, eff. 8-20-21; 102-552, eff. 1-1-22; 102-636, eff.
10 8-27-21; 102-813, eff. 5-13-22; 102-822, eff. 5-13-22; revised
11 7-26-22.)

12 (Text of Section after amendment by P.A. 102-466)

13 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
14 8 of this Act, no reimbursement by the State is required for
15 the implementation of any mandate created by Public Act
16 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125,
17 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-466,
18 102-540, 102-552, ~~or~~ 102-636, or 102-822.

19 (Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21;
20 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22;
21 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff.
22 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265,
23 eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21;
24 102-466, eff. 7-1-25; 102-540, eff. 8-20-21; 102-552, eff.
25 1-1-22; 102-636, eff. 8-27-21; 102-813, eff. 5-13-22; 102-822,

1 eff. 5-13-22; revised 7-26-22.)

2 Section 180. The Illinois Income Tax Act is amended by
3 changing Sections 212.1, 901, and 917 and by setting forth and
4 renumbering multiple versions of Section 232 as follows:

5 (35 ILCS 5/212.1)

6 (Section scheduled to be repealed on April 19, 2023)

7 Sec. 212.1. Individual income tax rebates.

8 (a) Each taxpayer who files an individual income tax
9 return under this Act, on or before October 17, 2022, for the
10 taxable year that began on January 1, 2021 and whose adjusted
11 gross income for the taxable year is less than (i) \$400,000, in
12 the case of spouses filing a joint federal tax return, or (ii)
13 \$200,000, in the case of all other taxpayers, is entitled to a
14 one-time rebate under this Section. The amount of the rebate
15 shall be \$50 for single filers and \$100 for spouses filing a
16 joint return, plus an additional \$100 for each person who is
17 claimed as a dependent, up to 3 dependents, on the taxpayer's
18 federal income tax return for the taxable year that began on
19 January 1, 2021. A taxpayer who files an individual income tax
20 return under this Act for the taxable year that began on
21 January 1, 2021, and who is claimed as a dependent on another
22 individual's return for that year, is ineligible for the
23 rebate provided under this Section. Spouses who qualify for a
24 rebate under this Section and who file a joint return shall be

1 treated as a single taxpayer for the purposes of the rebate
2 under this Section. For a part-year resident, the amount of
3 the rebate under this Section shall be in proportion to the
4 amount of the taxpayer's income that is attributable to this
5 State for the taxable year that began on January 1, 2021.
6 Taxpayers who were non-residents for the taxable year that
7 began on January 1, 2021 are not entitled to a rebate under
8 this Section.

9 (b) Beginning on July 5, 2022, the Department shall
10 certify to the Comptroller the names of the taxpayers who are
11 eligible for a one-time rebate under this Section, the amounts
12 of those rebates, and any other information that the
13 Comptroller requires to direct the payment of the rebates
14 provided under this Section to taxpayers.

15 (c) If a taxpayer files an amended return indicating that
16 the taxpayer is entitled to a rebate under this Section that
17 the taxpayer did not receive, or indicating that the taxpayer
18 did not receive the full rebate amount to which the taxpayer is
19 entitled, then the rebate shall be processed in the same
20 manner as a claim for refund under Article 9. If the taxpayer
21 files an amended return indicating that the taxpayer received
22 a rebate under this Section to which the taxpayer is not
23 entitled, then the Department shall issue a notice of
24 deficiency as provided in Article 9.

25 (d) The Department shall make the rebate payments
26 authorized by this Section from the Income Tax Refund Fund.

1 (e) The amount of a rebate under this Section shall not be
2 included in the taxpayer's income or resources for the
3 purposes of determining eligibility or benefit level in any
4 means-tested benefit program administered by a governmental
5 entity unless required by federal law.

6 (f) Nothing in this Section prevents a taxpayer from
7 receiving the earned income tax credit and the rebate under
8 this Section for the same taxable year.

9 (g) Notwithstanding any other law to the contrary, the
10 rebates shall not be subject to offset by the Comptroller
11 against any liability owed either to the State or to any unit
12 of local government.

13 (h) The Department shall adopt rules for the
14 implementation of this Section, including emergency rules
15 under Section 5-45.28 ~~5-45.21~~ of the Illinois Administrative
16 Procedure Act.

17 (i) This Section is repealed on April 19, 2023 (one year
18 after the effective date of Public Act 102-700) ~~this~~
19 ~~amendatory Act of the 102nd General Assembly.~~

20 (Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

21 (35 ILCS 5/232)

22 Sec. 232. Tax credit for agritourism liability insurance.

23 (a) For taxable years beginning on or after January 1,
24 2022 and ending on or before December 31, 2023, any individual
25 or entity that operates an agritourism operation in the State

1 during the taxable year shall be entitled to a tax credit
2 against the tax imposed by subsections (a) and (b) of Section
3 201 equal to the lesser of 100% of the liability insurance
4 premiums paid by that individual or entity during the taxable
5 year or \$1,000. To claim the credit, the taxpayer must apply to
6 the Department of Agriculture for a certificate of credit in
7 the form and manner required by the Department of Agriculture
8 by rule. If granted, the taxpayer shall attach a copy of the
9 certificate of credit to his or her Illinois income tax return
10 for the taxable year. The total amount of credits that may be
11 awarded by the Department of Agriculture may not exceed
12 \$1,000,000 in any calendar year.

13 (b) For the purposes of this Section:

14 "Agricultural property" means property that is used in
15 whole or in part for production agriculture, as defined in
16 Section 3-35 of the Use Tax Act, or used in connection with one
17 or more of the following:

18 (1) the growing and harvesting of crops;

19 (2) the feeding, breeding, and management of
20 livestock;

21 (3) dairying or any other agricultural or
22 horticultural use or combination of those uses, including,
23 but not limited to, the harvesting of hay, grain, fruit,
24 or truck or vegetable crops, or floriculture, mushroom
25 growing, plant or tree nurseries, orchards, forestry, sod
26 farming, or greenhouses; or

1 (4) the keeping, raising, and feeding of livestock or
2 poultry, including dairying, poultry, swine, sheep, beef
3 cattle, ponies or horses, fur farming, bees, fish and
4 wildlife farming.

5 "Agritourism activities" includes, but is not limited to,
6 the following:

7 (1) historic, cultural, and on-site educational
8 programs;

9 (2) guided and self-guided tours, including school
10 tours;

11 (3) animal exhibitions or petting zoos;

12 (4) agricultural crop mazes, such as corn or flower
13 mazes;

14 (5) harvest-your-own or U-pick operations;

15 (6) horseback or pony rides; and

16 (7) hayrides or sleigh rides.

17 "Agritourism activities" does not include the following
18 activities:

19 (1) hunting;

20 (2) fishing;

21 (3) amusement rides;

22 (4) rodeos;

23 (5) off-road biking or motorized off-highway or
24 all-terrain vehicle activities;

25 (6) boating, swimming, canoeing, hiking, camping,
26 skiing, bounce houses, or similar activities; or

1 (7) entertainment venues such as weddings or concerts.

2 "Agritourism operation" means an individual or entity that
3 carries out agricultural activities on agricultural property
4 and allows members of the general public, for recreational,
5 entertainment, or educational purposes, to view or enjoy those
6 activities.

7 (c) If the taxpayer is a partnership or Subchapter S
8 corporation, the credit shall be allowed to the partners or
9 shareholders in accordance with the determination of income
10 and distributive share of income under Sections 702 and 704
11 and Subchapter S of the Internal Revenue Code.

12 (d) In no event shall a credit under this Section reduce
13 the taxpayer's liability to less than zero. If the amount of
14 the credit exceeds the tax liability for the year, the excess
15 may be carried forward and applied to the tax liability of the
16 5 taxable years following the excess credit year. The tax
17 credit shall be applied to the earliest year for which there is
18 a tax liability. If there are credits for more than one year
19 that are available to offset a liability, the earlier credit
20 shall be applied first.

21 (Source: P.A. 102-700, eff. 4-19-22.)

22 (35 ILCS 5/233)

23 Sec. 233 ~~232~~. Recovery and Mental Health Tax Credit Act.
24 For taxable years beginning on or after January 1, 2023, a
25 taxpayer who has been awarded a credit under the Recovery and

1 Mental Health Tax Credit Act is entitled to a credit against
2 the tax imposed by subsections (a) and (b) of Section 201 as
3 provided in that Act. This Section is exempt from the
4 provisions of Section 250.

5 (Source: P.A. 102-1053, eff. 6-10-22; revised 8-3-22.)

6 (35 ILCS 5/901)

7 Sec. 901. Collection authority.

8 (a) In general. The Department shall collect the taxes
9 imposed by this Act. The Department shall collect certified
10 past due child support amounts under Section 2505-650 of the
11 Department of Revenue Law of the Civil Administrative Code of
12 Illinois. Except as provided in subsections (b), (c), (e),
13 (f), (g), and (h) of this Section, money collected pursuant to
14 subsections (a) and (b) of Section 201 of this Act shall be
15 paid into the General Revenue Fund in the State treasury;
16 money collected pursuant to subsections (c) and (d) of Section
17 201 of this Act shall be paid into the Personal Property Tax
18 Replacement Fund, a special fund in the State Treasury; and
19 money collected under Section 2505-650 of the Department of
20 Revenue Law of the Civil Administrative Code of Illinois shall
21 be paid into the Child Support Enforcement Trust Fund, a
22 special fund outside the State Treasury, or to the State
23 Disbursement Unit established under Section 10-26 of the
24 Illinois Public Aid Code, as directed by the Department of
25 Healthcare and Family Services.

1 (b) Local Government Distributive Fund. Beginning August
2 1, 2017 and continuing through July 31, 2022, the Treasurer
3 shall transfer each month from the General Revenue Fund to the
4 Local Government Distributive Fund an amount equal to the sum
5 of: (i) 6.06% (10% of the ratio of the 3% individual income tax
6 rate prior to 2011 to the 4.95% individual income tax rate
7 after July 1, 2017) of the net revenue realized from the tax
8 imposed by subsections (a) and (b) of Section 201 of this Act
9 upon individuals, trusts, and estates during the preceding
10 month; (ii) 6.85% (10% of the ratio of the 4.8% corporate
11 income tax rate prior to 2011 to the 7% corporate income tax
12 rate after July 1, 2017) of the net revenue realized from the
13 tax imposed by subsections (a) and (b) of Section 201 of this
14 Act upon corporations during the preceding month; and (iii)
15 beginning February 1, 2022, 6.06% of the net revenue realized
16 from the tax imposed by subsection (p) of Section 201 of this
17 Act upon electing pass-through entities. Beginning August 1,
18 2022, the Treasurer shall transfer each month from the General
19 Revenue Fund to the Local Government Distributive Fund an
20 amount equal to the sum of: (i) 6.16% of the net revenue
21 realized from the tax imposed by subsections (a) and (b) of
22 Section 201 of this Act upon individuals, trusts, and estates
23 during the preceding month; (ii) 6.85% of the net revenue
24 realized from the tax imposed by subsections (a) and (b) of
25 Section 201 of this Act upon corporations during the preceding
26 month; and (iii) 6.16% of the net revenue realized from the tax

1 imposed by subsection (p) of Section 201 of this Act upon
2 electing pass-through entities. Net revenue realized for a
3 month shall be defined as the revenue from the tax imposed by
4 subsections (a) and (b) of Section 201 of this Act which is
5 deposited in the General Revenue Fund, the Education
6 Assistance Fund, the Income Tax Surcharge Local Government
7 Distributive Fund, the Fund for the Advancement of Education,
8 and the Commitment to Human Services Fund during the month
9 minus the amount paid out of the General Revenue Fund in State
10 warrants during that same month as refunds to taxpayers for
11 overpayment of liability under the tax imposed by subsections
12 (a) and (b) of Section 201 of this Act.

13 Notwithstanding any provision of law to the contrary,
14 beginning on July 6, 2017 (the effective date of Public Act
15 100-23), those amounts required under this subsection (b) to
16 be transferred by the Treasurer into the Local Government
17 Distributive Fund from the General Revenue Fund shall be
18 directly deposited into the Local Government Distributive Fund
19 as the revenue is realized from the tax imposed by subsections
20 (a) and (b) of Section 201 of this Act.

21 (c) Deposits Into Income Tax Refund Fund.

22 (1) Beginning on January 1, 1989 and thereafter, the
23 Department shall deposit a percentage of the amounts
24 collected pursuant to subsections (a) and (b)(1), (2), and
25 (3) of Section 201 of this Act into a fund in the State
26 treasury known as the Income Tax Refund Fund. Beginning

1 with State fiscal year 1990 and for each fiscal year
2 thereafter, the percentage deposited into the Income Tax
3 Refund Fund during a fiscal year shall be the Annual
4 Percentage. For fiscal year 2011, the Annual Percentage
5 shall be 8.75%. For fiscal year 2012, the Annual
6 Percentage shall be 8.75%. For fiscal year 2013, the
7 Annual Percentage shall be 9.75%. For fiscal year 2014,
8 the Annual Percentage shall be 9.5%. For fiscal year 2015,
9 the Annual Percentage shall be 10%. For fiscal year 2018,
10 the Annual Percentage shall be 9.8%. For fiscal year 2019,
11 the Annual Percentage shall be 9.7%. For fiscal year 2020,
12 the Annual Percentage shall be 9.5%. For fiscal year 2021,
13 the Annual Percentage shall be 9%. For fiscal year 2022,
14 the Annual Percentage shall be 9.25%. For fiscal year
15 2023, the Annual Percentage shall be 9.25%. For all other
16 fiscal years, the Annual Percentage shall be calculated as
17 a fraction, the numerator of which shall be the amount of
18 refunds approved for payment by the Department during the
19 preceding fiscal year as a result of overpayment of tax
20 liability under subsections (a) and (b)(1), (2), and (3)
21 of Section 201 of this Act plus the amount of such refunds
22 remaining approved but unpaid at the end of the preceding
23 fiscal year, minus the amounts transferred into the Income
24 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
25 and the denominator of which shall be the amounts which
26 will be collected pursuant to subsections (a) and (b)(1),

1 (2), and (3) of Section 201 of this Act during the
2 preceding fiscal year; except that in State fiscal year
3 2002, the Annual Percentage shall in no event exceed 7.6%.
4 The Director of Revenue shall certify the Annual
5 Percentage to the Comptroller on the last business day of
6 the fiscal year immediately preceding the fiscal year for
7 which it is to be effective.

8 (2) Beginning on January 1, 1989 and thereafter, the
9 Department shall deposit a percentage of the amounts
10 collected pursuant to subsections (a) and (b) (6), (7), and
11 (8), (c) and (d) of Section 201 of this Act into a fund in
12 the State treasury known as the Income Tax Refund Fund.
13 Beginning with State fiscal year 1990 and for each fiscal
14 year thereafter, the percentage deposited into the Income
15 Tax Refund Fund during a fiscal year shall be the Annual
16 Percentage. For fiscal year 2011, the Annual Percentage
17 shall be 17.5%. For fiscal year 2012, the Annual
18 Percentage shall be 17.5%. For fiscal year 2013, the
19 Annual Percentage shall be 14%. For fiscal year 2014, the
20 Annual Percentage shall be 13.4%. For fiscal year 2015,
21 the Annual Percentage shall be 14%. For fiscal year 2018,
22 the Annual Percentage shall be 17.5%. For fiscal year
23 2019, the Annual Percentage shall be 15.5%. For fiscal
24 year 2020, the Annual Percentage shall be 14.25%. For
25 fiscal year 2021, the Annual Percentage shall be 14%. For
26 fiscal year 2022, the Annual Percentage shall be 15%. For

1 fiscal year 2023, the Annual Percentage shall be 14.5%.
2 For all other fiscal years, the Annual Percentage shall be
3 calculated as a fraction, the numerator of which shall be
4 the amount of refunds approved for payment by the
5 Department during the preceding fiscal year as a result of
6 overpayment of tax liability under subsections (a) and
7 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
8 Act plus the amount of such refunds remaining approved but
9 unpaid at the end of the preceding fiscal year, and the
10 denominator of which shall be the amounts which will be
11 collected pursuant to subsections (a) and (b) (6), (7), and
12 (8), (c) and (d) of Section 201 of this Act during the
13 preceding fiscal year; except that in State fiscal year
14 2002, the Annual Percentage shall in no event exceed 23%.
15 The Director of Revenue shall certify the Annual
16 Percentage to the Comptroller on the last business day of
17 the fiscal year immediately preceding the fiscal year for
18 which it is to be effective.

19 (3) The Comptroller shall order transferred and the
20 Treasurer shall transfer from the Tobacco Settlement
21 Recovery Fund to the Income Tax Refund Fund (i)
22 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
23 2002, and (iii) \$35,000,000 in January, 2003.

24 (d) Expenditures from Income Tax Refund Fund.

25 (1) Beginning January 1, 1989, money in the Income Tax
26 Refund Fund shall be expended exclusively for the purpose

1 of paying refunds resulting from overpayment of tax
2 liability under Section 201 of this Act and for making
3 transfers pursuant to this subsection (d), except that in
4 State fiscal years 2022 and 2023, moneys in the Income Tax
5 Refund Fund shall also be used to pay one-time rebate
6 payments as provided under Sections 208.5 and 212.1.

7 (2) The Director shall order payment of refunds
8 resulting from overpayment of tax liability under Section
9 201 of this Act from the Income Tax Refund Fund only to the
10 extent that amounts collected pursuant to Section 201 of
11 this Act and transfers pursuant to this subsection (d) and
12 item (3) of subsection (c) have been deposited and
13 retained in the Fund.

14 (3) As soon as possible after the end of each fiscal
15 year, the Director shall order transferred and the State
16 Treasurer and State Comptroller shall transfer from the
17 Income Tax Refund Fund to the Personal Property Tax
18 Replacement Fund an amount, certified by the Director to
19 the Comptroller, equal to the excess of the amount
20 collected pursuant to subsections (c) and (d) of Section
21 201 of this Act deposited into the Income Tax Refund Fund
22 during the fiscal year over the amount of refunds
23 resulting from overpayment of tax liability under
24 subsections (c) and (d) of Section 201 of this Act paid
25 from the Income Tax Refund Fund during the fiscal year.

26 (4) As soon as possible after the end of each fiscal

1 year, the Director shall order transferred and the State
2 Treasurer and State Comptroller shall transfer from the
3 Personal Property Tax Replacement Fund to the Income Tax
4 Refund Fund an amount, certified by the Director to the
5 Comptroller, equal to the excess of the amount of refunds
6 resulting from overpayment of tax liability under
7 subsections (c) and (d) of Section 201 of this Act paid
8 from the Income Tax Refund Fund during the fiscal year
9 over the amount collected pursuant to subsections (c) and
10 (d) of Section 201 of this Act deposited into the Income
11 Tax Refund Fund during the fiscal year.

12 (4.5) As soon as possible after the end of fiscal year
13 1999 and of each fiscal year thereafter, the Director
14 shall order transferred and the State Treasurer and State
15 Comptroller shall transfer from the Income Tax Refund Fund
16 to the General Revenue Fund any surplus remaining in the
17 Income Tax Refund Fund as of the end of such fiscal year;
18 excluding for fiscal years 2000, 2001, and 2002 amounts
19 attributable to transfers under item (3) of subsection (c)
20 less refunds resulting from the earned income tax credit,
21 and excluding for fiscal year 2022 amounts attributable to
22 transfers from the General Revenue Fund authorized by
23 Public Act 102-700 ~~this amendatory Act of the 102nd~~
24 ~~General Assembly.~~

25 (5) This Act shall constitute an irrevocable and
26 continuing appropriation from the Income Tax Refund Fund

1 for the purposes of (i) paying refunds upon the order of
2 the Director in accordance with the provisions of this
3 Section and (ii) paying one-time rebate payments under
4 Sections 208.5 and 212.1.

5 (e) Deposits into the Education Assistance Fund and the
6 Income Tax Surcharge Local Government Distributive Fund. On
7 July 1, 1991, and thereafter, of the amounts collected
8 pursuant to subsections (a) and (b) of Section 201 of this Act,
9 minus deposits into the Income Tax Refund Fund, the Department
10 shall deposit 7.3% into the Education Assistance Fund in the
11 State Treasury. Beginning July 1, 1991, and continuing through
12 January 31, 1993, of the amounts collected pursuant to
13 subsections (a) and (b) of Section 201 of the Illinois Income
14 Tax Act, minus deposits into the Income Tax Refund Fund, the
15 Department shall deposit 3.0% into the Income Tax Surcharge
16 Local Government Distributive Fund in the State Treasury.
17 Beginning February 1, 1993 and continuing through June 30,
18 1993, of the amounts collected pursuant to subsections (a) and
19 (b) of Section 201 of the Illinois Income Tax Act, minus
20 deposits into the Income Tax Refund Fund, the Department shall
21 deposit 4.4% into the Income Tax Surcharge Local Government
22 Distributive Fund in the State Treasury. Beginning July 1,
23 1993, and continuing through June 30, 1994, of the amounts
24 collected under subsections (a) and (b) of Section 201 of this
25 Act, minus deposits into the Income Tax Refund Fund, the
26 Department shall deposit 1.475% into the Income Tax Surcharge

1 Local Government Distributive Fund in the State Treasury.

2 (f) Deposits into the Fund for the Advancement of
3 Education. Beginning February 1, 2015, the Department shall
4 deposit the following portions of the revenue realized from
5 the tax imposed upon individuals, trusts, and estates by
6 subsections (a) and (b) of Section 201 of this Act, minus
7 deposits into the Income Tax Refund Fund, into the Fund for the
8 Advancement of Education:

9 (1) beginning February 1, 2015, and prior to February
10 1, 2025, 1/30; and

11 (2) beginning February 1, 2025, 1/26.

12 If the rate of tax imposed by subsection (a) and (b) of
13 Section 201 is reduced pursuant to Section 201.5 of this Act,
14 the Department shall not make the deposits required by this
15 subsection (f) on or after the effective date of the
16 reduction.

17 (g) Deposits into the Commitment to Human Services Fund.
18 Beginning February 1, 2015, the Department shall deposit the
19 following portions of the revenue realized from the tax
20 imposed upon individuals, trusts, and estates by subsections
21 (a) and (b) of Section 201 of this Act, minus deposits into the
22 Income Tax Refund Fund, into the Commitment to Human Services
23 Fund:

24 (1) beginning February 1, 2015, and prior to February
25 1, 2025, 1/30; and

26 (2) beginning February 1, 2025, 1/26.

1 If the rate of tax imposed by subsection (a) and (b) of
2 Section 201 is reduced pursuant to Section 201.5 of this Act,
3 the Department shall not make the deposits required by this
4 subsection (g) on or after the effective date of the
5 reduction.

6 (h) Deposits into the Tax Compliance and Administration
7 Fund. Beginning on the first day of the first calendar month to
8 occur on or after August 26, 2014 (the effective date of Public
9 Act 98-1098), each month the Department shall pay into the Tax
10 Compliance and Administration Fund, to be used, subject to
11 appropriation, to fund additional auditors and compliance
12 personnel at the Department, an amount equal to 1/12 of 5% of
13 the cash receipts collected during the preceding fiscal year
14 by the Audit Bureau of the Department from the tax imposed by
15 subsections (a), (b), (c), and (d) of Section 201 of this Act,
16 net of deposits into the Income Tax Refund Fund made from those
17 cash receipts.

18 (Source: P.A. 101-8, see Section 99 for effective date;
19 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff.
20 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658,
21 eff. 8-27-21; 102-699, eff. 4-19-22; 102-700, eff. 4-19-22;
22 102-813, eff. 5-13-22; revised 8-2-22.)

23 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

24 Sec. 917. Confidentiality and information sharing.

25 (a) Confidentiality. Except as provided in this Section,

1 all information received by the Department from returns filed
2 under this Act, or from any investigation conducted under the
3 provisions of this Act, shall be confidential, except for
4 official purposes within the Department or pursuant to
5 official procedures for collection of any State tax or
6 pursuant to an investigation or audit by the Illinois State
7 Scholarship Commission of a delinquent student loan or
8 monetary award or enforcement of any civil or criminal penalty
9 or sanction imposed by this Act or by another statute imposing
10 a State tax, and any person who divulges any such information
11 in any manner, except for such purposes and pursuant to order
12 of the Director or in accordance with a proper judicial order,
13 shall be guilty of a Class A misdemeanor. However, the
14 provisions of this paragraph are not applicable to information
15 furnished to (i) the Department of Healthcare and Family
16 Services (formerly Department of Public Aid), State's
17 Attorneys, and the Attorney General for child support
18 enforcement purposes and (ii) a licensed attorney representing
19 the taxpayer where an appeal or a protest has been filed on
20 behalf of the taxpayer. If it is necessary to file information
21 obtained pursuant to this Act in a child support enforcement
22 proceeding, the information shall be filed under seal. The
23 furnishing upon request of the Auditor General, or his or her
24 authorized agents, for official use of returns filed and
25 information related thereto under this Act is deemed to be an
26 official purpose within the Department within the meaning of

1 this Section.

2 (b) Public information. Nothing contained in this Act
3 shall prevent the Director from publishing or making available
4 to the public the names and addresses of persons filing
5 returns under this Act, or from publishing or making available
6 reasonable statistics concerning the operation of the tax
7 wherein the contents of returns are grouped into aggregates in
8 such a way that the information contained in any individual
9 return shall not be disclosed.

10 (c) Governmental agencies. The Director may make available
11 to the Secretary of the Treasury of the United States or his
12 delegate, or the proper officer or his delegate of any other
13 state imposing a tax upon or measured by income, for
14 exclusively official purposes, information received by the
15 Department in the administration of this Act, but such
16 permission shall be granted only if the United States or such
17 other state, as the case may be, grants the Department
18 substantially similar privileges. The Director may exchange
19 information with the Department of Healthcare and Family
20 Services and the Department of Human Services (acting as
21 successor to the Department of Public Aid under the Department
22 of Human Services Act) for the purpose of verifying sources
23 and amounts of income and for other purposes directly
24 connected with the administration of this Act, the Illinois
25 Public Aid Code, and any other health benefit program
26 administered by the State. The Director may exchange

1 information with the Director of the Department of Employment
2 Security for the purpose of verifying sources and amounts of
3 income and for other purposes directly connected with the
4 administration of this Act and Acts administered by the
5 Department of Employment Security. The Director may make
6 available to the Illinois Workers' Compensation Commission
7 information regarding employers for the purpose of verifying
8 the insurance coverage required under the Workers'
9 Compensation Act and Workers' Occupational Diseases Act. The
10 Director may exchange information with the Illinois Department
11 on Aging for the purpose of verifying sources and amounts of
12 income for purposes directly related to confirming eligibility
13 for participation in the programs of benefits authorized by
14 the Senior Citizens and Persons with Disabilities Property Tax
15 Relief and Pharmaceutical Assistance Act. The Director may
16 exchange information with the State Treasurer's Office and the
17 Department of Employment Security for the purpose of
18 implementing, administering, and enforcing the Illinois Secure
19 Choice Savings Program Act. The Director may exchange
20 information with the State Treasurer's Office for the purpose
21 of administering the Revised Uniform Unclaimed Property Act or
22 successor Acts. The Director may make information available to
23 the Secretary of State for the purpose of administering
24 Section 5-901 of the Illinois Vehicle Code. The Director may
25 exchange information with the State Treasurer's Office for the
26 purpose of administering the Illinois Higher Education Savings

1 Program established under Section 16.8 of the State Treasurer
2 Act. The Director may make individual income tax information
3 available to the State health benefits exchange, as defined in
4 Section 513, if the disclosure is authorized by the taxpayer
5 pursuant to Section 513.

6 The Director may make available to any State agency,
7 including the Illinois Supreme Court, which licenses persons
8 to engage in any occupation, information that a person
9 licensed by such agency has failed to file returns under this
10 Act or pay the tax, penalty and interest shown therein, or has
11 failed to pay any final assessment of tax, penalty or interest
12 due under this Act. The Director may make available to any
13 State agency, including the Illinois Supreme Court,
14 information regarding whether a bidder, contractor, or an
15 affiliate of a bidder or contractor has failed to file returns
16 under this Act or pay the tax, penalty, and interest shown
17 therein, or has failed to pay any final assessment of tax,
18 penalty, or interest due under this Act, for the limited
19 purpose of enforcing bidder and contractor certifications. For
20 purposes of this Section, the term "affiliate" means any
21 entity that (1) directly, indirectly, or constructively
22 controls another entity, (2) is directly, indirectly, or
23 constructively controlled by another entity, or (3) is subject
24 to the control of a common entity. For purposes of this
25 subsection (a), an entity controls another entity if it owns,
26 directly or individually, more than 10% of the voting

1 securities of that entity. As used in this subsection (a), the
2 term "voting security" means a security that (1) confers upon
3 the holder the right to vote for the election of members of the
4 board of directors or similar governing body of the business
5 or (2) is convertible into, or entitles the holder to receive
6 upon its exercise, a security that confers such a right to
7 vote. A general partnership interest is a voting security.

8 The Director may make available to any State agency,
9 including the Illinois Supreme Court, units of local
10 government, and school districts, information regarding
11 whether a bidder or contractor is an affiliate of a person who
12 is not collecting and remitting Illinois Use taxes, for the
13 limited purpose of enforcing bidder and contractor
14 certifications.

15 The Director may also make available to the Secretary of
16 State information that a corporation which has been issued a
17 certificate of incorporation by the Secretary of State has
18 failed to file returns under this Act or pay the tax, penalty
19 and interest shown therein, or has failed to pay any final
20 assessment of tax, penalty or interest due under this Act. An
21 assessment is final when all proceedings in court for review
22 of such assessment have terminated or the time for the taking
23 thereof has expired without such proceedings being instituted.
24 For taxable years ending on or after December 31, 1987, the
25 Director may make available to the Director or principal
26 officer of any Department of the State of Illinois,

1 information that a person employed by such Department has
2 failed to file returns under this Act or pay the tax, penalty
3 and interest shown therein. For purposes of this paragraph,
4 the word "Department" shall have the same meaning as provided
5 in Section 3 of the State Employees Group Insurance Act of
6 1971.

7 (d) The Director shall make available for public
8 inspection in the Department's principal office and for
9 publication, at cost, administrative decisions issued on or
10 after January 1, 1995. These decisions are to be made
11 available in a manner so that the following taxpayer
12 information is not disclosed:

13 (1) The names, addresses, and identification numbers
14 of the taxpayer, related entities, and employees.

15 (2) At the sole discretion of the Director, trade
16 secrets or other confidential information identified as
17 such by the taxpayer, no later than 30 days after receipt
18 of an administrative decision, by such means as the
19 Department shall provide by rule.

20 The Director shall determine the appropriate extent of the
21 deletions allowed in paragraph (2). In the event the taxpayer
22 does not submit deletions, the Director shall make only the
23 deletions specified in paragraph (1).

24 The Director shall make available for public inspection
25 and publication an administrative decision within 180 days
26 after the issuance of the administrative decision. The term

1 "administrative decision" has the same meaning as defined in
2 Section 3-101 of Article III of the Code of Civil Procedure.
3 Costs collected under this Section shall be paid into the Tax
4 Compliance and Administration Fund.

5 (e) Nothing contained in this Act shall prevent the
6 Director from divulging information to any person pursuant to
7 a request or authorization made by the taxpayer, by an
8 authorized representative of the taxpayer, or, in the case of
9 information related to a joint return, by the spouse filing
10 the joint return with the taxpayer.

11 (Source: P.A. 102-61, eff. 7-9-21; 102-129, eff. 7-23-21;
12 102-799, eff. 5-13-22; 102-813, eff. 5-13-22; 102-941, eff.
13 7-1-22; revised 8-3-22.)

14 Section 185. The Historic Preservation Tax Credit Act is
15 amended by changing Section 5 as follows:

16 (35 ILCS 31/5)

17 Sec. 5. Definitions. As used in this Act, unless the
18 context clearly indicates otherwise:

19 "Director" means the Director of Natural Resources or his
20 or her designee.

21 "Division" means the State Historic Preservation Office
22 within the Department of Natural Resources.

23 "Placed in service" means the date when the property is
24 placed in a condition or state of readiness and availability

1 for a specifically assigned function as defined under Section
2 47 of the federal Internal Revenue Code and federal Treasury
3 Regulation Sections 1.46 and 1.48.

4 "Qualified expenditures" means all the costs and expenses
5 defined as qualified rehabilitation expenditures under Section
6 47 of the federal Internal Revenue Code that were incurred in
7 connection with a qualified rehabilitation plan.

8 "Qualified historic structure" means any structure that is
9 located in Illinois and is defined as a certified historic
10 structure under Section 47(c)(3) of the federal Internal
11 Revenue Code.

12 "Qualified rehabilitation plan" means a project that is
13 approved by the Department of Natural Resources and the
14 National Park Service as being consistent with the United
15 States Secretary of the Interior's Standards for
16 Rehabilitation.

17 "Qualified taxpayer" means the owner of the structure or
18 any other person or entity that ~~who~~ may qualify for the federal
19 rehabilitation credit allowed by Section 47 of the federal
20 Internal Revenue Code.

21 "Recapture event" means any of the following events
22 occurring during the recapture period:

23 (1) failure to place in service the rehabilitated
24 portions of the qualified historic structure, or failure
25 to maintain the rehabilitated portions of the qualified
26 historic structure in service after they are placed in

1 service; provided that a recapture event under this
2 paragraph (1) shall not include a removal from service for
3 a reasonable period of time to conduct maintenance and
4 repairs that are reasonably necessary to protect the
5 health and safety of the public or to protect the
6 structural integrity of the qualified historic structure
7 or a neighboring structure;

8 (2) demolition or other alteration of the qualified
9 historic structure in a manner that is inconsistent with
10 the qualified rehabilitation plan or the Secretary of the
11 Interior's Standards for Rehabilitation;

12 (3) disposition of the rehabilitated qualified
13 historic structure in whole or a proportional disposition
14 of a partnership interest therein, except as otherwise
15 permitted by this Section; or

16 (4) use of the qualified historic structure in a
17 manner that is inconsistent with the qualified
18 rehabilitation plan or that is otherwise inconsistent with
19 the provisions and intent of this Section.

20 A recapture event occurring in one taxable year shall be
21 deemed continuing to subsequent taxable years unless and until
22 corrected.

23 The following dispositions of a qualified historic
24 structure shall not be deemed to be a recapture event for
25 purposes of this Section:

26 (1) a transfer by reason of death;

1 (2) a transfer between spouses incident to divorce;

2 (3) a sale by and leaseback to an entity that, when the
3 rehabilitated portions of the qualified historic structure
4 are placed in service, will be a lessee of the qualified
5 historic structure, but only for so long as the entity
6 continues to be a lessee; and

7 (4) a mere change in the form of conducting the trade
8 or business by the owner (or, if applicable, the lessee)
9 of the qualified historic structure, so long as the
10 property interest in such qualified historic structure is
11 retained in such trade or business and the owner or lessee
12 retains a substantial interest in such trade or business.

13 "Recapture period" means the 5-year period beginning on
14 the date that the qualified historic structure or
15 rehabilitated portions of the qualified historic structure are
16 placed in service.

17 (Source: P.A. 102-741, eff. 5-6-22; revised 9-8-22.)

18 Section 190. The Invest in Kids Act is amended by changing
19 Section 40 as follows:

20 (35 ILCS 40/40)

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

22 Sec. 40. Scholarship granting organization
23 responsibilities.

24 (a) Before granting a scholarship for an academic year,

1 all scholarship granting organizations shall assess and
2 document each student's eligibility for the academic year.

3 (b) A scholarship granting organization shall grant
4 scholarships only to eligible students.

5 (c) A scholarship granting organization shall allow an
6 eligible student to attend any qualified school of the
7 student's choosing, subject to the availability of funds.

8 (d) In granting scholarships, beginning in the 2022-2023
9 school year and for each school year thereafter, a scholarship
10 granting organization shall give priority to eligible students
11 who received a scholarship from a scholarship granting
12 organization during the previous school year. Second priority
13 shall be given to the following priority groups:

14 (1) (blank);

15 (2) eligible students who are members of a household
16 whose previous year's total annual income does not exceed
17 185% of the federal poverty level;

18 (3) eligible students who reside within a focus
19 district; and

20 (4) eligible students who are siblings of students
21 currently receiving a scholarship.

22 (d-5) A scholarship granting organization shall begin
23 granting scholarships no later than February 1 preceding the
24 school year for which the scholarship is sought. Each priority
25 group identified in subsection (d) of this Section shall be
26 eligible to receive scholarships on a first-come, first-served

1 basis until April 1 immediately preceding the school year for
2 which the scholarship is sought, starting with the first
3 priority group identified in subsection (d) of this Section.
4 Applications for scholarships for eligible students meeting
5 the qualifications of one or more priority groups that are
6 received before April 1 must be either approved or denied
7 within 10 business days after receipt. Beginning April 1, all
8 eligible students shall be eligible to receive scholarships
9 without regard to the priority groups identified in subsection
10 (d) of this Section.

11 (e) Except as provided in subsection (e-5) of this
12 Section, scholarships shall not exceed the lesser of (i) the
13 statewide average operational expense per student among public
14 schools or (ii) the necessary costs and fees for attendance at
15 the qualified school. A qualified school may set a lower
16 maximum scholarship amount for eligible students whose family
17 income falls within paragraphs (2) and (3) of this subsection
18 (e); that amount may not exceed the necessary costs and fees
19 for attendance at the qualified school and is subject to the
20 limitations on average scholarship amounts set forth in
21 paragraphs (2) and (3) of this subsection, as applicable. The
22 qualified school shall notify the scholarship granting
23 organization of its necessary costs and fees as well as any
24 maximum scholarship amount set by the school. Scholarships
25 shall be prorated as follows:

26 (1) for eligible students whose household income is

1 less than 185% of the federal poverty level, the
2 scholarship shall be 100% of the amount determined
3 pursuant to this subsection (e) and subsection (e-5) of
4 this Section;

5 (2) for eligible students whose household income is
6 185% or more of the federal poverty level but less than
7 250% of the federal poverty level, the average of
8 scholarships shall be 75% of the amount determined
9 pursuant to this subsection (e) and subsection (e-5) of
10 this Section; and

11 (3) for eligible students whose household income is
12 250% or more of the federal poverty level, the average of
13 scholarships shall be 50% of the amount determined
14 pursuant to this subsection (e) and subsection (e-5) of
15 this Section.

16 (e-5) The statewide average operational expense per
17 student among public schools shall be multiplied by the
18 following factors:

19 (1) for students determined eligible to receive
20 services under the federal Individuals with Disabilities
21 Education Act, 2;

22 (2) for students who are English learners, as defined
23 in subsection (d) of Section 14C-2 of the School Code,
24 1.2; and

25 (3) for students who are gifted and talented children,
26 as defined in Section 14A-20 of the School Code, 1.1.

1 (f) A scholarship granting organization shall distribute
2 scholarship payments to the participating school where the
3 student is enrolled.

4 (g) For the 2018-2019 school year through the 2022-2023
5 school year, each scholarship granting organization shall
6 expend no less than 75% of the qualified contributions
7 received during the calendar year in which the qualified
8 contributions were received. No more than 25% of the qualified
9 contributions may be carried forward to the following calendar
10 year.

11 (h) For the 2023-2024 school year, each scholarship
12 granting organization shall expend all qualified contributions
13 received during the calendar year in which the qualified
14 contributions were received. No qualified contributions may be
15 carried forward to the following calendar year.

16 (i) A scholarship granting organization shall allow an
17 eligible student to transfer a scholarship during a school
18 year to any other participating school of the custodian's
19 choice. Such scholarships shall be prorated.

20 (j) With the prior approval of the Department, a
21 scholarship granting organization may transfer funds to
22 another scholarship granting organization if additional funds
23 are required to meet scholarship demands at the receiving
24 scholarship granting organization. All transferred funds must
25 be deposited by the receiving scholarship granting
26 organization into its scholarship accounts. All transferred

1 amounts received by any scholarship granting organization must
2 be separately disclosed to the Department.

3 (k) If the approval of a scholarship granting organization
4 is revoked as provided in Section 20 of this Act or the
5 scholarship granting organization is dissolved, all remaining
6 qualified contributions of the scholarship granting
7 organization shall be transferred to another scholarship
8 granting organization. All transferred funds must be deposited
9 by the receiving scholarship granting organization into its
10 scholarship accounts.

11 (l) Scholarship granting organizations shall make
12 reasonable efforts to advertise the availability of
13 scholarships to eligible students.

14 (Source: P.A. 102-699, eff. 4-19-22; 102-1059, eff. 6-10-22;
15 revised 8-3-22.)

16 Section 195. The Use Tax Act is amended by changing
17 Sections 3-5, 3-10, and 9 as follows:

18 (35 ILCS 105/3-5)

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 not-for-profit
5 Illinois county fair association for use in conducting,
6 operating, or 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) Personal property purchased by a governmental body, by
23 a corporation, society, association, foundation, or
24 institution organized and operated exclusively for charitable,
25 religious, or educational purposes, or by a not-for-profit
26 corporation, society, association, foundation, institution, or

1 organization that has no compensated officers or employees and
2 that is organized and operated primarily for the recreation of
3 persons 55 years of age or older. A limited liability company
4 may qualify for the exemption under this paragraph only if the
5 limited liability company is organized and operated
6 exclusively for educational purposes. On and after July 1,
7 1987, however, no entity otherwise eligible for this exemption
8 shall make tax-free purchases unless it has an active
9 exemption identification number issued by the Department.

10 (5) Until July 1, 2003, a passenger car that is a
11 replacement vehicle to the extent that the purchase price of
12 the car is subject to the Replacement Vehicle Tax.

13 (6) Until July 1, 2003 and beginning again on September 1,
14 2004 through August 30, 2014, graphic arts machinery and
15 equipment, including repair and replacement parts, both new
16 and used, and including that manufactured on special order,
17 certified by the purchaser to be used primarily for graphic
18 arts production, and including machinery and equipment
19 purchased for lease. Equipment includes chemicals or chemicals
20 acting as catalysts but only if the chemicals or chemicals
21 acting as catalysts effect a direct and immediate change upon
22 a graphic arts product. Beginning on July 1, 2017, graphic
23 arts machinery and equipment is included in the manufacturing
24 and assembling machinery and equipment exemption under
25 paragraph (18).

26 (7) Farm chemicals.

1 (8) Legal tender, currency, medallions, or gold or silver
2 coinage issued by the State of Illinois, the government of the
3 United States of America, or the government of any foreign
4 country, and bullion.

5 (9) Personal property purchased from a teacher-sponsored
6 student organization affiliated with an elementary or
7 secondary school located in Illinois.

8 (10) A motor vehicle that is used for automobile renting,
9 as defined in the Automobile Renting Occupation and Use Tax
10 Act.

11 (11) Farm machinery and equipment, both new and used,
12 including that manufactured on special order, certified by the
13 purchaser to be used primarily for production agriculture or
14 State or federal agricultural programs, including individual
15 replacement parts for the machinery and equipment, including
16 machinery and equipment purchased for lease, and including
17 implements of husbandry defined in Section 1-130 of the
18 Illinois Vehicle Code, farm machinery and agricultural
19 chemical and fertilizer spreaders, and nurse wagons required
20 to be registered under Section 3-809 of the Illinois Vehicle
21 Code, but excluding other motor vehicles required to be
22 registered under the Illinois Vehicle Code. Horticultural
23 polyhouses or hoop houses used for propagating, growing, or
24 overwintering plants shall be considered farm machinery and
25 equipment under this item (11). Agricultural chemical tender
26 tanks and dry boxes shall include units sold separately from a

1 motor vehicle required to be licensed and units sold mounted
2 on a motor vehicle required to be licensed if the selling price
3 of the tender is separately stated.

4 Farm machinery and equipment shall include precision
5 farming equipment that is installed or purchased to be
6 installed on farm machinery and equipment including, but not
7 limited to, tractors, harvesters, sprayers, planters, seeders,
8 or spreaders. Precision farming equipment includes, but is not
9 limited to, soil testing sensors, computers, monitors,
10 software, global positioning and mapping systems, and other
11 such equipment.

12 Farm machinery and equipment also includes computers,
13 sensors, software, and related equipment used primarily in the
14 computer-assisted operation of production agriculture
15 facilities, equipment, and activities such as, but not limited
16 to, the collection, monitoring, and correlation of animal and
17 crop data for the purpose of formulating animal diets and
18 agricultural chemicals. This item (11) is exempt from the
19 provisions of Section 3-90.

20 (12) Until June 30, 2013, fuel and petroleum products sold
21 to or used by an air common carrier, certified by the carrier
22 to be used for consumption, shipment, or storage in the
23 conduct of its business as an air common carrier, for a flight
24 destined for or returning from a location or locations outside
25 the United States without regard to previous or subsequent
26 domestic stopovers.

1 Beginning July 1, 2013, fuel and petroleum products sold
2 to or used by an air carrier, certified by the carrier to be
3 used for consumption, shipment, or storage in the conduct of
4 its business as an air common carrier, for a flight that (i) is
5 engaged in foreign trade or is engaged in trade between the
6 United States and any of its possessions and (ii) transports
7 at least one individual or package for hire from the city of
8 origination to the city of final destination on the same
9 aircraft, without regard to a change in the flight number of
10 that aircraft.

11 (13) Proceeds of mandatory service charges separately
12 stated on customers' bills for the purchase and consumption of
13 food and beverages purchased at retail from a retailer, to the
14 extent that the proceeds of the service charge are in fact
15 turned over as tips or as a substitute for tips to the
16 employees who participate directly in preparing, serving,
17 hosting or cleaning up the food or beverage function with
18 respect to which the service charge is imposed.

19 (14) Until July 1, 2003, oil field exploration, drilling,
20 and production equipment, including (i) rigs and parts of
21 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
22 pipe and tubular goods, including casing and drill strings,
23 (iii) pumps and pump-jack units, (iv) storage tanks and flow
24 lines, (v) any individual replacement part for oil field
25 exploration, drilling, and production equipment, and (vi)
26 machinery and equipment purchased for lease; but excluding

1 motor vehicles required to be registered under the Illinois
2 Vehicle Code.

3 (15) Photoprocessing machinery and equipment, including
4 repair and replacement parts, both new and used, including
5 that manufactured on special order, certified by the purchaser
6 to be used primarily for photoprocessing, and including
7 photoprocessing machinery and equipment purchased for lease.

8 (16) Until July 1, 2028, coal and aggregate exploration,
9 mining, off-highway hauling, processing, maintenance, and
10 reclamation equipment, including replacement parts and
11 equipment, and including equipment purchased for lease, but
12 excluding motor vehicles required to be registered under the
13 Illinois Vehicle Code. The changes made to this Section by
14 Public Act 97-767 apply on and after July 1, 2003, but no claim
15 for credit or refund is allowed on or after August 16, 2013
16 (the effective date of Public Act 98-456) for such taxes paid
17 during the period beginning July 1, 2003 and ending on August
18 16, 2013 (the effective date of Public Act 98-456).

19 (17) Until July 1, 2003, distillation machinery and
20 equipment, sold as a unit or kit, assembled or installed by the
21 retailer, certified by the user to be used only for the
22 production of ethyl alcohol that will be used for consumption
23 as motor fuel or as a component of motor fuel for the personal
24 use of the user, and not subject to sale or resale.

25 (18) Manufacturing and assembling machinery and equipment
26 used primarily in the process of manufacturing or assembling

1 tangible personal property for wholesale or retail sale or
2 lease, whether that sale or lease is made directly by the
3 manufacturer or by some other person, whether the materials
4 used in the process are owned by the manufacturer or some other
5 person, or whether that sale or lease is made apart from or as
6 an incident to the seller's engaging in the service occupation
7 of producing machines, tools, dies, jigs, patterns, gauges, or
8 other similar items of no commercial value on special order
9 for a particular purchaser. The exemption provided by this
10 paragraph (18) includes production related tangible personal
11 property, as defined in Section 3-50, purchased on or after
12 July 1, 2019. The exemption provided by this paragraph (18)
13 does not include machinery and equipment used in (i) the
14 generation of electricity for wholesale or retail sale; (ii)
15 the generation or treatment of natural or artificial gas for
16 wholesale or retail sale that is delivered to customers
17 through pipes, pipelines, or mains; or (iii) the treatment of
18 water for wholesale or retail sale that is delivered to
19 customers through pipes, pipelines, or mains. The provisions
20 of Public Act 98-583 are declaratory of existing law as to the
21 meaning and scope of this exemption. Beginning on July 1,
22 2017, the exemption provided by this paragraph (18) includes,
23 but is not limited to, graphic arts machinery and equipment,
24 as defined in paragraph (6) of this Section.

25 (19) Personal property delivered to a purchaser or
26 purchaser's donee inside Illinois when the purchase order for

1 that personal property was received by a florist located
2 outside Illinois who has a florist located inside Illinois
3 deliver the personal property.

4 (20) Semen used for artificial insemination of livestock
5 for direct agricultural production.

6 (21) Horses, or interests in horses, registered with and
7 meeting the requirements of any of the Arabian Horse Club
8 Registry of America, Appaloosa Horse Club, American Quarter
9 Horse Association, United States Trotting Association, or
10 Jockey Club, as appropriate, used for purposes of breeding or
11 racing for prizes. This item (21) is exempt from the
12 provisions of Section 3-90, and the exemption provided for
13 under this item (21) applies for all periods beginning May 30,
14 1995, but no claim for credit or refund is allowed on or after
15 January 1, 2008 for such taxes paid during the period
16 beginning May 30, 2000 and ending on January 1, 2008.

17 (22) Computers and communications equipment utilized for
18 any hospital purpose and equipment used in the diagnosis,
19 analysis, or treatment of hospital patients purchased by a
20 lessor who leases the equipment, under a lease of one year or
21 longer executed or in effect at the time the lessor would
22 otherwise be subject to the tax imposed by this Act, to a
23 hospital that has been issued an active tax exemption
24 identification number by the Department under Section 1g of
25 the Retailers' Occupation Tax Act. If the equipment is leased
26 in a manner that does not qualify for this exemption or is used

1 in any other non-exempt manner, the lessor shall be liable for
2 the tax imposed under this Act or the Service Use Tax Act, as
3 the case may be, based on the fair market value of the property
4 at the time the non-qualifying use occurs. No lessor shall
5 collect or attempt to collect an amount (however designated)
6 that purports to reimburse that lessor for the tax imposed by
7 this Act or the Service Use Tax Act, as the case may be, if the
8 tax has not been paid by the lessor. If a lessor improperly
9 collects any such amount from the lessee, the lessee shall
10 have a legal right to claim a refund of that amount from the
11 lessor. If, however, that amount is not refunded to the lessee
12 for any reason, the lessor is liable to pay that amount to the
13 Department.

14 (23) Personal property purchased by a lessor who leases
15 the property, under a lease of one year or longer executed or
16 in effect at the time the lessor would otherwise be subject to
17 the tax imposed by this Act, to a governmental body that has
18 been issued an active sales 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 used in any other
22 non-exempt manner, the lessor shall be liable for the tax
23 imposed under this Act or the Service Use Tax Act, as the case
24 may be, based on the fair market value of the property at the
25 time the non-qualifying use occurs. No lessor shall collect or
26 attempt to collect an amount (however designated) that

1 purports to reimburse that lessor for the tax imposed by this
2 Act or the Service Use Tax Act, as the case may be, if the tax
3 has not been paid by the lessor. If a lessor improperly
4 collects any such amount from the lessee, the lessee shall
5 have a legal right to claim a refund of that amount from the
6 lessor. If, however, that amount is not refunded to the lessee
7 for any reason, the lessor is liable to pay that amount to the
8 Department.

9 (24) 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 (25) 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 (26) 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 3-90.

10 (27) 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 (28) 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 3-90.

17 (29) 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 3-90.

1 (30) Beginning January 1, 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 (31) 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 Service Use Tax Act, as

1 the case may be, based on the fair market value of the property
2 at the time the nonqualifying use occurs. No lessor shall
3 collect or attempt to collect an amount (however designated)
4 that purports to reimburse that lessor for the tax imposed by
5 this Act or the Service Use Tax Act, as the case may be, if the
6 tax has not been paid by the lessor. If a lessor improperly
7 collects any such amount from the lessee, the lessee shall
8 have a legal right to claim a refund of that amount from the
9 lessor. If, however, that amount is not refunded to the lessee
10 for any reason, the lessor is liable to pay that amount to the
11 Department. This paragraph is exempt from the provisions of
12 Section 3-90.

13 (32) 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 sales tax exemption
19 identification number by the Department under Section 1g of
20 the Retailers' Occupation Tax Act. If the property is leased
21 in a manner that does not qualify for this exemption or used in
22 any other nonexempt manner, the lessor shall be liable for the
23 tax imposed under this Act or the Service Use Tax Act, as the
24 case may be, based on the fair market value of the property at
25 the time the nonqualifying use occurs. No lessor shall collect
26 or attempt to collect an amount (however designated) that

1 purports to reimburse that lessor for the tax imposed by this
2 Act or the Service Use Tax Act, as the case may be, if the tax
3 has not been paid by the lessor. If a lessor improperly
4 collects any such amount from the lessee, the lessee shall
5 have a legal right to claim a refund of that amount from the
6 lessor. If, however, that amount is not refunded to the lessee
7 for any reason, the lessor is liable to pay that amount to the
8 Department. This paragraph is exempt from the provisions of
9 Section 3-90.

10 (33) On and after July 1, 2003 and through June 30, 2004,
11 the use in this State of motor vehicles of the second division
12 with a gross vehicle weight in excess of 8,000 pounds and that
13 are subject to the commercial distribution fee imposed under
14 Section 3-815.1 of the Illinois Vehicle Code. Beginning on
15 July 1, 2004 and through June 30, 2005, the use in this State
16 of motor vehicles of the second division: (i) with a gross
17 vehicle weight rating in excess of 8,000 pounds; (ii) that are
18 subject to the commercial distribution fee imposed under
19 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that
20 are primarily used for commercial purposes. Through June 30,
21 2005, this exemption applies to repair and replacement parts
22 added after the initial purchase of such a motor vehicle if
23 that motor vehicle is used in a manner that would qualify for
24 the rolling stock exemption otherwise provided for in this
25 Act. For purposes of this paragraph, the term "used for
26 commercial purposes" means the transportation of persons or

1 property in furtherance of any commercial or industrial
2 enterprise, whether for-hire or not.

3 (34) Beginning January 1, 2008, tangible personal property
4 used in the construction or maintenance of a community water
5 supply, as defined under Section 3.145 of the Environmental
6 Protection Act, that is operated by a not-for-profit
7 corporation that holds a valid water supply permit issued
8 under Title IV of the Environmental Protection Act. This
9 paragraph is exempt from the provisions of Section 3-90.

10 (35) Beginning January 1, 2010 and continuing through
11 December 31, 2024, materials, parts, equipment, components,
12 and furnishings incorporated into or upon an aircraft as part
13 of the modification, refurbishment, completion, replacement,
14 repair, or maintenance of the aircraft. This exemption
15 includes consumable supplies used in the modification,
16 refurbishment, completion, replacement, repair, and
17 maintenance of aircraft, but excludes any materials, parts,
18 equipment, components, and consumable supplies used in the
19 modification, replacement, repair, and maintenance of aircraft
20 engines or power plants, whether such engines or power plants
21 are installed or uninstalled upon any such aircraft.
22 "Consumable supplies" include, but are not limited to,
23 adhesive, tape, sandpaper, general purpose lubricants,
24 cleaning solution, latex gloves, and protective films. This
25 exemption applies only to the use of qualifying tangible
26 personal property by persons who modify, refurbish, complete,

1 repair, replace, or maintain aircraft and who (i) hold an Air
2 Agency Certificate and are empowered to operate an approved
3 repair station by the Federal Aviation Administration, (ii)
4 have a Class IV Rating, and (iii) conduct operations in
5 accordance with Part 145 of the Federal Aviation Regulations.
6 The exemption does not include aircraft operated by a
7 commercial air carrier providing scheduled passenger air
8 service pursuant to authority issued under Part 121 or Part
9 129 of the Federal Aviation Regulations. The changes made to
10 this paragraph (35) by Public Act 98-534 are declarative of
11 existing law. It is the intent of the General Assembly that the
12 exemption under this paragraph (35) applies continuously from
13 January 1, 2010 through December 31, 2024; however, no claim
14 for credit or refund is allowed for taxes paid as a result of
15 the disallowance of this exemption on or after January 1, 2015
16 and prior to February 5, 2020 (the effective date of Public Act
17 101-629) ~~this amendatory Act of the 101st General Assembly.~~

18 (36) Tangible personal property purchased by a
19 public-facilities corporation, as described in Section
20 11-65-10 of the Illinois Municipal Code, for purposes of
21 constructing or furnishing a municipal convention hall, but
22 only if the legal title to the municipal convention hall is
23 transferred to the municipality without any further
24 consideration by or on behalf of the municipality at the time
25 of the completion of the municipal convention hall or upon the
26 retirement or redemption of any bonds or other debt

1 instruments issued by the public-facilities corporation in
2 connection with the development of the municipal convention
3 hall. This exemption includes existing public-facilities
4 corporations as provided in Section 11-65-25 of the Illinois
5 Municipal Code. This paragraph is exempt from the provisions
6 of Section 3-90.

7 (37) Beginning January 1, 2017 and through December 31,
8 2026, menstrual pads, tampons, and menstrual cups.

9 (38) Merchandise that is subject to the Rental Purchase
10 Agreement Occupation and Use Tax. The purchaser must certify
11 that the item is purchased to be rented subject to a rental
12 purchase agreement, as defined in the Rental Purchase
13 Agreement Act, and provide proof of registration under the
14 Rental Purchase Agreement Occupation and Use Tax Act. This
15 paragraph is exempt from the provisions of Section 3-90.

16 (39) Tangible personal property purchased by a purchaser
17 who is exempt from the tax imposed by this Act by operation of
18 federal law. This paragraph is exempt from the provisions of
19 Section 3-90.

20 (40) Qualified tangible personal property used in the
21 construction or operation of a data center that has been
22 granted a certificate of exemption by the Department of
23 Commerce and Economic Opportunity, whether that tangible
24 personal property is purchased by the owner, operator, or
25 tenant of the data center or by a contractor or subcontractor
26 of the owner, operator, or tenant. Data centers that would

1 have qualified for a certificate of exemption prior to January
2 1, 2020 had Public Act 101-31 been in effect may apply for and
3 obtain an exemption for subsequent purchases of computer
4 equipment or enabling software purchased or leased to upgrade,
5 supplement, or replace computer equipment or enabling software
6 purchased or leased in the original investment that would have
7 qualified.

8 The Department of Commerce and Economic Opportunity shall
9 grant a certificate of exemption under this item (40) to
10 qualified data centers as defined by Section 605-1025 of the
11 Department of Commerce and Economic Opportunity Law of the
12 Civil Administrative Code of Illinois.

13 For the purposes of this item (40):

14 "Data center" means a building or a series of
15 buildings rehabilitated or constructed to house working
16 servers in one physical location or multiple sites within
17 the State of Illinois.

18 "Qualified tangible personal property" means:
19 electrical systems and equipment; climate control and
20 chilling equipment and systems; mechanical systems and
21 equipment; monitoring and secure systems; emergency
22 generators; hardware; computers; servers; data storage
23 devices; network connectivity equipment; racks; cabinets;
24 telecommunications cabling infrastructure; raised floor
25 systems; peripheral components or systems; software;
26 mechanical, electrical, or plumbing systems; battery

1 systems; cooling systems and towers; temperature control
2 systems; other cabling; and other data center
3 infrastructure equipment and systems necessary to operate
4 qualified tangible personal property, including fixtures;
5 and component parts of any of the foregoing, including
6 installation, maintenance, repair, refurbishment, and
7 replacement of qualified tangible personal property to
8 generate, transform, transmit, distribute, or manage
9 electricity necessary to operate qualified tangible
10 personal property; and all other tangible personal
11 property that is essential to the operations of a computer
12 data center. The term "qualified tangible personal
13 property" also includes building materials physically
14 incorporated in to the qualifying data center. To document
15 the exemption allowed under this Section, the retailer
16 must obtain from the purchaser a copy of the certificate
17 of eligibility issued by the Department of Commerce and
18 Economic Opportunity.

19 This item (40) is exempt from the provisions of Section
20 3-90.

21 (41) Beginning July 1, 2022, breast pumps, breast pump
22 collection and storage supplies, and breast pump kits. This
23 item (41) is exempt from the provisions of Section 3-90. As
24 used in this item (41):

25 "Breast pump" means an electrically controlled or
26 manually controlled pump device designed or marketed to be

1 used to express milk from a human breast during lactation,
2 including the pump device and any battery, AC adapter, or
3 other power supply unit that is used to power the pump
4 device and is packaged and sold with the pump device at the
5 time of sale.

6 "Breast pump collection and storage supplies" means
7 items of tangible personal property designed or marketed
8 to be used in conjunction with a breast pump to collect
9 milk expressed from a human breast and to store collected
10 milk until it is ready for consumption.

11 "Breast pump collection and storage supplies"
12 includes, but is not limited to: breast shields and breast
13 shield connectors; breast pump tubes and tubing adapters;
14 breast pump valves and membranes; backflow protectors and
15 backflow protector adaptors; bottles and bottle caps
16 specific to the operation of the breast pump; and breast
17 milk storage bags.

18 "Breast pump collection and storage supplies" does not
19 include: (1) bottles and bottle caps not specific to the
20 operation of the breast pump; (2) breast pump travel bags
21 and other similar carrying accessories, including ice
22 packs, labels, and other similar products; (3) breast pump
23 cleaning supplies; (4) nursing bras, bra pads, breast
24 shells, and other similar products; and (5) creams,
25 ointments, and other similar products that relieve
26 breastfeeding-related symptoms or conditions of the

1 breasts or nipples, unless sold as part of a breast pump
2 kit that is pre-packaged by the breast pump manufacturer
3 or distributor.

4 "Breast pump kit" means a kit that: (1) contains no
5 more than a breast pump, breast pump collection and
6 storage supplies, a rechargeable battery for operating the
7 breast pump, a breastmilk cooler, bottle stands, ice
8 packs, and a breast pump carrying case; and (2) is
9 pre-packaged as a breast pump kit by the breast pump
10 manufacturer or distributor.

11 (42) ~~(41)~~ Tangible personal property sold by or on behalf
12 of the State Treasurer pursuant to the Revised Uniform
13 Unclaimed Property Act. This item (42) ~~(41)~~ is exempt from the
14 provisions of Section 3-90.

15 (Source: P.A. 101-9, eff. 6-5-19; 101-31, eff. 6-28-19;
16 101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff.
17 6-17-21; 102-700, Article 70, Section 70-5, eff. 4-19-22;
18 102-700, Article 75, Section 75-5, eff. 4-19-22; 102-1026,
19 eff. 5-27-22; revised 8-1-22.)

20 (35 ILCS 105/3-10)

21 Sec. 3-10. Rate of tax. Unless otherwise provided in this
22 Section, the tax imposed by this Act is at the rate of 6.25% of
23 either the selling price or the fair market value, if any, of
24 the tangible personal property. In all cases where property
25 functionally used or consumed is the same as the property that

1 was purchased at retail, then the tax is imposed on the selling
2 price of the property. In all cases where property
3 functionally used or consumed is a by-product or waste product
4 that has been refined, manufactured, or produced from property
5 purchased at retail, then the tax is imposed on the lower of
6 the fair market value, if any, of the specific property so used
7 in this State or on the selling price of the property purchased
8 at retail. For purposes of this Section "fair market value"
9 means the price at which property would change hands between a
10 willing buyer and a willing seller, neither being under any
11 compulsion to buy or sell and both having reasonable knowledge
12 of the relevant facts. The fair market value shall be
13 established by Illinois sales by the taxpayer of the same
14 property as that functionally used or consumed, or if there
15 are no such sales by the taxpayer, then comparable sales or
16 purchases of property of like kind and character in Illinois.

17 Beginning on July 1, 2000 and through December 31, 2000,
18 with respect to motor fuel, as defined in Section 1.1 of the
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 Beginning on August 6, 2010 through August 15, 2010, and
22 beginning again on August 5, 2022 through August 14, 2022,
23 with respect to sales tax holiday items as defined in Section
24 3-6 of this Act, the tax is imposed at the rate of 1.25%.

25 With respect to gasohol, the tax imposed by this Act
26 applies to (i) 70% of the proceeds of sales made on or after

1 January 1, 1990, and before July 1, 2003, (ii) 80% of the
2 proceeds of sales made on or after July 1, 2003 and on or
3 before July 1, 2017, and (iii) 100% of the proceeds of sales
4 made thereafter. If, at any time, however, the tax under this
5 Act on sales of gasohol is imposed at the rate of 1.25%, then
6 the tax imposed by this Act applies to 100% of the proceeds of
7 sales of gasohol made during that time.

8 With respect to majority blended ethanol fuel, the tax
9 imposed by this Act does not apply to the proceeds of sales
10 made on or after July 1, 2003 and on or before December 31,
11 2023 but applies to 100% of the proceeds of sales made
12 thereafter.

13 With respect to biodiesel blends with no less than 1% and
14 no more than 10% biodiesel, the tax imposed by this Act applies
15 to (i) 80% of the proceeds of sales made on or after July 1,
16 2003 and on or before December 31, 2018 and (ii) 100% of the
17 proceeds of sales made after December 31, 2018 and before
18 January 1, 2024. On and after January 1, 2024 and on or before
19 December 31, 2030, the taxation of biodiesel, renewable
20 diesel, and biodiesel blends shall be as provided in Section
21 3-5.1. If, at any time, however, the tax under this Act on
22 sales of biodiesel blends with no less than 1% and no more than
23 10% biodiesel is imposed at the rate of 1.25%, then the tax
24 imposed by this Act applies to 100% of the proceeds of sales of
25 biodiesel blends with no less than 1% and no more than 10%
26 biodiesel made during that time.

1 With respect to biodiesel and biodiesel blends with more
2 than 10% but no more than 99% biodiesel, the tax imposed by
3 this Act does not apply to the proceeds of sales made on or
4 after July 1, 2003 and on or before December 31, 2023. On and
5 after January 1, 2024 and on or before December 31, 2030, the
6 taxation of biodiesel, renewable diesel, and biodiesel blends
7 shall be as provided in Section 3-5.1.

8 Until July 1, 2022 and beginning again on July 1, 2023,
9 with respect to food for human consumption that is to be
10 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), the tax is imposed at the rate of 1%.
14 Beginning on July 1, 2022 and until July 1, 2023, with respect
15 to food for human consumption that is to be consumed off the
16 premises where it is sold (other than alcoholic beverages,
17 food consisting of or infused with adult use cannabis, soft
18 drinks, and food that has been prepared for immediate
19 consumption), the tax is imposed at the rate of 0%.

20 With respect to prescription and nonprescription
21 medicines, drugs, medical appliances, products classified as
22 Class III medical devices by the United States Food and Drug
23 Administration that are used for cancer treatment pursuant to
24 a prescription, as well as any accessories and components
25 related to those devices, modifications to a motor vehicle for
26 the purpose of rendering it usable by a person with a

1 disability, and insulin, blood sugar testing materials,
2 syringes, and needles used by human diabetics, the tax is
3 imposed at the rate of 1%. For the purposes of this Section,
4 until September 1, 2009: the term "soft drinks" means any
5 complete, finished, ready-to-use, non-alcoholic drink, whether
6 carbonated or not, including, but not limited to, soda water,
7 cola, fruit juice, vegetable juice, carbonated water, and all
8 other preparations commonly known as soft drinks of whatever
9 kind or description that are contained in any closed or sealed
10 bottle, can, carton, or container, regardless of size; but
11 "soft drinks" does not include coffee, tea, non-carbonated
12 water, infant formula, milk or milk products as defined in the
13 Grade A Pasteurized Milk and Milk Products Act, or drinks
14 containing 50% or more natural fruit or vegetable juice.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "soft drinks" means non-alcoholic
17 beverages that contain natural or artificial sweeteners. "Soft
18 drinks" does ~~do~~ not include beverages that contain milk or
19 milk products, soy, rice or similar milk substitutes, or
20 greater than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other
22 provisions of this Act, "food for human consumption that is to
23 be consumed off the premises where it is sold" includes all
24 food sold through a vending machine, except soft drinks and
25 food products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of
2 this Act, "food for human consumption that is to be consumed
3 off the premises where it is sold" includes all food sold
4 through a vending machine, except soft drinks, candy, and food
5 products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "food for human consumption that
9 is to be consumed off the premises where it is sold" does not
10 include candy. For purposes of this Section, "candy" means a
11 preparation of sugar, honey, or other natural or artificial
12 sweeteners in combination with chocolate, fruits, nuts or
13 other ingredients or flavorings in the form of bars, drops, or
14 pieces. "Candy" does not include any preparation that contains
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "nonprescription medicines and
18 drugs" does not include grooming and hygiene products. For
19 purposes of this Section, "grooming and hygiene products"
20 includes, but is not limited to, soaps and cleaning solutions,
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
22 lotions and screens, unless those products are available by
23 prescription only, regardless of whether the products meet the
24 definition of "over-the-counter-drugs". For the purposes of
25 this paragraph, "over-the-counter-drug" means a drug for human
26 use that contains a label that identifies the product as a drug

1 as required by 21 CFR ~~C.F.R.~~ § 201.66. The
2 "over-the-counter-drug" label includes:

3 (A) a ~~A~~ "Drug Facts" panel; or

4 (B) a ~~A~~ statement of the "active ingredient(s)" with a
5 list of those ingredients contained in the compound,
6 substance or preparation.

7 Beginning on January 1, 2014 (the effective date of Public
8 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
9 "prescription and nonprescription medicines and drugs"
10 includes medical cannabis purchased from a registered
11 dispensing organization under the Compassionate Use of Medical
12 Cannabis Program Act.

13 As used in this Section, "adult use cannabis" means
14 cannabis subject to tax under the Cannabis Cultivation
15 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
16 and does not include cannabis subject to tax under the
17 Compassionate Use of Medical Cannabis Program Act.

18 If the property that is purchased at retail from a
19 retailer is acquired outside Illinois and used outside
20 Illinois before being brought to Illinois for use here and is
21 taxable under this Act, the "selling price" on which the tax is
22 computed shall be reduced by an amount that represents a
23 reasonable allowance for depreciation for the period of prior
24 out-of-state use.

25 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
26 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-5, eff.

1 4-19-22; 102-700, Article 60, Section 60-15, eff. 4-19-22;
2 102-700, Article 65, Section 65-5, eff. 4-19-22; revised
3 5-27-22.)

4 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

5 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
6 and trailers that are required to be registered with an agency
7 of this State, each retailer required or authorized to collect
8 the tax imposed by this Act shall pay to the Department the
9 amount of such tax (except as otherwise provided) at the time
10 when he is required to file his return for the period during
11 which such tax was collected, less a discount of 2.1% prior to
12 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
13 per calendar year, whichever is greater, which is allowed to
14 reimburse the retailer for expenses incurred in collecting the
15 tax, keeping records, preparing and filing returns, remitting
16 the tax and supplying data to the Department on request. When
17 determining the discount allowed under this Section, retailers
18 shall include the amount of tax that would have been due at the
19 6.25% rate but for the 1.25% rate imposed on sales tax holiday
20 items under Public Act 102-700 ~~this amendatory Act of the~~
21 ~~102nd General Assembly~~. The discount under this Section is not
22 allowed for the 1.25% portion of taxes paid on aviation fuel
23 that is subject to the revenue use requirements of 49 U.S.C.
24 47107(b) and 49 U.S.C. 47133. When determining the discount
25 allowed under this Section, retailers shall include the amount

1 of tax that would have been due at the 1% rate but for the 0%
2 rate imposed under Public Act 102-700 ~~this amendatory Act of~~
3 ~~the 102nd General Assembly~~. In the case of retailers who
4 report and pay the tax on a transaction by transaction basis,
5 as provided in this Section, such discount shall be taken with
6 each such tax remittance instead of when such retailer files
7 his periodic return. The discount allowed under this Section
8 is allowed only for returns that are filed in the manner
9 required by this Act. The Department may disallow the discount
10 for retailers whose certificate of registration is revoked at
11 the time the return is filed, but only if the Department's
12 decision to revoke the certificate of registration has become
13 final. A retailer need not remit that part of any tax collected
14 by him to the extent that he is required to remit and does
15 remit the tax imposed by the Retailers' Occupation Tax Act,
16 with respect to the sale of the same property.

17 Where such tangible personal property is sold under a
18 conditional sales contract, or under any other form of sale
19 wherein the payment of the principal sum, or a part thereof, is
20 extended beyond the close of the period for which the return is
21 filed, the retailer, in collecting the tax (except as to motor
22 vehicles, watercraft, aircraft, and trailers that are required
23 to be registered with an agency of this State), may collect for
24 each tax return period, only the tax applicable to that part of
25 the selling price actually received during such tax return
26 period.

1 Except as provided in this Section, on or before the
2 twentieth day of each calendar month, such retailer shall file
3 a return for the preceding calendar month. Such return shall
4 be filed on forms prescribed by the Department and shall
5 furnish such information as the Department may reasonably
6 require. The return shall include the gross receipts on food
7 for human consumption that is to be consumed off the premises
8 where it is sold (other than alcoholic beverages, food
9 consisting of or infused with adult use cannabis, soft drinks,
10 and food that has been prepared for immediate consumption)
11 which were received during the preceding calendar month,
12 quarter, or year, as appropriate, and upon which tax would
13 have been due but for the 0% rate imposed under Public Act
14 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The
15 return shall also include the amount of tax that would have
16 been due on food for human consumption that is to be consumed
17 off the premises where it is sold (other than alcoholic
18 beverages, food consisting of or infused with adult use
19 cannabis, soft drinks, and food that has been prepared for
20 immediate consumption) but for the 0% rate imposed under
21 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
22 ~~Assembly~~.

23 On and after January 1, 2018, except for returns required
24 to be filed prior to January 1, 2023 for motor vehicles,
25 watercraft, aircraft, and trailers that are required to be
26 registered with an agency of this State, with respect to

1 retailers whose annual gross receipts average \$20,000 or more,
2 all returns required to be filed pursuant to this Act shall be
3 filed electronically. On and after January 1, 2023, with
4 respect to retailers whose annual gross receipts average
5 \$20,000 or more, all returns required to be filed pursuant to
6 this Act, including, but not limited to, returns for motor
7 vehicles, watercraft, aircraft, and trailers that are required
8 to be registered with an agency of this State, shall be filed
9 electronically. Retailers who demonstrate that they do not
10 have access to the Internet or demonstrate hardship in filing
11 electronically may petition the Department to waive the
12 electronic filing requirement.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter. The
17 taxpayer shall also file a return with the Department for each
18 of the first two months of each calendar quarter, on or before
19 the twentieth day of the following calendar month, stating:

20 1. The name of the seller;

21 2. The address of the principal place of business from
22 which he engages in the business of selling tangible
23 personal property at retail in this State;

24 3. The total amount of taxable receipts received by
25 him during the preceding calendar month from sales of
26 tangible personal property by him during such preceding

1 calendar month, including receipts from charge and time
2 sales, but less all deductions allowed by law;

3 4. The amount of credit provided in Section 2d of this
4 Act;

5 5. The amount of tax due;

6 5-5. The signature of the taxpayer; and

7 6. Such other reasonable information as the Department
8 may require.

9 Each retailer required or authorized to collect the tax
10 imposed by this Act on aviation fuel sold at retail in this
11 State during the preceding calendar month shall, instead of
12 reporting and paying tax on aviation fuel as otherwise
13 required by this Section, report and pay such tax on a separate
14 aviation fuel tax return. The requirements related to the
15 return shall be as otherwise provided in this Section.
16 Notwithstanding any other provisions of this Act to the
17 contrary, retailers collecting tax on aviation fuel shall file
18 all aviation fuel tax returns and shall make all aviation fuel
19 tax payments by electronic means in the manner and form
20 required by the Department. For purposes of this Section,
21 "aviation fuel" means jet fuel and aviation gasoline.

22 If a taxpayer fails to sign a return within 30 days after
23 the proper notice and demand for signature by the Department,
24 the return shall be considered valid and any amount shown to be
25 due on the return shall be deemed assessed.

26 Notwithstanding any other provision of this Act to the

1 contrary, retailers subject to tax on cannabis shall file all
2 cannabis tax returns and shall make all cannabis tax payments
3 by electronic means in the manner and form required by the
4 Department.

5 Beginning October 1, 1993, a taxpayer who has an average
6 monthly tax liability of \$150,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 1994, a taxpayer who has
9 an average monthly tax liability of \$100,000 or more shall
10 make all payments required by rules of the Department by
11 electronic funds transfer. Beginning October 1, 1995, a
12 taxpayer who has an average monthly tax liability of \$50,000
13 or more shall make all payments required by rules of the
14 Department by electronic funds transfer. Beginning October 1,
15 2000, a taxpayer who has an annual tax liability of \$200,000 or
16 more shall make all payments required by rules of the
17 Department by electronic funds transfer. The term "annual tax
18 liability" shall be the sum of the taxpayer's liabilities
19 under this Act, and under all other State and local occupation
20 and use tax laws administered by the Department, for the
21 immediately preceding calendar year. The term "average monthly
22 tax liability" means 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 divided by 12. Beginning
26 on October 1, 2002, a taxpayer who has a tax liability in the

1 amount set forth in subsection (b) of Section 2505-210 of the
2 Department of Revenue Law shall make all payments required by
3 rules of the Department by electronic funds transfer.

4 Before August 1 of each year beginning in 1993, the
5 Department shall notify all taxpayers required to make
6 payments by electronic funds transfer. All taxpayers required
7 to make payments by electronic funds transfer shall make those
8 payments for a minimum of one year beginning on October 1.

9 Any taxpayer not required to make payments by electronic
10 funds transfer may make payments by electronic funds transfer
11 with the permission of the Department.

12 All taxpayers required to make payment by electronic funds
13 transfer and any taxpayers authorized to voluntarily make
14 payments by electronic funds transfer shall make those
15 payments in the manner authorized by the Department.

16 The Department shall adopt such rules as are necessary to
17 effectuate a program of electronic funds transfer and the
18 requirements of this Section.

19 Before October 1, 2000, if the taxpayer's average monthly
20 tax liability to the Department under this Act, the Retailers'
21 Occupation Tax Act, the Service Occupation Tax Act, the
22 Service Use Tax Act was \$10,000 or more during the preceding 4
23 complete calendar quarters, he shall file a return with the
24 Department each month by the 20th day of the month next
25 following the month during which such tax liability is
26 incurred and shall make payments to the Department on or

1 before the 7th, 15th, 22nd and last day of the month during
2 which such liability is incurred. On and after October 1,
3 2000, if the taxpayer's average monthly tax liability to the
4 Department under this Act, the Retailers' Occupation Tax Act,
5 the Service Occupation Tax Act, and the Service Use Tax Act was
6 \$20,000 or more during the preceding 4 complete calendar
7 quarters, he shall file a return with the Department each
8 month by the 20th day of the month next following the month
9 during which such tax liability is incurred and shall make
10 payment to the Department on or before the 7th, 15th, 22nd and
11 last day of the month during which such liability is incurred.
12 If the month during which such tax liability is incurred began
13 prior to January 1, 1985, each payment shall be in an amount
14 equal to 1/4 of the taxpayer's actual liability for the month
15 or an amount set by the Department not to exceed 1/4 of the
16 average monthly liability of the taxpayer to the Department
17 for the preceding 4 complete calendar quarters (excluding the
18 month of highest liability and the month of lowest liability
19 in such 4 quarter period). If the month during which such tax
20 liability is incurred begins on or after January 1, 1985, and
21 prior to January 1, 1987, each payment shall be in an amount
22 equal to 22.5% of the taxpayer's actual liability for the
23 month or 27.5% of the taxpayer's liability for the same
24 calendar month of the preceding year. If the month during
25 which such tax liability is incurred begins on or after
26 January 1, 1987, and prior to January 1, 1988, each payment

1 shall be in an amount equal to 22.5% of the taxpayer's actual
2 liability for the month or 26.25% of the taxpayer's liability
3 for the same calendar month of the preceding year. If the month
4 during which such tax liability is incurred begins on or after
5 January 1, 1988, and prior to January 1, 1989, or begins on or
6 after January 1, 1996, each payment shall be in an amount equal
7 to 22.5% of the taxpayer's actual liability for the month or
8 25% of the taxpayer's liability for the same calendar month of
9 the preceding year. If the month during which such tax
10 liability is incurred begins on or after January 1, 1989, and
11 prior to January 1, 1996, each payment shall be in an amount
12 equal to 22.5% of the taxpayer's actual liability for the
13 month or 25% of the taxpayer's liability for the same calendar
14 month of the preceding year or 100% of the taxpayer's actual
15 liability for the quarter monthly reporting period. The amount
16 of such quarter monthly payments shall be credited against the
17 final tax liability of the taxpayer's return for that month.
18 Before October 1, 2000, once applicable, the requirement of
19 the making of quarter monthly payments to the Department shall
20 continue until such taxpayer's average monthly liability to
21 the Department during the preceding 4 complete calendar
22 quarters (excluding the month of highest liability and the
23 month of lowest liability) is less than \$9,000, or until such
24 taxpayer's average monthly liability to the Department as
25 computed for each calendar quarter of the 4 preceding complete
26 calendar quarter period is less than \$10,000. However, if a

1 taxpayer can show the Department that a substantial change in
2 the taxpayer's business has occurred which causes the taxpayer
3 to anticipate that his average monthly tax liability for the
4 reasonably foreseeable future will fall below the \$10,000
5 threshold stated above, then such taxpayer may petition the
6 Department for change in such taxpayer's reporting status. On
7 and after October 1, 2000, once applicable, the requirement of
8 the making of quarter monthly payments to the Department shall
9 continue until such taxpayer's average monthly liability to
10 the Department during the preceding 4 complete calendar
11 quarters (excluding the month of highest liability and the
12 month of lowest liability) is less than \$19,000 or until such
13 taxpayer's average monthly liability to the Department as
14 computed for each calendar quarter of the 4 preceding complete
15 calendar quarter period is less than \$20,000. However, if a
16 taxpayer can show the Department that a substantial change in
17 the taxpayer's business has occurred which causes the taxpayer
18 to anticipate that his average monthly tax liability for the
19 reasonably foreseeable future will fall below the \$20,000
20 threshold stated above, then such taxpayer may petition the
21 Department for a change in such taxpayer's reporting status.
22 The Department shall change such taxpayer's reporting status
23 unless it finds that such change is seasonal in nature and not
24 likely to be long term. Quarter monthly payment status shall
25 be determined under this paragraph as if the rate reduction to
26 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd~~

1 ~~General Assembly~~ on sales tax holiday items had not occurred.
2 For quarter monthly payments due on or after July 1, 2023 and
3 through June 30, 2024, "25% of the taxpayer's liability for
4 the same calendar month of the preceding year" shall be
5 determined as if the rate reduction to 1.25% in Public Act
6 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on
7 sales tax holiday items had not occurred. Quarter monthly
8 payment status shall be determined under this paragraph as if
9 the rate reduction to 0% in Public Act 102-700 ~~this amendatory~~
10 ~~Act of the 102nd General Assembly~~ on food for human
11 consumption that is to be consumed off the premises where it is
12 sold (other than alcoholic beverages, food consisting of or
13 infused with adult use cannabis, soft drinks, and food that
14 has been prepared for immediate consumption) had not occurred.
15 For quarter monthly payments due under this paragraph on or
16 after July 1, 2023 and through June 30, 2024, "25% of the
17 taxpayer's liability for the same calendar month of the
18 preceding year" shall be determined as if the rate reduction
19 to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
20 ~~General Assembly~~ had not occurred. If any such quarter monthly
21 payment is not paid at the time or in the amount required by
22 this Section, then the taxpayer shall be liable for penalties
23 and interest on the difference between the minimum amount due
24 and the amount of such quarter monthly payment actually and
25 timely paid, except insofar as the taxpayer has previously
26 made payments for that month to the Department in excess of the

1 minimum payments previously due as provided in this Section.
2 The Department shall make reasonable rules and regulations to
3 govern the quarter monthly payment amount and quarter monthly
4 payment dates for taxpayers who file on other than a calendar
5 monthly basis.

6 If any such payment provided for in this Section exceeds
7 the taxpayer's liabilities under this Act, the Retailers'
8 Occupation Tax Act, the Service Occupation Tax Act and the
9 Service Use Tax Act, as shown by an original monthly return,
10 the Department shall issue to the taxpayer a credit memorandum
11 no later than 30 days after the date of payment, which
12 memorandum may be submitted by the taxpayer to the Department
13 in payment of tax liability subsequently to be remitted by the
14 taxpayer to the Department or be assigned by the taxpayer to a
15 similar taxpayer under this Act, the Retailers' Occupation Tax
16 Act, the Service Occupation Tax Act or the Service Use Tax Act,
17 in accordance with reasonable rules and regulations to be
18 prescribed by the Department, except that if such excess
19 payment is shown on an original monthly return and is made
20 after December 31, 1986, no credit memorandum shall be issued,
21 unless requested by the taxpayer. If no such request is made,
22 the taxpayer may credit such excess payment against tax
23 liability subsequently to be remitted by the taxpayer to the
24 Department under this Act, the Retailers' Occupation Tax Act,
25 the Service Occupation Tax Act or the Service Use Tax Act, in
26 accordance with reasonable rules and regulations prescribed by

1 the Department. If the Department subsequently determines that
2 all or any part of the credit taken was not actually due to the
3 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
4 be reduced by 2.1% or 1.75% of the difference between the
5 credit taken and that actually due, and the taxpayer shall be
6 liable for penalties and interest on such difference.

7 If the retailer is otherwise required to file a monthly
8 return and if the retailer's average monthly tax liability to
9 the Department does not exceed \$200, the Department may
10 authorize his returns to be filed on a quarter annual basis,
11 with the return for January, February, and March of a given
12 year being due by April 20 of such year; with the return for
13 April, May and June of a given year being due by July 20 of
14 such year; with the return for July, August and September of a
15 given year being due by October 20 of such year, and with the
16 return for October, November and December of a given year
17 being due by January 20 of the following year.

18 If the retailer is otherwise required to file a monthly or
19 quarterly return and if the retailer's average monthly tax
20 liability to the Department does not exceed \$50, the
21 Department may authorize his returns to be filed on an annual
22 basis, with the return for a given year being due by January 20
23 of the following year.

24 Such quarter annual and annual returns, as to form and
25 substance, shall be subject to the same requirements as
26 monthly returns.

1 Notwithstanding any other provision in this Act concerning
2 the time within which a retailer may file his return, in the
3 case of any retailer who ceases to engage in a kind of business
4 which makes him responsible for filing returns under this Act,
5 such retailer shall file a final return under this Act with the
6 Department not more than one month after discontinuing such
7 business.

8 In addition, with respect to motor vehicles, watercraft,
9 aircraft, and trailers that are required to be registered with
10 an agency of this State, except as otherwise provided in this
11 Section, every retailer selling this kind of tangible personal
12 property shall file, with the Department, upon a form to be
13 prescribed and supplied by the Department, a separate return
14 for each such item of tangible personal property which the
15 retailer sells, except that if, in the same transaction, (i) a
16 retailer of aircraft, watercraft, motor vehicles or trailers
17 transfers more than one aircraft, watercraft, motor vehicle or
18 trailer to another aircraft, watercraft, motor vehicle or
19 trailer retailer for the purpose of resale or (ii) a retailer
20 of aircraft, watercraft, motor vehicles, or trailers transfers
21 more than one aircraft, watercraft, motor vehicle, or trailer
22 to a purchaser for use as a qualifying rolling stock as
23 provided in Section 3-55 of this Act, then that seller may
24 report the transfer of all the aircraft, watercraft, motor
25 vehicles or trailers involved in that transaction to the
26 Department on the same uniform invoice-transaction reporting

1 return form. For purposes of this Section, "watercraft" means
2 a Class 2, Class 3, or Class 4 watercraft as defined in Section
3 3-2 of the Boat Registration and Safety Act, a personal
4 watercraft, or any boat equipped with an inboard motor.

5 In addition, with respect to motor vehicles, watercraft,
6 aircraft, and trailers that are required to be registered with
7 an agency of this State, every person who is engaged in the
8 business of leasing or renting such items and who, in
9 connection with such business, sells any such item to a
10 retailer for the purpose of resale is, notwithstanding any
11 other provision of this Section to the contrary, authorized to
12 meet the return-filing requirement of this Act by reporting
13 the transfer of all the aircraft, watercraft, motor vehicles,
14 or trailers transferred for resale during a month to the
15 Department on the same uniform invoice-transaction reporting
16 return form on or before the 20th of the month following the
17 month in which the transfer takes place. Notwithstanding any
18 other provision of this Act to the contrary, all returns filed
19 under this paragraph must be filed by electronic means in the
20 manner and form as required by the Department.

21 The transaction reporting return in the case of motor
22 vehicles or trailers that are required to be registered with
23 an agency of this State, shall be the same document as the
24 Uniform Invoice referred to in Section 5-402 of the Illinois
25 Vehicle Code and must show the name and address of the seller;
26 the name and address of the purchaser; the amount of the

1 selling price including the amount allowed by the retailer for
2 traded-in property, if any; the amount allowed by the retailer
3 for the traded-in tangible personal property, if any, to the
4 extent to which Section 2 of this Act allows an exemption for
5 the value of traded-in property; the balance payable after
6 deducting such trade-in allowance from the total selling
7 price; the amount of tax due from the retailer with respect to
8 such transaction; the amount of tax collected from the
9 purchaser by the retailer on such transaction (or satisfactory
10 evidence that such tax is not due in that particular instance,
11 if that is claimed to be the fact); the place and date of the
12 sale; a sufficient identification of the property sold; such
13 other information as is required in Section 5-402 of the
14 Illinois Vehicle Code, and such other information as the
15 Department may reasonably require.

16 The transaction reporting return in the case of watercraft
17 and aircraft must show the name and address of the seller; the
18 name and address of the purchaser; the amount of the selling
19 price including the amount allowed by the retailer for
20 traded-in property, if any; the amount allowed by the retailer
21 for the traded-in tangible personal property, if any, to the
22 extent to which Section 2 of this Act allows an exemption for
23 the value of traded-in property; the balance payable after
24 deducting such trade-in allowance from the total selling
25 price; the amount of tax due from the retailer with respect to
26 such transaction; the amount of tax collected from the

1 purchaser by the retailer on such transaction (or satisfactory
2 evidence that such tax is not due in that particular instance,
3 if that is claimed to be the fact); the place and date of the
4 sale, a sufficient identification of the property sold, and
5 such other information as the Department may reasonably
6 require.

7 Such transaction reporting return shall be filed not later
8 than 20 days after the date of delivery of the item that is
9 being sold, but may be filed by the retailer at any time sooner
10 than that if he chooses to do so. The transaction reporting
11 return and tax remittance or proof of exemption from the tax
12 that is imposed by this Act may be transmitted to the
13 Department by way of the State agency with which, or State
14 officer with whom, the tangible personal property must be
15 titled or registered (if titling or registration is required)
16 if the Department and such agency or State officer determine
17 that this procedure will expedite the processing of
18 applications for title or registration.

19 With each such transaction reporting return, the retailer
20 shall remit the proper amount of tax due (or shall submit
21 satisfactory evidence that the sale is not taxable if that is
22 the case), to the Department or its agents, whereupon the
23 Department shall issue, in the purchaser's name, a tax receipt
24 (or a certificate of exemption if the Department is satisfied
25 that the particular sale is tax exempt) which such purchaser
26 may submit to the agency with which, or State officer with

1 whom, he must title or register the tangible personal property
2 that is involved (if titling or registration is required) in
3 support of such purchaser's application for an Illinois
4 certificate or other evidence of title or registration to such
5 tangible personal property.

6 No retailer's failure or refusal to remit tax under this
7 Act precludes a user, who has paid the proper tax to the
8 retailer, from obtaining his certificate of title or other
9 evidence of title or registration (if titling or registration
10 is required) upon satisfying the Department that such user has
11 paid the proper tax (if tax is due) to the retailer. The
12 Department shall adopt appropriate rules to carry out the
13 mandate of this paragraph.

14 If the user who would otherwise pay tax to the retailer
15 wants the transaction reporting return filed and the payment
16 of tax or proof of exemption made to the Department before the
17 retailer is willing to take these actions and such user has not
18 paid the tax to the retailer, such user may certify to the fact
19 of such delay by the retailer, and may (upon the Department
20 being satisfied of the truth of such certification) transmit
21 the information required by the transaction reporting return
22 and the remittance for tax or proof of exemption directly to
23 the Department and obtain his tax receipt or exemption
24 determination, in which event the transaction reporting return
25 and tax remittance (if a tax payment was required) shall be
26 credited by the Department to the proper retailer's account

1 with the Department, but without the 2.1% or 1.75% discount
2 provided for in this Section being allowed. When the user pays
3 the tax directly to the Department, he shall pay the tax in the
4 same amount and in the same form in which it would be remitted
5 if the tax had been remitted to the Department by the retailer.

6 Where a retailer collects the tax with respect to the
7 selling price of tangible personal property which he sells and
8 the purchaser thereafter returns such tangible personal
9 property and the retailer refunds the selling price thereof to
10 the purchaser, such retailer shall also refund, to the
11 purchaser, the tax so collected from the purchaser. When
12 filing his return for the period in which he refunds such tax
13 to the purchaser, the retailer may deduct the amount of the tax
14 so refunded by him to the purchaser from any other use tax
15 which such retailer may be required to pay or remit to the
16 Department, as shown by such return, if the amount of the tax
17 to be deducted was previously remitted to the Department by
18 such retailer. If the retailer has not previously remitted the
19 amount of such tax to the Department, he is entitled to no
20 deduction under this Act upon refunding such tax to the
21 purchaser.

22 Any retailer filing a return under this Section shall also
23 include (for the purpose of paying tax thereon) the total tax
24 covered by such return upon the selling price of tangible
25 personal property purchased by him at retail from a retailer,
26 but as to which the tax imposed by this Act was not collected

1 from the retailer filing such return, and such retailer shall
2 remit the amount of such tax to the Department when filing such
3 return.

4 If experience indicates such action to be practicable, the
5 Department may prescribe and furnish a combination or joint
6 return which will enable retailers, who are required to file
7 returns hereunder and also under the Retailers' Occupation Tax
8 Act, to furnish all the return information required by both
9 Acts on the one form.

10 Where the retailer has more than one business registered
11 with the Department under separate registration under this
12 Act, such retailer may not file each return that is due as a
13 single return covering all such registered businesses, but
14 shall file separate returns for each such registered business.

15 Beginning January 1, 1990, each month the Department shall
16 pay into the State and Local Sales Tax Reform Fund, a special
17 fund in the State Treasury which is hereby created, the net
18 revenue realized for the preceding month from the 1% tax
19 imposed under this Act.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the County and Mass Transit District Fund 4% of the
22 net revenue realized for the preceding month from the 6.25%
23 general rate on the selling price of tangible personal
24 property which is purchased outside Illinois at retail from a
25 retailer and which is titled or registered by an agency of this
26 State's government.

1 Beginning January 1, 1990, each month the Department shall
2 pay into the State and Local Sales Tax Reform Fund, a special
3 fund in the State Treasury, 20% of the net revenue realized for
4 the preceding month from the 6.25% general rate on the selling
5 price of tangible personal property, other than (i) tangible
6 personal property which is purchased outside Illinois at
7 retail from a retailer and which is titled or registered by an
8 agency of this State's government and (ii) aviation fuel sold
9 on or after December 1, 2019. This exception for aviation fuel
10 only applies for so long as the revenue use requirements of 49
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

12 For aviation fuel sold on or after December 1, 2019, each
13 month the Department shall pay into the State Aviation Program
14 Fund 20% of the net revenue realized for the preceding month
15 from the 6.25% general rate on the selling price of aviation
16 fuel, less an amount estimated by the Department to be
17 required for refunds of the 20% portion of the tax on aviation
18 fuel under this Act, which amount shall be deposited into the
19 Aviation Fuel Sales Tax Refund Fund. The Department shall only
20 pay moneys into the State Aviation Program Fund and the
21 Aviation Fuels Sales Tax Refund Fund under this Act for so long
22 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
23 U.S.C. 47133 are binding on the State.

24 Beginning August 1, 2000, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund 100% of the
26 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol. If, in any
2 month, the tax on sales tax holiday items, as defined in
3 Section 3-6, is imposed at the rate of 1.25%, then the
4 Department shall pay 100% of the net revenue realized for that
5 month from the 1.25% rate on the selling price of sales tax
6 holiday items into the State and Local Sales Tax Reform Fund.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund 16% of the net revenue
9 realized for the preceding month from the 6.25% general rate
10 on the selling price of tangible personal property which is
11 purchased outside Illinois at retail from a retailer and which
12 is titled or registered by an agency of this State's
13 government.

14 Beginning October 1, 2009, each month the Department shall
15 pay into the Capital Projects Fund an amount that is equal to
16 an amount estimated by the Department to represent 80% of the
17 net revenue realized for the preceding month from the sale of
18 candy, grooming and hygiene products, and soft drinks that had
19 been taxed at a rate of 1% prior to September 1, 2009 but that
20 are now taxed at 6.25%.

21 Beginning July 1, 2011, each month the Department shall
22 pay into the Clean Air Act Permit Fund 80% of the net revenue
23 realized for the preceding month from the 6.25% general rate
24 on the selling price of sorbents used in Illinois in the
25 process of sorbent injection as used to comply with the
26 Environmental Protection Act or the federal Clean Air Act, but

1 the total payment into the Clean Air Act Permit Fund under this
2 Act and the Retailers' Occupation Tax Act shall not exceed
3 \$2,000,000 in any fiscal year.

4 Beginning July 1, 2013, each month the Department shall
5 pay into the Underground Storage Tank Fund from the proceeds
6 collected under this Act, the Service Use Tax Act, the Service
7 Occupation Tax Act, and the Retailers' Occupation Tax Act an
8 amount equal to the average monthly deficit in the Underground
9 Storage Tank Fund during the prior year, as certified annually
10 by the Illinois Environmental Protection Agency, but the total
11 payment into the Underground Storage Tank Fund under this Act,
12 the Service Use Tax Act, the Service Occupation Tax Act, and
13 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
14 in any State fiscal year. As used in this paragraph, the
15 "average monthly deficit" shall be equal to the difference
16 between the average monthly claims for payment by the fund and
17 the average monthly revenues deposited into the fund,
18 excluding payments made pursuant to this paragraph.

19 Beginning July 1, 2015, of the remainder of the moneys
20 received by the Department under this Act, the Service Use Tax
21 Act, the Service Occupation Tax Act, and the Retailers'
22 Occupation Tax Act, each month the Department shall deposit
23 \$500,000 into the State Crime Laboratory Fund.

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on

1 and after July 1, 1989, 3.8% thereof shall be paid into the
2 Build Illinois Fund; provided, however, that if in any fiscal
3 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
4 may be, of the moneys received by the Department and required
5 to be paid into the Build Illinois Fund pursuant to Section 3
6 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
7 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
8 Service Occupation Tax Act, such Acts being hereinafter called
9 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
10 may be, of moneys being hereinafter called the "Tax Act
11 Amount", and (2) the amount transferred to the Build Illinois
12 Fund from the State and Local Sales Tax Reform Fund shall be
13 less than the Annual Specified Amount (as defined in Section 3
14 of the Retailers' Occupation Tax Act), an amount equal to the
15 difference shall be immediately paid into the Build Illinois
16 Fund from other moneys received by the Department pursuant to
17 the Tax Acts; and further provided, that if on the last
18 business day of any month the sum of (1) the Tax Act Amount
19 required to be deposited into the Build Illinois Bond Account
20 in the Build Illinois Fund during such month and (2) the amount
21 transferred during such month to the Build Illinois Fund from
22 the State and Local Sales Tax Reform Fund shall have been less
23 than 1/12 of the Annual Specified Amount, an amount equal to
24 the difference shall be immediately paid into the Build
25 Illinois Fund from other moneys received by the Department
26 pursuant to the Tax Acts; and, further provided, that in no

1 event shall the payments required under the preceding proviso
2 result in aggregate payments into the Build Illinois Fund
3 pursuant to this clause (b) for any fiscal year in excess of
4 the greater of (i) the Tax Act Amount or (ii) the Annual
5 Specified Amount for such fiscal year; and, further provided,
6 that the amounts payable into the Build Illinois Fund under
7 this clause (b) shall be payable only until such time as the
8 aggregate amount on deposit under each trust indenture
9 securing Bonds issued and outstanding pursuant to the Build
10 Illinois Bond Act is sufficient, taking into account any
11 future investment income, to fully provide, in accordance with
12 such indenture, for the defeasance of or the payment of the
13 principal of, premium, if any, and interest on the Bonds
14 secured by such indenture and on any Bonds expected to be
15 issued thereafter and all fees and costs payable with respect
16 thereto, all as certified by the Director of the Bureau of the
17 Budget (now Governor's Office of Management and Budget). If on
18 the last business day of any month in which Bonds are
19 outstanding pursuant to the Build Illinois Bond Act, the
20 aggregate of the moneys deposited in the Build Illinois Bond
21 Account in the Build Illinois Fund in such month shall be less
22 than the amount required to be transferred in such month from
23 the Build Illinois Bond Account to the Build Illinois Bond
24 Retirement and Interest Fund pursuant to Section 13 of the
25 Build Illinois Bond Act, an amount equal to such deficiency
26 shall be immediately paid from other moneys received by the

1 Department pursuant to the Tax Acts to the Build Illinois
 2 Fund; provided, however, that any amounts paid to the Build
 3 Illinois Fund in any fiscal year pursuant to this sentence
 4 shall be deemed to constitute payments pursuant to clause (b)
 5 of the preceding sentence and shall reduce the amount
 6 otherwise payable for such fiscal year pursuant to clause (b)
 7 of the preceding sentence. The moneys received by the
 8 Department pursuant to this Act and required to be deposited
 9 into the Build Illinois Fund are subject to the pledge, claim
 10 and charge set forth in Section 12 of the Build Illinois Bond
 11 Act.

12 Subject to payment of amounts into the Build Illinois Fund
 13 as provided in the preceding paragraph or in any amendment
 14 thereto hereafter enacted, the following specified monthly
 15 installment of the amount requested in the certificate of the
 16 Chairman of the Metropolitan Pier and Exposition Authority
 17 provided under Section 8.25f of the State Finance Act, but not
 18 in excess of the sums designated as "Total Deposit", shall be
 19 deposited in the aggregate from collections under Section 9 of
 20 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 21 9 of the Service Occupation Tax Act, and Section 3 of the
 22 Retailers' Occupation Tax Act into the McCormick Place
 23 Expansion Project Fund in the specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000

1	2021	300,000,000
2	2022	300,000,000
3	2023	300,000,000
4	2024	300,000,000
5	2025	300,000,000
6	2026	300,000,000
7	2027	375,000,000
8	2028	375,000,000
9	2029	375,000,000
10	2030	375,000,000
11	2031	375,000,000
12	2032	375,000,000
13	2033	375,000,000
14	2034	375,000,000
15	2035	375,000,000
16	2036	450,000,000

17 and
18 each fiscal year
19 thereafter that bonds
20 are outstanding under
21 Section 13.2 of the
22 Metropolitan Pier and
23 Exposition Authority Act,
24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal
26 year thereafter, one-eighth of the amount requested in the

1 certificate of the Chairman of the Metropolitan Pier and
2 Exposition Authority for that fiscal year, less the amount
3 deposited into the McCormick Place Expansion Project Fund by
4 the State Treasurer in the respective month under subsection
5 (g) of Section 13 of the Metropolitan Pier and Exposition
6 Authority Act, plus cumulative deficiencies in the deposits
7 required under this Section for previous months and years,
8 shall be deposited into the McCormick Place Expansion Project
9 Fund, until the full amount requested for the fiscal year, but
10 not in excess of the amount specified above as "Total
11 Deposit", has been deposited.

12 Subject to payment of amounts into the Capital Projects
13 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
14 and the McCormick Place Expansion Project Fund pursuant to the
15 preceding paragraphs or in any amendments thereto hereafter
16 enacted, for aviation fuel sold on or after December 1, 2019,
17 the Department shall each month deposit into the Aviation Fuel
18 Sales Tax Refund Fund an amount estimated by the Department to
19 be required for refunds of the 80% portion of the tax on
20 aviation fuel under this Act. The Department shall only
21 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
22 under this paragraph for so long as the revenue use
23 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
24 binding on the State.

25 Subject to payment of amounts into the Build Illinois Fund
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning July 1, 1993 and ending on September 30,
3 2013, the Department shall each month pay into the Illinois
4 Tax Increment Fund 0.27% of 80% of the net revenue realized for
5 the preceding month from the 6.25% general rate on the selling
6 price of tangible personal property.

7 Subject to payment of amounts into the Build Illinois Fund
8 and the McCormick Place Expansion Project Fund pursuant to the
9 preceding paragraphs or in any amendments thereto hereafter
10 enacted, beginning with the receipt of the first report of
11 taxes paid by an eligible business and continuing for a
12 25-year period, the Department shall each month pay into the
13 Energy Infrastructure Fund 80% of the net revenue realized
14 from the 6.25% general rate on the selling price of
15 Illinois-mined coal that was sold to an eligible business. For
16 purposes of this paragraph, the term "eligible business" means
17 a new electric generating facility certified pursuant to
18 Section 605-332 of the Department of Commerce and Economic
19 Opportunity Law of the Civil Administrative Code of Illinois.

20 Subject to payment of amounts into the Build Illinois
21 Fund, the McCormick Place Expansion Project Fund, the Illinois
22 Tax Increment Fund, and the Energy Infrastructure Fund
23 pursuant to the preceding paragraphs or in any amendments to
24 this Section hereafter enacted, beginning on the first day of
25 the first calendar month to occur on or after August 26, 2014
26 (the effective date of Public Act 98-1098), each month, from

1 the collections made under Section 9 of the Use Tax Act,
2 Section 9 of the Service Use Tax Act, Section 9 of the Service
3 Occupation Tax Act, and Section 3 of the Retailers' Occupation
4 Tax Act, the Department shall pay into the Tax Compliance and
5 Administration Fund, to be used, subject to appropriation, to
6 fund additional auditors and compliance personnel at the
7 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
8 the cash receipts collected during the preceding fiscal year
9 by the Audit Bureau of the Department under the Use Tax Act,
10 the Service Use Tax Act, the Service Occupation Tax Act, the
11 Retailers' Occupation Tax Act, and associated local occupation
12 and use taxes administered by the Department.

13 Subject to payments of amounts into the Build Illinois
14 Fund, the McCormick Place Expansion Project Fund, the Illinois
15 Tax Increment Fund, the Energy Infrastructure Fund, and the
16 Tax Compliance and Administration Fund as provided in this
17 Section, beginning on July 1, 2018 the Department shall pay
18 each month into the Downstate Public Transportation Fund the
19 moneys required to be so paid under Section 2-3 of the
20 Downstate Public Transportation Act.

21 Subject to successful execution and delivery of a
22 public-private agreement between the public agency and private
23 entity and completion of the civic build, beginning on July 1,
24 2023, of the remainder of the moneys received by the
25 Department under the Use Tax Act, the Service Use Tax Act, the
26 Service Occupation Tax Act, and this Act, the Department shall

1 deposit the following specified deposits in the aggregate from
 2 collections under the Use Tax Act, the Service Use Tax Act, the
 3 Service Occupation Tax Act, and the Retailers' Occupation Tax
 4 Act, as required under Section 8.25g of the State Finance Act
 5 for distribution consistent with the Public-Private
 6 Partnership for Civic and Transit Infrastructure Project Act.
 7 The moneys received by the Department pursuant to this Act and
 8 required to be deposited into the Civic and Transit
 9 Infrastructure Fund are subject to the pledge, claim, and
 10 charge set forth in Section 25-55 of the Public-Private
 11 Partnership for Civic and Transit Infrastructure Project Act.
 12 As used in this paragraph, "civic build", "private entity",
 13 "public-private agreement", and "public agency" have the
 14 meanings provided in Section 25-10 of the Public-Private
 15 Partnership for Civic and Transit Infrastructure Project Act.

16	Fiscal Year.....	Total Deposit
17	2024	\$200,000,000
18	2025	\$206,000,000
19	2026	\$212,200,000
20	2027	\$218,500,000
21	2028	\$225,100,000
22	2029	\$288,700,000
23	2030	\$298,900,000
24	2031	\$309,300,000
25	2032	\$320,100,000
26	2033	\$331,200,000

1	2034	.....	\$341,200,000
2	2035	.....	\$351,400,000
3	2036	.....	\$361,900,000
4	2037	.....	\$372,800,000
5	2038	.....	\$384,000,000
6	2039	.....	\$395,500,000
7	2040	.....	\$407,400,000
8	2041	.....	\$419,600,000
9	2042	.....	\$432,200,000
10	2043	.....	\$445,100,000

11 Beginning July 1, 2021 and until July 1, 2022, subject to
12 the payment of amounts into the State and Local Sales Tax
13 Reform Fund, the Build Illinois Fund, the McCormick Place
14 Expansion Project Fund, the Illinois Tax Increment Fund, the
15 Energy Infrastructure Fund, and the Tax Compliance and
16 Administration Fund as provided in this Section, the
17 Department shall pay each month into the Road Fund the amount
18 estimated to represent 16% of the net revenue realized from
19 the taxes imposed on motor fuel and gasohol. Beginning July 1,
20 2022 and until July 1, 2023, subject to the payment of amounts
21 into the State and Local Sales Tax Reform Fund, the Build
22 Illinois Fund, the McCormick Place Expansion Project Fund, the
23 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
24 and the Tax Compliance and Administration Fund as provided in
25 this Section, the Department shall pay each month into the
26 Road Fund the amount estimated to represent 32% of the net

1 revenue realized from the taxes imposed on motor fuel and
2 gasohol. Beginning July 1, 2023 and until July 1, 2024,
3 subject to the payment of amounts into the State and Local
4 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick
5 Place Expansion Project Fund, the Illinois Tax Increment Fund,
6 the Energy Infrastructure Fund, and the Tax Compliance and
7 Administration Fund as provided in this Section, the
8 Department shall pay each month into the Road Fund the amount
9 estimated to represent 48% of the net revenue realized from
10 the taxes imposed on motor fuel and gasohol. Beginning July 1,
11 2024 and until July 1, 2025, subject to the payment of amounts
12 into the State and Local Sales Tax Reform Fund, the Build
13 Illinois Fund, the McCormick Place Expansion Project Fund, the
14 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
15 and the Tax Compliance and Administration Fund as provided in
16 this Section, the Department shall pay each month into the
17 Road Fund the amount estimated to represent 64% of the net
18 revenue realized from the taxes imposed on motor fuel and
19 gasohol. Beginning on July 1, 2025, subject to the payment of
20 amounts into the State and Local Sales Tax Reform Fund, the
21 Build Illinois Fund, the McCormick Place Expansion Project
22 Fund, the Illinois Tax Increment Fund, the Energy
23 Infrastructure Fund, and the Tax Compliance and Administration
24 Fund as provided in this Section, the Department shall pay
25 each month into the Road Fund the amount estimated to
26 represent 80% of the net revenue realized from the taxes

1 imposed on motor fuel and gasohol. As used in this paragraph
2 "motor fuel" has the meaning given to that term in Section 1.1
3 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
4 to that term in Section 3-40 of this Act.

5 Of the remainder of the moneys received by the Department
6 pursuant to this Act, 75% thereof shall be paid into the State
7 Treasury and 25% shall be reserved in a special account and
8 used only for the transfer to the Common School Fund as part of
9 the monthly transfer from the General Revenue Fund in
10 accordance with Section 8a of the State Finance Act.

11 As soon as possible after the first day of each month, upon
12 certification of the Department of Revenue, the Comptroller
13 shall order transferred and the Treasurer shall transfer from
14 the General Revenue Fund to the Motor Fuel Tax Fund an amount
15 equal to 1.7% of 80% of the net revenue realized under this Act
16 for the second preceding month. Beginning April 1, 2000, this
17 transfer is no longer required and shall not be made.

18 Net revenue realized for a month shall be the revenue
19 collected by the State pursuant to this Act, less the amount
20 paid out during that month as refunds to taxpayers for
21 overpayment of liability.

22 For greater simplicity of administration, manufacturers,
23 importers and wholesalers whose products are sold at retail in
24 Illinois by numerous retailers, and who wish to do so, may
25 assume the responsibility for accounting and paying to the
26 Department all tax accruing under this Act with respect to

1 such sales, if the retailers who are affected do not make
2 written objection to the Department to this arrangement.

3 (Source: P.A. 101-10, Article 15, Section 15-10, eff. 6-5-19;
4 101-10, Article 25, Section 25-105, eff. 6-5-19; 101-27, eff.
5 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
6 101-636, eff. 6-10-20; 102-700, Article 60, Section 60-15,
7 eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22;
8 102-1019, eff. 1-1-23; revised 12-13-22.)

9 Section 200. The Service Use Tax Act is amended by
10 changing Sections 3-5 and 3-10 as follows:

11 (35 ILCS 110/3-5)

12 Sec. 3-5. Exemptions. Use of the following tangible
13 personal property is exempt from the tax imposed by this Act:

14 (1) Personal property purchased from a corporation,
15 society, association, foundation, institution, or
16 organization, other than a limited liability company, that is
17 organized and operated as a not-for-profit service enterprise
18 for the benefit of persons 65 years of age or older if the
19 personal property was not purchased by the enterprise for the
20 purpose of resale by the enterprise.

21 (2) Personal property purchased by a non-profit Illinois
22 county fair association for use in conducting, operating, or
23 promoting the county fair.

24 (3) Personal property purchased by a not-for-profit arts

1 or cultural organization that establishes, by proof required
2 by the Department by rule, that it has received an exemption
3 under Section 501(c)(3) of the Internal Revenue Code and that
4 is organized and operated primarily for the presentation or
5 support of arts or cultural programming, activities, or
6 services. These organizations include, but are not limited to,
7 music and dramatic arts organizations such as symphony
8 orchestras and theatrical groups, arts and cultural service
9 organizations, local arts councils, visual arts organizations,
10 and media arts organizations. On and after July 1, 2001 (the
11 effective date of Public Act 92-35), however, an entity
12 otherwise eligible for this exemption shall not make tax-free
13 purchases unless it has an active identification number issued
14 by the Department.

15 (4) Legal tender, currency, medallions, or gold or silver
16 coinage issued by the State of Illinois, the government of the
17 United States of America, or the government of any foreign
18 country, and bullion.

19 (5) Until July 1, 2003 and beginning again on September 1,
20 2004 through August 30, 2014, graphic arts machinery and
21 equipment, including repair and replacement parts, both new
22 and used, and including that manufactured on special order or
23 purchased for lease, certified by the purchaser to be used
24 primarily for graphic arts production. Equipment includes
25 chemicals or chemicals acting as catalysts but only if the
26 chemicals or chemicals acting as catalysts effect a direct and

1 immediate change upon a graphic arts product. Beginning on
2 July 1, 2017, graphic arts machinery and equipment is included
3 in the manufacturing and assembling machinery and equipment
4 exemption under Section 2 of this Act.

5 (6) Personal property purchased from a teacher-sponsored
6 student organization affiliated with an elementary or
7 secondary school located in Illinois.

8 (7) Farm machinery and equipment, both new and used,
9 including that manufactured on special order, certified by the
10 purchaser to be used primarily for production agriculture or
11 State or federal agricultural programs, including individual
12 replacement parts for the machinery and equipment, including
13 machinery and equipment purchased for lease, and including
14 implements of husbandry defined in Section 1-130 of the
15 Illinois Vehicle Code, farm machinery and agricultural
16 chemical and fertilizer spreaders, and nurse wagons required
17 to be registered under Section 3-809 of the Illinois Vehicle
18 Code, but excluding other motor vehicles required to be
19 registered under the Illinois Vehicle Code. Horticultural
20 polyhouses or hoop houses used for propagating, growing, or
21 overwintering plants shall be considered farm machinery and
22 equipment under this item (7). Agricultural chemical tender
23 tanks and dry boxes shall include units sold separately from a
24 motor vehicle required to be licensed and units sold mounted
25 on a motor vehicle required to be licensed if the selling price
26 of the tender is separately stated.

1 Farm machinery and equipment shall include precision
2 farming equipment that is installed or purchased to be
3 installed on farm machinery and equipment including, but not
4 limited to, tractors, harvesters, sprayers, planters, seeders,
5 or spreaders. Precision farming equipment includes, but is not
6 limited to, soil testing sensors, computers, monitors,
7 software, global positioning and mapping systems, and other
8 such equipment.

9 Farm machinery and equipment also includes computers,
10 sensors, software, and related equipment used primarily in the
11 computer-assisted operation of production agriculture
12 facilities, equipment, and activities such as, but not limited
13 to, the collection, monitoring, and correlation of animal and
14 crop data for the purpose of formulating animal diets and
15 agricultural chemicals. This item (7) is exempt from the
16 provisions of Section 3-75.

17 (8) Until June 30, 2013, fuel and petroleum products sold
18 to or used by an air common carrier, certified by the carrier
19 to be used for consumption, shipment, or storage in the
20 conduct of its business as an air common carrier, for a flight
21 destined for or returning from a location or locations outside
22 the United States without regard to previous or subsequent
23 domestic stopovers.

24 Beginning July 1, 2013, fuel and petroleum products sold
25 to or used by an air carrier, certified by the carrier to be
26 used for consumption, shipment, or storage in the conduct of

1 its business as an air common carrier, for a flight that (i) is
2 engaged in foreign trade or is engaged in trade between the
3 United States and any of its possessions and (ii) transports
4 at least one individual or package for hire from the city of
5 origination to the city of final destination on the same
6 aircraft, without regard to a change in the flight number of
7 that aircraft.

8 (9) Proceeds of mandatory service charges separately
9 stated on customers' bills for the purchase and consumption of
10 food and beverages acquired as an incident to the purchase of a
11 service from a serviceman, to the extent that the proceeds of
12 the service charge are in fact turned over as tips or as a
13 substitute for tips to the employees who participate directly
14 in preparing, serving, hosting or cleaning up the food or
15 beverage function with respect to which the service charge is
16 imposed.

17 (10) Until July 1, 2003, oil field exploration, drilling,
18 and production equipment, including (i) rigs and parts of
19 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
20 pipe and tubular goods, including casing and drill strings,
21 (iii) pumps and pump-jack units, (iv) storage tanks and flow
22 lines, (v) any individual replacement part for oil field
23 exploration, drilling, and production equipment, and (vi)
24 machinery and equipment purchased for lease; but excluding
25 motor vehicles required to be registered under the Illinois
26 Vehicle Code.

1 (11) Proceeds from the sale of photoprocessing machinery
2 and equipment, including repair and replacement parts, both
3 new and used, including that manufactured on special order,
4 certified by the purchaser to be used primarily for
5 photoprocessing, and including photoprocessing machinery and
6 equipment purchased for lease.

7 (12) Until July 1, 2028, coal and aggregate exploration,
8 mining, off-highway hauling, processing, maintenance, and
9 reclamation equipment, including replacement parts and
10 equipment, and including equipment purchased for lease, but
11 excluding motor vehicles required to be registered under the
12 Illinois Vehicle Code. The changes made to this Section by
13 Public Act 97-767 apply on and after July 1, 2003, but no claim
14 for credit or refund is allowed on or after August 16, 2013
15 (the effective date of Public Act 98-456) for such taxes paid
16 during the period beginning July 1, 2003 and ending on August
17 16, 2013 (the effective date of Public Act 98-456).

18 (13) Semen used for artificial insemination of livestock
19 for direct agricultural production.

20 (14) Horses, or interests in horses, registered with and
21 meeting the requirements of any of the Arabian Horse Club
22 Registry of America, Appaloosa Horse Club, American Quarter
23 Horse Association, United States Trotting Association, or
24 Jockey Club, as appropriate, used for purposes of breeding or
25 racing for prizes. This item (14) is exempt from the
26 provisions of Section 3-75, and the exemption provided for

1 under this item (14) applies for all periods beginning May 30,
2 1995, but no claim for credit or refund is allowed on or after
3 January 1, 2008 (the effective date of Public Act 95-88) for
4 such taxes paid during the period beginning May 30, 2000 and
5 ending on January 1, 2008 (the effective date of Public Act
6 95-88).

7 (15) Computers and communications equipment utilized for
8 any hospital purpose and equipment used in the diagnosis,
9 analysis, or treatment of hospital patients purchased by a
10 lessor who leases the equipment, under a lease of one year or
11 longer executed or in effect at the time the lessor would
12 otherwise be subject to the tax imposed by this Act, to a
13 hospital that has been issued an active tax exemption
14 identification number by the Department under Section 1g of
15 the Retailers' Occupation Tax Act. If the equipment is leased
16 in a manner that does not qualify for this exemption or is used
17 in any other non-exempt manner, the lessor shall be liable for
18 the tax imposed under this Act or the Use Tax Act, as the case
19 may be, based on the fair market value of the property at the
20 time the non-qualifying use occurs. No lessor shall collect or
21 attempt to collect an amount (however designated) that
22 purports to reimburse that lessor for the tax imposed by this
23 Act or the Use Tax Act, as the case may be, if the tax has not
24 been paid by the lessor. If a lessor improperly collects any
25 such amount from the lessee, the lessee shall have a legal
26 right to claim a refund of that amount from the lessor. If,

1 however, that amount is not refunded to the lessee for any
2 reason, the lessor is liable to pay that amount to the
3 Department.

4 (16) Personal property purchased by a lessor who leases
5 the property, under a lease of one year or longer executed or
6 in effect at the time the lessor would otherwise be subject to
7 the tax imposed by this Act, to a governmental body that has
8 been issued an active tax exemption identification number by
9 the Department under Section 1g of the Retailers' Occupation
10 Tax Act. If the property is leased in a manner that does not
11 qualify for this exemption or is used in any other non-exempt
12 manner, the lessor shall be liable for the tax imposed under
13 this Act or the Use Tax Act, as the case may be, based on the
14 fair market value of the property at the time the
15 non-qualifying use occurs. No lessor shall collect or attempt
16 to collect an amount (however designated) that purports to
17 reimburse that lessor for the tax imposed by this Act or the
18 Use Tax Act, as the case may be, if the tax has not been paid
19 by the lessor. If a lessor improperly collects any such amount
20 from the lessee, the lessee shall have a legal right to claim a
21 refund of that amount from the lessor. If, however, that
22 amount is not refunded to the lessee for any reason, the lessor
23 is liable to pay that amount to the Department.

24 (17) Beginning with taxable years ending on or after
25 December 31, 1995 and ending with taxable years ending on or
26 before December 31, 2004, personal property that is donated

1 for disaster relief to be used in a State or federally declared
2 disaster area in Illinois or bordering Illinois by a
3 manufacturer or retailer that is registered in this State to a
4 corporation, society, association, foundation, or institution
5 that has been issued a sales tax exemption identification
6 number by the Department that assists victims of the disaster
7 who reside within the declared disaster area.

8 (18) Beginning with taxable years ending on or after
9 December 31, 1995 and ending with taxable years ending on or
10 before December 31, 2004, personal property that is used in
11 the performance of infrastructure repairs in this State,
12 including but not limited to municipal roads and streets,
13 access roads, bridges, sidewalks, waste disposal systems,
14 water and sewer line extensions, water distribution and
15 purification facilities, storm water drainage and retention
16 facilities, and sewage treatment facilities, resulting from a
17 State or federally declared disaster in Illinois or bordering
18 Illinois when such repairs are initiated on facilities located
19 in the declared disaster area within 6 months after the
20 disaster.

21 (19) Beginning July 1, 1999, game or game birds purchased
22 at a "game breeding and hunting preserve area" as that term is
23 used in the Wildlife Code. This paragraph is exempt from the
24 provisions of Section 3-75.

25 (20) A motor vehicle, as that term is defined in Section
26 1-146 of the Illinois Vehicle Code, that is donated to a

1 corporation, limited liability company, society, association,
2 foundation, or institution that is determined by the
3 Department to be organized and operated exclusively for
4 educational purposes. For purposes of this exemption, "a
5 corporation, limited liability company, society, association,
6 foundation, or institution organized and operated exclusively
7 for educational purposes" means all tax-supported public
8 schools, private schools that offer systematic instruction in
9 useful branches of learning by methods common to public
10 schools and that compare favorably in their scope and
11 intensity with the course of study presented in tax-supported
12 schools, and vocational or technical schools or institutes
13 organized and operated exclusively to provide a course of
14 study of not less than 6 weeks duration and designed to prepare
15 individuals to follow a trade or to pursue a manual,
16 technical, mechanical, industrial, business, or commercial
17 occupation.

18 (21) Beginning January 1, 2000, personal property,
19 including food, purchased through fundraising events for the
20 benefit of a public or private elementary or secondary school,
21 a group of those schools, or one or more school districts if
22 the events are sponsored by an entity recognized by the school
23 district that consists primarily of volunteers and includes
24 parents and teachers of the school children. This paragraph
25 does not apply to fundraising events (i) for the benefit of
26 private home instruction or (ii) for which the fundraising

1 entity purchases the personal property sold at the events from
2 another individual or entity that sold the property for the
3 purpose of resale by the fundraising entity and that profits
4 from the sale to the fundraising entity. This paragraph is
5 exempt from the provisions of Section 3-75.

6 (22) Beginning January 1, 2000 and through December 31,
7 2001, new or used automatic vending machines that prepare and
8 serve hot food and beverages, including coffee, soup, and
9 other items, and replacement parts for these machines.
10 Beginning January 1, 2002 and through June 30, 2003, machines
11 and parts for machines used in commercial, coin-operated
12 amusement and vending business if a use or occupation tax is
13 paid on the gross receipts derived from the use of the
14 commercial, coin-operated amusement and vending machines. This
15 paragraph is exempt from the provisions of Section 3-75.

16 (23) Beginning August 23, 2001 and through June 30, 2016,
17 food for human consumption that is to be consumed off the
18 premises where it is sold (other than alcoholic beverages,
19 soft drinks, and food that has been prepared for immediate
20 consumption) and prescription and nonprescription medicines,
21 drugs, medical appliances, and insulin, urine testing
22 materials, syringes, and needles used by diabetics, for human
23 use, when purchased for use by a person receiving medical
24 assistance under Article V of the Illinois Public Aid Code who
25 resides in a licensed long-term care facility, as defined in
26 the Nursing Home Care Act, or in a licensed facility as defined

1 in the ID/DD Community Care Act, the MC/DD Act, or the
2 Specialized Mental Health Rehabilitation Act of 2013.

3 (24) Beginning on August 2, 2001 (the effective date of
4 Public Act 92-227), computers and communications equipment
5 utilized for any hospital purpose and equipment used in the
6 diagnosis, analysis, or treatment of hospital patients
7 purchased by a lessor who leases the equipment, under a lease
8 of one year or longer executed or in effect at the time the
9 lessor would otherwise be subject to the tax imposed by this
10 Act, to a hospital that has been issued an active tax exemption
11 identification number by the Department under Section 1g of
12 the Retailers' Occupation Tax Act. If the equipment is leased
13 in a manner that does not qualify for this exemption or is used
14 in any other nonexempt manner, the lessor shall be liable for
15 the tax imposed under this Act or the Use Tax Act, as the case
16 may be, based on the fair market value of the property at the
17 time the nonqualifying use occurs. No lessor shall collect or
18 attempt to collect an amount (however designated) that
19 purports to reimburse that lessor for the tax imposed by this
20 Act or the Use Tax Act, as the case may be, if the tax has not
21 been paid by the lessor. If a lessor improperly collects any
22 such amount from the lessee, the lessee shall have a legal
23 right to claim a refund of that amount from the lessor. If,
24 however, that amount is not refunded to the lessee for any
25 reason, the lessor is liable to pay that amount to the
26 Department. This paragraph is exempt from the provisions of

1 Section 3-75.

2 (25) Beginning on August 2, 2001 (the effective date of
3 Public Act 92-227), personal property purchased by a lessor
4 who leases the property, under a lease of one year or longer
5 executed or in effect at the time the lessor would otherwise be
6 subject to the tax imposed by this Act, to a governmental body
7 that has been issued an active tax exemption identification
8 number by the Department under Section 1g of the Retailers'
9 Occupation Tax Act. If the property is leased in a manner that
10 does not qualify for this exemption or is used in any other
11 nonexempt manner, the lessor shall be liable for the tax
12 imposed under this Act or the Use Tax Act, as the case may be,
13 based on the fair market value of the property at the time the
14 nonqualifying use occurs. No lessor shall collect or attempt
15 to collect an amount (however designated) that purports to
16 reimburse that lessor for the tax imposed by this Act or the
17 Use Tax Act, as the case may be, if the tax has not been paid
18 by the lessor. If a lessor improperly collects any such amount
19 from the lessee, the lessee shall have a legal right to claim a
20 refund of that amount from the lessor. If, however, that
21 amount is not refunded to the lessee for any reason, the lessor
22 is liable to pay that amount to the Department. This paragraph
23 is exempt from the provisions of Section 3-75.

24 (26) Beginning January 1, 2008, tangible personal property
25 used in the construction or maintenance of a community water
26 supply, as defined under Section 3.145 of the Environmental

1 Protection Act, that is operated by a not-for-profit
2 corporation that holds a valid water supply permit issued
3 under Title IV of the Environmental Protection Act. This
4 paragraph is exempt from the provisions of Section 3-75.

5 (27) Beginning January 1, 2010 and continuing through
6 December 31, 2024, materials, parts, equipment, components,
7 and furnishings incorporated into or upon an aircraft as part
8 of the modification, refurbishment, completion, replacement,
9 repair, or maintenance of the aircraft. This exemption
10 includes consumable supplies used in the modification,
11 refurbishment, completion, replacement, repair, and
12 maintenance of aircraft, but excludes any materials, parts,
13 equipment, components, and consumable supplies used in the
14 modification, replacement, repair, and maintenance of aircraft
15 engines or power plants, whether such engines or power plants
16 are installed or uninstalled upon any such aircraft.
17 "Consumable supplies" include, but are not limited to,
18 adhesive, tape, sandpaper, general purpose lubricants,
19 cleaning solution, latex gloves, and protective films. This
20 exemption applies only to the use of qualifying tangible
21 personal property transferred incident to the modification,
22 refurbishment, completion, replacement, repair, or maintenance
23 of aircraft by persons who (i) hold an Air Agency Certificate
24 and are empowered to operate an approved repair station by the
25 Federal Aviation Administration, (ii) have a Class IV Rating,
26 and (iii) conduct operations in accordance with Part 145 of

1 the Federal Aviation Regulations. The exemption does not
2 include aircraft operated by a commercial air carrier
3 providing scheduled passenger air service pursuant to
4 authority issued under Part 121 or Part 129 of the Federal
5 Aviation Regulations. The changes made to this paragraph (27)
6 by Public Act 98-534 are declarative of existing law. It is the
7 intent of the General Assembly that the exemption under this
8 paragraph (27) applies continuously from January 1, 2010
9 through December 31, 2024; however, no claim for credit or
10 refund is allowed for taxes paid as a result of the
11 disallowance of this exemption on or after January 1, 2015 and
12 prior to February 5, 2020 (the effective date of Public Act
13 101-629) ~~this amendatory Act of the 101st General Assembly.~~

14 (28) Tangible personal property purchased by a
15 public-facilities corporation, as described in Section
16 11-65-10 of the Illinois Municipal Code, for purposes of
17 constructing or furnishing a municipal convention hall, but
18 only if the legal title to the municipal convention hall is
19 transferred to the municipality without any further
20 consideration by or on behalf of the municipality at the time
21 of the completion of the municipal convention hall or upon the
22 retirement or redemption of any bonds or other debt
23 instruments issued by the public-facilities corporation in
24 connection with the development of the municipal convention
25 hall. This exemption includes existing public-facilities
26 corporations as provided in Section 11-65-25 of the Illinois

1 Municipal Code. This paragraph is exempt from the provisions
2 of Section 3-75.

3 (29) Beginning January 1, 2017 and through December 31,
4 2026, menstrual pads, tampons, and menstrual cups.

5 (30) Tangible personal property transferred to a purchaser
6 who is exempt from the tax imposed by this Act by operation of
7 federal law. This paragraph is exempt from the provisions of
8 Section 3-75.

9 (31) 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 subcontractor
15 of the owner, operator, or tenant. Data centers that would
16 have qualified for a certificate of exemption prior to January
17 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st~~
18 ~~General Assembly~~ been in effect, may apply for and obtain an
19 exemption for subsequent purchases of computer equipment or
20 enabling software purchased or leased to upgrade, supplement,
21 or 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 shall
25 grant a certificate of exemption under this item (31) to
26 qualified data centers as defined by Section 605-1025 of the

1 Department of Commerce and Economic Opportunity Law of the
2 Civil Administrative Code of Illinois.

3 For the purposes of this item (31):

4 "Data center" means a building or a series of
5 buildings rehabilitated or constructed to house working
6 servers in one physical location or multiple sites within
7 the State of Illinois.

8 "Qualified tangible personal property" means:
9 electrical systems and equipment; climate control and
10 chilling equipment and systems; mechanical systems and
11 equipment; monitoring and secure systems; emergency
12 generators; hardware; computers; servers; data storage
13 devices; network connectivity equipment; racks; cabinets;
14 telecommunications cabling infrastructure; raised floor
15 systems; peripheral components or systems; software;
16 mechanical, electrical, or plumbing systems; battery
17 systems; cooling systems and towers; temperature control
18 systems; other cabling; and other data center
19 infrastructure equipment and systems necessary to operate
20 qualified tangible personal property, including fixtures;
21 and component parts of any of the foregoing, including
22 installation, maintenance, repair, refurbishment, and
23 replacement of qualified tangible personal property to
24 generate, transform, transmit, distribute, or manage
25 electricity necessary to operate qualified tangible
26 personal property; and all other tangible personal

1 property that is essential to the operations of a computer
2 data center. The term "qualified tangible personal
3 property" also includes building materials physically
4 incorporated in to the qualifying data center. To document
5 the exemption allowed under this Section, the retailer
6 must obtain from the purchaser a copy of the certificate
7 of eligibility issued by the Department of Commerce and
8 Economic Opportunity.

9 This item (31) is exempt from the provisions of Section
10 3-75.

11 (32) Beginning July 1, 2022, breast pumps, breast pump
12 collection and storage supplies, and breast pump kits. This
13 item (32) is exempt from the provisions of Section 3-75. As
14 used in this item (32):

15 "Breast pump" means an electrically controlled or
16 manually controlled pump device designed or marketed to be
17 used to express milk from a human breast during lactation,
18 including the pump device and any battery, AC adapter, or
19 other power supply unit that is used to power the pump
20 device and is packaged and sold with the pump device at the
21 time of sale.

22 "Breast pump collection and storage supplies" means
23 items of tangible personal property designed or marketed
24 to be used in conjunction with a breast pump to collect
25 milk expressed from a human breast and to store collected
26 milk until it is ready for consumption.

1 "Breast pump collection and storage supplies"
2 includes, but is not limited to: breast shields and breast
3 shield connectors; breast pump tubes and tubing adapters;
4 breast pump valves and membranes; backflow protectors and
5 backflow protector adaptors; bottles and bottle caps
6 specific to the operation of the breast pump; and breast
7 milk storage bags.

8 "Breast pump collection and storage supplies" does not
9 include: (1) bottles and bottle caps not specific to the
10 operation of the breast pump; (2) breast pump travel bags
11 and other similar carrying accessories, including ice
12 packs, labels, and other similar products; (3) breast pump
13 cleaning supplies; (4) nursing bras, bra pads, breast
14 shells, and other similar products; and (5) creams,
15 ointments, and other similar products that relieve
16 breastfeeding-related symptoms or conditions of the
17 breasts or nipples, unless sold as part of a breast pump
18 kit that is pre-packaged by the breast pump manufacturer
19 or distributor.

20 "Breast pump kit" means a kit that: (1) contains no
21 more than a breast pump, breast pump collection and
22 storage supplies, a rechargeable battery for operating the
23 breast pump, a breastmilk cooler, bottle stands, ice
24 packs, and a breast pump carrying case; and (2) is
25 pre-packaged as a breast pump kit by the breast pump
26 manufacturer or distributor.

1 (33) ~~(32)~~ Tangible personal property sold by or on behalf
2 of the State Treasurer pursuant to the Revised Uniform
3 Unclaimed Property Act. This item (33) ~~(32)~~ is exempt from the
4 provisions of Section 3-75.

5 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;
6 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article
7 70, Section 70-10, eff. 4-19-22; 102-700, Article 75, Section
8 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-3-22.)

9 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

10 Sec. 3-10. Rate of tax. Unless otherwise provided in this
11 Section, the tax imposed by this Act is at the rate of 6.25% of
12 the selling price of tangible personal property transferred as
13 an incident to the sale of service, but, for the purpose of
14 computing this tax, in no event shall the selling price be less
15 than the cost price of the property to the serviceman.

16 Beginning on July 1, 2000 and through December 31, 2000,
17 with respect to motor fuel, as defined in Section 1.1 of the
18 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
19 the Use Tax Act, the tax is imposed at the rate of 1.25%.

20 With respect to gasohol, as defined in the Use Tax Act, the
21 tax imposed by this Act applies to (i) 70% of the selling price
22 of property transferred as an incident to the sale of service
23 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
24 of the selling price of property transferred as an incident to
25 the sale of service on or after July 1, 2003 and on or before

1 July 1, 2017, and (iii) 100% of the selling price thereafter.
2 If, at any time, however, the tax under this Act on sales of
3 gasohol, as defined in the Use Tax Act, is imposed at the rate
4 of 1.25%, then the tax imposed by this Act applies to 100% of
5 the proceeds of sales of gasohol made during that time.

6 With respect to majority blended ethanol fuel, as defined
7 in the Use Tax Act, the tax imposed by this Act does not apply
8 to the selling price of property transferred as an incident to
9 the sale of service on or after July 1, 2003 and on or before
10 December 31, 2023 but applies to 100% of the selling price
11 thereafter.

12 With respect to biodiesel blends, as defined in the Use
13 Tax Act, with no less than 1% and no more than 10% biodiesel,
14 the tax imposed by this Act applies to (i) 80% of the selling
15 price of property transferred as an incident to the sale of
16 service on or after July 1, 2003 and on or before December 31,
17 2018 and (ii) 100% of the proceeds of the selling price after
18 December 31, 2018 and before January 1, 2024. On and after
19 January 1, 2024 and on or before December 31, 2030, the
20 taxation of biodiesel, renewable diesel, and biodiesel blends
21 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
22 at any time, however, the tax under this Act on sales of
23 biodiesel blends, as defined in the Use Tax Act, with no less
24 than 1% and no more than 10% biodiesel is imposed at the rate
25 of 1.25%, then the tax imposed by this Act applies to 100% of
26 the proceeds of sales of biodiesel blends with no less than 1%

1 and no more than 10% biodiesel made during that time.

2 With respect to biodiesel, as defined in the Use Tax Act,
3 and biodiesel blends, as defined in the Use Tax Act, with more
4 than 10% but no more than 99% biodiesel, the tax imposed by
5 this Act does not apply to the proceeds of the selling price of
6 property transferred as an incident to the sale of service on
7 or after July 1, 2003 and on or before December 31, 2023. On
8 and after January 1, 2024 and on or before December 31, 2030,
9 the taxation of biodiesel, renewable diesel, and biodiesel
10 blends shall be as provided in Section 3-5.1 of the Use Tax
11 Act.

12 At the election of any registered serviceman made for each
13 fiscal year, sales of service in which the aggregate annual
14 cost price of tangible personal property transferred as an
15 incident to the sales of service is less than 35%, or 75% in
16 the case of servicemen transferring prescription drugs or
17 servicemen engaged in graphic arts production, of the
18 aggregate annual total gross receipts from all sales of
19 service, the tax imposed by this Act shall be based on the
20 serviceman's cost price of the tangible personal property
21 transferred as an incident to the sale of those services.

22 Until July 1, 2022 and beginning again on July 1, 2023, the
23 tax shall be imposed at the rate of 1% on food prepared for
24 immediate consumption and transferred incident to a sale of
25 service subject to this Act or the Service Occupation Tax Act
26 by an entity licensed under the Hospital Licensing Act, the

1 Nursing Home Care Act, the Assisted Living and Shared Housing
2 Act, the ID/DD Community Care Act, the MC/DD Act, the
3 Specialized Mental Health Rehabilitation Act of 2013, or the
4 Child Care Act of 1969, or an entity that holds a permit issued
5 pursuant to the Life Care Facilities Act. Until July 1, 2022
6 and beginning again on July 1, 2023, the tax shall also be
7 imposed at the rate of 1% on food for human consumption that is
8 to be consumed off the premises where it is sold (other than
9 alcoholic beverages, food consisting of or infused with adult
10 use cannabis, soft drinks, and food that has been prepared for
11 immediate consumption and is not otherwise included in this
12 paragraph).

13 Beginning on July 1, 2022 and until July 1, 2023, the tax
14 shall be imposed at the rate of 0% on food prepared for
15 immediate consumption and transferred incident to a sale of
16 service subject to this Act or the Service Occupation Tax Act
17 by an entity licensed under the Hospital Licensing Act, the
18 Nursing Home Care Act, the Assisted Living and Shared Housing
19 Act, the ID/DD Community Care Act, the MC/DD Act, the
20 Specialized Mental Health Rehabilitation Act of 2013, or the
21 Child Care Act of 1969, or an entity that holds a permit issued
22 pursuant to the Life Care Facilities Act. Beginning on July 1,
23 2022 and until July 1, 2023, the tax shall also be imposed at
24 the rate of 0% on food for human consumption that is to be
25 consumed off the premises where it is sold (other than
26 alcoholic beverages, food consisting of or infused with adult

1 use cannabis, soft drinks, and food that has been prepared for
2 immediate consumption and is not otherwise included in this
3 paragraph).

4 The tax shall also be imposed at the rate of 1% on
5 prescription and nonprescription medicines, drugs, medical
6 appliances, products classified as Class III medical devices
7 by the United States Food and Drug Administration that are
8 used for cancer treatment pursuant to a prescription, as well
9 as any accessories and components related to those devices,
10 modifications to a motor vehicle for the purpose of rendering
11 it usable by a person with a disability, and insulin, blood
12 sugar testing materials, syringes, and needles used by human
13 diabetics. For the purposes of this Section, until September
14 1, 2009: the term "soft drinks" means any complete, finished,
15 ready-to-use, non-alcoholic drink, whether carbonated or not,
16 including, but not limited to, soda water, cola, fruit juice,
17 vegetable juice, carbonated water, and all other preparations
18 commonly known as soft drinks of whatever kind or description
19 that are contained in any closed or sealed bottle, can,
20 carton, or container, regardless of size; but "soft drinks"
21 does not include coffee, tea, non-carbonated water, infant
22 formula, milk or milk products as defined in the Grade A
23 Pasteurized Milk and Milk Products Act, or drinks containing
24 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" does ~~do~~ not include beverages that contain milk or
3 milk products, soy, rice or similar milk substitutes, or
4 greater than 50% of vegetable or fruit juice by volume.

5 Until August 1, 2009, and notwithstanding any other
6 provisions of this Act, "food for human consumption that is to
7 be consumed off the premises where it is sold" includes all
8 food sold through a vending machine, except soft drinks and
9 food products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine. Beginning
11 August 1, 2009, and notwithstanding any other provisions of
12 this Act, "food for human consumption that is to be consumed
13 off the premises where it is sold" includes all food sold
14 through a vending machine, except soft drinks, candy, and food
15 products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "food for human consumption that
19 is to be consumed off the premises where it is sold" does not
20 include candy. For purposes of this Section, "candy" means a
21 preparation of sugar, honey, or other natural or artificial
22 sweeteners in combination with chocolate, fruits, nuts or
23 other ingredients or flavorings in the form of bars, drops, or
24 pieces. "Candy" does not include any preparation that contains
25 flour or requires refrigeration.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and
2 drugs" does not include grooming and hygiene products. For
3 purposes of this Section, "grooming and hygiene products"
4 includes, but is not limited to, soaps and cleaning solutions,
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
6 lotions and screens, unless those products are available by
7 prescription only, regardless of whether the products meet the
8 definition of "over-the-counter-drugs". For the purposes of
9 this paragraph, "over-the-counter-drug" means a drug for human
10 use that contains a label that identifies the product as a drug
11 as required by 21 CFR ~~C.F.R.~~ § 201.66. The
12 "over-the-counter-drug" label includes:

- 13 (A) a ~~A~~ "Drug Facts" panel; or
14 (B) a ~~A~~ statement of the "active ingredient(s)" with a
15 list of those ingredients contained in the compound,
16 substance or preparation.

17 Beginning on January 1, 2014 (the effective date of Public
18 Act 98-122), "prescription and nonprescription medicines and
19 drugs" includes medical cannabis purchased from a registered
20 dispensing organization under the Compassionate Use of Medical
21 Cannabis Program Act.

22 As used in this Section, "adult use cannabis" means
23 cannabis subject to tax under the Cannabis Cultivation
24 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
25 and does not include cannabis subject to tax under the
26 Compassionate Use of Medical Cannabis Program Act.

1 If the property that is acquired from a serviceman is
2 acquired outside Illinois and used outside Illinois before
3 being brought to Illinois for use here and is taxable under
4 this Act, the "selling price" on which the tax is computed
5 shall be reduced by an amount that represents a reasonable
6 allowance for depreciation for the period of prior
7 out-of-state use.

8 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
9 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article
10 20, Section 20-10, eff. 4-19-22; 102-700, Article 60, Section
11 60-20, eff. 4-19-22; revised 6-1-22.)

12 Section 205. The Service Occupation Tax Act is amended by
13 changing Sections 3-5 and 3-10 as follows:

14 (35 ILCS 115/3-5)

15 Sec. 3-5. Exemptions. The following tangible personal
16 property is exempt from the tax imposed by this Act:

17 (1) Personal property sold by a corporation, society,
18 association, foundation, institution, or organization, other
19 than a limited liability company, that is organized and
20 operated as a not-for-profit service enterprise for the
21 benefit of persons 65 years of age or older if the personal
22 property was not purchased by the enterprise for the purpose
23 of resale by the enterprise.

24 (2) Personal property purchased by a not-for-profit

1 Illinois county fair association for use in conducting,
2 operating, or promoting the county fair.

3 (3) Personal property purchased by any not-for-profit arts
4 or cultural organization that establishes, by proof required
5 by the Department by rule, that it has received an exemption
6 under Section 501(c)(3) of the Internal Revenue Code and that
7 is organized and operated primarily for the presentation or
8 support of arts or cultural programming, activities, or
9 services. These organizations include, but are not limited to,
10 music and dramatic arts organizations such as symphony
11 orchestras and theatrical groups, arts and cultural service
12 organizations, local arts councils, visual arts organizations,
13 and media arts organizations. On and after July 1, 2001 (the
14 effective date of Public Act 92-35), however, an entity
15 otherwise eligible for this exemption shall not make tax-free
16 purchases unless it has an active identification number issued
17 by the Department.

18 (4) Legal tender, currency, medallions, or gold or silver
19 coinage issued by the State of Illinois, the government of the
20 United States of America, or the government of any foreign
21 country, and bullion.

22 (5) Until July 1, 2003 and beginning again on September 1,
23 2004 through August 30, 2014, graphic arts machinery and
24 equipment, including repair and replacement parts, both new
25 and used, and including that manufactured on special order or
26 purchased for lease, certified by the purchaser to be used

1 primarily for graphic arts production. Equipment includes
2 chemicals or chemicals acting as catalysts but only if the
3 chemicals or chemicals acting as catalysts effect a direct and
4 immediate change upon a graphic arts product. Beginning on
5 July 1, 2017, graphic arts machinery and equipment is included
6 in the manufacturing and assembling machinery and equipment
7 exemption under Section 2 of this Act.

8 (6) Personal property sold by a teacher-sponsored student
9 organization affiliated with an elementary or secondary school
10 located in Illinois.

11 (7) Farm machinery and equipment, both new and used,
12 including that manufactured on special order, certified by the
13 purchaser to be used primarily for production agriculture or
14 State or federal agricultural programs, including individual
15 replacement parts for the machinery and equipment, including
16 machinery and equipment purchased for lease, and including
17 implements of husbandry defined in Section 1-130 of the
18 Illinois Vehicle Code, farm machinery and agricultural
19 chemical and fertilizer spreaders, and nurse wagons required
20 to be registered under Section 3-809 of the Illinois Vehicle
21 Code, but excluding other motor vehicles required to be
22 registered under the Illinois Vehicle Code. Horticultural
23 polyhouses or hoop houses used for propagating, growing, or
24 overwintering plants shall be considered farm machinery and
25 equipment under this item (7). Agricultural chemical tender
26 tanks and dry boxes shall include units sold separately from a

1 motor vehicle required to be licensed and units sold mounted
2 on a motor vehicle required to be licensed if the selling price
3 of the tender is separately stated.

4 Farm machinery and equipment shall include precision
5 farming equipment that is installed or purchased to be
6 installed on farm machinery and equipment including, but not
7 limited to, tractors, harvesters, sprayers, planters, seeders,
8 or spreaders. Precision farming equipment includes, but is not
9 limited to, soil testing sensors, computers, monitors,
10 software, global positioning and mapping systems, and other
11 such equipment.

12 Farm machinery and equipment also includes computers,
13 sensors, software, and related equipment used primarily in the
14 computer-assisted operation of production agriculture
15 facilities, equipment, and activities such as, but not limited
16 to, the collection, monitoring, and correlation of animal and
17 crop data for the purpose of formulating animal diets and
18 agricultural chemicals. This item (7) is exempt from the
19 provisions of Section 3-55.

20 (8) Until June 30, 2013, fuel and petroleum products sold
21 to or used by an air common carrier, certified by the carrier
22 to be used for consumption, shipment, or storage in the
23 conduct of its business as an air common carrier, for a flight
24 destined for or returning from a location or locations outside
25 the United States without regard to previous or subsequent
26 domestic stopovers.

1 Beginning July 1, 2013, fuel and petroleum products sold
2 to or used by an air carrier, certified by the carrier to be
3 used for consumption, shipment, or storage in the conduct of
4 its business as an air common carrier, for a flight that (i) is
5 engaged in foreign trade or is engaged in trade between the
6 United States and any of its possessions and (ii) transports
7 at least one individual or package for hire from the city of
8 origination to the city of final destination on the same
9 aircraft, without regard to a change in the flight number of
10 that aircraft.

11 (9) Proceeds of mandatory service charges separately
12 stated on customers' bills for the purchase and consumption of
13 food and beverages, to the extent that the proceeds of the
14 service charge are in fact turned over as tips or as a
15 substitute for tips to the employees who participate directly
16 in preparing, serving, hosting or cleaning up the food or
17 beverage function with respect to which the service charge is
18 imposed.

19 (10) Until July 1, 2003, oil field exploration, drilling,
20 and production equipment, including (i) rigs and parts of
21 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
22 pipe and tubular goods, including casing and drill strings,
23 (iii) pumps and pump-jack units, (iv) storage tanks and flow
24 lines, (v) any individual replacement part for oil field
25 exploration, drilling, and production equipment, and (vi)
26 machinery and equipment purchased for lease; but excluding

1 motor vehicles required to be registered under the Illinois
2 Vehicle Code.

3 (11) Photoprocessing machinery and equipment, including
4 repair and replacement parts, both new and used, including
5 that manufactured on special order, certified by the purchaser
6 to be used primarily for photoprocessing, and including
7 photoprocessing machinery and equipment purchased for lease.

8 (12) Until July 1, 2028, coal and aggregate exploration,
9 mining, off-highway hauling, processing, maintenance, and
10 reclamation equipment, including replacement parts and
11 equipment, and including equipment purchased for lease, but
12 excluding motor vehicles required to be registered under the
13 Illinois Vehicle Code. The changes made to this Section by
14 Public Act 97-767 apply on and after July 1, 2003, but no claim
15 for credit or refund is allowed on or after August 16, 2013
16 (the effective date of Public Act 98-456) for such taxes paid
17 during the period beginning July 1, 2003 and ending on August
18 16, 2013 (the effective date of Public Act 98-456).

19 (13) Beginning January 1, 1992 and through June 30, 2016,
20 food for human consumption that is to be consumed off the
21 premises where it is sold (other than alcoholic beverages,
22 soft drinks and food that has been prepared for immediate
23 consumption) and prescription and non-prescription medicines,
24 drugs, medical appliances, and insulin, urine testing
25 materials, syringes, and needles used by diabetics, for human
26 use, when purchased for use by a person receiving medical

1 assistance under Article V of the Illinois Public Aid Code who
2 resides in a licensed long-term care facility, as defined in
3 the Nursing Home Care Act, or in a licensed facility as defined
4 in the ID/DD Community Care Act, the MC/DD Act, or the
5 Specialized Mental Health Rehabilitation Act of 2013.

6 (14) Semen used for artificial insemination of livestock
7 for direct agricultural production.

8 (15) Horses, or interests in horses, registered with and
9 meeting the requirements of any of the Arabian Horse Club
10 Registry of America, Appaloosa Horse Club, American Quarter
11 Horse Association, United States Trotting Association, or
12 Jockey Club, as appropriate, used for purposes of breeding or
13 racing for prizes. This item (15) is exempt from the
14 provisions of Section 3-55, and the exemption provided for
15 under this item (15) applies for all periods beginning May 30,
16 1995, but no claim for credit or refund is allowed on or after
17 January 1, 2008 (the effective date of Public Act 95-88) for
18 such taxes paid during the period beginning May 30, 2000 and
19 ending on January 1, 2008 (the effective date of Public Act
20 95-88).

21 (16) Computers and communications equipment utilized for
22 any hospital purpose and equipment used in the diagnosis,
23 analysis, or treatment of hospital patients sold to a lessor
24 who leases the equipment, under a lease of one year or longer
25 executed or in effect at the time of the purchase, to a
26 hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g of
2 the Retailers' Occupation Tax Act.

3 (17) Personal property sold to a lessor who leases the
4 property, under a lease of one year or longer executed or in
5 effect at the time of the purchase, to a governmental body that
6 has been issued an active tax exemption identification number
7 by the Department under Section 1g of the Retailers'
8 Occupation Tax Act.

9 (18) 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 (19) 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 (20) Beginning July 1, 1999, game or game birds sold at a
7 "game breeding and hunting preserve area" as that term is used
8 in the Wildlife Code. This paragraph is exempt from the
9 provisions of Section 3-55.

10 (21) 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 (22) 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 3-55.

17 (23) 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 3-55.

1 (24) Beginning on August 2, 2001 (the effective date of
2 Public Act 92-227), computers and communications equipment
3 utilized for any hospital purpose and equipment used in the
4 diagnosis, analysis, or treatment of hospital patients sold to
5 a lessor who leases the equipment, under a lease of one year or
6 longer executed or in effect at the time of the purchase, to a
7 hospital that has been issued an active tax exemption
8 identification number by the Department under Section 1g of
9 the Retailers' Occupation Tax Act. This paragraph is exempt
10 from the provisions of Section 3-55.

11 (25) Beginning on August 2, 2001 (the effective date of
12 Public Act 92-227), personal property sold to a lessor who
13 leases the property, under a lease of one year or longer
14 executed or in effect at the time of the purchase, to a
15 governmental body that has been issued an active tax exemption
16 identification number by the Department under Section 1g of
17 the Retailers' Occupation Tax Act. This paragraph is exempt
18 from the provisions of Section 3-55.

19 (26) Beginning on January 1, 2002 and through June 30,
20 2016, tangible personal property purchased from an Illinois
21 retailer by a taxpayer engaged in centralized purchasing
22 activities in Illinois who will, upon receipt of the property
23 in Illinois, temporarily store the property in Illinois (i)
24 for the purpose of subsequently transporting it outside this
25 State for use or consumption thereafter solely outside this
26 State or (ii) for the purpose of being processed, fabricated,

1 or manufactured into, attached to, or incorporated into other
2 tangible personal property to be transported outside this
3 State and thereafter used or consumed solely outside this
4 State. The Director of Revenue shall, pursuant to rules
5 adopted in accordance with the Illinois Administrative
6 Procedure Act, issue a permit to any taxpayer in good standing
7 with the Department who is eligible for the exemption under
8 this paragraph (26). The permit issued under this paragraph
9 (26) shall authorize the holder, to the extent and in the
10 manner specified in the rules adopted under this Act, to
11 purchase tangible personal property from a retailer exempt
12 from the taxes imposed by this Act. Taxpayers shall maintain
13 all necessary books and records to substantiate the use and
14 consumption of all such tangible personal property outside of
15 the State of Illinois.

16 (27) Beginning January 1, 2008, tangible personal property
17 used in the construction or maintenance of a community water
18 supply, as defined under Section 3.145 of the Environmental
19 Protection Act, that is operated by a not-for-profit
20 corporation that holds a valid water supply permit issued
21 under Title IV of the Environmental Protection Act. This
22 paragraph is exempt from the provisions of Section 3-55.

23 (28) Tangible personal property sold to a
24 public-facilities corporation, as described in Section
25 11-65-10 of the Illinois Municipal Code, for purposes of
26 constructing or furnishing a municipal convention hall, but

1 only if the legal title to the municipal convention hall is
2 transferred to the municipality without any further
3 consideration by or on behalf of the municipality at the time
4 of the completion of the municipal convention hall or upon the
5 retirement or redemption of any bonds or other debt
6 instruments issued by the public-facilities corporation in
7 connection with the development of the municipal convention
8 hall. This exemption includes existing public-facilities
9 corporations as provided in Section 11-65-25 of the Illinois
10 Municipal Code. This paragraph is exempt from the provisions
11 of Section 3-55.

12 (29) Beginning January 1, 2010 and continuing through
13 December 31, 2024, materials, parts, equipment, components,
14 and furnishings incorporated into or upon an aircraft as part
15 of the modification, refurbishment, completion, replacement,
16 repair, or maintenance of the aircraft. This exemption
17 includes consumable supplies used in the modification,
18 refurbishment, completion, replacement, repair, and
19 maintenance of aircraft, but excludes any materials, parts,
20 equipment, components, and consumable supplies used in the
21 modification, replacement, repair, and maintenance of aircraft
22 engines or power plants, whether such engines or power plants
23 are installed or uninstalled upon any such aircraft.
24 "Consumable supplies" include, but are not limited to,
25 adhesive, tape, sandpaper, general purpose lubricants,
26 cleaning solution, latex gloves, and protective films. This

1 exemption applies only to the transfer of qualifying tangible
2 personal property incident to the modification, refurbishment,
3 completion, replacement, repair, or maintenance of an aircraft
4 by persons who (i) hold an Air Agency Certificate and are
5 empowered to operate an approved repair station by the Federal
6 Aviation Administration, (ii) have a Class IV Rating, and
7 (iii) conduct operations in accordance with Part 145 of the
8 Federal Aviation Regulations. The exemption does not include
9 aircraft operated by a commercial air carrier providing
10 scheduled passenger air service pursuant to authority issued
11 under Part 121 or Part 129 of the Federal Aviation
12 Regulations. The changes made to this paragraph (29) by Public
13 Act 98-534 are declarative of existing law. It is the intent of
14 the General Assembly that the exemption under this paragraph
15 (29) applies continuously from January 1, 2010 through
16 December 31, 2024; however, no claim for credit or refund is
17 allowed for taxes paid as a result of the disallowance of this
18 exemption on or after January 1, 2015 and prior to February 5,
19 2020 (the effective date of Public Act 101-629) ~~this~~
20 ~~amendatory Act of the 101st General Assembly.~~

21 (30) Beginning January 1, 2017 and through December 31,
22 2026, menstrual pads, tampons, and menstrual cups.

23 (31) Tangible personal property transferred to a purchaser
24 who is exempt from tax by operation of federal law. This
25 paragraph is exempt from the provisions of Section 3-55.

26 (32) Qualified tangible personal property used in the

1 construction or operation of a data center that has been
2 granted a certificate of exemption by the Department of
3 Commerce and Economic Opportunity, whether that tangible
4 personal property is purchased by the owner, operator, or
5 tenant of the data center or by a contractor or subcontractor
6 of the owner, operator, or tenant. Data centers that would
7 have qualified for a certificate of exemption prior to January
8 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st~~
9 ~~General Assembly~~ been in effect, may apply for and obtain an
10 exemption for subsequent purchases of computer equipment or
11 enabling software purchased or leased to upgrade, supplement,
12 or replace computer equipment or enabling software purchased
13 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 in to the qualifying data center. To document
22 the exemption allowed under this Section, the retailer
23 must obtain from the purchaser a copy of the certificate
24 of eligibility issued by the Department of Commerce and
25 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) ~~(33)~~ Tangible personal property sold by or on behalf
19 of the State Treasurer pursuant to the Revised Uniform
20 Unclaimed Property Act. This item (34) ~~(33)~~ is exempt from the
21 provisions of Section 3-55.

22 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;
23 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article
24 70, Section 70-15, eff. 4-19-22; 102-700, Article 75, Section
25 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-9-22.)

1 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 the "selling price", as defined in Section 2 of the Service Use
5 Tax Act, of the tangible personal property. For the purpose of
6 computing this tax, in no event shall the "selling price" be
7 less than the cost price to the serviceman of the tangible
8 personal property transferred. The selling price of each item
9 of tangible personal property transferred as an incident of a
10 sale of service may be shown as a distinct and separate item on
11 the serviceman's billing to the service customer. If the
12 selling price is not so shown, the selling price of the
13 tangible personal property is deemed to be 50% of the
14 serviceman's entire billing to the service customer. When,
15 however, a serviceman contracts to design, develop, and
16 produce special order machinery or equipment, the tax imposed
17 by this Act shall be based on the serviceman's cost price of
18 the tangible personal property transferred incident to the
19 completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the
25 tax imposed by this Act shall apply to (i) 70% of the cost
26 price of property transferred as an incident to the sale of

1 service on or after January 1, 1990, and before July 1, 2003,
2 (ii) 80% of the selling price of property transferred as an
3 incident to the sale of service on or after July 1, 2003 and on
4 or before July 1, 2017, and (iii) 100% of the cost price
5 thereafter. If, at any time, however, the tax under this Act on
6 sales of gasohol, as defined in the Use Tax Act, is imposed at
7 the rate of 1.25%, then the tax imposed by this Act applies to
8 100% of the proceeds of sales of gasohol made during that time.

9 With respect to majority blended ethanol fuel, as defined
10 in the Use Tax Act, the tax imposed by this Act does not apply
11 to the selling price of property transferred as an incident to
12 the sale of service on or after July 1, 2003 and on or before
13 December 31, 2023 but applies to 100% of the selling price
14 thereafter.

15 With respect to biodiesel blends, as defined in the Use
16 Tax Act, with no less than 1% and no more than 10% biodiesel,
17 the tax imposed by this Act applies to (i) 80% of the selling
18 price of property transferred as an incident to the sale of
19 service on or after July 1, 2003 and on or before December 31,
20 2018 and (ii) 100% of the proceeds of the selling price after
21 December 31, 2018 and before January 1, 2024. On and after
22 January 1, 2024 and on or before December 31, 2030, the
23 taxation of biodiesel, renewable diesel, and biodiesel blends
24 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
25 at any time, however, the tax under this Act on sales of
26 biodiesel blends, as defined in the Use Tax Act, with no less

1 than 1% and no more than 10% biodiesel is imposed at the rate
2 of 1.25%, then the tax imposed by this Act applies to 100% of
3 the proceeds of sales of biodiesel blends with no less than 1%
4 and no more than 10% biodiesel made during that time.

5 With respect to biodiesel, as defined in the Use Tax Act,
6 and biodiesel blends, as defined in the Use Tax Act, with more
7 than 10% but no more than 99% biodiesel material, the tax
8 imposed by this Act does not apply to the proceeds of the
9 selling price of property transferred as an incident to the
10 sale of service on or after July 1, 2003 and on or before
11 December 31, 2023. On and after January 1, 2024 and on or
12 before December 31, 2030, the taxation of biodiesel, renewable
13 diesel, and biodiesel blends shall be as provided in Section
14 3-5.1 of the Use Tax Act.

15 At the election of any registered serviceman made for each
16 fiscal year, sales of service in which the aggregate annual
17 cost price of tangible personal property transferred as an
18 incident to the sales of service is less than 35%, or 75% in
19 the case of servicemen transferring prescription drugs or
20 servicemen engaged in graphic arts production, of the
21 aggregate annual total gross receipts from all sales of
22 service, the tax imposed by this Act shall be based on the
23 serviceman's cost price of the tangible personal property
24 transferred incident to the sale of those services.

25 Until July 1, 2022 and beginning again on July 1, 2023, the
26 tax shall be imposed at the rate of 1% on food prepared for

1 immediate consumption and transferred incident to a sale of
2 service subject to this Act or the Service Use Tax Act by an
3 entity licensed under the Hospital Licensing Act, the Nursing
4 Home Care Act, the Assisted Living and Shared Housing Act, the
5 ID/DD Community Care Act, the MC/DD Act, the Specialized
6 Mental Health Rehabilitation Act of 2013, or the Child Care
7 Act of 1969, or an entity that holds a permit issued pursuant
8 to the Life Care Facilities Act. Until July 1, 2022 and
9 beginning again on July 1, 2023, the tax shall also be imposed
10 at the rate of 1% on food for human consumption that is to be
11 consumed off the premises where it is sold (other than
12 alcoholic beverages, food consisting of or infused with adult
13 use cannabis, soft drinks, and food that has been prepared for
14 immediate consumption and is not otherwise included in this
15 paragraph).

16 Beginning on July 1, 2022 and until July 1, 2023, the tax
17 shall be imposed at the rate of 0% on food prepared for
18 immediate consumption and transferred incident to a sale of
19 service subject to this Act or the Service Use Tax Act by an
20 entity licensed under the Hospital Licensing Act, the Nursing
21 Home Care Act, the Assisted Living and Shared Housing Act, the
22 ID/DD Community Care Act, the MC/DD Act, the Specialized
23 Mental Health Rehabilitation Act of 2013, or the Child Care
24 Act of 1969, or an entity that holds a permit issued pursuant
25 to the Life Care Facilities Act. Beginning July 1, 2022 and
26 until July 1, 2023, the tax shall also be imposed at the rate

1 of 0% on food for human consumption that is to be consumed off
2 the premises where it is sold (other than alcoholic beverages,
3 food consisting of or infused with adult use cannabis, soft
4 drinks, and food that has been prepared for immediate
5 consumption and is not otherwise included in this paragraph).

6 The tax shall also be imposed at the rate of 1% on
7 prescription and nonprescription medicines, drugs, medical
8 appliances, products classified as Class III medical devices
9 by the United States Food and Drug Administration that are
10 used for cancer treatment pursuant to a prescription, as well
11 as any accessories and components related to those devices,
12 modifications to a motor vehicle for the purpose of rendering
13 it usable by a person with a disability, and insulin, blood
14 sugar testing materials, syringes, and needles used by human
15 diabetics. For the purposes of this Section, until September
16 1, 2009: the term "soft drinks" means any complete, finished,
17 ready-to-use, non-alcoholic drink, whether carbonated or not,
18 including, but not limited to, soda water, cola, fruit juice,
19 vegetable juice, carbonated water, and all other preparations
20 commonly known as soft drinks of whatever kind or description
21 that are contained in any closed or sealed can, carton, or
22 container, regardless of size; but "soft drinks" does not
23 include coffee, tea, non-carbonated water, infant formula,
24 milk or milk products as defined in the Grade A Pasteurized
25 Milk and Milk Products Act, or drinks containing 50% or more
26 natural fruit or vegetable juice.

1 Notwithstanding any other provisions of this Act,
2 beginning September 1, 2009, "soft drinks" means non-alcoholic
3 beverages that contain natural or artificial sweeteners. "Soft
4 drinks" does ~~do~~ not include beverages that contain milk or
5 milk products, soy, rice or similar milk substitutes, or
6 greater than 50% of vegetable or fruit juice by volume.

7 Until August 1, 2009, and notwithstanding any other
8 provisions of this Act, "food for human consumption that is to
9 be consumed off the premises where it is sold" includes all
10 food sold through a vending machine, except soft drinks and
11 food products that are dispensed hot from a vending machine,
12 regardless of the location of the vending machine. Beginning
13 August 1, 2009, and notwithstanding any other provisions of
14 this Act, "food for human consumption that is to be consumed
15 off the premises where it is sold" includes all food sold
16 through a vending machine, except soft drinks, candy, and food
17 products that are dispensed hot from a vending machine,
18 regardless of the location of the vending machine.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "food for human consumption that
21 is to be consumed off the premises where it is sold" does not
22 include candy. For purposes of this Section, "candy" means a
23 preparation of sugar, honey, or other natural or artificial
24 sweeteners in combination with chocolate, fruits, nuts or
25 other ingredients or flavorings in the form of bars, drops, or
26 pieces. "Candy" does not include any preparation that contains

1 flour or requires refrigeration.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "nonprescription medicines and
4 drugs" does not include grooming and hygiene products. For
5 purposes of this Section, "grooming and hygiene products"
6 includes, but is not limited to, soaps and cleaning solutions,
7 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
8 lotions and screens, unless those products are available by
9 prescription only, regardless of whether the products meet the
10 definition of "over-the-counter-drugs". For the purposes of
11 this paragraph, "over-the-counter-drug" means a drug for human
12 use that contains a label that identifies the product as a drug
13 as required by 21 CFR ~~C.F.R. §~~ 201.66. The
14 "over-the-counter-drug" label includes:

15 (A) a ~~A~~ "Drug Facts" panel; or

16 (B) a ~~A~~ statement of the "active ingredient(s)" with a
17 list of those ingredients contained in the compound,
18 substance or preparation.

19 Beginning on January 1, 2014 (the effective date of Public
20 Act 98-122), "prescription and nonprescription medicines and
21 drugs" includes medical cannabis purchased from a registered
22 dispensing organization under the Compassionate Use of Medical
23 Cannabis Program Act.

24 As used in this Section, "adult use cannabis" means
25 cannabis subject to tax under the Cannabis Cultivation
26 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law

1 and does not include cannabis subject to tax under the
2 Compassionate Use of Medical Cannabis Program Act.

3 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
4 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article
5 20, Section 20-15, eff. 4-19-22; 102-700, Article 60, Section
6 60-25, eff. 4-19-22; revised 6-1-22.)

7 Section 210. The Retailers' Occupation Tax Act is amended
8 by changing Sections 2-5, 2-10, and 3 as follows:

9 (35 ILCS 120/2-5)

10 Sec. 2-5. Exemptions. Gross receipts from proceeds from
11 the sale of the following tangible personal property are
12 exempt from the tax imposed by this Act:

13 (1) Farm chemicals.

14 (2) Farm machinery and equipment, both new and used,
15 including that manufactured on special order, certified by
16 the purchaser to be used primarily for production
17 agriculture or State or federal agricultural programs,
18 including individual replacement parts for the machinery
19 and equipment, including machinery and equipment purchased
20 for lease, and including implements of husbandry defined
21 in Section 1-130 of the Illinois Vehicle Code, farm
22 machinery and agricultural chemical and fertilizer
23 spreaders, and nurse wagons required to be registered
24 under Section 3-809 of the Illinois Vehicle Code, but

1 excluding other motor vehicles required to be registered
2 under the Illinois Vehicle Code. Horticultural polyhouses
3 or hoop houses used for propagating, growing, or
4 overwintering plants shall be considered farm machinery
5 and equipment under this item (2). Agricultural chemical
6 tender tanks and dry boxes shall include units sold
7 separately from a motor vehicle required to be licensed
8 and units sold mounted on a motor vehicle required to be
9 licensed, if the selling price of the tender is separately
10 stated.

11 Farm machinery and equipment shall include precision
12 farming equipment that is installed or purchased to be
13 installed on farm machinery and equipment including, but
14 not limited to, tractors, harvesters, sprayers, planters,
15 seeders, or spreaders. Precision farming equipment
16 includes, but is not limited to, soil testing sensors,
17 computers, monitors, software, global positioning and
18 mapping systems, and other such equipment.

19 Farm machinery and equipment also includes computers,
20 sensors, software, and related equipment used primarily in
21 the computer-assisted operation of production agriculture
22 facilities, equipment, and activities such as, but not
23 limited to, the collection, monitoring, and correlation of
24 animal and crop data for the purpose of formulating animal
25 diets and agricultural chemicals. This item (2) is exempt
26 from the provisions of Section 2-70.

1 (3) Until July 1, 2003, distillation machinery and
2 equipment, sold as a unit or kit, assembled or installed
3 by the retailer, certified by the user to be used only for
4 the production of ethyl alcohol that will be used for
5 consumption as motor fuel or as a component of motor fuel
6 for the personal use of the user, and not subject to sale
7 or resale.

8 (4) Until July 1, 2003 and beginning again September
9 1, 2004 through August 30, 2014, graphic arts machinery
10 and equipment, including repair and replacement parts,
11 both new and used, and including that manufactured on
12 special order or purchased for lease, certified by the
13 purchaser to be used primarily for graphic arts
14 production. Equipment includes chemicals or chemicals
15 acting as catalysts but only if the chemicals or chemicals
16 acting as catalysts effect a direct and immediate change
17 upon a graphic arts product. Beginning on July 1, 2017,
18 graphic arts machinery and equipment is included in the
19 manufacturing and assembling machinery and equipment
20 exemption under paragraph (14).

21 (5) A motor vehicle that is used for automobile
22 renting, as defined in the Automobile Renting Occupation
23 and Use Tax Act. This paragraph is exempt from the
24 provisions of Section 2-70.

25 (6) Personal property sold by a teacher-sponsored
26 student organization affiliated with an elementary or

1 secondary school located in Illinois.

2 (7) Until July 1, 2003, proceeds of that portion of
3 the selling price of a passenger car the sale of which is
4 subject to the Replacement Vehicle Tax.

5 (8) Personal property sold to an Illinois county fair
6 association for use in conducting, operating, or promoting
7 the county fair.

8 (9) Personal property sold to a not-for-profit arts or
9 cultural organization that establishes, by proof required
10 by the Department by rule, that it has received an
11 exemption under Section 501(c)(3) of the Internal Revenue
12 Code and that is organized and operated primarily for the
13 presentation or support of arts or cultural programming,
14 activities, or services. These organizations include, but
15 are not limited to, music and dramatic arts organizations
16 such as symphony orchestras and theatrical groups, arts
17 and cultural service organizations, local arts councils,
18 visual arts organizations, and media arts organizations.
19 On and after July 1, 2001 (the effective date of Public Act
20 92-35), however, an entity otherwise eligible for this
21 exemption shall not make tax-free purchases unless it has
22 an active identification number issued by the Department.

23 (10) Personal property sold by a corporation, society,
24 association, foundation, institution, or organization,
25 other than a limited liability company, that is organized
26 and operated as a not-for-profit service enterprise for

1 the benefit of persons 65 years of age or older if the
2 personal property was not purchased by the enterprise for
3 the purpose of resale by the enterprise.

4 (11) Personal property sold to a governmental body, to
5 a 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 ~~C.F.R.~~ 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, 2024, 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, but
18 excludes any materials, parts, equipment, components, and
19 consumable supplies used in the modification, replacement,
20 repair, and maintenance of aircraft engines or power
21 plants, whether such engines or power plants are installed
22 or uninstalled upon any such aircraft. "Consumable
23 supplies" include, but are not limited to, adhesive, tape,
24 sandpaper, general purpose lubricants, cleaning solution,
25 latex gloves, and protective films. This exemption applies
26 only to the sale of qualifying tangible personal property

1 to persons who modify, refurbish, complete, replace, or
2 maintain an aircraft and who (i) hold an Air Agency
3 Certificate and are empowered to operate an approved
4 repair station by the Federal Aviation Administration,
5 (ii) have a Class IV Rating, and (iii) conduct operations
6 in accordance with Part 145 of the Federal Aviation
7 Regulations. The exemption does not include aircraft
8 operated by a commercial air carrier providing scheduled
9 passenger air service pursuant to authority issued under
10 Part 121 or Part 129 of the Federal Aviation Regulations.
11 The changes made to this paragraph (40) by Public Act
12 98-534 are declarative of existing law. It is the intent
13 of the General Assembly that the exemption under this
14 paragraph (40) applies continuously from January 1, 2010
15 through December 31, 2024; however, no claim for credit or
16 refund is allowed for taxes paid as a result of the
17 disallowance of this exemption on or after January 1, 2015
18 and prior to February 5, 2020 (the effective date of
19 Public Act 101-629) ~~this amendatory Act of the 101st~~
20 ~~General Assembly.~~

21 (41) Tangible personal property sold to a
22 public-facilities corporation, as described in Section
23 11-65-10 of the Illinois Municipal Code, for purposes of
24 constructing or furnishing a municipal convention hall,
25 but only if the legal title to the municipal convention
26 hall is transferred to the municipality without any

1 further consideration by or on behalf of the municipality
2 at the time of the completion of the municipal convention
3 hall or upon the retirement or redemption of any bonds or
4 other debt instruments issued by the public-facilities
5 corporation in connection with the development of the
6 municipal convention hall. This exemption includes
7 existing public-facilities corporations as provided in
8 Section 11-65-25 of the Illinois Municipal Code. This
9 paragraph is exempt from the provisions of Section 2-70.

10 (42) Beginning January 1, 2017 and through December
11 31, 2026, menstrual pads, tampons, and menstrual cups.

12 (43) Merchandise that is subject to the Rental
13 Purchase Agreement Occupation and Use Tax. The purchaser
14 must certify that the item is purchased to be rented
15 subject to a rental purchase agreement, as defined in the
16 Rental Purchase Agreement Act, and provide proof of
17 registration under the Rental Purchase Agreement
18 Occupation and Use Tax Act. This paragraph is exempt from
19 the provisions of Section 2-70.

20 (44) Qualified tangible personal property used in the
21 construction or operation of a data center that has been
22 granted a certificate of exemption by the Department of
23 Commerce and Economic Opportunity, whether that tangible
24 personal property is purchased by the owner, operator, or
25 tenant of the data center or by a contractor or
26 subcontractor of the owner, operator, or tenant. Data

1 centers that would have qualified for a certificate of
2 exemption prior to January 1, 2020 had Public Act 101-31
3 ~~this amendatory Act of the 101st General Assembly~~ been in
4 effect, may apply for and obtain an exemption for
5 subsequent purchases of computer equipment or enabling
6 software purchased or leased to upgrade, supplement, or
7 replace computer equipment or enabling software purchased
8 or leased in the original investment that would have
9 qualified.

10 The Department of Commerce and Economic Opportunity
11 shall grant a certificate of exemption under this item
12 (44) to qualified data centers as defined by Section
13 605-1025 of the Department of Commerce and Economic
14 Opportunity Law of the Civil Administrative Code of
15 Illinois.

16 For the purposes of this item (44):

17 "Data center" means a building or a series of
18 buildings rehabilitated or constructed to house
19 working servers in one physical location or multiple
20 sites within the State of Illinois.

21 "Qualified tangible personal property" means:
22 electrical systems and equipment; climate control and
23 chilling equipment and systems; mechanical systems and
24 equipment; monitoring and secure systems; emergency
25 generators; hardware; computers; servers; data storage
26 devices; network connectivity equipment; racks;

1 cabinets; telecommunications cabling infrastructure;
2 raised floor systems; peripheral components or
3 systems; software; mechanical, electrical, or plumbing
4 systems; battery systems; cooling systems and towers;
5 temperature control systems; other cabling; and other
6 data center infrastructure equipment and systems
7 necessary to operate qualified tangible personal
8 property, including fixtures; and component parts of
9 any of the foregoing, including installation,
10 maintenance, repair, refurbishment, and replacement of
11 qualified tangible personal property to generate,
12 transform, transmit, distribute, or manage electricity
13 necessary to operate qualified tangible personal
14 property; and all other tangible personal property
15 that is essential to the operations of a computer data
16 center. The term "qualified tangible personal
17 property" also includes building materials physically
18 incorporated into the qualifying data center. To
19 document the exemption allowed under this Section, the
20 retailer must obtain from the purchaser a copy of the
21 certificate of eligibility issued by the Department of
22 Commerce and Economic Opportunity.

23 This item (44) is exempt from the provisions of
24 Section 2-70.

25 (45) Beginning January 1, 2020 and through December
26 31, 2020, sales of tangible personal property made by a

1 marketplace seller over a marketplace for which tax is due
2 under this Act but for which use tax has been collected and
3 remitted to the Department by a marketplace facilitator
4 under Section 2d of the Use Tax Act are exempt from tax
5 under this Act. A marketplace seller claiming this
6 exemption shall maintain books and records demonstrating
7 that the use tax on such sales has been collected and
8 remitted by a marketplace facilitator. Marketplace sellers
9 that have properly remitted tax under this Act on such
10 sales may file a claim for credit as provided in Section 6
11 of this Act. No claim is allowed, however, for such taxes
12 for which a credit or refund has been issued to the
13 marketplace facilitator under the Use Tax Act, or for
14 which the marketplace facilitator has filed a claim for
15 credit or refund under the Use Tax Act.

16 (46) Beginning July 1, 2022, breast pumps, breast pump
17 collection and storage supplies, and breast pump kits.
18 This item (46) is exempt from the provisions of Section
19 2-70. As used in this item (46):

20 "Breast pump" means an electrically controlled or
21 manually controlled pump device designed or marketed to be
22 used to express milk from a human breast during lactation,
23 including the pump device and any battery, AC adapter, or
24 other power supply unit that is used to power the pump
25 device and is packaged and sold with the pump device at the
26 time of sale.

1 "Breast pump collection and storage supplies" means
2 items of tangible personal property designed or marketed
3 to be used in conjunction with a breast pump to collect
4 milk expressed from a human breast and to store collected
5 milk until it is ready for consumption.

6 "Breast pump collection and storage supplies"
7 includes, but is not limited to: breast shields and breast
8 shield connectors; breast pump tubes and tubing adapters;
9 breast pump valves and membranes; backflow protectors and
10 backflow protector adaptors; bottles and bottle caps
11 specific to the operation of the breast pump; and breast
12 milk storage bags.

13 "Breast pump collection and storage supplies" does not
14 include: (1) bottles and bottle caps not specific to the
15 operation of the breast pump; (2) breast pump travel bags
16 and other similar carrying accessories, including ice
17 packs, labels, and other similar products; (3) breast pump
18 cleaning supplies; (4) nursing bras, bra pads, breast
19 shells, and other similar products; and (5) creams,
20 ointments, and other similar products that relieve
21 breastfeeding-related symptoms or conditions of the
22 breasts or nipples, unless sold as part of a breast pump
23 kit that is pre-packaged by the breast pump manufacturer
24 or distributor.

25 "Breast pump kit" means a kit that: (1) contains no
26 more than a breast pump, breast pump collection and

1 storage supplies, a rechargeable battery for operating the
2 breast pump, a breastmilk cooler, bottle stands, ice
3 packs, and a breast pump carrying case; and (2) is
4 pre-packaged as a breast pump kit by the breast pump
5 manufacturer or distributor.

6 (47) ~~(46)~~ Tangible personal property sold by or on
7 behalf of the State Treasurer pursuant to the Revised
8 Uniform Unclaimed Property Act. This item (47) ~~(46)~~ is
9 exempt from the provisions of Section 2-70.

10 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;
11 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-634, eff.
12 8-27-21; 102-700, Article 70, Section 70-20, eff. 4-19-22;
13 102-700, Article 75, Section 75-20, eff. 4-19-22; 102-813,
14 eff. 5-13-22; 102-1026, eff. 5-27-22; revised 8-15-22.)

15 (35 ILCS 120/2-10)

16 Sec. 2-10. Rate of tax. Unless otherwise provided in this
17 Section, the tax imposed by this Act is at the rate of 6.25% of
18 gross receipts from sales of tangible personal property made
19 in the course of business.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 Beginning on August 6, 2010 through August 15, 2010, and
25 beginning again on August 5, 2022 through August 14, 2022,

1 with respect to sales tax holiday items as defined in Section
2 2-8 of this Act, the tax is imposed at the rate of 1.25%.

3 Within 14 days after July 1, 2000 (the effective date of
4 Public Act 91-872) ~~this amendatory Act of the 91st General~~
5 ~~Assembly~~, each retailer of motor fuel and gasohol shall cause
6 the following notice to be posted in a prominently visible
7 place on each retail dispensing device that is used to
8 dispense motor fuel or gasohol in the State of Illinois: "As of
9 July 1, 2000, the State of Illinois has eliminated the State's
10 share of sales tax on motor fuel and gasohol through December
11 31, 2000. The price on this pump should reflect the
12 elimination of the tax." The notice shall be printed in bold
13 print on a sign that is no smaller than 4 inches by 8 inches.
14 The sign shall be clearly visible to customers. Any retailer
15 who fails to post or maintain a required sign through December
16 31, 2000 is guilty of a petty offense for which the fine shall
17 be \$500 per day per each retail premises where a violation
18 occurs.

19 With respect to gasohol, as defined in the Use Tax Act, the
20 tax imposed by this Act applies to (i) 70% of the proceeds of
21 sales made on or after January 1, 1990, and before July 1,
22 2003, (ii) 80% of the proceeds of sales made on or after July
23 1, 2003 and on or before July 1, 2017, and (iii) 100% of the
24 proceeds of sales made thereafter. If, at any time, however,
25 the tax under this Act on sales of gasohol, as defined in the
26 Use Tax Act, is imposed at the rate of 1.25%, then the tax

1 imposed by this Act applies to 100% of the proceeds of sales of
2 gasohol made during that time.

3 With respect to majority blended ethanol fuel, as defined
4 in the Use Tax Act, the tax imposed by this Act does not apply
5 to the proceeds of sales made on or after July 1, 2003 and on
6 or before December 31, 2023 but applies to 100% of the proceeds
7 of sales made thereafter.

8 With respect to biodiesel blends, as defined in the Use
9 Tax Act, with no less than 1% and no more than 10% biodiesel,
10 the tax imposed by this Act applies to (i) 80% of the proceeds
11 of sales made on or after July 1, 2003 and on or before
12 December 31, 2018 and (ii) 100% of the proceeds of sales made
13 after December 31, 2018 and before January 1, 2024. On and
14 after January 1, 2024 and on or before December 31, 2030, the
15 taxation of biodiesel, renewable diesel, and biodiesel blends
16 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
17 at any time, however, the tax under this Act on sales of
18 biodiesel blends, as defined in the Use Tax Act, with no less
19 than 1% and no more than 10% biodiesel is imposed at the rate
20 of 1.25%, then the tax imposed by this Act applies to 100% of
21 the proceeds of sales of biodiesel blends with no less than 1%
22 and no more than 10% biodiesel made during that time.

23 With respect to biodiesel, as defined in the Use Tax Act,
24 and biodiesel blends, as defined in the Use Tax Act, with more
25 than 10% but no more than 99% biodiesel, the tax imposed by
26 this Act does not apply to the proceeds of sales made on or

1 after July 1, 2003 and on or before December 31, 2023. On and
2 after January 1, 2024 and on or before December 31, 2030, the
3 taxation of biodiesel, renewable diesel, and biodiesel blends
4 shall be as provided in Section 3-5.1 of the Use Tax Act.

5 Until July 1, 2022 and beginning again on July 1, 2023,
6 with respect to food for human consumption that is to be
7 consumed off the premises where it is sold (other than
8 alcoholic beverages, food consisting of or infused with adult
9 use cannabis, soft drinks, and food that has been prepared for
10 immediate consumption), the tax is imposed at the rate of 1%.
11 Beginning July 1, 2022 and until July 1, 2023, with respect to
12 food for human consumption that is to be consumed off the
13 premises where it is sold (other than alcoholic beverages,
14 food consisting of or infused with adult use cannabis, soft
15 drinks, and food that has been prepared for immediate
16 consumption), the tax is imposed at the rate of 0%.

17 With respect to prescription and nonprescription
18 medicines, drugs, medical appliances, products classified as
19 Class III medical devices by the United States Food and Drug
20 Administration that are used for cancer treatment pursuant to
21 a prescription, as well as any accessories and components
22 related to those devices, modifications to a motor vehicle for
23 the purpose of rendering it usable by a person with a
24 disability, and insulin, blood sugar testing materials,
25 syringes, and needles used by human diabetics, the tax is
26 imposed at the rate of 1%. For the purposes of this Section,

1 until September 1, 2009: the term "soft drinks" means any
2 complete, finished, ready-to-use, non-alcoholic drink, whether
3 carbonated or not, including, but not limited to, soda water,
4 cola, fruit juice, vegetable juice, carbonated water, and all
5 other preparations commonly known as soft drinks of whatever
6 kind or description that are contained in any closed or sealed
7 bottle, can, carton, or container, regardless of size; but
8 "soft drinks" does not include coffee, tea, non-carbonated
9 water, infant formula, milk or milk products as defined in the
10 Grade A Pasteurized Milk and Milk Products Act, or drinks
11 containing 50% or more natural fruit or vegetable juice.

12 Notwithstanding any other provisions of this Act,
13 beginning September 1, 2009, "soft drinks" means non-alcoholic
14 beverages that contain natural or artificial sweeteners. "Soft
15 drinks" does ~~do~~ not include beverages that contain milk or
16 milk products, soy, rice or similar milk substitutes, or
17 greater than 50% of vegetable or fruit juice by volume.

18 Until August 1, 2009, and notwithstanding any other
19 provisions of this Act, "food for human consumption that is to
20 be consumed off the premises where it is sold" includes all
21 food sold through a vending machine, except soft drinks and
22 food products that are dispensed hot from a vending machine,
23 regardless of the location of the vending machine. Beginning
24 August 1, 2009, and notwithstanding any other provisions of
25 this Act, "food for human consumption that is to be consumed
26 off the premises where it is sold" includes all food sold

1 through a vending machine, except soft drinks, candy, and food
2 products that are dispensed hot from a vending machine,
3 regardless of the location of the vending machine.

4 Notwithstanding any other provisions of this Act,
5 beginning September 1, 2009, "food for human consumption that
6 is to be consumed off the premises where it is sold" does not
7 include candy. For purposes of this Section, "candy" means a
8 preparation of sugar, honey, or other natural or artificial
9 sweeteners in combination with chocolate, fruits, nuts or
10 other ingredients or flavorings in the form of bars, drops, or
11 pieces. "Candy" does not include any preparation that contains
12 flour or requires refrigeration.

13 Notwithstanding any other provisions of this Act,
14 beginning September 1, 2009, "nonprescription medicines and
15 drugs" does not include grooming and hygiene products. For
16 purposes of this Section, "grooming and hygiene products"
17 includes, but is not limited to, soaps and cleaning solutions,
18 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
19 lotions and screens, unless those products are available by
20 prescription only, regardless of whether the products meet the
21 definition of "over-the-counter-drugs". For the purposes of
22 this paragraph, "over-the-counter-drug" means a drug for human
23 use that contains a label that identifies the product as a drug
24 as required by 21 CFR ~~C.F.R.~~ § 201.66. The
25 "over-the-counter-drug" label includes:

26 (A) a ~~A~~ "Drug Facts" panel; or

1 (B) a ~~A~~ statement of the "active ingredient(s)" with a
2 list of those ingredients contained in the compound,
3 substance or preparation.

4 Beginning on January 1, 2014 (the effective date of Public
5 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
6 "prescription and nonprescription medicines and drugs"
7 includes medical cannabis purchased from a registered
8 dispensing organization under the Compassionate Use of Medical
9 Cannabis Program Act.

10 As used in this Section, "adult use cannabis" means
11 cannabis subject to tax under the Cannabis Cultivation
12 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
13 and does not include cannabis subject to tax under the
14 Compassionate Use of Medical Cannabis Program Act.

15 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
16 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-20, eff.
17 4-19-22; 102-700, Article 60, Section 60-30, eff. 4-19-22;
18 102-700, Article 65, Section 65-10, eff. 4-19-22; revised
19 6-1-22.)

20 (35 ILCS 120/3) (from Ch. 120, par. 442)

21 Sec. 3. Except as provided in this Section, on or before
22 the twentieth day of each calendar month, every person engaged
23 in the business of selling tangible personal property at
24 retail in this State during the preceding calendar month shall
25 file a return with the Department, stating:

- 1 1. The name of the seller;
- 2 2. His residence address and the address of his
3 principal place of business and the address of the
4 principal place of business (if that is a different
5 address) from which he engages in the business of selling
6 tangible personal property at retail in this State;
- 7 3. Total amount of receipts received by him during the
8 preceding calendar month or quarter, as the case may be,
9 from sales of tangible personal property, and from
10 services furnished, by him during such preceding calendar
11 month or quarter;
- 12 4. Total amount received by him during the preceding
13 calendar month or quarter on charge and time sales of
14 tangible personal property, and from services furnished,
15 by him prior to the month or quarter for which the return
16 is filed;
- 17 5. Deductions allowed by law;
- 18 6. Gross receipts which were received by him during
19 the preceding calendar month or quarter and upon the basis
20 of which the tax is imposed, including gross receipts on
21 food for human consumption that is to be consumed off the
22 premises where it is sold (other than alcoholic beverages,
23 food consisting of or infused with adult use cannabis,
24 soft drinks, and food that has been prepared for immediate
25 consumption) which were received during the preceding
26 calendar month or quarter and upon which tax would have

1 been due but for the 0% rate imposed under Public Act
2 102-700 ~~this amendatory Act of the 102nd General Assembly;~~

3 7. The amount of credit provided in Section 2d of this
4 Act;

5 8. The amount of tax due, including the amount of tax
6 that would have been due on food for human consumption
7 that is to be consumed off the premises where it is sold
8 (other than alcoholic beverages, food consisting of or
9 infused with adult use cannabis, soft drinks, and food
10 that has been prepared for immediate consumption) but for
11 the 0% rate imposed under Public Act 102-700 ~~this~~
12 ~~amendatory Act of the 102nd General Assembly;~~

13 9. The signature of the taxpayer; and

14 10. Such other reasonable information as the
15 Department may require.

16 On and after January 1, 2018, except for returns required
17 to be filed prior to January 1, 2023 for motor vehicles,
18 watercraft, aircraft, and trailers that are required to be
19 registered with an agency of this State, with respect to
20 retailers whose annual gross receipts average \$20,000 or more,
21 all returns required to be filed pursuant to this Act shall be
22 filed electronically. On and after January 1, 2023, with
23 respect to retailers whose annual gross receipts average
24 \$20,000 or more, all returns required to be filed pursuant to
25 this Act, including, but not limited to, returns for motor
26 vehicles, watercraft, aircraft, and trailers that are required

1 to be registered with an agency of this State, shall be filed
2 electronically. Retailers who demonstrate that they do not
3 have access to the Internet or demonstrate hardship in filing
4 electronically may petition the Department to waive the
5 electronic filing requirement.

6 If a taxpayer fails to sign a return within 30 days after
7 the proper notice and demand for signature by the Department,
8 the return shall be considered valid and any amount shown to be
9 due on the return shall be deemed assessed.

10 Each return shall be accompanied by the statement of
11 prepaid tax issued pursuant to Section 2e for which credit is
12 claimed.

13 Prior to October 1, 2003, and on and after September 1,
14 2004 a retailer may accept a Manufacturer's Purchase Credit
15 certification from a purchaser in satisfaction of Use Tax as
16 provided in Section 3-85 of the Use Tax Act if the purchaser
17 provides the appropriate documentation as required by Section
18 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
19 certification, accepted by a retailer prior to October 1, 2003
20 and on and after September 1, 2004 as provided in Section 3-85
21 of the Use Tax Act, may be used by that retailer to satisfy
22 Retailers' Occupation Tax liability in the amount claimed in
23 the certification, not to exceed 6.25% of the receipts subject
24 to tax from a qualifying purchase. A Manufacturer's Purchase
25 Credit reported on any original or amended return filed under
26 this Act after October 20, 2003 for reporting periods prior to

1 September 1, 2004 shall be disallowed. Manufacturer's Purchase
2 Credit reported on annual returns due on or after January 1,
3 2005 will be disallowed for periods prior to September 1,
4 2004. No Manufacturer's Purchase Credit may be used after
5 September 30, 2003 through August 31, 2004 to satisfy any tax
6 liability imposed under this Act, including any audit
7 liability.

8 The Department may require returns to be filed on a
9 quarterly basis. If so required, a return for each calendar
10 quarter shall be filed on or before the twentieth day of the
11 calendar month following the end of such calendar quarter. The
12 taxpayer shall also file a return with the Department for each
13 of the first two months of each calendar quarter, on or before
14 the twentieth day of the following calendar month, stating:

15 1. The name of the seller;

16 2. The address of the principal place of business from
17 which he engages in the business of selling tangible
18 personal property at retail in this State;

19 3. The total amount of taxable receipts received by
20 him during the preceding calendar month from sales of
21 tangible personal property by him during such preceding
22 calendar month, including receipts from charge and time
23 sales, but less all deductions allowed by law;

24 4. The amount of credit provided in Section 2d of this
25 Act;

26 5. The amount of tax due; and

1 6. Such other reasonable information as the Department
2 may require.

3 Every person engaged in the business of selling aviation
4 fuel at retail in this State during the preceding calendar
5 month shall, instead of reporting and paying tax as otherwise
6 required by this Section, report and pay such tax on a separate
7 aviation fuel tax return. The requirements related to the
8 return shall be as otherwise provided in this Section.
9 Notwithstanding any other provisions of this Act to the
10 contrary, retailers selling aviation fuel shall file all
11 aviation fuel tax returns and shall make all aviation fuel tax
12 payments by electronic means in the manner and form required
13 by the Department. For purposes of this Section, "aviation
14 fuel" means jet fuel and aviation gasoline.

15 Beginning on October 1, 2003, any person who is not a
16 licensed distributor, importing distributor, or manufacturer,
17 as defined in the Liquor Control Act of 1934, but is engaged in
18 the business of selling, at retail, alcoholic liquor shall
19 file a statement with the Department of Revenue, in a format
20 and at a time prescribed by the Department, showing the total
21 amount paid for alcoholic liquor purchased during the
22 preceding month and such other information as is reasonably
23 required by the Department. The Department may adopt rules to
24 require that this statement be filed in an electronic or
25 telephonic format. Such rules may provide for exceptions from
26 the filing requirements of this paragraph. For the purposes of

1 this paragraph, the term "alcoholic liquor" shall have the
2 meaning prescribed in the Liquor Control Act of 1934.

3 Beginning on October 1, 2003, every distributor, importing
4 distributor, and manufacturer of alcoholic liquor as defined
5 in the Liquor Control Act of 1934, shall file a statement with
6 the Department of Revenue, no later than the 10th day of the
7 month for the preceding month during which transactions
8 occurred, by electronic means, showing the total amount of
9 gross receipts from the sale of alcoholic liquor sold or
10 distributed during the preceding month to purchasers;
11 identifying the purchaser to whom it was sold or distributed;
12 the purchaser's tax registration number; and such other
13 information reasonably required by the Department. A
14 distributor, importing distributor, or manufacturer of
15 alcoholic liquor must personally deliver, mail, or provide by
16 electronic means to each retailer listed on the monthly
17 statement a report containing a cumulative total of that
18 distributor's, importing distributor's, or manufacturer's
19 total sales of alcoholic liquor to that retailer no later than
20 the 10th day of the month for the preceding month during which
21 the transaction occurred. The distributor, importing
22 distributor, or manufacturer shall notify the retailer as to
23 the method by which the distributor, importing distributor, or
24 manufacturer will provide the sales information. If the
25 retailer is unable to receive the sales information by
26 electronic means, the distributor, importing distributor, or

1 manufacturer shall furnish the sales information by personal
2 delivery or by mail. For purposes of this paragraph, the term
3 "electronic means" includes, but is not limited to, the use of
4 a secure Internet website, e-mail, or facsimile.

5 If a total amount of less than \$1 is payable, refundable or
6 creditable, such amount shall be disregarded if it is less
7 than 50 cents and shall be increased to \$1 if it is 50 cents or
8 more.

9 Notwithstanding any other provision of this Act to the
10 contrary, retailers subject to tax on cannabis shall file all
11 cannabis tax returns and shall make all cannabis tax payments
12 by electronic means in the manner and form required by the
13 Department.

14 Beginning October 1, 1993, a taxpayer who has an average
15 monthly tax liability of \$150,000 or more shall make all
16 payments required by rules of the Department by electronic
17 funds transfer. Beginning October 1, 1994, a taxpayer who has
18 an average monthly tax liability of \$100,000 or more shall
19 make all payments required by rules of the Department by
20 electronic funds transfer. Beginning October 1, 1995, a
21 taxpayer who has an average monthly tax liability of \$50,000
22 or more shall make all payments required by rules of the
23 Department by electronic funds transfer. Beginning October 1,
24 2000, a taxpayer who has an annual tax liability of \$200,000 or
25 more shall make all payments required by rules of the
26 Department by electronic funds transfer. The term "annual tax

1 liability" shall be the sum of the taxpayer's liabilities
2 under this Act, and under all other State and local occupation
3 and use tax laws administered by the Department, for the
4 immediately preceding calendar year. The term "average monthly
5 tax liability" shall be the sum of the taxpayer's liabilities
6 under this Act, and under all other State and local occupation
7 and use tax laws administered by the Department, for the
8 immediately preceding calendar year divided by 12. Beginning
9 on October 1, 2002, a taxpayer who has a tax liability in the
10 amount set forth in subsection (b) of Section 2505-210 of the
11 Department of Revenue Law shall make all payments required by
12 rules of the Department by electronic funds transfer.

13 Before August 1 of each year beginning in 1993, the
14 Department shall notify all taxpayers required to make
15 payments by electronic funds transfer. All taxpayers required
16 to make payments by electronic funds transfer shall make those
17 payments for a minimum of one year beginning on October 1.

18 Any taxpayer not required to make payments by electronic
19 funds transfer may make payments by electronic funds transfer
20 with the permission of the Department.

21 All taxpayers required to make payment by electronic funds
22 transfer and any taxpayers authorized to voluntarily make
23 payments by electronic funds transfer shall make those
24 payments in the manner authorized by the Department.

25 The Department shall adopt such rules as are necessary to
26 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

2 Any amount which is required to be shown or reported on any
3 return or other document under this Act shall, if such amount
4 is not a whole-dollar amount, be increased to the nearest
5 whole-dollar amount in any case where the fractional part of a
6 dollar is 50 cents or more, and decreased to the nearest
7 whole-dollar amount where the fractional part of a dollar is
8 less than 50 cents.

9 If the retailer is otherwise required to file a monthly
10 return and if the retailer's average monthly tax liability to
11 the Department does not exceed \$200, the Department may
12 authorize his returns to be filed on a quarter annual basis,
13 with the return for January, February and March of a given year
14 being due by April 20 of such year; with the return for April,
15 May and June of a given year being due by July 20 of such year;
16 with the return for July, August and September of a given year
17 being due by October 20 of such year, and with the return for
18 October, November and December of a given year being due by
19 January 20 of the following year.

20 If the retailer is otherwise required to file a monthly or
21 quarterly return and if the retailer's average monthly tax
22 liability with the Department does not exceed \$50, the
23 Department may authorize his returns to be filed on an annual
24 basis, with the return for a given year being due by January 20
25 of the following year.

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as
2 monthly returns.

3 Notwithstanding any other provision in this Act concerning
4 the time within which a retailer may file his return, in the
5 case of any retailer who ceases to engage in a kind of business
6 which makes him responsible for filing returns under this Act,
7 such retailer shall file a final return under this Act with the
8 Department not more than one month after discontinuing such
9 business.

10 Where the same person has more than one business
11 registered with the Department under separate registrations
12 under this Act, such person may not file each return that is
13 due as a single return covering all such registered
14 businesses, but shall file separate returns for each such
15 registered business.

16 In addition, with respect to motor vehicles, watercraft,
17 aircraft, and trailers that are required to be registered with
18 an agency of this State, except as otherwise provided in this
19 Section, every retailer selling this kind of tangible personal
20 property shall file, with the Department, upon a form to be
21 prescribed and supplied by the Department, a separate return
22 for each such item of tangible personal property which the
23 retailer sells, except that if, in the same transaction, (i) a
24 retailer of aircraft, watercraft, motor vehicles or trailers
25 transfers more than one aircraft, watercraft, motor vehicle or
26 trailer to another aircraft, watercraft, motor vehicle

1 retailer or trailer retailer for the purpose of resale or (ii)
2 a retailer of aircraft, watercraft, motor vehicles, or
3 trailers transfers more than one aircraft, watercraft, motor
4 vehicle, or trailer to a purchaser for use as a qualifying
5 rolling stock as provided in Section 2-5 of this Act, then that
6 seller may report the transfer of all aircraft, watercraft,
7 motor vehicles or trailers involved in that transaction to the
8 Department on the same uniform invoice-transaction reporting
9 return form. For purposes of this Section, "watercraft" means
10 a Class 2, Class 3, or Class 4 watercraft as defined in Section
11 3-2 of the Boat Registration and Safety Act, a personal
12 watercraft, or any boat equipped with an inboard motor.

13 In addition, with respect to motor vehicles, watercraft,
14 aircraft, and trailers that are required to be registered with
15 an agency of this State, every person who is engaged in the
16 business of leasing or renting such items and who, in
17 connection with such business, sells any such item to a
18 retailer for the purpose of resale is, notwithstanding any
19 other provision of this Section to the contrary, authorized to
20 meet the return-filing requirement of this Act by reporting
21 the transfer of all the aircraft, watercraft, motor vehicles,
22 or trailers transferred for resale during a month to the
23 Department on the same uniform invoice-transaction reporting
24 return form on or before the 20th of the month following the
25 month in which the transfer takes place. Notwithstanding any
26 other provision of this Act to the contrary, all returns filed

1 under this paragraph must be filed by electronic means in the
2 manner and form as required by the Department.

3 Any retailer who sells only motor vehicles, watercraft,
4 aircraft, or trailers that are required to be registered with
5 an agency of this State, so that all retailers' occupation tax
6 liability is required to be reported, and is reported, on such
7 transaction reporting returns and who is not otherwise
8 required to file monthly or quarterly returns, need not file
9 monthly or quarterly returns. However, those retailers shall
10 be required to file returns on an annual basis.

11 The transaction reporting return, in the case of motor
12 vehicles or trailers that are required to be registered with
13 an agency of this State, shall be the same document as the
14 Uniform Invoice referred to in Section 5-402 of the Illinois
15 Vehicle Code and must show the name and address of the seller;
16 the name and address of the purchaser; the amount of the
17 selling price including the amount allowed by the retailer for
18 traded-in property, if any; the amount allowed by the retailer
19 for the traded-in tangible personal property, if any, to the
20 extent to which Section 1 of this Act allows an exemption for
21 the value of traded-in property; the balance payable after
22 deducting such trade-in allowance from the total selling
23 price; the amount of tax due from the retailer with respect to
24 such transaction; the amount of tax collected from the
25 purchaser by the retailer on such transaction (or satisfactory
26 evidence that such tax is not due in that particular instance,

1 if that is claimed to be the fact); the place and date of the
2 sale; a sufficient identification of the property sold; such
3 other information as is required in Section 5-402 of the
4 Illinois Vehicle Code, and such other information as the
5 Department may reasonably require.

6 The transaction reporting return in the case of watercraft
7 or aircraft must show the name and address of the seller; the
8 name and address of the purchaser; the amount of the selling
9 price including the amount allowed by the retailer for
10 traded-in property, if any; the amount allowed by the retailer
11 for the traded-in tangible personal property, if any, to the
12 extent to which Section 1 of this Act allows an exemption for
13 the value of traded-in property; the balance payable after
14 deducting such trade-in allowance from the total selling
15 price; the amount of tax due from the retailer with respect to
16 such transaction; the amount of tax collected from the
17 purchaser by the retailer on such transaction (or satisfactory
18 evidence that such tax is not due in that particular instance,
19 if that is claimed to be the fact); the place and date of the
20 sale, a sufficient identification of the property sold, and
21 such other information as the Department may reasonably
22 require.

23 Such transaction reporting return shall be filed not later
24 than 20 days after the day of delivery of the item that is
25 being sold, but may be filed by the retailer at any time sooner
26 than that if he chooses to do so. The transaction reporting

1 return and tax remittance or proof of exemption from the
2 Illinois use tax may be transmitted to the Department by way of
3 the State agency with which, or State officer with whom the
4 tangible personal property must be titled or registered (if
5 titling or registration is required) if the Department and
6 such agency or State officer determine that this procedure
7 will expedite the processing of applications for title or
8 registration.

9 With each such transaction reporting return, the retailer
10 shall remit the proper amount of tax due (or shall submit
11 satisfactory evidence that the sale is not taxable if that is
12 the case), to the Department or its agents, whereupon the
13 Department shall issue, in the purchaser's name, a use tax
14 receipt (or a certificate of exemption if the Department is
15 satisfied that the particular sale is tax exempt) which such
16 purchaser may submit to the agency with which, or State
17 officer with whom, he must title or register the tangible
18 personal property that is involved (if titling or registration
19 is required) in support of such purchaser's application for an
20 Illinois certificate or other evidence of title or
21 registration to such tangible personal property.

22 No retailer's failure or refusal to remit tax under this
23 Act precludes a user, who has paid the proper tax to the
24 retailer, from obtaining his certificate of title or other
25 evidence of title or registration (if titling or registration
26 is required) upon satisfying the Department that such user has

1 paid the proper tax (if tax is due) to the retailer. The
2 Department shall adopt appropriate rules to carry out the
3 mandate of this paragraph.

4 If the user who would otherwise pay tax to the retailer
5 wants the transaction reporting return filed and the payment
6 of the tax or proof of exemption made to the Department before
7 the retailer is willing to take these actions and such user has
8 not paid the tax to the retailer, such user may certify to the
9 fact of such delay by the retailer and may (upon the Department
10 being satisfied of the truth of such certification) transmit
11 the information required by the transaction reporting return
12 and the remittance for tax or proof of exemption directly to
13 the Department and obtain his tax receipt or exemption
14 determination, in which event the transaction reporting return
15 and tax remittance (if a tax payment was required) shall be
16 credited by the Department to the proper retailer's account
17 with the Department, but without the 2.1% or 1.75% discount
18 provided for in this Section being allowed. When the user pays
19 the tax directly to the Department, he shall pay the tax in the
20 same amount and in the same form in which it would be remitted
21 if the tax had been remitted to the Department by the retailer.

22 Refunds made by the seller during the preceding return
23 period to purchasers, on account of tangible personal property
24 returned to the seller, shall be allowed as a deduction under
25 subdivision 5 of his monthly or quarterly return, as the case
26 may be, in case the seller had theretofore included the

1 receipts from the sale of such tangible personal property in a
2 return filed by him and had paid the tax imposed by this Act
3 with respect to such receipts.

4 Where the seller is a corporation, the return filed on
5 behalf of such corporation shall be signed by the president,
6 vice-president, secretary or treasurer or by the properly
7 accredited agent of such corporation.

8 Where the seller is a limited liability company, the
9 return filed on behalf of the limited liability company shall
10 be signed by a manager, member, or properly accredited agent
11 of the limited liability company.

12 Except as provided in this Section, the retailer filing
13 the return under this Section shall, at the time of filing such
14 return, pay to the Department the amount of tax imposed by this
15 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
16 on and after January 1, 1990, or \$5 per calendar year,
17 whichever is greater, which is allowed to reimburse the
18 retailer for the expenses incurred in keeping records,
19 preparing and filing returns, remitting the tax and supplying
20 data to the Department on request. On and after January 1,
21 2021, a certified service provider, as defined in the Leveling
22 the Playing Field for Illinois Retail Act, filing the return
23 under this Section on behalf of a remote retailer shall, at the
24 time of such return, pay to the Department the amount of tax
25 imposed by this Act less a discount of 1.75%. A remote retailer
26 using a certified service provider to file a return on its

1 behalf, as provided in the Leveling the Playing Field for
2 Illinois Retail Act, is not eligible for the discount. When
3 determining the discount allowed under this Section, retailers
4 shall include the amount of tax that would have been due at the
5 1% rate but for the 0% rate imposed under Public Act 102-700
6 ~~this amendatory Act of the 102nd General Assembly~~. When
7 determining the discount allowed under this Section, retailers
8 shall include the amount of tax that would have been due at the
9 6.25% rate but for the 1.25% rate imposed on sales tax holiday
10 items under Public Act 102-700 ~~this amendatory Act of the~~
11 ~~102nd General Assembly~~. The discount under this Section is not
12 allowed for the 1.25% portion of taxes paid on aviation fuel
13 that is subject to the revenue use requirements of 49 U.S.C.
14 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to
15 Section 2d of this Act shall be included in the amount on which
16 such 2.1% or 1.75% discount is computed. In the case of
17 retailers who report and pay the tax on a transaction by
18 transaction basis, as provided in this Section, such discount
19 shall be taken with each such tax remittance instead of when
20 such retailer files his periodic return. The discount allowed
21 under this Section is allowed only for returns that are filed
22 in the manner required by this Act. The Department may
23 disallow the discount for retailers whose certificate of
24 registration is revoked at the time the return is filed, but
25 only if the Department's decision to revoke the certificate of
26 registration has become final.

1 Before October 1, 2000, if the taxpayer's average monthly
2 tax liability to the Department under this Act, the Use Tax
3 Act, the Service Occupation Tax Act, and the Service Use Tax
4 Act, excluding any liability for prepaid sales tax to be
5 remitted in accordance with Section 2d of this Act, was
6 \$10,000 or more during the preceding 4 complete calendar
7 quarters, he shall file a return with the Department each
8 month by the 20th day of the month next following the month
9 during which such tax liability is incurred and shall make
10 payments to the Department on or before the 7th, 15th, 22nd and
11 last day of the month during which such liability is incurred.
12 On and after October 1, 2000, if the taxpayer's average
13 monthly tax liability to the Department under this Act, the
14 Use Tax Act, the Service Occupation Tax Act, and the Service
15 Use Tax Act, excluding any liability for prepaid sales tax to
16 be remitted in accordance with Section 2d of this Act, was
17 \$20,000 or more during the preceding 4 complete calendar
18 quarters, he shall file a return with the Department each
19 month by the 20th day of the month next following the month
20 during which such tax liability is incurred and shall make
21 payment to the Department on or before the 7th, 15th, 22nd and
22 last day of the month during which such liability is incurred.
23 If the month during which such tax liability is incurred began
24 prior to January 1, 1985, each payment shall be in an amount
25 equal to 1/4 of the taxpayer's actual liability for the month
26 or an amount set by the Department not to exceed 1/4 of the

1 average monthly liability of the taxpayer to the Department
2 for the preceding 4 complete calendar quarters (excluding the
3 month of highest liability and the month of lowest liability
4 in such 4 quarter period). If the month during which such tax
5 liability is incurred begins on or after January 1, 1985 and
6 prior to January 1, 1987, each payment shall be in an amount
7 equal to 22.5% of the taxpayer's actual liability for the
8 month or 27.5% of the taxpayer's liability for the same
9 calendar month of the preceding year. If the month during
10 which such tax liability is incurred begins on or after
11 January 1, 1987 and prior to January 1, 1988, each payment
12 shall be in an amount equal to 22.5% of the taxpayer's actual
13 liability for the month or 26.25% of the taxpayer's liability
14 for the same calendar month of the preceding year. If the month
15 during which such tax liability is incurred begins on or after
16 January 1, 1988, and prior to January 1, 1989, or begins on or
17 after January 1, 1996, each payment shall be in an amount equal
18 to 22.5% of the taxpayer's actual liability for the month or
19 25% of the taxpayer's liability for the same calendar month of
20 the preceding year. If the month during which such tax
21 liability is incurred begins on or after January 1, 1989, and
22 prior to January 1, 1996, each payment shall be in an amount
23 equal to 22.5% of the taxpayer's actual liability for the
24 month or 25% of the taxpayer's liability for the same calendar
25 month of the preceding year or 100% of the taxpayer's actual
26 liability for the quarter monthly reporting period. The amount

1 of such quarter monthly payments shall be credited against the
2 final tax liability of the taxpayer's return for that month.
3 Before October 1, 2000, once applicable, the requirement of
4 the making of quarter monthly payments to the Department by
5 taxpayers having an average monthly tax liability of \$10,000
6 or more as determined in the manner provided above shall
7 continue until such taxpayer's average monthly liability to
8 the Department during the preceding 4 complete calendar
9 quarters (excluding the month of highest liability and the
10 month of lowest liability) is less than \$9,000, or until such
11 taxpayer's average monthly liability to the Department as
12 computed for each calendar quarter of the 4 preceding complete
13 calendar quarter period is less than \$10,000. However, if a
14 taxpayer can show the Department that a substantial change in
15 the taxpayer's business has occurred which causes the taxpayer
16 to anticipate that his average monthly tax liability for the
17 reasonably foreseeable future will fall below the \$10,000
18 threshold stated above, then such taxpayer may petition the
19 Department for a change in such taxpayer's reporting status.
20 On and after October 1, 2000, once applicable, the requirement
21 of the making of quarter monthly payments to the Department by
22 taxpayers having an average monthly tax liability of \$20,000
23 or more as determined in the manner provided above shall
24 continue until such taxpayer's average monthly liability to
25 the Department during the preceding 4 complete calendar
26 quarters (excluding the month of highest liability and the

1 month of lowest liability) is less than \$19,000 or until such
2 taxpayer's average monthly liability to the Department as
3 computed for each calendar quarter of the 4 preceding complete
4 calendar quarter period is less than \$20,000. However, if a
5 taxpayer can show the Department that a substantial change in
6 the taxpayer's business has occurred which causes the taxpayer
7 to anticipate that his average monthly tax liability for the
8 reasonably foreseeable future will fall below the \$20,000
9 threshold stated above, then such taxpayer may petition the
10 Department for a change in such taxpayer's reporting status.
11 The Department shall change such taxpayer's reporting status
12 unless it finds that such change is seasonal in nature and not
13 likely to be long term. Quarter monthly payment status shall
14 be determined under this paragraph as if the rate reduction to
15 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
16 ~~General Assembly~~ on food for human consumption that is to be
17 consumed off the premises where it is sold (other than
18 alcoholic beverages, food consisting of or infused with adult
19 use cannabis, soft drinks, and food that has been prepared for
20 immediate consumption) had not occurred. For quarter monthly
21 payments due under this paragraph on or after July 1, 2023 and
22 through June 30, 2024, "25% of the taxpayer's liability for
23 the same calendar month of the preceding year" shall be
24 determined as if the rate reduction to 0% in Public Act 102-700
25 ~~this amendatory Act of the 102nd General Assembly~~ had not
26 occurred. Quarter monthly payment status shall be determined

1 under this paragraph as if the rate reduction to 1.25% in
2 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
3 ~~Assembly~~ on sales tax holiday items had not occurred. For
4 quarter monthly payments due on or after July 1, 2023 and
5 through June 30, 2024, "25% of the taxpayer's liability for
6 the same calendar month of the preceding year" shall be
7 determined as if the rate reduction to 1.25% in Public Act
8 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on
9 sales tax holiday items had not occurred. If any such quarter
10 monthly payment is not paid at the time or in the amount
11 required by this Section, then the taxpayer shall be liable
12 for penalties and interest on the difference between the
13 minimum amount due as a payment and the amount of such quarter
14 monthly payment actually and timely paid, except insofar as
15 the taxpayer has previously made payments for that month to
16 the Department in excess of the minimum payments previously
17 due as provided in this Section. The Department shall make
18 reasonable rules and regulations to govern the quarter monthly
19 payment amount and quarter monthly payment dates for taxpayers
20 who file on other than a calendar monthly basis.

21 The provisions of this paragraph apply before October 1,
22 2001. Without regard to whether a taxpayer is required to make
23 quarter monthly payments as specified above, any taxpayer who
24 is required by Section 2d of this Act to collect and remit
25 prepaid taxes and has collected prepaid taxes which average in
26 excess of \$25,000 per month during the preceding 2 complete

1 calendar quarters, shall file a return with the Department as
2 required by Section 2f and shall make payments to the
3 Department on or before the 7th, 15th, 22nd and last day of the
4 month during which such liability is incurred. If the month
5 during which such tax liability is incurred began prior to
6 September 1, 1985 (the effective date of Public Act 84-221),
7 each payment shall be in an amount not less than 22.5% of the
8 taxpayer's actual liability under Section 2d. If the month
9 during which such tax liability is incurred begins on or after
10 January 1, 1986, each payment shall be in an amount equal to
11 22.5% of the taxpayer's actual liability for the month or
12 27.5% of the taxpayer's liability for the same calendar month
13 of the preceding calendar year. If the month during which such
14 tax liability is incurred begins on or after January 1, 1987,
15 each payment shall be in an amount equal to 22.5% of the
16 taxpayer's actual liability for the month or 26.25% of the
17 taxpayer's liability for the same calendar month of the
18 preceding year. The amount of such quarter monthly payments
19 shall be credited against the final tax liability of the
20 taxpayer's return for that month filed under this Section or
21 Section 2f, as the case may be. Once applicable, the
22 requirement of the making of quarter monthly payments to the
23 Department pursuant to this paragraph shall continue until
24 such taxpayer's average monthly prepaid tax collections during
25 the preceding 2 complete calendar quarters is \$25,000 or less.
26 If any such quarter monthly payment is not paid at the time or

1 in the amount required, the taxpayer shall be liable for
2 penalties and interest on such difference, except insofar as
3 the taxpayer has previously made payments for that month in
4 excess of the minimum payments previously due.

5 The provisions of this paragraph apply on and after
6 October 1, 2001. Without regard to whether a taxpayer is
7 required to make quarter monthly payments as specified above,
8 any taxpayer who is required by Section 2d of this Act to
9 collect and remit prepaid taxes and has collected prepaid
10 taxes that average in excess of \$20,000 per month during the
11 preceding 4 complete calendar quarters shall file a return
12 with the Department as required by Section 2f and shall make
13 payments to the Department on or before the 7th, 15th, 22nd and
14 last day of the month during which the liability is incurred.
15 Each payment shall be in an amount equal to 22.5% of the
16 taxpayer's actual liability for the month or 25% of the
17 taxpayer's liability for the same calendar month of the
18 preceding year. The amount of the quarter monthly payments
19 shall be credited against the final tax liability of the
20 taxpayer's return for that month filed under this Section or
21 Section 2f, as the case may be. Once applicable, the
22 requirement of the making of quarter monthly payments to the
23 Department pursuant to this paragraph shall continue until the
24 taxpayer's average monthly prepaid tax collections during the
25 preceding 4 complete calendar quarters (excluding the month of
26 highest liability and the month of lowest liability) is less

1 than \$19,000 or until such taxpayer's average monthly
2 liability to the Department as computed for each calendar
3 quarter of the 4 preceding complete calendar quarters is less
4 than \$20,000. If any such quarter monthly payment is not paid
5 at the time or in the amount required, the taxpayer shall be
6 liable for penalties and interest on such difference, except
7 insofar as the taxpayer has previously made payments for that
8 month in excess of the minimum payments previously due.

9 If any payment provided for in this Section exceeds the
10 taxpayer's liabilities under this Act, the Use Tax Act, the
11 Service Occupation Tax Act and the Service Use Tax Act, as
12 shown on an original monthly return, the Department shall, if
13 requested by the taxpayer, issue to the taxpayer a credit
14 memorandum no later than 30 days after the date of payment. The
15 credit evidenced by such credit memorandum may be assigned by
16 the taxpayer to a similar taxpayer under this Act, the Use Tax
17 Act, the Service Occupation Tax Act or the Service Use Tax Act,
18 in accordance with reasonable rules and regulations to be
19 prescribed by the Department. If no such request is made, the
20 taxpayer may credit such excess payment against tax liability
21 subsequently to be remitted to the Department under this Act,
22 the Use Tax Act, the Service Occupation Tax Act or the Service
23 Use Tax Act, in accordance with reasonable rules and
24 regulations prescribed by the Department. If the Department
25 subsequently determined that all or any part of the credit
26 taken was not actually due to the taxpayer, the taxpayer's

1 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or
2 1.75% of the difference between the credit taken and that
3 actually due, and that taxpayer shall be liable for penalties
4 and interest on such difference.

5 If a retailer of motor fuel is entitled to a credit under
6 Section 2d of this Act which exceeds the taxpayer's liability
7 to the Department under this Act for the month for which the
8 taxpayer is filing a return, the Department shall issue the
9 taxpayer a credit memorandum for the excess.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the Local Government Tax Fund, a special fund in the
12 State treasury which is hereby created, the net revenue
13 realized for the preceding month from the 1% tax imposed under
14 this Act.

15 Beginning January 1, 1990, each month the Department shall
16 pay into the County and Mass Transit District Fund, a special
17 fund in the State treasury which is hereby created, 4% of the
18 net revenue realized for the preceding month from the 6.25%
19 general rate other than aviation fuel sold on or after
20 December 1, 2019. This exception for aviation fuel only
21 applies for so long as the revenue use requirements of 49
22 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

23 Beginning August 1, 2000, each month the Department shall
24 pay into the County and Mass Transit District Fund 20% of the
25 net revenue realized for the preceding month from the 1.25%
26 rate on the selling price of motor fuel and gasohol. If, in any

1 month, the tax on sales tax holiday items, as defined in
2 Section 2-8, is imposed at the rate of 1.25%, then the
3 Department shall pay 20% of the net revenue realized for that
4 month from the 1.25% rate on the selling price of sales tax
5 holiday items into the County and Mass Transit District Fund.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the Local Government Tax Fund 16% of the net revenue
8 realized for the preceding month from the 6.25% general rate
9 on the selling price 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 For aviation fuel sold on or after December 1, 2019, each
15 month the Department shall pay into the State Aviation Program
16 Fund 20% of the net revenue realized for the preceding month
17 from the 6.25% general rate on the selling price of aviation
18 fuel, less an amount estimated by the Department to be
19 required for refunds of the 20% portion of the tax on aviation
20 fuel under this Act, which amount shall be deposited into the
21 Aviation Fuel Sales Tax Refund Fund. The Department shall only
22 pay moneys into the State Aviation Program Fund and the
23 Aviation Fuel Sales Tax Refund Fund under this Act for so long
24 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
25 U.S.C. 47133 are binding on the State.

26 Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue
2 realized for the preceding month from the 1.25% rate on the
3 selling price of motor fuel and gasohol. If, in any month, the
4 tax on sales tax holiday items, as defined in Section 2-8, is
5 imposed at the rate of 1.25%, then the Department shall pay 80%
6 of the net revenue realized for that month from the 1.25% rate
7 on the selling price of sales tax holiday items into the Local
8 Government Tax Fund.

9 Beginning October 1, 2009, each month the Department shall
10 pay into the Capital Projects Fund an amount that is equal to
11 an amount estimated by the Department to represent 80% of the
12 net revenue realized for the preceding month from the sale of
13 candy, grooming and hygiene products, and soft drinks that had
14 been taxed at a rate of 1% prior to September 1, 2009 but that
15 are now taxed at 6.25%.

16 Beginning July 1, 2011, each month the Department shall
17 pay into the Clean Air Act Permit Fund 80% of the net revenue
18 realized for the preceding month from the 6.25% general rate
19 on the selling price of sorbents used in Illinois in the
20 process of sorbent injection as used to comply with the
21 Environmental Protection Act or the federal Clean Air Act, but
22 the total payment into the Clean Air Act Permit Fund under this
23 Act and the Use Tax Act shall not exceed \$2,000,000 in any
24 fiscal year.

25 Beginning July 1, 2013, each month the Department shall
26 pay into the Underground Storage Tank Fund from the proceeds

1 collected under this Act, the Use Tax Act, the Service Use Tax
2 Act, and the Service Occupation Tax Act an amount equal to the
3 average monthly deficit in the Underground Storage Tank Fund
4 during the prior year, as certified annually by the Illinois
5 Environmental Protection Agency, but the total payment into
6 the Underground Storage Tank Fund under this Act, the Use Tax
7 Act, the Service Use Tax Act, and the Service Occupation Tax
8 Act shall not exceed \$18,000,000 in any State fiscal year. As
9 used in this paragraph, the "average monthly deficit" shall be
10 equal to the difference between the average monthly claims for
11 payment by the fund and the average monthly revenues deposited
12 into the fund, excluding payments made pursuant to this
13 paragraph.

14 Beginning July 1, 2015, of the remainder of the moneys
15 received by the Department under the Use Tax Act, the Service
16 Use Tax Act, the Service Occupation Tax Act, and this Act, each
17 month the Department shall deposit \$500,000 into the State
18 Crime Laboratory Fund.

19 Of the remainder of the moneys received by the Department
20 pursuant to this Act, (a) 1.75% thereof shall be paid into the
21 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
22 and after July 1, 1989, 3.8% thereof shall be paid into the
23 Build Illinois Fund; provided, however, that if in any fiscal
24 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
25 may be, of the moneys received by the Department and required
26 to be paid into the Build Illinois Fund pursuant to this Act,

1 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
2 Act, and Section 9 of the Service Occupation Tax Act, such Acts
3 being hereinafter called the "Tax Acts" and such aggregate of
4 2.2% or 3.8%, as the case may be, of moneys being hereinafter
5 called the "Tax Act Amount", and (2) the amount transferred to
6 the Build Illinois Fund from the State and Local Sales Tax
7 Reform Fund shall be less than the Annual Specified Amount (as
8 hereinafter defined), an amount equal to the difference shall
9 be immediately paid into the Build Illinois Fund from other
10 moneys received by the Department pursuant to the Tax Acts;
11 the "Annual Specified Amount" means the amounts specified
12 below for fiscal years 1986 through 1993:

13	Fiscal Year	Annual Specified Amount
14	1986	\$54,800,000
15	1987	\$76,650,000
16	1988	\$80,480,000
17	1989	\$88,510,000
18	1990	\$115,330,000
19	1991	\$145,470,000
20	1992	\$182,730,000
21	1993	\$206,520,000;

22 and means the Certified Annual Debt Service Requirement (as
23 defined in Section 13 of the Build Illinois Bond Act) or the
24 Tax Act Amount, whichever is greater, for fiscal year 1994 and
25 each fiscal year thereafter; and further provided, that if on
26 the last business day of any month the sum of (1) the Tax Act

1 Amount required to be deposited into the Build Illinois Bond
2 Account in the Build Illinois Fund during such month and (2)
3 the amount transferred to the Build Illinois Fund from the
4 State and Local Sales Tax Reform Fund shall have been less than
5 1/12 of the Annual Specified Amount, an amount equal to the
6 difference shall be immediately paid into the Build Illinois
7 Fund from other moneys received by the Department pursuant to
8 the Tax Acts; and, further provided, that in no event shall the
9 payments required under the preceding proviso result in
10 aggregate payments into the Build Illinois Fund pursuant to
11 this clause (b) for any fiscal year in excess of the greater of
12 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
13 such fiscal year. The amounts payable into the Build Illinois
14 Fund under clause (b) of the first sentence in this paragraph
15 shall be payable only until such time as the aggregate amount
16 on deposit under each trust indenture securing Bonds issued
17 and outstanding pursuant to the Build Illinois Bond Act is
18 sufficient, taking into account any future investment income,
19 to fully provide, in accordance with such indenture, for the
20 defeasance of or the payment of the principal of, premium, if
21 any, and interest on the Bonds secured by such indenture and on
22 any Bonds expected to be issued thereafter and all fees and
23 costs payable with respect thereto, all as certified by the
24 Director of the Bureau of the Budget (now Governor's Office of
25 Management and Budget). If on the last business day of any
26 month in which Bonds are outstanding pursuant to the Build

1 Illinois Bond Act, the aggregate of moneys deposited in the
2 Build Illinois Bond Account in the Build Illinois Fund in such
3 month shall be less than the amount required to be transferred
4 in such month from the Build Illinois Bond Account to the Build
5 Illinois Bond Retirement and Interest Fund pursuant to Section
6 13 of the Build Illinois Bond Act, an amount equal to such
7 deficiency shall be immediately paid from other moneys
8 received by the Department pursuant to the Tax Acts to the
9 Build Illinois Fund; provided, however, that any amounts paid
10 to the Build Illinois Fund in any fiscal year pursuant to this
11 sentence shall be deemed to constitute payments pursuant to
12 clause (b) of the first sentence of this paragraph and shall
13 reduce the amount otherwise payable for such fiscal year
14 pursuant to that clause (b). The moneys received by the
15 Department pursuant to this Act and required to be deposited
16 into the Build Illinois Fund are subject to the pledge, claim
17 and charge set forth in Section 12 of the Build Illinois Bond
18 Act.

19 Subject to payment of amounts into the Build Illinois Fund
20 as provided in the preceding paragraph or in any amendment
21 thereto hereafter enacted, the following specified monthly
22 installment of the amount requested in the certificate of the
23 Chairman of the Metropolitan Pier and Exposition Authority
24 provided under Section 8.25f of the State Finance Act, but not
25 in excess of sums designated as "Total Deposit", shall be
26 deposited in the aggregate from collections under Section 9 of

1 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
2 9 of the Service Occupation Tax Act, and Section 3 of the
3 Retailers' Occupation Tax Act into the McCormick Place
4 Expansion Project Fund in the specified fiscal years.

5	Fiscal Year	Total Deposit
6	1993	\$0
7	1994	53,000,000
8	1995	58,000,000
9	1996	61,000,000
10	1997	64,000,000
11	1998	68,000,000
12	1999	71,000,000
13	2000	75,000,000
14	2001	80,000,000
15	2002	93,000,000
16	2003	99,000,000
17	2004	103,000,000
18	2005	108,000,000
19	2006	113,000,000
20	2007	119,000,000
21	2008	126,000,000
22	2009	132,000,000
23	2010	139,000,000
24	2011	146,000,000
25	2012	153,000,000
26	2013	161,000,000

1	2014	170,000,000
2	2015	179,000,000
3	2016	189,000,000
4	2017	199,000,000
5	2018	210,000,000
6	2019	221,000,000
7	2020	233,000,000
8	2021	300,000,000
9	2022	300,000,000
10	2023	300,000,000
11	2024	300,000,000
12	2025	300,000,000
13	2026	300,000,000
14	2027	375,000,000
15	2028	375,000,000
16	2029	375,000,000
17	2030	375,000,000
18	2031	375,000,000
19	2032	375,000,000
20	2033	375,000,000
21	2034	375,000,000
22	2035	375,000,000
23	2036	450,000,000
24	and	
25	each fiscal year	
26	thereafter that bonds	

1 are outstanding under
2 Section 13.2 of the
3 Metropolitan Pier and
4 Exposition Authority Act,
5 but not after fiscal year 2060.

6 Beginning July 20, 1993 and in each month of each fiscal
7 year thereafter, one-eighth of the amount requested in the
8 certificate of the Chairman of the Metropolitan Pier and
9 Exposition Authority for that fiscal year, less the amount
10 deposited into the McCormick Place Expansion Project Fund by
11 the State Treasurer in the respective month under subsection
12 (g) of Section 13 of the Metropolitan Pier and Exposition
13 Authority Act, plus cumulative deficiencies in the deposits
14 required under this Section for previous months and years,
15 shall be deposited into the McCormick Place Expansion Project
16 Fund, until the full amount requested for the fiscal year, but
17 not in excess of the amount specified above as "Total
18 Deposit", has been deposited.

19 Subject to payment of amounts into the Capital Projects
20 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
21 and the McCormick Place Expansion Project Fund pursuant to the
22 preceding paragraphs or in any amendments thereto hereafter
23 enacted, for aviation fuel sold on or after December 1, 2019,
24 the Department shall each month deposit into the Aviation Fuel
25 Sales Tax Refund Fund an amount estimated by the Department to
26 be required for refunds of the 80% portion of the tax on

1 aviation fuel under this Act. The Department shall only
2 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
3 under this paragraph for so long as the revenue use
4 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
5 binding on the State.

6 Subject to payment of amounts into the Build Illinois Fund
7 and the McCormick Place Expansion Project Fund pursuant to the
8 preceding paragraphs or in any amendments thereto hereafter
9 enacted, beginning July 1, 1993 and ending on September 30,
10 2013, the Department shall each month pay into the Illinois
11 Tax Increment Fund 0.27% of 80% of the net revenue realized for
12 the preceding month from the 6.25% general rate on the selling
13 price of tangible personal property.

14 Subject to payment of amounts into the Build Illinois Fund
15 and the McCormick Place Expansion Project Fund pursuant to the
16 preceding paragraphs or in any amendments thereto hereafter
17 enacted, beginning with the receipt of the first report of
18 taxes paid by an eligible business and continuing for a
19 25-year period, the Department shall each month pay into the
20 Energy Infrastructure Fund 80% of the net revenue realized
21 from the 6.25% general rate on the selling price of
22 Illinois-mined coal that was sold to an eligible business. For
23 purposes of this paragraph, the term "eligible business" means
24 a new electric generating facility certified pursuant to
25 Section 605-332 of the Department of Commerce and Economic
26 Opportunity Law of the Civil Administrative Code of Illinois.

1 Subject to payment of amounts into the Build Illinois
2 Fund, the McCormick Place Expansion Project Fund, the Illinois
3 Tax Increment Fund, and the Energy Infrastructure Fund
4 pursuant to the preceding paragraphs or in any amendments to
5 this Section hereafter enacted, beginning on the first day of
6 the first calendar month to occur on or after August 26, 2014
7 (the effective date of Public Act 98-1098), each month, from
8 the collections made under Section 9 of the Use Tax Act,
9 Section 9 of the Service Use Tax Act, Section 9 of the Service
10 Occupation Tax Act, and Section 3 of the Retailers' Occupation
11 Tax Act, the Department shall pay into the Tax Compliance and
12 Administration Fund, to be used, subject to appropriation, to
13 fund additional auditors and compliance personnel at the
14 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
15 the cash receipts collected during the preceding fiscal year
16 by the Audit Bureau of the Department under the Use Tax Act,
17 the Service Use Tax Act, the Service Occupation Tax Act, the
18 Retailers' Occupation Tax Act, and associated local occupation
19 and use taxes administered by the Department.

20 Subject to payments of amounts into the Build Illinois
21 Fund, the McCormick Place Expansion Project Fund, the Illinois
22 Tax Increment Fund, the Energy Infrastructure Fund, and the
23 Tax Compliance and Administration Fund as provided in this
24 Section, beginning on July 1, 2018 the Department shall pay
25 each month into the Downstate Public Transportation Fund the
26 moneys required to be so paid under Section 2-3 of the

1 Downstate Public Transportation Act.

2 Subject to successful execution and delivery of a
3 public-private agreement between the public agency and private
4 entity and completion of the civic build, beginning on July 1,
5 2023, of the remainder of the moneys received by the
6 Department under the Use Tax Act, the Service Use Tax Act, the
7 Service Occupation Tax Act, and this Act, the Department shall
8 deposit the following specified deposits in the aggregate from
9 collections under the Use Tax Act, the Service Use Tax Act, the
10 Service Occupation Tax Act, and the Retailers' Occupation Tax
11 Act, as required under Section 8.25g of the State Finance Act
12 for distribution consistent with the Public-Private
13 Partnership for Civic and Transit Infrastructure Project Act.
14 The moneys received by the Department pursuant to this Act and
15 required to be deposited into the Civic and Transit
16 Infrastructure Fund are subject to the pledge, claim and
17 charge set forth in Section 25-55 of the Public-Private
18 Partnership for Civic and Transit Infrastructure Project Act.
19 As used in this paragraph, "civic build", "private entity",
20 "public-private agreement", and "public agency" have the
21 meanings provided in Section 25-10 of the Public-Private
22 Partnership for Civic and Transit Infrastructure Project Act.

23	Fiscal Year.....	Total Deposit
24	2024	\$200,000,000
25	2025	\$206,000,000
26	2026	\$212,200,000

1	2027	.....	\$218,500,000
2	2028	.....	\$225,100,000
3	2029	.....	\$288,700,000
4	2030	.....	\$298,900,000
5	2031	.....	\$309,300,000
6	2032	.....	\$320,100,000
7	2033	.....	\$331,200,000
8	2034	.....	\$341,200,000
9	2035	.....	\$351,400,000
10	2036	.....	\$361,900,000
11	2037	.....	\$372,800,000
12	2038	.....	\$384,000,000
13	2039	.....	\$395,500,000
14	2040	.....	\$407,400,000
15	2041	.....	\$419,600,000
16	2042	.....	\$432,200,000
17	2043	.....	\$445,100,000

18 Beginning July 1, 2021 and until July 1, 2022, subject to
19 the payment of amounts into the County and Mass Transit
20 District Fund, the Local Government Tax Fund, the Build
21 Illinois Fund, the McCormick Place Expansion Project Fund, the
22 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
23 and the Tax Compliance and Administration Fund as provided in
24 this Section, the Department shall pay each month into the
25 Road Fund the amount estimated to represent 16% of the net
26 revenue realized from the taxes imposed on motor fuel and

1 gasohol. Beginning July 1, 2022 and until July 1, 2023,
2 subject to the payment of amounts into the County and Mass
3 Transit District Fund, the Local Government Tax Fund, the
4 Build Illinois Fund, the McCormick Place Expansion Project
5 Fund, the Illinois Tax Increment Fund, the Energy
6 Infrastructure Fund, and the Tax Compliance and Administration
7 Fund as provided in this Section, the Department shall pay
8 each month into the Road Fund the amount estimated to
9 represent 32% of the net revenue realized from the taxes
10 imposed on motor fuel and gasohol. Beginning July 1, 2023 and
11 until July 1, 2024, subject to the payment of amounts into the
12 County and Mass Transit District Fund, the Local Government
13 Tax Fund, the Build Illinois Fund, the McCormick Place
14 Expansion Project Fund, the Illinois Tax Increment Fund, the
15 Energy Infrastructure Fund, and the Tax Compliance and
16 Administration Fund as provided in this Section, the
17 Department shall pay each month into the Road Fund the amount
18 estimated to represent 48% of the net revenue realized from
19 the taxes imposed on motor fuel and gasohol. Beginning July 1,
20 2024 and until July 1, 2025, subject to the payment of amounts
21 into the County and Mass Transit District Fund, the Local
22 Government Tax Fund, the Build Illinois Fund, the McCormick
23 Place Expansion Project Fund, the Illinois Tax Increment Fund,
24 the Energy Infrastructure Fund, and the Tax Compliance and
25 Administration Fund as provided in this Section, the
26 Department shall pay each month into the Road Fund the amount

1 estimated to represent 64% of the net revenue realized from
2 the taxes imposed on motor fuel and gasohol. Beginning on July
3 1, 2025, subject to the payment of amounts into the County and
4 Mass Transit District Fund, the Local Government Tax Fund, the
5 Build Illinois Fund, the McCormick Place Expansion Project
6 Fund, the Illinois Tax Increment Fund, the Energy
7 Infrastructure Fund, and the Tax Compliance and Administration
8 Fund as provided in this Section, the Department shall pay
9 each month into the Road Fund the amount estimated to
10 represent 80% of the net revenue realized from the taxes
11 imposed on motor fuel and gasohol. As used in this paragraph
12 "motor fuel" has the meaning given to that term in Section 1.1
13 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
14 to that term in Section 3-40 of the Use Tax Act.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, 75% thereof shall be paid into the State
17 treasury ~~Treasury~~ and 25% shall be reserved in a special
18 account and used only for the transfer to the Common School
19 Fund as part of the monthly transfer from the General Revenue
20 Fund in accordance with Section 8a of the State Finance Act.

21 The Department may, upon separate written notice to a
22 taxpayer, require the taxpayer to prepare and file with the
23 Department on a form prescribed by the Department within not
24 less than 60 days after receipt of the notice an annual
25 information return for the tax year specified in the notice.
26 Such annual return to the Department shall include a statement

1 of gross receipts as shown by the retailer's last Federal
2 income tax return. If the total receipts of the business as
3 reported in the Federal income tax return do not agree with the
4 gross receipts reported to the Department of Revenue for the
5 same period, the retailer shall attach to his annual return a
6 schedule showing a reconciliation of the 2 amounts and the
7 reasons for the difference. The retailer's annual return to
8 the Department shall also disclose the cost of goods sold by
9 the retailer during the year covered by such return, opening
10 and closing inventories of such goods for such year, costs of
11 goods used from stock or taken from stock and given away by the
12 retailer during such year, payroll information of the
13 retailer's business during such year and any additional
14 reasonable information which the Department deems would be
15 helpful in determining the accuracy of the monthly, quarterly
16 or annual returns filed by such retailer as provided for in
17 this Section.

18 If the annual information return required by this Section
19 is not filed when and as required, the taxpayer shall be liable
20 as follows:

21 (i) Until January 1, 1994, the taxpayer shall be
22 liable for a penalty equal to 1/6 of 1% of the tax due from
23 such taxpayer under this Act during the period to be
24 covered by the annual return for each month or fraction of
25 a month until such return is filed as required, the
26 penalty to be assessed and collected in the same manner as

1 any other penalty provided for in this Act.

2 (ii) On and after January 1, 1994, the taxpayer shall
3 be liable for a penalty as described in Section 3-4 of the
4 Uniform Penalty and Interest Act.

5 The chief executive officer, proprietor, owner or highest
6 ranking manager shall sign the annual return to certify the
7 accuracy of the information contained therein. Any person who
8 willfully signs the annual return containing false or
9 inaccurate information shall be guilty of perjury and punished
10 accordingly. The annual return form prescribed by the
11 Department shall include a warning that the person signing the
12 return may be liable for perjury.

13 The provisions of this Section concerning the filing of an
14 annual information return do not apply to a retailer who is not
15 required to file an income tax return with the United States
16 Government.

17 As soon as possible after the first day of each month, upon
18 certification of the Department of Revenue, the Comptroller
19 shall order transferred and the Treasurer shall transfer from
20 the General Revenue Fund to the Motor Fuel Tax Fund an amount
21 equal to 1.7% of 80% of the net revenue realized under this Act
22 for the second preceding month. Beginning April 1, 2000, this
23 transfer is no longer required and shall not be made.

24 Net revenue realized for a month shall be the revenue
25 collected by the State pursuant to this Act, less the amount
26 paid out during that month as refunds to taxpayers for

1 overpayment of liability.

2 For greater simplicity of administration, manufacturers,
3 importers and wholesalers whose products are sold at retail in
4 Illinois by numerous retailers, and who wish to do so, may
5 assume the responsibility for accounting and paying to the
6 Department all tax accruing under this Act with respect to
7 such sales, if the retailers who are affected do not make
8 written objection to the Department to this arrangement.

9 Any person who promotes, organizes, provides retail
10 selling space for concessionaires or other types of sellers at
11 the Illinois State Fair, DuQuoin State Fair, county fairs,
12 local fairs, art shows, flea markets and similar exhibitions
13 or events, including any transient merchant as defined by
14 Section 2 of the Transient Merchant Act of 1987, is required to
15 file a report with the Department providing the name of the
16 merchant's business, the name of the person or persons engaged
17 in merchant's business, the permanent address and Illinois
18 Retailers Occupation Tax Registration Number of the merchant,
19 the dates and location of the event and other reasonable
20 information that the Department may require. The report must
21 be filed not later than the 20th day of the month next
22 following the month during which the event with retail sales
23 was held. Any person who fails to file a report required by
24 this Section commits a business offense and is subject to a
25 fine not to exceed \$250.

26 Any person engaged in the business of selling tangible

1 personal property at retail as a concessionaire or other type
2 of seller at the Illinois State Fair, county fairs, art shows,
3 flea markets and similar exhibitions or events, or any
4 transient merchants, as defined by Section 2 of the Transient
5 Merchant Act of 1987, may be required to make a daily report of
6 the amount of such sales to the Department and to make a daily
7 payment of the full amount of tax due. The Department shall
8 impose this requirement when it finds that there is a
9 significant risk of loss of revenue to the State at such an
10 exhibition or event. Such a finding shall be based on evidence
11 that a substantial number of concessionaires or other sellers
12 who are not residents of Illinois will be engaging in the
13 business of selling tangible personal property at retail at
14 the exhibition or event, or other evidence of a significant
15 risk of loss of revenue to the State. The Department shall
16 notify concessionaires and other sellers affected by the
17 imposition of this requirement. In the absence of notification
18 by the Department, the concessionaires and other sellers shall
19 file their returns as otherwise required in this Section.

20 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;
21 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.
22 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
23 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; 102-700, Article
24 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section
25 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff.
26 1-1-23; revised 12-13-22.)

1 Section 215. The Property Tax Code is amended by changing
2 Sections 10-390, 10-800, 15-168, 15-169, 18-185, 18-190.7,
3 22-10, and 22-25 as follows:

4 (35 ILCS 200/10-390)

5 Sec. 10-390. Valuation of supportive living facilities.

6 (a) Notwithstanding Section 1-55, to determine the fair
7 cash value of any supportive living facility established under
8 Section 5-5.01a of the Illinois Public Aid Code, in assessing
9 the facility, a local assessment officer must use the income
10 capitalization approach. For the purposes of this Section,
11 gross potential income must not exceed the maximum individual
12 Supplemental Security Income (SSI) amount, minus a resident's
13 personal allowance as defined at 89 Ill. Adm. ~~Ill Admin.~~ Code
14 146.205, multiplied by the number of apartments authorized by
15 the supportive living facility certification.

16 (b) When assessing supportive living facilities, the local
17 assessment officer may not consider:

18 (1) payments from Medicaid for services provided to
19 residents of supportive living facilities when such
20 payments constitute income that is attributable to
21 services and not attributable to the real estate; or

22 (2) payments by a resident of a supportive living
23 facility for services that would be paid by Medicaid if
24 the resident were Medicaid-eligible, when such payments

1 constitute income that is attributable to services and not
2 attributable to real estate.

3 (Source: P.A. 102-16, eff. 6-17-21; revised 2-28-22.)

4 (35 ILCS 200/10-800)

5 Sec. 10-800. Southland reactivation property.

6 (a) For the purposes of this Section:

7 "Base year" means the last tax year prior to the date of
8 the application for southland reactivation designation during
9 which the property was occupied and assessed and had an
10 equalized assessed value.

11 "Cook County Land Bank Authority" means the Cook County
12 Land Bank Authority created by ordinance of the Cook County
13 Board.

14 "Municipality" means a city, village, or incorporated town
15 located in the State.

16 "Participating entity" means any of the following, either
17 collectively or individually: the municipality in which the
18 property is located; the South Suburban Land Bank and
19 Development Authority; or the Cook County Land Bank
20 Development Authority.

21 "Southland reactivation property" means property that:

22 (1) has been designated by the municipality by
23 resolution as a priority tax reactivation parcel, site, or
24 property due to its clear pattern of stagnation and
25 depressed condition or the decline in its assessed

1 valuation;

2 (2) is held by a participating entity; and

3 (3) meets all of the following criteria:

4 (A) the property is zoned for commercial or
5 industrial use;

6 (B) the property has had its past property taxes
7 cleared and is now classified as exempt, or the
8 property has not had a lawful occupant for at least 12
9 months immediately preceding the application for
10 certification as southland reactivation property, as
11 attested to by a supporting affidavit;

12 (C) the sale or transfer of the property,
13 following southland reactivation designation, to a
14 developer would result in investment which would
15 result a higher assessed value;

16 (D) the property will be sold by a participating
17 entity to a buyer of property that has been approved by
18 the corporate authorities of the municipality or to a
19 developer that has been approved by the corporate
20 authorities of the municipality whose redevelopment of
21 the parcel, site, or property would reverse
22 long-standing divestment in the area, enhance
23 inclusive economic growth, create jobs or career
24 pathways, support equitable recovery of the community,
25 and stabilize the tax base through investments that
26 align with local government plans and priorities;

1 (E) an application for southland reactivation
2 designation is filed with the participating entity and
3 a resolution designating the property as southland
4 reactivation property is passed by the municipality
5 prior to the sale, rehabilitation, or reoccupation;

6 (F) if not for the southland reactivation
7 designation, development or redevelopment of the
8 property would not occur; and

9 (G) the property is located in any of the
10 following Townships in Cook County: Bloom, Bremen,
11 Calumet, Rich, Thornton, or Worth.

12 "South Suburban Land Bank and Development Authority" means
13 the South Suburban Land Bank and Development Authority created
14 in 2012 by intergovernmental agreement.

15 "Tax year" means the calendar year for which assessed
16 value is determined as of January 1 of that year.

17 (b) Within 5 years after May 27, 2022 (the effective date
18 of Public Act 102-1010) ~~this amendatory Act of the 102nd~~
19 ~~General Assembly~~, purchasers of real property from any of the
20 participating entities may apply to that entity to have the
21 property certified as southland reactivation property if the
22 property meets the criteria for southland reactivation
23 property set forth in subsection (a). The participating entity
24 has 5 years from May 27, 2022 (the effective date of Public Act
25 102-1010) ~~this amendatory Act of the 102nd General Assembly~~
26 within which it may certify the property as southland

1 reactivation property for the purposes of promoting
2 rehabilitation of abandoned, vacant, or underutilized property
3 to attract and enhance economic activities and investment that
4 stabilize, restore, and grow the tax base in severely blighted
5 areas within Chicago's south suburbs. This certification is
6 nonrenewable and shall be transmitted by the municipality, or
7 by the participating entity on behalf of the municipality, to
8 the chief county assessment officer as soon as possible after
9 the property is certified. Southland reactivation designation
10 is limited to the original applicant unless expressly approved
11 by the corporate authorities of the municipality and the
12 property has no change in use.

13 Support by the corporate authorities of the municipality
14 for southland reactivation designation shall be considered in
15 a lawful public meeting, and impacted taxing districts shall
16 receive notification of the agenda item to consider southland
17 reactivation of the site not less than 15 days prior to that
18 meeting.

19 (c) Beginning with the first tax year after the property
20 is certified as southland reactivation property and continuing
21 through the twelfth tax year after the property is certified
22 as southland reactivation property, for the purpose of
23 taxation under this Code, the property shall be valued at 50%
24 of the base year equalized assessed value as established by
25 the chief county assessment officer, excluding all years with
26 property tax exemptions applied as a result of the

1 participating entity's ownership. For the first year after the
2 property is certified as southland reactivation property, the
3 aggregate property tax liability for the property shall be no
4 greater than \$100,000 per year. That aggregate property tax
5 liability, once collected, shall be distributed to the taxing
6 districts in which the property is located according to each
7 taxing district's proportionate share of that aggregate
8 liability. Beginning with the second tax year after the
9 property is certified as southland reactivation property and
10 continuing through the twelfth tax year after the property is
11 certified as southland reactivation property, the property tax
12 liability for the property for each taxing district in which
13 the property is located shall be increased over the property
14 tax liability for the property for the preceding year by 10%.
15 In no event shall the purchaser's annual tax liability
16 decrease.

17 (d) No later than March 1 of each year, the municipality or
18 the participating entity on behalf of the municipality shall
19 certify to the county clerk of the county in which the property
20 is located a percentage southland reactivation reduction to be
21 applied to property taxes for that calendar year, as provided
22 in this Section.

23 (e) The participating entity shall collect the following
24 information annually for the pilot program period: the number
25 of program applicants; the street address of each certified
26 property; the proposed use of certified properties; the amount

1 of investment; the number of jobs created as a result of the
2 certification; and copies of the certification of each
3 southland reactivation site to allow for the evaluation and
4 assessment of the effectiveness of southland reactivation
5 designation. The participating entity responsible for seeking
6 the southland reactivation designation shall present this
7 information to the governing body of each taxing district
8 affected by a southland reactivation designation on an annual
9 basis, and the participating entity shall report the above
10 information to any requesting members of the General Assembly
11 at the conclusion of the 5-year designation period.

12 (f) Any southland reactivation certification granted under
13 this Section shall be void if the property is conveyed to an
14 entity or person that is liable for any unpaid, delinquent
15 property taxes associated with the property.

16 (Source: P.A. 102-1010, eff. 5-27-22; revised 9-7-22.)

17 (35 ILCS 200/15-168)

18 Sec. 15-168. Homestead exemption for persons with
19 disabilities.

20 (a) Beginning with taxable year 2007, an annual homestead
21 exemption is granted to persons with disabilities in the
22 amount of \$2,000, except as provided in subsection (c), to be
23 deducted from the property's value as equalized or assessed by
24 the Department of Revenue. The person with a disability shall
25 receive the homestead exemption upon meeting the following

1 requirements:

2 (1) The property must be occupied as the primary
3 residence by the person with a disability.

4 (2) The person with a disability must be liable for
5 paying the real estate taxes on the property.

6 (3) The person with a disability must be an owner of
7 record of the property or have a legal or equitable
8 interest in the property as evidenced by a written
9 instrument. In the case of a leasehold interest in
10 property, the lease must be for a single family residence.

11 A person who has a disability during the taxable year is
12 eligible to apply for this homestead exemption during that
13 taxable year. Application must be made during the application
14 period in effect for the county of residence. If a homestead
15 exemption has been granted under this Section and the person
16 awarded the exemption subsequently becomes a resident of a
17 facility licensed under the Nursing Home Care Act, the
18 Specialized Mental Health Rehabilitation Act of 2013, the
19 ID/DD Community Care Act, or the MC/DD Act, then the exemption
20 shall continue (i) so long as the residence continues to be
21 occupied by the qualifying person's spouse or (ii) if the
22 residence remains unoccupied but is still owned by the person
23 qualified for the homestead exemption.

24 (b) For the purposes of this Section, "person with a
25 disability" means a person unable to engage in any substantial
26 gainful activity by reason of a medically determinable

1 physical or mental impairment which can be expected to result
2 in death or has lasted or can be expected to last for a
3 continuous period of not less than 12 months. Persons with
4 disabilities filing claims under this Act shall submit proof
5 of disability in such form and manner as the Department shall
6 by rule and regulation prescribe. Proof that a claimant is
7 eligible to receive disability benefits under the Federal
8 Social Security Act shall constitute proof of disability for
9 purposes of this Act. Issuance of an Illinois Person with a
10 Disability Identification Card stating that the claimant is
11 under a Class 2 disability, as defined in Section 4A of the
12 Illinois Identification Card Act, shall constitute proof that
13 the person named thereon is a person with a disability for
14 purposes of this Act. A person with a disability not covered
15 under the Federal Social Security Act and not presenting an
16 Illinois Person with a Disability Identification Card stating
17 that the claimant is under a Class 2 disability shall be
18 examined by a physician, optometrist (if the person qualifies
19 because of a visual disability), advanced practice registered
20 nurse, or physician assistant designated by the Department,
21 and his status as a person with a disability determined using
22 the same standards as used by the Social Security
23 Administration. The costs of any required examination shall be
24 borne by the claimant.

25 (c) For land improved with (i) an apartment building owned
26 and operated as a cooperative or (ii) a life care facility as

1 defined under Section 2 of the Life Care Facilities Act that is
2 considered to be a cooperative, the maximum reduction from the
3 value of the property, as equalized or assessed by the
4 Department, shall be multiplied by the number of apartments or
5 units occupied by a person with a disability. The person with a
6 disability shall receive the homestead exemption upon meeting
7 the following requirements:

8 (1) The property must be occupied as the primary
9 residence by the person with a disability.

10 (2) The person with a disability must be liable by
11 contract with the owner or owners of record for paying the
12 apportioned property taxes on the property of the
13 cooperative or life care facility. In the case of a life
14 care facility, the person with a disability must be liable
15 for paying the apportioned property taxes under a life
16 care contract as defined in Section 2 of the Life Care
17 Facilities Act.

18 (3) The person with a disability must be an owner of
19 record of a legal or equitable interest in the cooperative
20 apartment building. A leasehold interest does not meet
21 this requirement.

22 If a homestead exemption is granted under this subsection, the
23 cooperative association or management firm shall credit the
24 savings resulting from the exemption to the apportioned tax
25 liability of the qualifying person with a disability. The
26 chief county assessment officer may request reasonable proof

1 that the association or firm has properly credited the
2 exemption. A person who willfully refuses to credit an
3 exemption to the qualified person with a disability is guilty
4 of a Class B misdemeanor.

5 (d) The chief county assessment officer shall determine
6 the eligibility of property to receive the homestead exemption
7 according to guidelines established by the Department. After a
8 person has received an exemption under this Section, an annual
9 verification of eligibility for the exemption shall be mailed
10 to the taxpayer.

11 In counties with fewer than 3,000,000 inhabitants, the
12 chief county assessment officer shall provide to each person
13 granted a homestead exemption under this Section a form to
14 designate any other person to receive a duplicate of any
15 notice of delinquency in the payment of taxes assessed and
16 levied under this Code on the person's qualifying property.
17 The duplicate notice shall be in addition to the notice
18 required to be provided to the person receiving the exemption
19 and shall be given in the manner required by this Code. The
20 person filing the request for the duplicate notice shall pay
21 an administrative fee of \$5 to the chief county assessment
22 officer. The assessment officer shall then file the executed
23 designation with the county collector, who shall issue the
24 duplicate notices as indicated by the designation. A
25 designation may be rescinded by the person with a disability
26 in the manner required by the chief county assessment officer.

1 (d-5) Notwithstanding any other provision of law, each
2 chief county assessment officer may approve this exemption for
3 the 2020 taxable year, without application, for any property
4 that was approved for this exemption for the 2019 taxable
5 year, provided that:

6 (1) the county board has declared a local disaster as
7 provided in the Illinois Emergency Management Agency Act
8 related to the COVID-19 public health emergency;

9 (2) the owner of record of the property as of January
10 1, 2020 is the same as the owner of record of the property
11 as of January 1, 2019;

12 (3) the exemption for the 2019 taxable year has not
13 been determined to be an erroneous exemption as defined by
14 this Code; and

15 (4) the applicant for the 2019 taxable year has not
16 asked for the exemption to be removed for the 2019 or 2020
17 taxable years.

18 (d-10) Notwithstanding any other provision of law, each
19 chief county assessment officer may approve this exemption for
20 the 2021 taxable year, without application, for any property
21 that was approved for this exemption for the 2020 taxable
22 year, if:

23 (1) the county board has declared a local disaster as
24 provided in the Illinois Emergency Management Agency Act
25 related to the COVID-19 public health emergency;

26 (2) the owner of record of the property as of January

1 1, 2021 is the same as the owner of record of the property
2 as of January 1, 2020;

3 (3) the exemption for the 2020 taxable year has not
4 been determined to be an erroneous exemption as defined by
5 this Code; and

6 (4) the taxpayer for the 2020 taxable year has not
7 asked for the exemption to be removed for the 2020 or 2021
8 taxable years.

9 (d-15) For taxable years 2022 through 2027, in any county
10 of more than 3,000,000 residents, and in any other county
11 where the county board has authorized such action by ordinance
12 or resolution, a chief county assessment officer may renew
13 this exemption for any person who applied for the exemption
14 and presented proof of eligibility, as described in subsection
15 (b) ~~above~~, without an annual application as required under
16 subsection (d) ~~above~~. A chief county assessment officer shall
17 not automatically renew an exemption under this subsection if:
18 the physician, advanced practice registered nurse,
19 optometrist, or physician assistant who examined the claimant
20 determined that the disability is not expected to continue for
21 12 months or more; the exemption has been deemed erroneous
22 since the last application; or the claimant has reported their
23 ineligibility to receive the exemption. A chief county
24 assessment officer who automatically renews an exemption under
25 this subsection shall notify a person of a subsequent
26 determination not to automatically renew that person's

1 exemption and shall provide that person with an application to
2 renew the exemption.

3 (e) A taxpayer who claims an exemption under Section
4 15-165 or 15-169 may not claim an exemption under this
5 Section.

6 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
7 102-895, eff. 5-23-22; revised 9-7-22.)

8 (35 ILCS 200/15-169)

9 Sec. 15-169. Homestead exemption for veterans with
10 disabilities.

11 (a) Beginning with taxable year 2007, an annual homestead
12 exemption, limited to the amounts set forth in subsections (b)
13 and (b-3), is granted for property that is used as a qualified
14 residence by a veteran with a disability.

15 (b) For taxable years prior to 2015, the amount of the
16 exemption under this Section is as follows:

17 (1) for veterans with a service-connected disability
18 of at least (i) 75% for exemptions granted in taxable
19 years 2007 through 2009 and (ii) 70% for exemptions
20 granted in taxable year 2010 and each taxable year
21 thereafter, as certified by the United States Department
22 of Veterans Affairs, the annual exemption is \$5,000; and

23 (2) for veterans with a service-connected disability
24 of at least 50%, but less than (i) 75% for exemptions
25 granted in taxable years 2007 through 2009 and (ii) 70%

1 for exemptions granted in taxable year 2010 and each
2 taxable year thereafter, as certified by the United States
3 Department of Veterans Affairs, the annual exemption is
4 \$2,500.

5 (b-3) For taxable years 2015 and thereafter:

6 (1) if the veteran has a service connected disability
7 of 30% or more but less than 50%, as certified by the
8 United States Department of Veterans Affairs, then the
9 annual exemption is \$2,500;

10 (2) if the veteran has a service connected disability
11 of 50% or more but less than 70%, as certified by the
12 United States Department of Veterans Affairs, then the
13 annual exemption is \$5,000;

14 (3) if the veteran has a service connected disability
15 of 70% or more, as certified by the United States
16 Department of Veterans Affairs, then the property is
17 exempt from taxation under this Code; and

18 (4) for taxable year 2023 and thereafter, if the
19 taxpayer is the surviving spouse of a veteran whose death
20 was determined to be service-connected and who is
21 certified by the United States Department of Veterans
22 Affairs as a recipient of dependency and indemnity
23 compensation under federal law, then the property is also
24 exempt from taxation under this Code.

25 (b-5) If a homestead exemption is granted under this
26 Section and the person awarded the exemption subsequently

1 becomes a resident of a facility licensed under the Nursing
2 Home Care Act or a facility operated by the United States
3 Department of Veterans Affairs, then the exemption shall
4 continue (i) so long as the residence continues to be occupied
5 by the qualifying person's spouse or (ii) if the residence
6 remains unoccupied but is still owned by the person who
7 qualified for the homestead exemption.

8 (c) The tax exemption under this Section carries over to
9 the benefit of the veteran's surviving spouse as long as the
10 spouse holds the legal or beneficial title to the homestead,
11 permanently resides thereon, and does not remarry. If the
12 surviving spouse sells the property, an exemption not to
13 exceed the amount granted from the most recent ad valorem tax
14 roll may be transferred to his or her new residence as long as
15 it is used as his or her primary residence and he or she does
16 not remarry.

17 As used in this subsection (c):

18 (1) for taxable years prior to 2015, "surviving
19 spouse" means the surviving spouse of a veteran who
20 obtained an exemption under this Section prior to his or
21 her death;

22 (2) for taxable years 2015 through 2022, "surviving
23 spouse" means (i) the surviving spouse of a veteran who
24 obtained an exemption under this Section prior to his or
25 her death and (ii) the surviving spouse of a veteran who
26 was killed in the line of duty at any time prior to the

1 expiration of the application period in effect for the
2 exemption for the taxable year for which the exemption is
3 sought; and

4 (3) for taxable year 2023 and thereafter, "surviving
5 spouse" means: (i) the surviving spouse of a veteran who
6 obtained the exemption under this Section prior to his or
7 her death; (ii) the surviving spouse of a veteran who was
8 killed in the line of duty at any time prior to the
9 expiration of the application period in effect for the
10 exemption for the taxable year for which the exemption is
11 sought; (iii) the surviving spouse of a veteran who did
12 not obtain an exemption under this Section before death,
13 but who would have qualified for the exemption under this
14 Section in the taxable year for which the exemption is
15 sought if he or she had survived, and whose surviving
16 spouse has been a resident of Illinois from the time of the
17 veteran's death through the taxable year for which the
18 exemption is sought; and (iv) the surviving spouse of a
19 veteran whose death was determined to be
20 service-connected, but who would not otherwise qualify
21 under item ~~items~~ (i), (ii), or (iii), if the spouse (A) is
22 certified by the United States Department of Veterans
23 Affairs as a recipient of dependency and indemnity
24 compensation under federal law at any time prior to the
25 expiration of the application period in effect for the
26 exemption for the taxable year for which the exemption is

1 sought and (B) remains eligible for that dependency and
2 indemnity compensation as of January 1 of the taxable year
3 for which the exemption is sought.

4 (c-1) Beginning with taxable year 2015, nothing in this
5 Section shall require the veteran to have qualified for or
6 obtained the exemption before death if the veteran was killed
7 in the line of duty.

8 (d) The exemption under this Section applies for taxable
9 year 2007 and thereafter. A taxpayer who claims an exemption
10 under Section 15-165 or 15-168 may not claim an exemption
11 under this Section.

12 (e) Except as otherwise provided in this subsection (e),
13 each taxpayer who has been granted an exemption under this
14 Section must reapply on an annual basis. Application must be
15 made during the application period in effect for the county of
16 his or her residence. The assessor or chief county assessment
17 officer may determine the eligibility of residential property
18 to receive the homestead exemption provided by this Section by
19 application, visual inspection, questionnaire, or other
20 reasonable methods. The determination must be made in
21 accordance with guidelines established by the Department.

22 On and after May 23, 2022 (the effective date of Public Act
23 102-895) ~~this amendatory Act of the 102nd General Assembly~~, if
24 a veteran has a combined service connected disability rating
25 of 100% and is deemed to be permanently and totally disabled,
26 as certified by the United States Department of Veterans

1 Affairs, the taxpayer who has been granted an exemption under
2 this Section shall no longer be required to reapply for the
3 exemption on an annual basis, and the exemption shall be in
4 effect for as long as the exemption would otherwise be
5 permitted under this Section.

6 (e-1) If the person qualifying for the exemption does not
7 occupy the qualified residence as of January 1 of the taxable
8 year, the exemption granted under this Section shall be
9 prorated on a monthly basis. The prorated exemption shall
10 apply beginning with the first complete month in which the
11 person occupies the qualified residence.

12 (e-5) Notwithstanding any other provision of law, each
13 chief county assessment officer may approve this exemption for
14 the 2020 taxable year, without application, for any property
15 that was approved for this exemption for the 2019 taxable
16 year, provided that:

17 (1) the county board has declared a local disaster as
18 provided in the Illinois Emergency Management Agency Act
19 related to the COVID-19 public health emergency;

20 (2) the owner of record of the property as of January
21 1, 2020 is the same as the owner of record of the property
22 as of January 1, 2019;

23 (3) the exemption for the 2019 taxable year has not
24 been determined to be an erroneous exemption as defined by
25 this Code; and

26 (4) the applicant for the 2019 taxable year has not

1 asked for the exemption to be removed for the 2019 or 2020
2 taxable years.

3 Nothing in this subsection shall preclude a veteran whose
4 service connected disability rating has changed since the 2019
5 exemption was granted from applying for the exemption based on
6 the subsequent service connected disability rating.

7 (e-10) Notwithstanding any other provision of law, each
8 chief county assessment officer may approve this exemption for
9 the 2021 taxable year, without application, for any property
10 that was approved for this exemption for the 2020 taxable
11 year, if:

12 (1) the county board has declared a local disaster as
13 provided in the Illinois Emergency Management Agency Act
14 related to the COVID-19 public health emergency;

15 (2) the owner of record of the property as of January
16 1, 2021 is the same as the owner of record of the property
17 as of January 1, 2020;

18 (3) the exemption for the 2020 taxable year has not
19 been determined to be an erroneous exemption as defined by
20 this Code; and

21 (4) the taxpayer for the 2020 taxable year has not
22 asked for the exemption to be removed for the 2020 or 2021
23 taxable years.

24 Nothing in this subsection shall preclude a veteran whose
25 service connected disability rating has changed since the 2020
26 exemption was granted from applying for the exemption based on

1 the subsequent service connected disability rating.

2 (f) For the purposes of this Section:

3 "Qualified residence" means real property, but less any
4 portion of that property that is used for commercial purposes,
5 with an equalized assessed value of less than \$250,000 that is
6 the primary residence of a veteran with a disability. Property
7 rented for more than 6 months is presumed to be used for
8 commercial purposes.

9 "Veteran" means an Illinois resident who has served as a
10 member of the United States Armed Forces on active duty or
11 State active duty, a member of the Illinois National Guard, or
12 a member of the United States Reserve Forces and who has
13 received an honorable discharge.

14 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
15 102-895, eff. 5-23-22; revised 9-6-22.)

16 (35 ILCS 200/18-185)

17 Sec. 18-185. Short title; definitions. This Division 5
18 may be cited as the Property Tax Extension Limitation Law. As
19 used in this Division 5:

20 "Consumer Price Index" means the Consumer Price Index for
21 All Urban Consumers for all items published by the United
22 States Department of Labor.

23 "Extension limitation" means (a) the lesser of 5% or the
24 percentage increase in the Consumer Price Index during the
25 12-month calendar year preceding the levy year or (b) the rate

1 of increase approved by voters under Section 18-205.

2 "Affected county" means a county of 3,000,000 or more
3 inhabitants or a county contiguous to a county of 3,000,000 or
4 more inhabitants.

5 "Taxing district" has the same meaning provided in Section
6 1-150, except as otherwise provided in this Section. For the
7 1991 through 1994 levy years only, "taxing district" includes
8 only each non-home rule taxing district having the majority of
9 its 1990 equalized assessed value within any county or
10 counties contiguous to a county with 3,000,000 or more
11 inhabitants. Beginning with the 1995 levy year, "taxing
12 district" includes only each non-home rule taxing district
13 subject to this Law before the 1995 levy year and each non-home
14 rule taxing district not subject to this Law before the 1995
15 levy year having the majority of its 1994 equalized assessed
16 value in an affected county or counties. Beginning with the
17 levy year in which this Law becomes applicable to a taxing
18 district as provided in Section 18-213, "taxing district" also
19 includes those taxing districts made subject to this Law as
20 provided in Section 18-213.

21 "Aggregate extension" for taxing districts to which this
22 Law applied before the 1995 levy year means the annual
23 corporate extension for the taxing district and those special
24 purpose extensions that are made annually for the taxing
25 district, excluding special purpose extensions: (a) made for
26 the taxing district to pay interest or principal on general

1 obligation bonds that were approved by referendum; (b) made
2 for any taxing district to pay interest or principal on
3 general obligation bonds issued before October 1, 1991; (c)
4 made for any taxing district to pay interest or principal on
5 bonds issued to refund or continue to refund those bonds
6 issued before October 1, 1991; (d) made for any taxing
7 district to pay interest or principal on bonds issued to
8 refund or continue to refund bonds issued after October 1,
9 1991 that were approved by referendum; (e) made for any taxing
10 district to pay interest or principal on revenue bonds issued
11 before October 1, 1991 for payment of which a property tax levy
12 or the full faith and credit of the unit of local government is
13 pledged; however, a tax for the payment of interest or
14 principal on those bonds shall be made only after the
15 governing body of the unit of local government finds that all
16 other sources for payment are insufficient to make those
17 payments; (f) made for payments under a building commission
18 lease when the lease payments are for the retirement of bonds
19 issued by the commission before October 1, 1991, to pay for the
20 building project; (g) made for payments due under installment
21 contracts entered into before October 1, 1991; (h) made for
22 payments of principal and interest on bonds issued under the
23 Metropolitan Water Reclamation District Act to finance
24 construction projects initiated before October 1, 1991; (i)
25 made for payments of principal and interest on limited bonds,
26 as defined in Section 3 of the Local Government Debt Reform

1 Act, in an amount not to exceed the debt service extension base
2 less the amount in items (b), (c), (e), and (h) of this
3 definition for non-referendum obligations, except obligations
4 initially issued pursuant to referendum; (j) made for payments
5 of principal and interest on bonds issued under Section 15 of
6 the Local Government Debt Reform Act; (k) made by a school
7 district that participates in the Special Education District
8 of Lake County, created by special education joint agreement
9 under Section 10-22.31 of the School Code, for payment of the
10 school district's share of the amounts required to be
11 contributed by the Special Education District of Lake County
12 to the Illinois Municipal Retirement Fund under Article 7 of
13 the Illinois Pension Code; the amount of any extension under
14 this item (k) shall be certified by the school district to the
15 county clerk; (l) made to fund expenses of providing joint
16 recreational programs for persons with disabilities under
17 Section 5-8 of the Park District Code or Section 11-95-14 of
18 the Illinois Municipal Code; (m) made for temporary relocation
19 loan repayment purposes pursuant to Sections 2-3.77 and
20 17-2.2d of the School Code; (n) made for payment of principal
21 and interest on any bonds issued under the authority of
22 Section 17-2.2d of the School Code; (o) made for contributions
23 to a firefighter's pension fund created under Article 4 of the
24 Illinois Pension Code, to the extent of the amount certified
25 under item (5) of Section 4-134 of the Illinois Pension Code;
26 and (p) made for road purposes in the first year after a

1 township assumes the rights, powers, duties, assets, property,
2 liabilities, obligations, and responsibilities of a road
3 district abolished under the provisions of Section 6-133 of
4 the Illinois Highway Code.

5 "Aggregate extension" for the taxing districts to which
6 this Law did not apply before the 1995 levy year (except taxing
7 districts subject to this Law in accordance with Section
8 18-213) means the annual corporate extension for the taxing
9 district and those special purpose extensions that are made
10 annually for the taxing district, excluding special purpose
11 extensions: (a) made for the taxing district to pay interest
12 or principal on general obligation bonds that were approved by
13 referendum; (b) made for any taxing district to pay interest
14 or principal on general obligation bonds issued before March
15 1, 1995; (c) made for any taxing district to pay interest or
16 principal on bonds issued to refund or continue to refund
17 those bonds issued before March 1, 1995; (d) made for any
18 taxing district to pay interest or principal on bonds issued
19 to refund or continue to refund bonds issued after March 1,
20 1995 that were approved by referendum; (e) made for any taxing
21 district to pay interest or principal on revenue bonds issued
22 before March 1, 1995 for payment of which a property tax levy
23 or the full faith and credit of the unit of local government is
24 pledged; however, a tax for the payment of interest or
25 principal on those bonds shall be made only after the
26 governing body of the unit of local government finds that all

1 other sources for payment are insufficient to make those
2 payments; (f) made for payments under a building commission
3 lease when the lease payments are for the retirement of bonds
4 issued by the commission before March 1, 1995 to pay for the
5 building project; (g) made for payments due under installment
6 contracts entered into before March 1, 1995; (h) made for
7 payments of principal and interest on bonds issued under the
8 Metropolitan Water Reclamation District Act to finance
9 construction projects initiated before October 1, 1991; (h-4)
10 made for stormwater management purposes by the Metropolitan
11 Water Reclamation District of Greater Chicago under Section 12
12 of the Metropolitan Water Reclamation District Act; (h-8) made
13 for payments of principal and interest on bonds issued under
14 Section 9.6a of the Metropolitan Water Reclamation District
15 Act to make contributions to the pension fund established
16 under Article 13 of the Illinois Pension Code; (i) made for
17 payments of principal and interest on limited bonds, as
18 defined in Section 3 of the Local Government Debt Reform Act,
19 in an amount not to exceed the debt service extension base less
20 the amount in items (b), (c), and (e) of this definition for
21 non-referendum obligations, except obligations initially
22 issued pursuant to referendum and bonds described in
23 subsections (h) and (h-8) of this definition; (j) made for
24 payments of principal and interest on bonds issued under
25 Section 15 of the Local Government Debt Reform Act; (k) made
26 for payments of principal and interest on bonds authorized by

1 Public Act 88-503 and issued under Section 20a of the Chicago
2 Park District Act for aquarium or museum projects and bonds
3 issued under Section 20a of the Chicago Park District Act for
4 the purpose of making contributions to the pension fund
5 established under Article 12 of the Illinois Pension Code; (l)
6 made for payments of principal and interest on bonds
7 authorized by Public Act 87-1191 or 93-601 and (i) issued
8 pursuant to Section 21.2 of the Cook County Forest Preserve
9 District Act, (ii) issued under Section 42 of the Cook County
10 Forest Preserve District Act for zoological park projects, or
11 (iii) issued under Section 44.1 of the Cook County Forest
12 Preserve District Act for botanical gardens projects; (m) made
13 pursuant to Section 34-53.5 of the School Code, whether levied
14 annually or not; (n) made to fund expenses of providing joint
15 recreational programs for persons with disabilities under
16 Section 5-8 of the Park District Code or Section 11-95-14 of
17 the Illinois Municipal Code; (o) made by the Chicago Park
18 District for recreational programs for persons with
19 disabilities under subsection (c) of Section 7.06 of the
20 Chicago Park District Act; (p) made for contributions to a
21 firefighter's pension fund created under Article 4 of the
22 Illinois Pension Code, to the extent of the amount certified
23 under item (5) of Section 4-134 of the Illinois Pension Code;
24 (q) made by Ford Heights School District 169 under Section
25 17-9.02 of the School Code; and (r) made for the purpose of
26 making employer contributions to the Public School Teachers'

1 Pension and Retirement Fund of Chicago under Section 34-53 of
2 the School Code.

3 "Aggregate extension" for all taxing districts to which
4 this Law applies in accordance with Section 18-213, except for
5 those taxing districts subject to paragraph (2) of subsection
6 (e) of Section 18-213, means the annual corporate extension
7 for the taxing district and those special purpose extensions
8 that are made annually for the taxing district, excluding
9 special purpose extensions: (a) made for the taxing district
10 to pay interest or principal on general obligation bonds that
11 were approved by referendum; (b) made for any taxing district
12 to pay interest or principal on general obligation bonds
13 issued before the date on which the referendum making this Law
14 applicable to the taxing district is held; (c) made for any
15 taxing district to pay interest or principal on bonds issued
16 to refund or continue to refund those bonds issued before the
17 date on which the referendum making this Law applicable to the
18 taxing district is held; (d) made for any taxing district to
19 pay interest or principal on bonds issued to refund or
20 continue to refund bonds issued after the date on which the
21 referendum making this Law applicable to the taxing district
22 is held if the bonds were approved by referendum after the date
23 on which the referendum making this Law applicable to the
24 taxing district is held; (e) made for any taxing district to
25 pay interest or principal on revenue bonds issued before the
26 date on which the referendum making this Law applicable to the

1 taxing district is held for payment of which a property tax
2 levy or the full faith and credit of the unit of local
3 government is pledged; however, a tax for the payment of
4 interest or principal on those bonds shall be made only after
5 the governing body of the unit of local government finds that
6 all other sources for payment are insufficient to make those
7 payments; (f) made for payments under a building commission
8 lease when the lease payments are for the retirement of bonds
9 issued by the commission before the date on which the
10 referendum making this Law applicable to the taxing district
11 is held to pay for the building project; (g) made for payments
12 due under installment contracts entered into before the date
13 on which the referendum making this Law applicable to the
14 taxing district is held; (h) made for payments of principal
15 and interest on limited bonds, as defined in Section 3 of the
16 Local Government Debt Reform Act, in an amount not to exceed
17 the debt service extension base less the amount in items (b),
18 (c), and (e) of this definition for non-referendum
19 obligations, except obligations initially issued pursuant to
20 referendum; (i) made for payments of principal and interest on
21 bonds issued under Section 15 of the Local Government Debt
22 Reform Act; (j) made for a qualified airport authority to pay
23 interest or principal on general obligation bonds issued for
24 the purpose of paying obligations due under, or financing
25 airport facilities required to be acquired, constructed,
26 installed or equipped pursuant to, contracts entered into

1 before March 1, 1996 (but not including any amendments to such
2 a contract taking effect on or after that date); (k) made to
3 fund expenses of providing joint recreational programs for
4 persons with disabilities under Section 5-8 of the Park
5 District Code or Section 11-95-14 of the Illinois Municipal
6 Code; (l) made for contributions to a firefighter's pension
7 fund created under Article 4 of the Illinois Pension Code, to
8 the extent of the amount certified under item (5) of Section
9 4-134 of the Illinois Pension Code; and (m) made for the taxing
10 district to pay interest or principal on general obligation
11 bonds issued pursuant to Section 19-3.10 of the School Code.

12 "Aggregate extension" for all taxing districts to which
13 this Law applies in accordance with paragraph (2) of
14 subsection (e) of Section 18-213 means the annual corporate
15 extension for the taxing district and those special purpose
16 extensions that are made annually for the taxing district,
17 excluding special purpose extensions: (a) made for the taxing
18 district to pay interest or principal on general obligation
19 bonds that were approved by referendum; (b) made for any
20 taxing district to pay interest or principal on general
21 obligation bonds issued before March 7, 1997 (the effective
22 date of Public Act 89-718); (c) made for any taxing district to
23 pay interest or principal on bonds issued to refund or
24 continue to refund those bonds issued before March 7, 1997
25 (the effective date of Public Act 89-718); (d) made for any
26 taxing district to pay interest or principal on bonds issued

1 to refund or continue to refund bonds issued after March 7,
2 1997 (the effective date of Public Act 89-718) if the bonds
3 were approved by referendum after March 7, 1997 (the effective
4 date of Public Act 89-718); (e) made for any taxing district to
5 pay interest or principal on revenue bonds issued before March
6 7, 1997 (the effective date of Public Act 89-718) for payment
7 of which a property tax levy or the full faith and credit of
8 the unit of local government is pledged; however, a tax for the
9 payment of interest or principal on those bonds shall be made
10 only after the governing body of the unit of local government
11 finds that all other sources for payment are insufficient to
12 make those payments; (f) made for payments under a building
13 commission lease when the lease payments are for the
14 retirement of bonds issued by the commission before March 7,
15 1997 (the effective date of Public Act 89-718) to pay for the
16 building project; (g) made for payments due under installment
17 contracts entered into before March 7, 1997 (the effective
18 date of Public Act 89-718); (h) made for payments of principal
19 and interest on limited bonds, as defined in Section 3 of the
20 Local Government Debt Reform Act, in an amount not to exceed
21 the debt service extension base less the amount in items (b),
22 (c), and (e) of this definition for non-referendum
23 obligations, except obligations initially issued pursuant to
24 referendum; (i) made for payments of principal and interest on
25 bonds issued under Section 15 of the Local Government Debt
26 Reform Act; (j) made for a qualified airport authority to pay

1 interest or principal on general obligation bonds issued for
2 the purpose of paying obligations due under, or financing
3 airport facilities required to be acquired, constructed,
4 installed or equipped pursuant to, contracts entered into
5 before March 1, 1996 (but not including any amendments to such
6 a contract taking effect on or after that date); (k) made to
7 fund expenses of providing joint recreational programs for
8 persons with disabilities under Section 5-8 of the Park
9 District Code or Section 11-95-14 of the Illinois Municipal
10 Code; and (l) made for contributions to a firefighter's
11 pension fund created under Article 4 of the Illinois Pension
12 Code, to the extent of the amount certified under item (5) of
13 Section 4-134 of the Illinois Pension Code.

14 "Debt service extension base" means an amount equal to
15 that portion of the extension for a taxing district for the
16 1994 levy year, or for those taxing districts subject to this
17 Law in accordance with Section 18-213, except for those
18 subject to paragraph (2) of subsection (e) of Section 18-213,
19 for the levy year in which the referendum making this Law
20 applicable to the taxing district is held, or for those taxing
21 districts subject to this Law in accordance with paragraph (2)
22 of subsection (e) of Section 18-213 for the 1996 levy year,
23 constituting an extension for payment of principal and
24 interest on bonds issued by the taxing district without
25 referendum, but not including excluded non-referendum bonds.
26 For park districts (i) that were first subject to this Law in

1 1991 or 1995 and (ii) whose extension for the 1994 levy year
2 for the payment of principal and interest on bonds issued by
3 the park district without referendum (but not including
4 excluded non-referendum bonds) was less than 51% of the amount
5 for the 1991 levy year constituting an extension for payment
6 of principal and interest on bonds issued by the park district
7 without referendum (but not including excluded non-referendum
8 bonds), "debt service extension base" means an amount equal to
9 that portion of the extension for the 1991 levy year
10 constituting an extension for payment of principal and
11 interest on bonds issued by the park district without
12 referendum (but not including excluded non-referendum bonds).
13 A debt service extension base established or increased at any
14 time pursuant to any provision of this Law, except Section
15 18-212, shall be increased each year commencing with the later
16 of (i) the 2009 levy year or (ii) the first levy year in which
17 this Law becomes applicable to the taxing district, by the
18 lesser of 5% or the percentage increase in the Consumer Price
19 Index during the 12-month calendar year preceding the levy
20 year. The debt service extension base may be established or
21 increased as provided under Section 18-212. "Excluded
22 non-referendum bonds" means (i) bonds authorized by Public Act
23 88-503 and issued under Section 20a of the Chicago Park
24 District Act for aquarium and museum projects; (ii) bonds
25 issued under Section 15 of the Local Government Debt Reform
26 Act; or (iii) refunding obligations issued to refund or to

1 continue to refund obligations initially issued pursuant to
2 referendum.

3 "Special purpose extensions" include, but are not limited
4 to, extensions for levies made on an annual basis for
5 unemployment and workers' compensation, self-insurance,
6 contributions to pension plans, and extensions made pursuant
7 to Section 6-601 of the Illinois Highway Code for a road
8 district's permanent road fund whether levied annually or not.
9 The extension for a special service area is not included in the
10 aggregate extension.

11 "Aggregate extension base" means the taxing district's
12 last preceding aggregate extension as adjusted under Sections
13 18-135, 18-215, 18-230, 18-206, and 18-233. Beginning with
14 levy year 2022, for taxing districts that are specified in
15 Section 18-190.7, the taxing district's aggregate extension
16 base shall be calculated as provided in Section 18-190.7. An
17 adjustment under Section 18-135 shall be made for the 2007
18 levy year and all subsequent levy years whenever one or more
19 counties within which a taxing district is located (i) used
20 estimated valuations or rates when extending taxes in the
21 taxing district for the last preceding levy year that resulted
22 in the over or under extension of taxes, or (ii) increased or
23 decreased the tax extension for the last preceding levy year
24 as required by Section 18-135(c). Whenever an adjustment is
25 required under Section 18-135, the aggregate extension base of
26 the taxing district shall be equal to the amount that the

1 aggregate extension of the taxing district would have been for
2 the last preceding levy year if either or both (i) actual,
3 rather than estimated, valuations or rates had been used to
4 calculate the extension of taxes for the last levy year, or
5 (ii) the tax extension for the last preceding levy year had not
6 been adjusted as required by subsection (c) of Section 18-135.

7 Notwithstanding any other provision of law, for levy year
8 2012, the aggregate extension base for West Northfield School
9 District No. 31 in Cook County shall be \$12,654,592.

10 Notwithstanding any other provision of law, for levy year
11 2022, the aggregate extension base of a home equity assurance
12 program that levied at least \$1,000,000 in property taxes in
13 levy year 2019 or 2020 under the Home Equity Assurance Act
14 shall be the amount that the program's aggregate extension
15 base for levy year 2021 would have been if the program had
16 levied a property tax for levy year 2021.

17 "Levy year" has the same meaning as "year" under Section
18 1-155.

19 "New property" means (i) the assessed value, after final
20 board of review or board of appeals action, of new
21 improvements or additions to existing improvements on any
22 parcel of real property that increase the assessed value of
23 that real property during the levy year multiplied by the
24 equalization factor issued by the Department under Section
25 17-30, (ii) the assessed value, after final board of review or
26 board of appeals action, of real property not exempt from real

1 estate taxation, which real property was exempt from real
2 estate taxation for any portion of the immediately preceding
3 levy year, multiplied by the equalization factor issued by the
4 Department under Section 17-30, including the assessed value,
5 upon final stabilization of occupancy after new construction
6 is complete, of any real property located within the
7 boundaries of an otherwise or previously exempt military
8 reservation that is intended for residential use and owned by
9 or leased to a private corporation or other entity, (iii) in
10 counties that classify in accordance with Section 4 of Article
11 IX of the Illinois Constitution, an incentive property's
12 additional assessed value resulting from a scheduled increase
13 in the level of assessment as applied to the first year final
14 board of review market value, and (iv) any increase in
15 assessed value due to oil or gas production from an oil or gas
16 well required to be permitted under the Hydraulic Fracturing
17 Regulatory Act that was not produced in or accounted for
18 during the previous levy year. In addition, the county clerk
19 in a county containing a population of 3,000,000 or more shall
20 include in the 1997 recovered tax increment value for any
21 school district, any recovered tax increment value that was
22 applicable to the 1995 tax year calculations.

23 "Qualified airport authority" means an airport authority
24 organized under the Airport Authorities Act and located in a
25 county bordering on the State of Wisconsin and having a
26 population in excess of 200,000 and not greater than 500,000.

1 "Recovered tax increment value" means, except as otherwise
2 provided in this paragraph, the amount of the current year's
3 equalized assessed value, in the first year after a
4 municipality terminates the designation of an area as a
5 redevelopment project area previously established under the
6 Tax Increment Allocation Redevelopment Act in the Illinois
7 Municipal Code, previously established under the Industrial
8 Jobs Recovery Law in the Illinois Municipal Code, previously
9 established under the Economic Development Project Area Tax
10 Increment Act of 1995, or previously established under the
11 Economic Development Area Tax Increment Allocation Act, of
12 each taxable lot, block, tract, or parcel of real property in
13 the redevelopment project area over and above the initial
14 equalized assessed value of each property in the redevelopment
15 project area. For the taxes which are extended for the 1997
16 levy year, the recovered tax increment value for a non-home
17 rule taxing district that first became subject to this Law for
18 the 1995 levy year because a majority of its 1994 equalized
19 assessed value was in an affected county or counties shall be
20 increased if a municipality terminated the designation of an
21 area in 1993 as a redevelopment project area previously
22 established under the Tax Increment Allocation Redevelopment
23 Act in the Illinois Municipal Code, previously established
24 under the Industrial Jobs Recovery Law in the Illinois
25 Municipal Code, or previously established under the Economic
26 Development Area Tax Increment Allocation Act, by an amount

1 equal to the 1994 equalized assessed value of each taxable
2 lot, block, tract, or parcel of real property in the
3 redevelopment project area over and above the initial
4 equalized assessed value of each property in the redevelopment
5 project area. In the first year after a municipality removes a
6 taxable lot, block, tract, or parcel of real property from a
7 redevelopment project area established under the Tax Increment
8 Allocation Redevelopment Act in the Illinois Municipal Code,
9 the Industrial Jobs Recovery Law in the Illinois Municipal
10 Code, or the Economic Development Area Tax Increment
11 Allocation Act, "recovered tax increment value" means the
12 amount of the current year's equalized assessed value of each
13 taxable lot, block, tract, or parcel of real property removed
14 from the redevelopment project area over and above the initial
15 equalized assessed value of that real property before removal
16 from the redevelopment project area.

17 Except as otherwise provided in this Section, "limiting
18 rate" means a fraction the numerator of which is the last
19 preceding aggregate extension base times an amount equal to
20 one plus the extension limitation defined in this Section and
21 the denominator of which is the current year's equalized
22 assessed value of all real property in the territory under the
23 jurisdiction of the taxing district during the prior levy
24 year. For those taxing districts that reduced their aggregate
25 extension for the last preceding levy year, except for school
26 districts that reduced their extension for educational

1 purposes pursuant to Section 18-206, the highest aggregate
2 extension in any of the last 3 preceding levy years shall be
3 used for the purpose of computing the limiting rate. The
4 denominator shall not include new property or the recovered
5 tax increment value. If a new rate, a rate decrease, or a
6 limiting rate increase has been approved at an election held
7 after March 21, 2006, then (i) the otherwise applicable
8 limiting rate shall be increased by the amount of the new rate
9 or shall be reduced by the amount of the rate decrease, as the
10 case may be, or (ii) in the case of a limiting rate increase,
11 the limiting rate shall be equal to the rate set forth in the
12 proposition approved by the voters for each of the years
13 specified in the proposition, after which the limiting rate of
14 the taxing district shall be calculated as otherwise provided.
15 In the case of a taxing district that obtained referendum
16 approval for an increased limiting rate on March 20, 2012, the
17 limiting rate for tax year 2012 shall be the rate that
18 generates the approximate total amount of taxes extendable for
19 that tax year, as set forth in the proposition approved by the
20 voters; this rate shall be the final rate applied by the county
21 clerk for the aggregate of all capped funds of the district for
22 tax year 2012.

23 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
24 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; 102-707, eff.
25 4-22-22; 102-813, eff. 5-13-22; 102-895, eff. 5-23-22; revised
26 8-29-22.)

1 (35 ILCS 200/18-190.7)

2 Sec. 18-190.7. Alternative aggregate extension base for
3 certain taxing districts; recapture.

4 (a) This Section applies to the following taxing districts
5 that are subject to this Division 5:

6 (1) school districts that have a designation of
7 recognition or review according to the State Board of
8 Education's School District Financial Profile System as of
9 the first day of the levy year for which the taxing
10 district seeks to increase its aggregate extension under
11 this Section;

12 (2) park districts;

13 (3) library districts; and

14 (4) community college districts.

15 (b) Subject to the limitations of subsection (c),
16 beginning in levy year 2022, a taxing district specified in
17 subsection (a) may recapture certain levy amounts that are
18 otherwise unavailable to the taxing district as a result of
19 the taxing district not extending the maximum amount permitted
20 under this Division 5 in a previous levy year. For that
21 purpose, the taxing district's aggregate extension base shall
22 be the greater of: (1) the taxing district's aggregate
23 extension limit; or (2) the taxing district's last preceding
24 aggregate extension, as adjusted under Sections 18-135,
25 18-215, 18-230, 18-206, and 18-233.

1 (c) Notwithstanding the provisions of this Section, the
2 aggregate extension of a taxing district that uses an
3 aggregate extension limit under this Section for a particular
4 levy year may not exceed the taxing district's aggregate
5 extension for the immediately preceding levy year by more than
6 5% unless the increase is approved by the voters under Section
7 18-205; however, if a taxing district is unable to recapture
8 the entire unrealized levy amount in a single levy year due to
9 the limitations of this subsection (c), the taxing district
10 may increase its aggregate extension in each immediately
11 succeeding levy year until the entire levy amount is
12 recaptured, except that the increase in each succeeding levy
13 year may not exceed the greater of (i) 5% or (ii) the increase
14 approved by the voters under Section 18-205.

15 In order to be eligible for recapture under this Section,
16 the taxing district must certify to the county clerk that the
17 taxing district did not extend the maximum amount permitted
18 under this Division 5 for a particular levy year. That
19 certification must be made not more than 60 days after the
20 taxing district files its levy ordinance or resolution with
21 the county clerk for the levy year for which the taxing
22 district did not extend the maximum amount permitted under
23 this Division 5.

24 (d) As used in this Section, "aggregate extension limit"
25 means the taxing district's last preceding aggregate extension
26 if the district had utilized the maximum limiting rate

1 permitted without referendum for each of the 3 immediately
2 preceding levy years, as adjusted under Sections ~~Section~~
3 18-135, 18-215, 18-230, 18-206, and 18-233.

4 (Source: P.A. 102-895, eff. 5-23-22; revised 9-6-22.)

5 (35 ILCS 200/22-10)

6 Sec. 22-10. Notice of expiration of period of redemption.
7 A purchaser or assignee shall not be entitled to a tax deed to
8 the property sold unless, not less than 3 months nor more than
9 6 months prior to the expiration of the period of redemption,
10 he or she gives notice of the sale and the date of expiration
11 of the period of redemption to the owners, occupants, and
12 parties interested in the property, including any mortgagee of
13 record, as provided below. ~~the~~

14 The Notice to be given to the parties shall be in at least
15 10-point ~~10-point~~ type in the following form completely filled
16 in:

17 TAX DEED NO. FILED

18 TAKE NOTICE

19 County of

20 Date Premises Sold

21 Certificate No.

22 Sold for General Taxes of (year)

23 Sold for Special Assessment of (Municipality)
24 and special assessment number

25 Warrant No. Inst. No.

THIS PROPERTY HAS BEEN SOLD FOR
DELINQUENT TAXES

Property located at
Legal Description or Property Index No.
.....
.....

This notice is to advise you that the above property has
been sold for delinquent taxes and that the period of
redemption from the sale will expire on
.....

The amount to redeem is subject to increase at 6 month
intervals from the date of sale and may be further increased if
the purchaser at the tax sale or his or her assignee pays any
subsequently accruing taxes or special assessments to redeem
the property from subsequent forfeitures or tax sales. Check
with the county clerk as to the exact amount you owe before
redeeming.

This notice is also to advise you that a petition has been
filed for a tax deed which will transfer title and the right to
possession of this property if redemption is not made on or
before

This matter is set for hearing in the Circuit Court of this
county in, Illinois on

You may be present at this hearing but your right to redeem
will already have expired at that time.

YOU ARE URGED TO REDEEM IMMEDIATELY

1 TO PREVENT LOSS OF PROPERTY

2 Redemption can be made at any time on or before by
3 applying to the County Clerk of, County, Illinois at the
4 Office of the County Clerk in, Illinois.

5 For further information contact the County Clerk

6 ADDRESS:.....

7 TELEPHONE:.....

8

9 Purchaser or Assignee.

10 Dated (insert date).

11 In counties with 3,000,000 or more inhabitants, the notice
12 shall also state the address, room number, and time at which
13 the matter is set for hearing.

14 The changes to this Section made by Public Act 97-557
15 apply only to matters in which a petition for tax deed is filed
16 on or after July 1, 2012 (the effective date of Public Act
17 97-557).

18 The changes to this Section made by Public Act 102-1003
19 ~~this amendatory Act of the 102nd General Assembly~~ apply to
20 matters in which a petition for tax deed is filed on or after
21 May 27, 2022 (the effective date of Public Act 102-1003) ~~this~~
22 ~~amendatory Act of the 102nd General Assembly~~. Failure of any
23 party or any public official to comply with the changes made to
24 this Section by Public Act 102-528 does not invalidate any tax

1 deed issued prior to May 27, 2022 (the effective date of Public
2 Act 102-1003) ~~this amendatory Act of the 102nd General~~
3 ~~Assembly.~~

4 (Source: P.A. 102-528, eff. 1-1-22; 102-813, eff. 5-13-22;
5 102-1003, eff. 5-27-22; revised 9-1-22.)

6 (35 ILCS 200/22-25)

7 Sec. 22-25. Mailed notice. In addition to the notice
8 required to be served not less than one month nor more than 6
9 months prior to the expiration of the period of redemption,
10 the purchaser or his or her assignee shall prepare and deliver
11 to the clerk of the Circuit Court of the county in which the
12 property is located, not more than 6 months and not less than
13 111 days prior to the expiration of the period of redemption,
14 the notice provided for in this Section, together with the
15 statutory costs for mailing the notice by certified mail,
16 return receipt requested. The form of notice to be mailed by
17 the clerk shall be identical in form to that provided by
18 Section 22-10 for service upon owners residing upon the
19 property sold, except that it shall bear the signature of the
20 clerk instead of the name of the purchaser or assignee and
21 shall designate the parties to whom it is to be mailed. The
22 clerk may furnish the form. The clerk shall mail the notices
23 delivered to him or her by certified mail, return receipt
24 requested, not less than 3 months prior to the expiration of
25 the period of redemption. The certificate of the clerk that he

1 or she has mailed the notices, together with the return
2 receipts, shall be filed in and made a part of the court
3 record. The notices shall be mailed to the owners of the
4 property at their last known addresses, and to those persons
5 who are entitled to service of notice as occupants.

6 The changes to this Section made by Public Act 97-557 ~~this~~
7 ~~amendatory Act of the 97th General Assembly~~ shall be construed
8 as being declaratory of existing law and not as a new
9 enactment.

10 The changes to this Section made by Public Act 102-1003
11 ~~this amendatory Act of the 102nd General Assembly~~ apply to
12 matters in which a petition for tax deed is filed on or after
13 May 27, 2022 (the effective date of Public Act 102-1003) ~~this~~
14 ~~amendatory Act of the 102nd General Assembly~~. Failure of any
15 party or any public official to comply with the changes made to
16 this Section by Public Act 102-528 does not invalidate any tax
17 deed issued prior to May 27, 2022 (the effective date of Public
18 Act 102-1003) ~~this amendatory Act of the 102nd General~~
19 ~~Assembly~~.

20 (Source: P.A. 102-528, eff. 1-1-22; 102-815, eff. 5-13-22;
21 102-1003, eff. 5-27-22; revised 8-12-22.)

22 Section 220. The Parking Excise Tax Act is amended by
23 changing Section 10-20 as follows:

24 (35 ILCS 525/10-20)

1 Sec. 10-20. Exemptions. The tax imposed by this Act shall
2 not apply to:

3 (1) Parking in a parking area or garage operated by
4 the federal government or its instrumentalities that has
5 been issued an active tax exemption number by the
6 Department under Section 1g of the Retailers' Occupation
7 Tax Act; for this exemption to apply, the parking area or
8 garage must be operated by the federal government or its
9 instrumentalities; the exemption under this paragraph (1)
10 does not apply if the parking area or garage is operated by
11 a third party, whether under a lease or other contractual
12 arrangement, or any other manner whatsoever.

13 (2) Residential off-street parking for home or
14 apartment tenants or condominium occupants, if the
15 arrangement for such parking is provided in the home or
16 apartment lease or in a separate writing between the
17 landlord and tenant, or in a condominium agreement between
18 the condominium association and the owner, occupant, or
19 guest of a unit, whether the parking charge is payable to
20 the landlord, condominium association, or to the operator
21 of the parking spaces.

22 (3) Parking by hospital employees in a parking space
23 that is owned and operated by the hospital for which they
24 work.

25 (4) Parking in a parking area or garage where 3 or
26 fewer motor vehicles are stored, housed, or parked for

1 hire, charge, fee, or other valuable consideration, if the
2 operator of the parking area or garage does not act as the
3 operator of more than a total of 3 parking spaces located
4 in the State; if any operator of parking areas or garages,
5 including any facilitator or aggregator, acts as an
6 operator of more than 3 parking spaces in total that are
7 located in the State, then this exemption shall not apply
8 to any of those spaces.

9 (5) For the duration of the Illinois State Fair or the
10 DuQuoin State Fair, parking in a parking area or garage
11 operated for the use of attendees, vendors, or employees
12 of the State Fair and not otherwise subject to taxation
13 under this Act in the ordinary course of business.

14 (6) Parking in a parking area or garage operated by
15 the State, a State university created by statute, or a
16 unit of local government that has been issued an active
17 tax exemption number by the Department under Section 1g of
18 the Retailers' Occupation Tax Act; the parking area or
19 garage must be operated by the State, State university, or
20 unit of local government; the exemption under this
21 paragraph does not apply if the parking area or garage is
22 operated by a third party, whether under a lease or other
23 contractual arrangement, or held in any other manner,
24 unless the parking area or garage is exempt under
25 paragraph (5).

26 (7) Parking in a parking area or garage owned and

1 operated by a person engaged in the business of renting
2 real estate if the parking area or garage is used by the
3 lessee to park motor vehicles, recreational vehicles, or
4 self-propelled vehicles for the lessee's own use and not
5 for the purpose of subleasing parking spaces for
6 consideration.

7 (8) The purchase of a parking space by the State, a
8 State university created by statute, or a unit of local
9 government that has been issued an active tax exemption
10 number by the Department under Section 1g of the
11 Retailers' Occupation Tax Act, for use by employees of the
12 State, State university, or unit of local government,
13 provided that the purchase price is paid directly by the
14 governmental entity.

15 (9) Parking in a parking space leased to a
16 governmental entity that is exempt pursuant to paragraph
17 (1) or (6) when the exempt entity rents or leases the
18 parking spaces in the parking area or garage to the
19 public; the purchase price must be paid by the
20 governmental entity; the exempt governmental entity is
21 exempt from collecting tax subject to the provisions of
22 paragraph (1) or (6), as applicable, when renting or
23 leasing the parking spaces to the public.

24 (Source: P.A. 101-31, eff. 6-28-19; 102-920, eff. 5-27-22;
25 revised 9-6-22.)

1 Section 225. The Illinois Pension Code is amended by
2 changing Sections 7-144, 16-203, and 17-149 as follows:

3 (40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

4 Sec. 7-144. Retirement annuities; suspended annuities
5 ~~suspended~~ during employment.

6 (a) If any person receiving any annuity again becomes an
7 employee and receives earnings from employment in a position
8 requiring him, or entitling him to elect, to become a
9 participating employee, then the annuity payable to such
10 employee shall be suspended as of the first ~~1st~~ day of the
11 month coincidental with or next following the date upon which
12 such person becomes such an employee, unless the person is
13 authorized under subsection (b) of Section 7-137.1 of this
14 Code to continue receiving a retirement annuity during that
15 period. Upon proper qualification of the participating
16 employee payment of such annuity may be resumed on the first
17 ~~1st~~ day of the month following such qualification and upon
18 proper application therefor. The participating employee in
19 such case shall be entitled to a supplemental annuity arising
20 from service and credits earned subsequent to such re-entry as
21 a participating employee.

22 Notwithstanding any other provision of this Article, an
23 annuitant shall be considered a participating employee if he
24 or she returns to work as an employee with a participating
25 employer and works more than 599 hours annually (or 999 hours

1 annually with a participating employer that has adopted a
2 resolution pursuant to subsection (e) of Section 7-137 of this
3 Code). Each of these annual periods shall commence on the
4 month and day upon which the annuitant is first employed with
5 the participating employer following the effective date of the
6 annuity.

7 (a-5) If any annuitant under this Article must be
8 considered a participating employee per the provisions of
9 subsection (a) of this Section, and the participating
10 municipality or participating instrumentality that employs or
11 re-employs that annuitant knowingly fails to notify the Board
12 to suspend the annuity, the participating municipality or
13 participating instrumentality may be required to reimburse the
14 Fund for an amount up to one-half of the total of any annuity
15 payments made to the annuitant after the date the annuity
16 should have been suspended, as determined by the Board. In no
17 case shall the total amount repaid by the annuitant plus any
18 amount reimbursed by the employer to the Fund be more than the
19 total of all annuity payments made to the annuitant after the
20 date the annuity should have been suspended. This subsection
21 shall not apply if the annuitant returned to work for the
22 employer for less than 12 months.

23 The Fund shall notify all annuitants that they must notify
24 the Fund immediately if they return to work for any
25 participating employer. The notification by the Fund shall
26 occur upon retirement and no less than annually thereafter in

1 a format determined by the Fund. The Fund shall also develop
2 and maintain a system to track annuitants who have returned to
3 work and notify the participating employer and annuitant at
4 least annually of the limitations on returning to work under
5 this Section.

6 (b) Supplemental annuities to persons who return to
7 service for less than 48 months shall be computed under the
8 provisions of Sections 7-141, 7-142, and 7-143. In determining
9 whether an employee is eligible for an annuity which requires
10 a minimum period of service, his entire period of service
11 shall be taken into consideration but the supplemental annuity
12 shall be based on earnings and service in the supplemental
13 period only. The effective date of the suspended and
14 supplemental annuity for the purpose of increases after
15 retirement shall be considered to be the effective date of the
16 suspended annuity.

17 (c) Supplemental annuities to persons who return to
18 service for 48 months or more shall be a monthly amount
19 determined as follows:

20 (1) An amount shall be computed under subparagraph b
21 of paragraph (1) of subsection (a) of Section 7-142,
22 considering all of the service credits of the employee.

23 (2) The actuarial value in monthly payments for life
24 of the annuity payments made before suspension shall be
25 determined and subtracted from the amount determined in
26 paragraph (1) above.

1 (3) The monthly amount of the suspended annuity, with
2 any applicable increases after retirement computed from
3 the effective date to the date of reinstatement, shall be
4 subtracted from the amount determined in paragraph (2)
5 above and the remainder shall be the amount of the
6 supplemental annuity provided that this amount shall not
7 be less than the amount computed under subsection (b) of
8 this Section.

9 (4) The suspended annuity shall be reinstated at an
10 amount including any increases after retirement from the
11 effective date to date of reinstatement.

12 (5) The effective date of the combined suspended and
13 supplemental annuities for the purposes of increases after
14 retirement shall be considered to be the effective date of
15 the supplemental annuity.

16 (d) If a Tier 2 regular employee becomes a member or
17 participant under any other system or fund created by this
18 Code and is employed on a full-time basis, except for those
19 members or participants exempted from the provisions of
20 subsection (a) of Section 1-160 of this Code (other than a
21 participating employee under this Article), then the person's
22 retirement annuity shall be suspended during that employment.
23 Upon termination of that employment, the person's retirement
24 annuity shall resume and be recalculated as required by this
25 Section.

26 (e) If a Tier 2 regular employee first began participation

1 on or after January 1, 2012 and is receiving a retirement
2 annuity and accepts on a contractual basis a position to
3 provide services to a governmental entity from which he or she
4 has retired, then that person's annuity or retirement pension
5 shall be suspended during that contractual service,
6 notwithstanding the provisions of any other Section in this
7 Article. Such annuitant shall notify the Fund, as well as his
8 or her contractual employer, of his or her retirement status
9 before accepting contractual employment. A person who fails to
10 submit such notification shall be guilty of a Class A
11 misdemeanor and required to pay a fine of \$1,000. Upon
12 termination of that contractual employment, the person's
13 retirement annuity shall resume and be recalculated as
14 required by this Section.

15 (Source: P.A. 102-210, eff. 1-1-22; revised 8-19-22.)

16 (40 ILCS 5/16-203)

17 Sec. 16-203. Application and expiration of new benefit
18 increases.

19 (a) As used in this Section, "new benefit increase" means
20 an increase in the amount of any benefit provided under this
21 Article, or an expansion of the conditions of eligibility for
22 any benefit under this Article, that results from an amendment
23 to this Code that takes effect after June 1, 2005 (the
24 effective date of Public Act 94-4). "New benefit increase",
25 however, does not include any benefit increase resulting from

1 the changes made to Article 1 or this Article by Public Act
2 95-910, Public Act 100-23, Public Act 100-587, Public Act
3 100-743, Public Act 100-769, Public Act 101-10, Public Act
4 101-49, Public Act 102-16, or Public Act 102-871 ~~Public Act~~
5 ~~102-16 this amendatory Act of the 102nd General Assembly.~~

6 (b) Notwithstanding any other provision of this Code or
7 any subsequent amendment to this Code, every new benefit
8 increase is subject to this Section and shall be deemed to be
9 granted only in conformance with and contingent upon
10 compliance with the provisions of this Section.

11 (c) The Public Act enacting a new benefit increase must
12 identify and provide for payment to the System of additional
13 funding at least sufficient to fund the resulting annual
14 increase in cost to the System as it accrues.

15 Every new benefit increase is contingent upon the General
16 Assembly providing the additional funding required under this
17 subsection. The Commission on Government Forecasting and
18 Accountability shall analyze whether adequate additional
19 funding has been provided for the new benefit increase and
20 shall report its analysis to the Public Pension Division of
21 the Department of Insurance. A new benefit increase created by
22 a Public Act that does not include the additional funding
23 required under this subsection is null and void. If the Public
24 Pension Division determines that the additional funding
25 provided for a new benefit increase under this subsection is
26 or has become inadequate, it may so certify to the Governor and

1 the State Comptroller and, in the absence of corrective action
2 by the General Assembly, the new benefit increase shall expire
3 at the end of the fiscal year in which the certification is
4 made.

5 (d) Every new benefit increase shall expire 5 years after
6 its effective date or on such earlier date as may be specified
7 in the language enacting the new benefit increase or provided
8 under subsection (c). This does not prevent the General
9 Assembly from extending or re-creating a new benefit increase
10 by law.

11 (e) Except as otherwise provided in the language creating
12 the new benefit increase, a new benefit increase that expires
13 under this Section continues to apply to persons who applied
14 and qualified for the affected benefit while the new benefit
15 increase was in effect and to the affected beneficiaries and
16 alternate payees of such persons, but does not apply to any
17 other person, including, without limitation, a person who
18 continues in service after the expiration date and did not
19 apply and qualify for the affected benefit while the new
20 benefit increase was in effect.

21 (Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19;
22 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff.
23 8-20-21; 102-813, eff. 5-13-22; 102-871, eff. 5-13-22; revised
24 7-26-22.)

25 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

1 Sec. 17-149. Cancellation of pensions.

2 (a) If any person receiving a disability retirement
3 pension from the Fund is re-employed as a teacher by an
4 Employer, the pension shall be cancelled on the date the
5 re-employment begins, or on the first day of a payroll period
6 for which service credit was validated, whichever is earlier.

7 (b) If any person receiving a service retirement pension
8 from the Fund is re-employed as a teacher on a permanent or
9 annual basis by an Employer, the pension shall be cancelled on
10 the date the re-employment begins, or on the first day of a
11 payroll period for which service credit was validated,
12 whichever is earlier. However, subject to the limitations and
13 requirements of subsection ~~subsections~~ (c-5) ~~or (c-10)~~, (c-6),
14 ~~and~~ (c-7), or (c-10), the pension shall not be cancelled in the
15 case of a service retirement pensioner who is re-employed on a
16 temporary and non-annual basis or on an hourly basis.

17 (c) If the date of re-employment on a permanent or annual
18 basis occurs within 5 school months after the date of previous
19 retirement, exclusive of any vacation period, the member shall
20 be deemed to have been out of service only temporarily and not
21 permanently retired. Such person shall be entitled to pension
22 payments for the time he could have been employed as a teacher
23 and received salary, but shall not be entitled to pension for
24 or during the summer vacation prior to his return to service.

25 When the member again retires on pension, the time of
26 service and the money contributed by him during re-employment

1 shall be added to the time and money previously credited. Such
2 person must acquire 3 consecutive years of additional
3 contributing service before he may retire again on a pension
4 at a rate and under conditions other than those in force or
5 attained at the time of his previous retirement.

6 (c-5) For school years beginning on or after July 1, 2019
7 and before July 1, 2022, the service retirement pension shall
8 not be cancelled in the case of a service retirement pensioner
9 who is re-employed as a teacher on a temporary and non-annual
10 basis or on an hourly basis, so long as the person (1) does not
11 work as a teacher for compensation on more than 120 days in a
12 school year or (2) does not accept gross compensation for the
13 re-employment in a school year in excess of (i) \$30,000 or (ii)
14 in the case of a person who retires with at least 5 years of
15 service as a principal, an amount that is equal to the daily
16 rate normally paid to retired principals multiplied by 100.
17 These limitations apply only to school years that begin on or
18 after July 1, 2019 and before July 1, 2022. Such re-employment
19 does not require contributions, result in service credit, or
20 constitute active membership in the Fund.

21 The service retirement pension shall not be cancelled in
22 the case of a service retirement pensioner who is re-employed
23 as a teacher on a temporary and non-annual basis or on an
24 hourly basis, so long as the person (1) does not work as a
25 teacher for compensation on more than 100 days in a school year
26 or (2) does not accept gross compensation for the

1 re-employment in a school year in excess of (i) \$30,000 or (ii)
2 in the case of a person who retires with at least 5 years of
3 service as a principal, an amount that is equal to the daily
4 rate normally paid to retired principals multiplied by 100.
5 These limitations apply only to school years that begin on or
6 after August 8, 2012 (the effective date of Public Act 97-912)
7 and before July 1, 2019. Such re-employment does not require
8 contributions, result in service credit, or constitute active
9 membership in the Fund.

10 Notwithstanding the 120-day limit set forth in item (1) of
11 this subsection (c-5), the service retirement pension shall
12 not be cancelled in the case of a service retirement pensioner
13 who teaches only driver education courses after regular school
14 hours and does not teach any other subject area, so long as the
15 person does not work as a teacher for compensation for more
16 than 900 hours in a school year. The \$30,000 limit set forth in
17 subitem (i) of item (2) of this subsection (c-5) shall apply to
18 a service retirement pensioner who teaches only driver
19 education courses after regular school hours and does not
20 teach any other subject area.

21 To be eligible for such re-employment without cancellation
22 of pension, the pensioner must notify the Fund and the Board of
23 Education of his or her intention to accept re-employment
24 under this subsection (c-5) before beginning that
25 re-employment (or if the re-employment began before August 8,
26 2012 (the effective date of Public Act 97-912) ~~this amendatory~~

1 ~~Act~~, then within 30 days after that effective date).

2 An Employer must certify to the Fund the temporary and
3 non-annual or hourly status and the compensation of each
4 pensioner re-employed under this subsection at least
5 quarterly, and when the pensioner is approaching the earnings
6 limitation under this subsection.

7 If the pensioner works more than 100 days or accepts
8 excess gross compensation for such re-employment in any school
9 year that begins on or after August 8, 2012 (the effective date
10 of Public Act 97-912), the service retirement pension shall
11 thereupon be cancelled.

12 If the pensioner who only teaches drivers education
13 courses after regular school hours works more than 900 hours
14 or accepts excess gross compensation for such re-employment in
15 any school year that begins on or after August 12, 2016 (the
16 effective date of Public Act 99-786) ~~this amendatory Act of~~
17 ~~the 99th General Assembly~~, the service retirement pension
18 shall thereupon be cancelled.

19 If the pensioner works more than 120 days or accepts
20 excess gross compensation for such re-employment in any school
21 year that begins on or after July 1, 2019, the service
22 retirement pension shall thereupon be cancelled.

23 The Board of the Fund shall adopt rules for the
24 implementation and administration of this subsection.

25 (c-6) For school years beginning on or after July 1, 2022
26 and before July 1, 2024, the service retirement pension shall

1 not be cancelled in the case of a service retirement pensioner
2 who is re-employed as a teacher or an administrator on a
3 temporary and non-annual basis or on an hourly basis ~~bases~~, so
4 long as the person does not work as a teacher or an
5 administrator for compensation on more than 140 days in a
6 school year. Such re-employment does not require
7 contributions, result in service credit, or constitute active
8 membership in the Fund.

9 (c-7) For school years beginning on or after July 1, 2024,
10 the service retirement pension shall not be cancelled in the
11 case of a service retirement pensioner who is re-employed as a
12 teacher or an administrator on a temporary and non-annual
13 basis or on an hourly basis, so long as the person does not
14 work as a teacher or an administrator for compensation on more
15 than 120 days in a school year. Such re-employment does not
16 require contributions, result in service credit, or constitute
17 active membership in the Fund.

18 (c-10) Until June 30, 2024, the service retirement pension
19 of a service retirement pensioner shall not be cancelled if
20 the service retirement pensioner is employed in a subject
21 shortage area and the Employer that is employing the service
22 retirement pensioner meets the following requirements:

23 (1) If the Employer has honorably dismissed, within
24 the calendar year preceding the beginning of the school
25 term for which it seeks to employ a service retirement
26 pensioner under this subsection, any teachers who are

1 legally qualified to hold positions in the subject
2 shortage area and have not yet begun to receive their
3 service retirement pensions under this Article, the vacant
4 positions must first be tendered to those teachers.

5 (2) For a period of at least 90 days during the 6
6 months preceding the beginning of either the fall or
7 spring term for which it seeks to employ a service
8 retirement pensioner under this subsection, the Employer
9 must, on an ongoing basis, (i) advertise its vacancies in
10 the subject shortage area in employment bulletins
11 published by college and university placement offices
12 located near the school; (ii) search for teachers legally
13 qualified to fill those vacancies through the Illinois
14 Education Job Bank; and (iii) post all vacancies on the
15 Employer's website and list the vacancy in an online job
16 portal or database.

17 An Employer of a teacher who is unable to continue
18 employment with the Employer because of documented illness,
19 injury, or disability that occurred after being hired by the
20 Employer under this subsection is exempt from the provisions
21 of paragraph (2) for 90 school days. However, the Employer
22 must on an ongoing basis comply with items (i), (ii), and (iii)
23 of paragraph (2).

24 The Employer must submit documentation of its compliance
25 with this subsection to the regional superintendent. Upon
26 receiving satisfactory documentation from the Employer, the

1 regional superintendent shall certify the Employer's
2 compliance with this subsection to the Fund.

3 (d) Notwithstanding Sections 1-103.1 and 17-157, the
4 changes to this Section made by Public Act 90-32 apply without
5 regard to whether termination of service occurred before the
6 effective date of that Act and apply retroactively to August
7 23, 1989.

8 Notwithstanding Sections 1-103.1 and 17-157, the changes
9 to this Section and Section 17-106 made by Public Act 92-599
10 apply without regard to whether termination of service
11 occurred before June 28, 2002 (the effective date of Public
12 Act 92-599) ~~that Act.~~

13 Notwithstanding Sections 1-103.1 and 17-157, the changes
14 to this Section made by Public Act 97-912 ~~this amendatory Act~~
15 ~~of the 97th General Assembly~~ apply without regard to whether
16 termination of service occurred before August 8, 2012 (the
17 effective date of Public Act 97-912) ~~this amendatory Act.~~

18 (Source: P.A. 101-340, eff. 8-9-19; 102-1013, eff. 5-27-22;
19 102-1090, eff. 6-10-22; revised 7-27-22.)

20 Section 230. The Public Building Commission Act is amended
21 by changing Section 3 as follows:

22 (50 ILCS 20/3) (from Ch. 85, par. 1033)

23 Sec. 3. The following terms, wherever used, or referred to
24 in this Act, mean unless the context clearly requires a

1 different meaning:

2 (a) "Commission" means a Public Building Commission
3 created pursuant to this Act.

4 (b) "Commissioner" or "Commissioners" means a
5 Commissioner or Commissioners of a Public Building
6 Commission.

7 (c) "County seat" means a city, village, or town which
8 is the county seat of a county.

9 (d) "Municipality" means any city, village, or
10 incorporated town of the State of Illinois.

11 (e) "Municipal corporation" includes a county, city,
12 village, town, (including a county seat), park district,
13 school district in a county of 3,000,000 or more
14 population, board of education of a school district in a
15 county of 3,000,000 or more population, sanitary district,
16 airport authority contiguous with the County Seat as of
17 July 1, 1969, and any other municipal body or governmental
18 agency of the State, and until July 1, 2011, a school
19 district that (i) was organized prior to 1860, (ii) is
20 located in part in a city originally incorporated prior to
21 1840, and (iii) entered into a lease with a Commission
22 prior to 1993, and its board of education, but does not
23 include a school district in a county of less than
24 3,000,000 population, a board of education of a school
25 district in a county of less than 3,000,000 population, or
26 a community college district in a county of less than

1 3,000,000 population, except that, until July 1, 2011, a
2 school district that (i) was organized prior to 1860, (ii)
3 is located in part in a city originally incorporated prior
4 to 1840, and (iii) entered into a lease with a Commission
5 prior to 1993, and its board of education, are included.

6 (f) "Governing body" includes a city council, county
7 board, or any other body or board, by whatever name it may
8 be known, charged with the governing of a municipal
9 corporation.

10 (g) "Presiding officer" includes the mayor or
11 president of a city, village, or town, the presiding
12 officer of a county board, or the presiding officer of any
13 other board or commission, as the case may be.

14 (h) "Oath" means oath or affirmation.

15 (i) "Building" means an improvement to real estate to
16 be made available for use by a municipal corporation for
17 the furnishing of governmental services to its citizens,
18 together with any land or interest in land necessary or
19 useful in connection with the improvement.

20 (j) "Delivery system" means the design and
21 construction approach used to develop and construct a
22 project.

23 (k) "Design-bid-build" means the traditional delivery
24 system used on public projects that incorporates the Local
25 Government Professional Services Selection Act ~~(50 ILCS~~
26 ~~510/)~~ and the principles of competitive selection.

1 (1) "Design-build" means a delivery system that
2 provides responsibility within a single contract for the
3 furnishing of architecture, engineering, land surveying,
4 and related services as required, and the labor,
5 materials, equipment, and other construction services for
6 the project.

7 (m) "Design-build contract" means a contract for a
8 public project under this Act between the Commission and a
9 design-build entity to furnish architecture, engineering,
10 land surveying, and related services as required, and to
11 furnish the labor, materials, equipment, and other
12 construction services for the project. The design-build
13 contract may be conditioned upon subsequent refinements in
14 scope and price and may allow the Commission to make
15 modifications in the project scope without invalidating
16 the design-build contract.

17 (n) "Design-build entity" means any individual, sole
18 proprietorship, firm, partnership, joint venture,
19 corporation, professional corporation, or other entity
20 that proposes to design and construct any public project
21 under this Act. A design-build entity and associated
22 design-build professionals shall conduct themselves in
23 accordance with the laws of this State and the related
24 provisions of the Illinois Administrative Code, as
25 referenced by the licensed design professionals Acts of
26 this State.

1 (o) "Design professional" means any individual, sole
2 proprietorship, firm, partnership, joint venture,
3 corporation, professional corporation, or other entity
4 that offers services under the Illinois Architecture
5 Practice Act of 1989 ~~(225 ILCS 305/)~~, the Professional
6 Engineering Practice Act of 1989 ~~(225 ILCS 325/)~~, the
7 Structural Engineering Practice ~~Licensing~~ Act of 1989 ~~(225~~
8 ~~ILCS 340/)~~, or the Illinois Professional Land Surveyor Act
9 of 1989 ~~(225 ILCS 330/)~~.

10 (p) "Evaluation criteria" means the requirements for
11 the separate phases of the selection process for
12 design-build proposals as defined in this Act and may
13 include the specialized experience, technical
14 qualifications and competence, capacity to perform, past
15 performance, experience with similar projects, assignment
16 of personnel to the project, and other appropriate
17 factors. Price may not be used as a factor in the
18 evaluation of Phase I proposals.

19 (q) "Proposal" means the offer to enter into a
20 design-build contract as submitted by a design-build
21 entity in accordance with this Act.

22 (r) "Request for proposal" means the document used by
23 the Commission to solicit proposals for a design-build
24 contract.

25 (s) "Scope and performance criteria" means the
26 requirements for the public project, including, but not

1 limited to, the intended usage, capacity, size, scope,
2 quality and performance standards, life-cycle costs, and
3 other programmatic criteria that are expressed in
4 performance-oriented and quantifiable specifications and
5 drawings that can be reasonably inferred and are suited to
6 allow a design-build entity to develop a proposal.

7 (t) "Guaranteed maximum price" means a form of
8 contract in which compensation may vary according to the
9 scope of work involved but in any case may not exceed an
10 agreed total amount.

11 Definitions in this Section with respect to design-build
12 shall have no effect beginning on June 1, 2023; provided that
13 any design-build contracts entered into before such date or
14 any procurement of a project under this Act commenced before
15 such date, and the contracts resulting from those
16 procurements, shall remain effective. The actions of any
17 person or entity taken on or after June 1, 2013 and before
18 January 7, 2014 (the effective date of Public Act 98-619) ~~this~~
19 ~~amendatory Act of the 98th General Assembly~~ in reliance on the
20 provisions of this Section with respect to design-build
21 continuing to be effective are hereby validated.

22 (Source: P.A. 100-736, eff. 1-1-19; revised 8-23-22.)

23 Section 235. The Illinois Police Training Act is amended
24 by changing Sections 7, 8.1, 10.6, and 10.19 as follows:

1 (50 ILCS 705/7)

2 (Text of Section before amendment by P.A. 102-982)

3 Sec. 7. Rules and standards for schools. The Board shall
4 adopt rules and minimum standards for such schools which shall
5 include, but not be limited to, the following:

6 a. The curriculum for probationary law enforcement
7 officers which shall be offered by all certified schools
8 shall include, but not be limited to, courses of
9 procedural justice, arrest and use and control tactics,
10 search and seizure, including temporary questioning, civil
11 rights, human rights, human relations, cultural
12 competency, including implicit bias and racial and ethnic
13 sensitivity, criminal law, law of criminal procedure,
14 constitutional and proper use of law enforcement
15 authority, crisis intervention training, vehicle and
16 traffic law including uniform and non-discriminatory
17 enforcement of the Illinois Vehicle Code, traffic control
18 and accident investigation, techniques of obtaining
19 physical evidence, court testimonies, statements, reports,
20 firearms training, training in the use of electronic
21 control devices, including the psychological and
22 physiological effects of the use of those devices on
23 humans, first-aid (including cardiopulmonary
24 resuscitation), training in the administration of opioid
25 antagonists as defined in paragraph (1) of subsection (e)
26 of Section 5-23 of the Substance Use Disorder Act,

1 handling of juvenile offenders, recognition of mental
2 conditions and crises, including, but not limited to, the
3 disease of addiction, which require immediate assistance
4 and response and methods to safeguard and provide
5 assistance to a person in need of mental treatment,
6 recognition of abuse, neglect, financial exploitation, and
7 self-neglect of adults with disabilities and older adults,
8 as defined in Section 2 of the Adult Protective Services
9 Act, crimes against the elderly, law of evidence, the
10 hazards of high-speed police vehicle chases with an
11 emphasis on alternatives to the high-speed chase, and
12 physical training. The curriculum shall include specific
13 training in techniques for immediate response to and
14 investigation of cases of domestic violence and of sexual
15 assault of adults and children, including cultural
16 perceptions and common myths of sexual assault and sexual
17 abuse as well as interview techniques that are age
18 sensitive and are trauma informed, victim centered, and
19 victim sensitive. The curriculum shall include training in
20 techniques designed to promote effective communication at
21 the initial contact with crime victims and ways to
22 comprehensively explain to victims and witnesses their
23 rights under the Rights of Crime Victims and Witnesses Act
24 and the Crime Victims Compensation Act. The curriculum
25 shall also include training in effective recognition of
26 and responses to stress, trauma, and post-traumatic stress

1 experienced by law enforcement officers that is consistent
2 with Section 25 of the Illinois Mental Health First Aid
3 Training Act in a peer setting, including recognizing
4 signs and symptoms of work-related cumulative stress,
5 issues that may lead to suicide, and solutions for
6 intervention with peer support resources. The curriculum
7 shall include a block of instruction addressing the
8 mandatory reporting requirements under the Abused and
9 Neglected Child Reporting Act. The curriculum shall also
10 include a block of instruction aimed at identifying and
11 interacting with persons with autism and other
12 developmental or physical disabilities, reducing barriers
13 to reporting crimes against persons with autism, and
14 addressing the unique challenges presented by cases
15 involving victims or witnesses with autism and other
16 developmental disabilities. The curriculum shall include
17 training in the detection and investigation of all forms
18 of human trafficking. The curriculum shall also include
19 instruction in trauma-informed responses designed to
20 ensure the physical safety and well-being of a child of an
21 arrested parent or immediate family member; this
22 instruction must include, but is not limited to: (1)
23 understanding the trauma experienced by the child while
24 maintaining the integrity of the arrest and safety of
25 officers, suspects, and other involved individuals; (2)
26 de-escalation tactics that would include the use of force

1 when reasonably necessary; and (3) inquiring whether a
2 child will require supervision and care. The curriculum
3 for probationary law enforcement officers shall include:
4 (1) at least 12 hours of hands-on, scenario-based
5 role-playing; (2) at least 6 hours of instruction on use
6 of force techniques, including the use of de-escalation
7 techniques to prevent or reduce the need for force
8 whenever safe and feasible; (3) specific training on
9 officer safety techniques, including cover, concealment,
10 and time; and (4) at least 6 hours of training focused on
11 high-risk traffic stops. The curriculum for permanent law
12 enforcement officers shall include, but not be limited to:
13 (1) refresher and in-service training in any of the
14 courses listed above in this subparagraph, (2) advanced
15 courses in any of the subjects listed above in this
16 subparagraph, (3) training for supervisory personnel, and
17 (4) specialized training in subjects and fields to be
18 selected by the board. The training in the use of
19 electronic control devices shall be conducted for
20 probationary law enforcement officers, including
21 University police officers. The curriculum shall also
22 include training on the use of a firearms restraining
23 order by providing instruction on the process used to file
24 a firearms restraining order and how to identify
25 situations in which a firearms restraining order is
26 appropriate.

1 b. Minimum courses of study, attendance requirements
2 and equipment requirements.

3 c. Minimum requirements for instructors.

4 d. Minimum basic training requirements, which a
5 probationary law enforcement officer must satisfactorily
6 complete before being eligible for permanent employment as
7 a local law enforcement officer for a participating local
8 governmental or State governmental agency. Those
9 requirements shall include training in first aid
10 (including cardiopulmonary resuscitation).

11 e. Minimum basic training requirements, which a
12 probationary county corrections officer must
13 satisfactorily complete before being eligible for
14 permanent employment as a county corrections officer for a
15 participating local governmental agency.

16 f. Minimum basic training requirements which a
17 probationary court security officer must satisfactorily
18 complete before being eligible for permanent employment as
19 a court security officer for a participating local
20 governmental agency. The Board shall establish those
21 training requirements which it considers appropriate for
22 court security officers and shall certify schools to
23 conduct that training.

24 A person hired to serve as a court security officer
25 must obtain from the Board a certificate (i) attesting to
26 the officer's successful completion of the training

1 course; (ii) attesting to the officer's satisfactory
2 completion of a training program of similar content and
3 number of hours that has been found acceptable by the
4 Board under the provisions of this Act; or (iii) attesting
5 to the Board's determination that the training course is
6 unnecessary because of the person's extensive prior law
7 enforcement experience.

8 Individuals who currently serve as court security
9 officers shall be deemed qualified to continue to serve in
10 that capacity so long as they are certified as provided by
11 this Act within 24 months of June 1, 1997 (the effective
12 date of Public Act 89-685). Failure to be so certified,
13 absent a waiver from the Board, shall cause the officer to
14 forfeit his or her position.

15 All individuals hired as court security officers on or
16 after June 1, 1997 (the effective date of Public Act
17 89-685) shall be certified within 12 months of the date of
18 their hire, unless a waiver has been obtained by the
19 Board, or they shall forfeit their positions.

20 The Sheriff's Merit Commission, if one exists, or the
21 Sheriff's Office if there is no Sheriff's Merit
22 Commission, shall maintain a list of all individuals who
23 have filed applications to become court security officers
24 and who meet the eligibility requirements established
25 under this Act. Either the Sheriff's Merit Commission, or
26 the Sheriff's Office if no Sheriff's Merit Commission

1 exists, shall establish a schedule of reasonable intervals
2 for verification of the applicants' qualifications under
3 this Act and as established by the Board.

4 g. Minimum in-service training requirements, which a
5 law enforcement officer must satisfactorily complete every
6 3 years. Those requirements shall include constitutional
7 and proper use of law enforcement authority, procedural
8 justice, civil rights, human rights, reporting child abuse
9 and neglect, and cultural competency, including implicit
10 bias and racial and ethnic sensitivity. These trainings
11 shall consist of at least 30 hours of training every 3
12 years.

13 h. Minimum in-service training requirements, which a
14 law enforcement officer must satisfactorily complete at
15 least annually. Those requirements shall include law
16 updates, emergency medical response training and
17 certification, crisis intervention training, and officer
18 wellness and mental health.

19 i. Minimum in-service training requirements as set
20 forth in Section 10.6.

21 ~~The amendatory changes to this Section made by Public Act~~
22 ~~101-652 shall take effect January 1, 2022.~~

23 Notwithstanding any provision of law to the contrary, the
24 changes made to this Section by ~~this amendatory Act of the~~
25 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
26 102-28, and Public Act 102-694 take effect July 1, 2022.

1 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
2 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
3 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
4 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
5 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
6 eff. 8-20-21; 102-694, eff. 1-7-22; revised 8-11-22.)

7 (Text of Section after amendment by P.A. 102-982)

8 Sec. 7. Rules and standards for schools. The Board shall
9 adopt rules and minimum standards for such schools which shall
10 include, but not be limited to, the following:

11 a. The curriculum for probationary law enforcement
12 officers which shall be offered by all certified schools
13 shall include, but not be limited to, courses of
14 procedural justice, arrest and use and control tactics,
15 search and seizure, including temporary questioning, civil
16 rights, human rights, human relations, cultural
17 competency, including implicit bias and racial and ethnic
18 sensitivity, criminal law, law of criminal procedure,
19 constitutional and proper use of law enforcement
20 authority, crisis intervention training, vehicle and
21 traffic law including uniform and non-discriminatory
22 enforcement of the Illinois Vehicle Code, traffic control
23 and crash investigation, techniques of obtaining physical
24 evidence, court testimonies, statements, reports, firearms
25 training, training in the use of electronic control

1 devices, including the psychological and physiological
2 effects of the use of those devices on humans, first-aid
3 (including cardiopulmonary resuscitation), training in the
4 administration of opioid antagonists as defined in
5 paragraph (1) of subsection (e) of Section 5-23 of the
6 Substance Use Disorder Act, handling of juvenile
7 offenders, recognition of mental conditions and crises,
8 including, but not limited to, the disease of addiction,
9 which require immediate assistance and response and
10 methods to safeguard and provide assistance to a person in
11 need of mental treatment, recognition of abuse, neglect,
12 financial exploitation, and self-neglect of adults with
13 disabilities and older adults, as defined in Section 2 of
14 the Adult Protective Services Act, crimes against the
15 elderly, law of evidence, the hazards of high-speed police
16 vehicle chases with an emphasis on alternatives to the
17 high-speed chase, and physical training. The curriculum
18 shall include specific training in techniques for
19 immediate response to and investigation of cases of
20 domestic violence and of sexual assault of adults and
21 children, including cultural perceptions and common myths
22 of sexual assault and sexual abuse as well as interview
23 techniques that are age sensitive and are trauma informed,
24 victim centered, and victim sensitive. The curriculum
25 shall include training in techniques designed to promote
26 effective communication at the initial contact with crime

1 victims and ways to comprehensively explain to victims and
2 witnesses their rights under the Rights of Crime Victims
3 and Witnesses Act and the Crime Victims Compensation Act.
4 The curriculum shall also include training in effective
5 recognition of and responses to stress, trauma, and
6 post-traumatic stress experienced by law enforcement
7 officers that is consistent with Section 25 of the
8 Illinois Mental Health First Aid Training Act in a peer
9 setting, including recognizing signs and symptoms of
10 work-related cumulative stress, issues that may lead to
11 suicide, and solutions for intervention with peer support
12 resources. The curriculum shall include a block of
13 instruction addressing the mandatory reporting
14 requirements under the Abused and Neglected Child
15 Reporting Act. The curriculum shall also include a block
16 of instruction aimed at identifying and interacting with
17 persons with autism and other developmental or physical
18 disabilities, reducing barriers to reporting crimes
19 against persons with autism, and addressing the unique
20 challenges presented by cases involving victims or
21 witnesses with autism and other developmental
22 disabilities. The curriculum shall include training in the
23 detection and investigation of all forms of human
24 trafficking. The curriculum shall also include instruction
25 in trauma-informed responses designed to ensure the
26 physical safety and well-being of a child of an arrested

1 parent or immediate family member; this instruction must
2 include, but is not limited to: (1) understanding the
3 trauma experienced by the child while maintaining the
4 integrity of the arrest and safety of officers, suspects,
5 and other involved individuals; (2) de-escalation tactics
6 that would include the use of force when reasonably
7 necessary; and (3) inquiring whether a child will require
8 supervision and care. The curriculum for probationary law
9 enforcement officers shall include: (1) at least 12 hours
10 of hands-on, scenario-based role-playing; (2) at least 6
11 hours of instruction on use of force techniques, including
12 the use of de-escalation techniques to prevent or reduce
13 the need for force whenever safe and feasible; (3)
14 specific training on officer safety techniques, including
15 cover, concealment, and time; and (4) at least 6 hours of
16 training focused on high-risk traffic stops. The
17 curriculum for permanent law enforcement officers shall
18 include, but not be limited to: (1) refresher and
19 in-service training in any of the courses listed above in
20 this subparagraph, (2) advanced courses in any of the
21 subjects listed above in this subparagraph, (3) training
22 for supervisory personnel, and (4) specialized training in
23 subjects and fields to be selected by the board. The
24 training in the use of electronic control devices shall be
25 conducted for probationary law enforcement officers,
26 including University police officers. The curriculum shall

1 also include training on the use of a firearms restraining
2 order by providing instruction on the process used to file
3 a firearms restraining order and how to identify
4 situations in which a firearms restraining order is
5 appropriate.

6 b. Minimum courses of study, attendance requirements
7 and equipment requirements.

8 c. Minimum requirements for instructors.

9 d. Minimum basic training requirements, which a
10 probationary law enforcement officer must satisfactorily
11 complete before being eligible for permanent employment as
12 a local law enforcement officer for a participating local
13 governmental or State governmental agency. Those
14 requirements shall include training in first aid
15 (including cardiopulmonary resuscitation).

16 e. Minimum basic training requirements, which a
17 probationary county corrections officer must
18 satisfactorily complete before being eligible for
19 permanent employment as a county corrections officer for a
20 participating local governmental agency.

21 f. Minimum basic training requirements which a
22 probationary court security officer must satisfactorily
23 complete before being eligible for permanent employment as
24 a court security officer for a participating local
25 governmental agency. The Board shall establish those
26 training requirements which it considers appropriate for

1 court security officers and shall certify schools to
2 conduct that training.

3 A person hired to serve as a court security officer
4 must obtain from the Board a certificate (i) attesting to
5 the officer's successful completion of the training
6 course; (ii) attesting to the officer's satisfactory
7 completion of a training program of similar content and
8 number of hours that has been found acceptable by the
9 Board under the provisions of this Act; or (iii) attesting
10 to the Board's determination that the training course is
11 unnecessary because of the person's extensive prior law
12 enforcement experience.

13 Individuals who currently serve as court security
14 officers shall be deemed qualified to continue to serve in
15 that capacity so long as they are certified as provided by
16 this Act within 24 months of June 1, 1997 (the effective
17 date of Public Act 89-685). Failure to be so certified,
18 absent a waiver from the Board, shall cause the officer to
19 forfeit his or her position.

20 All individuals hired as court security officers on or
21 after June 1, 1997 (the effective date of Public Act
22 89-685) shall be certified within 12 months of the date of
23 their hire, unless a waiver has been obtained by the
24 Board, or they shall forfeit their positions.

25 The Sheriff's Merit Commission, if one exists, or the
26 Sheriff's Office if there is no Sheriff's Merit

1 Commission, shall maintain a list of all individuals who
2 have filed applications to become court security officers
3 and who meet the eligibility requirements established
4 under this Act. Either the Sheriff's Merit Commission, or
5 the Sheriff's Office if no Sheriff's Merit Commission
6 exists, shall establish a schedule of reasonable intervals
7 for verification of the applicants' qualifications under
8 this Act and as established by the Board.

9 g. Minimum in-service training requirements, which a
10 law enforcement officer must satisfactorily complete every
11 3 years. Those requirements shall include constitutional
12 and proper use of law enforcement authority, procedural
13 justice, civil rights, human rights, reporting child abuse
14 and neglect, and cultural competency, including implicit
15 bias and racial and ethnic sensitivity. These trainings
16 shall consist of at least 30 hours of training every 3
17 years.

18 h. Minimum in-service training requirements, which a
19 law enforcement officer must satisfactorily complete at
20 least annually. Those requirements shall include law
21 updates, emergency medical response training and
22 certification, crisis intervention training, and officer
23 wellness and mental health.

24 i. Minimum in-service training requirements as set
25 forth in Section 10.6.

26 ~~The amendatory changes to this Section made by Public Act~~

1 ~~101-652 shall take effect January 1, 2022.~~

2 Notwithstanding any provision of law to the contrary, the
3 changes made to this Section by ~~this amendatory Act of the~~
4 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
5 102-28, and Public Act 102-694 take effect July 1, 2022.

6 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
7 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
8 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
9 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
10 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
11 eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23;
12 revised 8-11-22.)

13 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

14 Sec. 8.1. Full-time law enforcement and county corrections
15 officers.

16 (a) No person shall receive a permanent appointment as a
17 law enforcement officer or a permanent appointment as a county
18 corrections officer unless that person has been awarded,
19 within 6 months of the officer's initial full-time employment,
20 a certificate attesting to the officer's successful completion
21 of the Minimum Standards Basic Law Enforcement or County
22 Correctional Training Course as prescribed by the Board; or
23 has been awarded a certificate attesting to the officer's
24 satisfactory completion of a training program of similar
25 content and number of hours and which course has been found

1 acceptable by the Board under the provisions of this Act; or a
2 training waiver by reason of extensive prior law enforcement
3 or county corrections experience the basic training
4 requirement is determined by the Board to be illogical and
5 unreasonable.

6 If such training is required and not completed within the
7 applicable 6 months, then the officer must forfeit the
8 officer's position, or the employing agency must obtain a
9 waiver from the Board extending the period for compliance.
10 Such waiver shall be issued only for good and justifiable
11 reasons, and in no case shall extend more than 90 days beyond
12 the initial 6 months. Any hiring agency that fails to train a
13 law enforcement officer within this period shall be prohibited
14 from employing this individual in a law enforcement capacity
15 for one year from the date training was to be completed. If an
16 agency again fails to train the individual a second time, the
17 agency shall be permanently barred from employing this
18 individual in a law enforcement capacity.

19 An individual who is not certified by the Board or whose
20 certified status is inactive shall not function as a law
21 enforcement officer, be assigned the duties of a law
22 enforcement officer by an employing agency, or be authorized
23 to carry firearms under the authority of the employer, except
24 as otherwise authorized to carry a firearm under State or
25 federal law. Sheriffs who are elected as of January 1, 2022
26 (the effective date of Public Act 101-652) ~~this amendatory Act~~

1 ~~of the 101st General Assembly,~~ are exempt from the requirement
2 of certified status. Failure to be certified in accordance
3 with this Act shall cause the officer to forfeit the officer's
4 position.

5 An employing agency may not grant a person status as a law
6 enforcement officer unless the person has been granted an
7 active law enforcement officer certification by the Board.

8 (b) Inactive status. A person who has an inactive law
9 enforcement officer certification has no law enforcement
10 authority.

11 (1) A law enforcement officer's certification becomes
12 inactive upon termination, resignation, retirement, or
13 separation from the officer's employing law enforcement
14 agency for any reason. The Board shall re-activate a
15 certification upon written application from the law
16 enforcement officer's law enforcement agency that shows
17 the law enforcement officer: (i) has accepted a full-time
18 law enforcement position with that law enforcement agency,
19 (ii) is not the subject of a decertification proceeding,
20 and (iii) meets all other criteria for re-activation
21 required by the Board. The Board may also establish
22 special training requirements to be completed as a
23 condition for re-activation.

24 The Board shall review a notice for reactivation from
25 a law enforcement agency and provide a response within 30
26 days. The Board may extend this review. A law enforcement

1 officer shall be allowed to be employed as a full-time law
2 enforcement officer while the law enforcement officer
3 reactivation waiver is under review.

4 A law enforcement officer who is refused reactivation
5 or an employing agency of a law enforcement officer who is
6 refused reactivation under this Section may request a
7 hearing in accordance with the hearing procedures as
8 outlined in subsection (h) of Section 6.3 of this Act.

9 The Board may refuse to re-activate the certification
10 of a law enforcement officer who was involuntarily
11 terminated for good cause by an employing agency for
12 conduct subject to decertification under this Act or
13 resigned or retired after receiving notice of a law
14 enforcement agency's investigation.

15 (2) A law enforcement agency may place an officer who
16 is currently certified on inactive status by sending a
17 written request to the Board. A law enforcement officer
18 whose certificate has been placed on inactive status shall
19 not function as a law enforcement officer until the
20 officer has completed any requirements for reactivating
21 the certificate as required by the Board. A request for
22 inactive status in this subsection shall be in writing,
23 accompanied by verifying documentation, and shall be
24 submitted to the Board with a copy to the chief
25 administrator of the law enforcement officer's current or
26 new employing agency.

1 (3) Certification that has become inactive under
2 paragraph (2) of this subsection (b) shall be reactivated
3 by written notice from the law enforcement officer's
4 agency upon a showing that the law enforcement officer ~~is~~:
5 (i) is employed in a full-time law enforcement position
6 with the same law enforcement agency, (ii) is not the
7 subject of a decertification proceeding, and (iii) meets
8 all other criteria for re-activation required by the
9 Board.

10 (4) Notwithstanding paragraph (3) of this subsection
11 (b), a law enforcement officer whose certification has
12 become inactive under paragraph (2) may have the officer's
13 employing agency submit a request for a waiver of training
14 requirements to the Board in writing and accompanied by
15 any verifying documentation. A grant of a waiver is
16 within the discretion of the Board. Within 7 days of
17 receiving a request for a waiver under this Section
18 ~~section~~, the Board shall notify the law enforcement
19 officer and the chief administrator of the law enforcement
20 officer's employing agency, whether the request has been
21 granted, denied, or if the Board will take additional time
22 for information. A law enforcement agency whose request
23 for a waiver under this subsection is denied is entitled
24 to request a review of the denial by the Board. The law
25 enforcement agency must request a review within 20 days of
26 the waiver being denied. The burden of proof shall be on

1 the law enforcement agency to show why the law enforcement
2 officer is entitled to a waiver of the legislatively
3 required training and eligibility requirements.

4 (c) No provision of this Section shall be construed to
5 mean that a county corrections officer employed by a
6 governmental agency at the time of the effective date of this
7 amendatory Act, either as a probationary county corrections
8 officer or as a permanent county corrections officer, shall
9 require certification under the provisions of this Section. No
10 provision of this Section shall be construed to apply to
11 certification of elected county sheriffs.

12 (d) Within 14 days, a law enforcement officer shall report
13 to the Board: (1) any name change; (2) any change in
14 employment; or (3) the filing of any criminal indictment or
15 charges against the officer alleging that the officer
16 committed any offense as enumerated in Section 6.1 of this
17 Act.

18 (e) All law enforcement officers must report the
19 completion of the training requirements required in this Act
20 in compliance with Section 8.4 of this Act.

21 (e-1) Each employing law enforcement agency shall allow
22 and provide an opportunity for a law enforcement officer to
23 complete the mandated requirements in this Act. All mandated
24 training shall ~~will~~ be provided ~~for~~ at no cost to the
25 employees. Employees shall be paid for all time spent
26 attending mandated training.

1 (e-2) Each agency, academy, or training provider shall
2 maintain proof of a law enforcement officer's completion of
3 legislatively required training in a format designated by the
4 Board. The report of training shall be submitted to the Board
5 within 30 days following completion of the training. A copy of
6 the report shall be submitted to the law enforcement officer.
7 Upon receipt of a properly completed report of training, the
8 Board will make the appropriate entry into the training
9 records of the law enforcement officer.

10 (f) This Section does not apply to part-time law
11 enforcement officers or probationary part-time law enforcement
12 officers.

13 (g) Notwithstanding any provision of law to the contrary,
14 the changes made to this Section by ~~this amendatory Act of the~~
15 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
16 102-28, and Public Act 102-694 take effect July 1, 2022.

17 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
18 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

19 (50 ILCS 705/10.6)

20 Sec. 10.6. Mandatory training to be completed every 3
21 years.

22 (a) The Board shall adopt rules and minimum standards for
23 in-service training requirements as set forth in this Section.
24 The training shall provide officers with knowledge of policies
25 and laws regulating the use of force; equip officers with

1 tactics and skills, including de-escalation techniques, to
2 prevent or reduce the need to use force or, when force must be
3 used, to use force that is objectively reasonable, necessary,
4 and proportional under the totality of the circumstances; and
5 ensure appropriate supervision and accountability. The
6 training shall include:

7 (1) At least 12 hours of hands-on, scenario-based
8 role-playing.

9 (2) At least 6 hours of instruction on use of force
10 techniques, including the use of de-escalation techniques
11 to prevent or reduce the need for force whenever safe and
12 feasible.

13 (3) Specific training on the law concerning stops,
14 searches, and the use of force under the Fourth Amendment
15 to the United States Constitution.

16 (4) Specific training on officer safety techniques,
17 including cover, concealment, and time.

18 (5) At least 6 hours of training focused on high-risk
19 traffic stops.

20 (b) Notwithstanding any provision of law to the contrary,
21 the changes made to this Section by ~~this amendatory Act of the~~
22 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
23 102-28, and Public Act 102-694 take effect July 1, 2022.

24 ~~This Section takes effect January 1, 2022.~~

25 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
26 102-694, eff. 1-7-22; revised 2-3-22.)

1 (50 ILCS 705/10.19)

2 Sec. 10.19. Training; administration of epinephrine.

3 (a) This Section, along with Section 40 of the Illinois
4 State Police Act, may be referred to as the Annie LeGere Law.

5 (b) For purposes of this Section, "epinephrine
6 auto-injector" means a single-use device used for the
7 automatic injection of a pre-measured dose of epinephrine into
8 the human body prescribed in the name of a local law
9 enforcement agency.

10 (c) The Board shall conduct or approve an optional
11 advanced training program for law enforcement officers to
12 recognize and respond to anaphylaxis, including the
13 administration of an epinephrine auto-injector. The training
14 must include, but is not limited to:

15 (1) how to recognize symptoms of an allergic reaction;

16 (2) how to respond to an emergency involving an
17 allergic reaction;

18 (3) how to administer an epinephrine auto-injector;

19 (4) how to respond to an individual with a known
20 allergy as well as an individual with a previously unknown
21 allergy;

22 (5) a test demonstrating competency of the knowledge
23 required to recognize anaphylaxis and administer an
24 epinephrine auto-injector; and

25 (6) other criteria as determined in rules adopted by

1 the Board.

2 (d) A local law enforcement agency may authorize a law
3 enforcement officer who has completed an optional advanced
4 training program under subsection (c) to carry, administer, or
5 assist with the administration of epinephrine auto-injectors
6 provided by the local law enforcement agency whenever the
7 officer is performing official duties.

8 (e) A local law enforcement agency that authorizes its
9 officers to carry and administer epinephrine auto-injectors
10 under subsection (d) must establish a policy to control the
11 acquisition, storage, transportation, administration, and
12 disposal of epinephrine auto-injectors and to provide
13 continued training in the administration of epinephrine
14 auto-injectors.

15 (f) A physician, physician ~~physician's~~ assistant with
16 prescriptive authority, or advanced practice registered nurse
17 with prescriptive authority may provide a standing protocol or
18 prescription for epinephrine auto-injectors in the name of a
19 local law enforcement agency to be maintained for use when
20 necessary.

21 (g) When a law enforcement officer administers an
22 epinephrine auto-injector in good faith, the law enforcement
23 officer and local law enforcement agency, and its employees
24 and agents, including a physician, physician ~~physician's~~
25 assistant with prescriptive authority, or advanced practice
26 registered nurse with prescriptive authority who provides a

1 standing order or prescription for an epinephrine
2 auto-injector, incur no civil or professional liability,
3 except for willful and wanton conduct, or as a result of any
4 injury or death arising from the use of an epinephrine
5 auto-injector.

6 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
7 102-694, eff. 1-7-22; revised 2-3-22.)

8 Section 240. The Police and Community Relations
9 Improvement Act is amended by changing Section 1-10 as
10 follows:

11 (50 ILCS 727/1-10)

12 Sec. 1-10. Investigation of officer-involved deaths;
13 requirements.

14 (a) Each law enforcement agency shall have a written
15 policy regarding the investigation of officer-involved deaths
16 that involve a law enforcement officer employed by that law
17 enforcement agency.

18 (b) Each officer-involved death investigation shall be
19 conducted by at least 2 investigators, or an entity or agency
20 comprised of at least 2 investigators, one of whom is the lead
21 investigator. The lead investigator shall be a person
22 certified by the Illinois Law Enforcement Training Standards
23 Board as a Lead Homicide Investigator, or similar training
24 approved by the Illinois Law Enforcement Training Standards

1 Board or the Illinois State Police, or similar training
2 provided at an Illinois Law Enforcement Training Standards
3 Board certified school. No investigator involved in the
4 investigation may be employed by the law enforcement agency
5 that employs the officer involved in the officer-involved
6 death, unless the investigator is employed by the Illinois
7 State Police and is not assigned to the same division or unit
8 as the officer involved in the death.

9 (c) In addition to the requirements of subsection (b) of
10 this Section, if the officer-involved death being investigated
11 involves a motor vehicle crash, at least one investigator
12 shall be certified by the Illinois Law Enforcement Training
13 Standards Board as a Crash Reconstruction Specialist, or
14 similar training approved by the Illinois Law Enforcement
15 Training Standards Board or the Illinois State Police, or
16 similar training provided at an Illinois Law Enforcement
17 Training Standards Board certified school. Notwithstanding the
18 requirements of subsection (b) of this Section, the policy for
19 a law enforcement agency, when the officer-involved death
20 being investigated involves a motor vehicle collision, may
21 allow the use of an investigator who is employed by that law
22 enforcement agency and who is certified by the Illinois Law
23 Enforcement Training Standards Board as a Crash Reconstruction
24 Specialist, or similar training approved by the Illinois Law
25 Enforcement Training Standards Board, or similar certified
26 training approved by the Illinois State Police, or similar

1 training provided at an Illinois Law Enforcement Training
2 Standards Board certified school.

3 (d) The investigators conducting the investigation shall,
4 in an expeditious manner, provide a complete report to the
5 State's Attorney of the county in which the officer-involved
6 death occurred.

7 (e) If the State's Attorney, or a designated special
8 prosecutor, determines there is no basis to prosecute the law
9 enforcement officer involved in the officer-involved death, or
10 if the law enforcement officer is not otherwise charged or
11 indicted, the investigators shall publicly release a report.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-982, eff. 7-1-23;
13 102-1071, eff. 6-10-22; revised 12-13-22.)

14 Section 245. The Emergency Telephone System Act is amended
15 by changing Section 15.4a as follows:

16 (50 ILCS 750/15.4a)

17 (Section scheduled to be repealed on December 31, 2023)

18 Sec. 15.4a. Consolidation.

19 (a) By July 1, 2017, and except as otherwise provided in
20 this Section, Emergency Telephone System Boards, Joint
21 Emergency Telephone System Boards, and PSAPs shall be
22 consolidated as follows, subject to subsections (b) and (c) of
23 this Section:

24 (1) In any county with a population of at least

1 250,000 that has a single Emergency Telephone System Board
2 and more than 2 PSAPs, the 9-1-1 Authority shall reduce
3 the number of PSAPs by at least 50% or to 2 PSAPs,
4 whichever is greater. Nothing in this paragraph shall
5 preclude consolidation resulting in one PSAP in the
6 county.

7 (2) In any county with a population of at least
8 250,000 that has more than one Emergency Telephone System
9 Board ~~or~~ Joint Emergency Telephone System Board, any
10 9-1-1 Authority serving a population of less than 25,000
11 shall be consolidated such that no 9-1-1 Authority in the
12 county serves a population of less than 25,000.

13 (3) In any county with a population of at least
14 250,000 but less than 1,000,000 that has more than one
15 Emergency Telephone System Board ~~or~~ Joint Emergency
16 Telephone System Board, each 9-1-1 Authority shall reduce
17 the number of PSAPs by at least 50% or to 2 PSAPs,
18 whichever is greater. Nothing in this paragraph shall
19 preclude consolidation of a 9-1-1 Authority into a Joint
20 Emergency Telephone System Board, and nothing in this
21 paragraph shall preclude consolidation resulting in one
22 PSAP in the county.

23 (4) In any county with a population of less than
24 250,000 that has a single Emergency Telephone System Board
25 and more than 2 PSAPs, the 9-1-1 Authority shall reduce
26 the number of PSAPs by at least 50% or to 2 PSAPs,

1 whichever is greater. Nothing in this paragraph shall
2 preclude consolidation resulting in one PSAP in the
3 county.

4 (5) In any county with a population of less than
5 250,000 that has more than one Emergency Telephone System
6 Board or Joint Emergency Telephone System Board and more
7 than 2 PSAPS, the 9-1-1 Authorities shall be consolidated
8 into a single joint board, and the number of PSAPs shall be
9 reduced by at least 50% or to 2 PSAPs, whichever is
10 greater. Nothing in this paragraph shall preclude
11 consolidation resulting in one PSAP in the county.

12 (6) Any 9-1-1 Authority that does not have a PSAP
13 within its jurisdiction shall be consolidated through an
14 intergovernmental agreement with an existing 9-1-1
15 Authority that has a PSAP to create a Joint Emergency
16 Telephone Board.

17 (7) The corporate authorities of each county that has
18 no 9-1-1 service as of January 1, 2016 shall provide 9-1-1
19 wireline and wireless 9-1-1 service for that county by
20 either (i) entering into an intergovernmental agreement
21 with an existing Emergency Telephone System Board to
22 create a new Joint Emergency Telephone System Board, or
23 (ii) entering into an intergovernmental agreement with the
24 corporate authorities that have created an existing Joint
25 Emergency Telephone System Board.

26 (b) By July 1, 2016, each county required to consolidate

1 pursuant to paragraph (7) of subsection (a) of this Section
2 and each 9-1-1 Authority required to consolidate pursuant to
3 paragraphs (1) through (6) of subsection (a) of this Section
4 shall file a plan for consolidation or a request for a waiver
5 pursuant to subsection (c) of this Section with the Office of
6 the Statewide 9-1-1 Administrator.

7 (1) No county or 9-1-1 Authority may avoid the
8 requirements of this Section by converting primary PSAPs
9 to secondary or virtual answering points; however, a PSAP
10 may be decommissioned. Staff from decommissioned PSAPs may
11 remain to perform nonemergency police, fire, or EMS
12 responsibilities. Any county or 9-1-1 Authority not in
13 compliance with this Section shall be ineligible to
14 receive consolidation grant funds issued under Section
15 15.4b of this Act or monthly disbursements otherwise due
16 under Section 30 of this Act, until the county or 9-1-1
17 Authority is in compliance.

18 (2) Within 60 calendar days of receiving a
19 consolidation plan or waiver, the Statewide 9-1-1 Advisory
20 Board shall hold at least one public hearing on the plan
21 and provide a recommendation to the Administrator. Notice
22 of the hearing shall be provided to the respective entity
23 to which the plan applies.

24 (3) Within 90 calendar days of receiving a
25 consolidation plan, the Administrator shall approve the
26 plan or waiver, approve the plan as modified, or grant a

1 waiver pursuant to subsection (c) of this Section. In
2 making his or her decision, the Administrator shall
3 consider any recommendation from the Statewide 9-1-1
4 Advisory Board regarding the plan. If the Administrator
5 does not follow the recommendation of the Board, the
6 Administrator shall provide a written explanation for the
7 deviation in his or her decision.

8 (4) The deadlines provided in this subsection may be
9 extended upon agreement between the Administrator and
10 entity which submitted the plan.

11 (c) A waiver from a consolidation required under
12 subsection (a) of this Section may be granted if the
13 Administrator finds that the consolidation will result in a
14 substantial threat to public safety, is economically
15 unreasonable, or is technically infeasible.

16 (d) Any decision of the Administrator under this Section
17 shall be deemed a final administrative decision and shall be
18 subject to judicial review under the Administrative Review
19 Law.

20 (Source: P.A. 102-9, eff. 6-3-21; revised 2-28-22.)

21 Section 250. The Counties Code is amended by changing
22 Sections 3-3013, 5-1006.7, 5-1182, 5-45025, and 6-30002 and
23 the heading of Division 4-13 as follows:

24 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

1 (Text of Section before amendment by P.A. 102-982)

2 Sec. 3-3013. Preliminary investigations; blood and urine
3 analysis; summoning jury; reports. Every coroner, whenever,
4 as soon as he knows or is informed that the dead body of any
5 person is found, or lying within his county, whose death is
6 suspected of being:

7 (a) A sudden or violent death, whether apparently
8 suicidal, homicidal, or accidental, including, but not
9 limited to, deaths apparently caused or contributed to by
10 thermal, traumatic, chemical, electrical, or radiational
11 injury, or a complication of any of them, or by drowning or
12 suffocation, or as a result of domestic violence as
13 defined in the Illinois Domestic Violence Act of 1986;

14 (b) A death due to a sex crime;

15 (c) A death where the circumstances are suspicious,
16 obscure, mysterious, or otherwise unexplained or where, in
17 the written opinion of the attending physician, the cause
18 of death is not determined;

19 (d) A death where addiction to alcohol or to any drug
20 may have been a contributory cause; or

21 (e) A death where the decedent was not attended by a
22 licensed physician;

23 shall go to the place where the dead body is, and take charge
24 of the same and shall make a preliminary investigation into
25 the circumstances of the death. In the case of death without
26 attendance by a licensed physician, the body may be moved with

1 the coroner's consent from the place of death to a mortuary in
2 the same county. Coroners in their discretion shall notify
3 such physician as is designated in accordance with Section
4 3-3014 to attempt to ascertain the cause of death, either by
5 autopsy or otherwise.

6 In cases of accidental death involving a motor vehicle in
7 which the decedent was (1) the operator or a suspected
8 operator of a motor vehicle, or (2) a pedestrian 16 years of
9 age or older, the coroner shall require that a blood specimen
10 of at least 30 cc., and if medically possible a urine specimen
11 of at least 30 cc. or as much as possible up to 30 cc., be
12 withdrawn from the body of the decedent in a timely fashion
13 after the accident causing his death, by such physician as has
14 been designated in accordance with Section 3-3014, or by the
15 coroner or deputy coroner or a qualified person designated by
16 such physician, coroner, or deputy coroner. If the county does
17 not maintain laboratory facilities for making such analysis,
18 the blood and urine so drawn shall be sent to the Illinois
19 State Police or any other accredited or State-certified
20 laboratory for analysis of the alcohol, carbon monoxide, and
21 dangerous or narcotic drug content of such blood and urine
22 specimens. Each specimen submitted shall be accompanied by
23 pertinent information concerning the decedent upon a form
24 prescribed by such laboratory. Any person drawing blood and
25 urine and any person making any examination of the blood and
26 urine under the terms of this Division shall be immune from all

1 liability, civil or criminal, that might otherwise be incurred
2 or imposed.

3 In all other cases coming within the jurisdiction of the
4 coroner and referred to in subparagraphs (a) through (e)
5 above, blood, and, whenever possible, urine samples shall be
6 analyzed for the presence of alcohol and other drugs. When the
7 coroner suspects that drugs may have been involved in the
8 death, either directly or indirectly, a toxicological
9 examination shall be performed which may include analyses of
10 blood, urine, bile, gastric contents, and other tissues. When
11 the coroner suspects a death is due to toxic substances, other
12 than drugs, the coroner shall consult with the toxicologist
13 prior to collection of samples. Information submitted to the
14 toxicologist shall include information as to height, weight,
15 age, sex, and race of the decedent as well as medical history,
16 medications used by, and the manner of death of the decedent.

17 When the coroner or medical examiner finds that the cause
18 of death is due to homicidal means, the coroner or medical
19 examiner shall cause blood and buccal specimens (tissue may be
20 submitted if no uncontaminated blood or buccal specimen can be
21 obtained), whenever possible, to be withdrawn from the body of
22 the decedent in a timely fashion. For proper preservation of
23 the specimens, collected blood and buccal specimens shall be
24 dried and tissue specimens shall be frozen if available
25 equipment exists. As soon as possible, but no later than 30
26 days after the collection of the specimens, the coroner or

1 medical examiner shall release those specimens to the police
2 agency responsible for investigating the death. As soon as
3 possible, but no later than 30 days after the receipt from the
4 coroner or medical examiner, the police agency shall submit
5 the specimens using the agency case number to a National DNA
6 Index System (NDIS) participating laboratory within this
7 State, such as the Illinois State Police, Division of Forensic
8 Services, for analysis and categorizing into genetic marker
9 groupings. The results of the analysis and categorizing into
10 genetic marker groupings shall be provided to the Illinois
11 State Police and shall be maintained by the Illinois State
12 Police in the State central repository in the same manner, and
13 subject to the same conditions, as provided in Section 5-4-3
14 of the Unified Code of Corrections. The requirements of this
15 paragraph are in addition to any other findings, specimens, or
16 information that the coroner or medical examiner is required
17 to provide during the conduct of a criminal investigation.

18 In all counties, in cases of apparent suicide, homicide,
19 or accidental death or in other cases, within the discretion
20 of the coroner, the coroner may summon 8 persons of lawful age
21 from those persons drawn for petit jurors in the county. The
22 summons shall command these persons to present themselves
23 personally at such a place and time as the coroner shall
24 determine, and may be in any form which the coroner shall
25 determine and may incorporate any reasonable form of request
26 for acknowledgment which the coroner deems practical and

1 provides a reliable proof of service. The summons may be
2 served by first class mail. From the 8 persons so summoned, the
3 coroner shall select 6 to serve as the jury for the inquest.
4 Inquests may be continued from time to time, as the coroner may
5 deem necessary. The 6 jurors selected in a given case may view
6 the body of the deceased. If at any continuation of an inquest
7 one or more of the original jurors shall be unable to continue
8 to serve, the coroner shall fill the vacancy or vacancies. A
9 juror serving pursuant to this paragraph shall receive
10 compensation from the county at the same rate as the rate of
11 compensation that is paid to petit or grand jurors in the
12 county. The coroner shall furnish to each juror without fee at
13 the time of his discharge a certificate of the number of days
14 in attendance at an inquest, and, upon being presented with
15 such certificate, the county treasurer shall pay to the juror
16 the sum provided for his services.

17 In counties which have a jury commission, in cases of
18 apparent suicide or homicide or of accidental death, the
19 coroner may conduct an inquest. The jury commission shall
20 provide at least 8 jurors to the coroner, from whom the coroner
21 shall select any 6 to serve as the jury for the inquest.
22 Inquests may be continued from time to time as the coroner may
23 deem necessary. The 6 jurors originally chosen in a given case
24 may view the body of the deceased. If at any continuation of an
25 inquest one or more of the 6 jurors originally chosen shall be
26 unable to continue to serve, the coroner shall fill the

1 vacancy or vacancies. At the coroner's discretion, additional
2 jurors to fill such vacancies shall be supplied by the jury
3 commission. A juror serving pursuant to this paragraph in such
4 county shall receive compensation from the county at the same
5 rate as the rate of compensation that is paid to petit or grand
6 jurors in the county.

7 In every case in which a fire is determined to be a
8 contributing factor in a death, the coroner shall report the
9 death to the Office of the State Fire Marshal. The coroner
10 shall provide a copy of the death certificate (i) within 30
11 days after filing the permanent death certificate and (ii) in
12 a manner that is agreed upon by the coroner and the State Fire
13 Marshal.

14 In every case in which a drug overdose is determined to be
15 the cause or a contributing factor in the death, the coroner or
16 medical examiner shall report the death to the Department of
17 Public Health. The Department of Public Health shall adopt
18 rules regarding specific information that must be reported in
19 the event of such a death. If possible, the coroner shall
20 report the cause of the overdose. As used in this Section,
21 "overdose" has the same meaning as it does in Section 414 of
22 the Illinois Controlled Substances Act. The Department of
23 Public Health shall issue a semiannual report to the General
24 Assembly summarizing the reports received. The Department
25 shall also provide on its website a monthly report of overdose
26 death figures organized by location, age, and any other

1 factors, the Department deems appropriate.

2 In addition, in every case in which domestic violence is
3 determined to be a contributing factor in a death, the coroner
4 shall report the death to the Illinois State Police.

5 All deaths in State institutions and all deaths of wards
6 of the State or youth in care as defined in Section 4d of the
7 Children and Family Services Act in private care facilities or
8 in programs funded by the Department of Human Services under
9 its powers relating to mental health and developmental
10 disabilities or alcoholism and substance abuse or funded by
11 the Department of Children and Family Services shall be
12 reported to the coroner of the county in which the facility is
13 located. If the coroner has reason to believe that an
14 investigation is needed to determine whether the death was
15 caused by maltreatment or negligent care of the ward of the
16 State or youth in care as defined in Section 4d of the Children
17 and Family Services Act, the coroner may conduct a preliminary
18 investigation of the circumstances of such death as in cases
19 of death under circumstances set forth in subparagraphs
20 ~~paragraphs~~ (a) through (e) of this Section.

21 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
22 revised 8-23-22.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 3-3013. Preliminary investigations; blood and urine
25 analysis; summoning jury; reports. Every coroner, whenever,

1 as soon as he knows or is informed that the dead body of any
2 person is found, or lying within his county, whose death is
3 suspected of being:

4 (a) A sudden or violent death, whether apparently
5 suicidal, homicidal, or accidental, including, but not
6 limited to, deaths apparently caused or contributed to by
7 thermal, traumatic, chemical, electrical, or radiational
8 injury, or a complication of any of them, or by drowning or
9 suffocation, or as a result of domestic violence as
10 defined in the Illinois Domestic Violence Act of 1986;

11 (b) A death due to a sex crime;

12 (c) A death where the circumstances are suspicious,
13 obscure, mysterious, or otherwise unexplained or where, in
14 the written opinion of the attending physician, the cause
15 of death is not determined;

16 (d) A death where addiction to alcohol or to any drug
17 may have been a contributory cause; or

18 (e) A death where the decedent was not attended by a
19 licensed physician;

20 shall go to the place where the dead body is, and take charge
21 of the same and shall make a preliminary investigation into
22 the circumstances of the death. In the case of death without
23 attendance by a licensed physician, the body may be moved with
24 the coroner's consent from the place of death to a mortuary in
25 the same county. Coroners in their discretion shall notify
26 such physician as is designated in accordance with Section

1 3-3014 to attempt to ascertain the cause of death, either by
2 autopsy or otherwise.

3 In cases of accidental death involving a motor vehicle in
4 which the decedent was (1) the operator or a suspected
5 operator of a motor vehicle, or (2) a pedestrian 16 years of
6 age or older, the coroner shall require that a blood specimen
7 of at least 30 cc., and if medically possible a urine specimen
8 of at least 30 cc. or as much as possible up to 30 cc., be
9 withdrawn from the body of the decedent in a timely fashion
10 after the crash causing his death, by such physician as has
11 been designated in accordance with Section 3-3014, or by the
12 coroner or deputy coroner or a qualified person designated by
13 such physician, coroner, or deputy coroner. If the county does
14 not maintain laboratory facilities for making such analysis,
15 the blood and urine so drawn shall be sent to the Illinois
16 State Police or any other accredited or State-certified
17 laboratory for analysis of the alcohol, carbon monoxide, and
18 dangerous or narcotic drug content of such blood and urine
19 specimens. Each specimen submitted shall be accompanied by
20 pertinent information concerning the decedent upon a form
21 prescribed by such laboratory. Any person drawing blood and
22 urine and any person making any examination of the blood and
23 urine under the terms of this Division shall be immune from all
24 liability, civil or criminal, that might otherwise be incurred
25 or imposed.

26 In all other cases coming within the jurisdiction of the

1 coroner and referred to in subparagraphs (a) through (e)
2 above, blood, and whenever possible, urine samples shall be
3 analyzed for the presence of alcohol and other drugs. When the
4 coroner suspects that drugs may have been involved in the
5 death, either directly or indirectly, a toxicological
6 examination shall be performed which may include analyses of
7 blood, urine, bile, gastric contents, and other tissues. When
8 the coroner suspects a death is due to toxic substances, other
9 than drugs, the coroner shall consult with the toxicologist
10 prior to collection of samples. Information submitted to the
11 toxicologist shall include information as to height, weight,
12 age, sex, and race of the decedent as well as medical history,
13 medications used by and the manner of death of the decedent.

14 When the coroner or medical examiner finds that the cause
15 of death is due to homicidal means, the coroner or medical
16 examiner shall cause blood and buccal specimens (tissue may be
17 submitted if no uncontaminated blood or buccal specimen can be
18 obtained), whenever possible, to be withdrawn from the body of
19 the decedent in a timely fashion. For proper preservation of
20 the specimens, collected blood and buccal specimens shall be
21 dried and tissue specimens shall be frozen if available
22 equipment exists. As soon as possible, but no later than 30
23 days after the collection of the specimens, the coroner or
24 medical examiner shall release those specimens to the police
25 agency responsible for investigating the death. As soon as
26 possible, but no later than 30 days after the receipt from the

1 coroner or medical examiner, the police agency shall submit
2 the specimens using the agency case number to a National DNA
3 Index System (NDIS) participating laboratory within this
4 State, such as the Illinois State Police, Division of Forensic
5 Services, for analysis and categorizing into genetic marker
6 groupings. The results of the analysis and categorizing into
7 genetic marker groupings shall be provided to the Illinois
8 State Police and shall be maintained by the Illinois State
9 Police in the State central repository in the same manner, and
10 subject to the same conditions, as provided in Section 5-4-3
11 of the Unified Code of Corrections. The requirements of this
12 paragraph are in addition to any other findings, specimens, or
13 information that the coroner or medical examiner is required
14 to provide during the conduct of a criminal investigation.

15 In all counties, in cases of apparent suicide, homicide,
16 or accidental death or in other cases, within the discretion
17 of the coroner, the coroner may summon 8 persons of lawful age
18 from those persons drawn for petit jurors in the county. The
19 summons shall command these persons to present themselves
20 personally at such a place and time as the coroner shall
21 determine, and may be in any form which the coroner shall
22 determine and may incorporate any reasonable form of request
23 for acknowledgment which the coroner deems practical and
24 provides a reliable proof of service. The summons may be
25 served by first class mail. From the 8 persons so summoned, the
26 coroner shall select 6 to serve as the jury for the inquest.

1 Inquests may be continued from time to time, as the coroner may
2 deem necessary. The 6 jurors selected in a given case may view
3 the body of the deceased. If at any continuation of an inquest
4 one or more of the original jurors shall be unable to continue
5 to serve, the coroner shall fill the vacancy or vacancies. A
6 juror serving pursuant to this paragraph shall receive
7 compensation from the county at the same rate as the rate of
8 compensation that is paid to petit or grand jurors in the
9 county. The coroner shall furnish to each juror without fee at
10 the time of his discharge a certificate of the number of days
11 in attendance at an inquest, and, upon being presented with
12 such certificate, the county treasurer shall pay to the juror
13 the sum provided for his services.

14 In counties which have a jury commission, in cases of
15 apparent suicide or homicide or of accidental death, the
16 coroner may conduct an inquest. The jury commission shall
17 provide at least 8 jurors to the coroner, from whom the coroner
18 shall select any 6 to serve as the jury for the inquest.
19 Inquests may be continued from time to time as the coroner may
20 deem necessary. The 6 jurors originally chosen in a given case
21 may view the body of the deceased. If at any continuation of an
22 inquest one or more of the 6 jurors originally chosen shall be
23 unable to continue to serve, the coroner shall fill the
24 vacancy or vacancies. At the coroner's discretion, additional
25 jurors to fill such vacancies shall be supplied by the jury
26 commission. A juror serving pursuant to this paragraph in such

1 county shall receive compensation from the county at the same
2 rate as the rate of compensation that is paid to petit or grand
3 jurors in the county.

4 In every case in which a fire is determined to be a
5 contributing factor in a death, the coroner shall report the
6 death to the Office of the State Fire Marshal. The coroner
7 shall provide a copy of the death certificate (i) within 30
8 days after filing the permanent death certificate and (ii) in
9 a manner that is agreed upon by the coroner and the State Fire
10 Marshal.

11 In every case in which a drug overdose is determined to be
12 the cause or a contributing factor in the death, the coroner or
13 medical examiner shall report the death to the Department of
14 Public Health. The Department of Public Health shall adopt
15 rules regarding specific information that must be reported in
16 the event of such a death. If possible, the coroner shall
17 report the cause of the overdose. As used in this Section,
18 "overdose" has the same meaning as it does in Section 414 of
19 the Illinois Controlled Substances Act. The Department of
20 Public Health shall issue a semiannual report to the General
21 Assembly summarizing the reports received. The Department
22 shall also provide on its website a monthly report of overdose
23 death figures organized by location, age, and any other
24 factors~~7~~ the Department deems appropriate.

25 In addition, in every case in which domestic violence is
26 determined to be a contributing factor in a death, the coroner

1 shall report the death to the Illinois State Police.

2 All deaths in State institutions and all deaths of wards
3 of the State or youth in care as defined in Section 4d of the
4 Children and Family Services Act in private care facilities or
5 in programs funded by the Department of Human Services under
6 its powers relating to mental health and developmental
7 disabilities or alcoholism and substance abuse or funded by
8 the Department of Children and Family Services shall be
9 reported to the coroner of the county in which the facility is
10 located. If the coroner has reason to believe that an
11 investigation is needed to determine whether the death was
12 caused by maltreatment or negligent care of the ward of the
13 State or youth in care as defined in Section 4d of the Children
14 and Family Services Act, the coroner may conduct a preliminary
15 investigation of the circumstances of such death as in cases
16 of death under circumstances set forth in subparagraphs
17 ~~paragraphs~~ (a) through (e) of this Section.

18 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
19 102-982, eff. 7-1-23; revised 8-23-22.)

20 (55 ILCS 5/Div. 4-13 heading)

21 Division 4-13. Penalty for Violations~~—~~

22 (55 ILCS 5/5-1006.7)

23 Sec. 5-1006.7. School facility and resources occupation
24 taxes.

1 (a) In any county, a tax shall be imposed upon all persons
2 engaged in the business of selling tangible personal property,
3 other than personal property titled or registered with an
4 agency of this State's government, at retail in the county on
5 the gross receipts from the sales made in the course of
6 business to provide revenue to be used exclusively for (i)
7 school facility purposes (except as otherwise provided in this
8 Section), (ii) school resource officers and mental health
9 professionals, or (iii) school facility purposes, school
10 resource officers, and mental health professionals if a
11 proposition for the tax has been submitted to the electors of
12 that county and approved by a majority of those voting on the
13 question as provided in subsection (c). The tax under this
14 Section shall be imposed only in one-quarter percent
15 increments and may not exceed 1%.

16 This additional tax may not be imposed on tangible
17 personal property taxed at the 1% rate under the Retailers'
18 Occupation Tax Act (or at the 0% rate imposed under Public Act
19 102-700 ~~this amendatory Act of the 102nd General Assembly~~).
20 Beginning December 1, 2019 and through December 31, 2020, this
21 tax is not imposed on sales of aviation fuel unless the tax
22 revenue is expended for airport-related purposes. If the
23 county does not have an airport-related purpose to which it
24 dedicates aviation fuel tax revenue, then aviation fuel is
25 excluded from the tax. The county must comply with the
26 certification requirements for airport-related purposes under

1 Section 2-22 of the Retailers' Occupation Tax Act. For
2 purposes of this Section, "airport-related purposes" has the
3 meaning ascribed in Section 6z-20.2 of the State Finance Act.
4 Beginning January 1, 2021, this tax is not imposed on sales of
5 aviation fuel for so long as the revenue use requirements of 49
6 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.
7 The Department of Revenue has full power to administer and
8 enforce this subsection, to collect all taxes and penalties
9 due under this subsection, to dispose of taxes and penalties
10 so collected in the manner provided in this subsection, and to
11 determine all rights to credit memoranda arising on account of
12 the erroneous payment of a tax or penalty under this
13 subsection. The Department shall deposit all taxes and
14 penalties collected under this subsection into a special fund
15 created for that purpose.

16 In the administration of and compliance with this
17 subsection, the Department and persons who are subject to this
18 subsection (i) have the same rights, remedies, privileges,
19 immunities, powers, and duties, (ii) are subject to the same
20 conditions, restrictions, limitations, penalties, and
21 definitions of terms, and (iii) shall employ the same modes of
22 procedure as are set forth in Sections 1 through 1o, 2 through
23 2-70 (in respect to all provisions contained in those Sections
24 other than the State rate of tax), 2a through 2h, 3 (except as
25 to the disposition of taxes and penalties collected, and
26 except that the retailer's discount is not allowed for taxes

1 paid on aviation fuel that are subject to the revenue use
2 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5,
3 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
4 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers'
5 Occupation Tax Act and all provisions of the Uniform Penalty
6 and Interest Act as if those provisions were set forth in this
7 subsection.

8 The certificate of registration that is issued by the
9 Department to a retailer under the Retailers' Occupation Tax
10 Act permits the retailer to engage in a business that is
11 taxable without registering separately with the Department
12 under an ordinance or resolution under this subsection.

13 Persons subject to any tax imposed under the authority
14 granted in this subsection may reimburse themselves for their
15 seller's tax liability by separately stating that tax as an
16 additional charge, which may be stated in combination, in a
17 single amount, with State tax that sellers are required to
18 collect under the Use Tax Act, pursuant to any bracketed
19 schedules set forth by the Department.

20 (b) If a tax has been imposed under subsection (a), then a
21 service occupation tax must also be imposed at the same rate
22 upon all persons engaged, in the county, in the business of
23 making sales of service, who, as an incident to making those
24 sales of service, transfer tangible personal property within
25 the county as an incident to a sale of service.

26 This tax may not be imposed on tangible personal property

1 taxed at the 1% rate under the Service Occupation Tax Act (or
2 at the 0% rate imposed under Public Act 102-700 ~~this~~
3 ~~amendatory Act of the 102nd General Assembly~~). Beginning
4 December 1, 2019 and through December 31, 2020, this tax is not
5 imposed on sales of aviation fuel unless the tax revenue is
6 expended for airport-related purposes. If the county does not
7 have an airport-related purpose to which it dedicates aviation
8 fuel tax revenue, then aviation fuel is excluded from the tax.
9 The county must comply with the certification requirements for
10 airport-related purposes under Section 2-22 of the Retailers'
11 Occupation Tax Act. For purposes of this Section,
12 "airport-related purposes" has the meaning ascribed in Section
13 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
14 this tax is not imposed on sales of aviation fuel 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 county.

17 The tax imposed under this subsection and all civil
18 penalties that may be assessed as an incident thereof shall be
19 collected and enforced by the Department and deposited into a
20 special fund created for that purpose. The Department has full
21 power to administer and enforce this subsection, to collect
22 all taxes and penalties due under this subsection, to dispose
23 of taxes and penalties so collected in the manner provided in
24 this subsection, and to determine all rights to credit
25 memoranda arising on account of the erroneous payment of a tax
26 or penalty under this subsection.

1 In the administration of and compliance with this
2 subsection, the Department and persons who are subject to this
3 subsection shall (i) have the same rights, remedies,
4 privileges, immunities, powers and duties, (ii) be subject to
5 the same conditions, restrictions, limitations, penalties and
6 definition of terms, and (iii) employ the same modes of
7 procedure as are set forth in Sections 2 (except that that
8 reference to State in the definition of supplier maintaining a
9 place of business in this State means the county), 2a through
10 2d, 3 through 3-50 (in respect to all provisions contained in
11 those Sections other than the State rate of tax), 4 (except
12 that the reference to the State shall be to the county), 5, 7,
13 8 (except that the jurisdiction to which the tax is a debt to
14 the extent indicated in that Section 8 is the county), 9
15 (except as to the disposition of taxes and penalties
16 collected, and except that the retailer's discount is not
17 allowed for taxes paid on aviation fuel that are subject to the
18 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
19 47133), 10, 11, 12 (except the reference therein to Section 2b
20 of the Retailers' Occupation Tax Act), 13 (except that any
21 reference to the State means the county), ~~Section~~ 15, 16, 17,
22 18, 19, and 20 of the Service Occupation Tax Act and all
23 provisions of the Uniform Penalty and Interest Act, as fully
24 as if those provisions were set forth herein.

25 Persons subject to any tax imposed under the authority
26 granted in this subsection may reimburse themselves for their

1 serviceman's tax liability by separately stating the tax as an
2 additional charge, which may be stated in combination, in a
3 single amount, with State tax that servicemen are authorized
4 to collect under the Service Use Tax Act, pursuant to any
5 bracketed schedules set forth by the Department.

6 (c) The tax under this Section may not be imposed until the
7 question of imposing the tax has been submitted to the
8 electors of the county at a regular election and approved by a
9 majority of the electors voting on the question. For all
10 regular elections held prior to August 23, 2011 (the effective
11 date of Public Act 97-542), upon a resolution by the county
12 board or a resolution by school district boards that represent
13 at least 51% of the student enrollment within the county, the
14 county board must certify the question to the proper election
15 authority in accordance with the Election Code.

16 For all regular elections held prior to August 23, 2011
17 (the effective date of Public Act 97-542), the election
18 authority must submit the question in substantially the
19 following form:

20 Shall (name of county) be authorized to impose a
21 retailers' occupation tax and a service occupation tax
22 (commonly referred to as a "sales tax") at a rate of
23 (insert rate) to be used exclusively for school facility
24 purposes?

25 The election authority must record the votes as "Yes" or
26 "No".

1 If a majority of the electors voting on the question vote
2 in the affirmative, then the county may, thereafter, impose
3 the tax.

4 For all regular elections held on or after August 23, 2011
5 (the effective date of Public Act 97-542), the regional
6 superintendent of schools for the county must, upon receipt of
7 a resolution or resolutions of school district boards that
8 represent more than 50% of the student enrollment within the
9 county, certify the question to the proper election authority
10 for submission to the electors of the county at the next
11 regular election at which the question lawfully may be
12 submitted to the electors, all in accordance with the Election
13 Code.

14 For all regular elections held on or after August 23, 2011
15 (the effective date of Public Act 97-542) and before August
16 23, 2019 (the effective date of Public Act 101-455), the
17 election authority must submit the question in substantially
18 the following form:

19 Shall a retailers' occupation tax and a service
20 occupation tax (commonly referred to as a "sales tax") be
21 imposed in (name of county) at a rate of (insert rate) to
22 be used exclusively for school facility purposes?

23 The election authority must record the votes as "Yes" or
24 "No".

25 If a majority of the electors voting on the question vote
26 in the affirmative, then the tax shall be imposed at the rate

1 set forth in the question.

2 For all regular elections held on or after August 23, 2019
3 (the effective date of Public Act 101-455), the election
4 authority must submit the question as follows:

5 (1) If the referendum is to expand the use of revenues
6 from a currently imposed tax exclusively for school
7 facility purposes to include school resource officers and
8 mental health professionals, the question shall be in
9 substantially the following form:

10 In addition to school facility purposes, shall
11 (name of county) school districts be authorized to use
12 revenues from the tax commonly referred to as the
13 school facility sales tax that is currently imposed in
14 (name of county) at a rate of (insert rate) for school
15 resource officers and mental health professionals?

16 (2) If the referendum is to increase the rate of a tax
17 currently imposed exclusively for school facility purposes
18 at less than 1% and dedicate the additional revenues for
19 school resource officers and mental health professionals,
20 the question shall be in substantially the following form:

21 Shall the tax commonly referred to as the school
22 facility sales tax that is currently imposed in (name
23 of county) at the rate of (insert rate) be increased to
24 a rate of (insert rate) with the additional revenues
25 used exclusively for school resource officers and
26 mental health professionals?

1 (3) If the referendum is to impose a tax in a county
2 that has not previously imposed a tax under this Section
3 exclusively for school facility purposes, the question
4 shall be in substantially the following form:

5 Shall a retailers' occupation tax and a service
6 occupation tax (commonly referred to as a sales tax)
7 be imposed in (name of county) at a rate of (insert
8 rate) to be used exclusively for school facility
9 purposes?

10 (4) If the referendum is to impose a tax in a county
11 that has not previously imposed a tax under this Section
12 exclusively for school resource officers and mental health
13 professionals, the question shall be in substantially the
14 following form:

15 Shall a retailers' occupation tax and a service
16 occupation tax (commonly referred to as a sales tax)
17 be imposed in (name of county) at a rate of (insert
18 rate) to be used exclusively for school resource
19 officers and mental health professionals?

20 (5) If the referendum is to impose a tax in a county
21 that has not previously imposed a tax under this Section
22 exclusively for school facility purposes, school resource
23 officers, and mental health professionals, the question
24 shall be in substantially the following form:

25 Shall a retailers' occupation tax and a service
26 occupation tax (commonly referred to as a sales tax)

1 be imposed in (name of county) at a rate of (insert
2 rate) to be used exclusively for school facility
3 purposes, school resource officers, and mental health
4 professionals?

5 The election authority must record the votes as "Yes" or
6 "No".

7 If a majority of the electors voting on the question vote
8 in the affirmative, then the tax shall be imposed at the rate
9 set forth in the question.

10 For the purposes of this subsection (c), "enrollment"
11 means the head count of the students residing in the county on
12 the last school day of September of each year, which must be
13 reported on the Illinois State Board of Education Public
14 School Fall Enrollment/Housing Report.

15 (d) Except as otherwise provided, the Department shall
16 immediately pay over to the State Treasurer, ex officio, as
17 trustee, all taxes and penalties collected under this Section
18 to be deposited into the School Facility Occupation Tax Fund,
19 which shall be an unappropriated trust fund held outside the
20 State treasury. Taxes and penalties collected on aviation fuel
21 sold on or after December 1, 2019 and through December 31,
22 2020, shall be immediately paid over by the Department to the
23 State Treasurer, ex officio, as trustee, for deposit into the
24 Local Government Aviation Trust Fund. The Department shall
25 only pay moneys into the Local Government Aviation Trust Fund
26 under this Section for so long as the revenue use requirements

1 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
2 county.

3 On or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to the regional
6 superintendents of schools in counties from which retailers or
7 servicemen have paid taxes or penalties to the Department
8 during the second preceding calendar month. The amount to be
9 paid to each regional superintendent of schools and disbursed
10 to him or her in accordance with Section 3-14.31 of the School
11 Code, is equal to the amount (not including credit memoranda
12 and not including taxes and penalties collected on aviation
13 fuel sold on or after December 1, 2019 and through December 31,
14 2020) collected from the county under this Section during the
15 second preceding calendar month by the Department, (i) less 2%
16 of that amount (except the amount collected on aviation fuel
17 sold on or after December 1, 2019 and through December 31,
18 2020), of which 50% shall be deposited into the Tax Compliance
19 and Administration Fund and shall be used by the Department,
20 subject to appropriation, to cover the costs of the Department
21 in administering and enforcing the provisions of this Section,
22 on behalf of the county, and 50% shall be distributed to the
23 regional superintendent of schools to cover the costs in
24 administering and enforcing the provisions of this Section;LT
25 (ii) plus an amount that the Department determines is
26 necessary to offset any amounts that were erroneously paid to

1 a different taxing body; (iii) less an amount equal to the
2 amount of refunds made during the second preceding calendar
3 month by the Department on behalf of the county; and (iv) less
4 any amount that the Department determines is necessary to
5 offset any amounts that were payable to a different taxing
6 body but were erroneously paid to the county. When certifying
7 the amount of a monthly disbursement to a regional
8 superintendent of schools under this Section, the Department
9 shall increase or decrease the amounts by an amount necessary
10 to offset any miscalculation of previous disbursements within
11 the previous 6 months from the time a miscalculation is
12 discovered.

13 Within 10 days after receipt by the Comptroller from the
14 Department of the disbursement certification to the regional
15 superintendents of the schools provided for in this Section,
16 the Comptroller shall cause the orders to be drawn for the
17 respective amounts in accordance with directions contained in
18 the certification.

19 If the Department determines that a refund should be made
20 under this Section to a claimant instead of issuing a credit
21 memorandum, then the Department shall notify the Comptroller,
22 who shall cause the order to be drawn for the amount specified
23 and to the person named in the notification from the
24 Department. The refund shall be paid by the Treasurer out of
25 the School Facility Occupation Tax Fund or the Local
26 Government Aviation Trust Fund, as appropriate.

1 (e) For the purposes of determining the local governmental
2 unit whose tax is applicable, a retail sale by a producer of
3 coal or another mineral mined in Illinois is a sale at retail
4 at the place where the coal or other mineral mined in Illinois
5 is extracted from the earth. This subsection does not apply to
6 coal or another mineral when it is delivered or shipped by the
7 seller to the purchaser at a point outside Illinois so that the
8 sale is exempt under the United States Constitution as a sale
9 in interstate or foreign commerce.

10 (f) Nothing in this Section may be construed to authorize
11 a tax to be imposed upon the privilege of engaging in any
12 business that under the Constitution of the United States may
13 not be made the subject of taxation by this State.

14 (g) If a county board imposes a tax under this Section
15 pursuant to a referendum held before August 23, 2011 (the
16 effective date of Public Act 97-542) at a rate below the rate
17 set forth in the question approved by a majority of electors of
18 that county voting on the question as provided in subsection
19 (c), then the county board may, by ordinance, increase the
20 rate of the tax up to the rate set forth in the question
21 approved by a majority of electors of that county voting on the
22 question as provided in subsection (c). If a county board
23 imposes a tax under this Section pursuant to a referendum held
24 before August 23, 2011 (the effective date of Public Act
25 97-542), then the board may, by ordinance, discontinue or
26 reduce the rate of the tax. If a tax is imposed under this

1 Section pursuant to a referendum held on or after August 23,
2 2011 (the effective date of Public Act 97-542) and before
3 August 23, 2019 (the effective date of Public Act 101-455),
4 then the county board may reduce or discontinue the tax, but
5 only in accordance with subsection (h-5) of this Section. If a
6 tax is imposed under this Section pursuant to a referendum
7 held on or after August 23, 2019 (the effective date of Public
8 Act 101-455), then the county board may reduce or discontinue
9 the tax, but only in accordance with subsection (h-10). If,
10 however, a school board issues bonds that are secured by the
11 proceeds of the tax under this Section, then the county board
12 may not reduce the tax rate or discontinue the tax if that rate
13 reduction or discontinuance would adversely affect the school
14 board's ability to pay the principal and interest on those
15 bonds as they become due or necessitate the extension of
16 additional property taxes to pay the principal and interest on
17 those bonds. If the county board reduces the tax rate or
18 discontinues the tax, then a referendum must be held in
19 accordance with subsection (c) of this Section in order to
20 increase the rate of the tax or to reimpose the discontinued
21 tax.

22 Until January 1, 2014, the results of any election that
23 imposes, reduces, or discontinues a tax under this Section
24 must be certified by the election authority, and any ordinance
25 that increases or lowers the rate or discontinues the tax must
26 be certified by the county clerk and, in each case, filed with

1 the Illinois Department of Revenue either (i) on or before the
2 first day of April, whereupon the Department shall proceed to
3 administer and enforce the tax or change in the rate as of the
4 first day of July next following the filing; or (ii) on or
5 before the first day of October, whereupon the Department
6 shall proceed to administer and enforce the tax or change in
7 the rate as of the first day of January next following the
8 filing.

9 Beginning January 1, 2014, the results of any election
10 that imposes, reduces, or discontinues a tax under this
11 Section must be certified by the election authority, and any
12 ordinance that increases or lowers the rate or discontinues
13 the tax must be certified by the county clerk and, in each
14 case, filed with the Illinois Department of Revenue either (i)
15 on or before the first day of May, whereupon the Department
16 shall proceed to administer and enforce the tax or change in
17 the rate as of the first day of July next following the filing;
18 or (ii) on or before the first day of October, whereupon the
19 Department shall proceed to administer and enforce the tax or
20 change in the rate as of the first day of January next
21 following the filing.

22 (h) For purposes of this Section, "school facility
23 purposes" means (i) the acquisition, development,
24 construction, reconstruction, rehabilitation, improvement,
25 financing, architectural planning, and installation of capital
26 facilities consisting of buildings, structures, and durable

1 equipment and for the acquisition and improvement of real
2 property and interest in real property required, or expected
3 to be required, in connection with the capital facilities and
4 (ii) the payment of bonds or other obligations heretofore or
5 hereafter issued, including bonds or other obligations
6 heretofore or hereafter issued to refund or to continue to
7 refund bonds or other obligations issued, for school facility
8 purposes, provided that the taxes levied to pay those bonds
9 are abated by the amount of the taxes imposed under this
10 Section that are used to pay those bonds. "School facility
11 purposes" also includes fire prevention, safety, energy
12 conservation, accessibility, school security, and specified
13 repair purposes set forth under Section 17-2.11 of the School
14 Code.

15 (h-5) A county board in a county where a tax has been
16 imposed under this Section pursuant to a referendum held on or
17 after August 23, 2011 (the effective date of Public Act
18 97-542) and before August 23, 2019 (the effective date of
19 Public Act 101-455) may, by ordinance or resolution, submit to
20 the voters of the county the question of reducing or
21 discontinuing the tax. In the ordinance or resolution, the
22 county board shall certify the question to the proper election
23 authority in accordance with the Election Code. The election
24 authority must submit the question in substantially the
25 following form:

26 Shall the school facility retailers' occupation tax

1 and service occupation tax (commonly referred to as the
2 "school facility sales tax") currently imposed in (name of
3 county) at a rate of (insert rate) be (reduced to (insert
4 rate)) (discontinued)?

5 If a majority of the electors voting on the question vote in
6 the affirmative, then, subject to the provisions of subsection
7 (g) of this Section, the tax shall be reduced or discontinued
8 as set forth in the question.

9 (h-10) A county board in a county where a tax has been
10 imposed under this Section pursuant to a referendum held on or
11 after August 23, 2019 (the effective date of Public Act
12 101-455) may, by ordinance or resolution, submit to the voters
13 of the county the question of reducing or discontinuing the
14 tax. In the ordinance or resolution, the county board shall
15 certify the question to the proper election authority in
16 accordance with the Election Code. The election authority must
17 submit the question in substantially the following form:

18 Shall the school facility and resources retailers'
19 occupation tax and service occupation tax (commonly
20 referred to as the school facility and resources sales
21 tax) currently imposed in (name of county) at a rate of
22 (insert rate) be (reduced to (insert rate))
23 (discontinued)?

24 The election authority must record the votes as "Yes" or
25 "No".

26 If a majority of the electors voting on the question vote

1 in the affirmative, then, subject to the provisions of
2 subsection (g) of this Section, the tax shall be reduced or
3 discontinued as set forth in the question.

4 (i) This Section does not apply to Cook County.

5 (j) This Section may be cited as the County School
6 Facility and Resources Occupation Tax Law.

7 (Source: P.A. 101-10, eff. 6-5-19; 101-455, eff. 8-23-19;
8 101-604, eff. 12-13-19; 102-700, eff. 4-19-22; 102-1062, eff.
9 7-1-22; revised 8-10-22.)

10 (55 ILCS 5/5-1182)

11 (Text of Section before amendment by P.A. 102-982)

12 Sec. 5-1182. Charitable organizations; solicitation.

13 (a) No county may prohibit a charitable organization, as
14 defined in Section 2 of the Charitable Games Act, from
15 soliciting for charitable purposes, including solicitations
16 taking place on public roadways from passing motorists, if all
17 of the following requirements are met:—

18 (1) The persons to be engaged in the solicitation are
19 law enforcement personnel, firefighters, or other persons
20 employed to protect the public safety of a local agency,
21 and those persons are soliciting solely in an area that is
22 within the service area of that local agency.

23 (2) The charitable organization files an application
24 with the county having jurisdiction over the location or
25 locations where the solicitation is to occur. The

1 application ~~applications~~ shall be filed not later than 10
2 business days before the date that the solicitation is to
3 begin and shall include all of the following:

4 (A) The date or dates and times of day when the
5 solicitation is to occur.

6 (B) The location or locations where the
7 solicitation is to occur along with a list of 3
8 alternate locations listed in order of preference.

9 (C) The manner and conditions under which the
10 solicitation is to occur.

11 (D) Proof of a valid liability insurance policy in
12 the amount of at least \$1,000,000 insuring the charity
13 or local agency against bodily injury and property
14 damage arising out of or in connection with the
15 solicitation.

16 The county shall approve the application within 5 business
17 days after the filing date of the application, but may impose
18 reasonable conditions in writing that are consistent with the
19 intent of this Section and are based on articulated public
20 safety concerns. If the county determines that the applicant's
21 location cannot be permitted due to significant safety
22 concerns, such as high traffic volumes, poor geometrics,
23 construction, maintenance operations, or past accident
24 history, then the county may deny the application for that
25 location and must approve one of the 3 alternate locations
26 following the order of preference submitted by the applicant

1 on the alternate location list. By acting under this Section,
2 a local agency does not waive or limit any immunity from
3 liability provided by any other provision of law.

4 (b) For purposes of this Section, "local agency" means a
5 county, special district, fire district, joint powers of
6 authority, or other political subdivision of the State of
7 Illinois.

8 (c) A home rule unit may not regulate a charitable
9 organization in a manner that is inconsistent with this
10 Section. This Section is a limitation under subsection (i) of
11 Section 6 of Article VII of the Illinois Constitution on the
12 concurrent exercise by home rule units of powers and functions
13 exercised by the State.

14 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;
15 revised 8-23-22.)

16 (Text of Section after amendment by P.A. 102-982)

17 Sec. 5-1182. Charitable organizations; solicitation.

18 (a) No county may prohibit a charitable organization, as
19 defined in Section 2 of the Charitable Games Act, from
20 soliciting for charitable purposes, including solicitations
21 taking place on public roadways from passing motorists, if all
22 of the following requirements are met:~~:-~~

23 (1) The persons to be engaged in the solicitation are
24 law enforcement personnel, firefighters, or other persons
25 employed to protect the public safety of a local agency,

1 and those persons are soliciting solely in an area that is
2 within the service area of that local agency.

3 (2) The charitable organization files an application
4 with the county having jurisdiction over the location or
5 locations where the solicitation is to occur. The
6 application ~~applications~~ shall be filed not later than 10
7 business days before the date that the solicitation is to
8 begin and shall include all of the following:

9 (A) The date or dates and times of day when the
10 solicitation is to occur.

11 (B) The location or locations where the
12 solicitation is to occur along with a list of 3
13 alternate locations listed in order of preference.

14 (C) The manner and conditions under which the
15 solicitation is to occur.

16 (D) Proof of a valid liability insurance policy in
17 the amount of at least \$1,000,000 insuring the charity
18 or local agency against bodily injury and property
19 damage arising out of or in connection with the
20 solicitation.

21 The county shall approve the application within 5 business
22 days after the filing date of the application, but may impose
23 reasonable conditions in writing that are consistent with the
24 intent of this Section and are based on articulated public
25 safety concerns. If the county determines that the applicant's
26 location cannot be permitted due to significant safety

1 concerns, such as high traffic volumes, poor geometrics,
2 construction, maintenance operations, or past crash history,
3 then the county may deny the application for that location and
4 must approve one of the 3 alternate locations following the
5 order of preference submitted by the applicant on the
6 alternate location list. By acting under this Section, a local
7 agency does not waive or limit any immunity from liability
8 provided by any other provision of law.

9 (b) For purposes of this Section, "local agency" means a
10 county, special district, fire district, joint powers of
11 authority, or other political subdivision of the State of
12 Illinois.

13 (c) A home rule unit may not regulate a charitable
14 organization in a manner that is inconsistent with this
15 Section. This Section is a limitation under subsection (i) of
16 Section 6 of Article VII of the Illinois Constitution on the
17 concurrent exercise by home rule units of powers and functions
18 exercised by the State.

19 (Source: P.A. 102-982, eff. 7-1-23; revised 8-23-22.)

20 (55 ILCS 5/5-45025)

21 Sec. 5-45025. Procedures for Selection.

22 (a) The county must use a two-phase procedure for the
23 selection of the successful design-build entity. Phase I of
24 the procedure will evaluate and shortlist the design-build
25 entities based on qualifications, and Phase II will evaluate

1 the technical and cost proposals.

2 (b) The county shall include in the request for proposal
3 the evaluating factors to be used in Phase I. These factors are
4 in addition to any prequalification requirements of
5 design-build entities that the county has set forth. Each
6 request for proposal shall establish the relative importance
7 assigned to each evaluation factor and subfactor, including
8 any weighting of criteria to be employed by the county. The
9 county must maintain a record of the evaluation scoring to be
10 disclosed in event of a protest regarding the solicitation.

11 The county shall include the following criteria in every
12 Phase I evaluation of design-build entities: (i) experience of
13 personnel; (ii) successful experience with similar project
14 types; (iii) financial capability; (iv) timeliness of past
15 performance; (v) experience with similarly sized projects;
16 (vi) successful reference checks of the firm; (vii) commitment
17 to assign personnel for the duration of the project and
18 qualifications of the entity's consultants; and (viii) ability
19 or past performance in meeting or exhausting good faith
20 efforts to meet the utilization goals for business enterprises
21 established in the Business Enterprise for Minorities, Women,
22 and Persons with Disabilities Act and with Section 2-105 of
23 the Illinois Human Rights Act. The county may include any
24 additional relevant criteria in Phase I that it deems
25 necessary for a proper qualification review.

26 The county may not consider any design-build entity for

1 evaluation or award if the entity has any pecuniary interest
2 in the project or has other relationships or circumstances,
3 including, but not limited to, long-term leasehold, mutual
4 performance, or development contracts with the county, that
5 may give the design-build entity a financial or tangible
6 advantage over other design-build entities in the preparation,
7 evaluation, or performance of the design-build contract or
8 that create the appearance of impropriety. No proposal shall
9 be considered that does not include an entity's plan to comply
10 with the requirements established in the Business Enterprise
11 for Minorities, Women, and Persons with Disabilities Act, for
12 both the design and construction areas of performance, and
13 with Section 2-105 of the Illinois Human Rights Act.

14 Upon completion of the qualifications evaluation, the
15 county shall create a shortlist of the most highly qualified
16 design-build entities. The county, in its discretion, is not
17 required to shortlist the maximum number of entities as
18 identified for Phase II evaluation, provided that no less than
19 2 design-build entities nor more than 6 are selected to submit
20 Phase II proposals.

21 The county shall notify the entities selected for the
22 shortlist in writing. This notification shall commence the
23 period for the preparation of the Phase II technical and cost
24 evaluations. The county must allow sufficient time for the
25 shortlist entities to prepare their Phase II submittals
26 considering the scope and detail requested by the county.

1 (c) The county shall include in the request for proposal
2 the evaluating factors to be used in the technical and cost
3 submission components of Phase II. Each request for proposal
4 shall establish, for both the technical and cost submission
5 components of Phase II, the relative importance assigned to
6 each evaluation factor and subfactor, including any weighting
7 of criteria to be employed by the county. The county must
8 maintain a record of the evaluation scoring to be disclosed in
9 event of a protest regarding the solicitation.

10 The county shall include the following criteria in every
11 Phase II technical evaluation of design-build entities: (i)
12 compliance with objectives of the project; (ii) compliance of
13 proposed services to the request for proposal requirements;
14 (iii) quality of products or materials proposed; (iv) quality
15 of design parameters; (v) design concepts; (vi) innovation in
16 meeting the scope and performance criteria; and (vii)
17 constructability of the proposed project. The county may
18 include any additional relevant technical evaluation factors
19 it deems necessary for proper selection.

20 The county shall include the following criteria in every
21 Phase II cost evaluation: the total project cost, the
22 construction costs, and the time of completion. The county may
23 include any additional relevant technical evaluation factors
24 it deems necessary for proper selection. The total project
25 cost criteria weighting ~~weighing~~ factor shall not exceed 30%.

26 The county shall directly employ or retain a licensed

1 design professional or a public art designer to evaluate the
2 technical and cost submissions to determine if the technical
3 submissions are in accordance with generally accepted industry
4 standards. Upon completion of the technical submissions and
5 cost submissions evaluation, the county may award the
6 design-build contract to the highest overall ranked entity.

7 (Source: P.A. 102-954, eff. 1-1-23; revised 12-16-22.)

8 (55 ILCS 5/6-30002) (from Ch. 34, par. 6-30002)

9 Sec. 6-30002. Disbursement to county treasurer for
10 distribution to appropriate recipient. Notwithstanding any
11 other provision to the contrary, any State funds disbursed by
12 the State, or federal funds authorized to be disbursed by the
13 State, to any county official of a county with a population of
14 less than 2,000,000, or to any county department, agency
15 program or entity of a such county shall be disbursed only to
16 the county treasurer of such county for distribution by the
17 county treasurer to the appropriate county recipient. This
18 Division shall not apply to funds disbursed by a regional
19 superintendent of schools, a regional educational service
20 center, or the Department of Human Services with respect to
21 its functions pertaining to mental health and developmental
22 disabilities.

23 (Source: P.A. 89-262, eff. 8-10-95; 89-507, eff. 7-1-97;
24 revised 5-27-22.)

1 Section 255. The Illinois Municipal Code is amended by
2 changing Sections 8-4-27, 8-10-17, 8-10-18, 9-2-119, 9-2-127,
3 10-1-29, 10-1-31, 11-1.5-5, and 11-92-1 and the heading of
4 Division 31 of Article 11 as follows:

5 (65 ILCS 5/8-4-27)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 8-4-27. Municipal Water and Wastewater Funding Study
8 Committee.

9 (a) The Municipal Water and Wastewater Funding Study
10 Committee is established.

11 (b) The Committee shall be comprised of the following
12 members, and the appointed members of the Committee shall be
13 appointed to the Committee no later than 30 days after May 13,
14 2022 (the effective date of Public Act 102-865) ~~this~~
15 ~~amendatory Act of the 102nd General Assembly:~~

16 (1) ~~1~~ The Governor, or his or her designee, who shall
17 serve as chairperson.

18 (2) The Director of the Illinois Environmental
19 Protection Agency, or his or her designee.

20 (3) One member appointed by the President of the
21 Senate.

22 (4) One member appointed by the Minority Leader of the
23 Senate.

24 (5) One member appointed by the Speaker of the House
25 of Representatives.

1 (6) One member appointed by the Minority Leader of the
2 House of Representatives.

3 (7) Members appointed by the Director of the Illinois
4 Environmental Protection Agency as follows:

5 (A) one member who is a representative of a
6 publicly owned ~~publicly owned~~ drinking water or
7 wastewater utility with a service population of 25,000
8 or less;

9 (B) one member who is a representative of a
10 publicly owned ~~publicly owned~~ drinking water or
11 wastewater utility with a service population over
12 25,000 people to 125,000 people;

13 (C) one member who is a representative of a
14 publicly owned ~~publicly owned~~ drinking water or
15 wastewater utility with a service population over
16 125,000 people;

17 (D) one member who is a representative of a
18 statewide organization representing wastewater
19 agencies; and

20 (E) one member who is a representative of a
21 statewide organization representing drinking water
22 agencies.

23 The Committee shall meet at the call of the chair. Committee
24 members shall serve without compensation. If a vacancy occurs
25 in the Committee membership, the vacancy shall be filled in
26 the same manner as the original appointment for the remainder

1 of the Committee.

2 (c) The Committee shall study and make recommendations
3 concerning any needed modifications to Illinois Environmental
4 Protection Agency and Illinois Pollution Control Board
5 regulations and policies as they relate to municipal water and
6 wastewater funding to ensure that the State's revolving loan
7 fund programs account for and prioritize the following
8 principles, to the fullest extent allowed by federal law:

9 (1) A community shall not be deemed ineligible for
10 disadvantaged community status based on size or service
11 area of any size, with regard to special rates, loan
12 terms, and eligibility for loan or grant funds.

13 (2) In determining whether a community is
14 disadvantaged, consideration should be given to impacts of
15 funding on water and wastewater expenses for low-income
16 populations.

17 (3) In determining whether a community is eligible for
18 funds and special rates or loan terms, environmental
19 justice concepts should be considered.

20 (4) In determining how funding is allocated, a
21 community facing water supply shortages should be
22 considered a high priority based on urgency of need.

23 (5) The funding programs should promote formation and
24 implementation of regional water partnerships.

25 (6) Targeted funding should be provided for addressing
26 emerging contaminants, including PFAS.

1 (7) In determining eligibility for assistance, the
2 role that the State revolving fund programs play for small
3 communities should be understood and fully considered.

4 (8) Any recommendations for changes to the programs
5 must be fully consistent with federal law and must not
6 adversely affect any community's eligibility for loans
7 under federal law.

8 (d) The Committee shall prepare a report that summarizes
9 its work and makes recommendations resulting from its study.
10 The Committee shall submit the report of its findings and
11 recommendations to the Governor and the General Assembly no
12 later than January 31, 2023. Once the Committee has submitted
13 the report to the General Assembly and Governor, the Committee
14 is dissolved.

15 (e) ~~(f)~~ This Section is repealed on January 1, 2024.
16 (Source: P.A. 102-865, eff. 5-13-22; revised 8-23-22.)

17 (65 ILCS 5/8-10-17) (from Ch. 24, par. 8-10-17)

18 Sec. 8-10-17. The corporate authorities of any such
19 municipality may establish a revolving fund in such amount as
20 may be necessary to enable the purchasing agent to purchase
21 items of common usage in advance of immediate need, the
22 revolving fund to be reimbursed from the annual appropriation
23 of the requisitioning agencies. Neither the purchasing agent,
24 nor any officer or employee ~~employe~~ of his office, nor any
25 member of the board of standardization hereinafter provided

1 for, shall be financially interested, directly or indirectly,
2 in any purchase order or contract coming under the purview of
3 his official duties. The above named officials and employees
4 ~~employees~~ are expressly prohibited from accepting, directly or
5 indirectly, from any person, company, firm, or corporation to
6 which any purchase order or contract may be awarded, any
7 rebate, gift, money, or anything of value whatsoever. Any
8 officer or employee ~~employee~~, as above defined, convicted of
9 violating this Section ~~section~~, shall be guilty of a business
10 offense and shall be fined not to exceed \$10,000 and shall
11 forfeit the right to his public office, trust, or employment
12 and shall be removed therefrom.

13 (Source: P.A. 77-2500; revised 8-23-22.)

14 (65 ILCS 5/8-10-18) (from Ch. 24, par. 8-10-18)

15 Sec. 8-10-18. No department, office, institution,
16 commission, board, agency, or instrumentality of any such
17 municipality, or any officer or employee ~~employee~~ thereof,
18 shall be empowered to execute any purchase order or contract
19 as defined in Section 8-10-3 except as herein specifically
20 authorized, but all such purchase orders or contracts shall be
21 executed by the purchasing agent in conformity with the
22 provisions of this Division 10.

23 (Source: Laws 1961, p. 576; revised 8-23-22.)

24 (65 ILCS 5/9-2-119) (from Ch. 24, par. 9-2-119)

1 Sec. 9-2-119. For the purpose of anticipating the
2 collection of the second and succeeding installments, provided
3 for in this Division 2, a municipality may issue bonds,
4 payable out of these installments, bearing interest at a rate
5 specified in the ordinance referred to in Section 9-2-10
6 ~~2-9-10~~ of this ~~the Illinois Municipal~~ Code and not more than
7 the rate the installments of the assessment against which the
8 bonds are issued bear, payable annually and signed by such
9 officers as may be by ordinance prescribed. Bonds shall be
10 issued in sums of \$100, or some multiple thereof, and shall be
11 dated and draw interest from the date of their issuance. Each
12 bond shall state on its face out of which installment it is
13 payable, and shall state, by number or other designation, the
14 assessment to which that installment belongs. The principal of
15 these bonds shall not exceed, in the aggregate, the amount of
16 the deferred installments, and shall be divided into as many
17 series as there are deferred installments.

18 However, if there is a surplus to the credit of any such
19 installment which is not required for the payment of any
20 vouchers or bonds issued against that installment, that
21 surplus shall be applied toward the payment of any outstanding
22 vouchers or bonds already issued or to be issued, as the case
23 may be, against any other installment or installments.

24 Each series shall become due at some time in the year in
25 which the corresponding installment will mature, the date to
26 conform, as nearly as may be, to the time when that installment

1 will be actually collected. This time shall be estimated and
 2 determined by the municipal officers issuing the bonds. But it
 3 is lawful to provide in the case of any one or more of the
 4 bonds in any series, that that bond or bonds shall not become
 5 due until some subsequent date, not later than December 31
 6 next succeeding the January in which the installment against
 7 which that series is issued will mature.

8 The bonds may be in the following form:

9 State of Illinois)

10) ss

11 County of)

12 \$..... Series No.

13
 14 Bond No.

15 of

16 Improvement Bond

17 The of in County, Illinois, for value
 18 received, promises to pay to the bearer on (insert date) the
 19 sum of dollars, with interest thereon from date hereof,
 20 at the rate of%, payable annually on presentation of the
 21 coupons hereto annexed.

22 Both principal and interest of this bond are payable at
 23 the office of the treasurer of said of

24 This bond is issued to anticipate the collection of a part
 25 of the installment of special assessment No. levied
 26 for the purpose of which installment bears interest from

1 (insert date), and this bond and the interest thereon are
2 payable solely out of the installment when collected.

3 Dated (insert date).

4 The bond may have coupons attached to represent the
5 interest to accrue thereon.

6 In lieu of the bonds described in this Section, a
7 municipality may issue bonds of the type described in Section
8 9-2-127, but all bonds issued under any one special assessment
9 proceeding must be of the same type.

10 Public Act 77-1185 ~~This amendatory Act of 1971~~ is not a
11 limit upon any municipality which is a home rule unit.

12 (Source: P.A. 91-357, eff. 7-29-99; revised 2-28-22.)

13 (65 ILCS 5/9-2-127) (from Ch. 24, par. 9-2-127)

14 Sec. 9-2-127. In lieu of the bonds authorized in Section
15 9-2-119, the municipality upon the written request of the
16 holders of all of the outstanding and unpaid vouchers issued
17 in payment of the work, may issue and deliver to such voucher
18 holders, in exchange for such vouchers, bonds provided for in
19 this Section 9-2-127, provided that prior to the receipt of
20 such request the municipality has not issued or has not made
21 any commitment to issue any bonds the funds from which are to
22 be used toward paying such outstanding and unpaid vouchers in
23 full. The bonds shall be dated as of and shall draw interest
24 from the date of their issuance, except when issued in

1 exchange for vouchers theretofore issued in payment of the
2 work. In such latter case the bonds shall be issued in the
3 principal amount of the unpaid balance of the vouchers and
4 shall bear the same date as the vouchers for which they are
5 exchanged or the date to which interest was last paid on the
6 vouchers, and the bonds shall draw interest from such date.
7 The bonds shall be issued at not less than their par value. The
8 bonds shall be executed by such officers as may be prescribed
9 by ordinance of such municipality, with the corporate seal
10 attached. The bonds shall bear interest at a rate specified in
11 the ordinance referred to in Section 9-2-10 ~~2-9-10~~ of this ~~the~~
12 ~~Illinois Municipal~~ Code and of not more than the rate the
13 installments of the assessment against which the bonds are
14 issued bear. The bonds shall recite specifically that they are
15 payable solely and only from the assessment levied for the
16 payment of the cost of the improvement, designating the
17 improvement for which the assessment has been levied, and
18 shall mature on or before December 31 next succeeding the
19 January 2 on which the last installment shall mature. Interest
20 coupons attached to the bonds shall bear the official or
21 facsimile signatures of the same officers who signed the bonds
22 and shall be made payable at the office of the treasurer of the
23 municipality. The bonds shall be numbered consecutively
24 beginning with number one upwards and shall be payable in
25 their numerical order and redeemable prior to maturity in
26 numerical order as hereinafter provided. Each of the bonds

1 issued pursuant to this Section 9-2-127 shall bear a legend on
2 the face of the bond printed in bold face type and in a
3 paragraph by itself to the effect that the bond is one of a
4 series of bonds which are to be paid and redeemed in numerical
5 order and not on a pro-rata basis.

6 As used in this Section and in Sections 9-2-128 and
7 9-2-129, "treasurer" with respect to municipalities in which a
8 comptroller is elected or appointed means treasurer or
9 comptroller.

10 Public Act 77-1185 ~~This amendatory Act of 1971~~ is not a
11 limit upon any municipality which is a home rule unit.

12 (Source: P.A. 82-642; revised 2-28-22.)

13 (65 ILCS 5/10-1-29) (from Ch. 24, par. 10-1-29)

14 Sec. 10-1-29. No person shall, in any room or building
15 occupied for the discharge of official duties by any officer
16 or employee ~~employe~~ in any municipality which adopts this
17 Division 1, solicit, orally or by written communication,
18 delivered therein, or in any other manner, or receive any
19 contribution of money or other thing of value, for any party or
20 political purpose whatever. No officer, agent, clerk, or
21 employee under the government of such municipality, who may
22 have charge or control of any building, office, or room,
23 occupied for any purpose of such government, shall permit any
24 person to enter the same for the purpose of therein soliciting
25 or delivering written solicitations for receiving or giving

1 notice of any political assessments.

2 (Source: Laws 1961, p. 3252; revised 8-23-22.)

3 (65 ILCS 5/10-1-31) (from Ch. 24, par. 10-1-31)

4 Sec. 10-1-31. No officer or employee of such municipality
5 shall discharge or degrade or promote, or in any manner change
6 the official rank or compensation of any other officer or
7 employee ~~employe~~, or promise or threaten to do so for giving or
8 withholding or neglecting to make any contribution of any
9 money or other valuable thing for any party or political
10 purpose, or for refusal or neglect to render any party or
11 political service.

12 (Source: Laws 1961, p. 3252; revised 8-23-22.)

13 (65 ILCS 5/11-1.5-5)

14 (Section scheduled to be repealed on January 1, 2029)

15 Sec. 11-1.5-5. Definitions. As used in this Division
16 ~~Section~~:

17 "Department" means the East St. Louis Police Department,
18 the Peoria Police Department, the Springfield Police
19 Department, or the Waukegan Police Department.

20 "Social Worker" means a licensed clinical social worker or
21 licensed social worker, as those terms are defined in the
22 Clinical Social Work and Social Work Practice Act.

23 "Station adjustment" has the meaning given to that term in
24 Section 1-3 of the Juvenile Court Act of 1987.

1 "Unit" means a co-responder unit created under this
2 Division.

3 (Source: P.A. 102-756, eff. 5-10-22; revised 8-23-22.)

4 (65 ILCS 5/Art. 11 Div. 31 heading)

5 DIVISION 31. UNSAFE PROPERTY~~;~~

6 (65 ILCS 5/11-92-1) (from Ch. 24, par. 11-92-1)

7 Sec. 11-92-1. "Harbor", as used in this Division 92,
8 includes harbors, marinas, slips, docks, piers, breakwaters,
9 and all buildings, structures, facilities, connections,
10 equipment, parking areas,l and all other improvements for use
11 in connection therewith.

12 "Public water" has the ~~same~~ meaning ~~as~~ ascribed to that
13 term in Section 18 of the Rivers, Lakes, and Streams Act "~~An~~
14 ~~Act in relation to the regulation of rivers, lakes and streams~~
15 ~~of the State of Illinois~~", approved June 10, 1911, as
16 heretofore and hereafter amended.

17 "Artificially made or reclaimed land" includes all land
18 which formerly was submerged under the public waters of the
19 State ~~state~~, the title to which is in the State ~~state~~, and
20 which has been artificially made or reclaimed in whole or in
21 part.

22 (Source: Laws 1961, p. 576; revised 2-28-22.)

23 Section 260. The Forest Preserve District and Conservation

1 District Design-Build Authorization Act is amended by changing
2 Section 25 as follows:

3 (70 ILCS 860/25)

4 Sec. 25. Procedures for selection.

5 (a) The forest preserve district or conservation district
6 must use a two-phase procedure for the selection of the
7 successful design-build entity. Phase I of the procedure will
8 evaluate and shortlist the design-build entities based on
9 qualifications, and Phase II will evaluate the technical and
10 cost proposals.

11 (b) The forest preserve district or conservation district
12 shall include in the request for proposal the evaluating
13 factors to be used in Phase I. These factors are in addition to
14 any prequalification requirements of design-build entities
15 that the forest preserve district or conservation district has
16 set forth. Each request for proposal shall establish the
17 relative importance assigned to each evaluation factor and
18 subfactor, including any weighting of criteria to be employed
19 by the forest preserve district or conservation district. The
20 forest preserve district or conservation district must
21 maintain a record of the evaluation scoring to be disclosed in
22 the event of a protest regarding the solicitation.

23 The forest preserve district or conservation district
24 shall include the following criteria in every Phase I
25 evaluation of design-build entities: (i) experience of

1 personnel; (ii) successful experience with similar project
2 types; (iii) financial capability; (iv) timeliness of past
3 performance; (v) experience with similarly sized projects;
4 (vi) successful reference checks of the firm; (vii) commitment
5 to assign personnel for the duration of the project and
6 qualifications of the entity's consultants; and (viii) ability
7 or past performance in meeting or exhausting good faith
8 efforts to meet the utilization goals for business enterprises
9 established in the Business Enterprise for Minorities, Women,
10 and Persons with Disabilities Act and with Section 2-105 of
11 the Illinois Human Rights Act. The forest preserve district or
12 conservation district may include any additional relevant
13 criteria in Phase I that it deems necessary for a proper
14 qualification review.

15 The forest preserve district or conservation district may
16 not consider any design-build entity for evaluation or award
17 if the entity has any pecuniary interest in the project or has
18 other relationships or circumstances, including, but not
19 limited to, long-term leasehold, mutual performance, or
20 development contracts with the forest preserve district or
21 conservation district, that may give the design-build entity a
22 financial or tangible advantage over other design-build
23 entities in the preparation, evaluation, or performance of the
24 design-build contract or that create the appearance of
25 impropriety. No proposal shall be considered that does not
26 include an entity's plan to comply with the requirements

1 established in the Business Enterprise for Minorities, Women,
2 and Persons with Disabilities Act, for both the design and
3 construction areas of performance, and with Section 2-105 of
4 the Illinois Human Rights Act.

5 Upon completion of the qualifications evaluation, the
6 forest preserve district or conservation district shall create
7 a shortlist of the most highly qualified design-build
8 entities. The forest preserve district or conservation
9 district, in its discretion, is not required to shortlist the
10 maximum number of entities as identified for Phase II
11 evaluation, provided that no less than 2 design-build entities
12 nor more than 6 are selected to submit Phase II proposals.

13 The forest preserve district or conservation district
14 shall notify the entities selected for the shortlist in
15 writing. This notification shall commence the period for the
16 preparation of the Phase II technical and cost evaluations.
17 The forest preserve district or conservation district must
18 allow sufficient time for the shortlist entities to prepare
19 their Phase II submittals considering the scope and detail
20 requested by the forest preserve district or conservation
21 district.

22 (c) The forest preserve district or conservation district
23 shall include in the request for proposal the evaluating
24 factors to be used in the technical and cost submission
25 components of Phase II. Each request for proposal shall
26 establish, for both the technical and cost submission

1 components of Phase II, the relative importance assigned to
2 each evaluation factor and subfactor, including any weighting
3 of criteria to be employed by the forest preserve district or
4 conservation district. The forest preserve district or
5 conservation district must maintain a record of the evaluation
6 scoring to be disclosed in the event of a protest regarding the
7 solicitation.

8 The forest preserve district or conservation district
9 shall include the following criteria in every Phase II
10 technical evaluation of design-build entities: (i) compliance
11 with objectives of the project; (ii) compliance of proposed
12 services to the request for proposal requirements; (iii)
13 quality of products or materials proposed; (iv) quality of
14 design parameters; (v) design concepts; (vi) innovation in
15 meeting the scope and performance criteria; and (vii)
16 constructability of the proposed project. The forest preserve
17 district or conservation district may include any additional
18 relevant technical evaluation factors it deems necessary for
19 proper selection.

20 The forest preserve district or conservation district
21 shall include the following criteria in every Phase II cost
22 evaluation: the total project cost, the construction costs,
23 and the time of completion. The forest preserve or
24 conservation district may include any additional relevant
25 technical evaluation factors it deems necessary for proper
26 selection. The total project cost criteria weighting ~~weighing~~

1 factor shall not exceed 30%.

2 The forest preserve or conservation district shall
3 directly employ or retain a licensed design professional or a
4 public art designer to evaluate the technical and cost
5 submissions to determine if the technical submissions are in
6 accordance with generally accepted industry standards.

7 Upon completion of the technical submissions and cost
8 submissions evaluation, the forest preserve or conservation
9 district may award the design-build contract to the highest
10 overall ranked entity.

11 (Source: P.A. 102-460, eff. 6-1-22; revised 2-28-22.)

12 Section 265. The Park Annuity and Benefit Fund Civil
13 Service Act is amended by changing Section 23 as follows:

14 (70 ILCS 1215/23) (from Ch. 24 1/2, par. 136)

15 Sec. 23. No person shall solicit, orally or in writing, or
16 be in any manner concerned in soliciting any assessment,
17 contribution, or payment for any party or political purpose
18 whatever from any officer or employee ~~employee~~ in the
19 classified civil service.

20 (Source: Laws 1939, p. 418; revised 9-2-22.)

21 Section 270. The Chicago Park District Act is amended by
22 changing Section 14 as follows:

1 (70 ILCS 1505/14) (from Ch. 105, par. 333.14)

2 Sec. 14. Civil service. The Park System Civil Service Act
3 shall apply to the Chicago Park District, and upon the coming
4 into effect of this Act ~~act~~ there shall be appointed but one
5 Director of Human Resources and but one civil service board
6 for such district.

7 Every officer and employee ~~employe~~ in the classified civil
8 service at the time this Act takes effect shall be assigned to
9 a position having, so far as possible, duties equivalent to
10 his former office or employment, and such officers and
11 employees ~~employes~~ shall have the same standing, grade, and
12 privilege which they respectively had in the districts from
13 which they were transferred, subject, however, to existing and
14 future civil service laws. This Section shall not be construed
15 to require the retention of more officers and employees
16 ~~employes~~ than are necessary to the proper performance of the
17 functions of the Chicago Park District and the rules of the
18 civil service board made in pursuance of the civil service law
19 shall control in the making of layoffs and reinstatements of
20 such officers and employees ~~employes~~ as are not necessary to
21 be retained. This Act ~~act~~ shall in no way be construed to
22 affect the operation of Article 5 or Article 12 of the Illinois
23 Pension Code nor to affect the rights of employees to pensions
24 or annuities nor any taxes authorized to be levied therefor.
25 In the case of employees ~~employes~~ and policemen of superseded
26 park districts not having annuity benefit funds retained as

1 employees ~~employes~~ or policemen of the Chicago Park District
2 such employees ~~employes~~ and policemen shall have the right to
3 enter as new employees ~~employes~~ and policemen.

4 (Source: P.A. 91-918, eff. 7-7-00; revised 2-5-23.)

5 Section 275. The Joliet Regional Port District Act is
6 amended by changing Section 7 as follows:

7 (70 ILCS 1825/7) (from Ch. 19, par. 257)

8 Sec. 7. The District has power to procure and enter into
9 contracts for any type of insurance or indemnity against loss
10 or damage to property from any cause, including loss of use and
11 occupancy, against death or injury of any person, against
12 employers' liability, against any act of any member, officer,
13 or employee ~~employe~~ of the District in the performance of the
14 duties of his office or employment or any other insurable
15 risk.

16 (Source: Laws 1957, p. 1302; revised 9-2-22.)

17 Section 280. The Metropolitan Water Reclamation District
18 Act is amended by changing Section 11.19 as follows:

19 (70 ILCS 2605/11.19) (from Ch. 42, par. 331.19)

20 Sec. 11.19. No department, office, agency or
21 instrumentality, officer or employee ~~employe~~ of the sanitary
22 district, shall be empowered to execute any purchase order or

1 contract except as expressly authorized by this Act.

2 (Source: Laws 1963, p. 2498; revised 9-2-22.)

3 Section 285. The Illinois Local Library Act is amended by
4 changing Section 5-2 as follows:

5 (75 ILCS 5/5-2) (from Ch. 81, par. 5-2)

6 Sec. 5-2. If the corporate authorities approve the action
7 of the library board under Section 5-1, they may, by
8 ordinance, or by resolution in the case of a township, provide
9 that the bonds of the city, village, incorporated town or
10 township be issued for the payment of the cost (so estimated as
11 aforesaid) of constructing a building, or remodeling,
12 repairing, improving an existing library building or the
13 erection of an addition thereto, or purchasing a building,
14 site or equipment, or the acquisition of library materials
15 such as books, periodicals, recordings and electronic data
16 storage and retrieval facilities in connection with either the
17 purchase or construction of a new library building or the
18 expansion of an existing library building, or any or all of
19 these things in which event the ordinance or resolution shall
20 also state the time or times when such bonds, and the interest
21 thereon shall become payable. However, the whole of the
22 principal of such bonds and the interest thereon shall be
23 payable within 20 years, and the interest on such bonds shall
24 not exceed the rate permitted in the Bond Authorization Act

1 ~~"An Act to authorize public corporations to issue bonds, other~~
2 ~~evidences of indebtedness and tax anticipation warrants~~
3 ~~subject to interest rate limitations set forth therein",~~
4 ~~approved May 26, 1970, as now or hereafter amended.~~ The
5 interest may be made payable at such times (annually or
6 semi-annually) as the ordinance or resolution may prescribe.
7 In case the corporate authorities provide for such payment by
8 the issuance of bonds, they shall make provision at or before
9 the issuance thereof, by ordinance or by resolution in the
10 case of a township, which shall be irrepealable, for the levy
11 and collection of a direct annual tax upon all the taxable
12 property within such city, village, incorporated town or
13 township sufficient to meet the principal and interest of the
14 bonds as they mature, which tax shall be in addition to that
15 otherwise authorized to be levied and collected for corporate
16 purposes.

17 If, however, the corporate authorities do not provide that
18 the bonds of the city, village, incorporated town or township
19 be issued, but otherwise approve the action of the library
20 board, then the library board shall divide the total cost of
21 constructing and financing a building, or remodeling,
22 repairing, improving an existing library building or the
23 erection of an addition thereto, or purchasing and financing a
24 building, site or equipment, or the acquisition of library
25 materials such as books, periodicals, recordings and
26 electronic data storage and retrieval facilities in connection

1 with either the purchase or construction of a new library
2 building or the expansion of an existing library building, or
3 any or all of these things, into as many parts as the trustees
4 determine to spread the collection thereof, and shall certify
5 the amount of one of these parts to the corporate authorities
6 each year during the term over which the trustees have
7 determined to spread the collection. This action by the
8 library board ~~Board~~ shall be irrevocable. The library board
9 shall specify in its certificate the portion, if any, of the
10 amount to be included in the annual appropriation and library
11 tax levy, and the amount of the special tax required to pay the
12 same as has been approved by the voters.

13 (Source: P.A. 84-770; revised 5-27-22.)

14 Section 290. The School Code is amended by changing
15 Sections 2-3.195, 10-20.13, 10-21.9, 10-22.24b, 13-40,
16 13B-20.5, 18-8.15, 21B-20, 21B-45, 24-6, 26-2, 27-22, 27A-5,
17 34-18.5, and 34-21.6 and by setting forth, renumbering, and
18 changing multiple versions of Section 10-20.83 and 34-18.78 as
19 follows:

20 (105 ILCS 5/2-3.195)

21 Sec. 2-3.195. Direct support professional training
22 program. Beginning with the 2025-2026 school year and
23 continuing for not less than 2 years, the State Board of
24 Education shall make available a model program of study that

1 incorporates the training and experience necessary to serve as
2 a direct support professional. By July 1, 2023, the State
3 Board shall submit recommendations developed in consultation
4 with stakeholders, including, but not limited to,
5 organizations representing community-based providers serving
6 children and adults with intellectual or developmental
7 disabilities, and education practitioners, including, but not
8 limited to, teachers, administrators, special education
9 directors, and regional superintendents of schools, to the
10 Department of Human Services for the training that would be
11 required in order to ~~be~~ complete the model program of study.

12 (Source: P.A. 102-874, eff. 1-1-23; revised 12-16-22.)

13 (105 ILCS 5/10-20.13)

14 Sec. 10-20.13. Textbooks for children of parents unable to
15 buy them; waiver of ~~and other~~ fees and fines.

16 (a) To purchase, at the expense of the district, a
17 sufficient number of textbooks for children whose parents are
18 unable to buy them, including, l but not limited to, l children
19 living in households that meet the free lunch or breakfast
20 eligibility guidelines established by the federal government
21 pursuant to Section 1758 of the federal Richard B. Russell
22 National School Lunch Act (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et
23 seq.) and homeless children and youth as defined in Section
24 11434a of the federal McKinney-Vento Homeless Assistance Act
25 (42 U.S.C. 11434a), subject to verification as set forth in

1 subsection (c) of this Section. Such textbooks shall be loaned
2 only, and the directors shall require the teacher to see that
3 they are properly cared for and returned at the end of each
4 term of school.

5 (b) To waive all fees and any fines for the loss of school
6 property assessed by the district on children whose parents
7 are unable to afford them, including, but not limited to:

8 (1) children living in households that meet the free
9 lunch or breakfast eligibility guidelines established by
10 the federal government pursuant to Section 1758 of the
11 federal Richard B. Russell National School Lunch Act (42
12 U.S.C. 1758; 7 ~~CFR C.F.R.~~ 245 et seq.) and students whose
13 parents are veterans or active duty military personnel
14 with income at or below 200% of the federal poverty line,
15 subject to verification as set forth in subsection (c) of
16 this Section, and

17 (2) homeless children and youth as defined in Section
18 11434a of the federal McKinney-Vento Homeless Assistance
19 Act (42 U.S.C. 11434a).

20 Notice of waiver availability shall be given to parents or
21 guardians with every bill for fees or fines. The school board
22 shall adopt written policies and procedures for such waiver of
23 fees in accordance with regulations promulgated by the State
24 Board of Education.

25 (c) Any school board that participates in a federally
26 funded, school-based child nutrition program and uses a

1 student's application for, eligibility for, or participation
2 in the federally funded, school-based child nutrition program
3 (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) as the basis for
4 waiving fees assessed by the school district must follow the
5 verification requirements of the federally funded,
6 school-based child nutrition program (42 U.S.C. 1758; 7 CFR
7 ~~C.F.R.~~ 245.6a).

8 A school board that establishes a process for the
9 determination of eligibility for waiver of fees assessed by
10 the school district that is completely independent of a
11 student's application for, eligibility for, or participation
12 in a federally funded, school-based child nutrition program
13 may provide for fee waiver verification no more often than
14 once per academic year. Information obtained during the
15 independent, fee waiver verification process indicating that
16 the student does not meet free lunch or breakfast eligibility
17 guidelines may be used to deny the waiver of the student's fees
18 or fines for the loss of school property, provided that any
19 information obtained through this independent process for
20 determining or verifying eligibility for fee waivers shall not
21 be used to determine or verify eligibility for any federally
22 funded, school-based child nutrition program. This subsection
23 shall not preclude children from obtaining waivers at any
24 point during the academic year.

25 (Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22;
26 revised 12-13-22.)

1 (105 ILCS 5/10-20.83)

2 Sec. 10-20.83. COVID-19 paid administrative leave.

3 (a) In this Section:

4 "Employee" means a person employed by a school district on
5 or after April 5, 2022 (the effective date of Public Act
6 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

7 "Fully vaccinated against COVID-19" means:

8 (1) 2 weeks after receiving the second dose in a
9 2-dose series of a COVID-19 vaccine authorized for
10 emergency use, licensed, or otherwise approved by the
11 United States Food and Drug Administration; or

12 (2) 2 weeks after receiving a single dose of a
13 COVID-19 vaccine authorized for emergency use, licensed,
14 or otherwise approved by the United States Food and Drug
15 Administration.

16 "Fully vaccinated against COVID-19" also includes any
17 recommended booster doses for which the individual is eligible
18 upon the adoption by the Department of Public Health of any
19 changes made by the Centers for Disease Control and Prevention
20 of the United States Department of Health and Human Services
21 to the definition of "fully vaccinated against COVID-19" to
22 include any such booster doses. For purposes of this Section,
23 individuals who are eligible for a booster dose but have not
24 received a booster dose by 5 weeks after the Department of
25 Public Health adopts a revised definition of "fully vaccinated

1 against COVID-19" are not considered fully vaccinated for
2 determining eligibility for future paid administrative leave
3 pursuant to this Section.

4 "School district" includes charter schools established
5 under Article 27A of this Code, but does not include the
6 Department of Juvenile Justice School District.

7 (b) During any time when the Governor has declared a
8 disaster due to a public health emergency pursuant to Section
9 7 of the Illinois Emergency Management Agency Act and a school
10 district, the State or any of its agencies, or a local public
11 health department has issued guidance, mandates, or rules
12 related to COVID-19 that restrict an employee of the school
13 district from being on school district property because the
14 employee (i) has a confirmed positive COVID-19 diagnosis via a
15 molecular amplification diagnostic test, such as a polymerase
16 chain reaction (PCR) test for COVID-19, (ii) has a probable
17 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
18 been in close contact with a person who had a confirmed case of
19 COVID-19 and is required to be excluded from the school, or
20 (iv) is required by the school or school district policy to be
21 excluded from school district property due to COVID-19
22 symptoms, the employee of the school district shall receive as
23 many days of administrative leave as required to abide by the
24 public health guidance, mandates, and requirements issued by
25 the Department of Public Health, unless a longer period of
26 paid administrative leave has been negotiated with the

1 exclusive bargaining representative if any. Such leave shall
2 be provided to an employee for any days for which the employee
3 was required to be excluded from school property prior to
4 April 5, 2022 (the effective date of Public Act 102-697) ~~this~~
5 ~~amendatory Act of the 102nd General Assembly~~, provided that
6 the employee receives all doses required to meet the
7 definition of "fully vaccinated against COVID-19" under this
8 Section no later than 5 weeks after April 5, 2022 (the
9 effective date of Public Act 102-697) ~~this amendatory Act of~~
10 ~~the 102nd General Assembly~~.

11 (c) An employee of a school district shall receive paid
12 administrative leave pursuant to subsection (b) of this
13 Section, unless a longer period of paid administrative leave
14 has been negotiated with the exclusive bargaining
15 representative if any, to care for a child of the employee if
16 the child is unable to attend elementary or secondary school
17 because the child has:

18 (1) a confirmed positive COVID-19 diagnosis via a
19 molecular amplification diagnostic test, such as a
20 polymerase chain reaction (PCR) test for COVID-19;

21 (2) a probable COVID-19 diagnosis via an antigen
22 diagnostic test;

23 (3) been in close contact with a person who has a
24 confirmed case of COVID-19 and is required to be excluded
25 from school; or

26 (4) been required by the school or school district

1 policy to be excluded from school district property due to
2 COVID-19 symptoms.

3 Such leave shall be provided to an employee for any days needed
4 to care for a child of the employee prior to April 5, 2022 (the
5 effective date of Public Act 102-697) ~~this amendatory Act of~~
6 ~~the 102nd General Assembly~~, provided that the employee
7 receives the doses required to meet the definition of "fully
8 vaccinated against COVID-19" under this Section no later than
9 5 weeks after April 5, 2022 (the effective date of Public Act
10 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

11 (d) An employee of a school district who is on paid
12 administrative leave pursuant to this Section must provide all
13 documentation requested by the school board.

14 (e) An employee of a school district who is on paid
15 administrative leave pursuant to this Section shall receive
16 the employee's regular rate of pay. The use of a paid
17 administrative leave day or days by an employee pursuant to
18 this Section may not diminish any other leave or benefits of
19 the employee.

20 (f) An employee of a school district may not accrue paid
21 administrative leave pursuant to this Section.

22 (g) For an employee of a school district to be eligible to
23 receive paid administrative leave pursuant to this Section,
24 the employee must:

25 (1) have received all required doses to be fully
26 vaccinated against COVID-19, as defined in this Section;

1 and

2 (2) participate in the COVID-19 testing program
3 adopted by the school district to the extent such a
4 testing program requires participation by individuals who
5 are fully vaccinated against COVID-19.

6 (h) Nothing in this Section is intended to affect any
7 right or remedy under federal law.

8 (i) No paid administrative leave awarded to or used by a
9 fully vaccinated employee prior to the Department of Public
10 Health's adoption of a revised definition of the term "fully
11 vaccinated against COVID-19" may be rescinded on the basis
12 that the employee no longer meets the definition of "fully
13 vaccinated against COVID-19" based on the revised definition.

14 (Source: P.A. 102-697, eff. 4-5-22; revised 8-3-22.)

15 (105 ILCS 5/10-20.84)

16 Sec. 10-20.84 ~~10-20.83~~. College and career readiness
17 systems.

18 (a) Subject to subsection (d) of this Section, by July 1,
19 2025, a school district that enrolls students in any of grades
20 6 through 12 shall adopt and commence implementation of career
21 exploration and career development activities in accordance
22 with a postsecondary and career expectations framework for
23 each of grades 6 through 12 served by the district that
24 substantially aligns to the model framework adopted by State
25 agencies pursuant to Section 15 of the Postsecondary and

1 Workforce Readiness Act. The local postsecondary and career
2 expectations framework shall be available on a prominent
3 location on the school district's website.

4 The career exploration and career development activities
5 offered in alignment with the postsecondary and career
6 expectations framework shall prepare students enrolled in
7 grades 6 through 12 to make informed plans and decisions about
8 their future education and career goals, including possible
9 participation in a career and technical education pathway, by
10 providing students with opportunities to explore a wide
11 variety of high-skill, high-wage, and in-demand career fields.

12 (b) By no later than July 1, 2025, a school district that
13 enrolls students in any of grades 9 through 12 shall either
14 elect to implement College and Career Pathway Endorsements in
15 accordance with subsection (c) of this Section or opt out of
16 implementation in accordance with subsection (d) of this
17 Section.

18 (c) A school district that enrolls students in any of
19 grades 9 through 12 electing to implement College and Career
20 Pathway Endorsements shall become an eligible school district
21 and either (i) independently, (ii) through an area career
22 center, or (iii) through an inter-district cooperative, award
23 College and Career Pathway Endorsements pursuant to the
24 Postsecondary and Workforce Readiness Act and pursuant to the
25 following schedule:

26 (1) for the high school graduating class of 2027, a

1 school district shall offer College and Career Pathway
2 Endorsements in at least one endorsement area;

3 (2) for the high school graduating class of 2029, a
4 school district shall offer College and Career Pathway
5 Endorsements in at least 2 endorsement areas; and

6 (3) for the high school graduating class of 2031, a
7 school district with a grade 9 through 12 enrollment of
8 more than 350 students, as calculated by the State Board
9 of Education for the 2022-2023 school year, shall offer
10 College and Career Pathway Endorsements in at least 3
11 endorsement areas.

12 A school district may elect to implement College and
13 Career Pathway Endorsements by July 1, 2025, either by
14 submitting the necessary application materials to the State
15 Board of Education to award the number of endorsements
16 required by this subsection or by the school board of the
17 district adopting a timeline for implementation consistent
18 with the requirements of this subsection.

19 (d) The school board of any school district may, by action
20 of the board, opt out of implementation of all or any part of
21 this Section through adoption of a set of findings that
22 considers the following:

23 (1) the school district's current systems for college
24 and career readiness;

25 (2) the school district's cost of implementation
26 balanced against the potential benefits to students and

1 families through improved postsecondary education and
2 career outcomes;

3 (3) the willingness and capacity of local businesses
4 to partner with the school district for successful
5 implementation of pathways other than education;

6 (4) the willingness of institutions of higher
7 education to partner with the school district for
8 successful implementation of the pathway and whether the
9 district has sought and established a partnership
10 agreement with a community college district incorporating
11 the provisions of the Model Partnership Agreement under
12 the Dual Credit Quality Act;

13 (5) the availability of a statewide database of
14 participating local business partners, as provided under
15 the Postsecondary and Workforce Readiness Act, for the
16 purpose of career readiness and the accessibility of those
17 work experiences and apprenticeships listed in the
18 database to the students of the school district; and

19 (6) the availability of properly licensed teachers or
20 teachers meeting faculty credential standards for dual
21 credit courses to instruct in the program required for the
22 endorsement areas.

23 A school district must report its board findings and
24 decision on implementation to the State Board of Education. A
25 school district electing to opt out of implementation may
26 reverse its decision in whole or in part at any time.

1 (e) The State Board of Education may adopt any rules
2 necessary to implement this Section.

3 (Source: P.A. 102-917, eff. 1-1-23; revised 1-10-23.)

4 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

5 (Text of Section before amendment by P.A. 102-702)

6 Sec. 10-21.9. Criminal history records checks and checks
7 of the Statewide Sex Offender Database and Statewide Murderer
8 and Violent Offender Against Youth Database.

9 (a) Licensed and nonlicensed applicants for employment
10 with a school district, except school bus driver applicants,
11 are required as a condition of employment to authorize a
12 fingerprint-based criminal history records check to determine
13 if such applicants have been convicted of any disqualifying,
14 enumerated criminal or drug offenses in subsection (c) of this
15 Section or have been convicted, within 7 years of the
16 application for employment with the school district, of any
17 other felony under the laws of this State or of any offense
18 committed or attempted in any other state or against the laws
19 of the United States that, if committed or attempted in this
20 State, would have been punishable as a felony under the laws of
21 this State. Authorization for the check shall be furnished by
22 the applicant to the school district, except that if the
23 applicant is a substitute teacher seeking employment in more
24 than one school district, a teacher seeking concurrent
25 part-time employment positions with more than one school

1 district (as a reading specialist, special education teacher
2 or otherwise), or an educational support personnel employee
3 seeking employment positions with more than one district, any
4 such district may require the applicant to furnish
5 authorization for the check to the regional superintendent of
6 the educational service region in which are located the school
7 districts in which the applicant is seeking employment as a
8 substitute or concurrent part-time teacher or concurrent
9 educational support personnel employee. Upon receipt of this
10 authorization, the school district or the appropriate regional
11 superintendent, as the case may be, shall submit the
12 applicant's name, sex, race, date of birth, social security
13 number, fingerprint images, and other identifiers, as
14 prescribed by the Illinois State Police, to the Illinois State
15 Police. The regional superintendent submitting the requisite
16 information to the Illinois State Police shall promptly notify
17 the school districts in which the applicant is seeking
18 employment as a substitute or concurrent part-time teacher or
19 concurrent educational support personnel employee that the
20 check of the applicant has been requested. The Illinois State
21 Police and the Federal Bureau of Investigation shall furnish,
22 pursuant to a fingerprint-based criminal history records
23 check, records of convictions, forever and hereinafter, until
24 expunged, to the president of the school board for the school
25 district that requested the check, or to the regional
26 superintendent who requested the check. The Illinois State

1 Police shall charge the school district or the appropriate
2 regional superintendent a fee for conducting such check, which
3 fee shall be deposited in the State Police Services Fund and
4 shall not exceed the cost of the inquiry; and the applicant
5 shall not be charged a fee for such check by the school
6 district or by the regional superintendent, except that those
7 applicants seeking employment as a substitute teacher with a
8 school district may be charged a fee not to exceed the cost of
9 the inquiry. Subject to appropriations for these purposes, the
10 State Superintendent of Education shall reimburse school
11 districts and regional superintendents for fees paid to obtain
12 criminal history records checks under this Section.

13 (a-5) The school district or regional superintendent shall
14 further perform a check of the Statewide Sex Offender
15 Database, as authorized by the Sex Offender Community
16 Notification Law, for each applicant. The check of the
17 Statewide Sex Offender Database must be conducted by the
18 school district or regional superintendent once for every 5
19 years that an applicant remains employed by the school
20 district.

21 (a-6) The school district or regional superintendent shall
22 further perform a check of the Statewide Murderer and Violent
23 Offender Against Youth Database, as authorized by the Murderer
24 and Violent Offender Against Youth Community Notification Law,
25 for each applicant. The check of the Murderer and Violent
26 Offender Against Youth Database must be conducted by the

1 school district or regional superintendent once for every 5
2 years that an applicant remains employed by the school
3 district.

4 (b) Any information concerning the record of convictions
5 obtained by the president of the school board or the regional
6 superintendent shall be confidential and may only be
7 transmitted to the superintendent of the school district or
8 his designee, the appropriate regional superintendent if the
9 check was requested by the school district, the presidents of
10 the appropriate school boards if the check was requested from
11 the Illinois State Police by the regional superintendent, the
12 State Board of Education and a school district as authorized
13 under subsection (b-5), the State Superintendent of Education,
14 the State Educator Preparation and Licensure Board, any other
15 person necessary to the decision of hiring the applicant for
16 employment, or for clarification purposes the Illinois State
17 Police or Statewide Sex Offender Database, or both. A copy of
18 the record of convictions obtained from the Illinois State
19 Police shall be provided to the applicant for employment. Upon
20 the check of the Statewide Sex Offender Database or Statewide
21 Murderer and Violent Offender Against Youth Database, the
22 school district or regional superintendent shall notify an
23 applicant as to whether or not the applicant has been
24 identified in the Database. If a check of an applicant for
25 employment as a substitute or concurrent part-time teacher or
26 concurrent educational support personnel employee in more than

1 one school district was requested by the regional
2 superintendent, and the Illinois State Police upon a check
3 ascertains that the applicant has not been convicted of any of
4 the enumerated criminal or drug offenses in subsection (c) of
5 this Section or has not been convicted, within 7 years of the
6 application for employment with the school district, of any
7 other felony under the laws of this State or of any offense
8 committed or attempted in any other state or against the laws
9 of the United States that, if committed or attempted in this
10 State, would have been punishable as a felony under the laws of
11 this State and so notifies the regional superintendent and if
12 the regional superintendent upon a check ascertains that the
13 applicant has not been identified in the Sex Offender Database
14 or Statewide Murderer and Violent Offender Against Youth
15 Database, then the regional superintendent shall issue to the
16 applicant a certificate evidencing that as of the date
17 specified by the Illinois State Police the applicant has not
18 been convicted of any of the enumerated criminal or drug
19 offenses in subsection (c) of this Section or has not been
20 convicted, within 7 years of the application for employment
21 with the school district, of any other felony under the laws of
22 this State or of any offense committed or attempted in any
23 other state or against the laws of the United States that, if
24 committed or attempted in this State, would have been
25 punishable as a felony under the laws of this State and
26 evidencing that as of the date that the regional

1 superintendent conducted a check of the Statewide Sex Offender
2 Database or Statewide Murderer and Violent Offender Against
3 Youth Database, the applicant has not been identified in the
4 Database. The school board of any school district may rely on
5 the certificate issued by any regional superintendent to that
6 substitute teacher, concurrent part-time teacher, or
7 concurrent educational support personnel employee or may
8 initiate its own criminal history records check of the
9 applicant through the Illinois State Police and its own check
10 of the Statewide Sex Offender Database or Statewide Murderer
11 and Violent Offender Against Youth Database as provided in
12 this Section. Any unauthorized release of confidential
13 information may be a violation of Section 7 of the Criminal
14 Identification Act.

15 (b-5) If a criminal history records check or check of the
16 Statewide Sex Offender Database or Statewide Murderer and
17 Violent Offender Against Youth Database is performed by a
18 regional superintendent for an applicant seeking employment as
19 a substitute teacher with a school district, the regional
20 superintendent may disclose to the State Board of Education
21 whether the applicant has been issued a certificate under
22 subsection (b) based on those checks. If the State Board
23 receives information on an applicant under this subsection,
24 then it must indicate in the Educator Licensure Information
25 System for a 90-day period that the applicant has been issued
26 or has not been issued a certificate.

1 (c) No school board shall knowingly employ a person who
2 has been convicted of any offense that would subject him or her
3 to license suspension or revocation pursuant to Section 21B-80
4 of this Code, except as provided under subsection (b) of
5 Section 21B-80. Further, no school board shall knowingly
6 employ a person who has been found to be the perpetrator of
7 sexual or physical abuse of any minor under 18 years of age
8 pursuant to proceedings under Article II of the Juvenile Court
9 Act of 1987. As a condition of employment, each school board
10 must consider the status of a person who has been issued an
11 indicated finding of abuse or neglect of a child by the
12 Department of Children and Family Services under the Abused
13 and Neglected Child Reporting Act or by a child welfare agency
14 of another jurisdiction.

15 (d) No school board shall knowingly employ a person for
16 whom a criminal history records check and a Statewide Sex
17 Offender Database check have not been initiated.

18 (e) Within 10 days after a superintendent, regional office
19 of education, or entity that provides background checks of
20 license holders to public schools receives information of a
21 pending criminal charge against a license holder for an
22 offense set forth in Section 21B-80 of this Code, the
23 superintendent, regional office of education, or entity must
24 notify the State Superintendent of Education of the pending
25 criminal charge.

26 If permissible by federal or State law, no later than 15

1 business days after receipt of a record of conviction or of
2 checking the Statewide Murderer and Violent Offender Against
3 Youth Database or the Statewide Sex Offender Database and
4 finding a registration, the superintendent of the employing
5 school board or the applicable regional superintendent shall,
6 in writing, notify the State Superintendent of Education of
7 any license holder who has been convicted of a crime set forth
8 in Section 21B-80 of this Code. Upon receipt of the record of a
9 conviction of or a finding of child abuse by a holder of any
10 license issued pursuant to Article 21B or Section 34-8.1 of
11 this Code, the State Superintendent of Education may initiate
12 licensure suspension and revocation proceedings as authorized
13 by law. If the receipt of the record of conviction or finding
14 of child abuse is received within 6 months after the initial
15 grant of or renewal of a license, the State Superintendent of
16 Education may rescind the license holder's license.

17 (e-5) The superintendent of the employing school board
18 shall, in writing, notify the State Superintendent of
19 Education and the applicable regional superintendent of
20 schools of any license holder whom he or she has reasonable
21 cause to believe has committed an intentional act of abuse or
22 neglect with the result of making a child an abused child or a
23 neglected child, as defined in Section 3 of the Abused and
24 Neglected Child Reporting Act, and that act resulted in the
25 license holder's dismissal or resignation from the school
26 district. This notification must be submitted within 30 days

1 after the dismissal or resignation and must include the
2 Illinois Educator Identification Number (IEIN) of the license
3 holder and a brief description of the misconduct alleged. The
4 license holder must also be contemporaneously sent a copy of
5 the notice by the superintendent. All correspondence,
6 documentation, and other information so received by the
7 regional superintendent of schools, the State Superintendent
8 of Education, the State Board of Education, or the State
9 Educator Preparation and Licensure Board under this subsection
10 (e-5) is confidential and must not be disclosed to third
11 parties, except (i) as necessary for the State Superintendent
12 of Education or his or her designee to investigate and
13 prosecute pursuant to Article 21B of this Code, (ii) pursuant
14 to a court order, (iii) for disclosure to the license holder or
15 his or her representative, or (iv) as otherwise provided in
16 this Article and provided that any such information admitted
17 into evidence in a hearing is exempt from this confidentiality
18 and non-disclosure requirement. Except for an act of willful
19 or wanton misconduct, any superintendent who provides
20 notification as required in this subsection (e-5) shall have
21 immunity from any liability, whether civil or criminal or that
22 otherwise might result by reason of such action.

23 (f) After January 1, 1990 the provisions of this Section
24 shall apply to all employees of persons or firms holding
25 contracts with any school district including, but not limited
26 to, food service workers, school bus drivers and other

1 transportation employees, who have direct, daily contact with
2 the pupils of any school in such district. For purposes of
3 criminal history records checks and checks of the Statewide
4 Sex Offender Database on employees of persons or firms holding
5 contracts with more than one school district and assigned to
6 more than one school district, the regional superintendent of
7 the educational service region in which the contracting school
8 districts are located may, at the request of any such school
9 district, be responsible for receiving the authorization for a
10 criminal history records check prepared by each such employee
11 and submitting the same to the Illinois State Police and for
12 conducting a check of the Statewide Sex Offender Database for
13 each employee. Any information concerning the record of
14 conviction and identification as a sex offender of any such
15 employee obtained by the regional superintendent shall be
16 promptly reported to the president of the appropriate school
17 board or school boards.

18 (f-5) Upon request of a school or school district, any
19 information obtained by a school district pursuant to
20 subsection (f) of this Section within the last year must be
21 made available to the requesting school or school district.

22 (g) Prior to the commencement of any student teaching
23 experience or required internship (which is referred to as
24 student teaching in this Section) in the public schools, a
25 student teacher is required to authorize a fingerprint-based
26 criminal history records check. Authorization for and payment

1 of the costs of the check must be furnished by the student
2 teacher to the school district where the student teaching is
3 to be completed. Upon receipt of this authorization and
4 payment, the school district shall submit the student
5 teacher's name, sex, race, date of birth, social security
6 number, fingerprint images, and other identifiers, as
7 prescribed by the Illinois State Police, to the Illinois State
8 Police. The Illinois State Police and the Federal Bureau of
9 Investigation shall furnish, pursuant to a fingerprint-based
10 criminal history records check, records of convictions,
11 forever and hereinafter, until expunged, to the president of
12 the school board for the school district that requested the
13 check. The Illinois State Police shall charge the school
14 district a fee for conducting the check, which fee must not
15 exceed the cost of the inquiry and must be deposited into the
16 State Police Services Fund. The school district shall further
17 perform a check of the Statewide Sex Offender Database, as
18 authorized by the Sex Offender Community Notification Law, and
19 of the Statewide Murderer and Violent Offender Against Youth
20 Database, as authorized by the Murderer and Violent Offender
21 Against Youth Registration Act, for each student teacher. No
22 school board may knowingly allow a person to student teach for
23 whom a criminal history records check, a Statewide Sex
24 Offender Database check, and a Statewide Murderer and Violent
25 Offender Against Youth Database check have not been completed
26 and reviewed by the district.

1 A copy of the record of convictions obtained from the
2 Illinois State Police must be provided to the student teacher.
3 Any information concerning the record of convictions obtained
4 by the president of the school board is confidential and may
5 only be transmitted to the superintendent of the school
6 district or his or her designee, the State Superintendent of
7 Education, the State Educator Preparation and Licensure Board,
8 or, for clarification purposes, the Illinois State Police or
9 the Statewide Sex Offender Database or Statewide Murderer and
10 Violent Offender Against Youth Database. Any unauthorized
11 release of confidential information may be a violation of
12 Section 7 of the Criminal Identification Act.

13 No school board shall knowingly allow a person to student
14 teach who has been convicted of any offense that would subject
15 him or her to license suspension or revocation pursuant to
16 subsection (c) of Section 21B-80 of this Code, except as
17 provided under subsection (b) of Section 21B-80. Further, no
18 school board shall allow a person to student teach if he or she
19 has been found to be the perpetrator of sexual or physical
20 abuse of a minor under 18 years of age pursuant to proceedings
21 under Article II of the Juvenile Court Act of 1987. Each school
22 board must consider the status of a person to student teach who
23 has been issued an indicated finding of abuse or neglect of a
24 child by the Department of Children and Family Services under
25 the Abused and Neglected Child Reporting Act or by a child
26 welfare agency of another jurisdiction.

1 (h) (Blank).

2 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
3 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
4 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22;
5 102-1071, eff. 6-10-22.)

6 (Text of Section after amendment by P.A. 102-702)

7 Sec. 10-21.9. Criminal history records checks and checks
8 of the Statewide Sex Offender Database and Statewide Murderer
9 and Violent Offender Against Youth Database.

10 (a) Licensed and nonlicensed applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any disqualifying,
15 enumerated criminal or drug offenses in subsection (c) of this
16 Section or have been convicted, within 7 years of the
17 application for employment with the school district, of any
18 other felony under the laws of this State or of any offense
19 committed or attempted in any other state or against the laws
20 of the United States that, if committed or attempted in this
21 State, would have been punishable as a felony under the laws of
22 this State. Authorization for the check shall be furnished by
23 the applicant to the school district, except that if the
24 applicant is a substitute teacher seeking employment in more
25 than one school district, a teacher seeking concurrent

1 part-time employment positions with more than one school
2 district (as a reading specialist, special education teacher
3 or otherwise), or an educational support personnel employee
4 seeking employment positions with more than one district, any
5 such district may require the applicant to furnish
6 authorization for the check to the regional superintendent of
7 the educational service region in which are located the school
8 districts in which the applicant is seeking employment as a
9 substitute or concurrent part-time teacher or concurrent
10 educational support personnel employee. Upon receipt of this
11 authorization, the school district or the appropriate regional
12 superintendent, as the case may be, shall submit the
13 applicant's name, sex, race, date of birth, social security
14 number, fingerprint images, and other identifiers, as
15 prescribed by the Illinois State Police, to the Illinois State
16 Police. The regional superintendent submitting the requisite
17 information to the Illinois State Police shall promptly notify
18 the school districts in which the applicant is seeking
19 employment as a substitute or concurrent part-time teacher or
20 concurrent educational support personnel employee that the
21 check of the applicant has been requested. The Illinois State
22 Police and the Federal Bureau of Investigation shall furnish,
23 pursuant to a fingerprint-based criminal history records
24 check, records of convictions, forever and hereinafter, until
25 expunged, to the president of the school board for the school
26 district that requested the check, or to the regional

1 superintendent who requested the check. The Illinois State
2 Police shall charge the school district or the appropriate
3 regional superintendent a fee for conducting such check, which
4 fee shall be deposited in the State Police Services Fund and
5 shall not exceed the cost of the inquiry; and the applicant
6 shall not be charged a fee for such check by the school
7 district or by the regional superintendent, except that those
8 applicants seeking employment as a substitute teacher with a
9 school district may be charged a fee not to exceed the cost of
10 the inquiry. Subject to appropriations for these purposes, the
11 State Superintendent of Education shall reimburse school
12 districts and regional superintendents for fees paid to obtain
13 criminal history records checks under this Section.

14 (a-5) The school district or regional superintendent shall
15 further perform a check of the Statewide Sex Offender
16 Database, as authorized by the Sex Offender Community
17 Notification Law, for each applicant. The check of the
18 Statewide Sex Offender Database must be conducted by the
19 school district or regional superintendent once for every 5
20 years that an applicant remains employed by the school
21 district.

22 (a-6) The school district or regional superintendent shall
23 further perform a check of the Statewide Murderer and Violent
24 Offender Against Youth Database, as authorized by the Murderer
25 and Violent Offender Against Youth Community Notification Law,
26 for each applicant. The check of the Murderer and Violent

1 Offender Against Youth Database must be conducted by the
2 school district or regional superintendent once for every 5
3 years that an applicant remains employed by the school
4 district.

5 (b) Any information concerning the record of convictions
6 obtained by the president of the school board or the regional
7 superintendent shall be confidential and may only be
8 transmitted to the superintendent of the school district or
9 his designee, the appropriate regional superintendent if the
10 check was requested by the school district, the presidents of
11 the appropriate school boards if the check was requested from
12 the Illinois State Police by the regional superintendent, the
13 State Board of Education and a school district as authorized
14 under subsection (b-5), the State Superintendent of Education,
15 the State Educator Preparation and Licensure Board, any other
16 person necessary to the decision of hiring the applicant for
17 employment, or for clarification purposes the Illinois State
18 Police or Statewide Sex Offender Database, or both. A copy of
19 the record of convictions obtained from the Illinois State
20 Police shall be provided to the applicant for employment. Upon
21 the check of the Statewide Sex Offender Database or Statewide
22 Murderer and Violent Offender Against Youth Database, the
23 school district or regional superintendent shall notify an
24 applicant as to whether or not the applicant has been
25 identified in the Database. If a check of an applicant for
26 employment as a substitute or concurrent part-time teacher or

1 concurrent educational support personnel employee in more than
2 one school district was requested by the regional
3 superintendent, and the Illinois State Police upon a check
4 ascertains that the applicant has not been convicted of any of
5 the enumerated criminal or drug offenses in subsection (c) of
6 this Section or has not been convicted, within 7 years of the
7 application for employment with the school district, of any
8 other felony under the laws of this State or of any offense
9 committed or attempted in any other state or against the laws
10 of the United States that, if committed or attempted in this
11 State, would have been punishable as a felony under the laws of
12 this State and so notifies the regional superintendent and if
13 the regional superintendent upon a check ascertains that the
14 applicant has not been identified in the Sex Offender Database
15 or Statewide Murderer and Violent Offender Against Youth
16 Database, then the regional superintendent shall issue to the
17 applicant a certificate evidencing that as of the date
18 specified by the Illinois State Police the applicant has not
19 been convicted of any of the enumerated criminal or drug
20 offenses in subsection (c) of this Section or has not been
21 convicted, within 7 years of the application for employment
22 with the school district, of any other felony under the laws of
23 this State or of any offense committed or attempted in any
24 other state or against the laws of the United States that, if
25 committed or attempted in this State, would have been
26 punishable as a felony under the laws of this State and

1 evidencing that as of the date that the regional
2 superintendent conducted a check of the Statewide Sex Offender
3 Database or Statewide Murderer and Violent Offender Against
4 Youth Database, the applicant has not been identified in the
5 Database. The school board of any school district may rely on
6 the certificate issued by any regional superintendent to that
7 substitute teacher, concurrent part-time teacher, or
8 concurrent educational support personnel employee or may
9 initiate its own criminal history records check of the
10 applicant through the Illinois State Police and its own check
11 of the Statewide Sex Offender Database or Statewide Murderer
12 and Violent Offender Against Youth Database as provided in
13 this Section. Any unauthorized release of confidential
14 information may be a violation of Section 7 of the Criminal
15 Identification Act.

16 (b-5) If a criminal history records check or check of the
17 Statewide Sex Offender Database or Statewide Murderer and
18 Violent Offender Against Youth Database is performed by a
19 regional superintendent for an applicant seeking employment as
20 a substitute teacher with a school district, the regional
21 superintendent may disclose to the State Board of Education
22 whether the applicant has been issued a certificate under
23 subsection (b) based on those checks. If the State Board
24 receives information on an applicant under this subsection,
25 then it must indicate in the Educator Licensure Information
26 System for a 90-day period that the applicant has been issued

1 or has not been issued a certificate.

2 (c) No school board shall knowingly employ a person who
3 has been convicted of any offense that would subject him or her
4 to license suspension or revocation pursuant to Section 21B-80
5 of this Code, except as provided under subsection (b) of
6 Section 21B-80. Further, no school board shall knowingly
7 employ a person who has been found to be the perpetrator of
8 sexual or physical abuse of any minor under 18 years of age
9 pursuant to proceedings under Article II of the Juvenile Court
10 Act of 1987. As a condition of employment, each school board
11 must consider the status of a person who has been issued an
12 indicated finding of abuse or neglect of a child by the
13 Department of Children and Family Services under the Abused
14 and Neglected Child Reporting Act or by a child welfare agency
15 of another jurisdiction.

16 (d) No school board shall knowingly employ a person for
17 whom a criminal history records check and a Statewide Sex
18 Offender Database check have not been initiated.

19 (e) Within 10 days after a superintendent, regional office
20 of education, or entity that provides background checks of
21 license holders to public schools receives information of a
22 pending criminal charge against a license holder for an
23 offense set forth in Section 21B-80 of this Code, the
24 superintendent, regional office of education, or entity must
25 notify the State Superintendent of Education of the pending
26 criminal charge.

1 If permissible by federal or State law, no later than 15
2 business days after receipt of a record of conviction or of
3 checking the Statewide Murderer and Violent Offender Against
4 Youth Database or the Statewide Sex Offender Database and
5 finding a registration, the superintendent of the employing
6 school board or the applicable regional superintendent shall,
7 in writing, notify the State Superintendent of Education of
8 any license holder who has been convicted of a crime set forth
9 in Section 21B-80 of this Code. Upon receipt of the record of a
10 conviction of or a finding of child abuse by a holder of any
11 license issued pursuant to Article 21B or Section 34-8.1 of
12 this Code, the State Superintendent of Education may initiate
13 licensure suspension and revocation proceedings as authorized
14 by law. If the receipt of the record of conviction or finding
15 of child abuse is received within 6 months after the initial
16 grant of or renewal of a license, the State Superintendent of
17 Education may rescind the license holder's license.

18 (e-5) The superintendent of the employing school board
19 shall, in writing, notify the State Superintendent of
20 Education and the applicable regional superintendent of
21 schools of any license holder whom he or she has reasonable
22 cause to believe has committed (i) an intentional act of abuse
23 or neglect with the result of making a child an abused child or
24 a neglected child, as defined in Section 3 of the Abused and
25 Neglected Child Reporting Act, or (ii) an act of sexual
26 misconduct, as defined in Section 22-85.5 of this Code, and

1 that act resulted in the license holder's dismissal or
2 resignation from the school district. This notification must
3 be submitted within 30 days after the dismissal or resignation
4 and must include the Illinois Educator Identification Number
5 (IEIN) of the license holder and a brief description of the
6 misconduct alleged. The license holder must also be
7 contemporaneously sent a copy of the notice by the
8 superintendent. All correspondence, documentation, and other
9 information so received by the regional superintendent of
10 schools, the State Superintendent of Education, the State
11 Board of Education, or the State Educator Preparation and
12 Licensure Board under this subsection (e-5) is confidential
13 and must not be disclosed to third parties, except (i) as
14 necessary for the State Superintendent of Education or his or
15 her designee to investigate and prosecute pursuant to Article
16 21B of this Code, (ii) pursuant to a court order, (iii) for
17 disclosure to the license holder or his or her representative,
18 or (iv) as otherwise provided in this Article and provided
19 that any such information admitted into evidence in a hearing
20 is exempt from this confidentiality and non-disclosure
21 requirement. Except for an act of willful or wanton
22 misconduct, any superintendent who provides notification as
23 required in this subsection (e-5) shall have immunity from any
24 liability, whether civil or criminal or that otherwise might
25 result by reason of such action.

26 (f) After January 1, 1990 the provisions of this Section

1 shall apply to all employees of persons or firms holding
2 contracts with any school district including, but not limited
3 to, food service workers, school bus drivers and other
4 transportation employees, who have direct, daily contact with
5 the pupils of any school in such district. For purposes of
6 criminal history records checks and checks of the Statewide
7 Sex Offender Database on employees of persons or firms holding
8 contracts with more than one school district and assigned to
9 more than one school district, the regional superintendent of
10 the educational service region in which the contracting school
11 districts are located may, at the request of any such school
12 district, be responsible for receiving the authorization for a
13 criminal history records check prepared by each such employee
14 and submitting the same to the Illinois State Police and for
15 conducting a check of the Statewide Sex Offender Database for
16 each employee. Any information concerning the record of
17 conviction and identification as a sex offender of any such
18 employee obtained by the regional superintendent shall be
19 promptly reported to the president of the appropriate school
20 board or school boards.

21 (f-5) Upon request of a school or school district, any
22 information obtained by a school district pursuant to
23 subsection (f) of this Section within the last year must be
24 made available to the requesting school or school district.

25 (g) Prior to the commencement of any student teaching
26 experience or required internship (which is referred to as

1 student teaching in this Section) in the public schools, a
2 student teacher is required to authorize a fingerprint-based
3 criminal history records check. Authorization for and payment
4 of the costs of the check must be furnished by the student
5 teacher to the school district where the student teaching is
6 to be completed. Upon receipt of this authorization and
7 payment, the school district shall submit the student
8 teacher's name, sex, race, date of birth, social security
9 number, fingerprint images, and other identifiers, as
10 prescribed by the Illinois State Police, to the Illinois State
11 Police. The Illinois State Police and the Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint-based
13 criminal history records check, records of convictions,
14 forever and hereinafter, until expunged, to the president of
15 the school board for the school district that requested the
16 check. The Illinois State Police shall charge the school
17 district a fee for conducting the check, which fee must not
18 exceed the cost of the inquiry and must be deposited into the
19 State Police Services Fund. The school district shall further
20 perform a check of the Statewide Sex Offender Database, as
21 authorized by the Sex Offender Community Notification Law, and
22 of the Statewide Murderer and Violent Offender Against Youth
23 Database, as authorized by the Murderer and Violent Offender
24 Against Youth Registration Act, for each student teacher. No
25 school board may knowingly allow a person to student teach for
26 whom a criminal history records check, a Statewide Sex

1 Offender Database check, and a Statewide Murderer and Violent
2 Offender Against Youth Database check have not been completed
3 and reviewed by the district.

4 A copy of the record of convictions obtained from the
5 Illinois State Police must be provided to the student teacher.
6 Any information concerning the record of convictions obtained
7 by the president of the school board is confidential and may
8 only be transmitted to the superintendent of the school
9 district or his or her designee, the State Superintendent of
10 Education, the State Educator Preparation and Licensure Board,
11 or, for clarification purposes, the Illinois State Police or
12 the Statewide Sex Offender Database or Statewide Murderer and
13 Violent Offender Against Youth Database. Any unauthorized
14 release of confidential information may be a violation of
15 Section 7 of the Criminal Identification Act.

16 No school board shall knowingly allow a person to student
17 teach who has been convicted of any offense that would subject
18 him or her to license suspension or revocation pursuant to
19 subsection (c) of Section 21B-80 of this Code, except as
20 provided under subsection (b) of Section 21B-80. Further, no
21 school board shall allow a person to student teach if he or she
22 has been found to be the perpetrator of sexual or physical
23 abuse of a minor under 18 years of age pursuant to proceedings
24 under Article II of the Juvenile Court Act of 1987. Each school
25 board must consider the status of a person to student teach who
26 has been issued an indicated finding of abuse or neglect of a

1 child by the Department of Children and Family Services under
2 the Abused and Neglected Child Reporting Act or by a child
3 welfare agency of another jurisdiction.

4 (h) (Blank).

5 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
6 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
7 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894,
8 eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-24-22.)

9 (105 ILCS 5/10-22.24b)

10 Sec. 10-22.24b. School counseling services. School
11 counseling services in public schools may be provided by
12 school counselors as defined in Section 10-22.24a of this Code
13 or by individuals who hold a Professional Educator License
14 with a school support personnel endorsement in the area of
15 school counseling under Section 21B-25 of this Code.

16 School counseling services may include, but are not
17 limited to:

18 (1) designing and delivering a comprehensive school
19 counseling program that promotes student achievement and
20 wellness;

21 (2) incorporating the common core language into the
22 school counselor's work and role;

23 (3) school counselors working as culturally skilled
24 professionals who act sensitively to promote social
25 justice and equity in a pluralistic society;

- 1 (4) providing individual and group counseling;
- 2 (5) providing a core counseling curriculum that serves
3 all students and addresses the knowledge and skills
4 appropriate to their developmental level through a
5 collaborative model of delivery involving the school
6 counselor, classroom teachers, and other appropriate
7 education professionals, and including prevention and
8 pre-referral activities;
- 9 (6) making referrals when necessary to appropriate
10 offices or outside agencies;
- 11 (7) providing college and career development
12 activities and counseling;
- 13 (8) developing individual career plans with students,
14 which includes planning for post-secondary education, as
15 appropriate, and engaging in related and relevant career
16 and technical education coursework in high school as
17 described in paragraph (55);
- 18 (9) assisting all students with a college or
19 post-secondary education plan, which must include a
20 discussion on all post-secondary education options,
21 including 4-year colleges or universities, community
22 colleges, and vocational schools, and includes planning
23 for post-secondary education, as appropriate, and engaging
24 in related and relevant career and technical education
25 coursework in high school as described in paragraph (55);
- 26 (10) intentionally addressing the career and college

1 needs of first generation students;

2 (11) educating all students on scholarships, financial
3 aid, and preparation of the Federal Application for
4 Federal Student Aid;

5 (12) collaborating with institutions of higher
6 education and local community colleges so that students
7 understand post-secondary education options and are ready
8 to transition successfully;

9 (13) providing crisis intervention and contributing to
10 the development of a specific crisis plan within the
11 school setting in collaboration with multiple
12 stakeholders;

13 (14) educating students, teachers, and parents on
14 anxiety, depression, cutting, and suicide issues and
15 intervening with students who present with these issues;

16 (15) providing counseling and other resources to
17 students who are in crisis;

18 (16) providing resources for those students who do not
19 have access to mental health services;

20 (17) addressing bullying and conflict resolution with
21 all students;

22 (18) teaching communication skills and helping
23 students develop positive relationships;

24 (19) using culturally sensitive ~~culturally sensitive~~
25 skills in working with all students to promote wellness;

26 (20) addressing the needs of undocumented students in

1 the school, as well as students who are legally in the
2 United States, but whose parents are undocumented;

3 (21) contributing to a student's functional behavioral
4 assessment, as well as assisting in the development of
5 non-aversive behavioral intervention strategies;

6 (22) (i) assisting students in need of special
7 education services by implementing the academic supports
8 and social-emotional and college or career development
9 counseling services or interventions per a student's
10 individualized education program (IEP); (ii) participating
11 in or contributing to a student's IEP and completing a
12 social-developmental history; or (iii) providing services
13 to a student with a disability under the student's IEP or
14 federal Section 504 plan, as recommended by the student's
15 IEP team or Section 504 plan team and in compliance with
16 federal and State laws and rules governing the provision
17 of educational and related services and school-based
18 accommodations to students with disabilities and the
19 qualifications of school personnel to provide such
20 services and accommodations;

21 (23) assisting in the development of a personal
22 educational plan with each student;

23 (24) educating students on dual credit and learning
24 opportunities on the Internet;

25 (25) providing information for all students in the
26 selection of courses that will lead to post-secondary

1 education opportunities toward a successful career;

2 (26) interpreting achievement test results and guiding
3 students in appropriate directions;

4 (27) counseling with students, families, and teachers,
5 in compliance with federal and State laws;

6 (28) providing families with opportunities for
7 education and counseling as appropriate in relation to the
8 student's educational assessment;

9 (29) consulting and collaborating with teachers and
10 other school personnel regarding behavior management and
11 intervention plans and inclusion in support of students;

12 (30) teaming and partnering with staff, parents,
13 businesses, and community organizations to support student
14 achievement and social-emotional learning standards for
15 all students;

16 (31) developing and implementing school-based
17 prevention programs, including, but not limited to,
18 mediation and violence prevention, implementing social and
19 emotional education programs and services, and
20 establishing and implementing bullying prevention and
21 intervention programs;

22 (32) developing culturally sensitive
23 ~~culturally sensitive~~ assessment instruments for measuring
24 school counseling prevention and intervention
25 effectiveness and collecting, analyzing, and interpreting
26 data;

1 (33) participating on school and district committees
2 to advocate for student programs and resources, as well as
3 establishing a school counseling advisory council that
4 includes representatives of key stakeholders selected to
5 review and advise on the implementation of the school
6 counseling program;

7 (34) acting as a liaison between the public schools
8 and community resources and building relationships with
9 important stakeholders, such as families, administrators,
10 teachers, and board members;

11 (35) maintaining organized, clear, and useful records
12 in a confidential manner consistent with Section 5 of the
13 Illinois School Student Records Act, the Family
14 Educational Rights and Privacy Act, and the Health
15 Insurance Portability and Accountability Act;

16 (36) presenting an annual agreement to the
17 administration, including a formal discussion of the
18 alignment of school and school counseling program missions
19 and goals and detailing specific school counselor
20 responsibilities;

21 (37) identifying and implementing culturally sensitive
22 ~~culturally sensitive~~ measures of success for student
23 competencies in each of the 3 domains of academic, social
24 and emotional, and college and career learning based on
25 planned and periodic assessment of the comprehensive
26 developmental school counseling program;

1 (38) collaborating as a team member in Response to
2 Intervention (RtI) and other school initiatives;

3 (39) conducting observations and participating in
4 recommendations or interventions regarding the placement
5 of children in educational programs or special education
6 classes;

7 (40) analyzing data and results of school counseling
8 program assessments, including curriculum, small-group,
9 and closing-the-gap results reports, and designing
10 strategies to continue to improve program effectiveness;

11 (41) analyzing data and results of school counselor
12 competency assessments;

13 (42) following American School Counselor Association
14 Ethical Standards for School Counselors to demonstrate
15 high standards of integrity, leadership, and
16 professionalism;

17 (43) knowing and embracing common core standards by
18 using common core language;

19 (44) practicing as a culturally skilled
20 ~~culturally skilled~~ school counselor by infusing the
21 multicultural competencies within the role of the school
22 counselor, including the practice of culturally sensitive
23 ~~culturally sensitive~~ attitudes and beliefs, knowledge, and
24 skills;

25 (45) infusing the Social-Emotional Standards, as
26 presented in the State Board of Education standards,

1 across the curriculum and in the counselor's role in ways
2 that empower and enable students to achieve academic
3 success across all grade levels;

4 (46) providing services only in areas in which the
5 school counselor has appropriate training or expertise, as
6 well as only providing counseling or consulting services
7 within his or her employment to any student in the
8 district or districts which employ such school counselor,
9 in accordance with professional ethics;

10 (47) having adequate training in supervision knowledge
11 and skills in order to supervise school counseling interns
12 enrolled in graduate school counselor preparation programs
13 that meet the standards established by the State Board of
14 Education;

15 (48) being involved with State and national
16 professional associations;

17 (49) participating, at least once every 2 years, in an
18 in-service training program for school counselors
19 conducted by persons with expertise in domestic and sexual
20 violence and the needs of expectant and parenting youth,
21 which shall include training concerning (i) communicating
22 with and listening to youth victims of domestic or sexual
23 violence and expectant and parenting youth, (ii)
24 connecting youth victims of domestic or sexual violence
25 and expectant and parenting youth to appropriate in-school
26 services and other agencies, programs, and services as

1 needed, and (iii) implementing the school district's
2 policies, procedures, and protocols with regard to such
3 youth, including confidentiality; at a minimum, school
4 personnel must be trained to understand, provide
5 information and referrals, and address issues pertaining
6 to youth who are parents, expectant parents, or victims of
7 domestic or sexual violence;

8 (50) participating, at least every 2 years, in an
9 in-service training program for school counselors
10 conducted by persons with expertise in anaphylactic
11 reactions and management;

12 (51) participating, at least once every 2 years, in an
13 in-service training on educator ethics, teacher-student
14 conduct, and school employee-student conduct for all
15 personnel;

16 (52) participating, in addition to other topics at
17 in-service training programs, in training to identify the
18 warning signs of mental illness and suicidal behavior in
19 adolescents and teenagers and learning appropriate
20 intervention and referral techniques;

21 (53) obtaining training to have a basic knowledge of
22 matters relating to acquired immunodeficiency syndrome
23 (AIDS), including the nature of the disease, its causes
24 and effects, the means of detecting it and preventing its
25 transmission, and the availability of appropriate sources
26 of counseling and referral and any other information that

1 may be appropriate considering the age and grade level of
2 the pupils; the school board shall supervise such training
3 and the State Board of Education and the Department of
4 Public Health shall jointly develop standards for such
5 training;

6 (54) participating in mandates from the State Board of
7 Education for bullying education and social-emotional
8 literacy ~~literary~~; and

9 (55) promoting career and technical education by
10 assisting each student to determine an appropriate
11 postsecondary plan based upon the student's skills,
12 strengths, and goals and assisting the student to
13 implement the best practices that improve career or
14 workforce readiness after high school.

15 School districts may employ a sufficient number of school
16 counselors to maintain the national and State recommended
17 student-counselor ratio of 250 to 1. School districts may have
18 school counselors spend at least 80% of his or her work time in
19 direct contact with students.

20 Nothing in this Section prohibits other qualified
21 professionals, including other endorsed school support
22 personnel, from providing the services listed in this Section.

23 (Source: P.A. 101-290, eff. 8-9-19; 102-876, eff. 1-1-23;
24 revised 12-9-22.)

25 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

1 Sec. 13-40. To increase the effectiveness of the
2 Department of Juvenile Justice and thereby to better serve the
3 interests of the people of Illinois the following bill is
4 presented.

5 Its purpose is to enhance the quality and scope of
6 education for inmates and wards within the Department of
7 Juvenile Justice so that they will be better motivated and
8 better equipped to restore themselves to constructive and
9 law-abiding ~~law-abiding~~ lives in the community. The specific
10 measure sought is the creation of a school district within the
11 Department so that its educational programs can meet the needs
12 of persons committed and so the resources of public education
13 at the state and federal levels are best used, all of the same
14 being contemplated within the provisions of the Illinois State
15 Constitution of 1970 which provides that "A fundamental goal
16 of the People of the State is the educational development of
17 all persons to the limits of their capacities." Therefore, on
18 July 1, 2006, the Department of Corrections school district
19 shall be transferred to the Department of Juvenile Justice. It
20 shall be responsible for the education of youth within the
21 Department of Juvenile Justice and inmates age 21 or under
22 within the Department of Corrections who have not yet earned a
23 high school diploma or a State of Illinois High School
24 Diploma, and the district may establish primary, secondary,
25 vocational, adult, special, and advanced educational schools
26 as provided in this Act. The Department of Corrections retains

1 authority as provided for in subsection (d) of Section 3-6-2
2 of the Unified Code of Corrections. The Board of Education for
3 this district shall with the aid and advice of professional
4 educational personnel of the Department of Juvenile Justice
5 and the State Board of Education determine the needs and type
6 of schools and the curriculum for each school within the
7 school district and may proceed to establish the same through
8 existing means within present and future appropriations,
9 federal and state school funds, vocational rehabilitation
10 grants and funds and all other funds, gifts and grants,
11 private or public, including federal funds, but not exclusive
12 to the said sources but inclusive of all funds which might be
13 available for school purposes.

14 (Source: P.A. 102-1100, eff. 1-1-23; revised 12-9-22.)

15 (105 ILCS 5/13B-20.5)

16 Sec. 13B-20.5. Eligible activities and services.
17 Alternative learning opportunities programs may include,
18 without limitation, evening high school, in-school tutoring
19 and mentoring programs, in-school suspension programs, high
20 school completion programs to assist high school dropouts in
21 completing their education, high school completion programs to
22 allow students eligible for remote learning under Section
23 34-18.81 ~~34-18.78~~ to complete their education while
24 incarcerated in an institution or facility of the Department
25 of Corrections, support services, parental involvement

1 programs, and programs to develop, enhance, or extend the
2 transition for students transferring back to the regular
3 school program, an adult education program, or a
4 post-secondary education program.

5 (Source: P.A. 102-966, eff. 5-27-22; revised 8-3-22.)

6 (105 ILCS 5/18-8.15)

7 Sec. 18-8.15. Evidence-Based Funding for student success
8 for the 2017-2018 and subsequent school years.

9 (a) General provisions.

10 (1) The purpose of this Section is to ensure that, by
11 June 30, 2027 and beyond, this State has a kindergarten
12 through grade 12 public education system with the capacity
13 to ensure the educational development of all persons to
14 the limits of their capacities in accordance with Section
15 1 of Article X of the Constitution of the State of
16 Illinois. To accomplish that objective, this Section
17 creates a method of funding public education that is
18 evidence-based; is sufficient to ensure every student
19 receives a meaningful opportunity to learn irrespective of
20 race, ethnicity, sexual orientation, gender, or
21 community-income level; and is sustainable and
22 predictable. When fully funded under this Section, every
23 school shall have the resources, based on what the
24 evidence indicates is needed, to:

25 (A) provide all students with a high quality

1 education that offers the academic, enrichment, social
2 and emotional support, technical, and career-focused
3 programs that will allow them to become competitive
4 workers, responsible parents, productive citizens of
5 this State, and active members of our national
6 democracy;

7 (B) ensure all students receive the education they
8 need to graduate from high school with the skills
9 required to pursue post-secondary education and
10 training for a rewarding career;

11 (C) reduce, with a goal of eliminating, the
12 achievement gap between at-risk and non-at-risk
13 students by raising the performance of at-risk
14 students and not by reducing standards; and

15 (D) ensure this State satisfies its obligation to
16 assume the primary responsibility to fund public
17 education and simultaneously relieve the
18 disproportionate burden placed on local property taxes
19 to fund schools.

20 (2) The Evidence-Based Funding formula under this
21 Section shall be applied to all Organizational Units in
22 this State. The Evidence-Based Funding formula outlined in
23 this Act is based on the formula outlined in Senate Bill 1
24 of the 100th General Assembly, as passed by both
25 legislative chambers. As further defined and described in
26 this Section, there are 4 major components of the

1 Evidence-Based Funding model:

2 (A) First, the model calculates a unique Adequacy
3 Target for each Organizational Unit in this State that
4 considers the costs to implement research-based
5 activities, the unit's student demographics, and
6 regional wage differences.

7 (B) Second, the model calculates each
8 Organizational Unit's Local Capacity, or the amount
9 each Organizational Unit is assumed to contribute
10 toward its Adequacy Target from local resources.

11 (C) Third, the model calculates how much funding
12 the State currently contributes to the Organizational
13 Unit and adds that to the unit's Local Capacity to
14 determine the unit's overall current adequacy of
15 funding.

16 (D) Finally, the model's distribution method
17 allocates new State funding to those Organizational
18 Units that are least well-funded, considering both
19 Local Capacity and State funding, in relation to their
20 Adequacy Target.

21 (3) An Organizational Unit receiving any funding under
22 this Section may apply those funds to any fund so received
23 for which that Organizational Unit is authorized to make
24 expenditures by law.

25 (4) As used in this Section, the following terms shall
26 have the meanings ascribed in this paragraph (4):

1 "Adequacy Target" is defined in paragraph (1) of
2 subsection (b) of this Section.

3 "Adjusted EAV" is defined in paragraph (4) of
4 subsection (d) of this Section.

5 "Adjusted Local Capacity Target" is defined in
6 paragraph (3) of subsection (c) of this Section.

7 "Adjusted Operating Tax Rate" means a tax rate for all
8 Organizational Units, for which the State Superintendent
9 shall calculate and subtract for the Operating Tax Rate a
10 transportation rate based on total expenses for
11 transportation services under this Code, as reported on
12 the most recent Annual Financial Report in Pupil
13 Transportation Services, function 2550 in both the
14 Education and Transportation funds and functions 4110 and
15 4120 in the Transportation fund, less any corresponding
16 fiscal year State of Illinois scheduled payments excluding
17 net adjustments for prior years for regular, vocational,
18 or special education transportation reimbursement pursuant
19 to Section 29-5 or subsection (b) of Section 14-13.01 of
20 this Code divided by the Adjusted EAV. If an
21 Organizational Unit's corresponding fiscal year State of
22 Illinois scheduled payments excluding net adjustments for
23 prior years for regular, vocational, or special education
24 transportation reimbursement pursuant to Section 29-5 or
25 subsection (b) of Section 14-13.01 of this Code exceed the
26 total transportation expenses, as defined in this

1 paragraph, no transportation rate shall be subtracted from
2 the Operating Tax Rate.

3 "Allocation Rate" is defined in paragraph (3) of
4 subsection (g) of this Section.

5 "Alternative School" means a public school that is
6 created and operated by a regional superintendent of
7 schools and approved by the State Board.

8 "Applicable Tax Rate" is defined in paragraph (1) of
9 subsection (d) of this Section.

10 "Assessment" means any of those benchmark, progress
11 monitoring, formative, diagnostic, and other assessments,
12 in addition to the State accountability assessment, that
13 assist teachers' needs in understanding the skills and
14 meeting the needs of the students they serve.

15 "Assistant principal" means a school administrator
16 duly endorsed to be employed as an assistant principal in
17 this State.

18 "At-risk student" means a student who is at risk of
19 not meeting the Illinois Learning Standards or not
20 graduating from elementary or high school and who
21 demonstrates a need for vocational support or social
22 services beyond that provided by the regular school
23 program. All students included in an Organizational Unit's
24 Low-Income Count, as well as all English learner and
25 disabled students attending the Organizational Unit, shall
26 be considered at-risk students under this Section.

1 "Average Student Enrollment" or "ASE" for fiscal year
2 2018 means, for an Organizational Unit, the greater of the
3 average number of students (grades K through 12) reported
4 to the State Board as enrolled in the Organizational Unit
5 on October 1 in the immediately preceding school year,
6 plus the pre-kindergarten students who receive special
7 education services of 2 or more hours a day as reported to
8 the State Board on December 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, plus the
12 pre-kindergarten students who receive special education
13 services of 2 or more hours a day as reported to the State
14 Board on December 1, for each of the immediately preceding
15 3 school years. For fiscal year 2019 and each subsequent
16 fiscal year, "Average Student Enrollment" or "ASE" means,
17 for an Organizational Unit, the greater of the average
18 number of students (grades K through 12) reported to the
19 State Board as enrolled in the Organizational Unit on
20 October 1 and March 1 in the immediately preceding school
21 year, plus the pre-kindergarten students who receive
22 special education services as reported to the State Board
23 on October 1 and March 1 in the immediately preceding
24 school year, or the average number of students (grades K
25 through 12) reported to the State Board as enrolled in the
26 Organizational Unit on October 1 and March 1, plus the

1 pre-kindergarten students who receive special education
2 services as reported to the State Board on October 1 and
3 March 1, for each of the immediately preceding 3 school
4 years. For the purposes of this definition, "enrolled in
5 the Organizational Unit" means the number of students
6 reported to the State Board who are enrolled in schools
7 within the Organizational Unit that the student attends or
8 would attend if not placed or transferred to another
9 school or program to receive needed services. For the
10 purposes of calculating "ASE", all students, grades K
11 through 12, excluding those attending kindergarten for a
12 half day and students attending an alternative education
13 program operated by a regional office of education or
14 intermediate service center, shall be counted as 1.0. All
15 students attending kindergarten for a half day shall be
16 counted as 0.5, unless in 2017 by June 15 or by March 1 in
17 subsequent years, the school district reports to the State
18 Board of Education the intent to implement full-day
19 kindergarten district-wide for all students, then all
20 students attending kindergarten shall be counted as 1.0.
21 Special education pre-kindergarten students shall be
22 counted as 0.5 each. If the State Board does not collect or
23 has not collected both an October 1 and March 1 enrollment
24 count by grade or a December 1 collection of special
25 education pre-kindergarten students as of August 31, 2017
26 (the effective date of Public Act 100-465), it shall

1 establish such collection for all future years. For any
2 year in which a count by grade level was collected only
3 once, that count shall be used as the single count
4 available for computing a 3-year average ASE. Funding for
5 programs operated by a regional office of education or an
6 intermediate service center must be calculated using the
7 Evidence-Based Funding formula under this Section for the
8 2019-2020 school year and each subsequent school year
9 until separate adequacy formulas are developed and adopted
10 for each type of program. ASE for a program operated by a
11 regional office of education or an intermediate service
12 center must be determined by the March 1 enrollment for
13 the program. For the 2019-2020 school year, the ASE used
14 in the calculation must be the first-year ASE and, in that
15 year only, the assignment of students served by a regional
16 office of education or intermediate service center shall
17 not result in a reduction of the March enrollment for any
18 school district. For the 2020-2021 school year, the ASE
19 must be the greater of the current-year ASE or the 2-year
20 average ASE. Beginning with the 2021-2022 school year, the
21 ASE must be the greater of the current-year ASE or the
22 3-year average ASE. School districts shall submit the data
23 for the ASE calculation to the State Board within 45 days
24 of the dates required in this Section for submission of
25 enrollment data in order for it to be included in the ASE
26 calculation. For fiscal year 2018 only, the ASE

1 calculation shall include only enrollment taken on October
2 1. In recognition of the impact of COVID-19, the
3 definition of "Average Student Enrollment" or "ASE" shall
4 be adjusted for calculations under this Section for fiscal
5 years 2022 through 2024. For fiscal years 2022 through
6 2024, the enrollment used in the calculation of ASE
7 representing the 2020-2021 school year shall be the
8 greater of the enrollment for the 2020-2021 school year or
9 the 2019-2020 school year.

10 "Base Funding Guarantee" is defined in paragraph (10)
11 of subsection (g) of this Section.

12 "Base Funding Minimum" is defined in subsection (e) of
13 this Section.

14 "Base Tax Year" means the property tax levy year used
15 to calculate the Budget Year allocation of primary State
16 aid.

17 "Base Tax Year's Extension" means the product of the
18 equalized assessed valuation utilized by the county clerk
19 in the Base Tax Year multiplied by the limiting rate as
20 calculated by the county clerk and defined in PTELL.

21 "Bilingual Education Allocation" means the amount of
22 an Organizational Unit's final Adequacy Target
23 attributable to bilingual education divided by the
24 Organizational Unit's final Adequacy Target, the product
25 of which shall be multiplied by the amount of new funding
26 received pursuant to this Section. An Organizational

1 Unit's final Adequacy Target attributable to bilingual
2 education shall include all additional investments in
3 English learner students' adequacy elements.

4 "Budget Year" means the school year for which primary
5 State aid is calculated and awarded under this Section.

6 "Central office" means individual administrators and
7 support service personnel charged with managing the
8 instructional programs, business and operations, and
9 security of the Organizational Unit.

10 "Comparable Wage Index" or "CWI" means a regional cost
11 differentiation metric that measures systemic, regional
12 variations in the salaries of college graduates who are
13 not educators. The CWI utilized for this Section shall,
14 for the first 3 years of Evidence-Based Funding
15 implementation, be the CWI initially developed by the
16 National Center for Education Statistics, as most recently
17 updated by Texas A & M University. In the fourth and
18 subsequent years of Evidence-Based Funding implementation,
19 the State Superintendent shall re-determine the CWI using
20 a similar methodology to that identified in the Texas A & M
21 University study, with adjustments made no less frequently
22 than once every 5 years.

23 "Computer technology and equipment" means computers
24 servers, notebooks, network equipment, copiers, printers,
25 instructional software, security software, curriculum
26 management courseware, and other similar materials and

1 equipment.

2 "Computer technology and equipment investment
3 allocation" means the final Adequacy Target amount of an
4 Organizational Unit assigned to Tier 1 or Tier 2 in the
5 prior school year attributable to the additional \$285.50
6 per student computer technology and equipment investment
7 grant divided by the Organizational Unit's final Adequacy
8 Target, the result of which shall be multiplied by the
9 amount of new funding received pursuant to this Section.
10 An Organizational Unit assigned to a Tier 1 or Tier 2 final
11 Adequacy Target attributable to the received computer
12 technology and equipment investment grant shall include
13 all additional investments in computer technology and
14 equipment adequacy elements.

15 "Core subject" means mathematics; science; reading,
16 English, writing, and language arts; history and social
17 studies; world languages; and subjects taught as Advanced
18 Placement in high schools.

19 "Core teacher" means a regular classroom teacher in
20 elementary schools and teachers of a core subject in
21 middle and high schools.

22 "Core Intervention teacher (tutor)" means a licensed
23 teacher providing one-on-one or small group tutoring to
24 students struggling to meet proficiency in core subjects.

25 "CPPRT" means corporate personal property replacement
26 tax funds paid to an Organizational Unit during the

1 calendar year one year before the calendar year in which a
2 school year begins, pursuant to "An Act in relation to the
3 abolition of ad valorem personal property tax and the
4 replacement of revenues lost thereby, and amending and
5 repealing certain Acts and parts of Acts in connection
6 therewith", certified August 14, 1979, as amended (Public
7 Act 81-1st S.S.-1).

8 "EAV" means equalized assessed valuation as defined in
9 paragraph (2) of subsection (d) of this Section and
10 calculated in accordance with paragraph (3) of subsection
11 (d) of this Section.

12 "ECI" means the Bureau of Labor Statistics' national
13 employment cost index for civilian workers in educational
14 services in elementary and secondary schools on a
15 cumulative basis for the 12-month calendar year preceding
16 the fiscal year of the Evidence-Based Funding calculation.

17 "EIS Data" means the employment information system
18 data maintained by the State Board on educators within
19 Organizational Units.

20 "Employee benefits" means health, dental, and vision
21 insurance offered to employees of an Organizational Unit,
22 the costs associated with the statutorily required payment
23 of the normal cost of the Organizational Unit's teacher
24 pensions, Social Security employer contributions, and
25 Illinois Municipal Retirement Fund employer contributions.

26 "English learner" or "EL" means a child included in

1 the definition of "English learners" under Section 14C-2
2 of this Code participating in a program of transitional
3 bilingual education or a transitional program of
4 instruction meeting the requirements and program
5 application procedures of Article 14C of this Code. For
6 the purposes of collecting the number of EL students
7 enrolled, the same collection and calculation methodology
8 as defined above for "ASE" shall apply to English
9 learners, with the exception that EL student enrollment
10 shall include students in grades pre-kindergarten through
11 12.

12 "Essential Elements" means those elements, resources,
13 and educational programs that have been identified through
14 academic research as necessary to improve student success,
15 improve academic performance, close achievement gaps, and
16 provide for other per student costs related to the
17 delivery and leadership of the Organizational Unit, as
18 well as the maintenance and operations of the unit, and
19 which are specified in paragraph (2) of subsection (b) of
20 this Section.

21 "Evidence-Based Funding" means State funding provided
22 to an Organizational Unit pursuant to this Section.

23 "Extended day" means academic and enrichment programs
24 provided to students outside the regular school day before
25 and after school or during non-instructional times during
26 the school day.

1 "Extension Limitation Ratio" means a numerical ratio
2 in which the numerator is the Base Tax Year's Extension
3 and the denominator is the Preceding Tax Year's Extension.

4 "Final Percent of Adequacy" is defined in paragraph
5 (4) of subsection (f) of this Section.

6 "Final Resources" is defined in paragraph (3) of
7 subsection (f) of this Section.

8 "Full-time equivalent" or "FTE" means the full-time
9 equivalency compensation for staffing the relevant
10 position at an Organizational Unit.

11 "Funding Gap" is defined in paragraph (1) of
12 subsection (g).

13 "Hybrid District" means a partial elementary unit
14 district created pursuant to Article 11E of this Code.

15 "Instructional assistant" means a core or special
16 education, non-licensed employee who assists a teacher in
17 the classroom and provides academic support to students.

18 "Instructional facilitator" means a qualified teacher
19 or licensed teacher leader who facilitates and coaches
20 continuous improvement in classroom instruction; provides
21 instructional support to teachers in the elements of
22 research-based instruction or demonstrates the alignment
23 of instruction with curriculum standards and assessment
24 tools; develops or coordinates instructional programs or
25 strategies; develops and implements training; chooses
26 standards-based instructional materials; provides

1 teachers with an understanding of current research; serves
2 as a mentor, site coach, curriculum specialist, or lead
3 teacher; or otherwise works with fellow teachers, in
4 collaboration, to use data to improve instructional
5 practice or develop model lessons.

6 "Instructional materials" means relevant
7 instructional materials for student instruction,
8 including, but not limited to, textbooks, consumable
9 workbooks, laboratory equipment, library books, and other
10 similar materials.

11 "Laboratory School" means a public school that is
12 created and operated by a public university and approved
13 by the State Board.

14 "Librarian" means a teacher with an endorsement as a
15 library information specialist or another individual whose
16 primary responsibility is overseeing library resources
17 within an Organizational Unit.

18 "Limiting rate for Hybrid Districts" means the
19 combined elementary school and high school limiting rates.

20 "Local Capacity" is defined in paragraph (1) of
21 subsection (c) of this Section.

22 "Local Capacity Percentage" is defined in subparagraph
23 (A) of paragraph (2) of subsection (c) of this Section.

24 "Local Capacity Ratio" is defined in subparagraph (B)
25 of paragraph (2) of subsection (c) of this Section.

26 "Local Capacity Target" is defined in paragraph (2) of

1 subsection (c) of this Section.

2 "Low-Income Count" means, for an Organizational Unit
3 in a fiscal year, the higher of the average number of
4 students for the prior school year or the immediately
5 preceding 3 school years who, as of July 1 of the
6 immediately preceding fiscal year (as determined by the
7 Department of Human Services), are eligible for at least
8 one of the following low-income programs: Medicaid, the
9 Children's Health Insurance Program, Temporary Assistance
10 for Needy Families (TANF), or the Supplemental Nutrition
11 Assistance Program, excluding pupils who are eligible for
12 services provided by the Department of Children and Family
13 Services. Until such time that grade level low-income
14 populations become available, grade level low-income
15 populations shall be determined by applying the low-income
16 percentage to total student enrollments by grade level.
17 The low-income percentage is determined by dividing the
18 Low-Income Count by the Average Student Enrollment. The
19 low-income percentage for programs operated by a regional
20 office of education or an intermediate service center must
21 be set to the weighted average of the low-income
22 percentages of all of the school districts in the service
23 region. The weighted low-income percentage is the result
24 of multiplying the low-income percentage of each school
25 district served by the regional office of education or
26 intermediate service center by each school district's

1 Average Student Enrollment, summarizing those products and
2 dividing the total by the total Average Student Enrollment
3 for the service region.

4 "Maintenance and operations" means custodial services,
5 facility and ground maintenance, facility operations,
6 facility security, routine facility repairs, and other
7 similar services and functions.

8 "Minimum Funding Level" is defined in paragraph (9) of
9 subsection (g) of this Section.

10 "New Property Tax Relief Pool Funds" means, for any
11 given fiscal year, all State funds appropriated under
12 Section 2-3.170 of this Code.

13 "New State Funds" means, for a given school year, all
14 State funds appropriated for Evidence-Based Funding in
15 excess of the amount needed to fund the Base Funding
16 Minimum for all Organizational Units in that school year.

17 "Nurse" means an individual licensed as a certified
18 school nurse, in accordance with the rules established for
19 nursing services by the State Board, who is an employee of
20 and is available to provide health care-related services
21 for students of an Organizational Unit.

22 "Operating Tax Rate" means the rate utilized in the
23 previous year to extend property taxes for all purposes,
24 except Bond and Interest, Summer School, Rent, Capital
25 Improvement, and Vocational Education Building purposes.
26 For Hybrid Districts, the Operating Tax Rate shall be the

1 combined elementary and high school rates utilized in the
2 previous year to extend property taxes for all purposes,
3 except Bond and Interest, Summer School, Rent, Capital
4 Improvement, and Vocational Education Building purposes.

5 "Organizational Unit" means a Laboratory School or any
6 public school district that is recognized as such by the
7 State Board and that contains elementary schools typically
8 serving kindergarten through 5th grades, middle schools
9 typically serving 6th through 8th grades, high schools
10 typically serving 9th through 12th grades, a program
11 established under Section 2-3.66 or 2-3.41, or a program
12 operated by a regional office of education or an
13 intermediate service center under Article 13A or 13B. The
14 General Assembly acknowledges that the actual grade levels
15 served by a particular Organizational Unit may vary
16 slightly from what is typical.

17 "Organizational Unit CWI" is determined by calculating
18 the CWI in the region and original county in which an
19 Organizational Unit's primary administrative office is
20 located as set forth in this paragraph, provided that if
21 the Organizational Unit CWI as calculated in accordance
22 with this paragraph is less than 0.9, the Organizational
23 Unit CWI shall be increased to 0.9. Each county's current
24 CWI value shall be adjusted based on the CWI value of that
25 county's neighboring Illinois counties, to create a
26 "weighted adjusted index value". This shall be calculated

1 by summing the CWI values of all of a county's adjacent
2 Illinois counties and dividing by the number of adjacent
3 Illinois counties, then taking the weighted value of the
4 original county's CWI value and the adjacent Illinois
5 county average. To calculate this weighted value, if the
6 number of adjacent Illinois counties is greater than 2,
7 the original county's CWI value will be weighted at 0.25
8 and the adjacent Illinois county average will be weighted
9 at 0.75. If the number of adjacent Illinois counties is 2,
10 the original county's CWI value will be weighted at 0.33
11 and the adjacent Illinois county average will be weighted
12 at 0.66. The greater of the county's current CWI value and
13 its weighted adjusted index value shall be used as the
14 Organizational Unit CWI.

15 "Preceding Tax Year" means the property tax levy year
16 immediately preceding the Base Tax Year.

17 "Preceding Tax Year's Extension" means the product of
18 the equalized assessed valuation utilized by the county
19 clerk in the Preceding Tax Year multiplied by the
20 Operating Tax Rate.

21 "Preliminary Percent of Adequacy" is defined in
22 paragraph (2) of subsection (f) of this Section.

23 "Preliminary Resources" is defined in paragraph (2) of
24 subsection (f) of this Section.

25 "Principal" means a school administrator duly endorsed
26 to be employed as a principal in this State.

1 "Professional development" means training programs for
2 licensed staff in schools, including, but not limited to,
3 programs that assist in implementing new curriculum
4 programs, provide data focused or academic assessment data
5 training to help staff identify a student's weaknesses and
6 strengths, target interventions, improve instruction,
7 encompass instructional strategies for English learner,
8 gifted, or at-risk students, address inclusivity, cultural
9 sensitivity, or implicit bias, or otherwise provide
10 professional support for licensed staff.

11 "Prototypical" means 450 special education
12 pre-kindergarten and kindergarten through grade 5 students
13 for an elementary school, 450 grade 6 through 8 students
14 for a middle school, and 600 grade 9 through 12 students
15 for a high school.

16 "PTELL" means the Property Tax Extension Limitation
17 Law.

18 "PTELL EAV" is defined in paragraph (4) of subsection
19 (d) of this Section.

20 "Pupil support staff" means a nurse, psychologist,
21 social worker, family liaison personnel, or other staff
22 member who provides support to at-risk or struggling
23 students.

24 "Real Receipts" is defined in paragraph (1) of
25 subsection (d) of this Section.

26 "Regionalization Factor" means, for a particular

1 Organizational Unit, the figure derived by dividing the
2 Organizational Unit CWI by the Statewide Weighted CWI.

3 "School counselor" means a licensed school counselor
4 who provides guidance and counseling support for students
5 within an Organizational Unit.

6 "School site staff" means the primary school secretary
7 and any additional clerical personnel assigned to a
8 school.

9 "Special education" means special educational
10 facilities and services, as defined in Section 14-1.08 of
11 this Code.

12 "Special Education Allocation" means the amount of an
13 Organizational Unit's final Adequacy Target attributable
14 to special education divided by the Organizational Unit's
15 final Adequacy Target, the product of which shall be
16 multiplied by the amount of new funding received pursuant
17 to this Section. An Organizational Unit's final Adequacy
18 Target attributable to special education shall include all
19 special education investment adequacy elements.

20 "Specialist teacher" means a teacher who provides
21 instruction in subject areas not included in core
22 subjects, including, but not limited to, art, music,
23 physical education, health, driver education,
24 career-technical education, and such other subject areas
25 as may be mandated by State law or provided by an
26 Organizational Unit.

1 "Specially Funded Unit" means an Alternative School,
2 safe school, Department of Juvenile Justice school,
3 special education cooperative or entity recognized by the
4 State Board as a special education cooperative,
5 State-approved charter school, or alternative learning
6 opportunities program that received direct funding from
7 the State Board during the 2016-2017 school year through
8 any of the funding sources included within the calculation
9 of the Base Funding Minimum or Glenwood Academy.

10 "Supplemental Grant Funding" means supplemental
11 general State aid funding received by an Organizational
12 Unit during the 2016-2017 school year pursuant to
13 subsection (H) of Section 18-8.05 of this Code (now
14 repealed).

15 "State Adequacy Level" is the sum of the Adequacy
16 Targets of all Organizational Units.

17 "State Board" means the State Board of Education.

18 "State Superintendent" means the State Superintendent
19 of Education.

20 "Statewide Weighted CWI" means a figure determined by
21 multiplying each Organizational Unit CWI times the ASE for
22 that Organizational Unit creating a weighted value,
23 summing all Organizational Units' weighted values, and
24 dividing by the total ASE of all Organizational Units,
25 thereby creating an average weighted index.

26 "Student activities" means non-credit producing

1 after-school programs, including, but not limited to,
2 clubs, bands, sports, and other activities authorized by
3 the school board of the Organizational Unit.

4 "Substitute teacher" means an individual teacher or
5 teaching assistant who is employed by an Organizational
6 Unit and is temporarily serving the Organizational Unit on
7 a per diem or per period-assignment basis to replace
8 another staff member.

9 "Summer school" means academic and enrichment programs
10 provided to students during the summer months outside of
11 the regular school year.

12 "Supervisory aide" means a non-licensed staff member
13 who helps in supervising students of an Organizational
14 Unit, but does so outside of the classroom, in situations
15 such as, but not limited to, monitoring hallways and
16 playgrounds, supervising lunchrooms, or supervising
17 students when being transported in buses serving the
18 Organizational Unit.

19 "Target Ratio" is defined in paragraph (4) of
20 subsection (g).

21 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
22 in paragraph (3) of subsection (g).

23 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
24 Funding", "Tier 3 Aggregate Funding", and "Tier 4
25 Aggregate Funding" are defined in paragraph (1) of
26 subsection (g).

1 (b) Adequacy Target calculation.

2 (1) Each Organizational Unit's Adequacy Target is the
3 sum of the Organizational Unit's cost of providing
4 Essential Elements, as calculated in accordance with this
5 subsection (b), with the salary amounts in the Essential
6 Elements multiplied by a Regionalization Factor calculated
7 pursuant to paragraph (3) of this subsection (b).

8 (2) The Essential Elements are attributable on a pro
9 rata basis related to defined subgroups of the ASE of each
10 Organizational Unit as specified in this paragraph (2),
11 with investments and FTE positions pro rata funded based
12 on ASE counts in excess of or less than the thresholds set
13 forth in this paragraph (2). The method for calculating
14 attributable pro rata costs and the defined subgroups
15 thereto are as follows:

16 (A) Core class size investments. Each
17 Organizational Unit shall receive the funding required
18 to support that number of FTE core teacher positions
19 as is needed to keep the respective class sizes of the
20 Organizational Unit to the following maximum numbers:

21 (i) For grades kindergarten through 3, the
22 Organizational Unit shall receive funding required
23 to support one FTE core teacher position for every
24 15 Low-Income Count students in those grades and
25 one FTE core teacher position for every 20
26 non-Low-Income Count students in those grades.

1 (ii) For grades 4 through 12, the
2 Organizational Unit shall receive funding required
3 to support one FTE core teacher position for every
4 20 Low-Income Count students in those grades and
5 one FTE core teacher position for every 25
6 non-Low-Income Count students in those grades.

7 The number of non-Low-Income Count students in a
8 grade shall be determined by subtracting the
9 Low-Income students in that grade from the ASE of the
10 Organizational Unit for that grade.

11 (B) Specialist teacher investments. Each
12 Organizational Unit shall receive the funding needed
13 to cover that number of FTE specialist teacher
14 positions that correspond to the following
15 percentages:

16 (i) if the Organizational Unit operates an
17 elementary or middle school, then 20.00% of the
18 number of the Organizational Unit's core teachers,
19 as determined under subparagraph (A) of this
20 paragraph (2); and

21 (ii) if such Organizational Unit operates a
22 high school, then 33.33% of the number of the
23 Organizational Unit's core teachers.

24 (C) Instructional facilitator investments. Each
25 Organizational Unit shall receive the funding needed
26 to cover one FTE instructional facilitator position

1 for every 200 combined ASE of pre-kindergarten
2 children with disabilities and all kindergarten
3 through grade 12 students of the Organizational Unit.

4 (D) Core intervention teacher (tutor) investments.
5 Each Organizational Unit shall receive the funding
6 needed to cover one FTE teacher position for each
7 prototypical elementary, middle, and high school.

8 (E) Substitute teacher investments. Each
9 Organizational Unit shall receive the funding needed
10 to cover substitute teacher costs that is equal to
11 5.70% of the minimum pupil attendance days required
12 under Section 10-19 of this Code for all full-time
13 equivalent core, specialist, and intervention
14 teachers, school nurses, special education teachers
15 and instructional assistants, instructional
16 facilitators, and summer school and extended day
17 teacher positions, as determined under this paragraph
18 (2), at a salary rate of 33.33% of the average salary
19 for grade K through 12 teachers and 33.33% of the
20 average salary of each instructional assistant
21 position.

22 (F) Core school counselor investments. Each
23 Organizational Unit shall receive the funding needed
24 to cover one FTE school counselor for each 450
25 combined ASE of pre-kindergarten children with
26 disabilities and all kindergarten through grade 5

1 students, plus one FTE school counselor for each 250
2 grades 6 through 8 ASE middle school students, plus
3 one FTE school counselor for each 250 grades 9 through
4 12 ASE high school students.

5 (G) Nurse investments. Each Organizational Unit
6 shall receive the funding needed to cover one FTE
7 nurse for each 750 combined ASE of pre-kindergarten
8 children with disabilities and all kindergarten
9 through grade 12 students across all grade levels it
10 serves.

11 (H) Supervisory aide investments. Each
12 Organizational Unit shall receive the funding needed
13 to cover one FTE for each 225 combined ASE of
14 pre-kindergarten children with disabilities and all
15 kindergarten through grade 5 students, plus one FTE
16 for each 225 ASE middle school students, plus one FTE
17 for each 200 ASE high school students.

18 (I) Librarian investments. Each Organizational
19 Unit shall receive the funding needed to cover one FTE
20 librarian for each prototypical elementary school,
21 middle school, and high school and one FTE aide or
22 media technician for every 300 combined ASE of
23 pre-kindergarten children with disabilities and all
24 kindergarten through grade 12 students.

25 (J) Principal investments. Each Organizational
26 Unit shall receive the funding needed to cover one FTE

1 principal position for each prototypical elementary
2 school, plus one FTE principal position for each
3 prototypical middle school, plus one FTE principal
4 position for each prototypical high school.

5 (K) Assistant principal investments. Each
6 Organizational Unit shall receive the funding needed
7 to cover one FTE assistant principal position for each
8 prototypical elementary school, plus one FTE assistant
9 principal position for each prototypical middle
10 school, plus one FTE assistant principal position for
11 each prototypical high school.

12 (L) School site staff investments. Each
13 Organizational Unit shall receive the funding needed
14 for one FTE position for each 225 ASE of
15 pre-kindergarten children with disabilities and all
16 kindergarten through grade 5 students, plus one FTE
17 position for each 225 ASE middle school students, plus
18 one FTE position for each 200 ASE high school
19 students.

20 (M) Gifted investments. Each Organizational Unit
21 shall receive \$40 per kindergarten through grade 12
22 ASE.

23 (N) Professional development investments. Each
24 Organizational Unit shall receive \$125 per student of
25 the combined ASE of pre-kindergarten children with
26 disabilities and all kindergarten through grade 12

1 students for trainers and other professional
2 development-related expenses for supplies and
3 materials.

4 (O) Instructional material investments. Each
5 Organizational Unit shall receive \$190 per student of
6 the combined ASE of pre-kindergarten children with
7 disabilities and all kindergarten through grade 12
8 students to cover instructional material costs.

9 (P) Assessment investments. Each Organizational
10 Unit shall receive \$25 per student of the combined ASE
11 of pre-kindergarten children with disabilities and all
12 kindergarten through grade 12 students to cover
13 assessment costs.

14 (Q) Computer technology and equipment investments.
15 Each Organizational Unit shall receive \$285.50 per
16 student of the combined ASE of pre-kindergarten
17 children with disabilities and all kindergarten
18 through grade 12 students to cover computer technology
19 and equipment costs. For the 2018-2019 school year and
20 subsequent school years, Organizational Units assigned
21 to Tier 1 and Tier 2 in the prior school year shall
22 receive an additional \$285.50 per student of the
23 combined ASE of pre-kindergarten children with
24 disabilities and all kindergarten through grade 12
25 students to cover computer technology and equipment
26 costs in the Organizational Unit's Adequacy Target.

1 The State Board may establish additional requirements
2 for Organizational Unit expenditures of funds received
3 pursuant to this subparagraph (Q), including a
4 requirement that funds received pursuant to this
5 subparagraph (Q) may be used only for serving the
6 technology needs of the district. It is the intent of
7 Public Act 100-465 that all Tier 1 and Tier 2 districts
8 receive the addition to their Adequacy Target in the
9 following year, subject to compliance with the
10 requirements of the State Board.

11 (R) Student activities investments. Each
12 Organizational Unit shall receive the following
13 funding amounts to cover student activities: \$100 per
14 kindergarten through grade 5 ASE student in elementary
15 school, plus \$200 per ASE student in middle school,
16 plus \$675 per ASE student in high school.

17 (S) Maintenance and operations investments. Each
18 Organizational Unit shall receive \$1,038 per student
19 of the combined ASE of pre-kindergarten children with
20 disabilities and all kindergarten through grade 12
21 students for day-to-day maintenance and operations
22 expenditures, including salary, supplies, and
23 materials, as well as purchased services, but
24 excluding employee benefits. The proportion of salary
25 for the application of a Regionalization Factor and
26 the calculation of benefits is equal to \$352.92.

1 (T) Central office investments. Each
2 Organizational Unit shall receive \$742 per student of
3 the combined ASE of pre-kindergarten children with
4 disabilities and all kindergarten through grade 12
5 students to cover central office operations, including
6 administrators and classified personnel charged with
7 managing the instructional programs, business and
8 operations of the school district, and security
9 personnel. The proportion of salary for the
10 application of a Regionalization Factor and the
11 calculation of benefits is equal to \$368.48.

12 (U) Employee benefit investments. Each
13 Organizational Unit shall receive 30% of the total of
14 all salary-calculated elements of the Adequacy Target,
15 excluding substitute teachers and student activities
16 investments, to cover benefit costs. For central
17 office and maintenance and operations investments, the
18 benefit calculation shall be based upon the salary
19 proportion of each investment. If at any time the
20 responsibility for funding the employer normal cost of
21 teacher pensions is assigned to school districts, then
22 that amount certified by the Teachers' Retirement
23 System of the State of Illinois to be paid by the
24 Organizational Unit for the preceding school year
25 shall be added to the benefit investment. For any
26 fiscal year in which a school district organized under

1 Article 34 of this Code is responsible for paying the
2 employer normal cost of teacher pensions, then that
3 amount of its employer normal cost plus the amount for
4 retiree health insurance as certified by the Public
5 School Teachers' Pension and Retirement Fund of
6 Chicago to be paid by the school district for the
7 preceding school year that is statutorily required to
8 cover employer normal costs and the amount for retiree
9 health insurance shall be added to the 30% specified
10 in this subparagraph (U). The Teachers' Retirement
11 System of the State of Illinois and the Public School
12 Teachers' Pension and Retirement Fund of Chicago shall
13 submit such information as the State Superintendent
14 may require for the calculations set forth in this
15 subparagraph (U).

16 (V) Additional investments in low-income students.
17 In addition to and not in lieu of all other funding
18 under this paragraph (2), each Organizational Unit
19 shall receive funding based on the average teacher
20 salary for grades K through 12 to cover the costs of:

21 (i) one FTE intervention teacher (tutor)
22 position for every 125 Low-Income Count students;

23 (ii) one FTE pupil support staff position for
24 every 125 Low-Income Count students;

25 (iii) one FTE extended day teacher position
26 for every 120 Low-Income Count students; and

1 (iv) one FTE summer school teacher position
2 for every 120 Low-Income Count students.

3 (W) Additional investments in English learner
4 students. In addition to and not in lieu of all other
5 funding under this paragraph (2), each Organizational
6 Unit shall receive funding based on the average
7 teacher salary for grades K through 12 to cover the
8 costs of:

9 (i) one FTE intervention teacher (tutor)
10 position for every 125 English learner students;

11 (ii) one FTE pupil support staff position for
12 every 125 English learner students;

13 (iii) one FTE extended day teacher position
14 for every 120 English learner students;

15 (iv) one FTE summer school teacher position
16 for every 120 English learner students; and

17 (v) one FTE core teacher position for every
18 100 English learner students.

19 (X) Special education investments. Each
20 Organizational Unit shall receive funding based on the
21 average teacher salary for grades K through 12 to
22 cover special education as follows:

23 (i) one FTE teacher position for every 141
24 combined ASE of pre-kindergarten children with
25 disabilities and all kindergarten through grade 12
26 students;

1 (ii) one FTE instructional assistant for every
2 141 combined ASE of pre-kindergarten children with
3 disabilities and all kindergarten through grade 12
4 students; and

5 (iii) one FTE psychologist position for every
6 1,000 combined ASE of pre-kindergarten children
7 with disabilities and all kindergarten through
8 grade 12 students.

9 (3) For calculating the salaries included within the
10 Essential Elements, the State Superintendent shall
11 annually calculate average salaries to the nearest dollar
12 using the employment information system data maintained by
13 the State Board, limited to public schools only and
14 excluding special education and vocational cooperatives,
15 schools operated by the Department of Juvenile Justice,
16 and charter schools, for the following positions:

17 (A) Teacher for grades K through 8.

18 (B) Teacher for grades 9 through 12.

19 (C) Teacher for grades K through 12.

20 (D) School counselor for grades K through 8.

21 (E) School counselor for grades 9 through 12.

22 (F) School counselor for grades K through 12.

23 (G) Social worker.

24 (H) Psychologist.

25 (I) Librarian.

26 (J) Nurse.

1 (K) Principal.

2 (L) Assistant principal.

3 For the purposes of this paragraph (3), "teacher"
4 includes core teachers, specialist and elective teachers,
5 instructional facilitators, tutors, special education
6 teachers, pupil support staff teachers, English learner
7 teachers, extended day teachers, and summer school
8 teachers. Where specific grade data is not required for
9 the Essential Elements, the average salary for
10 corresponding positions shall apply. For substitute
11 teachers, the average teacher salary for grades K through
12 shall apply.

13 For calculating the salaries included within the
14 Essential Elements for positions not included within EIS
15 Data, the following salaries shall be used in the first
16 year of implementation of Evidence-Based Funding:

17 (i) school site staff, \$30,000; and

18 (ii) non-instructional assistant, instructional
19 assistant, library aide, library media tech, or
20 supervisory aide: \$25,000.

21 In the second and subsequent years of implementation
22 of Evidence-Based Funding, the amounts in items (i) and
23 (ii) of this paragraph (3) shall annually increase by the
24 ECI.

25 The salary amounts for the Essential Elements
26 determined pursuant to subparagraphs (A) through (L), (S)

1 and (T), and (V) through (X) of paragraph (2) of
2 subsection (b) of this Section shall be multiplied by a
3 Regionalization Factor.

4 (c) Local Capacity calculation.

5 (1) Each Organizational Unit's Local Capacity
6 represents an amount of funding it is assumed to
7 contribute toward its Adequacy Target for purposes of the
8 Evidence-Based Funding formula calculation. "Local
9 Capacity" means either (i) the Organizational Unit's Local
10 Capacity Target as calculated in accordance with paragraph
11 (2) of this subsection (c) if its Real Receipts are equal
12 to or less than its Local Capacity Target or (ii) the
13 Organizational Unit's Adjusted Local Capacity, as
14 calculated in accordance with paragraph (3) of this
15 subsection (c) if Real Receipts are more than its Local
16 Capacity Target.

17 (2) "Local Capacity Target" means, for an
18 Organizational Unit, that dollar amount that is obtained
19 by multiplying its Adequacy Target by its Local Capacity
20 Ratio.

21 (A) An Organizational Unit's Local Capacity
22 Percentage is the conversion of the Organizational
23 Unit's Local Capacity Ratio, as such ratio is
24 determined in accordance with subparagraph (B) of this
25 paragraph (2), into a cumulative distribution
26 resulting in a percentile ranking to determine each

1 Organizational Unit's relative position to all other
2 Organizational Units in this State. The calculation of
3 Local Capacity Percentage is described in subparagraph
4 (C) of this paragraph (2).

5 (B) An Organizational Unit's Local Capacity Ratio
6 in a given year is the percentage obtained by dividing
7 its Adjusted EAV or PTELL EAV, whichever is less, by
8 its Adequacy Target, with the resulting ratio further
9 adjusted as follows:

10 (i) for Organizational Units serving grades
11 kindergarten through 12 and Hybrid Districts, no
12 further adjustments shall be made;

13 (ii) for Organizational Units serving grades
14 kindergarten through 8, the ratio shall be
15 multiplied by 9/13;

16 (iii) for Organizational Units serving grades
17 9 through 12, the Local Capacity Ratio shall be
18 multiplied by 4/13; and

19 (iv) for an Organizational Unit with a
20 different grade configuration than those specified
21 in items (i) through (iii) of this subparagraph
22 (B), the State Superintendent shall determine a
23 comparable adjustment based on the grades served.

24 (C) The Local Capacity Percentage is equal to the
25 percentile ranking of the district. Local Capacity
26 Percentage converts each Organizational Unit's Local

1 Capacity Ratio to a cumulative distribution resulting
2 in a percentile ranking to determine each
3 Organizational Unit's relative position to all other
4 Organizational Units in this State. The Local Capacity
5 Percentage cumulative distribution resulting in a
6 percentile ranking for each Organizational Unit shall
7 be calculated using the standard normal distribution
8 of the score in relation to the weighted mean and
9 weighted standard deviation and Local Capacity Ratios
10 of all Organizational Units. If the value assigned to
11 any Organizational Unit is in excess of 90%, the value
12 shall be adjusted to 90%. For Laboratory Schools, the
13 Local Capacity Percentage shall be set at 10% in
14 recognition of the absence of EAV and resources from
15 the public university that are allocated to the
16 Laboratory School. For programs operated by a regional
17 office of education or an intermediate service center,
18 the Local Capacity Percentage must be set at 10% in
19 recognition of the absence of EAV and resources from
20 school districts that are allocated to the regional
21 office of education or intermediate service center.
22 The weighted mean for the Local Capacity Percentage
23 shall be determined by multiplying each Organizational
24 Unit's Local Capacity Ratio times the ASE for the unit
25 creating a weighted value, summing the weighted values
26 of all Organizational Units, and dividing by the total

1 ASE of all Organizational Units. The weighted standard
2 deviation shall be determined by taking the square
3 root of the weighted variance of all Organizational
4 Units' Local Capacity Ratio, where the variance is
5 calculated by squaring the difference between each
6 unit's Local Capacity Ratio and the weighted mean,
7 then multiplying the variance for each unit times the
8 ASE for the unit to create a weighted variance for each
9 unit, then summing all units' weighted variance and
10 dividing by the total ASE of all units.

11 (D) For any Organizational Unit, the
12 Organizational Unit's Adjusted Local Capacity Target
13 shall be reduced by either (i) the school board's
14 remaining contribution pursuant to paragraph (ii) of
15 subsection (b-4) of Section 16-158 of the Illinois
16 Pension Code in a given year or (ii) the board of
17 education's remaining contribution pursuant to
18 paragraph (iv) of subsection (b) of Section 17-129 of
19 the Illinois Pension Code absent the employer normal
20 cost portion of the required contribution and amount
21 allowed pursuant to subdivision (3) of Section
22 17-142.1 of the Illinois Pension Code in a given year.
23 In the preceding sentence, item (i) shall be certified
24 to the State Board of Education by the Teachers'
25 Retirement System of the State of Illinois and item
26 (ii) shall be certified to the State Board of

1 Education by the Public School Teachers' Pension and
2 Retirement Fund of the City of Chicago.

3 (3) If an Organizational Unit's Real Receipts are more
4 than its Local Capacity Target, then its Local Capacity
5 shall equal an Adjusted Local Capacity Target as
6 calculated in accordance with this paragraph (3). The
7 Adjusted Local Capacity Target is calculated as the sum of
8 the Organizational Unit's Local Capacity Target and its
9 Real Receipts Adjustment. The Real Receipts Adjustment
10 equals the Organizational Unit's Real Receipts less its
11 Local Capacity Target, with the resulting figure
12 multiplied by the Local Capacity Percentage.

13 As used in this paragraph (3), "Real Percent of
14 Adequacy" means the sum of an Organizational Unit's Real
15 Receipts, CPPRT, and Base Funding Minimum, with the
16 resulting figure divided by the Organizational Unit's
17 Adequacy Target.

18 (d) Calculation of Real Receipts, EAV, and Adjusted EAV
19 for purposes of the Local Capacity calculation.

20 (1) An Organizational Unit's Real Receipts are the
21 product of its Applicable Tax Rate and its Adjusted EAV.
22 An Organizational Unit's Applicable Tax Rate is its
23 Adjusted Operating Tax Rate for property within the
24 Organizational Unit.

25 (2) The State Superintendent shall calculate the
26 equalized assessed valuation, or EAV, of all taxable

1 property of each Organizational Unit as of September 30 of
2 the previous year in accordance with paragraph (3) of this
3 subsection (d). The State Superintendent shall then
4 determine the Adjusted EAV of each Organizational Unit in
5 accordance with paragraph (4) of this subsection (d),
6 which Adjusted EAV figure shall be used for the purposes
7 of calculating Local Capacity.

8 (3) To calculate Real Receipts and EAV, the Department
9 of Revenue shall supply to the State Superintendent the
10 value as equalized or assessed by the Department of
11 Revenue of all taxable property of every Organizational
12 Unit, together with (i) the applicable tax rate used in
13 extending taxes for the funds of the Organizational Unit
14 as of September 30 of the previous year and (ii) the
15 limiting rate for all Organizational Units subject to
16 property tax extension limitations as imposed under PTELL.

17 (A) The Department of Revenue shall add to the
18 equalized assessed value of all taxable property of
19 each Organizational Unit situated entirely or
20 partially within a county that is or was subject to the
21 provisions of Section 15-176 or 15-177 of the Property
22 Tax Code (i) an amount equal to the total amount by
23 which the homestead exemption allowed under Section
24 15-176 or 15-177 of the Property Tax Code for real
25 property situated in that Organizational Unit exceeds
26 the total amount that would have been allowed in that

1 Organizational Unit if the maximum reduction under
2 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
3 in all other counties in tax year 2003 or (II) \$5,000
4 in all counties in tax year 2004 and thereafter and
5 (ii) an amount equal to the aggregate amount for the
6 taxable year of all additional exemptions under
7 Section 15-175 of the Property Tax Code for owners
8 with a household income of \$30,000 or less. The county
9 clerk of any county that is or was subject to the
10 provisions of Section 15-176 or 15-177 of the Property
11 Tax Code shall annually calculate and certify to the
12 Department of Revenue for each Organizational Unit all
13 homestead exemption amounts under Section 15-176 or
14 15-177 of the Property Tax Code and all amounts of
15 additional exemptions under Section 15-175 of the
16 Property Tax Code for owners with a household income
17 of \$30,000 or less. It is the intent of this
18 subparagraph (A) that if the general homestead
19 exemption for a parcel of property is determined under
20 Section 15-176 or 15-177 of the Property Tax Code
21 rather than Section 15-175, then the calculation of
22 EAV shall not be affected by the difference, if any,
23 between the amount of the general homestead exemption
24 allowed for that parcel of property under Section
25 15-176 or 15-177 of the Property Tax Code and the
26 amount that would have been allowed had the general

1 homestead exemption for that parcel of property been
2 determined under Section 15-175 of the Property Tax
3 Code. It is further the intent of this subparagraph
4 (A) that if additional exemptions are allowed under
5 Section 15-175 of the Property Tax Code for owners
6 with a household income of less than \$30,000, then the
7 calculation of EAV shall not be affected by the
8 difference, if any, because of those additional
9 exemptions.

10 (B) With respect to any part of an Organizational
11 Unit within a redevelopment project area in respect to
12 which a municipality has adopted tax increment
13 allocation financing pursuant to the Tax Increment
14 Allocation Redevelopment Act, Division 74.4 of Article
15 11 of the Illinois Municipal Code, or the Industrial
16 Jobs Recovery Law, Division 74.6 of Article 11 of the
17 Illinois Municipal Code, no part of the current EAV of
18 real property located in any such project area that is
19 attributable to an increase above the total initial
20 EAV of such property shall be used as part of the EAV
21 of the Organizational Unit, until such time as all
22 redevelopment project costs have been paid, as
23 provided in Section 11-74.4-8 of the Tax Increment
24 Allocation Redevelopment Act or in Section 11-74.6-35
25 of the Industrial Jobs Recovery Law. For the purpose
26 of the EAV of the Organizational Unit, the total

1 initial EAV or the current EAV, whichever is lower,
2 shall be used until such time as all redevelopment
3 project costs have been paid.

4 (B-5) The real property equalized assessed
5 valuation for a school district shall be adjusted by
6 subtracting from the real property value, as equalized
7 or assessed by the Department of Revenue, for the
8 district an amount computed by dividing the amount of
9 any abatement of taxes under Section 18-170 of the
10 Property Tax Code by 3.00% for a district maintaining
11 grades kindergarten through 12, by 2.30% for a
12 district maintaining grades kindergarten through 8, or
13 by 1.05% for a district maintaining grades 9 through
14 12 and adjusted by an amount computed by dividing the
15 amount of any abatement of taxes under subsection (a)
16 of Section 18-165 of the Property Tax Code by the same
17 percentage rates for district type as specified in
18 this subparagraph (B-5).

19 (C) For Organizational Units that are Hybrid
20 Districts, the State Superintendent shall use the
21 lesser of the adjusted equalized assessed valuation
22 for property within the partial elementary unit
23 district for elementary purposes, as defined in
24 Article 11E of this Code, or the adjusted equalized
25 assessed valuation for property within the partial
26 elementary unit district for high school purposes, as

1 defined in Article 11E of this Code.

2 (D) If a school district's boundaries span
3 multiple counties, then the Department of Revenue
4 shall send to the State Board, for the purposes of
5 calculating Evidence-Based Funding, the limiting rate
6 and individual rates by purpose for the county that
7 contains the majority of the school district's
8 equalized assessed valuation.

9 (4) An Organizational Unit's Adjusted EAV shall be the
10 average of its EAV over the immediately preceding 3 years
11 or the lesser of its EAV in the immediately preceding year
12 or the average of its EAV over the immediately preceding 3
13 years if the EAV in the immediately preceding year has
14 declined by 10% or more when comparing the 2 most recent
15 years. In the event of Organizational Unit reorganization,
16 consolidation, or annexation, the Organizational Unit's
17 Adjusted EAV for the first 3 years after such change shall
18 be as follows: the most current EAV shall be used in the
19 first year, the average of a 2-year EAV or its EAV in the
20 immediately preceding year if the EAV declines by 10% or
21 more when comparing the 2 most recent years for the second
22 year, and the lesser of a 3-year average EAV or its EAV in
23 the immediately preceding year if the Adjusted EAV
24 declines by 10% or more when comparing the 2 most recent
25 years for the third year. For any school district whose
26 EAV in the immediately preceding year is used in

1 calculations, in the following year, the Adjusted EAV
2 shall be the average of its EAV over the immediately
3 preceding 2 years or the immediately preceding year if
4 that year represents a decline of 10% or more when
5 comparing the 2 most recent years.

6 "PTELL EAV" means a figure calculated by the State
7 Board for Organizational Units subject to PTELL as
8 described in this paragraph (4) for the purposes of
9 calculating an Organizational Unit's Local Capacity Ratio.
10 Except as otherwise provided in this paragraph (4), the
11 PTELL EAV of an Organizational Unit shall be equal to the
12 product of the equalized assessed valuation last used in
13 the calculation of general State aid under Section 18-8.05
14 of this Code (now repealed) or Evidence-Based Funding
15 under this Section and the Organizational Unit's Extension
16 Limitation Ratio. If an Organizational Unit has approved
17 or does approve an increase in its limiting rate, pursuant
18 to Section 18-190 of the Property Tax Code, affecting the
19 Base Tax Year, the PTELL EAV shall be equal to the product
20 of the equalized assessed valuation last used in the
21 calculation of general State aid under Section 18-8.05 of
22 this Code (now repealed) or Evidence-Based Funding under
23 this Section multiplied by an amount equal to one plus the
24 percentage increase, if any, in the Consumer Price Index
25 for All Urban Consumers for all items published by the
26 United States Department of Labor for the 12-month

1 calendar year preceding the Base Tax Year, plus the
2 equalized assessed valuation of new property, annexed
3 property, and recovered tax increment value and minus the
4 equalized assessed valuation of disconnected property.

5 As used in this paragraph (4), "new property" and
6 "recovered tax increment value" shall have the meanings
7 set forth in the Property Tax Extension Limitation Law.

8 (e) Base Funding Minimum calculation.

9 (1) For the 2017-2018 school year, the Base Funding
10 Minimum of an Organizational Unit or a Specially Funded
11 Unit shall be the amount of State funds distributed to the
12 Organizational Unit or Specially Funded Unit during the
13 2016-2017 school year prior to any adjustments and
14 specified appropriation amounts described in this
15 paragraph (1) from the following Sections, as calculated
16 by the State Superintendent: Section 18-8.05 of this Code
17 (now repealed); Section 5 of Article 224 of Public Act
18 99-524 (equity grants); Section 14-7.02b of this Code
19 (funding for children requiring special education
20 services); Section 14-13.01 of this Code (special
21 education facilities and staffing), except for
22 reimbursement of the cost of transportation pursuant to
23 Section 14-13.01; Section 14C-12 of this Code (English
24 learners); and Section 18-4.3 of this Code (summer
25 school), based on an appropriation level of \$13,121,600.
26 For a school district organized under Article 34 of this

1 Code, the Base Funding Minimum also includes (i) the funds
2 allocated to the school district pursuant to Section 1D-1
3 of this Code attributable to funding programs authorized
4 by the Sections of this Code listed in the preceding
5 sentence and (ii) the difference between (I) the funds
6 allocated to the school district pursuant to Section 1D-1
7 of this Code attributable to the funding programs
8 authorized by Section 14-7.02 (non-public special
9 education reimbursement), subsection (b) of Section
10 14-13.01 (special education transportation), Section 29-5
11 (transportation), Section 2-3.80 (agricultural
12 education), Section 2-3.66 (truants' alternative
13 education), Section 2-3.62 (educational service centers),
14 and Section 14-7.03 (special education - orphanage) of
15 this Code and Section 15 of the Childhood Hunger Relief
16 Act (free breakfast program) and (II) the school
17 district's actual expenditures for its non-public special
18 education, special education transportation,
19 transportation programs, agricultural education, truants'
20 alternative education, services that would otherwise be
21 performed by a regional office of education, special
22 education orphanage expenditures, and free breakfast, as
23 most recently calculated and reported pursuant to
24 subsection (f) of Section 1D-1 of this Code. The Base
25 Funding Minimum for Glenwood Academy shall be \$625,500.
26 For programs operated by a regional office of education or

1 an intermediate service center, the Base Funding Minimum
2 must be the total amount of State funds allocated to those
3 programs in the 2018-2019 school year and amounts provided
4 pursuant to Article 34 of Public Act 100-586 and Section
5 3-16 of this Code. All programs established after June 5,
6 2019 (the effective date of Public Act 101-10) and
7 administered by a regional office of education or an
8 intermediate service center must have an initial Base
9 Funding Minimum set to an amount equal to the first-year
10 ASE multiplied by the amount of per pupil funding received
11 in the previous school year by the lowest funded similar
12 existing program type. If the enrollment for a program
13 operated by a regional office of education or an
14 intermediate service center is zero, then it may not
15 receive Base Funding Minimum funds for that program in the
16 next fiscal year, and those funds must be distributed to
17 Organizational Units under subsection (g).

18 (2) For the 2018-2019 and subsequent school years, the
19 Base Funding Minimum of Organizational Units and Specially
20 Funded Units shall be the sum of (i) the amount of
21 Evidence-Based Funding for the prior school year, (ii) the
22 Base Funding Minimum for the prior school year, and (iii)
23 any amount received by a school district pursuant to
24 Section 7 of Article 97 of Public Act 100-21.

25 For the 2022-2023 school year, the Base Funding
26 Minimum of Organizational Units shall be the amounts

1 recalculated by the State Board of Education for Fiscal
2 Year 2019 through Fiscal Year 2022 that were necessary due
3 to average student enrollment errors for districts
4 organized under Article 34 of this Code, plus the Fiscal
5 Year 2022 property tax relief grants provided under
6 Section 2-3.170 of this Code, ensuring each Organizational
7 Unit has the correct amount of resources for Fiscal Year
8 2023 Evidence-Based Funding calculations and that Fiscal
9 Year 2023 Evidence-Based Funding Distributions are made in
10 accordance with this Section.

11 (3) Subject to approval by the General Assembly as
12 provided in this paragraph (3), an Organizational Unit
13 that meets all of the following criteria, as determined by
14 the State Board, shall have District Intervention Money
15 added to its Base Funding Minimum at the time the Base
16 Funding Minimum is calculated by the State Board:

17 (A) The Organizational Unit is operating under an
18 Independent Authority under Section 2-3.25f-5 of this
19 Code for a minimum of 4 school years or is subject to
20 the control of the State Board pursuant to a court
21 order for a minimum of 4 school years.

22 (B) The Organizational Unit was designated as a
23 Tier 1 or Tier 2 Organizational Unit in the previous
24 school year under paragraph (3) of subsection (g) of
25 this Section.

26 (C) The Organizational Unit demonstrates

1 sustainability through a 5-year financial and
2 strategic plan.

3 (D) The Organizational Unit has made sufficient
4 progress and achieved sufficient stability in the
5 areas of governance, academic growth, and finances.

6 As part of its determination under this paragraph (3),
7 the State Board may consider the Organizational Unit's
8 summative designation, any accreditations of the
9 Organizational Unit, or the Organizational Unit's
10 financial profile, as calculated by the State Board.

11 If the State Board determines that an Organizational
12 Unit has met the criteria set forth in this paragraph (3),
13 it must submit a report to the General Assembly, no later
14 than January 2 of the fiscal year in which the State Board
15 makes its determination, on the amount of District
16 Intervention Money to add to the Organizational Unit's
17 Base Funding Minimum. The General Assembly must review the
18 State Board's report and may approve or disapprove, by
19 joint resolution, the addition of District Intervention
20 Money. If the General Assembly fails to act on the report
21 within 40 calendar days from the receipt of the report,
22 the addition of District Intervention Money is deemed
23 approved. If the General Assembly approves the amount of
24 District Intervention Money to be added to the
25 Organizational Unit's Base Funding Minimum, the District
26 Intervention Money must be added to the Base Funding

1 Minimum annually thereafter.

2 For the first 4 years following the initial year that
3 the State Board determines that an Organizational Unit has
4 met the criteria set forth in this paragraph (3) and has
5 received funding under this Section, the Organizational
6 Unit must annually submit to the State Board, on or before
7 November 30, a progress report regarding its financial and
8 strategic plan under subparagraph (C) of this paragraph
9 (3). The plan shall include the financial data from the
10 past 4 annual financial reports or financial audits that
11 must be presented to the State Board by November 15 of each
12 year and the approved budget financial data for the
13 current year. The plan shall be developed according to the
14 guidelines presented to the Organizational Unit by the
15 State Board. The plan shall further include financial
16 projections for the next 3 fiscal years and include a
17 discussion and financial summary of the Organizational
18 Unit's facility needs. If the Organizational Unit does not
19 demonstrate sufficient progress toward its 5-year plan or
20 if it has failed to file an annual financial report, an
21 annual budget, a financial plan, a deficit reduction plan,
22 or other financial information as required by law, the
23 State Board may establish a Financial Oversight Panel
24 under Article 1H of this Code. However, if the
25 Organizational Unit already has a Financial Oversight
26 Panel, the State Board may extend the duration of the

1 Panel.

2 (f) Percent of Adequacy and Final Resources calculation.

3 (1) The Evidence-Based Funding formula establishes a
4 Percent of Adequacy for each Organizational Unit in order
5 to place such units into tiers for the purposes of the
6 funding distribution system described in subsection (g) of
7 this Section. Initially, an Organizational Unit's
8 Preliminary Resources and Preliminary Percent of Adequacy
9 are calculated pursuant to paragraph (2) of this
10 subsection (f). Then, an Organizational Unit's Final
11 Resources and Final Percent of Adequacy are calculated to
12 account for the Organizational Unit's poverty
13 concentration levels pursuant to paragraphs (3) and (4) of
14 this subsection (f).

15 (2) An Organizational Unit's Preliminary Resources are
16 equal to the sum of its Local Capacity Target, CPPRT, and
17 Base Funding Minimum. An Organizational Unit's Preliminary
18 Percent of Adequacy is the lesser of (i) its Preliminary
19 Resources divided by its Adequacy Target or (ii) 100%.

20 (3) Except for Specially Funded Units, an
21 Organizational Unit's Final Resources are equal to the sum
22 of its Local Capacity, CPPRT, and Adjusted Base Funding
23 Minimum. The Base Funding Minimum of each Specially Funded
24 Unit shall serve as its Final Resources, except that the
25 Base Funding Minimum for State-approved charter schools
26 shall not include any portion of general State aid

1 allocated in the prior year based on the per capita
2 tuition charge times the charter school enrollment.

3 (4) An Organizational Unit's Final Percent of Adequacy
4 is its Final Resources divided by its Adequacy Target. An
5 Organizational Unit's Adjusted Base Funding Minimum is
6 equal to its Base Funding Minimum less its Supplemental
7 Grant Funding, with the resulting figure added to the
8 product of its Supplemental Grant Funding and Preliminary
9 Percent of Adequacy.

10 (g) Evidence-Based Funding formula distribution system.

11 (1) In each school year under the Evidence-Based
12 Funding formula, each Organizational Unit receives funding
13 equal to the sum of its Base Funding Minimum and the unit's
14 allocation of New State Funds determined pursuant to this
15 subsection (g). To allocate New State Funds, the
16 Evidence-Based Funding formula distribution system first
17 places all Organizational Units into one of 4 tiers in
18 accordance with paragraph (3) of this subsection (g),
19 based on the Organizational Unit's Final Percent of
20 Adequacy. New State Funds are allocated to each of the 4
21 tiers as follows: Tier 1 Aggregate Funding equals 50% of
22 all New State Funds, Tier 2 Aggregate Funding equals 49%
23 of all New State Funds, Tier 3 Aggregate Funding equals
24 0.9% of all New State Funds, and Tier 4 Aggregate Funding
25 equals 0.1% of all New State Funds. Each Organizational
26 Unit within Tier 1 or Tier 2 receives an allocation of New

1 State Funds equal to its tier Funding Gap, as defined in
2 the following sentence, multiplied by the tier's
3 Allocation Rate determined pursuant to paragraph (4) of
4 this subsection (g). For Tier 1, an Organizational Unit's
5 Funding Gap equals the tier's Target Ratio, as specified
6 in paragraph (5) of this subsection (g), multiplied by the
7 Organizational Unit's Adequacy Target, with the resulting
8 amount reduced by the Organizational Unit's Final
9 Resources. For Tier 2, an Organizational Unit's Funding
10 Gap equals the tier's Target Ratio, as described in
11 paragraph (5) of this subsection (g), multiplied by the
12 Organizational Unit's Adequacy Target, with the resulting
13 amount reduced by the Organizational Unit's Final
14 Resources and its Tier 1 funding allocation. To determine
15 the Organizational Unit's Funding Gap, the resulting
16 amount is then multiplied by a factor equal to one minus
17 the Organizational Unit's Local Capacity Target
18 percentage. Each Organizational Unit within Tier 3 or Tier
19 4 receives an allocation of New State Funds equal to the
20 product of its Adequacy Target and the tier's Allocation
21 Rate, as specified in paragraph (4) of this subsection
22 (g).

23 (2) To ensure equitable distribution of dollars for
24 all Tier 2 Organizational Units, no Tier 2 Organizational
25 Unit shall receive fewer dollars per ASE than any Tier 3
26 Organizational Unit. Each Tier 2 and Tier 3 Organizational

1 Unit shall have its funding allocation divided by its ASE.
2 Any Tier 2 Organizational Unit with a funding allocation
3 per ASE below the greatest Tier 3 allocation per ASE shall
4 get a funding allocation equal to the greatest Tier 3
5 funding allocation per ASE multiplied by the
6 Organizational Unit's ASE. Each Tier 2 Organizational
7 Unit's Tier 2 funding allocation shall be multiplied by
8 the percentage calculated by dividing the original Tier 2
9 Aggregate Funding by the sum of all Tier 2 Organizational
10 Units' Tier 2 funding allocation after adjusting
11 districts' funding below Tier 3 levels.

12 (3) Organizational Units are placed into one of 4
13 tiers as follows:

14 (A) Tier 1 consists of all Organizational Units,
15 except for Specially Funded Units, with a Percent of
16 Adequacy less than the Tier 1 Target Ratio. The Tier 1
17 Target Ratio is the ratio level that allows for Tier 1
18 Aggregate Funding to be distributed, with the Tier 1
19 Allocation Rate determined pursuant to paragraph (4)
20 of this subsection (g).

21 (B) Tier 2 consists of all Tier 1 Units and all
22 other Organizational Units, except for Specially
23 Funded Units, with a Percent of Adequacy of less than
24 0.90.

25 (C) Tier 3 consists of all Organizational Units,
26 except for Specially Funded Units, with a Percent of

1 Adequacy of at least 0.90 and less than 1.0.

2 (D) Tier 4 consists of all Organizational Units
3 with a Percent of Adequacy of at least 1.0.

4 (4) The Allocation Rates for Tiers 1 through 4 are
5 determined as follows:

6 (A) The Tier 1 Allocation Rate is 30%.

7 (B) The Tier 2 Allocation Rate is the result of the
8 following equation: Tier 2 Aggregate Funding, divided
9 by the sum of the Funding Gaps for all Tier 2
10 Organizational Units, unless the result of such
11 equation is higher than 1.0. If the result of such
12 equation is higher than 1.0, then the Tier 2
13 Allocation Rate is 1.0.

14 (C) The Tier 3 Allocation Rate is the result of the
15 following equation: Tier 3 Aggregate Funding, divided
16 by the sum of the Adequacy Targets of all Tier 3
17 Organizational Units.

18 (D) The Tier 4 Allocation Rate is the result of the
19 following equation: Tier 4 Aggregate Funding, divided
20 by the sum of the Adequacy Targets of all Tier 4
21 Organizational Units.

22 (5) A tier's Target Ratio is determined as follows:

23 (A) The Tier 1 Target Ratio is the ratio level that
24 allows for Tier 1 Aggregate Funding to be distributed
25 with the Tier 1 Allocation Rate.

26 (B) The Tier 2 Target Ratio is 0.90.

1 (C) The Tier 3 Target Ratio is 1.0.

2 (6) If, at any point, the Tier 1 Target Ratio is
3 greater than 90%, then all Tier 1 funding shall be
4 allocated to Tier 2 and no Tier 1 Organizational Unit's
5 funding may be identified.

6 (7) In the event that all Tier 2 Organizational Units
7 receive funding at the Tier 2 Target Ratio level, any
8 remaining New State Funds shall be allocated to Tier 3 and
9 Tier 4 Organizational Units.

10 (8) If any Specially Funded Units, excluding Glenwood
11 Academy, recognized by the State Board do not qualify for
12 direct funding following the implementation of Public Act
13 100-465 from any of the funding sources included within
14 the definition of Base Funding Minimum, the unqualified
15 portion of the Base Funding Minimum shall be transferred
16 to one or more appropriate Organizational Units as
17 determined by the State Superintendent based on the prior
18 year ASE of the Organizational Units.

19 (8.5) If a school district withdraws from a special
20 education cooperative, the portion of the Base Funding
21 Minimum that is attributable to the school district may be
22 redistributed to the school district upon withdrawal. The
23 school district and the cooperative must include the
24 amount of the Base Funding Minimum that is to be
25 reapportioned in their withdrawal agreement and notify the
26 State Board of the change with a copy of the agreement upon

1 withdrawal.

2 (9) The Minimum Funding Level is intended to establish
3 a target for State funding that will keep pace with
4 inflation and continue to advance equity through the
5 Evidence-Based Funding formula. The target for State
6 funding of New Property Tax Relief Pool Funds is
7 \$50,000,000 for State fiscal year 2019 and subsequent
8 State fiscal years. The Minimum Funding Level is equal to
9 \$350,000,000. In addition to any New State Funds, no more
10 than \$50,000,000 New Property Tax Relief Pool Funds may be
11 counted toward the Minimum Funding Level. If the sum of
12 New State Funds and applicable New Property Tax Relief
13 Pool Funds are less than the Minimum Funding Level, than
14 funding for tiers shall be reduced in the following
15 manner:

16 (A) First, Tier 4 funding shall be reduced by an
17 amount equal to the difference between the Minimum
18 Funding Level and New State Funds until such time as
19 Tier 4 funding is exhausted.

20 (B) Next, Tier 3 funding shall be reduced by an
21 amount equal to the difference between the Minimum
22 Funding Level and New State Funds and the reduction in
23 Tier 4 funding until such time as Tier 3 funding is
24 exhausted.

25 (C) Next, Tier 2 funding shall be reduced by an
26 amount equal to the difference between the Minimum

1 Funding Level and New State Funds and the reduction in
2 Tier 4 and Tier 3.

3 (D) Finally, Tier 1 funding shall be reduced by an
4 amount equal to the difference between the Minimum
5 Funding level and New State Funds and the reduction in
6 Tier 2, 3, and 4 funding. In addition, the Allocation
7 Rate for Tier 1 shall be reduced to a percentage equal
8 to the Tier 1 Allocation Rate set by paragraph (4) of
9 this subsection (g), multiplied by the result of New
10 State Funds divided by the Minimum Funding Level.

11 (9.5) For State fiscal year 2019 and subsequent State
12 fiscal years, if New State Funds exceed \$300,000,000, then
13 any amount in excess of \$300,000,000 shall be dedicated
14 for purposes of Section 2-3.170 of this Code up to a
15 maximum of \$50,000,000.

16 (10) In the event of a decrease in the amount of the
17 appropriation for this Section in any fiscal year after
18 implementation of this Section, the Organizational Units
19 receiving Tier 1 and Tier 2 funding, as determined under
20 paragraph (3) of this subsection (g), shall be held
21 harmless by establishing a Base Funding Guarantee equal to
22 the per pupil kindergarten through grade 12 funding
23 received in accordance with this Section in the prior
24 fiscal year. Reductions shall be made to the Base Funding
25 Minimum of Organizational Units in Tier 3 and Tier 4 on a
26 per pupil basis equivalent to the total number of the ASE

1 in Tier 3-funded and Tier 4-funded Organizational Units
2 divided by the total reduction in State funding. The Base
3 Funding Minimum as reduced shall continue to be applied to
4 Tier 3 and Tier 4 Organizational Units and adjusted by the
5 relative formula when increases in appropriations for this
6 Section resume. In no event may State funding reductions
7 to Organizational Units in Tier 3 or Tier 4 exceed an
8 amount that would be less than the Base Funding Minimum
9 established in the first year of implementation of this
10 Section. If additional reductions are required, all school
11 districts shall receive a reduction by a per pupil amount
12 equal to the aggregate additional appropriation reduction
13 divided by the total ASE of all Organizational Units.

14 (11) The State Superintendent shall make minor
15 adjustments to the distribution formula set forth in this
16 subsection (g) to account for the rounding of percentages
17 to the nearest tenth of a percentage and dollar amounts to
18 the nearest whole dollar.

19 (h) State Superintendent administration of funding and
20 district submission requirements.

21 (1) The State Superintendent shall, in accordance with
22 appropriations made by the General Assembly, meet the
23 funding obligations created under this Section.

24 (2) The State Superintendent shall calculate the
25 Adequacy Target for each Organizational Unit under this
26 Section. No Evidence-Based Funding shall be distributed

1 within an Organizational Unit without the approval of the
2 unit's school board.

3 (3) Annually, the State Superintendent shall calculate
4 and report to each Organizational Unit the unit's
5 aggregate financial adequacy amount, which shall be the
6 sum of the Adequacy Target for each Organizational Unit.
7 The State Superintendent shall calculate and report
8 separately for each Organizational Unit the unit's total
9 State funds allocated for its students with disabilities.
10 The State Superintendent shall calculate and report
11 separately for each Organizational Unit the amount of
12 funding and applicable FTE calculated for each Essential
13 Element of the unit's Adequacy Target.

14 (4) Annually, the State Superintendent shall calculate
15 and report to each Organizational Unit the amount the unit
16 must expend on special education and bilingual education
17 and computer technology and equipment for Organizational
18 Units assigned to Tier 1 or Tier 2 that received an
19 additional \$285.50 per student computer technology and
20 equipment investment grant to their Adequacy Target
21 pursuant to the unit's Base Funding Minimum, Special
22 Education Allocation, Bilingual Education Allocation, and
23 computer technology and equipment investment allocation.

24 (5) Moneys distributed under this Section shall be
25 calculated on a school year basis, but paid on a fiscal
26 year basis, with payments beginning in August and

1 extending through June. Unless otherwise provided, the
2 moneys appropriated for each fiscal year shall be
3 distributed in 22 equal payments at least 2 times monthly
4 to each Organizational Unit. If moneys appropriated for
5 any fiscal year are distributed other than monthly, the
6 distribution shall be on the same basis for each
7 Organizational Unit.

8 (6) Any school district that fails, for any given
9 school year, to maintain school as required by law or to
10 maintain a recognized school is not eligible to receive
11 Evidence-Based Funding. In case of non-recognition of one
12 or more attendance centers in a school district otherwise
13 operating recognized schools, the claim of the district
14 shall be reduced in the proportion that the enrollment in
15 the attendance center or centers bears to the enrollment
16 of the school district. "Recognized school" means any
17 public school that meets the standards for recognition by
18 the State Board. A school district or attendance center
19 not having recognition status at the end of a school term
20 is entitled to receive State aid payments due upon a legal
21 claim that was filed while it was recognized.

22 (7) School district claims filed under this Section
23 are subject to Sections 18-9 and 18-12 of this Code,
24 except as otherwise provided in this Section.

25 (8) Each fiscal year, the State Superintendent shall
26 calculate for each Organizational Unit an amount of its

1 Base Funding Minimum and Evidence-Based Funding that shall
2 be deemed attributable to the provision of special
3 educational facilities and services, as defined in Section
4 14-1.08 of this Code, in a manner that ensures compliance
5 with maintenance of State financial support requirements
6 under the federal Individuals with Disabilities Education
7 Act. An Organizational Unit must use such funds only for
8 the provision of special educational facilities and
9 services, as defined in Section 14-1.08 of this Code, and
10 must comply with any expenditure verification procedures
11 adopted by the State Board.

12 (9) All Organizational Units in this State must submit
13 annual spending plans by the end of September of each year
14 to the State Board as part of the annual budget process,
15 which shall describe how each Organizational Unit will
16 utilize the Base Funding Minimum and Evidence-Based
17 Funding it receives from this State under this Section
18 with specific identification of the intended utilization
19 of Low-Income, English learner, and special education
20 resources. Additionally, the annual spending plans of each
21 Organizational Unit shall describe how the Organizational
22 Unit expects to achieve student growth and how the
23 Organizational Unit will achieve State education goals, as
24 defined by the State Board. The State Superintendent may,
25 from time to time, identify additional requisites for
26 Organizational Units to satisfy when compiling the annual

1 spending plans required under this subsection (h). The
2 format and scope of annual spending plans shall be
3 developed by the State Superintendent and the State Board
4 of Education. School districts that serve students under
5 Article 14C of this Code shall continue to submit
6 information as required under Section 14C-12 of this Code.

7 (10) No later than January 1, 2018, the State
8 Superintendent shall develop a 5-year strategic plan for
9 all Organizational Units to help in planning for adequacy
10 funding under this Section. The State Superintendent shall
11 submit the plan to the Governor and the General Assembly,
12 as provided in Section 3.1 of the General Assembly
13 Organization Act. The plan shall include recommendations
14 for:

15 (A) a framework for collaborative, professional,
16 innovative, and 21st century learning environments
17 using the Evidence-Based Funding model;

18 (B) ways to prepare and support this State's
19 educators for successful instructional careers;

20 (C) application and enhancement of the current
21 financial accountability measures, the approved State
22 plan to comply with the federal Every Student Succeeds
23 Act, and the Illinois Balanced Accountability Measures
24 in relation to student growth and elements of the
25 Evidence-Based Funding model; and

26 (D) implementation of an effective school adequacy

1 funding system based on projected and recommended
2 funding levels from the General Assembly.

3 (11) On an annual basis, the State Superintendent must
4 recalibrate all of the following per pupil elements of the
5 Adequacy Target and applied to the formulas, based on the
6 study of average expenses and as reported in the most
7 recent annual financial report:

8 (A) Gifted under subparagraph (M) of paragraph (2)
9 of subsection (b).

10 (B) Instructional materials under subparagraph (O)
11 of paragraph (2) of subsection (b).

12 (C) Assessment under subparagraph (P) of paragraph
13 (2) of subsection (b).

14 (D) Student activities under subparagraph (R) of
15 paragraph (2) of subsection (b).

16 (E) Maintenance and operations under subparagraph
17 (S) of paragraph (2) of subsection (b).

18 (F) Central office under subparagraph (T) of
19 paragraph (2) of subsection (b).

20 (i) Professional Review Panel.

21 (1) A Professional Review Panel is created to study
22 and review topics related to the implementation and effect
23 of Evidence-Based Funding, as assigned by a joint
24 resolution or Public Act of the General Assembly or a
25 motion passed by the State Board of Education. The Panel
26 must provide recommendations to and serve the Governor,

1 the General Assembly, and the State Board. The State
2 Superintendent or his or her designee must serve as a
3 voting member and chairperson of the Panel. The State
4 Superintendent must appoint a vice chairperson from the
5 membership of the Panel. The Panel must advance
6 recommendations based on a three-fifths majority vote of
7 Panel members present and voting. A minority opinion may
8 also accompany any recommendation of the Panel. The Panel
9 shall be appointed by the State Superintendent, except as
10 otherwise provided in paragraph (2) of this subsection (i)
11 and include the following members:

12 (A) Two appointees that represent district
13 superintendents, recommended by a statewide
14 organization that represents district superintendents.

15 (B) Two appointees that represent school boards,
16 recommended by a statewide organization that
17 represents school boards.

18 (C) Two appointees from districts that represent
19 school business officials, recommended by a statewide
20 organization that represents school business
21 officials.

22 (D) Two appointees that represent school
23 principals, recommended by a statewide organization
24 that represents school principals.

25 (E) Two appointees that represent teachers,
26 recommended by a statewide organization that

1 represents teachers.

2 (F) Two appointees that represent teachers,
3 recommended by another statewide organization that
4 represents teachers.

5 (G) Two appointees that represent regional
6 superintendents of schools, recommended by
7 organizations that represent regional superintendents.

8 (H) Two independent experts selected solely by the
9 State Superintendent.

10 (I) Two independent experts recommended by public
11 universities in this State.

12 (J) One member recommended by a statewide
13 organization that represents parents.

14 (K) Two representatives recommended by collective
15 impact organizations that represent major metropolitan
16 areas or geographic areas in Illinois.

17 (L) One member from a statewide organization
18 focused on research-based education policy to support
19 a school system that prepares all students for
20 college, a career, and democratic citizenship.

21 (M) One representative from a school district
22 organized under Article 34 of this Code.

23 The State Superintendent shall ensure that the
24 membership of the Panel includes representatives from
25 school districts and communities reflecting the
26 geographic, socio-economic, racial, and ethnic diversity

1 of this State. The State Superintendent shall additionally
2 ensure that the membership of the Panel includes
3 representatives with expertise in bilingual education and
4 special education. Staff from the State Board shall staff
5 the Panel.

6 (2) In addition to those Panel members appointed by
7 the State Superintendent, 4 members of the General
8 Assembly shall be appointed as follows: one member of the
9 House of Representatives appointed by the Speaker of the
10 House of Representatives, one member of the Senate
11 appointed by the President of the Senate, one member of
12 the House of Representatives appointed by the Minority
13 Leader of the House of Representatives, and one member of
14 the Senate appointed by the Minority Leader of the Senate.
15 There shall be one additional member appointed by the
16 Governor. All members appointed by legislative leaders or
17 the Governor shall be non-voting, ex officio members.

18 (3) The Panel must study topics at the direction of
19 the General Assembly or State Board of Education, as
20 provided under paragraph (1). The Panel may also study the
21 following topics at the direction of the chairperson:

22 (A) The format and scope of annual spending plans
23 referenced in paragraph (9) of subsection (h) of this
24 Section.

25 (B) The Comparable Wage Index under this Section.

26 (C) Maintenance and operations, including capital

1 maintenance and construction costs.

2 (D) "At-risk student" definition.

3 (E) Benefits.

4 (F) Technology.

5 (G) Local Capacity Target.

6 (H) Funding for Alternative Schools, Laboratory
7 Schools, safe schools, and alternative learning
8 opportunities programs.

9 (I) Funding for college and career acceleration
10 strategies.

11 (J) Special education investments.

12 (K) Early childhood investments, in collaboration
13 with the Illinois Early Learning Council.

14 (4) (Blank).

15 (5) Within 5 years after the implementation of this
16 Section, and every 5 years thereafter, the Panel shall
17 complete an evaluative study of the entire Evidence-Based
18 Funding model, including an assessment of whether or not
19 the formula is achieving State goals. The Panel shall
20 report to the State Board, the General Assembly, and the
21 Governor on the findings of the study.

22 (6) (Blank).

23 (7) To ensure that (i) the Adequacy Target calculation
24 under subsection (b) accurately reflects the needs of
25 students living in poverty or attending schools located in
26 areas of high poverty, (ii) racial equity within the

1 Evidence-Based Funding formula is explicitly explored and
2 advanced, and (iii) the funding goals of the formula
3 distribution system established under this Section are
4 sufficient to provide adequate funding for every student
5 and to fully fund every school in this State, the Panel
6 shall review the Essential Elements under paragraph (2) of
7 subsection (b). The Panel shall consider all of the
8 following in its review:

9 (A) The financial ability of school districts to
10 provide instruction in a foreign language to every
11 student and whether an additional Essential Element
12 should be added to the formula to ensure that every
13 student has access to instruction in a foreign
14 language.

15 (B) The adult-to-student ratio for each Essential
16 Element in which a ratio is identified. The Panel
17 shall consider whether the ratio accurately reflects
18 the staffing needed to support students living in
19 poverty or who have traumatic backgrounds.

20 (C) Changes to the Essential Elements that may be
21 required to better promote racial equity and eliminate
22 structural racism within schools.

23 (D) The impact of investing \$350,000,000 in
24 additional funds each year under this Section and an
25 estimate of when the school system will become fully
26 funded under this level of appropriation.

1 (E) Provide an overview of alternative funding
2 structures that would enable the State to become fully
3 funded at an earlier date.

4 (F) The potential to increase efficiency and to
5 find cost savings within the school system to expedite
6 the journey to a fully funded system.

7 (G) The appropriate levels for reenrolling and
8 graduating high-risk high school students who have
9 been previously out of school. These outcomes shall
10 include enrollment, attendance, skill gains, credit
11 gains, graduation or promotion to the next grade
12 level, and the transition to college, training, or
13 employment, with an emphasis on progressively
14 increasing the overall attendance.

15 (H) The evidence-based or research-based practices
16 that are shown to reduce the gaps and disparities
17 experienced by African American students in academic
18 achievement and educational performance, including
19 practices that have been shown to reduce disparities
20 in disciplinary rates, drop-out rates, graduation
21 rates, college matriculation rates, and college
22 completion rates.

23 On or before December 31, 2021, the Panel shall report
24 to the State Board, the General Assembly, and the Governor
25 on the findings of its review. This paragraph (7) is
26 inoperative on and after July 1, 2022.

1 (j) References. Beginning July 1, 2017, references in
2 other laws to general State aid funds or calculations under
3 Section 18-8.05 of this Code (now repealed) shall be deemed to
4 be references to evidence-based model formula funds or
5 calculations under this Section.

6 (Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19;
7 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff.
8 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21;
9 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff.
10 5-13-22; 102-894, eff. 5-20-22; revised 12-13-22.)

11 (105 ILCS 5/21B-20)

12 Sec. 21B-20. Types of licenses. The State Board of
13 Education shall implement a system of educator licensure,
14 whereby individuals employed in school districts who are
15 required to be licensed must have one of the following
16 licenses: (i) a professional educator license; (ii) an
17 educator license with stipulations; (iii) a substitute
18 teaching license; or (iv) until June 30, 2023, a short-term
19 substitute teaching license. References in law regarding
20 individuals certified or certificated or required to be
21 certified or certificated under Article 21 of this Code shall
22 also include individuals licensed or required to be licensed
23 under this Article. The first year of all licenses ends on June
24 30 following one full year of the license being issued.

25 The State Board of Education, in consultation with the

1 State Educator Preparation and Licensure Board, may adopt such
2 rules as may be necessary to govern the requirements for
3 licenses and endorsements under this Section.

4 (1) Professional Educator License. Persons who (i)
5 have successfully completed an approved educator
6 preparation program and are recommended for licensure by
7 the Illinois institution offering the educator preparation
8 program, (ii) have successfully completed the required
9 testing under Section 21B-30 of this Code, (iii) have
10 successfully completed coursework on the psychology of,
11 the identification of, and the methods of instruction for
12 the exceptional child, including without limitation
13 children with learning disabilities, (iv) have
14 successfully completed coursework in methods of reading
15 and reading in the content area, and (v) have met all other
16 criteria established by rule of the State Board of
17 Education shall be issued a Professional Educator License.
18 All Professional Educator Licenses are valid until June 30
19 immediately following 5 years of the license being issued.
20 The Professional Educator License shall be endorsed with
21 specific areas and grade levels in which the individual is
22 eligible to practice. For an early childhood education
23 endorsement, an individual may satisfy the student
24 teaching requirement of his or her early childhood teacher
25 preparation program through placement in a setting with
26 children from birth through grade 2, and the individual

1 may be paid and receive credit while student teaching. The
2 student teaching experience must meet the requirements of
3 and be approved by the individual's early childhood
4 teacher preparation program.

5 Individuals can receive subsequent endorsements on the
6 Professional Educator License. Subsequent endorsements
7 shall require a minimum of 24 semester hours of coursework
8 in the endorsement area and passage of the applicable
9 content area test, unless otherwise specified by rule.

10 (2) Educator License with Stipulations. An Educator
11 License with Stipulations shall be issued an endorsement
12 that limits the license holder to one particular position
13 or does not require completion of an approved educator
14 program or both.

15 An individual with an Educator License with
16 Stipulations must not be employed by a school district or
17 any other entity to replace any presently employed teacher
18 who otherwise would not be replaced for any reason.

19 An Educator License with Stipulations may be issued
20 with the following endorsements:

21 (A) (Blank).

22 (B) Alternative provisional educator. An
23 alternative provisional educator endorsement on an
24 Educator License with Stipulations may be issued to an
25 applicant who, at the time of applying for the
26 endorsement, has done all of the following:

1 (i) Graduated from a regionally accredited
2 college or university with a minimum of a
3 bachelor's degree.

4 (ii) Successfully completed the first phase of
5 the Alternative Educator Licensure Program for
6 Teachers, as described in Section 21B-50 of this
7 Code.

8 (iii) Passed a content area test, as required
9 under Section 21B-30 of this Code.

10 The alternative provisional educator endorsement is
11 valid for 2 years of teaching and may be renewed for a
12 third year by an individual meeting the requirements set
13 forth in Section 21B-50 of this Code.

14 (C) Alternative provisional superintendent. An
15 alternative provisional superintendent endorsement on
16 an Educator License with Stipulations entitles the
17 holder to serve only as a superintendent or assistant
18 superintendent in a school district's central office.
19 This endorsement may only be issued to an applicant
20 who, at the time of applying for the endorsement, has
21 done all of the following:

22 (i) Graduated from a regionally accredited
23 college or university with a minimum of a master's
24 degree in a management field other than education.

25 (ii) Been employed for a period of at least 5
26 years in a management level position in a field

1 other than education.

2 (iii) Successfully completed the first phase
3 of an alternative route to superintendent
4 endorsement program, as provided in Section 21B-55
5 of this Code.

6 (iv) Passed a content area test required under
7 Section 21B-30 of this Code.

8 The endorsement is valid for 2 fiscal years in
9 order to complete one full year of serving as a
10 superintendent or assistant superintendent.

11 (D) (Blank).

12 (E) Career and technical educator. A career and
13 technical educator endorsement on an Educator License
14 with Stipulations may be issued to an applicant who
15 has a minimum of 60 semester hours of coursework from a
16 regionally accredited institution of higher education
17 or an accredited trade and technical institution and
18 has a minimum of 2,000 hours of experience outside of
19 education in each area to be taught.

20 The career and technical educator endorsement on
21 an Educator License with Stipulations is valid until
22 June 30 immediately following 5 years of the
23 endorsement being issued and may be renewed.

24 An individual who holds a valid career and
25 technical educator endorsement on an Educator License
26 with Stipulations but does not hold a bachelor's

1 degree may substitute teach in career and technical
2 education classrooms.

3 (F) (Blank).

4 (G) Transitional bilingual educator. A
5 transitional bilingual educator endorsement on an
6 Educator License with Stipulations may be issued for
7 the purpose of providing instruction in accordance
8 with Article 14C of this Code to an applicant who
9 provides satisfactory evidence that he or she meets
10 all of the following requirements:

11 (i) Possesses adequate speaking, reading, and
12 writing ability in the language other than English
13 in which transitional bilingual education is
14 offered.

15 (ii) Has the ability to successfully
16 communicate in English.

17 (iii) Either possessed, within 5 years
18 previous to his or her applying for a transitional
19 bilingual educator endorsement, a valid and
20 comparable teaching certificate or comparable
21 authorization issued by a foreign country or holds
22 a degree from an institution of higher learning in
23 a foreign country that the State Educator
24 Preparation and Licensure Board determines to be
25 the equivalent of a bachelor's degree from a
26 regionally accredited institution of higher

1 learning in the United States.

2 A transitional bilingual educator endorsement
3 shall be valid for prekindergarten through grade 12,
4 is valid until June 30 immediately following 5 years
5 of the endorsement being issued, and shall not be
6 renewed.

7 Persons holding a transitional bilingual educator
8 endorsement shall not be employed to replace any
9 presently employed teacher who otherwise would not be
10 replaced for any reason.

11 (H) Language endorsement. In an effort to
12 alleviate the shortage of teachers speaking a language
13 other than English in the public schools, an
14 individual who holds an Educator License with
15 Stipulations may also apply for a language
16 endorsement, provided that the applicant provides
17 satisfactory evidence that he or she meets all of the
18 following requirements:

19 (i) Holds a transitional bilingual
20 endorsement.

21 (ii) Has demonstrated proficiency in the
22 language for which the endorsement is to be issued
23 by passing the applicable language content test
24 required by the State Board of Education.

25 (iii) Holds a bachelor's degree or higher from
26 a regionally accredited institution of higher

1 education or, for individuals educated in a
2 country other than the United States, holds a
3 degree from an institution of higher learning in a
4 foreign country that the State Educator
5 Preparation and Licensure Board determines to be
6 the equivalent of a bachelor's degree from a
7 regionally accredited institution of higher
8 learning in the United States.

9 (iv) (Blank).

10 A language endorsement on an Educator License with
11 Stipulations is valid for prekindergarten through
12 grade 12 for the same validity period as the
13 individual's transitional bilingual educator
14 endorsement on the Educator License with Stipulations
15 and shall not be renewed.

16 (I) Visiting international educator. A visiting
17 international educator endorsement on an Educator
18 License with Stipulations may be issued to an
19 individual who is being recruited by a particular
20 school district that conducts formal recruitment
21 programs outside of the United States to secure the
22 services of qualified teachers and who meets all of
23 the following requirements:

24 (i) Holds the equivalent of a minimum of a
25 bachelor's degree issued in the United States.

26 (ii) Has been prepared as a teacher at the

1 grade level for which he or she will be employed.

2 (iii) Has adequate content knowledge in the
3 subject to be taught.

4 (iv) Has an adequate command of the English
5 language.

6 A holder of a visiting international educator
7 endorsement on an Educator License with Stipulations
8 shall be permitted to teach in bilingual education
9 programs in the language that was the medium of
10 instruction in his or her teacher preparation program,
11 provided that he or she passes the English Language
12 Proficiency Examination or another test of writing
13 skills in English identified by the State Board of
14 Education, in consultation with the State Educator
15 Preparation and Licensure Board.

16 A visiting international educator endorsement on
17 an Educator License with Stipulations is valid for 5
18 years and shall not be renewed.

19 (J) Paraprofessional educator. A paraprofessional
20 educator endorsement on an Educator License with
21 Stipulations may be issued to an applicant who holds a
22 high school diploma or its recognized equivalent and
23 (i) holds an associate's degree or a minimum of 60
24 semester hours of credit from a regionally accredited
25 institution of higher education; (ii) has passed a
26 paraprofessional competency test under subsection

1 (c-5) of Section 21B-30; or (iii) is at least 18 years
2 of age and will be using the Educator License with
3 Stipulations exclusively for grades prekindergarten
4 through grade 8, until the individual reaches the age
5 of 19 years and otherwise meets the criteria for a
6 paraprofessional educator endorsement pursuant to this
7 subparagraph (J). The paraprofessional educator
8 endorsement is valid until June 30 immediately
9 following 5 years of the endorsement being issued and
10 may be renewed through application and payment of the
11 appropriate fee, as required under Section 21B-40 of
12 this Code. An individual who holds only a
13 paraprofessional educator endorsement is not subject
14 to additional requirements in order to renew the
15 endorsement.

16 (K) Chief school business official. A chief school
17 business official endorsement on an Educator License
18 with Stipulations may be issued to an applicant who
19 qualifies by having a master's degree or higher, 2
20 years of full-time administrative experience in school
21 business management or 2 years of university-approved
22 practical experience, and a minimum of 24 semester
23 hours of graduate credit in a program approved by the
24 State Board of Education for the preparation of school
25 business administrators and by passage of the
26 applicable State tests, including an applicable

1 content area test.

2 The chief school business official endorsement may
3 also be affixed to the Educator License with
4 Stipulations of any holder who qualifies by having a
5 master's degree in business administration, finance,
6 accounting, or public administration and who completes
7 an additional 6 semester hours of internship in school
8 business management from a regionally accredited
9 institution of higher education and passes the
10 applicable State tests, including an applicable
11 content area test. This endorsement shall be required
12 for any individual employed as a chief school business
13 official.

14 The chief school business official endorsement on
15 an Educator License with Stipulations is valid until
16 June 30 immediately following 5 years of the
17 endorsement being issued and may be renewed if the
18 license holder completes renewal requirements as
19 required for individuals who hold a Professional
20 Educator License endorsed for chief school business
21 official under Section 21B-45 of this Code and such
22 rules as may be adopted by the State Board of
23 Education.

24 The State Board of Education shall adopt any rules
25 necessary to implement Public Act 100-288.

26 (L) Provisional in-state educator. A provisional

1 in-state educator endorsement on an Educator License
2 with Stipulations may be issued to a candidate who has
3 completed an Illinois-approved educator preparation
4 program at an Illinois institution of higher education
5 and who has not successfully completed an
6 evidence-based assessment of teacher effectiveness but
7 who meets all of the following requirements:

8 (i) Holds at least a bachelor's degree.

9 (ii) Has completed an approved educator
10 preparation program at an Illinois institution.

11 (iii) Has passed an applicable content area
12 test, as required by Section 21B-30 of this Code.

13 (iv) Has attempted an evidence-based
14 assessment of teacher effectiveness and received a
15 minimum score on that assessment, as established
16 by the State Board of Education in consultation
17 with the State Educator Preparation and Licensure
18 Board.

19 A provisional in-state educator endorsement on an
20 Educator License with Stipulations is valid for one
21 full fiscal year after the date of issuance and may not
22 be renewed.

23 (M) (Blank).

24 (N) Specialized services. A specialized services
25 endorsement on an Educator License with Stipulations
26 may be issued as defined and specified by rule.

1 (3) Substitute Teaching License. A Substitute Teaching
2 License may be issued to qualified applicants for
3 substitute teaching in all grades of the public schools,
4 prekindergarten through grade 12. Substitute Teaching
5 Licenses are not eligible for endorsements. Applicants for
6 a Substitute Teaching License must hold a bachelor's
7 degree or higher from a regionally accredited institution
8 of higher education or must be enrolled in an approved
9 educator preparation program in this State and have earned
10 at least 90 credit hours.

11 Substitute Teaching Licenses are valid for 5 years.

12 Substitute Teaching Licenses are valid for substitute
13 teaching in every county of this State. If an individual
14 has had his or her Professional Educator License or
15 Educator License with Stipulations suspended or revoked,
16 then that individual is not eligible to obtain a
17 Substitute Teaching License.

18 A substitute teacher may only teach in the place of a
19 licensed teacher who is under contract with the employing
20 board. If, however, there is no licensed teacher under
21 contract because of an emergency situation, then a
22 district may employ a substitute teacher for no longer
23 than 30 calendar days per each vacant position in the
24 district if the district notifies the appropriate regional
25 office of education within 5 business days after the
26 employment of the substitute teacher in the emergency

1 situation. An emergency situation is one in which an
2 unforeseen vacancy has occurred and (i) a teacher is
3 unable to fulfill his or her contractual duties or (ii)
4 teacher capacity needs of the district exceed previous
5 indications, and the district is actively engaged in
6 advertising to hire a fully licensed teacher for the
7 vacant position.

8 There is no limit on the number of days that a
9 substitute teacher may teach in a single school district,
10 provided that no substitute teacher may teach for longer
11 than 120 days beginning with the 2021-2022 school year
12 through the 2022-2023 school year, otherwise 90 school
13 days for any one licensed teacher under contract in the
14 same school year. A substitute teacher who holds a
15 Professional Educator License or Educator License with
16 Stipulations shall not teach for more than 120 school days
17 for any one licensed teacher under contract in the same
18 school year. The limitations in this paragraph (3) on the
19 number of days a substitute teacher may be employed do not
20 apply to any school district operating under Article 34 of
21 this Code.

22 A school district may not require an individual who
23 holds a valid Professional Educator License or Educator
24 License with Stipulations to seek or hold a Substitute
25 Teaching License to teach as a substitute teacher.

26 (4) Short-Term Substitute Teaching License. Beginning

1 on July 1, 2018 and until June 30, 2023, the State Board of
2 Education may issue a Short-Term Substitute Teaching
3 License. A Short-Term Substitute Teaching License may be
4 issued to a qualified applicant for substitute teaching in
5 all grades of the public schools, prekindergarten through
6 grade 12. Short-Term Substitute Teaching Licenses are not
7 eligible for endorsements. Applicants for a Short-Term
8 Substitute Teaching License must hold an associate's
9 degree or have completed at least 60 credit hours from a
10 regionally accredited institution of higher education.

11 Short-Term Substitute Teaching Licenses are valid for
12 substitute teaching in every county of this State. If an
13 individual has had his or her Professional Educator
14 License or Educator License with Stipulations suspended or
15 revoked, then that individual is not eligible to obtain a
16 Short-Term Substitute Teaching License.

17 The provisions of Sections 10-21.9 and 34-18.5 of this
18 Code apply to short-term substitute teachers.

19 An individual holding a Short-Term Substitute Teaching
20 License may teach no more than 15 consecutive days per
21 licensed teacher who is under contract. For teacher
22 absences lasting 6 or more days per licensed teacher who
23 is under contract, a school district may not hire an
24 individual holding a Short-Term Substitute Teaching
25 License, unless the Governor has declared a disaster due
26 to a public health emergency pursuant to Section 7 of the

1 Illinois Emergency Management Agency Act. An individual
2 holding a Short-Term Substitute Teaching License must
3 complete the training program under Section 10-20.67 or
4 34-18.60 of this Code to be eligible to teach at a public
5 school. This paragraph (4) is inoperative on and after
6 July 1, 2023.

7 (Source: P.A. 101-81, eff. 7-12-19; 101-220, eff. 8-7-19;
8 101-594, eff. 12-5-19; 101-643, eff. 6-18-20; 102-711, eff.
9 1-1-23; 102-712, eff. 4-27-22; 102-713, eff. 1-1-23; 102-717,
10 eff. 4-29-22; 102-894, eff. 5-20-22; revised 12-13-22.)

11 (105 ILCS 5/21B-45)

12 Sec. 21B-45. Professional Educator License renewal.

13 (a) Individuals holding a Professional Educator License
14 are required to complete the licensure renewal requirements as
15 specified in this Section, unless otherwise provided in this
16 Code.

17 Individuals holding a Professional Educator License shall
18 meet the renewal requirements set forth in this Section,
19 unless otherwise provided in this Code. If an individual holds
20 a license endorsed in more than one area that has different
21 renewal requirements, that individual shall follow the renewal
22 requirements for the position for which he or she spends the
23 majority of his or her time working.

24 (b) All Professional Educator Licenses not renewed as
25 provided in this Section shall lapse on September 1 of that

1 year. Notwithstanding any other provisions of this Section, if
2 a license holder's electronic mail address is available, the
3 State Board of Education shall send him or her notification
4 electronically that his or her license will lapse if not
5 renewed, to be sent no more than 6 months prior to the license
6 lapsing. Lapsed licenses may be immediately reinstated upon
7 (i) payment to the State Board of Education by the applicant of
8 a \$50 penalty or (ii) the demonstration of proficiency by
9 completing 9 semester hours of coursework from a regionally
10 accredited institution of higher education in the content area
11 that most aligns with one or more of the educator's
12 endorsement areas. Any and all back fees, including without
13 limitation registration fees owed from the time of expiration
14 of the license until the date of reinstatement, shall be paid
15 and kept in accordance with the provisions in Article 3 of this
16 Code concerning an institute fund and the provisions in
17 Article 21B of this Code concerning fees and requirements for
18 registration. Licenses not registered in accordance with
19 Section 21B-40 of this Code shall lapse after a period of 6
20 months from the expiration of the last year of registration or
21 on January 1 of the fiscal year following initial issuance of
22 the license. An unregistered license is invalid after
23 September 1 for employment and performance of services in an
24 Illinois public or State-operated school or cooperative and in
25 a charter school. Any license or endorsement may be
26 voluntarily surrendered by the license holder. A voluntarily

1 surrendered license shall be treated as a revoked license. An
2 Educator License with Stipulations with only a
3 paraprofessional endorsement does not lapse.

4 (c) From July 1, 2013 through June 30, 2014, in order to
5 satisfy the requirements for licensure renewal provided for in
6 this Section, each professional educator licensee with an
7 administrative endorsement who is working in a position
8 requiring such endorsement shall complete one Illinois
9 Administrators' Academy course, as described in Article 2 of
10 this Code, per fiscal year.

11 (c-5) All licenses issued by the State Board of Education
12 under this Article that expire on June 30, 2020 and have not
13 been renewed by the end of the 2020 renewal period shall be
14 extended for one year and shall expire on June 30, 2021.

15 (d) Beginning July 1, 2014, in order to satisfy the
16 requirements for licensure renewal provided for in this
17 Section, each professional educator licensee may create a
18 professional development plan each year. The plan shall
19 address one or more of the endorsements that are required of
20 his or her educator position if the licensee is employed and
21 performing services in an Illinois public or State-operated
22 school or cooperative. If the licensee is employed in a
23 charter school, the plan shall address that endorsement or
24 those endorsements most closely related to his or her educator
25 position. Licensees employed and performing services in any
26 other Illinois schools may participate in the renewal

1 requirements by adhering to the same process.

2 Except as otherwise provided in this Section, the
3 licensee's professional development activities shall align
4 with one or more of the following criteria:

5 (1) activities are of a type that engages ~~engage~~
6 participants over a sustained period of time allowing for
7 analysis, discovery, and application as they relate to
8 student learning, social or emotional achievement, or
9 well-being;

10 (2) professional development aligns to the licensee's
11 performance;

12 (3) outcomes for the activities must relate to student
13 growth or district improvement;

14 (4) activities align to State-approved standards; and

15 (5) higher education coursework.

16 (e) For each renewal cycle, each professional educator
17 licensee shall engage in professional development activities.
18 Prior to renewal, the licensee shall enter electronically into
19 the Educator Licensure Information System (ELIS) the name,
20 date, and location of the activity, the number of professional
21 development hours, and the provider's name. The following
22 provisions shall apply concerning professional development
23 activities:

24 (1) Each licensee shall complete a total of 120 hours
25 of professional development per 5-year renewal cycle in
26 order to renew the license, except as otherwise provided

1 in this Section.

2 (2) Beginning with his or her first full 5-year cycle,
3 any licensee with an administrative endorsement who is not
4 working in a position requiring such endorsement is not
5 required to complete Illinois Administrators' Academy
6 courses, as described in Article 2 of this Code. Such
7 licensees must complete one Illinois Administrators'
8 Academy course within one year after returning to a
9 position that requires the administrative endorsement.

10 (3) Any licensee with an administrative endorsement
11 who is working in a position requiring such endorsement or
12 an individual with a Teacher Leader endorsement serving in
13 an administrative capacity at least 50% of the day shall
14 complete one Illinois Administrators' Academy course, as
15 described in Article 2 of this Code, each fiscal year in
16 addition to 100 hours of professional development per
17 5-year renewal cycle in accordance with this Code.
18 However, for the 2021-2022 school year only, a licensee
19 under this paragraph (3) is not required to complete an
20 Illinois Administrators' Academy course.

21 (4) Any licensee holding a current National Board for
22 Professional Teaching Standards (NBPTS) master teacher
23 designation shall complete a total of 60 hours of
24 professional development per 5-year renewal cycle in order
25 to renew the license.

26 (5) Licensees working in a position that does not

1 require educator licensure or working in a position for
2 less than 50% for any particular year are considered to be
3 exempt and shall be required to pay only the registration
4 fee in order to renew and maintain the validity of the
5 license.

6 (6) Licensees who are retired and qualify for benefits
7 from a State of Illinois retirement system shall be listed
8 as retired, and the license shall be maintained in retired
9 status. For any renewal cycle in which a licensee retires
10 during the renewal cycle, the licensee must complete
11 professional development activities on a prorated basis
12 depending on the number of years during the renewal cycle
13 the educator held an active license. If a licensee retires
14 during a renewal cycle, the license status must be updated
15 using ELIS indicating that the licensee wishes to maintain
16 the license in retired status and the licensee must show
17 proof of completion of professional development activities
18 on a prorated basis for all years of that renewal cycle for
19 which the license was active. An individual with a license
20 in retired status shall not be required to complete
21 professional development activities until returning to a
22 position that requires educator licensure. Upon returning
23 to work in a position that requires the Professional
24 Educator License, the license status shall immediately be
25 updated using ELIS and the licensee shall complete renewal
26 requirements for that year. A retired teacher, even if

1 returning to a position that requires educator licensure,
2 shall not be required to pay registration fees. A license
3 in retired status cannot lapse. Beginning on January 6,
4 2017 (the effective date of Public Act 99-920) through
5 December 31, 2017, any licensee who has retired and whose
6 license has lapsed for failure to renew as provided in
7 this Section may reinstate that license and maintain it in
8 retired status upon providing proof to the State Board of
9 Education using ELIS that the licensee is retired and is
10 not working in a position that requires a Professional
11 Educator License.

12 (7) For any renewal cycle in which professional
13 development hours were required, but not fulfilled, the
14 licensee shall complete any missed hours to total the
15 minimum professional development hours required in this
16 Section prior to September 1 of that year. Professional
17 development hours used to fulfill the minimum required
18 hours for a renewal cycle may be used for only one renewal
19 cycle. For any fiscal year or renewal cycle in which an
20 Illinois Administrators' Academy course was required but
21 not completed, the licensee shall complete any missed
22 Illinois Administrators' Academy courses prior to
23 September 1 of that year. The licensee may complete all
24 deficient hours and Illinois Administrators' Academy
25 courses while continuing to work in a position that
26 requires that license until September 1 of that year.

1 (8) Any licensee who has not fulfilled the
2 professional development renewal requirements set forth in
3 this Section at the end of any 5-year renewal cycle is
4 ineligible to register his or her license and may submit
5 an appeal to the State Superintendent of Education for
6 reinstatement of the license.

7 (9) If professional development opportunities were
8 unavailable to a licensee, proof that opportunities were
9 unavailable and request for an extension of time beyond
10 August 31 to complete the renewal requirements may be
11 submitted from April 1 through June 30 of that year to the
12 State Educator Preparation and Licensure Board. If an
13 extension is approved, the license shall remain valid
14 during the extension period.

15 (10) Individuals who hold exempt licenses prior to
16 December 27, 2013 (the effective date of Public Act
17 98-610) shall commence the annual renewal process with the
18 first scheduled registration due after December 27, 2013
19 (the effective date of Public Act 98-610).

20 (11) Notwithstanding any other provision of this
21 subsection (e), if a licensee earns more than the required
22 number of professional development hours during a renewal
23 cycle, then the licensee may carry over any hours earned
24 from April 1 through June 30 of the last year of the
25 renewal cycle. Any hours carried over in this manner must
26 be applied to the next renewal cycle. Illinois

1 Administrators' Academy courses or hours earned in those
2 courses may not be carried over.

3 (e-5) The number of professional development hours
4 required under subsection (e) is reduced by 20% for any
5 renewal cycle that includes the 2021-2022 school year.

6 (f) At the time of renewal, each licensee shall respond to
7 the required questions under penalty of perjury.

8 (f-5) The State Board of Education shall conduct random
9 audits of licensees to verify a licensee's fulfillment of the
10 professional development hours required under this Section.
11 Upon completion of a random audit, if it is determined by the
12 State Board of Education that the licensee did not complete
13 the required number of professional development hours or did
14 not provide sufficient proof of completion, the licensee shall
15 be notified that his or her license has lapsed. A license that
16 has lapsed under this subsection may be reinstated as provided
17 in subsection (b).

18 (g) The following entities shall be designated as approved
19 to provide professional development activities for the renewal
20 of Professional Educator Licenses:

21 (1) The State Board of Education.

22 (2) Regional offices of education and intermediate
23 service centers.

24 (3) Illinois professional associations representing
25 the following groups that are approved by the State
26 Superintendent of Education:

- 1 (A) school administrators;
2 (B) principals;
3 (C) school business officials;
4 (D) teachers, including special education
5 teachers;
6 (E) school boards;
7 (F) school districts;
8 (G) parents; and
9 (H) school service personnel.

10 (4) Regionally accredited institutions of higher
11 education that offer Illinois-approved educator
12 preparation programs and public community colleges subject
13 to the Public Community College Act.

14 (5) Illinois public school districts, charter schools
15 authorized under Article 27A of this Code, and joint
16 educational programs authorized under Article 10 of this
17 Code for the purposes of providing career and technical
18 education or special education services.

19 (6) A not-for-profit organization that, as of December
20 31, 2014 (the effective date of Public Act 98-1147), has
21 had or has a grant from or a contract with the State Board
22 of Education to provide professional development services
23 in the area of English Learning to Illinois school
24 districts, teachers, or administrators.

25 (7) State agencies, State boards, and State
26 commissions.

1 (8) Museums as defined in Section 10 of the Museum
2 Disposition of Property Act.

3 (h) Approved providers under subsection (g) of this
4 Section shall make available professional development
5 opportunities that satisfy at least one of the following:

6 (1) increase the knowledge and skills of school and
7 district leaders who guide continuous professional
8 development;

9 (2) improve the learning of students;

10 (3) organize adults into learning communities whose
11 goals are aligned with those of the school and district;

12 (4) deepen educator's content knowledge;

13 (5) provide educators with research-based
14 instructional strategies to assist students in meeting
15 rigorous academic standards;

16 (6) prepare educators to appropriately use various
17 types of classroom assessments;

18 (7) use learning strategies appropriate to the
19 intended goals;

20 (8) provide educators with the knowledge and skills to
21 collaborate;

22 (9) prepare educators to apply research to decision
23 making;

24 (10) provide educators with training on inclusive
25 practices in the classroom that examines instructional and
26 behavioral strategies that improve academic and

1 social-emotional outcomes for all students, with or
2 without disabilities, in a general education setting; or

3 (11) beginning on July 1, 2022, provide educators with
4 training on the physical and mental health needs of
5 students, student safety, educator ethics, professional
6 conduct, and other topics that address the well-being of
7 students and improve the academic and social-emotional
8 outcomes of students.

9 (i) Approved providers under subsection (g) of this
10 Section shall do the following:

11 (1) align professional development activities to the
12 State-approved national standards for professional
13 learning;

14 (2) meet the professional development criteria for
15 Illinois licensure renewal;

16 (3) produce a rationale for the activity that explains
17 how it aligns to State standards and identify the
18 assessment for determining the expected impact on student
19 learning or school improvement;

20 (4) maintain original documentation for completion of
21 activities;

22 (5) provide license holders with evidence of
23 completion of activities;

24 (6) request an Illinois Educator Identification Number
25 (IEIN) for each educator during each professional
26 development activity; and

1 (7) beginning on July 1, 2019, register annually with
2 the State Board of Education prior to offering any
3 professional development opportunities in the current
4 fiscal year.

5 (j) The State Board of Education shall conduct annual
6 audits of a subset of approved providers, except for school
7 districts, which shall be audited by regional offices of
8 education and intermediate service centers. The State Board of
9 Education shall ensure that each approved provider, except for
10 a school district, is audited at least once every 5 years. The
11 State Board of Education may conduct more frequent audits of
12 providers if evidence suggests the requirements of this
13 Section or administrative rules are not being met.

14 (1) (Blank).

15 (2) Approved providers shall comply with the
16 requirements in subsections (h) and (i) of this Section by
17 annually submitting data to the State Board of Education
18 demonstrating how the professional development activities
19 impacted one or more of the following:

20 (A) educator and student growth in regards to
21 content knowledge or skills, or both;

22 (B) educator and student social and emotional
23 growth; or

24 (C) alignment to district or school improvement
25 plans.

26 (3) The State Superintendent of Education shall review

1 the annual data collected by the State Board of Education,
2 regional offices of education, and intermediate service
3 centers in audits to determine if the approved provider
4 has met the criteria and should continue to be an approved
5 provider or if further action should be taken as provided
6 in rules.

7 (k) Registration fees shall be paid for the next renewal
8 cycle between April 1 and June 30 in the last year of each
9 5-year renewal cycle using ELIS. If all required professional
10 development hours for the renewal cycle have been completed
11 and entered by the licensee, the licensee shall pay the
12 registration fees for the next cycle using a form of credit or
13 debit card.

14 (l) Any professional educator licensee endorsed for school
15 support personnel who is employed and performing services in
16 Illinois public schools and who holds an active and current
17 professional license issued by the Department of Financial and
18 Professional Regulation or a national certification board, as
19 approved by the State Board of Education, related to the
20 endorsement areas on the Professional Educator License shall
21 be deemed to have satisfied the continuing professional
22 development requirements provided for in this Section. Such
23 individuals shall be required to pay only registration fees to
24 renew the Professional Educator License. An individual who
25 does not hold a license issued by the Department of Financial
26 and Professional Regulation shall complete professional

1 development requirements for the renewal of a Professional
2 Educator License provided for in this Section.

3 (m) Appeals to the State Educator Preparation and
4 Licensure Board must be made within 30 days after receipt of
5 notice from the State Superintendent of Education that a
6 license will not be renewed based upon failure to complete the
7 requirements of this Section. A licensee may appeal that
8 decision to the State Educator Preparation and Licensure Board
9 in a manner prescribed by rule.

10 (1) Each appeal shall state the reasons why the State
11 Superintendent's decision should be reversed and shall be
12 sent by certified mail, return receipt requested, to the
13 State Board of Education.

14 (2) The State Educator Preparation and Licensure Board
15 shall review each appeal regarding renewal of a license
16 within 90 days after receiving the appeal in order to
17 determine whether the licensee has met the requirements of
18 this Section. The State Educator Preparation and Licensure
19 Board may hold an appeal hearing or may make its
20 determination based upon the record of review, which shall
21 consist of the following:

22 (A) the regional superintendent of education's
23 rationale for recommending nonrenewal of the license,
24 if applicable;

25 (B) any evidence submitted to the State
26 Superintendent along with the individual's electronic

1 statement of assurance for renewal; and

2 (C) the State Superintendent's rationale for
3 nonrenewal of the license.

4 (3) The State Educator Preparation and Licensure Board
5 shall notify the licensee of its decision regarding
6 license renewal by certified mail, return receipt
7 requested, no later than 30 days after reaching a
8 decision. Upon receipt of notification of renewal, the
9 licensee, using ELIS, shall pay the applicable
10 registration fee for the next cycle using a form of credit
11 or debit card.

12 (n) The State Board of Education may adopt rules as may be
13 necessary to implement this Section.

14 (Source: P.A. 101-85, eff. 1-1-20; 101-531, eff. 8-23-19;
15 101-643, eff. 6-18-20; 102-676, eff. 12-3-21; 102-710, eff.
16 4-27-22; 102-730, eff. 5-6-22; 102-852, eff. 5-13-22; revised
17 8-25-22.)

18 (105 ILCS 5/24-6)

19 Sec. 24-6. Sick leave. The school boards of all school
20 districts, including special charter districts, but not
21 including school districts in municipalities of 500,000 or
22 more, shall grant their full-time teachers, and also shall
23 grant such of their other employees as are eligible to
24 participate in the Illinois Municipal Retirement Fund under
25 the "600-Hour Standard" established, or under such other

1 eligibility participation standard as may from time to time be
2 established, by rules and regulations now or hereafter
3 promulgated by the Board of that Fund under Section 7-198 of
4 the Illinois Pension Code, as now or hereafter amended, sick
5 leave provisions not less in amount than 10 days at full pay in
6 each school year. If any such teacher or employee does not use
7 the full amount of annual leave thus allowed, the unused
8 amount shall be allowed to accumulate to a minimum available
9 leave of 180 days at full pay, including the leave of the
10 current year. Sick leave shall be interpreted to mean personal
11 illness, mental or behavioral health complications, quarantine
12 at home, or serious illness or death in the immediate family or
13 household. The school board may require a certificate from a
14 physician licensed in Illinois to practice medicine and
15 surgery in all its branches, a mental health professional
16 licensed in Illinois providing ongoing care or treatment to
17 the teacher or employee, a chiropractic physician licensed
18 under the Medical Practice Act of 1987, a licensed advanced
19 practice registered nurse, a licensed physician assistant, or,
20 if the treatment is by prayer or spiritual means, a spiritual
21 adviser or practitioner of the teacher's or employee's faith
22 as a basis for pay during leave after an absence of 3 days for
23 personal illness or as the school board may deem necessary in
24 other cases. If the school board does require a certificate as
25 a basis for pay during leave of less than 3 days for personal
26 illness, the school board shall pay, from school funds, the

1 expenses incurred by the teachers or other employees in
2 obtaining the certificate.

3 Sick leave shall also be interpreted to mean birth,
4 adoption, placement for adoption, and the acceptance of a
5 child in need of foster care. Teachers and other employees to
6 which this Section applies are entitled to use up to 30 days of
7 paid sick leave because of the birth of a child that is not
8 dependent on the need to recover from childbirth. Paid sick
9 leave because of the birth of a child may be used absent
10 medical certification for up to 30 working school days, which
11 days may be used at any time within the 12-month period
12 following the birth of the child. The use of up to 30 working
13 school days of paid sick leave because of the birth of a child
14 may not be diminished as a result of any intervening period of
15 nonworking days or school not being in session, such as for
16 summer, winter, or spring break or holidays, that may occur
17 during the use of the paid sick leave. For paid sick leave for
18 adoption, placement for adoption, or the acceptance of a child
19 in need of foster care, the school board may require that the
20 teacher or other employee to which this Section applies
21 provide evidence that the formal adoption process or the
22 formal foster care process is underway, and such sick leave is
23 limited to 30 days unless a longer leave has been negotiated
24 with the exclusive bargaining representative. Paid sick leave
25 for adoption, placement for adoption, or the acceptance of a
26 child in need of foster care need not be used consecutively

1 once the formal adoption process or the formal foster care
2 process is underway, and such sick leave may be used for
3 reasons related to the formal adoption process or the formal
4 foster care process prior to taking custody of the child or
5 accepting the child in need of foster care, in addition to
6 using such sick leave upon taking custody of the child or
7 accepting the child in need of foster care.

8 If, by reason of any change in the boundaries of school
9 districts, or by reason of the creation of a new school
10 district, the employment of a teacher is transferred to a new
11 or different board, the accumulated sick leave of such teacher
12 is not thereby lost, but is transferred to such new or
13 different district.

14 Any sick leave used by a teacher or employee during the
15 2021-2022 school year shall be returned to a teacher or
16 employee who receives all doses required to be fully
17 vaccinated against COVID-19, as defined in Section 10-20.83 of
18 this Code, if:

19 (1) the sick leave was taken because the teacher or
20 employee was restricted from being on school district
21 property because the teacher or employee:

22 (A) had a confirmed positive COVID-19 diagnosis
23 via a molecular amplification diagnostic test, such as
24 a polymerase chain reaction (PCR) test for COVID-19;

25 (B) had a probable COVID-19 diagnosis via an
26 antigen diagnostic test;

1 (C) was in close contact with a person who had a
2 confirmed case of COVID-19 and was required to be
3 excluded from school; or

4 (D) was required by the school or school district
5 policy to be excluded from school district property
6 due to COVID-19 symptoms; or

7 (2) the sick leave was taken to care for a child of the
8 teacher or employee who was unable to attend elementary or
9 secondary school because the child:

10 (A) had a confirmed positive COVID-19 diagnosis
11 via a molecular amplification diagnostic test, such as
12 a polymerase chain reaction (PCR) test for COVID-19;

13 (B) had a probable COVID-19 diagnosis via an
14 antigen diagnostic test;

15 (C) was in close contact with a person who had a
16 confirmed case of COVID-19 and was required to be
17 excluded from school; or

18 (D) was required by the school or school district
19 policy to be excluded from school district property
20 due to COVID-19 symptoms.

21 For purposes of return of sick leave used in the 2021-2022
22 school year pursuant this Section, an "employee" is a teacher
23 or employee employed by the school district on or after April
24 5, 2022 (the effective date of Public Act 102-697) ~~this~~
25 ~~amendatory Act of the 102nd General Assembly.~~

26 Leave shall be returned to a teacher or employee pursuant

1 to this Section provided that the teacher or employee has
2 received all required doses to meet the definition of "fully
3 vaccinated against COVID-19" under Section 10-20.83 of this
4 Code no later than 5 weeks after April 5, 2022 (the effective
5 date of Public Act 102-697) ~~this amendatory Act of the 102nd~~
6 ~~General Assembly.~~

7 No school may rescind any sick leave returned to a teacher
8 or employee on the basis of a revision to the definition of
9 "fully vaccinated against COVID-19" by the Centers for Disease
10 Control and Prevention of the United States Department of
11 Health and Human Services or the Department of Public Health,
12 provided that the teacher or employee received all doses
13 required to be fully vaccinated against COVID-19, as defined
14 in Section 10-20.83 of this Code, at the time the sick leave
15 was returned to the teacher or employee.

16 For purposes of this Section, "immediate family" shall
17 include parents, spouse, brothers, sisters, children,
18 grandparents, grandchildren, parents-in-law, brothers-in-law,
19 sisters-in-law, and legal guardians.

20 (Source: P.A. 102-275, eff. 8-6-21; 102-697, eff. 4-5-22;
21 102-866, eff. 5-13-22; revised 8-25-22.)

22 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

23 Sec. 26-2. Enrolled pupils not of compulsory school age.

24 (a) Any person having custody or control of a child who is
25 below the age of 6 years or is 17 years of age or above and who

1 is enrolled in any of grades kindergarten through 12 in the
2 public school shall cause the child to attend the public
3 school in the district wherein he or she resides when it is in
4 session during the regular school term, unless the child is
5 excused under Section 26-1 of this Code.

6 (b) A school district shall deny reenrollment in its
7 secondary schools to any child 19 years of age or above who has
8 dropped out of school and who could not, because of age and
9 lack of credits, attend classes during the normal school year
10 and graduate before his or her twenty-first birthday. A
11 district may, however, enroll the child in a graduation
12 incentives program under Section 26-16 of this Code or an
13 alternative learning opportunities program established under
14 Article 13B. No child shall be denied reenrollment for the
15 above reasons unless the school district first offers the
16 child due process as required in cases of expulsion under
17 Section 10-22.6. If a child is denied reenrollment after being
18 provided with due process, the school district must provide
19 counseling to that child and must direct that child to
20 alternative educational programs, including adult education
21 programs, that lead to graduation or receipt of a State of
22 Illinois High School Diploma.

23 (c) A school or school district may deny enrollment to a
24 student 17 years of age or older for one semester for failure
25 to meet minimum attendance standards if all of the following
26 conditions are met:

1 (1) The student was absent without valid cause for 20%
2 or more of the attendance days in the semester immediately
3 prior to the current semester.

4 (2) The student and the student's parent or guardian
5 are given written notice warning that the student is
6 subject to denial from enrollment for one semester unless
7 the student is absent without valid cause less than 20% of
8 the attendance days in the current semester.

9 (3) The student's parent or guardian is provided with
10 the right to appeal the notice, as determined by the State
11 Board of Education in accordance with due process.

12 (4) The student is provided with attendance
13 remediation services, including without limitation
14 assessment, counseling, and support services.

15 (5) The student is absent without valid cause for 20%
16 or more of the attendance days in the current semester.

17 A school or school district may not deny enrollment to a
18 student (or reenrollment to a dropout) who is at least 17 years
19 of age or older but below 19 years for more than one
20 consecutive semester for failure to meet attendance standards.

21 (d) No child may be denied reenrollment under this Section
22 in violation of the federal Individuals with Disabilities
23 Education Act or the Americans with Disabilities Act.

24 (e) In this subsection (e), "reenrolled student" means a
25 dropout who has reenrolled full-time in a public school. Each
26 school district shall identify, track, and report on the

1 educational progress and outcomes of reenrolled students as a
2 subset of the district's required reporting on all
3 enrollments. A reenrolled student who again drops out must not
4 be counted again against a district's dropout rate performance
5 measure. The State Board of Education shall set performance
6 standards for programs serving reenrolled students.

7 (f) The State Board of Education shall adopt any rules
8 necessary to implement the changes to this Section made by
9 Public Act 93-803.

10 (Source: P.A. 102-981, eff. 1-1-23; 102-1100, eff. 1-1-23;
11 revised 12-13-22.)

12 (105 ILCS 5/27-22) (from Ch. 122, par. 27-22)

13 Sec. 27-22. Required high school courses.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (Blank).

17 (d) (Blank).

18 (e) Through the 2023-2024 school year, as a prerequisite
19 to receiving a high school diploma, each pupil entering the
20 9th grade must, in addition to other course requirements,
21 successfully complete all of the following courses:

22 (1) Four years of language arts.

23 (2) Two years of writing intensive courses, one of
24 which must be English and the other of which may be English
25 or any other subject. When applicable, writing-intensive

1 courses may be counted towards the fulfillment of other
2 graduation requirements.

3 (3) Three years of mathematics, one of which must be
4 Algebra I, one of which must include geometry content, and
5 one of which may be an Advanced Placement computer science
6 course. A mathematics course that includes geometry
7 content may be offered as an integrated, applied,
8 interdisciplinary, or career and technical education
9 course that prepares a student for a career readiness
10 path.

11 (3.5) For pupils entering the 9th grade in the
12 2022-2023 school year and 2023-2024 school year, one year
13 of a course that includes intensive instruction in
14 computer literacy, which may be English, social studies,
15 or any other subject and which may be counted toward the
16 fulfillment of other graduation requirements.

17 (4) Two years of science.

18 (5) Two years of social studies, of which at least one
19 year must be history of the United States or a combination
20 of history of the United States and American government
21 and, beginning with pupils entering the 9th grade in the
22 2016-2017 school year and each school year thereafter, at
23 least one semester must be civics, which shall help young
24 people acquire and learn to use the skills, knowledge, and
25 attitudes that will prepare them to be competent and
26 responsible citizens throughout their lives. Civics course

1 content shall focus on government institutions, the
2 discussion of current and controversial issues, service
3 learning, and simulations of the democratic process.
4 School districts may utilize private funding available for
5 the purposes of offering civics education. Beginning with
6 pupils entering the 9th grade in the 2021-2022 school
7 year, one semester, or part of one semester, may include a
8 financial literacy course.

9 (6) One year chosen from (A) music, (B) art, (C)
10 foreign language, which shall be deemed to include
11 American Sign Language, (D) vocational education, or (E)
12 forensic speech (speech and debate). A forensic speech
13 course used to satisfy the course requirement under
14 subdivision (1) may not be used to satisfy the course
15 requirement under this subdivision (6).

16 (e-5) Beginning with the 2024-2025 school year, as a
17 prerequisite to receiving a high school diploma, each pupil
18 entering the 9th grade must, in addition to other course
19 requirements, successfully complete all of the following
20 courses:

21 (1) Four years of language arts.

22 (2) Two years of writing intensive courses, one of
23 which must be English and the other of which may be English
24 or any other subject. If applicable, writing-intensive
25 courses may be counted toward the fulfillment of other
26 graduation requirements.

1 (3) Three years of mathematics, one of which must be
2 Algebra I, one of which must include geometry content, and
3 one of which may be an Advanced Placement computer science
4 course. A mathematics course that includes geometry
5 content may be offered as an integrated, applied,
6 interdisciplinary, or career and technical education
7 course that prepares a student for a career readiness
8 path.

9 (3.5) One year of a course that includes intensive
10 instruction in computer literacy, which may be English,
11 social studies, or any other subject and which may be
12 counted toward the fulfillment of other graduation
13 requirements.

14 (4) Two years of laboratory science.

15 (5) Two years of social studies, of which at least one
16 year must be history of the United States or a combination
17 of history of the United States and American government
18 and at least one semester must be civics, which shall help
19 young people acquire and learn to use the skills,
20 knowledge, and attitudes that will prepare them to be
21 competent and responsible citizens throughout their lives.
22 Civics course content shall focus on government
23 institutions, the discussion of current and controversial
24 issues, service learning, and simulations of the
25 democratic process. School districts may utilize private
26 funding available for the purposes of offering civics

1 education. One semester, or part of one semester, may
2 include a financial literacy course.

3 (6) One year chosen from (A) music, (B) art, (C)
4 foreign language, which shall be deemed to include
5 American Sign Language, (D) vocational education, or (E)
6 forensic speech (speech and debate). A forensic speech
7 course used to satisfy the course requirement under
8 subdivision (1) may not be used to satisfy the course
9 requirement under this subdivision (6).

10 (e-10) Beginning with the 2028-2029 school year, as a
11 prerequisite to receiving a high school diploma, each pupil
12 entering the 9th grade must, in addition to other course
13 requirements, successfully complete 2 years of foreign
14 language courses, which may include American Sign Language. A
15 pupil may choose a third year of foreign language to satisfy
16 the requirement under subdivision ~~paragraph~~ (6) of subsection
17 (e-5).

18 (f) The State Board of Education shall develop and inform
19 school districts of standards for writing-intensive
20 coursework.

21 (f-5) If a school district offers an Advanced Placement
22 computer science course to high school students, then the
23 school board must designate that course as equivalent to a
24 high school mathematics course and must denote on the
25 student's transcript that the Advanced Placement computer
26 science course qualifies as a mathematics-based, quantitative

1 course for students in accordance with subdivision (3) of
2 subsection (e) of this Section.

3 (g) Public Act 83-1082 ~~This amendatory Act of 1983~~ does
4 not apply to pupils entering the 9th grade in 1983-1984 school
5 year and prior school years or to students with disabilities
6 whose course of study is determined by an individualized
7 education program.

8 Public Act 94-676 ~~This amendatory Act of the 94th General~~
9 ~~Assembly~~ does not apply to pupils entering the 9th grade in the
10 2004-2005 school year or a prior school year or to students
11 with disabilities whose course of study is determined by an
12 individualized education program.

13 Subdivision (3.5) of subsection (e) does not apply to
14 pupils entering the 9th grade in the 2021-2022 school year or a
15 prior school year or to students with disabilities whose
16 course of study is determined by an individualized education
17 program.

18 Subsection (e-5) does not apply to pupils entering the 9th
19 grade in the 2023-2024 school year or a prior school year or to
20 students with disabilities whose course of study is determined
21 by an individualized education program. Subsection (e-10) does
22 not apply to pupils entering the 9th grade in the 2027-2028
23 school year or a prior school year or to students with
24 disabilities whose course of study is determined by an
25 individualized education program.

26 (h) The provisions of this Section are subject to the

1 provisions of Section 27-22.05 of this Code and the
2 Postsecondary and Workforce Readiness Act.

3 (i) The State Board of Education may adopt rules to modify
4 the requirements of this Section for any students enrolled in
5 grades 9 through 12 if the Governor has declared a disaster due
6 to a public health emergency pursuant to Section 7 of the
7 Illinois Emergency Management Agency Act.

8 (Source: P.A. 101-464, eff. 1-1-20; 101-643, eff. 6-18-20;
9 101-654, Article 50, Section 50-5, eff. 3-8-21; 101-654,
10 Article 60, Section 60-5, eff. 3-8-21; 102-366, eff. 8-13-21;
11 102-551, eff. 1-1-22; 102-864, eff. 5-13-22; revised 9-2-22.)

12 (105 ILCS 5/27A-5)

13 (Text of Section before amendment by P.A. 102-466 and
14 102-702)

15 Sec. 27A-5. Charter school; legal entity; requirements.

16 (a) A charter school shall be a public, nonsectarian,
17 nonreligious, non-home based, and non-profit school. A charter
18 school shall be organized and operated as a nonprofit
19 corporation or other discrete, legal, nonprofit entity
20 authorized under the laws of the State of Illinois.

21 (b) A charter school may be established under this Article
22 by creating a new school or by converting an existing public
23 school or attendance center to charter school status.
24 Beginning on April 16, 2003 (the effective date of Public Act
25 93-3), in all new applications to establish a charter school

1 in a city having a population exceeding 500,000, operation of
2 the charter school shall be limited to one campus. The changes
3 made to this Section by Public Act 93-3 do not apply to charter
4 schools existing or approved on or before April 16, 2003 (the
5 effective date of Public Act 93-3).

6 (b-5) In this subsection (b-5), "virtual-schooling" means
7 a cyber school where students engage in online curriculum and
8 instruction via the Internet and electronic communication with
9 their teachers at remote locations and with students
10 participating at different times.

11 From April 1, 2013 through December 31, 2016, there is a
12 moratorium on the establishment of charter schools with
13 virtual-schooling components in school districts other than a
14 school district organized under Article 34 of this Code. This
15 moratorium does not apply to a charter school with
16 virtual-schooling components existing or approved prior to
17 April 1, 2013 or to the renewal of the charter of a charter
18 school with virtual-schooling components already approved
19 prior to April 1, 2013.

20 (c) A charter school shall be administered and governed by
21 its board of directors or other governing body in the manner
22 provided in its charter. The governing body of a charter
23 school shall be subject to the Freedom of Information Act and
24 the Open Meetings Act. No later than January 1, 2021 (one year
25 after the effective date of Public Act 101-291), a charter
26 school's board of directors or other governing body must

1 include at least one parent or guardian of a pupil currently
2 enrolled in the charter school who may be selected through the
3 charter school or a charter network election, appointment by
4 the charter school's board of directors or other governing
5 body, or by the charter school's Parent Teacher Organization
6 or its equivalent.

7 (c-5) No later than January 1, 2021 (one year after the
8 effective date of Public Act 101-291) or within the first year
9 of his or her first term, every voting member of a charter
10 school's board of directors or other governing body shall
11 complete a minimum of 4 hours of professional development
12 leadership training to ensure that each member has sufficient
13 familiarity with the board's or governing body's role and
14 responsibilities, including financial oversight and
15 accountability of the school, evaluating the principal's and
16 school's performance, adherence to the Freedom of Information
17 Act and the Open Meetings Act, and compliance with education
18 and labor law. In each subsequent year of his or her term, a
19 voting member of a charter school's board of directors or
20 other governing body shall complete a minimum of 2 hours of
21 professional development training in these same areas. The
22 training under this subsection may be provided or certified by
23 a statewide charter school membership association or may be
24 provided or certified by other qualified providers approved by
25 the State Board of Education.

26 (d) For purposes of this subsection (d), "non-curricular

1 health and safety requirement" means any health and safety
2 requirement created by statute or rule to provide, maintain,
3 preserve, or safeguard safe or healthful conditions for
4 students and school personnel or to eliminate, reduce, or
5 prevent threats to the health and safety of students and
6 school personnel. "Non-curricular health and safety
7 requirement" does not include any course of study or
8 specialized instructional requirement for which the State
9 Board has established goals and learning standards or which is
10 designed primarily to impart knowledge and skills for students
11 to master and apply as an outcome of their education.

12 A charter school shall comply with all non-curricular
13 health and safety requirements applicable to public schools
14 under the laws of the State of Illinois. On or before September
15 1, 2015, the State Board shall promulgate and post on its
16 Internet website a list of non-curricular health and safety
17 requirements that a charter school must meet. The list shall
18 be updated annually no later than September 1. Any charter
19 contract between a charter school and its authorizer must
20 contain a provision that requires the charter school to follow
21 the list of all non-curricular health and safety requirements
22 promulgated by the State Board and any non-curricular health
23 and safety requirements added by the State Board to such list
24 during the term of the charter. Nothing in this subsection (d)
25 precludes an authorizer from including non-curricular health
26 and safety requirements in a charter school contract that are

1 not contained in the list promulgated by the State Board,
2 including non-curricular health and safety requirements of the
3 authorizing local school board.

4 (e) Except as otherwise provided in the School Code, a
5 charter school shall not charge tuition; provided that a
6 charter school may charge reasonable fees for textbooks,
7 instructional materials, and student activities.

8 (f) A charter school shall be responsible for the
9 management and operation of its fiscal affairs, including, but
10 not limited to, the preparation of its budget. An audit of each
11 charter school's finances shall be conducted annually by an
12 outside, independent contractor retained by the charter
13 school. The contractor shall not be an employee of the charter
14 school or affiliated with the charter school or its authorizer
15 in any way, other than to audit the charter school's finances.
16 To ensure financial accountability for the use of public
17 funds, on or before December 1 of every year of operation, each
18 charter school shall submit to its authorizer and the State
19 Board a copy of its audit and a copy of the Form 990 the
20 charter school filed that year with the federal Internal
21 Revenue Service. In addition, if deemed necessary for proper
22 financial oversight of the charter school, an authorizer may
23 require quarterly financial statements from each charter
24 school.

25 (g) A charter school shall comply with all provisions of
26 this Article, the Illinois Educational Labor Relations Act,

1 all federal and State laws and rules applicable to public
2 schools that pertain to special education and the instruction
3 of English learners, and its charter. A charter school is
4 exempt from all other State laws and regulations in this Code
5 governing public schools and local school board policies;
6 however, a charter school is not exempt from the following:

7 (1) Sections 10-21.9 and 34-18.5 of this Code
8 regarding criminal history records checks and checks of
9 the Statewide Sex Offender Database and Statewide Murderer
10 and Violent Offender Against Youth Database of applicants
11 for employment;

12 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
13 34-84a of this Code regarding discipline of students;

14 (3) the Local Governmental and Governmental Employees
15 Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit
17 Corporation Act of 1986 regarding indemnification of
18 officers, directors, employees, and agents;

19 (5) the Abused and Neglected Child Reporting Act;

20 (5.5) subsection (b) of Section 10-23.12 and
21 subsection (b) of Section 34-18.6 of this Code;

22 (6) the Illinois School Student Records Act;

23 (7) Section 10-17a of this Code regarding school
24 report cards;

25 (8) the P-20 Longitudinal Education Data System Act;

26 (9) Section 27-23.7 of this Code regarding bullying

1 prevention;

2 (10) Section 2-3.162 of this Code regarding student
3 discipline reporting;

4 (11) Sections 22-80 and 27-8.1 of this Code;

5 (12) Sections 10-20.60 and 34-18.53 of this Code;

6 (13) Sections 10-20.63 and 34-18.56 of this Code;

7 (14) Sections 22-90 and 26-18 of this Code;

8 (15) Section 22-30 of this Code;

9 (16) Sections 24-12 and 34-85 of this Code;

10 (17) the Seizure Smart School Act;

11 (18) Section 2-3.64a-10 of this Code;

12 (19) Sections 10-20.73 and 34-21.9 of this Code;

13 (20) Section 10-22.25b of this Code;

14 (21) Section 27-9.1a of this Code;

15 (22) Section 27-9.1b of this Code;

16 (23) Section 34-18.8 of this Code;

17 (25) Section 2-3.188 of this Code;

18 (26) Section 22-85.5 of this Code;

19 (27) subsections ~~Subsections~~ (d-10), (d-15), and
20 (d-20) of Section 10-20.56 of this Code; ~~and~~

21 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~

22 (29) ~~(27)~~ Section 10-20.13 of this Code;

23 (30) ~~(28)~~ Section 28-19.2 of this Code; and

24 (31) ~~(29)~~ Section 34-21.6 of this Code.

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 However, a charter school that is established on or after
12 April 16, 2003 (the effective date of Public Act 93-3) and that
13 operates in a city having a population exceeding 500,000 may
14 not contract with a for-profit entity to manage or operate the
15 school during the period that commences on April 16, 2003 (the
16 effective date of Public Act 93-3) and concludes at the end of
17 the 2004-2005 school year. Except as provided in subsection
18 (i) of this Section, a school district may charge a charter
19 school reasonable rent for the use of the district's
20 buildings, grounds, and facilities. Any services for which a
21 charter school contracts with a school district shall be
22 provided by the district at cost. Any services for which a
23 charter school contracts with a local school board or with the
24 governing body of a State college or university or public
25 community college shall be provided by the public entity at
26 cost.

1 (i) In no event shall a charter school that is established
2 by converting an existing school or attendance center to
3 charter school status be required to pay rent for space that is
4 deemed available, as negotiated and provided in the charter
5 agreement, in school district facilities. However, all other
6 costs for the operation and maintenance of school district
7 facilities that are used by the charter school shall be
8 subject to negotiation between the charter school and the
9 local school board and shall be set forth in the charter.

10 (j) A charter school may limit student enrollment by age
11 or grade level.

12 (k) If the charter school is approved by the State Board or
13 Commission, then the charter school is its own local education
14 agency.

15 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
16 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
17 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
18 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
19 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
20 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,
21 eff. 5-13-22; revised 12-13-22.)

22 (Text of Section after amendment by P.A. 102-702 but
23 before amendment by P.A. 102-466)

24 Sec. 27A-5. Charter school; legal entity; requirements.

25 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter
2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

5 (b) A charter school may be established under this Article
6 by creating a new school or by converting an existing public
7 school or attendance center to charter school status.
8 Beginning on April 16, 2003 (the effective date of Public Act
9 93-3), in all new applications to establish a charter school
10 in a city having a population exceeding 500,000, operation of
11 the charter school shall be limited to one campus. The changes
12 made to this Section by Public Act 93-3 do not apply to charter
13 schools existing or approved on or before April 16, 2003 (the
14 effective date of Public Act 93-3).

15 (b-5) In this subsection (b-5), "virtual-schooling" means
16 a cyber school where students engage in online curriculum and
17 instruction via the Internet and electronic communication with
18 their teachers at remote locations and with students
19 participating at different times.

20 From April 1, 2013 through December 31, 2016, there is a
21 moratorium on the establishment of charter schools with
22 virtual-schooling components in school districts other than a
23 school district organized under Article 34 of this Code. This
24 moratorium does not apply to a charter school with
25 virtual-schooling components existing or approved prior to
26 April 1, 2013 or to the renewal of the charter of a charter

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter
6 school shall be subject to the Freedom of Information Act and
7 the Open Meetings Act. No later than January 1, 2021 (one year
8 after the effective date of Public Act 101-291), a charter
9 school's board of directors or other governing body must
10 include at least one parent or guardian of a pupil currently
11 enrolled in the charter school who may be selected through the
12 charter school or a charter network election, appointment by
13 the charter school's board of directors or other governing
14 body, or by the charter school's Parent Teacher Organization
15 or its equivalent.

16 (c-5) No later than January 1, 2021 (one year after the
17 effective date of Public Act 101-291) or within the first year
18 of his or her first term, every voting member of a charter
19 school's board of directors or other governing body shall
20 complete a minimum of 4 hours of professional development
21 leadership training to ensure that each member has sufficient
22 familiarity with the board's or governing body's role and
23 responsibilities, including financial oversight and
24 accountability of the school, evaluating the principal's and
25 school's performance, adherence to the Freedom of Information
26 Act and the Open Meetings Act, and compliance with education

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
6 a statewide charter school membership association or may be
7 provided or certified by other qualified providers approved by
8 the State Board of Education.

9 (d) For purposes of this subsection (d), "non-curricular
10 health and safety requirement" means any health and safety
11 requirement created by statute or rule to provide, maintain,
12 preserve, or safeguard safe or healthful conditions for
13 students and school personnel or to eliminate, reduce, or
14 prevent threats to the health and safety of students and
15 school personnel. "Non-curricular health and safety
16 requirement" does not include any course of study or
17 specialized instructional requirement for which the State
18 Board has established goals and learning standards or which is
19 designed primarily to impart knowledge and skills for students
20 to master and apply as an outcome of their education.

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall

1 be updated annually no later than September 1. Any charter
2 contract between a charter school and its authorizer must
3 contain a provision that requires the charter school to follow
4 the list of all non-curricular health and safety requirements
5 promulgated by the State Board and any non-curricular health
6 and safety requirements added by the State Board to such list
7 during the term of the charter. Nothing in this subsection (d)
8 precludes an authorizer from including non-curricular health
9 and safety requirements in a charter school contract that are
10 not contained in the list promulgated by the State Board,
11 including non-curricular health and safety requirements of the
12 authorizing local school board.

13 (e) Except as otherwise provided in the School Code, a
14 charter school shall not charge tuition; provided that a
15 charter school may charge reasonable fees for textbooks,
16 instructional materials, and student activities.

17 (f) A charter school shall be responsible for the
18 management and operation of its fiscal affairs, including, but
19 not limited to, the preparation of its budget. An audit of each
20 charter school's finances shall be conducted annually by an
21 outside, independent contractor retained by the charter
22 school. The contractor shall not be an employee of the charter
23 school or affiliated with the charter school or its authorizer
24 in any way, other than to audit the charter school's finances.
25 To ensure financial accountability for the use of public
26 funds, on or before December 1 of every year of operation, each

1 charter school shall submit to its authorizer and the State
2 Board a copy of its audit and a copy of the Form 990 the
3 charter school filed that year with the federal Internal
4 Revenue Service. In addition, if deemed necessary for proper
5 financial oversight of the charter school, an authorizer may
6 require quarterly financial statements from each charter
7 school.

8 (g) A charter school shall comply with all provisions of
9 this Article, the Illinois Educational Labor Relations Act,
10 all federal and State laws and rules applicable to public
11 schools that pertain to special education and the instruction
12 of English learners, and its charter. A charter school is
13 exempt from all other State laws and regulations in this Code
14 governing public schools and local school board policies;
15 however, a charter school is not exempt from the following:

16 (1) Sections 10-21.9 and 34-18.5 of this Code
17 regarding criminal history records checks and checks of
18 the Statewide Sex Offender Database and Statewide Murderer
19 and Violent Offender Against Youth Database of applicants
20 for employment;

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of

- 1 officers, directors, employees, and agents;
- 2 (5) the Abused and Neglected Child Reporting Act;
- 3 (5.5) subsection (b) of Section 10-23.12 and
- 4 subsection (b) of Section 34-18.6 of this Code;
- 5 (6) the Illinois School Student Records Act;
- 6 (7) Section 10-17a of this Code regarding school
- 7 report cards;
- 8 (8) the P-20 Longitudinal Education Data System Act;
- 9 (9) Section 27-23.7 of this Code regarding bullying
- 10 prevention;
- 11 (10) Section 2-3.162 of this Code regarding student
- 12 discipline reporting;
- 13 (11) Sections 22-80 and 27-8.1 of this Code;
- 14 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 15 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 16 (14) Sections 22-90 and 26-18 of this Code;
- 17 (15) Section 22-30 of this Code;
- 18 (16) Sections 24-12 and 34-85 of this Code;
- 19 (17) the Seizure Smart School Act;
- 20 (18) Section 2-3.64a-10 of this Code;
- 21 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 22 (20) Section 10-22.25b of this Code;
- 23 (21) Section 27-9.1a of this Code;
- 24 (22) Section 27-9.1b of this Code;
- 25 (23) Section 34-18.8 of this Code; ~~and~~
- 26 (25) Section 2-3.188 of this Code;

- 1 (26) Section 22-85.5 of this Code;
- 2 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 3 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 4 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- 5 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 6 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 7 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 8 (32) ~~(25)~~ Section 22-85.10 of this Code.

9 The change made by Public Act 96-104 to this subsection

10 (g) is declaratory of existing law.

11 (h) A charter school may negotiate and contract with a

12 school district, the governing body of a State college or

13 university or public community college, or any other public or

14 for-profit or nonprofit private entity for: (i) the use of a

15 school building and grounds or any other real property or

16 facilities that the charter school desires to use or convert

17 for use as a charter school site, (ii) the operation and

18 maintenance thereof, and (iii) the provision of any service,

19 activity, or undertaking that the charter school is required

20 to perform in order to carry out the terms of its charter.

21 However, a charter school that is established on or after

22 April 16, 2003 (the effective date of Public Act 93-3) and that

23 operates in a city having a population exceeding 500,000 may

24 not contract with a for-profit entity to manage or operate the

25 school during the period that commences on April 16, 2003 (the

26 effective date of Public Act 93-3) and concludes at the end of

1 the 2004-2005 school year. Except as provided in subsection
2 (i) of this Section, a school district may charge a charter
3 school reasonable rent for the use of the district's
4 buildings, grounds, and facilities. Any services for which a
5 charter school contracts with a school district shall be
6 provided by the district at cost. Any services for which a
7 charter school contracts with a local school board or with the
8 governing body of a State college or university or public
9 community college shall be provided by the public entity at
10 cost.

11 (i) In no event shall a charter school that is established
12 by converting an existing school or attendance center to
13 charter school status be required to pay rent for space that is
14 deemed available, as negotiated and provided in the charter
15 agreement, in school district facilities. However, all other
16 costs for the operation and maintenance of school district
17 facilities that are used by the charter school shall be
18 subject to negotiation between the charter school and the
19 local school board and shall be set forth in the charter.

20 (j) A charter school may limit student enrollment by age
21 or grade level.

22 (k) If the charter school is approved by the State Board or
23 Commission, then the charter school is its own local education
24 agency.

25 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
26 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.

1 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
2 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
3 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
4 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
5 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

6 (Text of Section after amendment by P.A. 102-466)

7 Sec. 27A-5. Charter school; legal entity; requirements.

8 (a) A charter school shall be a public, nonsectarian,
9 nonreligious, non-home based, and non-profit school. A charter
10 school shall be organized and operated as a nonprofit
11 corporation or other discrete, legal, nonprofit entity
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status.
16 Beginning on April 16, 2003 (the effective date of Public Act
17 93-3), in all new applications to establish a charter school
18 in a city having a population exceeding 500,000, operation of
19 the charter school shall be limited to one campus. The changes
20 made to this Section by Public Act 93-3 do not apply to charter
21 schools existing or approved on or before April 16, 2003 (the
22 effective date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means
24 a cyber school where students engage in online curriculum and
25 instruction via the Internet and electronic communication with

1 their teachers at remote locations and with students
2 participating at different times.

3 From April 1, 2013 through December 31, 2016, there is a
4 moratorium on the establishment of charter schools with
5 virtual-schooling components in school districts other than a
6 school district organized under Article 34 of this Code. This
7 moratorium does not apply to a charter school with
8 virtual-schooling components existing or approved prior to
9 April 1, 2013 or to the renewal of the charter of a charter
10 school with virtual-schooling components already approved
11 prior to April 1, 2013.

12 (c) A charter school shall be administered and governed by
13 its board of directors or other governing body in the manner
14 provided in its charter. The governing body of a charter
15 school shall be subject to the Freedom of Information Act and
16 the Open Meetings Act. No later than January 1, 2021 (one year
17 after the effective date of Public Act 101-291), a charter
18 school's board of directors or other governing body must
19 include at least one parent or guardian of a pupil currently
20 enrolled in the charter school who may be selected through the
21 charter school or a charter network election, appointment by
22 the charter school's board of directors or other governing
23 body, or by the charter school's Parent Teacher Organization
24 or its equivalent.

25 (c-5) No later than January 1, 2021 (one year after the
26 effective date of Public Act 101-291) or within the first year

1 of his or her first term, every voting member of a charter
2 school's board of directors or other governing body shall
3 complete a minimum of 4 hours of professional development
4 leadership training to ensure that each member has sufficient
5 familiarity with the board's or governing body's role and
6 responsibilities, including financial oversight and
7 accountability of the school, evaluating the principal's and
8 school's performance, adherence to the Freedom of Information
9 Act and the Open Meetings Act, and compliance with education
10 and labor law. In each subsequent year of his or her term, a
11 voting member of a charter school's board of directors or
12 other governing body shall complete a minimum of 2 hours of
13 professional development training in these same areas. The
14 training under this subsection may be provided or certified by
15 a statewide charter school membership association or may be
16 provided or certified by other qualified providers approved by
17 the State Board of Education.

18 (d) For purposes of this subsection (d), "non-curricular
19 health and safety requirement" means any health and safety
20 requirement created by statute or rule to provide, maintain,
21 preserve, or safeguard safe or healthful conditions for
22 students and school personnel or to eliminate, reduce, or
23 prevent threats to the health and safety of students and
24 school personnel. "Non-curricular health and safety
25 requirement" does not include any course of study or
26 specialized instructional requirement for which the State

1 Board has established goals and learning standards or which is
2 designed primarily to impart knowledge and skills for students
3 to master and apply as an outcome of their education.

4 A charter school shall comply with all non-curricular
5 health and safety requirements applicable to public schools
6 under the laws of the State of Illinois. On or before September
7 1, 2015, the State Board shall promulgate and post on its
8 Internet website a list of non-curricular health and safety
9 requirements that a charter school must meet. The list shall
10 be updated annually no later than September 1. Any charter
11 contract between a charter school and its authorizer must
12 contain a provision that requires the charter school to follow
13 the list of all non-curricular health and safety requirements
14 promulgated by the State Board and any non-curricular health
15 and safety requirements added by the State Board to such list
16 during the term of the charter. Nothing in this subsection (d)
17 precludes an authorizer from including non-curricular health
18 and safety requirements in a charter school contract that are
19 not contained in the list promulgated by the State Board,
20 including non-curricular health and safety requirements of the
21 authorizing local school board.

22 (e) Except as otherwise provided in the School Code, a
23 charter school shall not charge tuition; provided that a
24 charter school may charge reasonable fees for textbooks,
25 instructional materials, and student activities.

26 (f) A charter school shall be responsible for the

1 management and operation of its fiscal affairs, including, but
2 not limited to, the preparation of its budget. An audit of each
3 charter school's finances shall be conducted annually by an
4 outside, independent contractor retained by the charter
5 school. The contractor shall not be an employee of the charter
6 school or affiliated with the charter school or its authorizer
7 in any way, other than to audit the charter school's finances.
8 To ensure financial accountability for the use of public
9 funds, on or before December 1 of every year of operation, each
10 charter school shall submit to its authorizer and the State
11 Board a copy of its audit and a copy of the Form 990 the
12 charter school filed that year with the federal Internal
13 Revenue Service. In addition, if deemed necessary for proper
14 financial oversight of the charter school, an authorizer may
15 require quarterly financial statements from each charter
16 school.

17 (g) A charter school shall comply with all provisions of
18 this Article, the Illinois Educational Labor Relations Act,
19 all federal and State laws and rules applicable to public
20 schools that pertain to special education and the instruction
21 of English learners, and its charter. A charter school is
22 exempt from all other State laws and regulations in this Code
23 governing public schools and local school board policies;
24 however, a charter school is not exempt from the following:

25 (1) Sections 10-21.9 and 34-18.5 of this Code
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database of applicants
3 for employment;

4 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
5 34-84a of this Code regarding discipline of students;

6 (3) the Local Governmental and Governmental Employees
7 Tort Immunity Act;

8 (4) Section 108.75 of the General Not For Profit
9 Corporation Act of 1986 regarding indemnification of
10 officers, directors, employees, and agents;

11 (5) the Abused and Neglected Child Reporting Act;

12 (5.5) subsection (b) of Section 10-23.12 and
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

15 (7) Section 10-17a of this Code regarding school
16 report cards;

17 (8) the P-20 Longitudinal Education Data System Act;

18 (9) Section 27-23.7 of this Code regarding bullying
19 prevention;

20 (10) Section 2-3.162 of this Code regarding student
21 discipline reporting;

22 (11) Sections 22-80 and 27-8.1 of this Code;

23 (12) Sections 10-20.60 and 34-18.53 of this Code;

24 (13) Sections 10-20.63 and 34-18.56 of this Code;

25 (14) Sections 22-90 and 26-18 of this Code;

26 (15) Section 22-30 of this Code;

- 1 (16) Sections 24-12 and 34-85 of this Code;
- 2 (17) the Seizure Smart School Act;
- 3 (18) Section 2-3.64a-10 of this Code;
- 4 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 5 (20) Section 10-22.25b of this Code;
- 6 (21) Section 27-9.1a of this Code;
- 7 (22) Section 27-9.1b of this Code;
- 8 (23) Section 34-18.8 of this Code;
- 9 (24) Article 26A of this Code; ~~and~~
- 10 (25) Section 2-3.188 of this Code;
- 11 (26) Section 22-85.5 of this Code;
- 12 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 13 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 14 (28) Sections 10-20.83 and 34-18.78 of this Code; i;
- 15 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 16 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 17 (31) ~~(29)~~ Section 34-21.6 of this Code; and;
- 18 (32) ~~(25)~~ Section 22-85.10 of this Code.

19 The change made by Public Act 96-104 to this subsection
20 (g) is declaratory of existing law.

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

1 for use as a charter school site, (ii) the operation and
2 maintenance thereof, and (iii) the provision of any service,
3 activity, or undertaking that the charter school is required
4 to perform in order to carry out the terms of its charter.
5 However, a charter school that is established on or after
6 April 16, 2003 (the effective date of Public Act 93-3) and that
7 operates in a city having a population exceeding 500,000 may
8 not contract with a for-profit entity to manage or operate the
9 school during the period that commences on April 16, 2003 (the
10 effective date of Public Act 93-3) and concludes at the end of
11 the 2004-2005 school year. Except as provided in subsection
12 (i) of this Section, a school district may charge a charter
13 school reasonable rent for the use of the district's
14 buildings, grounds, and facilities. Any services for which a
15 charter school contracts with a school district shall be
16 provided by the district at cost. Any services for which a
17 charter school contracts with a local school board or with the
18 governing body of a State college or university or public
19 community college shall be provided by the public entity at
20 cost.

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be
2 subject to negotiation between the charter school and the
3 local school board and shall be set forth in the charter.

4 (j) A charter school may limit student enrollment by age
5 or grade level.

6 (k) If the charter school is approved by the State Board or
7 Commission, then the charter school is its own local education
8 agency.

9 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
10 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
11 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
12 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
13 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
14 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,
15 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;
16 revised 12-13-22.)

17 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

18 (Text of Section before amendment by P.A. 102-702)

19 Sec. 34-18.5. Criminal history records checks and checks
20 of the Statewide Sex Offender Database and Statewide Murderer
21 and Violent Offender Against Youth Database.

22 (a) Licensed and nonlicensed applicants for employment
23 with the school district are required as a condition of
24 employment to authorize a fingerprint-based criminal history
25 records check to determine if such applicants have been

1 convicted of any disqualifying, enumerated criminal or drug
2 offense in subsection (c) of this Section or have been
3 convicted, within 7 years of the application for employment
4 with the school district, of any other felony under the laws of
5 this State or of any offense committed or attempted in any
6 other state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State.
9 Authorization for the check shall be furnished by the
10 applicant to the school district, except that if the applicant
11 is a substitute teacher seeking employment in more than one
12 school district, or a teacher seeking concurrent part-time
13 employment positions with more than one school district (as a
14 reading specialist, special education teacher or otherwise),
15 or an educational support personnel employee seeking
16 employment positions with more than one district, any such
17 district may require the applicant to furnish authorization
18 for the check to the regional superintendent of the
19 educational service region in which are located the school
20 districts in which the applicant is seeking employment as a
21 substitute or concurrent part-time teacher or concurrent
22 educational support personnel employee. Upon receipt of this
23 authorization, the school district or the appropriate regional
24 superintendent, as the case may be, shall submit the
25 applicant's name, sex, race, date of birth, social security
26 number, fingerprint images, and other identifiers, as

1 prescribed by the Illinois State Police, to the Illinois State
2 Police. The regional superintendent submitting the requisite
3 information to the Illinois State Police shall promptly notify
4 the school districts in which the applicant is seeking
5 employment as a substitute or concurrent part-time teacher or
6 concurrent educational support personnel employee that the
7 check of the applicant has been requested. The Illinois State
8 Police and the Federal Bureau of Investigation shall furnish,
9 pursuant to a fingerprint-based criminal history records
10 check, records of convictions, forever and hereinafter, until
11 expunged, to the president of the school board for the school
12 district that requested the check, or to the regional
13 superintendent who requested the check. The Illinois State
14 Police shall charge the school district or the appropriate
15 regional superintendent a fee for conducting such check, which
16 fee shall be deposited in the State Police Services Fund and
17 shall not exceed the cost of the inquiry; and the applicant
18 shall not be charged a fee for such check by the school
19 district or by the regional superintendent. Subject to
20 appropriations for these purposes, the State Superintendent of
21 Education shall reimburse the school district and regional
22 superintendent for fees paid to obtain criminal history
23 records checks under this Section.

24 (a-5) The school district or regional superintendent shall
25 further perform a check of the Statewide Sex Offender
26 Database, as authorized by the Sex Offender Community

1 Notification Law, for each applicant. The check of the
2 Statewide Sex Offender Database must be conducted by the
3 school district or regional superintendent once for every 5
4 years that an applicant remains employed by the school
5 district.

6 (a-6) The school district or regional superintendent shall
7 further perform a check of the Statewide Murderer and Violent
8 Offender Against Youth Database, as authorized by the Murderer
9 and Violent Offender Against Youth Community Notification Law,
10 for each applicant. The check of the Murderer and Violent
11 Offender Against Youth Database must be conducted by the
12 school district or regional superintendent once for every 5
13 years that an applicant remains employed by the school
14 district.

15 (b) Any information concerning the record of convictions
16 obtained by the president of the board of education or the
17 regional superintendent shall be confidential and may only be
18 transmitted to the general superintendent of the school
19 district or his designee, the appropriate regional
20 superintendent if the check was requested by the board of
21 education for the school district, the presidents of the
22 appropriate board of education or school boards if the check
23 was requested from the Illinois State Police by the regional
24 superintendent, the State Board of Education and the school
25 district as authorized under subsection (b-5), the State
26 Superintendent of Education, the State Educator Preparation

1 and Licensure Board or any other person necessary to the
2 decision of hiring the applicant for employment. A copy of the
3 record of convictions obtained from the Illinois State Police
4 shall be provided to the applicant for employment. Upon the
5 check of the Statewide Sex Offender Database or Statewide
6 Murderer and Violent Offender Against Youth Database, the
7 school district or regional superintendent shall notify an
8 applicant as to whether or not the applicant has been
9 identified in the Database. If a check of an applicant for
10 employment as a substitute or concurrent part-time teacher or
11 concurrent educational support personnel employee in more than
12 one school district was requested by the regional
13 superintendent, and the Illinois State Police upon a check
14 ascertains that the applicant has not been convicted of any of
15 the enumerated criminal or drug offenses in subsection (c) of
16 this Section or has not been convicted, within 7 years of the
17 application for employment with the school district, of any
18 other felony under the laws of this State or of any offense
19 committed or attempted in any other state or against the laws
20 of the United States that, if committed or attempted in this
21 State, would have been punishable as a felony under the laws of
22 this State and so notifies the regional superintendent and if
23 the regional superintendent upon a check ascertains that the
24 applicant has not been identified in the Sex Offender Database
25 or Statewide Murderer and Violent Offender Against Youth
26 Database, then the regional superintendent shall issue to the

1 applicant a certificate evidencing that as of the date
2 specified by the Illinois State Police the applicant has not
3 been convicted of any of the enumerated criminal or drug
4 offenses in subsection (c) of this Section or has not been
5 convicted, within 7 years of the application for employment
6 with the school district, of any other felony under the laws of
7 this State or of any offense committed or attempted in any
8 other state or against the laws of the United States that, if
9 committed or attempted in this State, would have been
10 punishable as a felony under the laws of this State and
11 evidencing that as of the date that the regional
12 superintendent conducted a check of the Statewide Sex Offender
13 Database or Statewide Murderer and Violent Offender Against
14 Youth Database, the applicant has not been identified in the
15 Database. The school board of any school district may rely on
16 the certificate issued by any regional superintendent to that
17 substitute teacher, concurrent part-time teacher, or
18 concurrent educational support personnel employee or may
19 initiate its own criminal history records check of the
20 applicant through the Illinois State Police and its own check
21 of the Statewide Sex Offender Database or Statewide Murderer
22 and Violent Offender Against Youth Database as provided in
23 this Section. Any unauthorized release of confidential
24 information may be a violation of Section 7 of the Criminal
25 Identification Act.

26 (b-5) If a criminal history records check or check of the

1 Statewide Sex Offender Database or Statewide Murderer and
2 Violent Offender Against Youth Database is performed by a
3 regional superintendent for an applicant seeking employment as
4 a substitute teacher with the school district, the regional
5 superintendent may disclose to the State Board of Education
6 whether the applicant has been issued a certificate under
7 subsection (b) based on those checks. If the State Board
8 receives information on an applicant under this subsection,
9 then it must indicate in the Educator Licensure Information
10 System for a 90-day period that the applicant has been issued
11 or has not been issued a certificate.

12 (c) The board of education shall not knowingly employ a
13 person who has been convicted of any offense that would
14 subject him or her to license suspension or revocation
15 pursuant to Section 21B-80 of this Code, except as provided
16 under subsection (b) of 21B-80. Further, the board of
17 education shall not knowingly employ a person who has been
18 found to be the perpetrator of sexual or physical abuse of any
19 minor under 18 years of age pursuant to proceedings under
20 Article II of the Juvenile Court Act of 1987. As a condition of
21 employment, the board of education must consider the status of
22 a person who has been issued an indicated finding of abuse or
23 neglect of a child by the Department of Children and Family
24 Services under the Abused and Neglected Child Reporting Act or
25 by a child welfare agency of another jurisdiction.

26 (d) The board of education shall not knowingly employ a

1 person for whom a criminal history records check and a
2 Statewide Sex Offender Database check have not been initiated.

3 (e) Within 10 days after the general superintendent of
4 schools, a regional office of education, or an entity that
5 provides background checks of license holders to public
6 schools receives information of a pending criminal charge
7 against a license holder for an offense set forth in Section
8 21B-80 of this Code, the superintendent, regional office of
9 education, or entity must notify the State Superintendent of
10 Education of the pending criminal charge.

11 No later than 15 business days after receipt of a record of
12 conviction or of checking the Statewide Murderer and Violent
13 Offender Against Youth Database or the Statewide Sex Offender
14 Database and finding a registration, the general
15 superintendent of schools or the applicable regional
16 superintendent shall, in writing, notify the State
17 Superintendent of Education of any license holder who has been
18 convicted of a crime set forth in Section 21B-80 of this Code.
19 Upon receipt of the record of a conviction of or a finding of
20 child abuse by a holder of any license issued pursuant to
21 Article 21B or Section 34-8.1 of this Code, the State
22 Superintendent of Education may initiate licensure suspension
23 and revocation proceedings as authorized by law. If the
24 receipt of the record of conviction or finding of child abuse
25 is received within 6 months after the initial grant of or
26 renewal of a license, the State Superintendent of Education

1 may rescind the license holder's license.

2 (e-5) The general superintendent of schools shall, in
3 writing, notify the State Superintendent of Education of any
4 license holder whom he or she has reasonable cause to believe
5 has committed an intentional act of abuse or neglect with the
6 result of making a child an abused child or a neglected child,
7 as defined in Section 3 of the Abused and Neglected Child
8 Reporting Act, and that act resulted in the license holder's
9 dismissal or resignation from the school district and must
10 include the Illinois Educator Identification Number (IEIN) of
11 the license holder and a brief description of the misconduct
12 alleged. This notification must be submitted within 30 days
13 after the dismissal or resignation. The license holder must
14 also be contemporaneously sent a copy of the notice by the
15 superintendent. All correspondence, documentation, and other
16 information so received by the State Superintendent of
17 Education, the State Board of Education, or the State Educator
18 Preparation and Licensure Board under this subsection (e-5) is
19 confidential and must not be disclosed to third parties,
20 except (i) as necessary for the State Superintendent of
21 Education or his or her designee to investigate and prosecute
22 pursuant to Article 21B of this Code, (ii) pursuant to a court
23 order, (iii) for disclosure to the license holder or his or her
24 representative, or (iv) as otherwise provided in this Article
25 and provided that any such information admitted into evidence
26 in a hearing is exempt from this confidentiality and

1 non-disclosure requirement. Except for an act of willful or
2 wanton misconduct, any superintendent who provides
3 notification as required in this subsection (e-5) shall have
4 immunity from any liability, whether civil or criminal or that
5 otherwise might result by reason of such action.

6 (f) After March 19, 1990, the provisions of this Section
7 shall apply to all employees of persons or firms holding
8 contracts with any school district including, but not limited
9 to, food service workers, school bus drivers and other
10 transportation employees, who have direct, daily contact with
11 the pupils of any school in such district. For purposes of
12 criminal history records checks and checks of the Statewide
13 Sex Offender Database on employees of persons or firms holding
14 contracts with more than one school district and assigned to
15 more than one school district, the regional superintendent of
16 the educational service region in which the contracting school
17 districts are located may, at the request of any such school
18 district, be responsible for receiving the authorization for a
19 criminal history records check prepared by each such employee
20 and submitting the same to the Illinois State Police and for
21 conducting a check of the Statewide Sex Offender Database for
22 each employee. Any information concerning the record of
23 conviction and identification as a sex offender of any such
24 employee obtained by the regional superintendent shall be
25 promptly reported to the president of the appropriate school
26 board or school boards.

1 (f-5) Upon request of a school or school district, any
2 information obtained by the school district pursuant to
3 subsection (f) of this Section within the last year must be
4 made available to the requesting school or school district.

5 (g) Prior to the commencement of any student teaching
6 experience or required internship (which is referred to as
7 student teaching in this Section) in the public schools, a
8 student teacher is required to authorize a fingerprint-based
9 criminal history records check. Authorization for and payment
10 of the costs of the check must be furnished by the student
11 teacher to the school district. Upon receipt of this
12 authorization and payment, the school district shall submit
13 the student teacher's name, sex, race, date of birth, social
14 security number, fingerprint images, and other identifiers, as
15 prescribed by the Illinois State Police, to the Illinois State
16 Police. The Illinois State Police and the Federal Bureau of
17 Investigation shall furnish, pursuant to a fingerprint-based
18 criminal history records check, records of convictions,
19 forever and hereinafter, until expunged, to the president of
20 the board. The Illinois State Police shall charge the school
21 district a fee for conducting the check, which fee must not
22 exceed the cost of the inquiry and must be deposited into the
23 State Police Services Fund. The school district shall further
24 perform a check of the Statewide Sex Offender Database, as
25 authorized by the Sex Offender Community Notification Law, and
26 of the Statewide Murderer and Violent Offender Against Youth

1 Database, as authorized by the Murderer and Violent Offender
2 Against Youth Registration Act, for each student teacher. The
3 board may not knowingly allow a person to student teach for
4 whom a criminal history records check, a Statewide Sex
5 Offender Database check, and a Statewide Murderer and Violent
6 Offender Against Youth Database check have not been completed
7 and reviewed by the district.

8 A copy of the record of convictions obtained from the
9 Illinois State Police must be provided to the student teacher.
10 Any information concerning the record of convictions obtained
11 by the president of the board is confidential and may only be
12 transmitted to the general superintendent of schools or his or
13 her 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 The board may not knowingly allow a person to student
21 teach who has been convicted of any offense that would subject
22 him or her to license suspension or revocation pursuant to
23 subsection (c) of Section 21B-80 of this Code, except as
24 provided under subsection (b) of Section 21B-80. Further, the
25 board may not allow a person to student teach if he or she has
26 been found to be the perpetrator of sexual or physical abuse of

1 a minor under 18 years of age pursuant to proceedings under
2 Article II of the Juvenile Court Act of 1987. The board must
3 consider the status of a person to student teach who has been
4 issued an indicated finding of abuse or neglect of a child by
5 the Department of Children and Family Services under the
6 Abused and Neglected Child Reporting Act or by a child welfare
7 agency of another jurisdiction.

8 (h) (Blank).

9 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
10 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
11 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22;
12 102-1071, eff. 6-10-22.)

13 (Text of Section after amendment by P.A. 102-702)

14 Sec. 34-18.5. Criminal history records checks and checks
15 of the Statewide Sex Offender Database and Statewide Murderer
16 and Violent Offender Against Youth Database.

17 (a) Licensed and nonlicensed applicants for employment
18 with the school district are required as a condition of
19 employment to authorize a fingerprint-based criminal history
20 records check to determine if such applicants have been
21 convicted of any disqualifying, enumerated criminal or drug
22 offense in subsection (c) of this Section or have been
23 convicted, within 7 years of the application for employment
24 with the school district, of any other felony under the laws of
25 this State or of any offense committed or attempted in any

1 other state or against the laws of the United States that, if
2 committed or attempted in this State, would have been
3 punishable as a felony under the laws of this State.
4 Authorization for the check shall be furnished by the
5 applicant to the school district, except that if the applicant
6 is a substitute teacher seeking employment in more than one
7 school district, or a teacher seeking concurrent part-time
8 employment positions with more than one school district (as a
9 reading specialist, special education teacher or otherwise),
10 or an educational support personnel employee seeking
11 employment positions with more than one district, any such
12 district may require the applicant to furnish authorization
13 for the check to the regional superintendent of the
14 educational service region in which are located the school
15 districts in which the applicant is seeking employment as a
16 substitute or concurrent part-time teacher or concurrent
17 educational support personnel employee. Upon receipt of this
18 authorization, the school district or the appropriate regional
19 superintendent, as the case may be, shall submit the
20 applicant's name, sex, race, date of birth, social security
21 number, fingerprint images, and other identifiers, as
22 prescribed by the Illinois State Police, to the Illinois State
23 Police. The regional superintendent submitting the requisite
24 information to the Illinois State Police shall promptly notify
25 the school districts in which the applicant is seeking
26 employment as a substitute or concurrent part-time teacher or

1 concurrent educational support personnel employee that the
2 check of the applicant has been requested. The Illinois State
3 Police and the Federal Bureau of Investigation shall furnish,
4 pursuant to a fingerprint-based criminal history records
5 check, records of convictions, forever and hereinafter, until
6 expunged, to the president of the school board for the school
7 district that requested the check, or to the regional
8 superintendent who requested the check. The Illinois State
9 Police shall charge the school district or the appropriate
10 regional superintendent a fee for conducting such check, which
11 fee shall be deposited in the State Police Services Fund and
12 shall not exceed the cost of the inquiry; and the applicant
13 shall not be charged a fee for such check by the school
14 district or by the regional superintendent. Subject to
15 appropriations for these purposes, the State Superintendent of
16 Education shall reimburse the school district and regional
17 superintendent for fees paid to obtain criminal history
18 records checks under this Section.

19 (a-5) The school district or regional superintendent shall
20 further perform a check of the Statewide Sex Offender
21 Database, as authorized by the Sex Offender Community
22 Notification Law, for each applicant. The check of the
23 Statewide Sex Offender Database must be conducted by the
24 school district or regional superintendent once for every 5
25 years that an applicant remains employed by the school
26 district.

1 (a-6) The school district or regional superintendent shall
2 further perform a check of the Statewide Murderer and Violent
3 Offender Against Youth Database, as authorized by the Murderer
4 and Violent Offender Against Youth Community Notification Law,
5 for each applicant. The check of the Murderer and Violent
6 Offender Against Youth Database must be conducted by the
7 school district or regional superintendent once for every 5
8 years that an applicant remains employed by the school
9 district.

10 (b) Any information concerning the record of convictions
11 obtained by the president of the board of education or the
12 regional superintendent shall be confidential and may only be
13 transmitted to the general superintendent of the school
14 district or his designee, the appropriate regional
15 superintendent if the check was requested by the board of
16 education for the school district, the presidents of the
17 appropriate board of education or school boards if the check
18 was requested from the Illinois State Police by the regional
19 superintendent, the State Board of Education and the school
20 district as authorized under subsection (b-5), the State
21 Superintendent of Education, the State Educator Preparation
22 and Licensure Board or any other person necessary to the
23 decision of hiring the applicant for employment. A copy of the
24 record of convictions obtained from the Illinois State Police
25 shall be provided to the applicant for employment. Upon the
26 check of the Statewide Sex Offender Database or Statewide

1 Murderer and Violent Offender Against Youth Database, the
2 school district or regional superintendent shall notify an
3 applicant as to whether or not the applicant has been
4 identified in the Database. If a check of an applicant for
5 employment as a substitute or concurrent part-time teacher or
6 concurrent educational support personnel employee in more than
7 one school district was requested by the regional
8 superintendent, and the Illinois State Police upon a check
9 ascertains that the applicant has not been convicted of any of
10 the enumerated criminal or drug offenses in subsection (c) of
11 this Section or has not been convicted, within 7 years of the
12 application for employment with the school district, of any
13 other felony under the laws of this State or of any offense
14 committed or attempted in any other state or against the laws
15 of the United States that, if committed or attempted in this
16 State, would have been punishable as a felony under the laws of
17 this State and so notifies the regional superintendent and if
18 the regional superintendent upon a check ascertains that the
19 applicant has not been identified in the Sex Offender Database
20 or Statewide Murderer and Violent Offender Against Youth
21 Database, then the regional superintendent shall issue to the
22 applicant a certificate evidencing that as of the date
23 specified by the Illinois State Police the applicant has not
24 been convicted of any of the enumerated criminal or drug
25 offenses in subsection (c) of this Section or has not been
26 convicted, within 7 years of the application for employment

1 with the school district, of any other felony under the laws of
2 this State or of any offense committed or attempted in any
3 other state or against the laws of the United States that, if
4 committed or attempted in this State, would have been
5 punishable as a felony under the laws of this State and
6 evidencing that as of the date that the regional
7 superintendent conducted a check of the Statewide Sex Offender
8 Database or Statewide Murderer and Violent Offender Against
9 Youth Database, the applicant has not been identified in the
10 Database. The school board of any school district may rely on
11 the certificate issued by any regional superintendent to that
12 substitute teacher, concurrent part-time teacher, or
13 concurrent educational support personnel employee or may
14 initiate its own criminal history records check of the
15 applicant through the Illinois State Police and its own check
16 of the Statewide Sex Offender Database or Statewide Murderer
17 and Violent Offender Against Youth Database as provided in
18 this Section. Any unauthorized release of confidential
19 information may be a violation of Section 7 of the Criminal
20 Identification Act.

21 (b-5) If a criminal history records check or check of the
22 Statewide Sex Offender Database or Statewide Murderer and
23 Violent Offender Against Youth Database is performed by a
24 regional superintendent for an applicant seeking employment as
25 a substitute teacher with the school district, the regional
26 superintendent may disclose to the State Board of Education

1 whether the applicant has been issued a certificate under
2 subsection (b) based on those checks. If the State Board
3 receives information on an applicant under this subsection,
4 then it must indicate in the Educator Licensure Information
5 System for a 90-day period that the applicant has been issued
6 or has not been issued a certificate.

7 (c) The board of education shall not knowingly employ a
8 person who has been convicted of any offense that would
9 subject him or her to license suspension or revocation
10 pursuant to Section 21B-80 of this Code, except as provided
11 under subsection (b) of 21B-80. Further, the board of
12 education shall not knowingly employ a person who has been
13 found to be the perpetrator of sexual or physical abuse of any
14 minor under 18 years of age pursuant to proceedings under
15 Article II of the Juvenile Court Act of 1987. As a condition of
16 employment, the board of education must consider the status of
17 a person who has been issued an indicated finding of abuse or
18 neglect of a child by the Department of Children and Family
19 Services under the Abused and Neglected Child Reporting Act or
20 by a child welfare agency of another jurisdiction.

21 (d) The board of education shall not knowingly employ a
22 person for whom a criminal history records check and a
23 Statewide Sex Offender Database check have not been initiated.

24 (e) Within 10 days after the general superintendent of
25 schools, a regional office of education, or an entity that
26 provides background checks of license holders to public

1 schools receives information of a pending criminal charge
2 against a license holder for an offense set forth in Section
3 21B-80 of this Code, the superintendent, regional office of
4 education, or entity must notify the State Superintendent of
5 Education of the pending criminal charge.

6 No later than 15 business days after receipt of a record of
7 conviction or of checking the Statewide Murderer and Violent
8 Offender Against Youth Database or the Statewide Sex Offender
9 Database and finding a registration, the general
10 superintendent of schools or the applicable regional
11 superintendent shall, in writing, notify the State
12 Superintendent of Education of any license holder who has been
13 convicted of a crime set forth in Section 21B-80 of this Code.
14 Upon receipt of the record of a conviction of or a finding of
15 child abuse by a holder of any license issued pursuant to
16 Article 21B or Section 34-8.1 of this Code, the State
17 Superintendent of Education may initiate licensure suspension
18 and revocation proceedings as authorized by law. If the
19 receipt of the record of conviction or finding of child abuse
20 is received within 6 months after the initial grant of or
21 renewal of a license, the State Superintendent of Education
22 may rescind the license holder's license.

23 (e-5) The general superintendent of schools shall, in
24 writing, notify the State Superintendent of Education of any
25 license holder whom he or she has reasonable cause to believe
26 has committed (i) an intentional act of abuse or neglect with

1 the result of making a child an abused child or a neglected
2 child, as defined in Section 3 of the Abused and Neglected
3 Child Reporting Act or (ii) an act of sexual misconduct, as
4 defined in Section 22-85.5 of this Code, and that act resulted
5 in the license holder's dismissal or resignation from the
6 school district and must include the Illinois Educator
7 Identification Number (IEIN) of the license holder and a brief
8 description of the misconduct alleged. This notification must
9 be submitted within 30 days after the dismissal or
10 resignation. The license holder must also be contemporaneously
11 sent a copy of the notice by the superintendent. All
12 correspondence, documentation, and other information so
13 received by the State Superintendent of Education, the State
14 Board of Education, or the State Educator Preparation and
15 Licensure Board under this subsection (e-5) is confidential
16 and must not be disclosed to third parties, except (i) as
17 necessary for the State Superintendent of Education or his or
18 her designee to investigate and prosecute pursuant to Article
19 21B of this Code, (ii) pursuant to a court order, (iii) for
20 disclosure to the license holder or his or her representative,
21 or (iv) as otherwise provided in this Article and provided
22 that any such information admitted into evidence in a hearing
23 is exempt from this confidentiality and non-disclosure
24 requirement. Except for an act of willful or wanton
25 misconduct, any superintendent who provides notification as
26 required in this subsection (e-5) shall have immunity from any

1 liability, whether civil or criminal or that otherwise might
2 result by reason of such action.

3 (f) After March 19, 1990, the provisions of this Section
4 shall apply to all employees of persons or firms holding
5 contracts with any school district including, but not limited
6 to, food service workers, school bus drivers and other
7 transportation employees, who have direct, daily contact with
8 the pupils of any school in such district. For purposes of
9 criminal history records checks and checks of the Statewide
10 Sex Offender Database on employees of persons or firms holding
11 contracts with more than one school district and assigned to
12 more than one school district, the regional superintendent of
13 the educational service region in which the contracting school
14 districts are located may, at the request of any such school
15 district, be responsible for receiving the authorization for a
16 criminal history records check prepared by each such employee
17 and submitting the same to the Illinois State Police and for
18 conducting a check of the Statewide Sex Offender Database for
19 each employee. Any information concerning the record of
20 conviction and identification as a sex offender of any such
21 employee obtained by the regional superintendent shall be
22 promptly reported to the president of the appropriate school
23 board or school boards.

24 (f-5) Upon request of a school or school district, any
25 information obtained by the school district pursuant to
26 subsection (f) of this Section within the last year must be

1 made available to the requesting school or school district.

2 (g) Prior to the commencement of any student teaching
3 experience or required internship (which is referred to as
4 student teaching in this Section) in the public schools, a
5 student teacher is required to authorize a fingerprint-based
6 criminal history records check. Authorization for and payment
7 of the costs of the check must be furnished by the student
8 teacher to the school district. Upon receipt of this
9 authorization and payment, the school district shall submit
10 the student teacher's name, sex, race, date of birth, social
11 security number, fingerprint images, and other identifiers, as
12 prescribed by the Illinois State Police, to the Illinois State
13 Police. The Illinois State Police and the Federal Bureau of
14 Investigation shall furnish, pursuant to a fingerprint-based
15 criminal history records check, records of convictions,
16 forever and hereinafter, until expunged, to the president of
17 the board. The Illinois State Police shall charge the school
18 district a fee for conducting the check, which fee must not
19 exceed the cost of the inquiry and must be deposited into the
20 State Police Services Fund. The school district shall further
21 perform a check of the Statewide Sex Offender Database, as
22 authorized by the Sex Offender Community Notification Law, and
23 of the 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. The
26 board may not knowingly allow a person to student teach for

1 whom a criminal history records check, a Statewide Sex
2 Offender Database check, and a Statewide Murderer and Violent
3 Offender Against Youth Database check have not been completed
4 and reviewed by the district.

5 A copy of the record of convictions obtained from the
6 Illinois State Police must be provided to the student teacher.
7 Any information concerning the record of convictions obtained
8 by the president of the board is confidential and may only be
9 transmitted to the general superintendent of schools or his or
10 her designee, the State Superintendent of Education, the State
11 Educator Preparation and Licensure Board, or, for
12 clarification purposes, the Illinois State Police or the
13 Statewide Sex Offender Database or Statewide Murderer and
14 Violent Offender Against Youth Database. Any unauthorized
15 release of confidential information may be a violation of
16 Section 7 of the Criminal Identification Act.

17 The board may not knowingly allow a person to student
18 teach who has been convicted of any offense that would subject
19 him or her to license suspension or revocation pursuant to
20 subsection (c) of Section 21B-80 of this Code, except as
21 provided under subsection (b) of Section 21B-80. Further, the
22 board may not allow a person to student teach if he or she has
23 been found to be the perpetrator of sexual or physical abuse of
24 a minor under 18 years of age pursuant to proceedings under
25 Article II of the Juvenile Court Act of 1987. The board must
26 consider the status of a person to student teach who has been

1 issued an indicated finding of abuse or neglect of a child by
2 the Department of Children and Family Services under the
3 Abused and Neglected Child Reporting Act or by a child welfare
4 agency of another jurisdiction.

5 (h) (Blank).

6 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
7 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
8 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894,
9 eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-17-22.)

10 (105 ILCS 5/34-18.78)

11 Sec. 34-18.78. COVID-19 paid administrative leave.

12 (a) In this Section:

13 "Employee" means a person employed by the school district
14 on or after April 5, 2022 (the effective date of Public Act
15 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

16 "Fully vaccinated against COVID-19" means:

17 (1) 2 weeks after receiving the second dose in a
18 2-dose series of a COVID-19 vaccine authorized for
19 emergency use, licensed, or otherwise approved by the
20 United States Food and Drug Administration; or

21 (2) 2 weeks after receiving a single dose of a
22 COVID-19 vaccine authorized for emergency use, licensed,
23 or otherwise approved by the United States Food and Drug
24 Administration.

25 "Fully vaccinated against COVID-19" also includes any

1 recommended booster doses for which the individual is eligible
2 upon the adoption by the Department of Public Health of any
3 changes made by the Centers for Disease Control and Prevention
4 of the United States Department of Health and Human Services
5 to the definition of "fully vaccinated against COVID-19" to
6 include any such booster doses. For purposes of this Section,
7 individuals who are eligible for a booster dose but have not
8 received a booster dose by 5 weeks after the Department of
9 Public Health adopts a revised definition of "fully vaccinated
10 against COVID-19" are not considered fully vaccinated for
11 determining eligibility for future paid administrative leave
12 pursuant to this Section.

13 "School district" includes charter schools established
14 under Article 27A of this Code.

15 (b) During any time when the Governor has declared a
16 disaster due to a public health emergency pursuant to Section
17 7 of the Illinois Emergency Management Agency Act and the
18 school district, the State or any of its agencies, or a local
19 public health department has issued guidance, mandates, or
20 rules related to COVID-19 that restrict an employee of the
21 school district from being on school district property because
22 the employee (i) has a confirmed positive COVID-19 diagnosis
23 via a molecular amplification diagnostic test, such as a
24 polymerase chain reaction (PCR) test for COVID-19, (ii) has a
25 probable COVID-19 diagnosis via an antigen diagnostic test,
26 (iii) has been in close contact with a person who had a

1 confirmed case of COVID-19 and is required to be excluded from
2 the school, or (iv) is required by the school or school
3 district policy to be excluded from school district property
4 due to COVID-19 symptoms, the employee of the school district
5 shall receive as many days of administrative leave as required
6 to abide by the public health guidance, mandates, and
7 requirements issued by the Department of Public Health, unless
8 a longer period of paid administrative leave has been
9 negotiated with the exclusive bargaining representative. Such
10 leave shall be provided to an employee for any days for which
11 the employee was required to be excluded from school property
12 prior to April 5, 2022 (the effective date of Public Act
13 102-697) ~~this amendatory Act of the 102nd General Assembly,~~
14 provided that the employee receives all doses required to meet
15 the definition of "fully vaccinated against COVID-19" under
16 this Section no later than 5 weeks after April 5, 2022 (the
17 effective date of Public Act 102-697) ~~this amendatory Act of~~
18 ~~the 102nd General Assembly.~~

19 (c) An employee of the school district shall receive paid
20 administrative leave pursuant to subsection (b) of this
21 Section, unless a longer period of paid administrative leave
22 has been negotiated with the exclusive bargaining
23 representative, to care for a child of the employee if the
24 child is unable to attend elementary or secondary school
25 because the child has:

26 (1) a confirmed positive COVID-19 diagnosis via a

1 molecular amplification diagnostic test, such as a
2 polymerase chain reaction (PCR) test for COVID-19;

3 (2) a probable COVID-19 diagnosis via an antigen
4 diagnostic test;

5 (3) been in close contact with a person who has a
6 confirmed case of COVID-19 and is required to be excluded
7 from school; or

8 (4) been required by the school or school district
9 policy to be excluded from school district property due to
10 COVID-19 symptoms.

11 Such leave shall be provided to an employee for any days needed
12 to care for a child of the employee prior to April 5, 2022 (the
13 effective date of Public Act 102-697) ~~this amendatory Act of~~
14 ~~the 102nd General Assembly~~, provided that the employee
15 receives the doses required to meet the definition of "fully
16 vaccinated against COVID-19" under this Section no later than
17 5 weeks after April 5, 2022 (the effective date of Public Act
18 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

19 (d) An employee of the school district who is on paid
20 administrative leave pursuant to this Section must provide all
21 documentation requested by the board.

22 (e) An employee of the school district who is on paid
23 administrative leave pursuant to this Section shall receive
24 the employee's regular rate of pay. The use of a paid
25 administrative leave day or days by an employee pursuant to
26 this Section may not diminish any other leave or benefits of

1 the employee.

2 (f) An employee of the school district may not accrue paid
3 administrative leave pursuant to this Section.

4 (g) For an employee of the school district to be eligible
5 to receive paid administrative leave pursuant to this Section,
6 the employee must:

7 (1) have received all required doses to be fully
8 vaccinated against COVID-19, as defined in this Section;
9 and

10 (2) participate in the COVID-19 testing program
11 adopted by the school district to the extent such a
12 testing program requires participation by individuals who
13 are fully vaccinated against COVID-19.

14 (h) Nothing in this Section is intended to affect any
15 right or remedy under federal law.

16 (i) No paid administrative leave awarded to or used by a
17 fully vaccinated employee prior to the Department of Public
18 Health's adoption of a revised definition of the term "fully
19 vaccinated against COVID-19" may be rescinded on the basis
20 that the employee no longer meets the definition of "fully
21 vaccinated against COVID-19" based on the revised definition.

22 (Source: P.A. 102-697, eff. 4-5-22; revised 8-3-22.)

23 (105 ILCS 5/34-18.79)

24 Sec. 34-18.79 ~~34-18.78~~. Sick leave; mental or behavioral
25 health complications. In addition to any interpretation or

1 definition included in a collective bargaining agreement or
2 board of education or district policy, sick leave, or its
3 equivalent, to which a teacher or other eligible employee is
4 entitled shall be interpreted to include mental or behavioral
5 health complications. Unless contrary to a collective
6 bargaining agreement or board of education or district policy,
7 the board may require a certificate from a mental health
8 professional licensed in Illinois providing ongoing care or
9 treatment to the teacher or employee as a basis for pay during
10 leave after an absence of 3 days for mental or behavioral
11 health complications.

12 (Source: P.A. 102-866, eff. 5-13-22; revised 8-3-22.)

13 (105 ILCS 5/34-18.80)

14 Sec. 34-18.80 ~~34-18.78~~. College and career readiness
15 systems.

16 (a) Subject to subsection (c) of this Section, by July 1,
17 2024, the school district shall adopt and commence
18 implementation of a postsecondary and career expectations
19 framework for each of grades 6 through 12 that substantially
20 aligns to the model framework adopted by State agencies
21 pursuant to Section 15 of the Postsecondary and Workforce
22 Readiness Act. The local postsecondary and career expectations
23 framework shall be available on a prominent location on the
24 school district's website.

25 The career exploration and career development activities

1 offered in alignment with the postsecondary and career
2 expectations framework shall prepare students enrolled in
3 grades 6 through 12 to make informed plans and decisions about
4 their future education and career goals, including possible
5 participation in a career and technical education pathway, by
6 providing students with opportunities to explore a wide
7 variety of high-skill, high-wage, and in-demand career fields.

8 (b) Subject to subsection (c) of this Section, the school
9 district shall become an eligible school district and award
10 College and Career Pathway Endorsements pursuant to the
11 Postsecondary and Workforce Readiness Act and pursuant to the
12 following schedule:

13 (1) for the high school graduating class of 2026, the
14 school district shall offer College and Career Pathway
15 Endorsements in at least one endorsement area;

16 (2) for the high school graduating class of 2028, the
17 school district shall offer College and Career Pathway
18 Endorsements in at least 2 endorsement areas; and

19 (3) for the high school graduating class of 2030, the
20 school district shall offer College and Career Pathway
21 Endorsements in at least 3 endorsement areas.

22 (c) The board may, by action of the board, opt out of
23 implementation of all or any part of this Section through
24 adoption of a set of findings that considers the following:

25 (1) the school district's current systems for college
26 and career readiness;

1 (2) the school district's cost of implementation
2 balanced against the potential benefits to students and
3 families through improved postsecondary education and
4 career outcomes;

5 (3) the willingness and capacity of local businesses
6 to partner with the school district for successful
7 implementation of pathways other than education;

8 (4) the availability of a statewide database of
9 participating local business partners, as provided under
10 the Postsecondary and Workforce Readiness Act, for the
11 purpose of career readiness and the accessibility of those
12 work experiences and apprenticeships listed in the
13 database to the students of the school district; and

14 (5) the availability of properly licensed teachers or
15 teachers meeting faculty credential standards for dual
16 credit courses to instruct in the program required for the
17 endorsement areas.

18 The school district must report its board findings and
19 decision on implementation to the State Board of Education. If
20 the school district elects to opt out of implementation, the
21 district may reverse its decision in whole or in part at any
22 time.

23 (d) The State Board of Education may adopt any rules
24 necessary to implement this Section.

25 (Source: P.A. 102-917, eff. 1-1-23; revised 1-10-23.)

1 (105 ILCS 5/34-18.81)

2 Sec. 34-18.81 ~~34-18.78~~. Pilot program for remote learning
3 for students in the custody of the Department of Corrections.
4 The board may offer the option of remote learning to allow a
5 student who is in the custody of the Department of Corrections
6 to successfully complete the course requirements necessary to
7 graduate from high school and receive a high school diploma.
8 The school district may offer a remote learning option to a
9 student if the student:

10 (1) is enrolled at Consuella B. York Alternative High
11 School at the time the student is transferred to a
12 Department of Corrections facility or institution or had
13 been enrolled at Consuella B. York Alternative High School
14 within the 6 months prior to being transferred to a
15 Department of Corrections facility or institution; and

16 (2) is within 2 school years of completing all of the
17 course requirements necessary to graduate from high school
18 and receive a high school diploma.

19 The Department of Corrections educators and security staff
20 shall be involved in assisting and supervising students
21 participating in the pilot program. The Department of
22 Corrections shall negotiate with all bargaining units involved
23 to ensure that the implementation of the pilot program is
24 consistent with collective bargaining agreements.

25 The school district may continue to offer the option of
26 remote learning to the student for up to one school year

1 following the student's release from the custody of the
2 Department of Corrections to allow the student to complete any
3 remaining course requirements necessary to graduate from high
4 school and receive a high school diploma.

5 The establishment of the pilot program described in this
6 Section is contingent upon there being provided to the
7 Department of Corrections sufficient appropriations to
8 implement and administer the program.

9 (Source: P.A. 102-966, eff. 5-27-22; revised 8-3-22.)

10 (105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)

11 Sec. 34-21.6. Waiver of fees and fines.

12 (a) The board shall waive all fees and any fines for the
13 loss of school property assessed by the district on children
14 whose parents are unable to afford them, including but not
15 limited to:

16 (1) children living in households that meet the free
17 lunch or breakfast eligibility guidelines established by
18 the federal government pursuant to Section 1758 of the
19 federal Richard B. Russell National School Lunch Act (42
20 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) and students whose
21 parents are veterans or active duty military personnel
22 with income at or below 200% of the federal poverty level,
23 subject to verification as set forth in subsection (b) of
24 this Section;7 and

25 (2) homeless children and youths ~~youth~~ as defined in

1 Section 11434a of the federal McKinney-Vento Homeless
2 Assistance Act (42 U.S.C. 11434a).

3 Notice of waiver availability shall be given to parents or
4 guardians with every bill for fees or fines. The board shall
5 develop written policies and procedures implementing this
6 Section in accordance with regulations promulgated by the
7 State Board of Education.

8 (b) If the board participates in a federally funded,
9 school-based child nutrition program and uses a student's
10 application for, eligibility for, or participation in the
11 federally funded, school-based child nutrition program (42
12 U.S.C. 1758; 7 ~~C.F.R.~~ 245 et seq.) as the basis for waiving
13 fees assessed by the district, then the board must follow the
14 verification requirements of the federally funded,
15 school-based child nutrition program (42 U.S.C. 1758; 7 CFR
16 ~~C.F.R.~~ 245.6a).

17 If the board establishes a process for the determination
18 of eligibility for waiver of all fees assessed by the district
19 that is completely independent of the criteria listed in
20 subsection (b), the board may provide for waiver verification
21 no more often than once every academic year. Information
22 obtained during the independent waiver verification process
23 indicating that the student does not meet free lunch or
24 breakfast eligibility guidelines may be used to deny the
25 waiver of the student's fees or fines for the loss of school
26 property, provided that any information obtained through this

1 independent process for determining or verifying eligibility
2 for fee waivers shall not be used to determine or verify
3 eligibility for any federally funded, school-based child
4 nutrition program.

5 This subsection shall not preclude children from obtaining
6 waivers at any point during the academic year.

7 (Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22;
8 revised 12-13-22.)

9 Section 295. The School Safety Drill Act is amended by
10 changing Sections 5 and 45 as follows:

11 (105 ILCS 128/5)

12 Sec. 5. Definitions. In this Act:

13 "First responder" means and includes all fire departments
14 and districts, law enforcement agencies and officials,
15 emergency medical responders, emergency medical dispatchers,
16 and emergency management officials involved in the execution
17 and documentation of the drills administered under this Act.

18 "School" means a public or private facility that offers
19 elementary or secondary education to students under the age of
20 21, a charter school authorized by the State Board of
21 Education, or a special education cooperative. As used in this
22 definition, "public facility" means a facility operated by the
23 State or by a unit of local government. As used in this
24 definition, "private facility" means any non-profit,

1 non-home-based, non-public elementary or secondary school that
2 is in compliance with Title VI of the Civil Rights Act of 1964
3 and attendance at which satisfies the requirements of Section
4 26-1 of the School Code. While more than one school may be
5 housed in a facility, for purposes of this Act, the facility
6 shall be considered a school. When a school has more than one
7 location, for purposes of this Act, each different location
8 shall be considered its own school.

9 "School safety drill" means a pre-planned exercise
10 conducted by a school in accordance with the drills and
11 requirements set forth in this Act.

12 (Source: P.A. 102-894, eff. 5-20-22; 102-1006, eff. 1-1-23;
13 revised 12-13-22.)

14 (105 ILCS 128/45)

15 Sec. 45. Threat assessment procedure.

16 (a) Each school district must implement a threat
17 assessment procedure that may be part of a school board policy
18 on targeted school violence prevention. The procedure must
19 include the creation of a threat assessment team. The team
20 must include all of the following members:

21 (1) An administrator employed by the school district
22 or a special education cooperative that serves the school
23 district and is available to serve.

24 (2) A teacher employed by the school district or a
25 special education cooperative that serves the school

1 district and is available to serve.

2 (3) A school counselor employed by the school district
3 or a special education cooperative that serves the school
4 district and is available to serve.

5 (4) A school psychologist employed by the school
6 district or a special education cooperative that serves
7 the school district and is available to serve.

8 (5) A school social worker employed by the school
9 district or a special education cooperative that serves
10 the school district and is available to serve.

11 (6) At least one law enforcement official.

12 If a school district is unable to establish a threat
13 assessment team with school district staff and resources, it
14 may utilize a regional behavioral threat assessment and
15 intervention team that includes mental health professionals
16 and representatives from the State, county, and local law
17 enforcement agencies.

18 (b) A school district shall establish the threat
19 assessment team under this Section no later than 180 days
20 after August 23, 2019 (the effective date of Public Act
21 101-455) ~~this amendatory Act of the 101st General Assembly~~ and
22 must implement an initial threat assessment procedure no later
23 than 120 days after August 23, 2019 (the effective date of
24 Public Act 101-455) ~~this amendatory Act of the 101st General~~
25 ~~Assembly~~. Each year prior to the start of the school year, the
26 school board shall file the threat assessment procedure and a

1 list identifying the members of the school district's threat
2 assessment team or regional behavior threat assessment and
3 intervention team with (i) a local law enforcement agency and
4 (ii) the regional office of education or, with respect to a
5 school district organized under Article 34 of the School Code,
6 the State Board of Education.

7 (c) Any sharing of student information under this Section
8 must comply with the federal Family Educational Rights and
9 Privacy Act of 1974 and the Illinois School Student Records
10 Act.

11 (d) A charter school must follow the threat assessment
12 procedures implemented by its authorizing school district or
13 must implement its own threat assessment procedure that
14 complies with this Section.

15 (Source: P.A. 101-455, eff. 8-23-19; 102-791, eff. 5-13-22;
16 102-894, eff. 5-20-22; revised 8-25-22.)

17 Section 300. The School Construction Law is amended by
18 changing Section 5-15 as follows:

19 (105 ILCS 230/5-15)

20 Sec. 5-15. Grant award amounts and required local match.

21 (a) After June 30, 2022, any time there is an
22 appropriation of funds by the General Assembly from the School
23 Infrastructure Fund or School Construction Fund and a release
24 of the appropriated funds to the Capital Development Board for

1 expenditure on grant awards pursuant to the provisions of this
2 Article, the State Board of Education is authorized to open an
3 application cycle to receive grant applications from school
4 districts for school construction projects. No grant
5 application filed before the start of the first application
6 cycle after June 30, 2022 may be considered. After the close of
7 each application cycle, the State Board of Education shall
8 determine the approval of applications, the required local
9 match percentage for each approved application, and the
10 priority order for school construction project grants to be
11 made by the Capital Development Board and shall then notify
12 all applicants regarding their eligibility for a grant. Such
13 notification shall include an estimate of the required local
14 match. The State Board of Education shall publish a list of
15 applicants eligible for grants and forward it to the Capital
16 Development Board.↵

17 (b) The Capital Development Board, to the extent that
18 appropriated funds have been released and proceeding through
19 the list of eligible applicants in the order of priority
20 determined by the State Board of Education, shall issue
21 conditional grant awards to eligible school districts. An
22 applicant that does not receive a conditional grant award
23 notification must submit a new application during another
24 application cycle in order to receive future consideration for
25 a grant award.

26 (c) The conditional grant award certifies to a school

1 district the recognized project costs for its school
2 construction project determined by the Capital Development
3 Board, the applicable required local match percentage and
4 grant award percentage, the required local match and grant
5 award amount calculated by multiplying the required local
6 match percentage and the grant award percentage by the
7 recognized project cost, and the required local match and
8 grant award amount as those amounts may be adjusted as
9 required in subsection (d).

10 (d) The required local match and grant award amount are
11 calculated by multiplying the required local match percentage
12 and the grant award percentage by the recognized project cost,
13 provided that, only during the first application cycle after
14 June 30, 2022, these amounts may be adjusted if the applicant
15 had previously expended funds on a school construction project
16 on the 2004, 2005, or 2006 School Construction Grant List. In
17 that case, the required local match shall be reduced (but not
18 below zero) and the grant award amount shall be increased (to
19 an amount no greater than the recognized project cost) by an
20 amount determined by the Capital Development Board to be equal
21 to the amount of the grant the applicant would have received
22 pursuant to Section 5-35 had it been awarded a grant in 2004,
23 2005, or 2006 based on the 2004, 2005, or 2006 School
24 Construction Grant List and the year in which the school
25 district applied for the grant.

26 (e) A school district shall have 2 years from the date the

1 school district was issued a conditional grant award from the
2 Capital Development Board to obtain the school district's
3 required local match and receive a final grant award from the
4 Capital Development Board. If the required local match is not
5 obtained within the 2-year time frame, the school district
6 shall be required to reapply in another application cycle,
7 after the 2-year time frame, to be considered for a grant
8 award. The State share of the grant amount in a conditional
9 grant award that is not claimed by a school district within the
10 2-year time frame shall be reallocated to future application
11 cycles after the 2-year time frame expires.

12 (Source: P.A. 102-723, eff. 5-6-22; revised 9-2-22.)

13 Section 305. The Private Business and Vocational Schools
14 Act of 2012 is amended by changing Sections 37, 70, and 75 as
15 follows:

16 (105 ILCS 426/37)

17 Sec. 37. Disclosures. All schools shall make, at a
18 minimum, the disclosures required under this Section clearly
19 and conspicuously on their Internet websites. The disclosure
20 shall consist of a statement containing the following
21 information for the most recent 12-month reporting period of
22 July 1 through June 30:

23 (1) The number of students who were admitted in the
24 course of instruction as of July 1 of that reporting

1 period.

2 (2) Additions during the year due to:

3 (A) new starts;

4 (B) re-enrollments; and

5 (C) transfers into the course of instruction from
6 other courses of instruction at the school.

7 (3) The total number of students admitted during the
8 reporting period (the number of students reported under
9 paragraph (1) of this Section plus the additions reported
10 under subparagraphs (A), (B), and (C) of paragraph (2) of
11 this Section).

12 (4) Of the total course of instruction enrollment, the
13 number of students who:

14 (A) transferred out of the course of instruction
15 to another course of instruction;

16 (B) completed or graduated from a course of
17 instruction;

18 (C) withdrew from the school;

19 (D) are still enrolled.

20 (5) The number of students listed in paragraph (4) of
21 this Section who:

22 (A) were placed in their field of study;

23 (B) were placed in a related field;

24 (C) placed out of the field;

25 (D) were not available for placement due to
26 personal reasons;

1 (E) were not employed.

2 (6) The number of students who took a State licensing
3 examination or professional certification examination, if
4 any, during the reporting period, as well as the number
5 who passed.

6 (7) The number of graduates who obtained employment in
7 the field who did not use the school's placement
8 assistance during the reporting period; such information
9 may be compiled by reasonable efforts of the school to
10 contact graduates by written correspondence.

11 (8) The average starting salary for all school
12 graduates employed during the reporting period; such
13 information may be compiled by reasonable efforts of the
14 school to contact graduates by written correspondence.

15 (9) The following clear and conspicuous caption, set
16 forth with the address and telephone number of the Board's
17 office:

18 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED
19 WITH THE BOARD OF HIGHER EDUCATION."

20 (10) If the United States Department of Education
21 places the school on either the Heightened Cash Monitoring
22 2 payment method or the reimbursement payment method, as
23 authorized under 34 CFR 668.162, a clear and conspicuous
24 disclosure that the United States Department of Education
25 has heightened monitoring of the school's finances and the
26 reason for such monitoring. Such disclosure shall be made

1 within 14 days of the action of the United States
2 Department of Education both on the school's website and
3 to all students and prospective students on a form
4 prescribed by the Board.

5 An alphabetical list of names, addresses, and dates of
6 admission by course or course of instruction and a sample copy
7 of the enrollment agreement employed to enroll the students
8 listed shall be filed with the Board's Executive Director on
9 an annual basis. The list shall be signed and verified by the
10 school's chief managing employee.

11 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

12 (105 ILCS 426/70)

13 Sec. 70. Closing of a school.

14 (a) In the event a school proposes to discontinue its
15 operations, the chief administrative officer of the school
16 shall cause to be filed with the Board the original or legible
17 true copies of all such academic records of the institution as
18 may be specified by the Board.

19 (b) These records shall include, at a minimum, the
20 academic records of each former student that is traditionally
21 provided on an academic transcript, such as, but not limited
22 to, courses taken, terms, grades, and other such information.

23 (c) In the event it appears to the Board that any such
24 records of an institution discontinuing its operations is in
25 danger of being lost, hidden, destroyed, or otherwise made

1 unavailable to the Board, the Board may seize and take
2 possession of the records, on its own motion and without order
3 of court.

4 (d) The Board shall maintain or cause to be maintained a
5 permanent file of such records coming into its possession.

6 (e) As an alternative to the deposit of such records with
7 the Board, the institution may propose to the Board a plan for
8 permanent retention of the records. The plan must be put into
9 effect only with the approval of the Board.

10 (f) When a postsecondary educational institution now or
11 hereafter operating in this State proposes to discontinue its
12 operation, such institution shall cause to be created a
13 teach-out plan acceptable to the Board, which shall fulfill
14 the school's educational obligations to its students. Should
15 the school fail to deliver or act on the teach-out plan, the
16 Board is in no way responsible for providing the teach-out.

17 (f-5) The school shall release any institutional holds
18 placed on any student ~~students~~ record, regardless of the type
19 of hold placed on the student record.

20 (g) The school and its designated surety bonding company
21 are responsible for the return to students of all prepaid,
22 unearned tuition. As identified in Section 55 of this Act, the
23 surety bond must be a written agreement that provides for
24 monetary compensation in the event that the school fails to
25 fulfill its obligations. The surety bonding company shall
26 guarantee the return to the school's students and their

1 parents, guardians, or sponsors of all prepaid, unearned
2 tuition in the event of school closure. Should the school or
3 its surety bonding company fail to deliver or act to fulfill
4 the obligation, the Board is in no way responsible for the
5 repayment or any related damages or claims.

6 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

7 (105 ILCS 426/75)

8 Sec. 75. Application and renewal fees. The Board may not
9 approve any application for a permit of approval or program of
10 study that has been plagiarized in part or whole and may return
11 any such application for a permit of approval or program of
12 study. Additionally, the Board may not approve any application
13 for a permit of approval or program of study that has not been
14 completed in its entirety. Fees for application and renewal
15 may be set by the Board by rule. Fees shall be collected for
16 all of the following:

17 (1) An original school application for a permit of
18 approval.

19 (2) An initial school application for a permit of
20 approval upon occurrence of a change of ownership.

21 (3) An annual school application for renewal of a
22 certificate of approval.

23 (4) A school application for a change of location.

24 (5) A school application for a classroom extension.

25 (6) If an applicant school ~~that~~ has not remedied all

1 deficiencies cited by the Board within 12 months after the
2 date of its original application for a permit of approval,
3 an additional original application fee for the continued
4 cost of investigation of its application.

5 (7) Transcript processing.

6 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

7 Section 310. The Dual Credit Quality Act is amended by
8 changing Section 20 as follows:

9 (110 ILCS 27/20)

10 Sec. 20. Standards. All institutions offering dual credit
11 courses shall meet the following standards:

12 (1) High school instructors teaching credit-bearing
13 college-level courses for dual credit must meet any of the
14 academic credential requirements set forth in this
15 paragraph or paragraph (2) or (3) of this Section and need
16 not meet higher certification requirements or those set
17 out in Article 21B of the School Code:

18 (A) Approved instructors of dual credit courses
19 shall meet any of the faculty credential standards
20 allowed by the Higher Learning Commission to determine
21 minimally qualified faculty. At the request of an
22 instructor, an instructor who meets these credential
23 standards shall be provided by the State Board of
24 Education with a Dual Credit Endorsement, to be placed

1 on the professional educator license, as established
2 by the State Board of Education and as authorized
3 under Article 21B of the School Code and promulgated
4 through administrative rule in cooperation with the
5 Illinois Community College Board and the Board of
6 Higher Education.

7 (B) An instructor who does not meet the faculty
8 credential standards allowed by the Higher Learning
9 Commission to determine minimally qualified faculty
10 may teach dual credit courses if the instructor has a
11 professional development plan, approved by the
12 institution and shared with the State Board of
13 Education no later than January 1, 2025, to raise his
14 or her credentials to be in line with the credentials
15 under subparagraph (A) of this paragraph (1). The
16 institution shall have 30 days to review the plan and
17 approve an instructor professional development plan
18 that is in line with the credentials set forth in
19 paragraph (2) of this Section. The institution shall
20 not unreasonably withhold approval of a professional
21 development plan. These approvals shall be good for as
22 long as satisfactory progress toward the completion of
23 the credential is demonstrated, but in no event shall
24 a professional development plan be in effect for more
25 than 3 years from the date of its approval or after
26 January 1, 2028, whichever is sooner. A high school

1 instructor whose professional development plan is not
2 approved by the institution may appeal to the Illinois
3 Community College Board or the Board of Higher
4 Education, as appropriate.

5 (C) The Illinois Community College Board and Board
6 of Higher Education shall report yearly on their ~~its~~
7 Internet websites ~~website~~ the following:

8 (i) the number of teachers presently enrolled
9 in an approved professional development plan under
10 this Section;

11 (ii) the number of instructors who
12 successfully completed an approved professional
13 development plan;

14 (iii) the number of instructors who did not
15 successfully complete an approved professional
16 development plan after 3 years;

17 (iv) a breakdown of the information in
18 subdivisions (i), (ii), and (iii) of this
19 subparagraph (C) by subject area; and

20 (v) a summary, by community college district,
21 of professional development plans that are in
22 progress, that were successfully completed, or
23 that have expired.

24 (2) For a high school instructor entering into a
25 professional development plan prior to January 1, 2023,
26 the high school instructor shall qualify for a

1 professional development plan if the instructor:

2 (A) has a master's degree in any discipline and
3 has earned 9 graduate hours in a discipline in which he
4 or she is currently teaching or expects to teach; or

5 (B) has a bachelor's degree with a minimum of 18
6 graduate hours in a discipline that he or she is
7 currently teaching or expects to teach and is enrolled
8 in a discipline-specific master's degree program; and

9 (C) agrees to demonstrate his or her progress
10 toward completion to the supervising institution, as
11 outlined in the professional development plan.

12 (2.5) For a high school instructor entering into a
13 professional development plan on or after January 1, 2023,
14 the high school instructor shall qualify for a
15 professional development plan if the instructor:

16 (A) has a master's degree in any discipline, has
17 earned 9 graduate hours in a discipline in which he or
18 she currently teaches or expects to teach, and agrees
19 to demonstrate his or her progress toward completion
20 to the supervising institution, as outlined in the
21 professional development plan; or

22 (B) is a fully licensed instructor in career and
23 technical education who is halfway toward meeting the
24 institution's requirements for faculty in the
25 discipline to be taught and agrees to demonstrate his
26 or her progress toward completion to the supervising

1 institution, as outlined in the professional
2 development plan.

3 (3) An instructor in career and technical education
4 courses must possess the credentials and demonstrated
5 teaching competencies appropriate to the field of
6 instruction.

7 (4) Course content must be equivalent to
8 credit-bearing college-level courses offered at the
9 community college.

10 (5) Learning outcomes must be the same as
11 credit-bearing college-level courses and be appropriately
12 measured.

13 (6) A high school instructor is expected to
14 participate in any orientation developed by the
15 institution for dual credit instructors in course
16 curriculum, assessment methods, and administrative
17 requirements.

18 (7) Dual credit instructors must be given the
19 opportunity to participate in all activities available to
20 other adjunct faculty, including professional development,
21 seminars, site visits, and internal communication,
22 provided that such opportunities do not interfere with an
23 instructor's regular teaching duties.

24 (8) Every dual credit course must be reviewed annually
25 by faculty through the appropriate department to ensure
26 consistency with campus courses.

1 (9) Dual credit students must be assessed using
2 methods consistent with students in traditional
3 credit-bearing college courses.

4 (10) Within 15 days after entering into or renewing a
5 partnership agreement, the institution shall notify its
6 faculty of the agreement, including access to copies of
7 the agreement if requested.

8 (Source: P.A. 102-558, eff. 8-20-21; 102-1077, eff. 1-1-23;
9 revised 12-9-22.)

10 Section 315. The Board of Higher Education Act is amended
11 by changing Section 9.16 as follows:

12 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

13 Sec. 9.16. Underrepresentation of certain groups in higher
14 education. To require public institutions of higher education
15 to develop and implement an equity plan and practices that
16 include methods and strategies to increase the access,
17 retention, completion, and student loan repayment rates of
18 minorities, rural students, adult students, women, and
19 individuals with disabilities who are traditionally
20 underrepresented in education programs and activities. To
21 encourage private institutions of higher education to develop
22 and implement an equity plan and practices. For the purpose of
23 this Section, minorities shall mean persons ~~residents~~ who are
24 any of the following:

1 (1) American Indian or Alaska Native (a person having
2 origins in any of the original peoples of North and South
3 America, including Central America, and who maintains
4 tribal affiliation or community attachment).

5 (2) Asian (a person having origins in any of the
6 original peoples of the Far East, Southeast Asia, or the
7 Indian subcontinent, including, but not limited to,
8 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
9 the Philippine Islands, Thailand, and Vietnam).

10 (3) Black or African American (a person having origins
11 in any of the black racial groups of Africa).

12 (4) Hispanic or Latino (a person of Cuban, Mexican,
13 Puerto Rican, South or Central American, or other Spanish
14 culture or origin, regardless of race).

15 (5) Native Hawaiian or Other Pacific Islander (a
16 person having origins in any of the original peoples of
17 Hawaii, Guam, Samoa, or other Pacific Islands).

18 The Board shall adopt any rules necessary to administer
19 this Section. The Board, in collaboration with the Illinois
20 Community College Board, shall also do the following:

21 (a) require all public institutions of higher
22 education to develop and submit an equity plan and
23 implement practices that, at a minimum, close gaps in
24 enrollment, retention, completion, and student loan
25 repayment rates for underrepresented groups and encourage
26 all private institutions of higher education to develop

1 and submit such equity plans and implement such practices;

2 (b) conduct periodic review of public institutions of
3 higher education and private institutions of higher
4 education to determine compliance with this Section; and
5 if the Board finds that a public institution of higher
6 education is not in compliance with this Section, it shall
7 notify the institution of steps to take to attain
8 compliance;

9 (c) provide advice and counsel pursuant to this
10 Section;

11 (d) conduct studies of the effectiveness and outcomes
12 of the methods and strategies outlined in an institution's
13 equity plan, as well as others designed to increase
14 participation and success of students in education
15 programs and activities in which minorities, rural
16 students, adult students, women, and individuals with
17 disabilities are traditionally underrepresented, and
18 monitor and report the outcomes for students as a result
19 of the implementation of equity plans;

20 (e) require components of an institution's equity plan
21 to include strategies to increase minority student
22 recruitment, retention, and student loan repayment rates
23 in colleges and universities. In implementing this
24 paragraph, the Board shall undertake, but need not be
25 limited to, the following: the establishment of guidelines
26 and plans for public institutions of higher education and

1 private institutions of higher education for minority
2 student recruitment, retention, and student loan repayment
3 rates, including requirements to establish campus climate
4 and culture surveys, the review and monitoring of minority
5 student services, programs, and supports implemented at
6 public institutions of higher education and private
7 institutions of higher education to determine their
8 compliance with any guidelines and plans so established,
9 the determination of the effectiveness and funding
10 requirements of minority student services, programs, and
11 supports at public institutions of higher education and
12 private institutions of higher education, the
13 dissemination of successful programs as models, and the
14 encouragement of cooperative partnerships between
15 community colleges, local school attendance centers, and
16 4-year colleges and universities to support enrollment of
17 minority students;

18 (f) mandate all public institutions of higher
19 education and encourage all private institutions of higher
20 education to submit data and information essential to
21 determine compliance with this Section. The Board shall
22 prescribe the format and the date for submission of this
23 data and any other education equity data; and

24 (g) report to the General Assembly and the Governor
25 annually with a description of the plans submitted by each
26 public institution of higher education and each private

1 institution of higher education for implementation of this
2 Section, including financial data relating to the most
3 recent fiscal year, the effectiveness of such plans and
4 programs and the effectiveness of the methods and
5 strategies developed by the Board in meeting the purposes
6 of this Section, the degree of compliance with this
7 Section by each public institution of higher education and
8 each private institution of higher education as determined
9 by the Board pursuant to its periodic review
10 responsibilities, and the findings made by the Board in
11 conducting its studies and monitoring student outcomes and
12 institutional success as required by paragraph (d) of this
13 Section. With respect to each public institution of higher
14 education and each private institution of higher
15 education, such report also shall include, but need not be
16 limited to, information with respect to each institution's
17 minority program budget allocations; minority student
18 admission, retention and graduation and student loan
19 repayment rate statistics; admission, retention,
20 graduation, and student loan repayment rate statistics of
21 all students who are the first in their immediate family
22 to attend an institution of higher education; number of
23 financial assistance awards, not including student loans,
24 to undergraduate and graduate minority students; and
25 minority faculty representation. This paragraph shall not
26 be construed to prohibit the Board from making, preparing, and

1 or issuing additional surveys or studies with respect to
2 minority education in Illinois.

3 (Source: P.A. 102-465, eff. 1-1-22; 102-1030, eff. 5-27-22;
4 102-1046, eff. 6-7-22; revised 7-26-22.)

5 Section 320. The Higher Education Cooperation Act is
6 amended by changing Section 4 as follows:

7 (110 ILCS 220/4) (from Ch. 144, par. 284)

8 Sec. 4. A program of financial assistance to programs of
9 interinstitutional cooperation, in higher education is
10 established to implement the policy of encouraging such
11 cooperation in order to achieve an efficient use of
12 educational resources, an equitable distribution of
13 educational services, the development of innovative concepts
14 and applications, and other public purposes.

15 The Board of Higher Education shall administer this
16 program of financial assistance and shall distribute the funds
17 appropriated by the General Assembly for this purpose in the
18 form of grants to not-for-profit corporations organized to
19 administer programs of interinstitutional cooperation in
20 higher education or to public or nonpublic institutions of
21 higher education participating in such programs.

22 In awarding grants to interinstitutional programs under
23 this Act, the Board shall consider in relation to each such
24 program whether it serves the public purposes expressed in

1 this Act, whether the local community is substantially
2 involved, whether its function could be performed better by a
3 single existing institution, whether the program is consistent
4 with the Illinois strategic plan for higher education, and
5 such other criteria as it determines to be appropriate.

6 No grant may be awarded under this Section for any program
7 of sectarian instruction or for any program designed to serve
8 a sectarian purpose.

9 As a part of its administration of this Act, the Board may
10 require audits or reports in relation to the administrative,
11 fiscal and academic aspects of any interinstitutional program
12 for which a grant is awarded under this Act. The Board shall
13 annually submit to the Governor and the General Assembly a
14 budgetary recommendation for grants under this Act.

15 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

16 Section 325. The University of Illinois Act is amended by
17 setting forth, renumbering, and changing multiple versions of
18 Section 160 as follows:

19 (110 ILCS 305/160)

20 Sec. 160. Benefits navigator.

21 (a) In this Section:

22 "Benefits navigator" means an individual who is designated
23 by the University for the purpose of helping students at the
24 University determine eligibility for benefit programs and

1 identify campuswide and community resource support.

2 "Benefit program" means any federal, State, or local
3 program that provides assistance or benefits to individuals on
4 the basis of need.

5 (b) The University shall:

6 (1) designate a benefits navigator who has a detailed
7 understanding of eligibility requirements for benefit
8 programs and campuswide and community resource support;

9 (2) provide training for the benefits navigator; and

10 (3) participate in a statewide consortium with other
11 public institutions of higher education, facilitated by
12 the Board of Higher Education, for the purpose of
13 facilitating communication between benefits navigators at
14 different institutions and developing best practices for
15 benefits navigators.

16 (c) The benefits navigator designated under this Section
17 shall:

18 (1) assist students at the University in determining
19 eligibility for benefit programs and identifying
20 campuswide and community resource support;

21 (2) use the consortium under paragraph (3) of
22 subsection (b) of this Section to coordinate with benefits
23 navigators at other public institutions of higher
24 education for the purpose of collecting data and
25 developing best practices for helping students apply for
26 and receive assistance from benefit programs; and

1 (3) coordinate and provide culturally specific
2 resources, including resources for non-English speakers,
3 to support students at the University.

4 (d) The University, in consultation with the benefits
5 navigator designated under this Section, shall develop an
6 internal process to enable students at the University to
7 provide feedback and recommendations on how the University can
8 better assist students in determining eligibility for benefit
9 programs and applying for assistance under benefit programs.
10 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

11 (110 ILCS 305/170)

12 Sec. 170 ~~160~~. COVID-19 sick leave. For purposes of this
13 Section, "employee" means a person employed by the University
14 on or after April 5, 2022 (the effective date of Public Act
15 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

16 Any sick leave used by an employee of the University
17 during the 2021-2022 academic year shall be returned to an
18 employee of the University who receives all doses required to
19 be fully vaccinated against COVID-19, as defined in Section
20 175 of this Act, if:

21 (1) the sick leave was taken because the employee was
22 restricted from being on University property because the
23 employee:

24 (A) had a confirmed positive COVID-19 diagnosis
25 via a molecular amplification diagnostic test, such as

1 a polymerase chain reaction (PCR) test for COVID-19;

2 (B) had a probable COVID-19 diagnosis via an
3 antigen diagnostic test;

4 (C) was in close contact with a person who had a
5 confirmed case of COVID-19 and was required to be
6 excluded from the University; or

7 (D) was required by the University to be excluded
8 from University property due to COVID-19 symptoms; or

9 (2) the sick leave was taken to care for a child of the
10 employee who was unable to attend elementary or secondary
11 school because the child:

12 (A) had a confirmed positive COVID-19 diagnosis
13 via a molecular amplification diagnostic test, such as
14 a polymerase chain reaction (PCR) test for COVID-19;

15 (B) had a probable COVID-19 diagnosis via an
16 antigen diagnostic test;

17 (C) was in close contact with a person who had a
18 confirmed case of COVID-19 and was required to be
19 excluded from school; or

20 (D) was required by the school or school district
21 policy to be excluded from school district property
22 due to COVID-19 symptoms.

23 Leave shall be returned to an employee pursuant to this
24 Section provided that the employee has received all required
25 doses to meet the definition of "fully vaccinated against
26 COVID-19" under Section 175 of this Act no later than 5 weeks

1 after April 5, 2022 (the effective date of Public Act 102-697)
2 ~~this amendatory Act of the 102nd General Assembly.~~

3 The University may not rescind any sick leave returned to
4 an employee of the University on the basis of a revision to the
5 definition of "fully vaccinated against COVID-19" by the
6 Centers for Disease Control and Prevention of the United
7 States Department of Health and Human Services or the
8 Department of Public Health, provided that the employee
9 received all doses required to be fully vaccinated against
10 COVID-19, as defined in Section 175 of this Act, at the time
11 the sick leave was returned to the employee.

12 (Source: P.A. 102-697, eff. 4-5-22; revised 8-19-22.)

13 Section 330. The Southern Illinois University Management
14 Act is amended by setting forth, renumbering, and changing
15 multiple versions of Section 135 as follows:

16 (110 ILCS 520/135)

17 Sec. 135. Benefits navigator.

18 (a) In this Section:

19 "Benefits navigator" means an individual who is designated
20 by the University for the purpose of helping students at the
21 University determine eligibility for benefit programs and
22 identify campuswide and community resource support.

23 "Benefit program" means any federal, State, or local
24 program that provides assistance or benefits to individuals on

1 the basis of need.

2 (b) The University shall:

3 (1) designate a benefits navigator who has a detailed
4 understanding of eligibility requirements for benefit
5 programs and campuswide and community resource support;

6 (2) provide training for the benefits navigator; and

7 (3) participate in a statewide consortium with other
8 public institutions of higher education, facilitated by
9 the Board of Higher Education, for the purpose of
10 facilitating communication between benefits navigators at
11 different institutions and developing best practices for
12 benefits navigators.

13 (c) The benefits navigator designated under this Section
14 shall:

15 (1) assist students at the University in determining
16 eligibility for benefit programs and identifying
17 campuswide and community resource support;

18 (2) use the consortium under paragraph (3) of
19 subsection (b) of this Section to coordinate with benefits
20 navigators at other public institutions of higher
21 education for the purpose of collecting data and
22 developing best practices for helping students apply for
23 and receive assistance from benefit programs; and

24 (3) coordinate and provide culturally specific
25 resources, including resources for non-English speakers,
26 to support students at the University.

1 (d) The University, in consultation with the benefits
2 navigator designated under this Section, shall develop an
3 internal process to enable students at the University to
4 provide feedback and recommendations on how the University can
5 better assist students in determining eligibility for benefit
6 programs and applying for assistance under benefit programs.

7 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

8 (110 ILCS 520/145)

9 Sec. 145 ~~135~~. COVID-19 sick leave. For purposes of this
10 Section, "employee" means a person employed by the University
11 on or after April 5, 2022 (the effective date of Public Act
12 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

13 Any sick leave used by an employee of the University
14 during the 2021-2022 academic year shall be returned to an
15 employee of the University who receives all doses required to
16 be fully vaccinated against COVID-19, as defined in Section
17 150 of this Act, if:

18 (1) the sick leave was taken because the employee was
19 restricted from being on University property because the
20 employee:

21 (A) had a confirmed positive COVID-19 diagnosis
22 via a molecular amplification diagnostic test, such as
23 a polymerase chain reaction (PCR) test for COVID-19;

24 (B) had a probable COVID-19 diagnosis via an
25 antigen diagnostic test;

1 (C) was in close contact with a person who had a
2 confirmed case of COVID-19 and was required to be
3 excluded from the University; or

4 (D) was required by the University to be excluded
5 from University property due to COVID-19 symptoms; or

6 (2) the sick leave was taken to care for a child of the
7 employee who was unable to attend elementary or secondary
8 school because the child:

9 (A) had a confirmed positive COVID-19 diagnosis
10 via a molecular amplification diagnostic test, such as
11 a polymerase chain reaction (PCR) test for COVID-19;

12 (B) had a probable COVID-19 diagnosis via an
13 antigen diagnostic test;

14 (C) was in close contact with a person who had a
15 confirmed case of COVID-19 and was required to be
16 excluded from school; or

17 (D) was required by the school or school district
18 policy to be excluded from school district property
19 due to COVID-19 symptoms.

20 Leave shall be returned to an employee pursuant to this
21 Section provided that the employee has received all required
22 doses to meet the definition of "fully vaccinated against
23 COVID-19" under Section 150 of this Act no later than 5 weeks
24 after April 5, 2022 (the effective date of Public Act 102-697)
25 ~~this amendatory Act of the 102nd General Assembly.~~

26 The University may not rescind any sick leave returned to

1 an employee of the University on the basis of a revision to the
2 definition of "fully vaccinated against COVID-19" by the
3 Centers for Disease Control and Prevention of the United
4 States Department of Health and Human Services or the
5 Department of Public Health, provided that the employee
6 received all doses required to be fully vaccinated against
7 COVID-19, as defined in Section 150 of this Act, at the time
8 the sick leave was returned to the employee.

9 (Source: P.A. 102-697, eff. 4-5-22; revised 8-22-22.)

10 Section 335. The Chicago State University Law is amended
11 by setting forth, renumbering, and changing multiple versions
12 of Section 5-245 as follows:

13 (110 ILCS 660/5-245)

14 Sec. 5-245. Benefits navigator.

15 (a) In this Section:

16 "Benefits navigator" means an individual who is designated
17 by the University for the purpose of helping students at the
18 University determine eligibility for benefit programs and
19 identify campuswide and community resource support.

20 "Benefit program" means any federal, State, or local
21 program that provides assistance or benefits to individuals on
22 the basis of need.

23 (b) The University shall:

24 (1) designate a benefits navigator who has a detailed

1 understanding of eligibility requirements for benefit
2 programs and campuswide and community resource support;

3 (2) provide training for the benefits navigator; and

4 (3) participate in a statewide consortium with other
5 public institutions of higher education, facilitated by
6 the Board of Higher Education, for the purpose of
7 facilitating communication between benefits navigators at
8 different institutions and developing best practices for
9 benefits navigators.

10 (c) The benefits navigator designated under this Section
11 shall:

12 (1) assist students at the University in determining
13 eligibility for benefit programs and identifying
14 campuswide and community resource support;

15 (2) use the consortium under paragraph (3) of
16 subsection (b) of this Section to coordinate with benefits
17 navigators at other public institutions of higher
18 education for the purpose of collecting data and
19 developing best practices for helping students apply for
20 and receive assistance from benefit programs; and

21 (3) coordinate and provide culturally specific
22 resources, including resources for non-English speakers,
23 to support students at the University.

24 (d) The University, in consultation with the benefits
25 navigator designated under this Section, shall develop an
26 internal process to enable students at the University to

1 provide feedback and recommendations on how the University can
2 better assist students in determining eligibility for benefit
3 programs and applying for assistance under benefit programs.

4 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

5 (110 ILCS 660/5-255)

6 Sec. 5-255 ~~5-245~~. COVID-19 sick leave. For purposes of
7 this Section, "employee" means a person employed by the
8 University on or after April 5, 2022 (the effective date of
9 Public Act 102-697) ~~this amendatory Act of the 102nd General~~
10 ~~Assembly.~~

11 Any sick leave used by an employee of the University
12 during the 2021-2022 academic year shall be returned to an
13 employee of the University who receives all doses required to
14 be fully vaccinated against COVID-19, as defined in Section
15 5-260 of this Law Act, if:

16 (1) the sick leave was taken because the employee was
17 restricted from being on University property because the
18 employee:

19 (A) had a confirmed positive COVID-19 diagnosis
20 via a molecular amplification diagnostic test, such as
21 a polymerase chain reaction (PCR) test for COVID-19;

22 (B) had a probable COVID-19 diagnosis via an
23 antigen diagnostic test;

24 (C) was in close contact with a person who had a
25 confirmed case of COVID-19 and was required to be

1 excluded from the University; or

2 (D) was required by the University to be excluded
3 from University property due to COVID-19 symptoms; or

4 (2) the sick leave was taken to care for a child of the
5 employee who was unable to attend elementary or secondary
6 school because the child:

7 (A) had a confirmed positive COVID-19 diagnosis
8 via a molecular amplification diagnostic test, such as
9 a polymerase chain reaction (PCR) test for COVID-19;

10 (B) had a probable COVID-19 diagnosis via an
11 antigen diagnostic test;

12 (C) was in close contact with a person who had a
13 confirmed case of COVID-19 and was required to be
14 excluded from school; or

15 (D) was required by the school or school district
16 policy to be excluded from school district property
17 due to COVID-19 symptoms.

18 Leave shall be returned to an employee pursuant to this
19 Section provided that the employee has received all required
20 doses to meet the definition of "fully vaccinated against
21 COVID-19" under Section 5-260 of this ~~Law Act~~ no later than 5
22 weeks after April 5, 2022 (the effective date of Public Act
23 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

24 The University may not rescind any sick leave returned to
25 an employee of the University on the basis of a revision to the
26 definition of "fully vaccinated against COVID-19" by the

1 Centers for Disease Control and Prevention of the United
2 States Department of Health and Human Services or the
3 Department of Public Health, provided that the employee
4 received all doses required to be fully vaccinated against
5 COVID-19, as defined in Section 5-260 of this Law Act, at the
6 time the sick leave was returned to the employee.
7 (Source: P.A. 102-697, eff. 4-5-22; revised 8-23-22.)

8 Section 340. The Eastern Illinois University Law is
9 amended by setting forth, renumbering, and changing multiple
10 versions of Section 10-245 as follows:

11 (110 ILCS 665/10-245)

12 Sec. 10-245. Benefits navigator.

13 (a) In this Section:

14 "Benefits navigator" means an individual who is designated
15 by the University for the purpose of helping students at the
16 University determine eligibility for benefit programs and
17 identify campuswide and community resource support.

18 "Benefit program" means any federal, State, or local
19 program that provides assistance or benefits to individuals on
20 the basis of need.

21 (b) The University shall:

22 (1) designate a benefits navigator who has a detailed
23 understanding of eligibility requirements for benefit
24 programs and campuswide and community resource support;

1 (2) provide training for the benefits navigator; and
2 (3) participate in a statewide consortium with other
3 public institutions of higher education, facilitated by
4 the Board of Higher Education, for the purpose of
5 facilitating communication between benefits navigators at
6 different institutions and developing best practices for
7 benefits navigators.

8 (c) The benefits navigator designated under this Section
9 shall:

10 (1) assist students at the University in determining
11 eligibility for benefit programs and identifying
12 campuswide and community resource support;

13 (2) use the consortium under paragraph (3) of
14 subsection (b) of this Section to coordinate with benefits
15 navigators at other public institutions of higher
16 education for the purpose of collecting data and
17 developing best practices for helping students apply for
18 and receive assistance from benefit programs; and

19 (3) coordinate and provide culturally specific
20 resources, including resources for non-English speakers,
21 to support students at the University.

22 (d) The University, in consultation with the benefits
23 navigator designated under this Section, shall develop an
24 internal process to enable students at the University to
25 provide feedback and recommendations on how the University can
26 better assist students in determining eligibility for benefit

1 programs and applying for assistance under benefit programs.

2 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

3 (110 ILCS 665/10-260)

4 Sec. 10-260 ~~10-245~~. COVID-19 sick leave. For purposes of
5 this Section, "employee" means a person employed by the
6 University on or after April 5, 2022 (the effective date of
7 Public Act 102-697) ~~this amendatory Act of the 102nd General~~
8 ~~Assembly.~~

9 Any sick leave used by an employee of the University
10 during the 2021-2022 academic year shall be returned to an
11 employee of the University who receives all doses required to
12 be fully vaccinated against COVID-19, as defined in Section
13 10-265 of this Law Act, if:

14 (1) the sick leave was taken because the employee was
15 restricted from being on University property because the
16 employee:

17 (A) had a confirmed positive COVID-19 diagnosis
18 via a molecular amplification diagnostic test, such as
19 a polymerase chain reaction (PCR) test for COVID-19;

20 (B) had a probable COVID-19 diagnosis via an
21 antigen diagnostic test;

22 (C) was in close contact with a person who had a
23 confirmed case of COVID-19 and was required to be
24 excluded from the University; or

25 (D) was required by the University to be excluded

1 from University property due to COVID-19 symptoms; or
2 (2) the sick leave was taken to care for a child of the
3 employee who was unable to attend elementary or secondary
4 school because the child:

5 (A) had a confirmed positive COVID-19 diagnosis
6 via a molecular amplification diagnostic test, such as
7 a polymerase chain reaction (PCR) test for COVID-19;

8 (B) had a probable COVID-19 diagnosis via an
9 antigen diagnostic test;

10 (C) was in close contact with a person who had a
11 confirmed case of COVID-19 and was required to be
12 excluded from school; or

13 (D) was required by the school or school district
14 policy to be excluded from school district property
15 due to COVID-19 symptoms.

16 Leave shall be returned to an employee pursuant to this
17 Section provided that the employee has received all required
18 doses to meet the definition of "fully vaccinated against
19 COVID-19" under Section 10-265 of this ~~Law Act~~ no later than 5
20 weeks after April 5, 2022 (the effective date of Public Act
21 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

22 The University may not rescind any sick leave returned to
23 an employee of the University on the basis of a revision to the
24 definition of "fully vaccinated against COVID-19" by the
25 Centers for Disease Control and Prevention of the United
26 States Department of Health and Human Services or the

1 Department of Public Health, provided that the employee
2 received all doses required to be fully vaccinated against
3 COVID-19, as defined in Section 10-265 of this Law Act, at the
4 time the sick leave was returned to the employee.

5 (Source: P.A. 102-697, eff. 4-5-22; revised 8-23-22.)

6 Section 345. The Governors State University Law is amended
7 by setting forth, renumbering, and changing multiple versions
8 of Section 15-245 as follows:

9 (110 ILCS 670/15-245)

10 Sec. 15-245. Benefits navigator.

11 (a) In this Section:

12 "Benefits navigator" means an individual who is designated
13 by the University for the purpose of helping students at the
14 University determine eligibility for benefit programs and
15 identify campuswide and community resource support.

16 "Benefit program" means any federal, State, or local
17 program that provides assistance or benefits to individuals on
18 the basis of need.

19 (b) The University shall:

20 (1) designate a benefits navigator who has a detailed
21 understanding of eligibility requirements for benefit
22 programs and campuswide and community resource support;

23 (2) provide training for the benefits navigator; and

24 (3) participate in a statewide consortium with other

1 public institutions of higher education, facilitated by
2 the Board of Higher Education, for the purpose of
3 facilitating communication between benefits navigators at
4 different institutions and developing best practices for
5 benefits navigators.

6 (c) The benefits navigator designated under this Section
7 shall:

8 (1) assist students at the University in determining
9 eligibility for benefit programs and identifying
10 campuswide and community resource support;

11 (2) use the consortium under paragraph (3) of
12 subsection (b) of this Section to coordinate with benefits
13 navigators at other public institutions of higher
14 education for the purpose of collecting data and
15 developing best practices for helping students apply for
16 and receive assistance from benefit programs; and

17 (3) coordinate and provide culturally specific
18 resources, including resources for non-English speakers,
19 to support students at the University.

20 (d) The University, in consultation with the benefits
21 navigator designated under this Section, shall develop an
22 internal process to enable students at the University to
23 provide feedback and recommendations on how the University can
24 better assist students in determining eligibility for benefit
25 programs and applying for assistance under benefit programs.

26 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

1 (110 ILCS 670/15-255)

2 Sec. 15-255 ~~15-245~~. COVID-19 sick leave. For purposes of
3 this Section, "employee" means a person employed by the
4 University on or after April 5, 2022 (the effective date of
5 Public Act 102-697) ~~this amendatory Act of the 102nd General~~
6 ~~Assembly~~.

7 Any sick leave used by an employee of the University
8 during the 2021-2022 academic year shall be returned to an
9 employee of the University who receives all doses required to
10 be fully vaccinated against COVID-19, as defined in Section
11 15-260 of this Law Act, if:

12 (1) the sick leave was taken because the employee was
13 restricted from being on University property because the
14 employee:

15 (A) had a confirmed positive COVID-19 diagnosis
16 via a molecular amplification diagnostic test, such as
17 a polymerase chain reaction (PCR) test for COVID-19;

18 (B) had a probable COVID-19 diagnosis via an
19 antigen diagnostic test;

20 (C) was in close contact with a person who had a
21 confirmed case of COVID-19 and was required to be
22 excluded from the University; or

23 (D) was required by the University to be excluded
24 from University property due to COVID-19 symptoms; or

25 (2) the sick leave was taken to care for a child of the

1 employee who was unable to attend elementary or secondary
2 school because the child:

3 (A) had a confirmed positive COVID-19 diagnosis
4 via a molecular amplification diagnostic test, such as
5 a polymerase chain reaction (PCR) test for COVID-19;

6 (B) had a probable COVID-19 diagnosis via an
7 antigen diagnostic test;

8 (C) was in close contact with a person who had a
9 confirmed case of COVID-19 and was required to be
10 excluded from school; or

11 (D) was required by the school or school district
12 policy to be excluded from school district property
13 due to COVID-19 symptoms.

14 Leave shall be returned to an employee pursuant to this
15 Section provided that the employee has received all required
16 doses to meet the definition of "fully vaccinated against
17 COVID-19" under Section 15-260 of this ~~Law Act~~ no later than 5
18 weeks after April 5, 2022 (the effective date of Public Act
19 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

20 The University may not rescind any sick leave returned to
21 an employee of the University on the basis of a revision to the
22 definition of "fully vaccinated against COVID-19" by the
23 Centers for Disease Control and Prevention of the United
24 States Department of Health and Human Services or the
25 Department of Public Health, provided that the employee
26 received all doses required to be fully vaccinated against

1 COVID-19, as defined in Section 15-260 of this Law Act, at the
2 time the sick leave was returned to the employee.

3 (Source: P.A. 102-697, eff. 4-5-22; revised 8-24-22.)

4 Section 350. The Illinois State University Law is amended
5 by setting forth, renumbering, and changing multiple versions
6 of Section 20-250 as follows:

7 (110 ILCS 675/20-250)

8 Sec. 20-250. Benefits navigator.

9 (a) In this Section:

10 "Benefits navigator" means an individual who is designated
11 by the University for the purpose of helping students at the
12 University determine eligibility for benefit programs and
13 identify campuswide and community resource support.

14 "Benefit program" means any federal, State, or local
15 program that provides assistance or benefits to individuals on
16 the basis of need.

17 (b) The University shall:

18 (1) designate a benefits navigator who has a detailed
19 understanding of eligibility requirements for benefit
20 programs and campuswide and community resource support;

21 (2) provide training for the benefits navigator; and

22 (3) participate in a statewide consortium with other
23 public institutions of higher education, facilitated by
24 the Board of Higher Education, for the purpose of

1 facilitating communication between benefits navigators at
2 different institutions and developing best practices for
3 benefits navigators.

4 (c) The benefits navigator designated under this Section
5 shall:

6 (1) assist students at the University in determining
7 eligibility for benefit programs and identifying
8 campuswide and community resource support;

9 (2) use the consortium under paragraph (3) of
10 subsection (b) of this Section to coordinate with benefits
11 navigators at other public institutions of higher
12 education for the purpose of collecting data and
13 developing best practices for helping students apply for
14 and receive assistance from benefit programs; and

15 (3) coordinate and provide culturally specific
16 resources, including resources for non-English speakers,
17 to support students at the University.

18 (d) The University, in consultation with the benefits
19 navigator designated under this Section, shall develop an
20 internal process to enable students at the University to
21 provide feedback and recommendations on how the University can
22 better assist students in determining eligibility for benefit
23 programs and applying for assistance under benefit programs.

24 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

25 (110 ILCS 675/20-265)

1 Sec. 20-265 ~~20-250~~. COVID-19 sick leave. For purposes of
2 this Section, "employee" means a person employed by the
3 University on or after April 5, 2022 (the effective date of
4 Public Act 102-697) ~~this amendatory Act of the 102nd General~~
5 ~~Assembly~~.

6 Any sick leave used by an employee of the University
7 during the 2021-2022 academic year shall be returned to an
8 employee of the University who receives all doses required to
9 be fully vaccinated against COVID-19, as defined in Section
10 20-270 of this Law Act, if:

11 (1) the sick leave was taken because the employee was
12 restricted from being on University property because the
13 employee:

14 (A) had a confirmed positive COVID-19 diagnosis
15 via a molecular amplification diagnostic test, such as
16 a polymerase chain reaction (PCR) test for COVID-19;

17 (B) had a probable COVID-19 diagnosis via an
18 antigen diagnostic test;

19 (C) was in close contact with a person who had a
20 confirmed case of COVID-19 and was required to be
21 excluded from the University; or

22 (D) was required by the University to be excluded
23 from University property due to COVID-19 symptoms; or

24 (2) the sick leave was taken to care for a child of the
25 employee who was unable to attend elementary or secondary
26 school because the child:

1 (A) had a confirmed positive COVID-19 diagnosis
2 via a molecular amplification diagnostic test, such as
3 a polymerase chain reaction (PCR) test for COVID-19;

4 (B) had a probable COVID-19 diagnosis via an
5 antigen diagnostic test;

6 (C) was in close contact with a person who had a
7 confirmed case of COVID-19 and was required to be
8 excluded from school; or

9 (D) was required by the school or school district
10 policy to be excluded from school district property
11 due to COVID-19 symptoms.

12 Leave shall be returned to an employee pursuant to this
13 Section provided that the employee has received all required
14 doses to meet the definition of "fully vaccinated against
15 COVID-19" under Section 20-270 of this ~~Law Act~~ no later than 5
16 weeks after April 5, 2022 (the effective date of Public Act
17 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

18 The University may not rescind any sick leave returned to
19 an employee of the University on the basis of a revision to the
20 definition of "fully vaccinated against COVID-19" by the
21 Centers for Disease Control and Prevention of the United
22 States Department of Health and Human Services or the
23 Department of Public Health, provided that the employee
24 received all doses required to be fully vaccinated against
25 COVID-19, as defined in Section 20-270 of this ~~Law Act~~, at the
26 time the sick leave was returned to the employee.

1 (Source: P.A. 102-697, eff. 4-5-22; revised 8-24-22.)

2 Section 355. The Northeastern Illinois University Law is
3 amended by setting forth, renumbering, and changing multiple
4 versions of Section 25-245 as follows:

5 (110 ILCS 680/25-245)

6 Sec. 25-245. Benefits navigator.

7 (a) In this Section:

8 "Benefits navigator" means an individual who is designated
9 by the University for the purpose of helping students at the
10 University determine eligibility for benefit programs and
11 identify campuswide and community resource support.

12 "Benefit program" means any federal, State, or local
13 program that provides assistance or benefits to individuals on
14 the basis of need.

15 (b) The University shall:

16 (1) designate a benefits navigator who has a detailed
17 understanding of eligibility requirements for benefit
18 programs and campuswide and community resource support;

19 (2) provide training for the benefits navigator; and

20 (3) participate in a statewide consortium with other
21 public institutions of higher education, facilitated by
22 the Board of Higher Education, for the purpose of
23 facilitating communication between benefits navigators at
24 different institutions and developing best practices for

1 benefits navigators.

2 (c) The benefits navigator designated under this Section
3 shall:

4 (1) assist students at the University in determining
5 eligibility for benefit programs and identifying
6 campuswide and community resource support;

7 (2) use the consortium under paragraph (3) of
8 subsection (b) of this Section to coordinate with benefits
9 navigators at other public institutions of higher
10 education for the purpose of collecting data and
11 developing best practices for helping students apply for
12 and receive assistance from benefit programs; and

13 (3) coordinate and provide culturally specific
14 resources, including resources for non-English speakers,
15 to support students at the University.

16 (d) The University, in consultation with the benefits
17 navigator designated under this Section, shall develop an
18 internal process to enable students at the University to
19 provide feedback and recommendations on how the University can
20 better assist students in determining eligibility for benefit
21 programs and applying for assistance under benefit programs.

22 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

23 (110 ILCS 680/25-260)

24 Sec. 25-260 ~~25-245~~. COVID-19 sick leave. For purposes of
25 this Section, "employee" means a person employed by the

1 University on or after April 5, 2022 (the effective date of
2 Public Act 102-697) ~~this amendatory Act of the 102nd General~~
3 ~~Assembly.~~

4 Any sick leave used by an employee of the University
5 during the 2021-2022 academic year shall be returned to an
6 employee of the University who receives all doses required to
7 be fully vaccinated against COVID-19, as defined in Section
8 25-265 of this Law Act, if:

9 (1) the sick leave was taken because the employee was
10 restricted from being on University property because the
11 employee:

12 (A) had a confirmed positive COVID-19 diagnosis
13 via a molecular amplification diagnostic test, such as
14 a polymerase chain reaction (PCR) test for COVID-19;

15 (B) had a probable COVID-19 diagnosis via an
16 antigen diagnostic test;

17 (C) was in close contact with a person who had a
18 confirmed case of COVID-19 and was required to be
19 excluded from the University; or

20 (D) was required by the University to be excluded
21 from University property due to COVID-19 symptoms; or

22 (2) the sick leave was taken to care for a child of the
23 employee who was unable to attend elementary or secondary
24 school because the child:

25 (A) had a confirmed positive COVID-19 diagnosis
26 via a molecular amplification diagnostic test, such as

1 a polymerase chain reaction (PCR) test for COVID-19;

2 (B) had a probable COVID-19 diagnosis via an
3 antigen diagnostic test;

4 (C) was in close contact with a person who had a
5 confirmed case of COVID-19 and was required to be
6 excluded from school; or

7 (D) was required by the school or school district
8 policy to be excluded from school district property
9 due to COVID-19 symptoms.

10 Leave shall be returned to an employee pursuant to this
11 Section provided that the employee has received all required
12 doses to meet the definition of "fully vaccinated against
13 COVID-19" under Section 25-265 of this ~~Law Act~~ no later than 5
14 weeks after April 5, 2022 (the effective date of Public Act
15 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

16 The University may not rescind any sick leave returned to
17 an employee of the University on the basis of a revision to the
18 definition of "fully vaccinated against COVID-19" by the
19 Centers for Disease Control and Prevention of the United
20 States Department of Health and Human Services or the
21 Department of Public Health, provided that the employee
22 received all doses required to be fully vaccinated against
23 COVID-19, as defined in Section 25-265 of this ~~Law Act~~, at the
24 time the sick leave was returned to the employee.

25 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

1 Section 360. The Northern Illinois University Law is
2 amended by setting forth, renumbering, and changing multiple
3 versions of Section 30-255 as follows:

4 (110 ILCS 685/30-255)

5 Sec. 30-255. Benefits navigator.

6 (a) In this Section:

7 "Benefits navigator" means an individual who is designated
8 by the University for the purpose of helping students at the
9 University determine eligibility for benefit programs and
10 identify campuswide and community resource support.

11 "Benefit program" means any federal, State, or local
12 program that provides assistance or benefits to individuals on
13 the basis of need.

14 (b) The University shall:

15 (1) designate a benefits navigator who has a detailed
16 understanding of eligibility requirements for benefit
17 programs and campuswide and community resource support;

18 (2) provide training for the benefits navigator; and

19 (3) participate in a statewide consortium with other
20 public institutions of higher education, facilitated by
21 the Board of Higher Education, for the purpose of
22 facilitating communication between benefits navigators at
23 different institutions and developing best practices for
24 benefits navigators.

25 (c) The benefits navigator designated under this Section

1 shall:

2 (1) assist students at the University in determining
3 eligibility for benefit programs and identifying
4 campuswide and community resource support;

5 (2) use the consortium under paragraph (3) of
6 subsection (b) of this Section to coordinate with benefits
7 navigators at other public institutions of higher
8 education for the purpose of collecting data and
9 developing best practices for helping students apply for
10 and receive assistance from benefit programs; and

11 (3) coordinate and provide culturally specific
12 resources, including resources for non-English speakers,
13 to support students at the University.

14 (d) The University, in consultation with the benefits
15 navigator designated under this Section, shall develop an
16 internal process to enable students at the University to
17 provide feedback and recommendations on how the University can
18 better assist students in determining eligibility for benefit
19 programs and applying for assistance under benefit programs.

20 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

21 (110 ILCS 685/30-270)

22 Sec. 30-270 ~~30-255~~. COVID-19 sick leave. For purposes of
23 this Section, "employee" means a person employed by the
24 University on or after April 5, 2022 (the effective date of
25 Public Act 102-697) ~~this amendatory Act of the 102nd General~~

1 ~~Assembly.~~

2 Any sick leave used by an employee of the University
3 during the 2021-2022 academic year shall be returned to an
4 employee of the University who receives all doses required to
5 be fully vaccinated against COVID-19, as defined in Section
6 30-275 of this Law Act, if:

7 (1) the sick leave was taken because the employee was
8 restricted from being on University property because the
9 employee:

10 (A) had a confirmed positive COVID-19 diagnosis
11 via a molecular amplification diagnostic test, such as
12 a polymerase chain reaction (PCR) test for COVID-19;

13 (B) had a probable COVID-19 diagnosis via an
14 antigen diagnostic test;

15 (C) was in close contact with a person who had a
16 confirmed case of COVID-19 and was required to be
17 excluded from the University; or

18 (D) was required by the University to be excluded
19 from University property due to COVID-19 symptoms; or

20 (2) the sick leave was taken to care for a child of the
21 employee who was unable to attend elementary or secondary
22 school because the child:

23 (A) had a confirmed positive COVID-19 diagnosis
24 via a molecular amplification diagnostic test, such as
25 a polymerase chain reaction (PCR) test for COVID-19;

26 (B) had a probable COVID-19 diagnosis via an

1 antigen diagnostic test;

2 (C) was in close contact with a person who had a
3 confirmed case of COVID-19 and was required to be
4 excluded from school; or

5 (D) was required by the school or school district
6 policy to be excluded from school district property
7 due to COVID-19 symptoms.

8 Leave shall be returned to an employee pursuant to this
9 Section provided that the employee has received all required
10 doses to meet the definition of "fully vaccinated against
11 COVID-19" under Section 30-275 of this Law Act no later than 5
12 weeks after April 5, 2022 (the effective date of Public Act
13 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

14 The University may not rescind any sick leave returned to
15 an employee of the University on the basis of a revision to the
16 definition of "fully vaccinated against COVID-19" by the
17 Centers for Disease Control and Prevention of the United
18 States Department of Health and Human Services or the
19 Department of Public Health, provided that the employee
20 received all doses required to be fully vaccinated against
21 COVID-19, as defined in Section 30-275 of this Law Act, at the
22 time the sick leave was returned to the employee.

23 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

24 Section 365. The Western Illinois University Law is
25 amended by setting forth, renumbering, and changing multiple

1 versions of Section 35-250 as follows:

2 (110 ILCS 690/35-250)

3 Sec. 35-250. Benefits navigator.

4 (a) In this Section:

5 "Benefits navigator" means an individual who is designated
6 by the University for the purpose of helping students at the
7 University determine eligibility for benefit programs and
8 identify campuswide and community resource support.

9 "Benefit program" means any federal, State, or local
10 program that provides assistance or benefits to individuals on
11 the basis of need.

12 (b) The University shall:

13 (1) designate a benefits navigator who has a detailed
14 understanding of eligibility requirements for benefit
15 programs and campuswide and community resource support;

16 (2) provide training for the benefits navigator; and

17 (3) participate in a statewide consortium with other
18 public institutions of higher education, facilitated by
19 the Board of Higher Education, for the purpose of
20 facilitating communication between benefits navigators at
21 different institutions and developing best practices for
22 benefits navigators.

23 (c) The benefits navigator designated under this Section
24 shall:

25 (1) assist students at the University in determining

1 eligibility for benefit programs and identifying
2 campuswide and community resource support;

3 (2) use the consortium under paragraph (3) of
4 subsection (b) of this Section to coordinate with benefits
5 navigators at other public institutions of higher
6 education for the purpose of collecting data and
7 developing best practices for helping students apply for
8 and receive assistance from benefit programs; and

9 (3) coordinate and provide culturally specific
10 resources, including resources for non-English speakers,
11 to support students at the University.

12 (d) The University, in consultation with the benefits
13 navigator designated under this Section, shall develop an
14 internal process to enable students at the University to
15 provide feedback and recommendations on how the University can
16 better assist students in determining eligibility for benefit
17 programs and applying for assistance under benefit programs.

18 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

19 (110 ILCS 690/35-265)

20 Sec. 35-265 ~~35-250~~. COVID-19 sick leave. For purposes of
21 this Section, "employee" means a person employed by the
22 University on or after April 5, 2022 (the effective date of
23 Public Act 102-697) ~~this amendatory Act of the 102nd General~~
24 ~~Assembly~~.

25 Any sick leave used by an employee of the University

1 during the 2021-2022 academic year shall be returned to an
2 employee of the University who receives all doses required to
3 be fully vaccinated against COVID-19, as defined in Section
4 35-270 of this Law Act, if:

5 (1) the sick leave was taken because the employee was
6 restricted from being on University property because the
7 employee:

8 (A) had a confirmed positive COVID-19 diagnosis
9 via a molecular amplification diagnostic test, such as
10 a polymerase chain reaction (PCR) test for COVID-19;

11 (B) had a probable COVID-19 diagnosis via an
12 antigen diagnostic test;

13 (C) was in close contact with a person who had a
14 confirmed case of COVID-19 and was required to be
15 excluded from the University; or

16 (D) was required by the University to be excluded
17 from University property due to COVID-19 symptoms; or

18 (2) the sick leave was taken to care for a child of the
19 employee who was unable to attend elementary or secondary
20 school because the child:

21 (A) had a confirmed positive COVID-19 diagnosis
22 via a molecular amplification diagnostic test, such as
23 a polymerase chain reaction (PCR) test for COVID-19;

24 (B) had a probable COVID-19 diagnosis via an
25 antigen diagnostic test;

26 (C) was in close contact with a person who had a

1 confirmed case of COVID-19 and was required to be
2 excluded from school; or

3 (D) was required by the school or school district
4 policy to be excluded from school district property
5 due to COVID-19 symptoms.

6 Leave shall be returned to an employee pursuant to this
7 Section provided that the employee has received all required
8 doses to meet the definition of "fully vaccinated against
9 COVID-19" under Section 35-270 of this ~~Law Act~~ no later than 5
10 weeks after April 5, 2022 (the effective date of Public Act
11 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

12 The University may not rescind any sick leave returned to
13 an employee of the University on the basis of a revision to the
14 definition of "fully vaccinated against COVID-19" by the
15 Centers for Disease Control and Prevention of the United
16 States Department of Health and Human Services or the
17 Department of Public Health, provided that the employee
18 received all doses required to be fully vaccinated against
19 COVID-19, as defined in Section 35-270 of this ~~Law Act~~, at the
20 time the sick leave was returned to the employee.

21 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

22 Section 370. The Public Community College Act is amended
23 by setting forth, renumbering, and changing multiple versions
24 of Section 3-29.20 as follows:

1 (110 ILCS 805/3-29.20)

2 Sec. 3-29.20. Benefits navigator.

3 (a) In this Section:

4 "Benefits navigator" means an individual who is designated
5 by a community college for the purpose of helping students at
6 the community college determine eligibility for benefit
7 programs and identify campuswide and community resource
8 support.

9 "Benefit program" means any federal, State, or local
10 program that provides assistance or benefits to individuals on
11 the basis of need.

12 (b) A community college shall:

13 (1) designate a benefits navigator who has a detailed
14 understanding of eligibility requirements for benefit
15 programs and campuswide and community resource support;

16 (2) provide training for the benefits navigator; and

17 (3) participate in a statewide community college
18 consortium, facilitated by the State Board, for the
19 purpose of facilitating communication between benefits
20 navigators at different institutions and developing best
21 practices for benefits navigators.

22 (c) The benefits navigator designated under this Section
23 shall:

24 (1) assist students at the community college in
25 determining eligibility for benefit programs and
26 identifying campuswide and community resource support;

1 (2) use the consortium under paragraph (3) of
2 subsection (b) of this Section to coordinate with benefits
3 navigators at other public institutions of higher
4 education for the purpose of collecting data and
5 developing best practices for helping students apply for
6 and receive assistance from benefit programs; and

7 (3) coordinate and provide culturally specific
8 resources, including resources for non-English speakers,
9 to support students at the community college.

10 (d) The community college, in consultation with the
11 benefits navigator designated under this Section, shall
12 develop an internal process to enable students at the
13 community college to provide feedback and recommendations on
14 how the community college can better assist students in
15 determining eligibility for benefit programs and applying for
16 assistance under benefit programs.

17 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

18 (110 ILCS 805/3-29.23)

19 Sec. 3-29.23 ~~3-29.20~~. COVID-19 sick leave. For purposes of
20 this Section, "employee" means a person employed by a
21 community college or community college district on or after
22 April 5, 2022 (the effective date of Public Act 102-697) ~~this~~
23 ~~amendatory Act of the 102nd General Assembly.~~

24 Any sick leave used by an employee of a community college
25 or community college district during the 2021-2022 academic

1 year shall be returned to an employee of the community college
2 or community college district who receives all doses required
3 to be fully vaccinated against COVID-19, as defined in Section
4 3-29.25 of this Act, if:

5 (1) the sick leave was taken because the employee was
6 restricted from being on community college district
7 property because the employee:

8 (A) had a confirmed positive COVID-19 diagnosis
9 via a molecular amplification diagnostic test, such as
10 a polymerase chain reaction (PCR) test for COVID-19;

11 (B) had a probable COVID-19 diagnosis via an
12 antigen diagnostic test;

13 (C) was in close contact with a person who had a
14 confirmed case of COVID-19 and was required to be
15 excluded from community college district property; or

16 (D) was required by the community college or
17 community college district policy to be excluded from
18 community college district property due to COVID-19
19 symptoms; or

20 (2) the sick leave was taken to care for a child of the
21 employee who was unable to attend elementary or secondary
22 school because the child:

23 (A) had a confirmed positive COVID-19 diagnosis
24 via a molecular amplification diagnostic test, such as
25 a polymerase chain reaction (PCR) test for COVID-19;

26 (B) had a probable COVID-19 diagnosis via an

1 antigen diagnostic test;

2 (C) was in close contact with a person who had a
3 confirmed case of COVID-19 and was required to be
4 excluded from school; or

5 (D) was required by the school or school district
6 policy to be excluded from school district property
7 due to COVID-19 symptoms.

8 Leave shall be returned to an employee pursuant to this
9 Section provided that the employee has received all required
10 doses to meet the definition of "fully vaccinated against
11 COVID-19" under Section 3-29.25 of this Act no later than 5
12 weeks after April 5, 2022 (the effective date of Public Act
13 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

14 The community college district may not rescind any sick
15 leave returned to an employee of the community college or
16 community college district on the basis of a revision to the
17 definition of "fully vaccinated against COVID-19" by the
18 Centers for Disease Control and Prevention of the United
19 States Department of Health and Human Services or the
20 Department of Public Health, provided that the employee
21 received all doses required to be fully vaccinated against
22 COVID-19, as defined in Section 3-29.25 of this Act, at the
23 time the sick leave was returned to the employee.

24 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

25 Section 375. The Equity and Representation in Health Care

1 Act is amended by changing Section 10 as follows:

2 (110 ILCS 932/10)

3 Sec. 10. Definitions. As used in this Act:

4 "Accredited school" means a college or university in which
5 a degree in allopathic medicine, osteopathic medicine,
6 dentistry, physical therapy, or an equivalent credential for a
7 health program is earned and for which the Council for Higher
8 Education Accreditation or its affiliates has determined that
9 the school meets specific standards for its programs, faculty,
10 and curriculum.

11 "Advanced practice registered nurse" or "APRN" means an
12 advanced practice registered nurse as defined under Section
13 50-10 of the Nurse Practice Act.

14 "Allopathic medicine" means the use of pharmacological
15 agents or physical interventions to treat or suppress symptoms
16 or processes of diseases or conditions.

17 "Applicant" means a health care professional or medical
18 facility who applies for loan repayment assistance or
19 scholarship funds under this Act.

20 "Approved graduate training" means training in medicine,
21 dentistry, or any other health profession that leads to
22 eligibility for board certification, provides evidence of
23 completion, and is approved by the appropriate health care
24 professional's body.

25 "Behavioral health provider" means a provider of a

1 commonly recognized discipline in the behavioral health
2 industry, including, but not limited to, licensed clinical
3 social workers, behavioral health therapists, certified
4 marriage and family counselors, licensed social workers, and
5 addiction counselors.

6 "Breach of service obligation" means failure for any
7 reason to begin or complete a contractual service commitment.

8 "Commercial loan" means a loan made by a bank, credit
9 union, savings and loan association, insurance company,
10 school, or other financial institution.

11 "Community health center" means a migrant health center,
12 community health center, health care program for the homeless
13 or for residents of public housing supported under Section 330
14 of the federal Public Health Service Act, or FQHC, including
15 an FQHC Look-Alike, as designated by the U.S. Department of
16 Health and Human Services, that operates at least one
17 federally designated primary health care delivery site in
18 Illinois.

19 "Default" means failure to meet a legal obligation or
20 condition of a loan.

21 "Department" means the Department of Public Health.

22 "Dental assistant" means a person who serves as a member
23 of a dental care team, working directly with a dentist to
24 perform duties that include, but are not limited to, assisting
25 with dental procedures, preparing patients for procedures,
26 preparing examinations, and sterilizing equipment.

1 "Dentist" means a person licensed to practice dentistry
2 under the Illinois Dental Practice Act.

3 "Director" means the Director of Public Health.

4 "Equity and Representation in Health Care Workforce
5 Repayment Program" or "Repayment Program" means the Equity and
6 Representation in Health Care Workforce Repayment Program
7 created under subsection (a) of Section 15.

8 "Equity and Representation in Health Care Workforce
9 Scholarship Program" or "Scholarship Program" means the Equity
10 and Representation in Health Care Workforce Scholarship
11 Program created under subsection (b) of Section 15.

12 "Federally Qualified Health Center" or "FQHC" means a
13 health center funded under Section 330 of the federal Public
14 Health Service Act.

15 "Federally Qualified Health Center Look-Alike" or "FQHC
16 Look-Alike" means a health center that meets the requirements
17 for receiving a grant under Section 330 of the federal Public
18 Health Service Act but does not receive funding under that
19 authority.

20 "Government loan" means a loan made by a federal, State,
21 county, or city agency authorized to make the loan.

22 "Health care professional" means a physician, physician
23 assistant, advanced practice registered nurse, nurse,
24 chiropractic physician, podiatric physician ~~pediatrist~~,
25 physical therapist, physical therapist assistant, occupational
26 therapist, speech therapist, behavioral health provider,

1 psychiatrist, psychologist, pharmacist, dentist, medical
2 assistant, dental assistant, or dental hygienist.

3 "Health professional shortage area" or "HPSA" means a
4 designation from the U.S. Department of Health and Human
5 Services that indicates the shortage of primary medical care
6 or dental or mental health providers. The designation may be
7 geographic, such as a county or service area; demographic,
8 such as low-income population; or institutional, such as a
9 comprehensive health center, FQHC, or other public facility.

10 "Lender" means the commercial or government entity that
11 makes a qualifying loan.

12 "Loan repayment award" or "award" means the amount of
13 funding awarded to a recipient based upon his or her
14 reasonable educational expenses, up to a maximum established
15 by the program.

16 "Loan repayment agreement" or "agreement" means the
17 written instrument defining a legal relationship entered into
18 between the Department and a recipient.

19 "Medical assistant" means a person who serves as a member
20 of a medical care team working directly with other providers
21 to perform duties that include, but are not limited to,
22 gathering patient information, taking vital signs, preparing
23 patients for examinations, and assisting physicians during
24 examinations.

25 "Medical facility" means a facility in which the delivery
26 of health services is provided. A medical facility must be a

1 nonprofit or public facility located in Illinois and includes
2 the following:

- 3 (1) A Federally Qualified Health Center.
4 (2) An FQHC Look-Alike.
5 (3) A hospital system operated by a county with more
6 than 3,000,000 residents.

7 "Medically underserved area" or "MUA" means an area
8 designated by the U.S. Department of Health and Human
9 Services' Health Resources and Services Administration as
10 having too few primary care providers, high infant mortality,
11 high poverty, or a high elderly population.

12 "Nurse" means a person who is licensed as a licensed
13 practical nurse or as a registered nurse under the Nurse
14 Practice Act.

15 "Osteopathic medicine" means medical practice based upon
16 the theory that diseases are due to loss of structural
17 integrity, which can be restored by manipulation of the parts
18 and supplemented by therapeutic measures.

19 "Physical therapist" means an individual licensed as a
20 physical therapist under the Illinois Physical Therapy Act.

21 "Physical therapist assistant" means an individual
22 licensed as a physical therapist assistant under the Illinois
23 Physical Therapy Act.

24 "Physician" means a person licensed to practice medicine
25 in all of its branches under the Medical Practice Act of 1987.

26 "Physician assistant" means an individual licensed under

1 the Physician Assistant Practice Act of 1987.

2 "Primary care" means health care that encompasses
3 prevention services, basic diagnostic and treatment services,
4 and support services, including laboratory, radiology,
5 transportation, and pharmacy services.

6 "Psychiatrist" means a physician licensed to practice
7 medicine in Illinois under the Medical Practice Act of 1987
8 who has successfully completed an accredited residency program
9 in psychiatry.

10 "Qualifying loan" means a government loan or commercial
11 loan used for tuition and reasonable educational and living
12 expenses related to undergraduate or graduate education that
13 was obtained by the recipient prior to his or her application
14 for loan repayment and that is contemporaneous with the
15 education received.

16 "Reasonable educational expenses" means costs for
17 education, exclusive of tuition. These costs include, but are
18 not limited to, fees, books, supplies, clinical travel,
19 educational equipment, materials, board certification, or
20 licensing examinations. "Reasonable educational expenses" do
21 not exceed the estimated standard budget for expenses for the
22 degree program and for the years of enrollment.

23 "Reasonable living expenses" means room and board,
24 transportation, and commuting costs associated with the
25 applicant's attendance and participation in an educational and
26 workforce training program. "Reasonable living expenses" do

1 not exceed the estimated standard budget for the recipient's
2 degree program and for the years of enrollment.

3 "Recognized training entity" means an entity approved by
4 the Department to provide training and education for medical
5 assistants and dental assistants.

6 "Recipient" means a health care professional or medical
7 facility that may use loan repayment funds.

8 "Rural" has the same meaning that is used by the federal
9 Health Resources and Services Administration to determine
10 eligibility for Rural Health Grants.

11 "State" means the State of Illinois.

12 (Source: P.A. 102-942, eff. 1-1-23; revised 2-5-23.)

13 Section 380. The Higher Education Student Assistance Act
14 is amended by changing Section 52 as follows:

15 (110 ILCS 947/52)

16 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
17 Apple Foundation for Excellence in Teaching.

18 (a) In this Section, "Foundation" means the Golden Apple
19 Foundation for Excellence in Teaching, a registered 501(c)(3)
20 not-for-profit corporation.

21 (a-2) In order to encourage academically talented Illinois
22 students, especially minority students, to pursue teaching
23 careers, especially in teacher shortage disciplines (which
24 shall be defined to include early childhood education) or at

1 hard-to-staff schools (as defined by the Commission in
2 consultation with the State Board of Education), to provide
3 those students with the crucial mentoring, guidance, and
4 in-service support that will significantly increase the
5 likelihood that they will complete their full teaching
6 commitments and elect to continue teaching in targeted
7 disciplines and hard-to-staff schools, and to ensure that
8 students in this State will continue to have access to a pool
9 of highly-qualified teachers, each qualified student shall be
10 awarded a Golden Apple Scholars of Illinois Program
11 scholarship to any Illinois institution of higher learning.
12 The Commission shall administer the Golden Apple Scholars of
13 Illinois Program, which shall be managed by the Foundation
14 pursuant to the terms of a grant agreement meeting the
15 requirements of Section 4 of the Illinois Grant Funds Recovery
16 Act.

17 (a-3) For purposes of this Section, a qualified student
18 shall be a student who meets the following qualifications:

19 (1) is a resident of this State and a citizen or
20 eligible noncitizen of the United States;

21 (2) is a high school graduate or a person who has
22 received a State of Illinois High School Diploma;

23 (3) is enrolled or accepted, on at least a half-time
24 basis, at an institution of higher learning;

25 (4) is pursuing a postsecondary course of study
26 leading to initial certification or pursuing additional

1 course work needed to gain State Board of Education
2 approval to teach, including alternative teacher
3 licensure; and

4 (5) is a participant in programs managed by and is
5 approved to receive a scholarship from the Foundation.

6 (a-5) (Blank).

7 (b) (Blank).

8 (b-5) Funds designated for the Golden Apple Scholars of
9 Illinois Program shall be used by the Commission for the
10 payment of scholarship assistance under this Section or for
11 the award of grant funds, subject to the Illinois Grant Funds
12 Recovery Act, to the Foundation. Subject to appropriation,
13 awards of grant funds to the Foundation shall be made on an
14 annual basis and following an application for grant funds by
15 the Foundation.

16 (b-10) Each year, the Foundation shall include in its
17 application to the Commission for grant funds an estimate of
18 the amount of scholarship assistance to be provided to
19 qualified students during the grant period. Any amount of
20 appropriated funds exceeding the estimated amount of
21 scholarship assistance may be awarded by the Commission to the
22 Foundation for management expenses expected to be incurred by
23 the Foundation in providing the mentoring, guidance, and
24 in-service supports that will increase the likelihood that
25 qualified students will complete their teaching commitments
26 and elect to continue teaching in hard-to-staff schools. If

1 the estimate of the amount of scholarship assistance described
2 in the Foundation's application is less than the actual amount
3 required for the award of scholarship assistance to qualified
4 students, the Foundation shall be responsible for using
5 awarded grant funds to ensure all qualified students receive
6 scholarship assistance under this Section.

7 (b-15) All grant funds not expended or legally obligated
8 within the time specified in a grant agreement between the
9 Foundation and the Commission shall be returned to the
10 Commission within 45 days. Any funds legally obligated by the
11 end of a grant agreement shall be liquidated within 45 days or
12 otherwise returned to the Commission within 90 days after the
13 end of the grant agreement that resulted in the award of grant
14 funds.

15 (c) Each scholarship awarded under this Section shall be
16 in an amount sufficient to pay the tuition and fees and room
17 and board costs of the Illinois institution of higher learning
18 at which the recipient is enrolled, up to an annual maximum of
19 \$5,000; except that, in the case of a recipient who does not
20 reside on campus ~~on-campus~~ at the institution of higher
21 learning at which he or she is enrolled, the amount of the
22 scholarship shall be sufficient to pay tuition and fee
23 expenses and a commuter allowance, up to an annual maximum of
24 \$5,000. All scholarship funds distributed in accordance with
25 this Section shall be paid to the institution on behalf of
26 recipients.

1 (d) The total amount of scholarship assistance awarded by
2 the Commission under this Section to an individual in any
3 given fiscal year, when added to other financial assistance
4 awarded to that individual for that year, shall not exceed the
5 cost of attendance at the institution of higher learning at
6 which the student is enrolled. In any academic year for which a
7 qualified student under this Section accepts financial
8 assistance through any other teacher scholarship program
9 administered by the Commission, a qualified student shall not
10 be eligible for scholarship assistance awarded under this
11 Section.

12 (e) A recipient may receive up to 8 semesters or 12
13 quarters of scholarship assistance under this Section.
14 Scholarship funds are applicable toward 2 semesters or 3
15 quarters of enrollment each academic year.

16 (f) All applications for scholarship assistance to be
17 awarded under this Section shall be made to the Foundation in a
18 form determined by the Foundation. Each year, the Foundation
19 shall notify the Commission of the individuals awarded
20 scholarship assistance under this Section. Each year, at least
21 30% of the Golden Apple Scholars of Illinois Program
22 scholarships shall be awarded to students residing in counties
23 having a population of less than 500,000.

24 (g) (Blank).

25 (h) The Commission shall administer the payment of
26 scholarship assistance provided through the Golden Apple

1 Scholars of Illinois Program and shall make all necessary and
2 proper rules not inconsistent with this Section for the
3 effective implementation of this Section.

4 (i) Prior to receiving scholarship assistance for any
5 academic year, each recipient of a scholarship awarded under
6 this Section shall be required by the Foundation to sign an
7 agreement under which the recipient pledges that, within the
8 2-year period following the termination of the academic
9 program for which the recipient was awarded a scholarship, the
10 recipient: (i) shall begin teaching for a period of not less
11 than 5 years, (ii) shall fulfill this teaching obligation at a
12 nonprofit Illinois public, private, or parochial preschool or
13 an Illinois public elementary or secondary school that
14 qualifies for teacher loan cancellation under Section
15 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
16 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
17 eligible for fulfilling the teaching commitment as designated
18 by the Foundation, and (iii) shall, upon request of the
19 Foundation, provide the Foundation with evidence that he or
20 she is fulfilling or has fulfilled the terms of the teaching
21 agreement provided for in this subsection. Upon request, the
22 Foundation shall provide evidence of teacher fulfillment to
23 the Commission.

24 (j) If a recipient of a scholarship awarded under this
25 Section fails to fulfill the teaching obligation set forth in
26 subsection (i) of this Section, the Commission shall require

1 the recipient to repay the amount of the scholarships
2 received, prorated according to the fraction of the teaching
3 obligation not completed, plus interest at a rate of 5% and, if
4 applicable, reasonable collection fees. Payments received by
5 the Commission under this subsection (j) shall be remitted to
6 the State Comptroller for deposit into the General Revenue
7 Fund, except that that portion of a recipient's repayment that
8 equals the amount in expenses that the Commission has
9 reasonably incurred in attempting collection from that
10 recipient shall be remitted to the State Comptroller for
11 deposit into the ISAC Accounts Receivable Fund, a special fund
12 in the State treasury.

13 (k) A recipient of a scholarship awarded by the Foundation
14 under this Section shall not be considered to have failed to
15 fulfill the teaching obligations of the agreement entered into
16 pursuant to subsection (i) if the recipient (i) enrolls on a
17 full-time basis as a graduate student in a course of study
18 related to the field of teaching at an institution of higher
19 learning; (ii) is serving as a member of the armed services of
20 the United States; (iii) is a person with a temporary total
21 disability, as established by sworn affidavit of a qualified
22 physician; (iv) is seeking and unable to find full-time
23 employment as a teacher at a school that satisfies the
24 criteria set forth in subsection (i) and is able to provide
25 evidence of that fact; (v) is taking additional courses, on at
26 least a half-time basis, needed to obtain certification as a

1 teacher in Illinois; (vi) is fulfilling teaching requirements
2 associated with other programs administered by the Commission
3 and cannot concurrently fulfill them under this Section in a
4 period of time equal to the length of the teaching obligation;
5 or (vii) is participating in a program established under
6 Executive Order 10924 of the President of the United States or
7 the federal National Community Service Act of 1990 (42 U.S.C.
8 12501 et seq.). Any such extension of the period during which
9 the teaching requirement must be fulfilled shall be subject to
10 limitations of duration as established by the Commission.

11 (l) A recipient who fails to fulfill the teaching
12 obligations of the agreement entered into pursuant to
13 subsection (i) of this Section shall repay the amount of
14 scholarship assistance awarded to them under this Section
15 within 10 years.

16 (m) Annually, at a time determined by the Commission in
17 consultation with the Foundation, the Foundation shall submit
18 a report to assist the Commission in monitoring the
19 Foundation's performance of grant activities. The report shall
20 describe the following:

21 (1) the Foundation's anticipated expenditures for the
22 next fiscal year;

23 (2) the number of qualified students receiving
24 scholarship assistance at each institution of higher
25 learning where a qualified student was enrolled under this
26 Section during the previous fiscal year;

1 (3) the total monetary value of scholarship funds paid
2 to each institution of higher learning at which a
3 qualified student was enrolled during the previous fiscal
4 year;

5 (4) the number of scholarship recipients who completed
6 a baccalaureate degree during the previous fiscal year;

7 (5) the number of scholarship recipients who fulfilled
8 their teaching obligation during the previous fiscal year;

9 (6) the number of scholarship recipients who failed to
10 fulfill their teaching obligation during the previous
11 fiscal year;

12 (7) the number of scholarship recipients granted an
13 extension described in subsection (k) of this Section
14 during the previous fiscal year;

15 (8) the number of scholarship recipients required to
16 repay scholarship assistance in accordance with subsection
17 (j) of this Section during the previous fiscal year;

18 (9) the number of scholarship recipients who
19 successfully repaid scholarship assistance in full during
20 the previous fiscal year;

21 (10) the number of scholarship recipients who
22 defaulted on their obligation to repay scholarship
23 assistance during the previous fiscal year;

24 (11) the amount of scholarship assistance subject to
25 collection in accordance with subsection (j) of this
26 Section at the end of the previous fiscal year;

1 (12) the amount of collected funds to be remitted to
2 the Comptroller in accordance with subsection (j) of this
3 Section at the end of the previous fiscal year; and

4 (13) other information that the Commission may
5 reasonably request.

6 (n) Nothing in this Section shall affect the rights of the
7 Commission to collect moneys owed to it by recipients of
8 scholarship assistance through the Illinois Future Teacher
9 Corps Program, repealed by Public Act 98-533.

10 (o) The Auditor General shall prepare an annual audit of
11 the operations and finances of the Golden Apple Scholars of
12 Illinois Program. This audit shall be provided to the
13 Governor, General Assembly, and the Commission.

14 (p) The suspension of grant making authority found in
15 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
16 apply to grants made pursuant to this Section.

17 (Source: P.A. 102-1071, eff. 6-10-22; 102-1100, eff. 1-1-23;
18 revised 12-13-22.)

19 Section 385. The Nursing Education Scholarship Law is
20 amended by changing Sections 5 and 6.5 as follows:

21 (110 ILCS 975/5) (from Ch. 144, par. 2755)

22 Sec. 5. Nursing education scholarships. Beginning with the
23 fall term of the 2004-2005 academic year, the Department, in
24 accordance with rules and regulations promulgated by it for

1 this program, shall provide scholarships to individuals
2 selected from among those applicants who qualify for
3 consideration by showing:

4 (1) that he or she has been a resident of this State
5 for at least one year prior to application, and is a
6 citizen or a lawful permanent resident of the United
7 States;

8 (2) that he or she is enrolled in or accepted for
9 admission to an associate degree in nursing program,
10 hospital-based diploma in nursing program, baccalaureate
11 degree in nursing program, graduate degree in nursing
12 program, or practical nursing program at an approved
13 institution; and

14 (3) that he or she agrees to meet the nursing
15 employment obligation.

16 If in any year the number of qualified applicants exceeds
17 the number of scholarships to be awarded, the Department
18 shall, in consultation with the Illinois Nursing Workforce
19 Center Advisory Board, consider the following factors in
20 granting priority in awarding scholarships:

21 (A) Financial need, as shown on a standardized
22 financial needs assessment form used by an approved
23 institution, of students who will pursue their education
24 on a full-time or close to full-time basis and who already
25 have a certificate in practical nursing, a diploma in
26 nursing, or an associate degree in nursing and are

1 pursuing a higher degree.

2 (B) A student's status as a registered nurse who is
3 pursuing a graduate degree in nursing to pursue employment
4 in an approved institution that educates licensed
5 practical nurses and that educates registered nurses in
6 undergraduate and graduate nursing programs.

7 (C) A student's merit, as shown through his or her
8 grade point average, class rank, and other academic and
9 extracurricular activities. The Department may add to and
10 further define these merit criteria by rule.

11 Unless otherwise indicated, scholarships shall be awarded
12 to recipients at approved institutions for a period of up to 2
13 years if the recipient is enrolled in an associate degree in
14 nursing program, up to 3 years if the recipient is enrolled in
15 a hospital-based diploma in nursing program, up to 4 years if
16 the recipient is enrolled in a baccalaureate degree in nursing
17 program, up to 5 years if the recipient is enrolled in a
18 graduate degree in nursing program, and up to one year if the
19 recipient is enrolled in a certificate in practical nursing
20 program. At least 40% of the scholarships awarded shall be for
21 recipients who are pursuing baccalaureate degrees in nursing,
22 30% of the scholarships awarded shall be for recipients who
23 are pursuing associate degrees in nursing or a diploma in
24 nursing, 10% of the scholarships awarded shall be for
25 recipients who are pursuing a certificate in practical
26 nursing, and 20% of the scholarships awarded shall be for

1 recipients who are pursuing a graduate degree in nursing.

2 During the 2021-2022 academic year, subject to
3 appropriation from the Hospital Licensure Fund, in addition to
4 any other funds available to the Department for such
5 scholarships, the Department may award a total of \$500,000 in
6 scholarships under this Section.

7 (Source: P.A. 102-641, eff. 8-27-21; 102-699, eff. 4-19-22;
8 102-1030, eff. 5-27-22; revised 8-12-22.)

9 (110 ILCS 975/6.5)

10 Sec. 6.5. Nurse educator scholarships.

11 (a) Beginning with the fall term of the 2009-2010 academic
12 year, the Department shall provide scholarships to individuals
13 selected from among those applicants who qualify for
14 consideration by showing the following:

15 (1) that he or she has been a resident of this State
16 for at least one year prior to application and is a citizen
17 or a lawful permanent resident of the United States;

18 (2) that he or she is enrolled in or accepted for
19 admission to a graduate degree in nursing program at an
20 approved institution; and

21 (3) that he or she agrees to meet the nurse educator
22 employment obligation.

23 (b) If in any year the number of qualified applicants
24 exceeds the number of scholarships to be awarded under this
25 Section, the Department shall, in consultation with the

1 Illinois Nursing Workforce Center Advisory Board, consider the
2 following factors in granting priority in awarding
3 scholarships:

4 (1) Financial need, as shown on a standardized
5 financial needs assessment form used by an approved
6 institution, of students who will pursue their education
7 on a full-time or close to full-time basis and who already
8 have a diploma in nursing and are pursuing a higher
9 degree.

10 (2) A student's status as a registered nurse who is
11 pursuing a graduate degree in nursing to pursue employment
12 in an approved institution that educates licensed
13 practical nurses and that educates registered nurses in
14 undergraduate and graduate nursing programs.

15 (3) A student's merit, as shown through his or her
16 grade point average, class rank, experience as a nurse,
17 including supervisory experience, experience as a nurse in
18 the United States military, and other academic and
19 extracurricular activities.

20 (c) Unless otherwise indicated, scholarships under this
21 Section shall be awarded to recipients at approved
22 institutions for a period of up to 3 years.

23 (d) Within 12 months after graduation from a graduate
24 degree in nursing program for nurse educators, any recipient
25 who accepted a scholarship under this Section shall begin
26 meeting the required nurse educator employment obligation. In

1 order to defer his or her continuous employment obligation, a
2 recipient must request the deferment in writing from the
3 Department. A recipient shall receive a deferment if he or she
4 notifies the Department, within 30 days after enlisting, that
5 he or she is spending up to 4 years in military service. A
6 recipient shall receive a deferment if he or she notifies the
7 Department, within 30 days after enrolling, that he or she is
8 enrolled in an academic program leading to a graduate degree
9 in nursing. The recipient must begin meeting the required
10 nurse educator employment obligation no later than 6 months
11 after the end of the deferment or deferments.

12 Any person who fails to fulfill the nurse educator
13 employment obligation shall pay to the Department an amount
14 equal to the amount of scholarship funds received per year for
15 each unfulfilled year of the nurse educator employment
16 obligation, together with interest at 7% per year on the
17 unpaid balance. Payment must begin within 6 months following
18 the date of the occurrence initiating the repayment. All
19 repayments must be completed within 6 years from the date of
20 the occurrence initiating the repayment. However, this
21 repayment obligation may be deferred and re-evaluated every 6
22 months when the failure to fulfill the nurse educator
23 employment obligation results from involuntarily leaving the
24 profession due to a decrease in the number of nurses employed
25 in this State or when the failure to fulfill the nurse educator
26 employment obligation results from total and permanent

1 disability. The repayment obligation shall be excused if the
2 failure to fulfill the nurse educator employment obligation
3 results from the death or adjudication as incompetent of the
4 person holding the scholarship. No claim for repayment may be
5 filed against the estate of such a decedent or incompetent.

6 The Department may allow a nurse educator employment
7 obligation fulfillment alternative if the nurse educator
8 scholarship recipient is unsuccessful in finding work as a
9 nurse educator. The Department shall maintain a database of
10 all available nurse educator positions in this State.

11 (e) Each person applying for a scholarship under this
12 Section must be provided with a copy of this Section at the
13 time of application for the benefits of this scholarship.

14 (f) Rulemaking authority to implement this Act is
15 conditioned on the rules being adopted in accordance with all
16 provisions of the Illinois Administrative Procedure Act and
17 all rules and procedures of the Joint Committee on
18 Administrative Rules; any purported rule not so adopted, for
19 whatever reason, is unauthorized.

20 (Source: P.A. 102-699, eff. 4-19-22; 102-1030, eff. 5-27-22;
21 revised 8-12-22.)

22 Section 390. The Illinois Banking Act is amended by
23 changing Section 48 as follows:

24 (205 ILCS 5/48)

1 Sec. 48. Secretary's powers; duties. The Secretary shall
2 have the powers and authority, and is charged with the duties
3 and responsibilities designated in this Act, and a State bank
4 shall not be subject to any other visitorial power other than
5 as authorized by this Act, except those vested in the courts,
6 or upon prior consultation with the Secretary, a foreign bank
7 regulator with an appropriate supervisory interest in the
8 parent or affiliate of a State ~~state~~ bank. In the performance
9 of the Secretary's duties:

10 (1) The Commissioner shall call for statements from
11 all State banks as provided in Section 47 at least one time
12 during each calendar quarter.

13 (2) (a) The Commissioner, as often as the Commissioner
14 shall deem necessary or proper, and no less frequently
15 than 18 months following the preceding examination, shall
16 appoint a suitable person or persons to make an
17 examination of the affairs of every State bank, except
18 that for every eligible State bank, as defined by
19 regulation, the Commissioner in lieu of the examination
20 may accept on an alternating basis the examination made by
21 the eligible State bank's appropriate federal banking
22 agency pursuant to Section 111 of the Federal Deposit
23 Insurance Corporation Improvement Act of 1991, provided
24 the appropriate federal banking agency has made such an
25 examination. A person so appointed shall not be a
26 stockholder or officer or employee of any bank which that

1 person may be directed to examine, and shall have powers
2 to make a thorough examination into all the affairs of the
3 bank and in so doing to examine any of the officers or
4 agents or employees thereof on oath and shall make a full
5 and detailed report of the condition of the bank to the
6 Commissioner. In making the examination the examiners
7 shall include an examination of the affairs of all the
8 affiliates of the bank, as defined in subsection (b) of
9 Section 35.2 of this Act, or subsidiaries of the bank as
10 shall be necessary to disclose fully the conditions of the
11 subsidiaries or affiliates, the relations between the bank
12 and the subsidiaries or affiliates and the effect of those
13 relations upon the affairs of the bank, and in connection
14 therewith shall have power to examine any of the officers,
15 directors, agents, or employees of the subsidiaries or
16 affiliates on oath. After May 31, 1997, the Commissioner
17 may enter into cooperative agreements with state
18 regulatory authorities of other states to provide for
19 examination of State bank branches in those states, and
20 the Commissioner may accept reports of examinations of
21 State bank branches from those state regulatory
22 authorities. These cooperative agreements may set forth
23 the manner in which the other state regulatory authorities
24 may be compensated for examinations prepared for and
25 submitted to the Commissioner.

26 (b) After May 31, 1997, the Commissioner is authorized

1 to examine, as often as the Commissioner shall deem
2 necessary or proper, branches of out-of-state banks. The
3 Commissioner may establish and may assess fees to be paid
4 to the Commissioner for examinations under this subsection
5 (b). The fees shall be borne by the out-of-state bank,
6 unless the fees are borne by the state regulatory
7 authority that chartered the out-of-state bank, as
8 determined by a cooperative agreement between the
9 Commissioner and the state regulatory authority that
10 chartered the out-of-state bank.

11 (2.1) Pursuant to paragraph (a) of subsection (6) of
12 this Section, the Secretary shall adopt rules that ensure
13 consistency and due process in the examination process.
14 The Secretary may also establish guidelines that (i)
15 define the scope of the examination process and (ii)
16 clarify examination items to be resolved. The rules,
17 formal guidance, interpretive letters, or opinions
18 furnished to State banks by the Secretary may be relied
19 upon by the State banks.

20 (2.5) Whenever any State bank, any subsidiary or
21 affiliate of a State bank, or after May 31, 1997, any
22 branch of an out-of-state bank causes to be performed, by
23 contract or otherwise, any bank services for itself,
24 whether on or off its premises:

25 (a) that performance shall be subject to
26 examination by the Commissioner to the same extent as

1 if services were being performed by the bank or, after
2 May 31, 1997, branch of the out-of-state bank itself
3 on its own premises; and

4 (b) the bank or, after May 31, 1997, branch of the
5 out-of-state bank shall notify the Commissioner of the
6 existence of a service relationship. The notification
7 shall be submitted with the first statement of
8 condition (as required by Section 47 of this Act) due
9 after the making of the service contract or the
10 performance of the service, whichever occurs first.
11 The Commissioner shall be notified of each subsequent
12 contract in the same manner.

13 For purposes of this subsection (2.5), the term "bank
14 services" means services such as sorting and posting of
15 checks and deposits, computation and posting of interest
16 and other credits and charges, preparation and mailing of
17 checks, statements, notices, and similar items, or any
18 other clerical, bookkeeping, accounting, statistical, or
19 similar functions performed for a State bank, including,
20 but not limited to, electronic data processing related to
21 those bank services.

22 (3) The expense of administering this Act, including
23 the expense of the examinations of State banks as provided
24 in this Act, shall to the extent of the amounts resulting
25 from the fees provided for in paragraphs (a), (a-2), and
26 (b) of this subsection (3) be assessed against and borne

1 by the State banks:

2 (a) Each bank shall pay to the Secretary a Call
3 Report Fee which shall be paid in quarterly
4 installments equal to one-fourth of the sum of the
5 annual fixed fee of \$800, plus a variable fee based on
6 the assets shown on the quarterly statement of
7 condition delivered to the Secretary in accordance
8 with Section 47 for the preceding quarter according to
9 the following schedule: 16¢ per \$1,000 of the first
10 \$5,000,000 of total assets, 15¢ per \$1,000 of the next
11 \$20,000,000 of total assets, 13¢ per \$1,000 of the
12 next \$75,000,000 of total assets, 9¢ per \$1,000 of the
13 next \$400,000,000 of total assets, 7¢ per \$1,000 of
14 the next \$500,000,000 of total assets, and 5¢ per
15 \$1,000 of all assets in excess of \$1,000,000,000, of
16 the State bank. The Call Report Fee shall be
17 calculated by the Secretary and billed to the banks
18 for remittance at the time of the quarterly statements
19 of condition provided for in Section 47. The Secretary
20 may require payment of the fees provided in this
21 Section by an electronic transfer of funds or an
22 automatic debit of an account of each of the State
23 banks. In case more than one examination of any bank is
24 deemed by the Secretary to be necessary in any
25 examination frequency cycle specified in subsection
26 2(a) of this Section, and is performed at his

1 direction, the Secretary may assess a reasonable
2 additional fee to recover the cost of the additional
3 examination. In lieu of the method and amounts set
4 forth in this paragraph (a) for the calculation of the
5 Call Report Fee, the Secretary may specify by rule
6 that the Call Report Fees provided by this Section may
7 be assessed semiannually or some other period and may
8 provide in the rule the formula to be used for
9 calculating and assessing the periodic Call Report
10 Fees to be paid by State banks.

11 (a-1) If in the opinion of the Commissioner an
12 emergency exists or appears likely, the Commissioner
13 may assign an examiner or examiners to monitor the
14 affairs of a State bank with whatever frequency he
15 deems appropriate, including, but not limited to, a
16 daily basis. The reasonable and necessary expenses of
17 the Commissioner during the period of the monitoring
18 shall be borne by the subject bank. The Commissioner
19 shall furnish the State bank a statement of time and
20 expenses if requested to do so within 30 days of the
21 conclusion of the monitoring period.

22 (a-2) On and after January 1, 1990, the reasonable
23 and necessary expenses of the Commissioner during
24 examination of the performance of electronic data
25 processing services under subsection (2.5) shall be
26 borne by the banks for which the services are

1 provided. An amount, based upon a fee structure
2 prescribed by the Commissioner, shall be paid by the
3 banks or, after May 31, 1997, branches of out-of-state
4 banks receiving the electronic data processing
5 services along with the Call Report Fee assessed under
6 paragraph (a) of this subsection (3).

7 (a-3) After May 31, 1997, the reasonable and
8 necessary expenses of the Commissioner during
9 examination of the performance of electronic data
10 processing services under subsection (2.5) at or on
11 behalf of branches of out-of-state banks shall be
12 borne by the out-of-state banks, unless those expenses
13 are borne by the state regulatory authorities that
14 chartered the out-of-state banks, as determined by
15 cooperative agreements between the Commissioner and
16 the state regulatory authorities that chartered the
17 out-of-state banks.

18 (b) "Fiscal year" for purposes of this Section 48
19 is defined as a period beginning July 1 of any year and
20 ending June 30 of the next year. The Commissioner
21 shall receive for each fiscal year, commencing with
22 the fiscal year ending June 30, 1987, a contingent fee
23 equal to the lesser of the aggregate of the fees paid
24 by all State banks under paragraph (a) of subsection
25 (3) for that year, or the amount, if any, whereby the
26 aggregate of the administration expenses, as defined

1 in paragraph (c), for that fiscal year exceeds the sum
2 of the aggregate of the fees payable by all State banks
3 for that year under paragraph (a) of subsection (3),
4 plus any amounts transferred into the Bank and Trust
5 Company Fund from the State Pensions Fund for that
6 year, plus all other amounts collected by the
7 Commissioner for that year under any other provision
8 of this Act, plus the aggregate of all fees collected
9 for that year by the Commissioner under the Corporate
10 Fiduciary Act, excluding the receivership fees
11 provided for in Section 5-10 of the Corporate
12 Fiduciary Act, and the Foreign Banking Office Act. The
13 aggregate amount of the contingent fee thus arrived at
14 for any fiscal year shall be apportioned among
15 ~~amongst~~, assessed upon, and paid by the State banks
16 and foreign banking corporations, respectively, in the
17 same proportion that the fee of each under paragraph
18 (a) of subsection (3), respectively, for that year
19 bears to the aggregate for that year of the fees
20 collected under paragraph (a) of subsection (3). The
21 aggregate amount of the contingent fee, and the
22 portion thereof to be assessed upon each State bank
23 and foreign banking corporation, respectively, shall
24 be determined by the Commissioner and shall be paid by
25 each, respectively, within 120 days of the close of
26 the period for which the contingent fee is computed

1 and is payable, and the Commissioner shall give 20
2 days' advance notice of the amount of the contingent
3 fee payable by the State bank and of the date fixed by
4 the Commissioner for payment of the fee.

5 (c) The "administration expenses" for any fiscal
6 year shall mean the ordinary and contingent expenses
7 for that year incident to making the examinations
8 provided for by, and for otherwise administering, this
9 Act, the Corporate Fiduciary Act, excluding the
10 expenses paid from the Corporate Fiduciary
11 Receivership account in the Bank and Trust Company
12 Fund, the Foreign Banking Office Act, the Electronic
13 Fund Transfer Act, and the Illinois Bank Examiners'
14 Education Foundation Act, including all salaries and
15 other compensation paid for personal services rendered
16 for the State by officers or employees of the State,
17 including the Commissioner and the Deputy
18 Commissioners, communication equipment and services,
19 office furnishings, surety bond premiums, and travel
20 expenses of those officers and employees, employees,
21 expenditures or charges for the acquisition,
22 enlargement or improvement of, or for the use of, any
23 office space, building, or structure, or expenditures
24 for the maintenance thereof or for furnishing heat,
25 light, or power with respect thereto, all to the
26 extent that those expenditures are directly incidental

1 to such examinations or administration. The
2 Commissioner shall not be required by paragraph
3 ~~paragraphs~~ (c) or (d-1) of this subsection (3) to
4 maintain in any fiscal year's budget appropriated
5 reserves for accrued vacation and accrued sick leave
6 that is required to be paid to employees of the
7 Commissioner upon termination of their service with
8 the Commissioner in an amount that is more than is
9 reasonably anticipated to be necessary for any
10 anticipated turnover in employees, whether due to
11 normal attrition or due to layoffs, terminations, or
12 resignations.

13 (d) The aggregate of all fees collected by the
14 Secretary under this Act, the Corporate Fiduciary Act,
15 or the Foreign Banking Office Act on and after July 1,
16 1979, shall be paid promptly after receipt of the
17 same, accompanied by a detailed statement thereof,
18 into the State treasury and shall be set apart in a
19 special fund to be known as the "Bank and Trust Company
20 Fund", except as provided in paragraph (c) of
21 subsection (11) of this Section. All earnings received
22 from investments of funds in the Bank and Trust
23 Company Fund shall be deposited into ~~in~~ the Bank and
24 Trust Company Fund and may be used for the same
25 purposes as fees deposited into ~~in~~ that Fund. The
26 amount from time to time deposited into the Bank and

1 Trust Company Fund shall be used: (i) to offset the
2 ordinary administrative expenses of the Secretary as
3 defined in this Section or (ii) as a credit against
4 fees under paragraph (d-1) of this subsection (3).
5 Nothing in Public Act 81-131 shall prevent continuing
6 the practice of paying expenses involving salaries,
7 retirement, social security, and State-paid insurance
8 premiums of State officers by appropriations from the
9 General Revenue Fund. However, the General Revenue
10 Fund shall be reimbursed for those payments made on
11 and after July 1, 1979, by an annual transfer of funds
12 from the Bank and Trust Company Fund. Moneys in the
13 Bank and Trust Company Fund may be transferred to the
14 Professions Indirect Cost Fund, as authorized under
15 Section 2105-300 of the Department of Professional
16 Regulation Law of the Civil Administrative Code of
17 Illinois.

18 Notwithstanding provisions in the State Finance
19 Act, as now or hereafter amended, or any other law to
20 the contrary, the Governor may, during any fiscal year
21 through January 10, 2011, from time to time direct the
22 State Treasurer and Comptroller to transfer a
23 specified sum not exceeding 10% of the revenues to be
24 deposited into the Bank and Trust Company Fund during
25 that fiscal year from that Fund to the General Revenue
26 Fund in order to help defray the State's operating

1 costs for the fiscal year. Notwithstanding provisions
2 in the State Finance Act, as now or hereafter amended,
3 or any other law to the contrary, the total sum
4 transferred during any fiscal year through January 10,
5 2011, from the Bank and Trust Company Fund to the
6 General Revenue Fund pursuant to this provision shall
7 not exceed during any fiscal year 10% of the revenues
8 to be deposited into the Bank and Trust Company Fund
9 during that fiscal year. The State Treasurer and
10 Comptroller shall transfer the amounts designated
11 under this Section as soon as may be practicable after
12 receiving the direction to transfer from the Governor.

13 (d-1) Adequate funds shall be available in the
14 Bank and Trust Company Fund to permit the timely
15 payment of administration expenses. In each fiscal
16 year the total administration expenses shall be
17 deducted from the total fees collected by the
18 Commissioner and the remainder transferred into the
19 Cash Flow Reserve Account, unless the balance of the
20 Cash Flow Reserve Account prior to the transfer equals
21 or exceeds one-fourth of the total initial
22 appropriations from the Bank and Trust Company Fund
23 for the subsequent year, in which case the remainder
24 shall be credited to State banks and foreign banking
25 corporations and applied against their fees for the
26 subsequent year. The amount credited to each State

1 bank and foreign banking corporation shall be in the
2 same proportion as the Call Report Fees paid by each
3 for the year bear to the total Call Report Fees
4 collected for the year. If, after a transfer to the
5 Cash Flow Reserve Account is made or if no remainder is
6 available for transfer, the balance of the Cash Flow
7 Reserve Account is less than one-fourth of the total
8 initial appropriations for the subsequent year and the
9 amount transferred is less than 5% of the total Call
10 Report Fees for the year, additional amounts needed to
11 make the transfer equal to 5% of the total Call Report
12 Fees for the year shall be apportioned among ~~amongst~~,
13 assessed upon, and paid by the State banks and foreign
14 banking corporations in the same proportion that the
15 Call Report Fees of each, respectively, for the year
16 bear to the total Call Report Fees collected for the
17 year. The additional amounts assessed shall be
18 transferred into the Cash Flow Reserve Account. For
19 purposes of this paragraph (d-1), the calculation of
20 the fees collected by the Commissioner shall exclude
21 the receivership fees provided for in Section 5-10 of
22 the Corporate Fiduciary Act.

23 (e) The Commissioner may upon request certify to
24 any public record in his keeping and shall have
25 authority to levy a reasonable charge for issuing
26 certifications of any public record in his keeping.

1 (f) In addition to fees authorized elsewhere in
2 this Act, the Commissioner may, in connection with a
3 review, approval, or provision of a service, levy a
4 reasonable charge to recover the cost of the review,
5 approval, or service.

6 (4) Nothing contained in this Act shall be construed
7 to limit the obligation relative to examinations and
8 reports of any State bank, deposits in which are to any
9 extent insured by the United States or any agency thereof,
10 nor to limit in any way the powers of the Commissioner with
11 reference to examinations and reports of that bank.

12 (5) The nature and condition of the assets in or
13 investment of any bonus, pension, or profit sharing plan
14 for officers or employees of every State bank or, after
15 May 31, 1997, branch of an out-of-state bank shall be
16 deemed to be included in the affairs of that State bank or
17 branch of an out-of-state bank subject to examination by
18 the Commissioner under the provisions of subsection (2) of
19 this Section, and if the Commissioner shall find from an
20 examination that the condition of or operation of the
21 investments or assets of the plan is unlawful, fraudulent,
22 or unsafe, or that any trustee has abused his trust, the
23 Commissioner shall, if the situation so found by the
24 Commissioner shall not be corrected to his satisfaction
25 within 60 days after the Commissioner has given notice to
26 the board of directors of the State bank or out-of-state

1 bank of his findings, report the facts to the Attorney
2 General who shall thereupon institute proceedings against
3 the State bank or out-of-state bank, the board of
4 directors thereof, or the trustees under such plan as the
5 nature of the case may require.

6 (6) The Commissioner shall have the power:

7 (a) To promulgate reasonable rules for the purpose
8 of administering the provisions of this Act.

9 (a-5) To impose conditions on any approval issued
10 by the Commissioner if he determines that the
11 conditions are necessary or appropriate. These
12 conditions shall be imposed in writing and shall
13 continue in effect for the period prescribed by the
14 Commissioner.

15 (b) To issue orders against any person, if the
16 Commissioner has reasonable cause to believe that an
17 unsafe or unsound banking practice has occurred, is
18 occurring, or is about to occur, if any person has
19 violated, is violating, or is about to violate any
20 law, rule, or written agreement with the Commissioner,
21 or for the purpose of administering the provisions of
22 this Act and any rule promulgated in accordance with
23 this Act.

24 (b-1) To enter into agreements with a bank
25 establishing a program to correct the condition of the
26 bank or its practices.

1 (c) To appoint hearing officers to execute any of
2 the powers granted to the Commissioner under this
3 Section for the purpose of administering this Act and
4 any rule promulgated in accordance with this Act and
5 otherwise to authorize, in writing, an officer or
6 employee of the Office of Banks and Real Estate to
7 exercise his powers under this Act.

8 (d) To subpoena witnesses, to compel their
9 attendance, to administer an oath, to examine any
10 person under oath, and to require the production of
11 any relevant books, papers, accounts, and documents in
12 the course of and pursuant to any investigation being
13 conducted, or any action being taken, by the
14 Commissioner in respect of any matter relating to the
15 duties imposed upon, or the powers vested in, the
16 Commissioner under the provisions of this Act or any
17 rule promulgated in accordance with this Act.

18 (e) To conduct hearings.

19 (7) Whenever, in the opinion of the Secretary, any
20 director, officer, employee, or agent of a State bank or
21 any subsidiary or bank holding company of the bank or,
22 after May 31, 1997, of any branch of an out-of-state bank
23 or any subsidiary or bank holding company of the bank
24 shall have violated any law, rule, or order relating to
25 that bank or any subsidiary or bank holding company of the
26 bank, shall have obstructed or impeded any examination or

1 investigation by the Secretary, shall have engaged in an
2 unsafe or unsound practice in conducting the business of
3 that bank or any subsidiary or bank holding company of the
4 bank, or shall have violated any law or engaged or
5 participated in any unsafe or unsound practice in
6 connection with any financial institution or other
7 business entity such that the character and fitness of the
8 director, officer, employee, or agent does not assure
9 reasonable promise of safe and sound operation of the
10 State bank, the Secretary may issue an order of removal.
11 If, in the opinion of the Secretary, any former director,
12 officer, employee, or agent of a State bank or any
13 subsidiary or bank holding company of the bank, prior to
14 the termination of his or her service with that bank or any
15 subsidiary or bank holding company of the bank, violated
16 any law, rule, or order relating to that State bank or any
17 subsidiary or bank holding company of the bank, obstructed
18 or impeded any examination or investigation by the
19 Secretary, engaged in an unsafe or unsound practice in
20 conducting the business of that bank or any subsidiary or
21 bank holding company of the bank, or violated any law or
22 engaged or participated in any unsafe or unsound practice
23 in connection with any financial institution or other
24 business entity such that the character and fitness of the
25 director, officer, employee, or agent would not have
26 assured reasonable promise of safe and sound operation of

1 the State bank, the Secretary may issue an order
2 prohibiting that person from further service with a bank
3 or any subsidiary or bank holding company of the bank as a
4 director, officer, employee, or agent. An order issued
5 pursuant to this subsection shall be served upon the
6 director, officer, employee, or agent. A copy of the order
7 shall be sent to each director of the bank affected by
8 registered mail. A copy of the order shall also be served
9 upon the bank of which he is a director, officer,
10 employee, or agent, whereupon he shall cease to be a
11 director, officer, employee, or agent of that bank. The
12 Secretary may institute a civil action against the
13 director, officer, or agent of the State bank or, after
14 May 31, 1997, of the branch of the out-of-state bank
15 against whom any order provided for by this subsection (7)
16 of this Section 48 has been issued, and against the State
17 bank or, after May 31, 1997, out-of-state bank, to enforce
18 compliance with or to enjoin any violation of the terms of
19 the order. Any person who has been the subject of an order
20 of removal or an order of prohibition issued by the
21 Secretary under this subsection or Section 5-6 of the
22 Corporate Fiduciary Act may not thereafter serve as
23 director, officer, employee, or agent of any State bank or
24 of any branch of any out-of-state bank, or of any
25 corporate fiduciary, as defined in Section 1-5.05 of the
26 Corporate Fiduciary Act, or of any other entity that is

1 subject to licensure or regulation by the Division of
2 Banking unless the Secretary has granted prior approval in
3 writing.

4 For purposes of this paragraph (7), "bank holding
5 company" has the meaning prescribed in Section 2 of the
6 Illinois Bank Holding Company Act of 1957.

7 (7.5) Notwithstanding the provisions of this Section,
8 the Secretary shall not:

9 (1) issue an order against a State bank or any
10 subsidiary organized under this Act for unsafe or
11 unsound banking practices solely because the entity
12 provides or has provided financial services to a
13 cannabis-related legitimate business;

14 (2) prohibit, penalize, or otherwise discourage a
15 State bank or any subsidiary from providing financial
16 services to a cannabis-related legitimate business
17 solely because the entity provides or has provided
18 financial services to a cannabis-related legitimate
19 business;

20 (3) recommend, incentivize, or encourage a State
21 bank or any subsidiary not to offer financial services
22 to an account holder or to downgrade or cancel the
23 financial services offered to an account holder solely
24 because:

25 (A) the account holder is a manufacturer or
26 producer, or is the owner, operator, or employee

1 of a cannabis-related legitimate business;

2 (B) the account holder later becomes an owner
3 or operator of a cannabis-related legitimate
4 business; or

5 (C) the State bank or any subsidiary was not
6 aware that the account holder is the owner or
7 operator of a cannabis-related legitimate
8 business; and

9 (4) take any adverse or corrective supervisory
10 action on a loan made to an owner or operator of:

11 (A) a cannabis-related legitimate business
12 solely because the owner or operator owns or
13 operates a cannabis-related legitimate business;
14 or

15 (B) real estate or equipment that is leased to
16 a cannabis-related legitimate business solely
17 because the owner or operator of the real estate
18 or equipment leased the equipment or real estate
19 to a cannabis-related legitimate business.

20 (8) The Commissioner may impose civil penalties of up
21 to \$100,000 against any person for each violation of any
22 provision of this Act, any rule promulgated in accordance
23 with this Act, any order of the Commissioner, or any other
24 action which in the Commissioner's discretion is an unsafe
25 or unsound banking practice.

26 (9) The Commissioner may impose civil penalties of up

1 to \$100 against any person for the first failure to comply
2 with reporting requirements set forth in the report of
3 examination of the bank and up to \$200 for the second and
4 subsequent failures to comply with those reporting
5 requirements.

6 (10) All final administrative decisions of the
7 Commissioner hereunder shall be subject to judicial review
8 pursuant to the provisions of the Administrative Review
9 Law. For matters involving administrative review, venue
10 shall be in either Sangamon County or Cook County.

11 (11) The endowment fund for the Illinois Bank
12 Examiners' Education Foundation shall be administered as
13 follows:

14 (a) (Blank).

15 (b) The Foundation is empowered to receive
16 voluntary contributions, gifts, grants, bequests, and
17 donations on behalf of the Illinois Bank Examiners'
18 Education Foundation from national banks and other
19 persons for the purpose of funding the endowment of
20 the Illinois Bank Examiners' Education Foundation.

21 (c) The aggregate of all special educational fees
22 collected by the Secretary and property received by
23 the Secretary on behalf of the Illinois Bank
24 Examiners' Education Foundation under this subsection
25 (11) on or after June 30, 1986, shall be either (i)
26 promptly paid after receipt of the same, accompanied

1 by a detailed statement thereof, into the State
2 treasury ~~Treasury~~ and shall be set apart in a special
3 fund to be known as the ~~"The~~ Illinois Bank Examiners'
4 Education Fund~~"~~ to be invested by either the Treasurer
5 of the State of Illinois in the Public Treasurers'
6 Investment Pool or in any other investment he is
7 authorized to make or by the Illinois State Board of
8 Investment as the State Banking Board of Illinois may
9 direct or (ii) deposited into an account maintained in
10 a commercial bank or corporate fiduciary in the name
11 of the Illinois Bank Examiners' Education Foundation
12 pursuant to the order and direction of the Board of
13 Trustees of the Illinois Bank Examiners' Education
14 Foundation.

15 (12) (Blank).

16 (13) The Secretary may borrow funds from the General
17 Revenue Fund on behalf of the Bank and Trust Company Fund
18 if the Director of Banking certifies to the Governor that
19 there is an economic emergency affecting banking that
20 requires a borrowing to provide additional funds to the
21 Bank and Trust Company Fund. The borrowed funds shall be
22 paid back within 3 years and shall not exceed the total
23 funding appropriated to the Agency in the previous year.

24 (14) In addition to the fees authorized in this Act,
25 the Secretary may assess reasonable receivership fees
26 against any State bank that does not maintain insurance

1 with the Federal Deposit Insurance Corporation. All fees
2 collected under this subsection (14) shall be paid into
3 the Non-insured Institutions Receivership account in the
4 Bank and Trust Company Fund, as established by the
5 Secretary. The fees assessed under this subsection (14)
6 shall provide for the expenses that arise from the
7 administration of the receivership of any such institution
8 required to pay into the Non-insured Institutions
9 Receivership account, whether pursuant to this Act, the
10 Corporate Fiduciary Act, the Foreign Banking Office Act,
11 or any other Act that requires payments into the
12 Non-insured Institutions Receivership account. The
13 Secretary may establish by rule a reasonable manner of
14 assessing fees under this subsection (14).

15 (Source: P.A. 101-27, eff. 6-25-19; 101-275, eff. 8-9-19;
16 102-558, eff. 8-20-21; revised 2-28-22.)

17 Section 395. The Illinois Credit Union Act is amended by
18 changing Sections 8, 19, 20, and 59 as follows:

19 (205 ILCS 305/8) (from Ch. 17, par. 4409)

20 Sec. 8. Secretary's powers and duties. Credit unions are
21 regulated by the Department. The Secretary in executing the
22 powers and discharging the duties vested by law in the
23 Department has the following powers and duties:

24 (1) To exercise the rights, powers, and duties set

1 forth in this Act or any related Act. The Director shall
2 oversee the functions of the Division and report to the
3 Secretary, with respect to the Director's exercise of any
4 of the rights, powers, and duties vested by law in the
5 Secretary under this Act. All references in this Act to
6 the Secretary shall be deemed to include the Director, as
7 a person authorized by the Secretary or this Act to assume
8 responsibility for the oversight of the functions of the
9 Department relating to the regulatory supervision of
10 credit unions under this Act.

11 (2) To prescribe rules and regulations for the
12 administration of this Act. The provisions of the Illinois
13 Administrative Procedure Act are hereby expressly adopted
14 and incorporated herein as though a part of this Act, and
15 shall apply to all administrative rules and procedures of
16 the Department under this Act.

17 (3) To direct and supervise all the administrative and
18 technical activities of the Department including the
19 employment of a Credit Union Supervisor who shall have
20 knowledge in the theory and practice of, or experience in,
21 the operations or supervision of financial institutions,
22 preferably credit unions, and such other persons as are
23 necessary to carry out his functions. The Secretary shall
24 ensure that all examiners appointed or assigned to examine
25 the affairs of State-chartered credit unions possess the
26 necessary training and continuing education to effectively

1 execute their jobs.

2 (4) To issue cease and desist orders when in the
3 opinion of the Secretary, a credit union is engaged or has
4 engaged, or the Secretary has reasonable cause to believe
5 the credit union is about to engage, in an unsafe or
6 unsound practice, or is violating or has violated or the
7 Secretary has reasonable cause to believe is about to
8 violate a law, rule, or regulation or any condition
9 imposed in writing by the Department.

10 (5) To suspend from office and to prohibit from
11 further participation in any manner in the conduct of the
12 affairs of any credit union any director, officer, or
13 committee member who has committed any violation of a law,
14 rule, or regulation or of a cease and desist order or who
15 has engaged or participated in any unsafe or unsound
16 practice in connection with the credit union or who has
17 committed or engaged in any act, omission, or practice
18 which constitutes a breach of his fiduciary duty as such
19 director, officer, or committee member, when the Secretary
20 has determined that such action or actions have resulted
21 or will result in substantial financial loss or other
22 damage that seriously prejudices the interests of the
23 members.

24 (6) To assess a civil penalty against a credit union
25 provided that:

26 (A) the Secretary reasonably determines, based on

1 objective facts and an accurate assessment of
2 applicable legal standards, that the credit union has:

3 (i) committed a violation of this Act, any
4 rule adopted in accordance with this Act, or any
5 order of the Secretary issued pursuant to his or
6 her authority under this Act; or

7 (ii) engaged or participated in any unsafe or
8 unsound practice;

9 (B) before a civil penalty is assessed under this
10 item (6), the Secretary must make the further
11 reasonable determination, based on objective facts and
12 an accurate assessment of applicable legal standards,
13 that the credit union's action constituting a
14 violation under subparagraph (i) of paragraph (A) of
15 this item (6) or an unsafe and unsound practice under
16 subparagraph (ii) of paragraph (A) of this item (6):

17 (i) directly resulted in a substantial and
18 material financial loss or created a reasonable
19 probability that a substantial and material
20 financial loss will directly result; or

21 (ii) constituted willful misconduct or a
22 material breach of fiduciary duty of any director,
23 officer, or committee member of the credit union;

24 Material financial loss, as referenced in this
25 paragraph (B), shall be assessed in light of
26 surrounding circumstances and the relative size and

1 nature of the financial loss or probable financial
2 loss. Certain benchmarks shall be used in determining
3 whether financial loss is material, such as a
4 percentage of total assets or total gross income for
5 the immediately preceding 12-month period. Absent
6 compelling and extraordinary circumstances, no civil
7 penalty shall be assessed, unless the financial loss
8 or probable financial loss is equal to or greater than
9 either 1% of the credit union's total assets for the
10 immediately preceding 12-month period, or 1% of the
11 credit union's total gross income for the immediately
12 preceding 12-month period, whichever is less;

13 (C) before a civil penalty is assessed under this
14 item (6), the credit union must be expressly advised
15 in writing of the:

16 (i) specific violation that could subject it
17 to a penalty under this item (6); and

18 (ii) specific remedial action to be taken
19 within a specific and reasonable time frame to
20 avoid imposition of the penalty;

21 (D) civil ~~Civil~~ penalties assessed under this item
22 (6) shall be remedial, not punitive, and reasonably
23 tailored to ensure future compliance by the credit
24 union with the provisions of this Act and any rules
25 adopted pursuant to this Act;

26 (E) a credit union's failure to take timely

1 remedial action with respect to the specific violation
2 may result in the issuance of an order assessing a
3 civil penalty up to the following maximum amount,
4 based upon the total assets of the credit union:

5 (i) Credit unions with assets of less than \$10
6 million..... \$1,000

7 (ii) Credit unions with assets of at least \$10
8 million and less than \$50 million \$2,500

9 (iii) Credit unions with assets of at least
10 \$50 million and less than \$100 million \$5,000

11 (iv) Credit unions with assets of at least
12 \$100 million and less than \$500 million .. \$10,000

13 (v) Credit unions with assets of at least \$500
14 million and less than \$1 billion \$25,000

15 (vi) Credit unions with assets of \$1 billion
16 and greater..... \$50,000; and

17 (F) an order assessing a civil penalty under this
18 item (6) shall take effect upon service of the order,
19 unless the credit union makes a written request for a
20 hearing under 38 Ill. ~~IL~~ Adm. Code 190.20 of the
21 Department's rules for credit unions within 90 days
22 after issuance of the order; in that event, the order
23 shall be stayed until a final administrative order is
24 entered.

25 This item (6) shall not apply to violations separately
26 addressed in rules as authorized under item (7) of this

1 Section.

2 (7) Except for the fees established in this Act, to
3 prescribe, by rule and regulation, fees and penalties for
4 preparing, approving, and filing reports and other
5 documents; furnishing transcripts; holding hearings;
6 investigating applications for permission to organize,
7 merge, or convert; failure to maintain accurate books and
8 records to enable the Department to conduct an
9 examination; and taking supervisory actions.

10 (8) To destroy, in his discretion, any or all books
11 and records of any credit union in his possession or under
12 his control after the expiration of three years from the
13 date of cancellation of the charter of such credit unions.

14 (9) To make investigations and to conduct research and
15 studies and to publish some of the problems of persons in
16 obtaining credit at reasonable rates of interest and of
17 the methods and benefits of cooperative saving and lending
18 for such persons.

19 (10) To authorize, foster, or establish experimental,
20 developmental, demonstration, or pilot projects by public
21 or private organizations including credit unions which:

22 (a) promote more effective operation of credit
23 unions so as to provide members an opportunity to use
24 and control their own money to improve their economic
25 and social conditions; or

26 (b) are in the best interests of credit unions,

1 their members and the people of the State of Illinois.

2 (11) To cooperate in studies, training, or other
3 administrative activities with, but not limited to, the
4 NCUA, other state credit union regulatory agencies and
5 industry trade associations in order to promote more
6 effective and efficient supervision of Illinois chartered
7 credit unions.

8 (12) Notwithstanding the provisions of this Section,
9 the Secretary shall not:

10 (1) issue an order against a credit union
11 organized under this Act for unsafe or unsound banking
12 practices solely because the entity provides or has
13 provided financial services to a cannabis-related
14 legitimate business;

15 (2) prohibit, penalize, or otherwise discourage a
16 credit union from providing financial services to a
17 cannabis-related legitimate business solely because
18 the entity provides or has provided financial services
19 to a cannabis-related legitimate business;

20 (3) recommend, incentivize, or encourage a credit
21 union not to offer financial services to an account
22 holder or to downgrade or cancel the financial
23 services offered to an account holder solely because:

24 (A) the account holder is a manufacturer or
25 producer, or is the owner, operator, or employee
26 of a cannabis-related legitimate business;

1 (B) the account holder later becomes an owner
2 or operator of a cannabis-related legitimate
3 business; or

4 (C) the credit union was not aware that the
5 account holder is the owner or operator of a
6 cannabis-related legitimate business; and

7 (4) take any adverse or corrective supervisory
8 action on a loan made to an owner or operator of:

9 (A) a cannabis-related legitimate business
10 solely because the owner or operator owns or
11 operates a cannabis-related legitimate business;
12 or

13 (B) real estate or equipment that is leased to
14 a cannabis-related legitimate business solely
15 because the owner or operator of the real estate
16 or equipment leased the equipment or real estate
17 to a cannabis-related legitimate business.

18 (Source: P.A. 101-27, eff. 6-25-19; 102-858, eff. 5-13-22;
19 revised 8-19-22.)

20 (205 ILCS 305/19) (from Ch. 17, par. 4420)

21 Sec. 19. Meeting of members.

22 (1) (a) The annual meeting shall be held each year during
23 the months of January, February or March or such other month as
24 may be approved by the Department. The meeting shall be held at
25 the time, place and in the manner set forth in the bylaws. Any

1 special meetings of the members of the credit union shall be
2 held at the time, place and in the manner set forth in the
3 bylaws. Unless otherwise set forth in this Act, quorum
4 requirements for meetings of members shall be established by a
5 credit union in its bylaws. Notice of all meetings must be
6 given by the secretary of the credit union at least 7 days
7 before the date of such meeting, either by handing a written or
8 printed notice to each member of the credit union, by mailing
9 the notice to the member at his address as listed on the books
10 and records of the credit union, by posting a notice of the
11 meeting in three conspicuous places, including the office of
12 the credit union, by posting the notice of the meeting on the
13 credit union's website, or by disclosing the notice of the
14 meeting in membership newsletters or account statements.

15 (b) Unless expressly prohibited by the articles of
16 incorporation or bylaws and subject to applicable requirements
17 of this Act, the board of directors may provide by resolution
18 that members may attend, participate in, act in, and vote at
19 any annual meeting or special meeting through the use of a
20 conference telephone or interactive technology, including, but
21 not limited to, electronic transmission, internet usage, or
22 remote communication, by means of which all persons
23 participating in the meeting can communicate with each other.
24 Participation through the use of a conference telephone or
25 interactive technology shall constitute attendance, presence,
26 and representation in person at the annual meeting or special

1 meeting of the person or persons so participating and count
2 towards the quorum required to conduct business at the
3 meeting. The following conditions shall apply to any virtual
4 meeting of the members:

5 (i) the credit union must internally possess or retain
6 the technological capacity to facilitate virtual meeting
7 attendance, participation, communication, and voting; and

8 (ii) the members must receive notice of the use of a
9 virtual meeting format and appropriate instructions for
10 joining, participating, and voting during the virtual
11 meeting at least 7 days before the virtual meeting.

12 (2) On all questions and at all elections, except election
13 of directors, each member has one vote regardless of the
14 number of his shares. There shall be no voting by proxy except
15 on the election of directors, proposals for merger or
16 voluntary dissolution. Members may vote on questions,
17 including, without limitation, the approval of mergers and
18 voluntary dissolutions under this Act, and in elections by
19 electronic record if approved by the board of directors. All
20 voting on the election of directors shall be by ballot, but
21 when there is no contest, written or electronic ballots need
22 not be cast. The record date to be used for the purpose of
23 determining which members are entitled to notice of or to vote
24 at any meeting of members, may be fixed in advance by the
25 directors on a date not more than 90 days nor less than 10 days
26 prior to the date of the meeting. If no record date is fixed by

1 the directors, the first day on which notice of the meeting is
2 given, mailed or posted is the record date.

3 (3) Regardless of the number of shares owned by a society,
4 association, club, partnership, other credit union or
5 corporation, having membership in the credit union, it shall
6 be entitled to only one vote and it may be represented and have
7 its vote cast by its designated agent acting on its behalf
8 pursuant to a resolution adopted by the organization's board
9 of directors or similar governing authority; provided that the
10 credit union shall obtain a certified copy of such resolution
11 before such vote may be cast.

12 (4) A member may revoke a proxy by delivery to the credit
13 union of a written statement to that effect, by execution of a
14 subsequently dated proxy, by execution of an electronic
15 record, or by attendance at a meeting and voting in person.

16 (5) The use of electronic records for member voting
17 pursuant to this Section shall employ a security procedure
18 that meets the attribution criteria set forth in Section 9 of
19 the Uniform Electronic Transactions Act.

20 (6) As used in this Section, "electronic", "electronic
21 record", and "security procedure" have the meanings ascribed
22 to those terms in the Uniform Electronic Transactions Act. ~~the~~
23 (Source: P.A. 102-38, eff. 6-25-21; 102-496, eff. 8-20-21;
24 102-774, eff. 5-13-22; 102-813, eff. 5-13-22; revised 8-3-22.)

25 (205 ILCS 305/20) (from Ch. 17, par. 4421)

1 Sec. 20. Election or appointment of officials.

2 (1) The credit union shall be directed by a board of
3 directors consisting of no less than 7 in number, to be elected
4 at the annual meeting by and from the members. Directors shall
5 hold office until the next annual meeting, unless their terms
6 are staggered. Upon amendment of its bylaws, a credit union
7 may divide the directors into 2 or 3 classes with each class as
8 nearly equal in number as possible. The term of office of the
9 directors of the first class shall expire at the first annual
10 meeting after their election, that of the second class shall
11 expire at the second annual meeting after their election, and
12 that of the third class, if any, shall expire at the third
13 annual meeting after their election. At each annual meeting
14 after the classification, the number of directors equal to the
15 number of directors whose terms expire at the time of the
16 meeting shall be elected to hold office until the second
17 succeeding annual meeting if there are 2 classes or until the
18 third succeeding annual meeting if there are 3 classes. A
19 director shall hold office for the term for which he or she is
20 elected and until his or her successor is elected and
21 qualified.

22 (1.5) Except as provided in subsection (1.10), in all
23 elections for directors, every member has the right to vote,
24 in person, by proxy, or by electronic record if approved by the
25 board of directors, the number of shares owned by him, or in
26 the case of a member other than a natural person, the member's

1 one vote, for as many persons as there are directors to be
2 elected, or to cumulate such shares, and give one candidate as
3 many votes as the number of directors multiplied by the number
4 of his shares equals, or to distribute them on the same
5 principle among as many candidates as he may desire and the
6 directors shall not be elected in any other manner. Shares
7 held in a joint account owned by more than one member may be
8 voted by any one of the members, however, the number of
9 cumulative votes cast may not exceed a total equal to the
10 number of shares multiplied by the number of directors to be
11 elected. A majority of the shares entitled to vote shall be
12 represented either in person or by proxy for the election of
13 directors. Each director shall wholly take and subscribe to an
14 oath that he will diligently and honestly perform his duties
15 in administering the affairs of the credit union, that while
16 he may delegate to another the performance of those
17 administrative duties he is not thereby relieved from his
18 responsibility for their performance, that he will not
19 knowingly violate or permit to be violated any law applicable
20 to the credit union, and that he is the owner of at least one
21 share of the credit union.

22 (1.10) Upon amendment of a credit union's bylaws, in all
23 elections for directors, every member who is a natural person
24 shall have the right to cast one vote, regardless of the number
25 of his or her shares, in person, by proxy, or by electronic
26 record if approved by the board of directors, for as many

1 persons as there are directors to be elected.

2 (1.15) If the board of directors has adopted a policy
3 addressing age eligibility standards on voting, holding
4 office, or petitioning the board, then a credit union may
5 require (i) that members be at least 18 years of age by the
6 date of the meeting in order to vote at meetings of the
7 members, sign nominating petitions, or sign petitions
8 requesting special meetings, and (ii) that members be at least
9 18 years of age by the date of election or appointment in order
10 to hold elective or appointive office.

11 (2) The board of directors shall appoint from among the
12 members of the credit union, a supervisory committee of not
13 less than 3 members at the organization meeting and within 30
14 days following each annual meeting of the members for such
15 terms as the bylaws provide. Members of the supervisory
16 committee may, but need not be, on the board of directors, but
17 shall not be officers of the credit union, members of the
18 credit committee, or the credit manager if no credit committee
19 has been appointed.

20 (3) The board of directors may appoint, from among the
21 members of the credit union, a credit committee consisting of
22 an odd number, not less than 3 for such terms as the bylaws
23 provide. Members of the credit committee may, but need not be,
24 directors or officers of the credit union, but shall not be
25 members of the supervisory committee.

26 (4) The board of directors may appoint from among the

1 members of the credit union a membership committee of one or
2 more persons. If appointed, the committee shall act upon all
3 applications for membership and submit a report of its actions
4 to the board of directors at the next regular meeting for
5 review. If no membership committee is appointed, credit union
6 management shall act upon all applications for membership and
7 submit a report of its actions to the board of directors at the
8 next regular meeting for review.

9 (5) The board of directors may appoint, from among the
10 members of the credit union, a nominating committee of 3 or
11 more persons. Members of the nominating committee may, but
12 need not, be directors or officers of the credit union, but may
13 not be members of the supervisory committee. The appointment,
14 if made, shall be made in a timely manner to permit the
15 nominating committee to recruit, evaluate, and nominate
16 eligible candidates for each position to be filled in the
17 election of directors or, in the event of a vacancy in office,
18 to be filled by appointment of the board of directors for the
19 remainder of the unexpired term of the director creating the
20 vacancy. Factors the nominating committee may consider in
21 evaluating prospective candidates include whether a candidate
22 possesses or is willing to acquire through training the
23 requisite skills and qualifications to carry out the statutory
24 duties of a director. The board of directors may delegate to
25 the nominating committee the recruitment, evaluation, and
26 nomination of eligible candidates to serve on committees and

1 in executive officer positions.

2 (6) The use of electronic records for member voting
3 pursuant to this Section shall employ a security procedure
4 that meets the attribution criteria set forth in Section 9 of
5 the Uniform Electronic Transactions Act.

6 (7) As used in this Section, "electronic", "electronic
7 record", and "security procedure" have the meanings ascribed
8 to those terms in the Uniform Electronic Transactions Act. ~~the~~
9 (Source: P.A. 102-38, eff. 6-25-21; 102-687, eff. 12-17-21;
10 102-774, eff. 5-13-22; 102-858, eff. 5-13-22; revised 8-3-22.)

11 (205 ILCS 305/59) (from Ch. 17, par. 4460)

12 Sec. 59. Investment of funds.

13 (a) Funds not used in loans to members may be invested,
14 pursuant to subsection (7) of Section 30 of this Act, and
15 subject to Departmental rules and regulations:

16 (1) In securities, obligations or other instruments of
17 or issued by or fully guaranteed as to principal and
18 interest by the United States of America or any agency
19 thereof or in any trust or trusts established for
20 investing directly or collectively in the same;

21 (2) In obligations of any state of the United States,
22 the District of Columbia, the Commonwealth of Puerto Rico,
23 and the several territories organized by Congress, or any
24 political subdivision thereof; however, a credit union may
25 not invest more than 10% of its unimpaired capital and

1 surplus in the obligations of one issuer, exclusive of
2 general obligations of the issuer, and investments in
3 municipal securities must be limited to securities rated
4 in one of the 4 highest rating investment grades by a
5 nationally recognized statistical rating organization;

6 (3) In certificates of deposit or passbook type
7 accounts issued by a state or national bank, mutual
8 savings bank or savings and loan association; provided
9 that such institutions have their accounts insured by the
10 Federal Deposit Insurance Corporation or the Federal
11 Savings and Loan Insurance Corporation; but provided,
12 further, that a credit union's investment in an account in
13 any one institution may exceed the insured limit on
14 accounts;

15 (4) In shares, classes of shares or share certificates
16 of other credit unions, including, but not limited to,
17 corporate credit unions; provided that such credit unions
18 have their members' accounts insured by the NCUA or other
19 approved insurers, and that if the members' accounts are
20 so insured, a credit union's investment may exceed the
21 insured limit on accounts;

22 (5) In shares of a cooperative society organized under
23 the laws of this State or the laws of the United States in
24 the total amount not exceeding 10% of the unimpaired
25 capital and surplus of the credit union; provided that
26 such investment shall first be approved by the Department;

1 (6) In obligations of the State of Israel, or
2 obligations fully guaranteed by the State of Israel as to
3 payment of principal and interest;

4 (7) In shares, stocks or obligations of other
5 financial institutions in the total amount not exceeding
6 5% of the unimpaired capital and surplus of the credit
7 union;

8 (8) In federal funds and bankers' acceptances;

9 (9) In shares or stocks of Credit Union Service
10 Organizations in the total amount not exceeding the
11 greater of 6% of the unimpaired capital and surplus of the
12 credit union or the amount authorized for federal credit
13 unions;

14 (10) In corporate bonds identified as investment grade
15 by at least one nationally recognized statistical rating
16 organization, provided that:

17 (i) the board of directors has established a
18 written policy that addresses corporate bond
19 investment procedures and how the credit union will
20 manage credit risk, interest rate risk, liquidity
21 risk, and concentration risk; and

22 (ii) the credit union has documented in its
23 records that a credit analysis of a particular
24 investment and the issuing entity was conducted by the
25 credit union, a third party on behalf of the credit
26 union qualified by education or experience to assess

1 the risk characteristics of corporate bonds, or a
2 nationally recognized statistical rating agency before
3 purchasing the investment and the analysis is updated
4 at least annually for as long as it holds the
5 investment;

6 (11) To aid in the credit union's management of its
7 assets, liabilities, and liquidity in the purchase of an
8 investment interest in a pool of loans, in whole or in part
9 and without regard to the membership of the borrowers,
10 from other depository institutions and financial type
11 institutions, including mortgage banks, finance companies,
12 insurance companies, and other loan sellers, subject to
13 such safety and soundness standards, limitations, and
14 qualifications as the Department may establish by rule or
15 guidance from time to time;

16 (12) To aid in the credit union's management of its
17 assets, liabilities, and liquidity by receiving funds from
18 another financial institution as evidenced by certificates
19 of deposit, share certificates, or other classes of shares
20 issued by the credit union to the financial institution;

21 (13) In the purchase and assumption of assets held by
22 other financial institutions, with approval of the
23 Secretary and subject to any safety and soundness
24 standards, limitations, and qualifications as the
25 Department may establish by rule or guidance from time to
26 time;

1 (14) In the shares, stocks, or obligations of
2 community development financial institutions as defined in
3 regulations issued by the U.S. Department of the Treasury
4 and minority depository institutions as defined by the
5 National Credit Union Administration; however the
6 aggregate amount of all such investments shall not at any
7 time exceed 5% of the paid-in and unimpaired capital and
8 surplus of the credit union; and

9 (15) (A) In shares, stocks, or member units of
10 financial technology companies in the total amount not
11 exceeding 2.5% of the net worth of the credit union, so
12 long as:

13 (i) the credit union would remain well capitalized
14 as defined by 12 CFR 702.102 if the credit union
15 reduced its net worth by the full investment amount at
16 the time the investment is made or at any point during
17 the time the investment is held by the credit union;

18 (ii) the credit union and the financial technology
19 company are operated in a manner that demonstrates to
20 the public the separate corporate existence of the
21 credit union and financial technology company; and

22 (iii) the credit union has received a composite
23 rating of 1 or 2 under the CAMELS supervisory rating
24 system.

25 (B) The investment limit in subparagraph (A) of this
26 paragraph (15) is increased to 5% of the net worth of the

1 credit union⁷ if it has received a management rating of 1
2 under the CAMELS supervisory rating system at the time a
3 specific investment is made and at all times during the
4 term of the investment. A credit union that satisfies the
5 criteria in subparagraph (A) of this paragraph (15) and
6 this subparagraph may request approval from the Secretary
7 for an exception to the 5% limit up to a limit of 10% of
8 the net worth of the credit union, subject to such safety
9 and soundness standards, limitations, and qualifications
10 as the Department may establish by rule or guidance from
11 time to time. The request shall be in writing and
12 substantiate the need for the higher limit, describe the
13 credit union's record of investment activity, and include
14 financial statements reflecting a sound fiscal history.

15 (C) Before investing in a financial technology
16 company, the credit union shall obtain a written legal
17 opinion as to whether the financial technology company is
18 established in a manner that will limit potential exposure
19 of the credit union to no more than the loss of funds
20 invested in the financial technology company and the legal
21 opinion shall:

22 (i) address factors that have led courts to
23 "pierce the corporate veil", such as inadequate
24 capitalization, lack of separate corporate identity,
25 common boards of directors and employees, control of
26 one entity over another, and lack of separate books

1 and records; and

2 (ii) be provided by independent legal counsel of
3 the credit union.

4 (D) Before investing in the financial technology
5 company, the credit union shall enter into a written
6 investment agreement with the financial technology company
7 and the agreement shall contain the following clauses:

8 (i) the financial technology company will: (I)
9 provide the Department with access to the books and
10 records of the financial technology company relating
11 to the investment made by the credit union, with the
12 costs of examining those records borne by the credit
13 union in accordance with the per diem rate established
14 by the Department by rule; (II) follow generally
15 accepted accounting principles; and (III) provide the
16 credit union with its financial statements on at least
17 a quarterly basis and certified public accountant
18 audited financial statements on an annual basis; and

19 (ii) the financial technology company and credit
20 union agree to terminate their contractual
21 relationship: (I) upon 90 days' written notice to the
22 parties by the Secretary that the safety and soundness
23 of the credit union is threatened pursuant to the
24 Department's cease and desist and suspension authority
25 in Sections 8 and 61; (II) upon 30 days' written notice
26 to the parties if the credit union's net worth ratio

1 falls below the level that classifies it as well
2 capitalized ~~well-capitalized~~ as defined by 12 CFR
3 702.102; and (III) immediately upon the parties'
4 receipt of written notice from the Secretary when the
5 Secretary reasonably concludes, based upon specific
6 facts set forth in the notice to the parties, that the
7 credit union will suffer immediate, substantial, and
8 irreparable injury or loss if it remains a party to the
9 investment agreement.

10 (E) The termination of the investment agreement
11 between the financial technology company and credit union
12 shall in no way operate to relieve the financial
13 technology company from repaying the investment or other
14 obligation due and owing the credit union at the time of
15 termination.

16 (F) Any financial technology company in which a credit
17 union invests pursuant to this paragraph (15) that
18 directly or indirectly originates, purchases, facilitates,
19 brokers, or services loans to consumers in Illinois shall
20 not charge an interest rate that exceeds the applicable
21 maximum rate established by the Board of the National
22 Credit Union Administration pursuant to 12 CFR
23 701.21(c)(7)(iii)-(iv). The maximum interest rate
24 described in this subparagraph that may be charged by a
25 financial technology company applies to all consumer loans
26 and consumer credit products.

1 (b) As used in this Section:

2 "Political subdivision" includes, but is not limited to,
3 counties, townships, cities, villages, incorporated towns,
4 school districts, educational service regions, special road
5 districts, public water supply districts, fire protection
6 districts, drainage districts, levee districts, sewer
7 districts, housing authorities, park districts, and any
8 agency, corporation, or instrumentality of a state or its
9 political subdivisions, whether now or hereafter created and
10 whether herein specifically mentioned or not.

11 "Financial institution" includes any bank, savings bank,
12 savings and loan association, or credit union established
13 under the laws of the United States, this State, or any other
14 state.

15 "Financial technology company" includes any corporation,
16 partnership, limited liability company, or other entity
17 organized under the laws of Illinois, another state, or the
18 United States of America:

19 (1) that the principal business of which is the
20 provision of financial products or financial services, or
21 both, that:

22 (i) currently relate or may prospectively relate
23 to the daily operations of credit unions;

24 (ii) are of current or prospective benefit to the
25 members of credit unions; or

26 (iii) are of current or prospective benefit to

1 consumers eligible for membership in credit unions;
2 and

3 (2) that applies technological interventions,
4 including, without limitation, specialized software or
5 algorithm processes, products, or solutions, to improve
6 and automate the delivery and use of those financial
7 products or financial services.

8 (c) A credit union investing to fund an employee benefit
9 plan obligation is not subject to the investment limitations
10 of this Act and this Section and may purchase an investment
11 that would otherwise be impermissible if the investment is
12 directly related to the credit union's obligation under the
13 employee benefit plan and the credit union holds the
14 investment only for so long as it has an actual or potential
15 obligation under the employee benefit plan.

16 (d) If a credit union acquires loans from another
17 financial institution or financial-type institution pursuant
18 to this Section, the credit union shall be authorized to
19 provide loan servicing and collection services in connection
20 with those loans.

21 (Source: P.A. 101-567, eff. 8-23-19; 102-496, eff. 8-20-21;
22 102-774, eff. 5-13-22; 102-858, eff. 5-13-22; revised 8-3-22.)

23 Section 400. The Residential Mortgage License Act of 1987
24 is amended by changing Section 7-7 as follows:

1 (205 ILCS 635/7-7)

2 Sec. 7-7. Continuing education for mortgage loan
3 originators.

4 (a) In order to meet the annual continuing education
5 requirements referred to in Section 7-6, a licensed mortgage
6 loan originator shall complete at least 8 hours of education
7 approved in accordance with subsection (b) of this Section,
8 which shall include at least:

9 (1) 3 hours of federal ~~Federal~~ law and regulations;

10 (2) 2 hours of ethics, which shall include instruction
11 on fraud, consumer protection, and fair lending issues;
12 and

13 (3) 2 hours of training related to lending standards
14 for the nontraditional mortgage product marketplace.

15 (b) For purposes of ~~this~~ subsection (a), continuing
16 education courses shall be reviewed and approved by the
17 Nationwide Multistate Licensing System and Registry based upon
18 reasonable standards. Review and approval of a continuing
19 education course shall include review and approval of the
20 course provider.

21 (c) Nothing in this Section shall preclude any education
22 course, as approved by the Nationwide Multistate Licensing
23 System and Registry, that is provided by the employer of the
24 mortgage loan originator or an entity which is affiliated with
25 the mortgage loan originator by an agency contract, or any
26 subsidiary or affiliate of the employer or entity.

1 (d) Continuing education may be offered either in a
2 classroom, online, or by any other means approved by the
3 Nationwide Multistate Licensing System and Registry.

4 (e) A licensed mortgage loan originator:

5 (1) except ~~Except~~ as provided in Section 7-6 and
6 subsection (i) of this Section, may only receive credit
7 for a continuing education course in the year in which the
8 course is taken; and

9 (2) may ~~May~~ not take the same approved course in the
10 same or successive years to meet the annual requirements
11 for continuing education.

12 (f) A licensed mortgage loan originator who is an approved
13 instructor of an approved continuing education course may
14 receive credit for the licensed mortgage loan originator's own
15 annual continuing education requirement at the rate of 2 hours
16 credit for every one hour taught.

17 (g) A person having successfully completed the education
18 requirements approved by the Nationwide Multistate Licensing
19 System and Registry for the subjects listed in subsection (a)
20 of this Section for any state shall be accepted as credit
21 towards completion of continuing education requirements in
22 this State.

23 (h) A licensed mortgage loan originator who subsequently
24 becomes unlicensed must complete the continuing education
25 requirements for the last year in which the license was held
26 prior to issuance of a new or renewed license.

1 (i) A person meeting the requirements of Section 7-6 may
2 make up any deficiency in continuing education as established
3 by rule or regulation of the Director.

4 (Source: P.A. 100-1153, eff. 12-19-18; revised 3-16-22.)

5 Section 405. The Assisted Living and Shared Housing Act is
6 amended by setting forth and renumbering multiple versions of
7 Section 77 as follows:

8 (210 ILCS 9/77)

9 Sec. 77. Establishment employee assistance programs. An
10 establishment shall ensure that licensed health care
11 professionals employed by the establishment are aware of
12 employee assistance programs or other like programs available
13 for the physical and mental well-being of the employee. The
14 establishment shall provide information on these programs, no
15 less than at the time of employment and during any benefit open
16 enrollment period, by an information form about the respective
17 programs that a licensed health care professional must sign
18 during onboarding at the establishment. The signed information
19 form shall be added to the licensed health care professional's
20 personnel file. The establishment may provide this information
21 to licensed health care professionals electronically.

22 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

23 (210 ILCS 9/78)

1 Sec. 78 ~~77~~. Certified nursing assistant interns.

2 (a) A certified nursing assistant intern shall report to
3 an establishment's charge nurse or nursing supervisor and may
4 only be assigned duties authorized in Section 2310-434 of the
5 Department of Public Health Powers and Duties Law of the Civil
6 Administrative Code of Illinois by a supervising nurse.

7 (b) An establishment shall notify its certified and
8 licensed staff members, in writing, that a certified nursing
9 assistant intern may only provide the services and perform the
10 procedures permitted under Section 2310-434 of the Department
11 of Public Health Powers and Duties Law of the Civil
12 Administrative Code of Illinois. The notification shall detail
13 which duties may be delegated to a certified nursing assistant
14 intern. The establishment shall establish a policy describing
15 the authorized duties, supervision, and evaluation of
16 certified nursing assistant interns available upon request of
17 the Department and any surveyor.

18 (c) If an establishment learns that a certified nursing
19 assistant intern is performing work outside the scope of the
20 Certified Nursing Assistant Intern Program's training, the
21 establishment shall:

22 (1) stop the certified nursing assistant intern from
23 performing the work;

24 (2) inspect the work and correct mistakes, if the work
25 performed was done improperly;

26 (3) assign the work to the appropriate personnel; and

1 (4) ensure that a thorough assessment of any resident
2 involved in the work performed is completed by a
3 registered nurse.

4 (d) An establishment that employs a certified nursing
5 assistant intern in violation of this Section shall be subject
6 to civil penalties or fines under subsection (a) of Section
7 135.

8 (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

9 Section 410. The Nursing Home Care Act is amended by
10 changing Sections 3-202.2b and 3-702 and by setting forth and
11 renumbering multiple versions of Section 3-613 as follows:

12 (210 ILCS 45/3-202.2b)

13 Sec. 3-202.2b. Certification of psychiatric rehabilitation
14 program.

15 (a) No later than January 1, 2011, the Department shall
16 file with the Joint Committee on Administrative Rules,
17 pursuant to the Illinois Administrative Procedure Act,
18 proposed rules or proposed amendments to existing rules to
19 establish a special certification program for compliance with
20 77 Ill. Adm. ~~Admin.~~ Code 300.4000 and following (Subpart S),
21 which provides for psychiatric rehabilitation services that
22 are required to be offered by a long-term ~~long-term~~ care
23 facility licensed under this Act that serves residents with
24 serious mental illness. Compliance with standards promulgated

1 pursuant to this Section must be demonstrated before a
2 long-term ~~long-term~~ care facility licensed under this Act is
3 eligible to become certified under this Section and annually
4 thereafter.

5 (b) No long-term ~~long-term~~ care facility shall establish,
6 operate, maintain, or offer psychiatric rehabilitation
7 services, or admit, retain, or seek referrals of a resident
8 with a serious mental illness diagnosis, unless and until a
9 valid certification, which remains unsuspended, unrevoked, and
10 unexpired, has been issued.

11 (c) A facility that currently serves a resident with
12 serious mental illness may continue to admit such residents
13 until the Department performs a certification review and
14 determines that the facility does not meet the requirements
15 for certification. The Department, at its discretion, may
16 provide an additional 90-day period for the facility to meet
17 the requirements for certification if it finds that the
18 facility has made a good faith effort to comply with all
19 certification requirements and will achieve total compliance
20 with the requirements before the end of the 90-day period. The
21 facility shall be prohibited from admitting residents with
22 serious mental illness until the Department certifies the
23 facility to be in compliance with the requirements of this
24 Section.

25 (d) A facility currently serving residents with serious
26 mental illness that elects to terminate provision of services

1 to this population must immediately notify the Department of
2 its intent, cease to admit new residents with serious mental
3 illness, and give notice to all existing residents with
4 serious mental illness of their impending discharge. These
5 residents shall be accorded all rights and assistance provided
6 to a resident being involuntarily discharged and those
7 provided under Section 2-201.5. The facility shall continue to
8 adhere to all requirements of 77 Ill. Adm. ~~Admin.~~ Code
9 300.4000 until all residents with serious mental illness have
10 been discharged.

11 (e) A long-term ~~long-term~~ care facility found to be out of
12 compliance with the certification requirements under this
13 Section may be subject to denial, revocation, or suspension of
14 the psychiatric rehabilitation services certification or the
15 imposition of sanctions and penalties, including the immediate
16 suspension of new admissions. Hearings shall be conducted
17 pursuant to Article III, Part 7 of this Act.

18 (f) The Department shall indicate, on its list of licensed
19 long-term ~~long-term~~ care facilities, which facilities are
20 certified under this Section and shall distribute this list to
21 the appropriate State agencies charged with administering and
22 implementing the State's program of pre-admission screening
23 and resident review, hospital discharge planners, Area
24 Agencies on Aging, Case Coordination Units, and others upon
25 request.

26 (g) No public official, agent, or employee of the State,

1 or any subcontractor of the State, may refer or arrange for the
2 placement of a person with serious mental illness in a
3 long-term ~~long-term~~ care facility that is not certified under
4 this Section. No public official, agent, or employee of the
5 State, or any subcontractor of the State, may place the name of
6 a long-term ~~long-term~~ care facility on a list of facilities
7 serving the seriously mentally ill for distribution to the
8 general public or to professionals arranging for placements or
9 making referrals unless the facility is certified under this
10 Section.

11 (h) Certification requirements. The Department shall
12 establish requirements for certification that augment current
13 quality of care standards for long-term ~~long-term~~ care
14 facilities serving residents with serious mental illness,
15 which shall include admission, discharge planning, psychiatric
16 rehabilitation services, development of age-group appropriate
17 treatment plan goals and services, behavior management
18 services, coordination with community mental health services,
19 staff qualifications and training, clinical consultation,
20 resident access to the outside community, and appropriate
21 environment and space for resident programs, recreation,
22 privacy, and any other issue deemed appropriate by the
23 Department. The augmented standards shall at a minimum
24 include, but need not be limited to, the following:

25 (1) Staff sufficient in number and qualifications
26 necessary to meet the scheduled and unscheduled needs of

1 the residents on a 24-hour basis. The Department shall
2 establish by rule the minimum number of psychiatric
3 services rehabilitation coordinators in relation to the
4 number of residents with serious mental illness residing
5 in the facility.

6 (2) The number and qualifications of consultants
7 required to be contracted with to provide continuing
8 education and training, and to assist with program
9 development.

10 (3) Training for all new employees specific to the
11 care needs of residents with a serious mental illness
12 diagnosis during their orientation period and annually
13 thereafter. Training shall be independent of the
14 Department and overseen by an agency designated by the
15 Governor to determine the content of all facility employee
16 training and to provide training for all trainers of
17 facility employees. Training of employees shall at minimum
18 include, but need not be limited to, (i) the impact of a
19 serious mental illness diagnosis, (ii) the recovery
20 paradigm and the role of psychiatric rehabilitation, (iii)
21 preventive strategies for managing aggression and crisis
22 prevention, (iv) basic psychiatric rehabilitation
23 techniques and service delivery, (v) resident rights, (vi)
24 abuse prevention, (vii) appropriate interaction between
25 staff and residents, and (viii) any other topic deemed by
26 the Department to be important to ensuring quality of

1 care.

2 (4) Quality assessment and improvement requirements,
3 in addition to those contained in this Act on July 29, 2010
4 (the effective date of Public Act 96-1372) ~~this amendatory~~
5 ~~Act of the 96th General Assembly~~, specific to a facility's
6 residential psychiatric rehabilitation services, which
7 shall be made available to the Department upon request. A
8 facility shall be required at a minimum to develop and
9 maintain policies and procedures that include, but need
10 not be limited to, evaluation of the appropriateness of
11 resident admissions based on the facility's capacity to
12 meet specific needs, resident assessments, development and
13 implementation of care plans, and discharge planning.

14 (5) Room selection and appropriateness of roommate
15 assignment.

16 (6) Comprehensive quarterly review of all treatment
17 plans for residents with serious mental illness by the
18 resident's interdisciplinary team, which takes into
19 account, at a minimum, the resident's progress, prior
20 assessments, and treatment plan.

21 (7) Substance abuse screening and management and
22 documented referral relationships with certified substance
23 abuse treatment providers.

24 (8) Administration of psychotropic medications to a
25 resident with serious mental illness who is incapable of
26 giving informed consent, in compliance with the applicable

1 provisions of the Mental Health and Developmental
2 Disabilities Code.

3 (i) The Department shall establish a certification fee
4 schedule by rule, in consultation with advocates, nursing
5 homes, and representatives of associations representing
6 long-term ~~long-term~~ care facilities.

7 (j) The Director or her or his designee shall seek input
8 from the Long-Term ~~Long-Term~~ Care Facility Advisory Board
9 before filing rules to implement this Section.

10 Rules proposed no later than January 1, 2011 under this
11 Section shall take effect 180 days after being approved by the
12 Joint Committee on Administrative Rules.

13 (Source: P.A. 96-1372, eff. 7-29-10; revised 2-28-22.)

14 (210 ILCS 45/3-613)

15 Sec. 3-613. Facility employee assistance programs. A
16 facility shall ensure that nurses employed by the facility are
17 aware of employee assistance programs or other like programs
18 available for the physical and mental well-being of the
19 employee. The facility shall provide information on these
20 programs, no less than at the time of employment and during any
21 benefit open enrollment period, by an information form about
22 the respective programs that a nurse must sign during
23 onboarding at the facility. The signed information form shall
24 be added to the nurse's personnel file. The facility may
25 provide this information to nurses electronically.

1 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

2 (210 ILCS 45/3-614)

3 Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

4 (a) A certified nursing assistant intern shall report to a
5 facility's charge nurse or nursing supervisor and may only be
6 assigned duties authorized in Section 2310-434 of the
7 Department of Public Health Powers and Duties Law of the Civil
8 Administrative Code of Illinois by a supervising nurse.

9 (b) A facility shall notify its certified and licensed
10 staff members, in writing, that a certified nursing assistant
11 intern may only provide the services and perform the
12 procedures permitted under Section 2310-434 of the Department
13 of Public Health Powers and Duties Law of the Civil
14 Administrative Code of Illinois. The notification shall detail
15 which duties may be delegated to a certified nursing assistant
16 intern. The facility shall establish a policy describing the
17 authorized duties, supervision, and evaluation of certified
18 nursing assistant interns available upon request of the
19 Department and any surveyor.

20 (c) If a facility learns that a certified nursing
21 assistant intern is performing work outside the scope of the
22 Certified Nursing Assistant Intern Program's training, the
23 facility shall:

24 (1) stop the certified nursing assistant intern from
25 performing the work;

1 (2) inspect the work and correct mistakes, if the work
2 performed was done improperly;

3 (3) assign the work to the appropriate personnel; and

4 (4) ensure that a thorough assessment of any resident
5 involved in the work performed is completed by a
6 registered nurse.

7 (d) A facility that employs a certified nursing assistant
8 intern in violation of this Section shall be subject to civil
9 penalties or fines under Section 3-305.

10 (e) A minimum of 50% of nursing and personal care time
11 shall be provided by a certified nursing assistant, but no
12 more than 15% of nursing and personal care time may be provided
13 by a certified nursing assistant intern.

14 (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

15 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

16 Sec. 3-702. (a) A person who believes that this Act or a
17 rule promulgated under this Act may have been violated may
18 request an investigation. The request may be submitted to the
19 Department in writing, by telephone, by electronic means, or
20 by personal visit. An oral complaint shall be reduced to
21 writing by the Department. The Department shall make
22 available, through its website and upon request, information
23 regarding the oral and phone intake processes and the list of
24 questions that will be asked of the complainant. The
25 Department shall request information identifying the

1 complainant, including the name, address, and telephone
2 number, to help enable appropriate follow-up. The Department
3 shall act on such complaints via on-site visits or other
4 methods deemed appropriate to handle the complaints with or
5 without such identifying information, as otherwise provided
6 under this Section. The complainant shall be informed that
7 compliance with such request is not required to satisfy the
8 procedures for filing a complaint under this Act. The
9 Department must notify complainants that complaints with less
10 information provided are far more difficult to respond to and
11 investigate.

12 (b) The substance of the complaint shall be provided in
13 writing to the licensee, owner, or administrator no earlier
14 than at the commencement of an on-site inspection of the
15 facility which takes place pursuant to the complaint.

16 (c) The Department shall not disclose the name of the
17 complainant unless the complainant consents in writing to the
18 disclosure or the investigation results in a judicial
19 proceeding, or unless disclosure is essential to the
20 investigation. The complainant shall be given the opportunity
21 to withdraw the complaint before disclosure. Upon the request
22 of the complainant, the Department may permit the complainant
23 or a representative of the complainant to accompany the person
24 making the on-site inspection of the facility.

25 (d) Upon receipt of a complaint, the Department shall
26 determine whether this Act or a rule promulgated under this

1 Act has been or is being violated. The Department shall
2 investigate all complaints alleging abuse or neglect within 7
3 days after the receipt of the complaint except that complaints
4 of abuse or neglect which indicate that a resident's life or
5 safety is in imminent danger shall be investigated within 24
6 hours after receipt of the complaint. All other complaints
7 shall be investigated within 30 days after the receipt of the
8 complaint. The Department employees investigating a complaint
9 shall conduct a brief, informal exit conference with the
10 facility to alert its administration of any suspected serious
11 deficiency that poses a direct threat to the health, safety,
12 or welfare of a resident to enable an immediate correction for
13 the alleviation or elimination of such threat. Such
14 information and findings discussed in the brief exit
15 conference shall become a part of the investigating record but
16 shall not in any way constitute an official or final notice of
17 violation as provided under Section 3-301. All complaints
18 shall be classified as "an invalid report", "a valid report",
19 or "an undetermined report". For any complaint classified as
20 "a valid report", the Department must determine within 30
21 working days after any Department employee enters a facility
22 to begin an on-site inspection if any rule or provision of this
23 Act has been or is being violated.

24 (d-1) The Department shall, whenever possible, combine an
25 on-site investigation of a complaint in a facility with other
26 inspections in order to avoid duplication of inspections.

1 (e) In all cases, the Department shall inform the
2 complainant of its findings within 10 days of its
3 determination unless otherwise indicated by the complainant,
4 and the complainant may direct the Department to send a copy of
5 such findings to another person. The Department's findings may
6 include comments or documentation provided by either the
7 complainant or the licensee pertaining to the complaint. The
8 Department shall also notify the facility of such findings
9 within 10 days of the determination, but the name of the
10 complainant or residents shall not be disclosed in this notice
11 to the facility. The notice of such findings shall include a
12 copy of the written determination; the correction order, if
13 any; the warning notice, if any; the inspection report; or the
14 State licensure form on which the violation is listed.

15 (f) A written determination, correction order, or warning
16 notice concerning a complaint, together with the facility's
17 response, shall be available for public inspection, but the
18 name of the complainant or resident shall not be disclosed
19 without his consent.

20 (g) A complainant who is dissatisfied with the
21 determination or investigation by the Department may request a
22 hearing under Section 3-703. The facility shall be given
23 notice of any such hearing and may participate in the hearing
24 as a party. If a facility requests a hearing under Section
25 3-703 which concerns a matter covered by a complaint, the
26 complainant shall be given notice and may participate in the

1 hearing as a party. A request for a hearing by either a
2 complainant or a facility shall be submitted in writing to the
3 Department within 30 days after the mailing of the
4 Department's findings as described in subsection (e) of this
5 Section. Upon receipt of the request the Department shall
6 conduct a hearing as provided under Section 3-703.

7 (g-5) The Department shall conduct an annual review of all
8 survey activity from the preceding fiscal year and make a
9 report concerning the complaint and survey process. The report
10 shall include, but not be limited to:

11 (1) the total number of complaints received;

12 (2) the breakdown of 24-hour, 7-day, and 30-day
13 complaints;

14 (3) the breakdown of anonymous and non-anonymous
15 complaints;

16 (4) the number of complaints that were substantiated
17 versus unsubstantiated;

18 (5) the total number of substantiated complaints that
19 were completed in the time frame determined under
20 subsection (d);

21 (6) the total number of informal dispute resolutions
22 requested;

23 (7) the total number of informal dispute resolution
24 requests approved;

25 (8) the total number of informal dispute resolutions
26 that were overturned or reduced in severity;

1 (9) the total number of nurse surveyors hired during
2 the calendar year;

3 (10) the total number of nurse surveyors who left
4 Department employment;

5 (11) the average length of tenure for nurse surveyors
6 employed by the Department at the time the report is
7 created;

8 (12) the total number of times the Department imposed
9 discretionary denial of payment within 15 days of notice
10 and within 2 days of notice as well as the number of times
11 the discretionary denial of payment took effect; and

12 (13) any other complaint information requested by the
13 Long-Term Care Facility Advisory Board created under
14 Section 2-204 of this Act or the Illinois Long-Term Care
15 Council created under Section 4.04a of the Illinois Act on
16 the Aging.

17 This report shall be provided to the Long-Term Care
18 Facility Advisory Board, the Illinois Long-Term Care Council,
19 and the General Assembly. The Long-Term Care Facility Advisory
20 Board and the Illinois Long-Term Care Council shall review the
21 report and suggest any changes deemed necessary to the
22 Department for review and action, including how to investigate
23 and substantiate anonymous complaints.

24 (h) Any person who knowingly transmits a false report to
25 the Department commits the offense of disorderly conduct under
26 subsection (a)(8) of Section 26-1 of the Criminal Code of

1 2012.

2 (Source: P.A. 102-432, eff. 8-20-21; 102-947, eff. 1-1-23;
3 revised 12-9-22.)

4 Section 415. The MC/DD Act is amended by setting forth and
5 renumbering multiple versions of Section 3-613 as follows:

6 (210 ILCS 46/3-613)

7 Sec. 3-613. Facility employee assistance programs. A
8 facility shall ensure that nurses employed by the facility are
9 aware of employee assistance programs or other like programs
10 available for the physical and mental well-being of the
11 employee. The facility shall provide information on these
12 programs, no less than at the time of employment and during any
13 benefit open enrollment period, by an information form about
14 the respective programs that a nurse must sign during
15 onboarding at the facility. The signed information form shall
16 be added to the nurse's personnel file. The facility may
17 provide this information to nurses electronically.

18 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

19 (210 ILCS 46/3-614)

20 Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

21 (a) A certified nursing assistant intern shall report to a
22 facility's charge nurse or nursing supervisor and may only be
23 assigned duties authorized in Section 2310-434 of the

1 Department of Public Health Powers and Duties Law of the Civil
2 Administrative Code of Illinois by a supervising nurse.

3 (b) A facility shall notify its certified and licensed
4 staff members, in writing, that a certified nursing assistant
5 intern may only provide the services and perform the
6 procedures permitted under Section 2310-434 of the Department
7 of Public Health Powers and Duties Law of the Civil
8 Administrative Code of Illinois. The notification shall detail
9 which duties may be delegated to a certified nursing assistant
10 intern. The facility shall establish a policy describing the
11 authorized duties, supervision, and evaluation of certified
12 nursing assistant interns available upon request of the
13 Department and any surveyor.

14 (c) If a facility learns that a certified nursing
15 assistant intern is performing work outside the scope of the
16 Certified Nursing Assistant Intern Program's training, the
17 facility shall:

18 (1) stop the certified nursing assistant intern from
19 performing the work;

20 (2) inspect the work and correct mistakes, if the work
21 performed was done improperly;

22 (3) assign the work to the appropriate personnel; and

23 (4) ensure that a thorough assessment of any resident
24 involved in the work performed is completed by a
25 registered nurse.

26 (d) A facility that employs a certified nursing assistant

1 intern in violation of this Section shall be subject to civil
2 penalties or fines under Section 3-305.

3 (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

4 Section 420. The ID/DD Community Care Act is amended by by
5 setting forth and renumbering multiple versions of Section
6 3-613 as follows:

7 (210 ILCS 47/3-613)

8 Sec. 3-613. Facility employee assistance programs. A
9 facility shall ensure that nurses employed by the facility are
10 aware of employee assistance programs or other like programs
11 available for the physical and mental well-being of the
12 employee. The facility shall provide information on these
13 programs, no less than at the time of employment and during any
14 benefit open enrollment period, by an information form about
15 the respective programs that a nurse must sign during
16 onboarding at the facility. The signed information form shall
17 be added to the nurse's personnel file. The facility may
18 provide this information to nurses electronically.

19 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

20 (210 ILCS 47/3-614)

21 Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

22 (a) A certified nursing assistant intern shall report to a
23 facility's charge nurse or nursing supervisor and may only be

1 assigned duties authorized in Section 2310-434 of the
2 Department of Public Health Powers and Duties Law of the Civil
3 Administrative Code of Illinois by a supervising nurse.

4 (b) A facility shall notify its certified and licensed
5 staff members, in writing, that a certified nursing assistant
6 intern may only provide the services and perform the
7 procedures permitted under Section 2310-434 of the Department
8 of Public Health Powers and Duties Law of the Civil
9 Administrative Code of Illinois. The notification shall detail
10 which duties may be delegated to a certified nursing assistant
11 intern. The facility shall establish a policy describing the
12 authorized duties, supervision, and evaluation of certified
13 nursing assistant interns available upon request of the
14 Department and any surveyor.

15 (c) If a facility learns that a certified nursing
16 assistant intern is performing work outside the scope of the
17 Certified Nursing Assistant Intern Program's training, the
18 facility shall:

19 (1) stop the certified nursing assistant intern from
20 performing the work;

21 (2) inspect the work and correct mistakes, if the work
22 performed was done improperly;

23 (3) assign the work to the appropriate personnel; and

24 (4) ensure that a thorough assessment of any resident
25 involved in the work performed is completed by a
26 registered nurse.

1 (d) A facility that employs a certified nursing assistant
2 intern in violation of this Section shall be subject to civil
3 penalties or fines under Section 3-305.

4 (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

5 Section 425. The Specialized Mental Health Rehabilitation
6 Act of 2013 is amended by changing Section 4-105 as follows:

7 (210 ILCS 49/4-105)

8 Sec. 4-105. Provisional licensure duration. A provisional
9 license shall be valid upon fulfilling the requirements
10 established by the Department by emergency rule. The license
11 shall remain valid as long as a facility remains in compliance
12 with the licensure provisions established in rule. Provisional
13 licenses issued upon initial licensure as a specialized mental
14 health rehabilitation facility shall expire at the end of a
15 3-year period, which commences on the date the provisional
16 license is issued. Issuance of a provisional license for any
17 reason other than initial licensure (including, but not
18 limited to, change of ownership, location, number of beds, or
19 services) shall not extend the maximum 3-year period, at the
20 end of which a facility must be licensed pursuant to Section
21 4-201. Notwithstanding any other provision of this Act or the
22 Specialized Mental Health Rehabilitation Facilities Code, 77
23 Ill. ~~Adm. Admin.~~ Code 380, to the contrary, if a facility has
24 received notice from the Department that its application for

1 provisional licensure to provide recovery and rehabilitation
2 services has been accepted as complete and the facility has
3 attested in writing to the Department that it will comply with
4 the staff training plan approved by the Division of Mental
5 Health, then a provisional license for recovery and
6 rehabilitation services shall be issued to the facility within
7 60 days after the Department determines that the facility is
8 in compliance with the requirements of the Life Safety Code in
9 accordance with Section 4-104.5 of this Act.

10 (Source: P.A. 99-712, eff. 8-5-16; 100-365, eff. 8-25-17;
11 revised 2-28-22.)

12 Section 430. The Illinois Insurance Code is amended by
13 changing Sections 143a, 229.4a, 356z.14, 364.01, and 513b1 and
14 by setting forth, renumbering, and changing multiple versions
15 of Section 356z.53 as follows:

16 (215 ILCS 5/143a)

17 (Text of Section before amendment by P.A. 102-982)

18 Sec. 143a. Uninsured and hit-and-run ~~hit and run~~ motor
19 vehicle coverage.

20 (1) No policy insuring against loss resulting from
21 liability imposed by law for bodily injury or death suffered
22 by any person arising out of the ownership, maintenance or use
23 of a motor vehicle that is designed for use on public highways
24 and that is either required to be registered in this State or

1 is principally garaged in this State shall be renewed,
2 delivered, or issued for delivery in this State unless
3 coverage is provided therein or supplemental thereto, in
4 limits for bodily injury or death set forth in Section 7-203 of
5 the Illinois Vehicle Code for the protection of persons
6 insured thereunder who are legally entitled to recover damages
7 from owners or operators of uninsured motor vehicles and
8 hit-and-run motor vehicles because of bodily injury, sickness
9 or disease, including death, resulting therefrom. Uninsured
10 motor vehicle coverage does not apply to bodily injury,
11 sickness, disease, or death resulting therefrom, of an insured
12 while occupying a motor vehicle owned by, or furnished or
13 available for the regular use of the insured, a resident
14 spouse or resident relative, if that motor vehicle is not
15 described in the policy under which a claim is made or is not a
16 newly acquired or replacement motor vehicle covered under the
17 terms of the policy. The limits for any coverage for any
18 vehicle under the policy may not be aggregated with the limits
19 for any similar coverage, whether provided by the same insurer
20 or another insurer, applying to other motor vehicles, for
21 purposes of determining the total limit of insurance coverage
22 available for bodily injury or death suffered by a person in
23 any one accident. No policy shall be renewed, delivered, or
24 issued for delivery in this State unless it is provided
25 therein that any dispute with respect to the coverage and the
26 amount of damages shall be submitted for arbitration to the

1 American Arbitration Association and be subject to its rules
2 for the conduct of arbitration hearings as to all matters
3 except medical opinions. As to medical opinions, if the amount
4 of damages being sought is equal to or less than the amount
5 provided for in Section 7-203 of the Illinois Vehicle Code,
6 then the current American Arbitration Association Rules shall
7 apply. If the amount being sought in an American Arbitration
8 Association case exceeds that amount as set forth in Section
9 7-203 of the Illinois Vehicle Code, then the Rules of Evidence
10 that apply in the circuit court for placing medical opinions
11 into evidence shall govern. Alternatively, disputes with
12 respect to damages and the coverage shall be determined in the
13 following manner: Upon the insured requesting arbitration,
14 each party to the dispute shall select an arbitrator and the 2
15 arbitrators so named shall select a third arbitrator. If such
16 arbitrators are not selected within 45 days from such request,
17 either party may request that the arbitration be submitted to
18 the American Arbitration Association. Any decision made by the
19 arbitrators shall be binding for the amount of damages not
20 exceeding \$75,000 for bodily injury to or death of any one
21 person, \$150,000 for bodily injury to or death of 2 or more
22 persons in any one motor vehicle accident, or the
23 corresponding policy limits for bodily injury or death,
24 whichever is less. All 3-person arbitration cases proceeding
25 in accordance with any uninsured motorist coverage conducted
26 in this State in which the claimant is only seeking monetary

1 damages up to the limits set forth in Section 7-203 of the
2 Illinois Vehicle Code shall be subject to the following rules:

3 (A) If at least 60 days' written notice of the
4 intention to offer the following documents in evidence is
5 given to every other party, accompanied by a copy of the
6 document, a party may offer in evidence, without
7 foundation or other proof:

8 (1) bills, records, and reports of hospitals,
9 doctors, dentists, registered nurses, licensed
10 practical nurses, physical therapists, and other
11 healthcare providers;

12 (2) bills for drugs, medical appliances, and
13 prostheses;

14 (3) property repair bills or estimates, when
15 identified and itemized setting forth the charges for
16 labor and material used or proposed for use in the
17 repair of the property;

18 (4) a report of the rate of earnings and time lost
19 from work or lost compensation prepared by an
20 employer;

21 (5) the written opinion of an opinion witness, the
22 deposition of a witness, and the statement of a
23 witness that the witness would be allowed to express
24 if testifying in person, if the opinion or statement
25 is made by affidavit or by certification as provided
26 in Section 1-109 of the Code of Civil Procedure;

1 (6) any other document not specifically covered by
2 any of the foregoing provisions that is otherwise
3 admissible under the rules of evidence.

4 Any party receiving a notice under this paragraph (A)
5 may apply to the arbitrator or panel of arbitrators, as
6 the case may be, for the issuance of a subpoena directed to
7 the author or maker or custodian of the document that is
8 the subject of the notice, requiring the person subpoenaed
9 to produce copies of any additional documents as may be
10 related to the subject matter of the document that is the
11 subject of the notice. Any such subpoena shall be issued
12 in substantially similar form and served by notice as
13 provided by Illinois Supreme Court Rule 204(a)(4). Any
14 such subpoena shall be returnable not less than 5 days
15 before the arbitration hearing.

16 (B) Notwithstanding the provisions of Supreme Court
17 Rule 213(g), a party who proposes to use a written opinion
18 of an expert or opinion witness or the testimony of an
19 expert or opinion witness at the hearing may do so
20 provided a written notice of that intention is given to
21 every other party not less than 60 days prior to the date
22 of hearing, accompanied by a statement containing the
23 identity of the witness, his or her qualifications, the
24 subject matter, the basis of the witness's conclusions,
25 and his or her opinion.

26 (C) Any other party may subpoena the author or maker

1 of a document admissible under this subsection, at that
2 party's expense, and examine the author or maker as if
3 under cross-examination. The provisions of Section 2-1101
4 of the Code of Civil Procedure shall be applicable to
5 arbitration hearings, and it shall be the duty of a party
6 requesting the subpoena to modify the form to show that
7 the appearance is set before an arbitration panel and to
8 give the time and place set for the hearing.

9 (D) The provisions of Section 2-1102 of the Code of
10 Civil Procedure shall be applicable to arbitration
11 hearings under this subsection.

12 (2) No policy insuring against loss resulting from
13 liability imposed by law for property damage arising out of
14 the ownership, maintenance, or use of a motor vehicle shall be
15 renewed, delivered, or issued for delivery in this State with
16 respect to any private passenger or recreational motor vehicle
17 that is designed for use on public highways and that is either
18 required to be registered in this State or is principally
19 garaged in this State, unless coverage is made available in
20 the amount of the actual cash value of the motor vehicle
21 described in the policy or the corresponding policy limit for
22 uninsured motor vehicle property damage coverage, whichever is
23 less, subject to a maximum \$250 deductible, for the protection
24 of persons insured thereunder who are legally entitled to
25 recover damages from owners or operators of uninsured motor
26 vehicles and hit-and-run motor vehicles because of property

1 damage to the motor vehicle described in the policy.

2 There shall be no liability imposed under the uninsured
3 motorist property damage coverage required by this subsection
4 if the owner or operator of the at-fault uninsured motor
5 vehicle or hit-and-run motor vehicle cannot be identified.
6 This subsection shall not apply to any policy which does not
7 provide primary motor vehicle liability insurance for
8 liabilities arising from the maintenance, operation, or use of
9 a specifically insured motor vehicle.

10 Each insurance company providing motor vehicle property
11 damage liability insurance shall advise applicants of the
12 availability of uninsured motor vehicle property damage
13 coverage, the premium therefor, and provide a brief
14 description of the coverage. That information need be given
15 only once and shall not be required in any subsequent renewal,
16 reinstatement or reissuance, substitute, amended, replacement
17 or supplementary policy. No written rejection shall be
18 required, and the absence of a premium payment for uninsured
19 motor vehicle property damage shall constitute conclusive
20 proof that the applicant or policyholder has elected not to
21 accept uninsured motorist property damage coverage.

22 An insurance company issuing uninsured motor vehicle
23 property damage coverage may provide that:

24 (i) Property damage losses recoverable thereunder
25 shall be limited to damages caused by the actual physical
26 contact of an uninsured motor vehicle with the insured

1 motor vehicle.

2 (ii) There shall be no coverage for loss of use of the
3 insured motor vehicle and no coverage for loss or damage
4 to personal property located in the insured motor vehicle.

5 (iii) Any claim submitted shall include the name and
6 address of the owner of the at-fault uninsured motor
7 vehicle, or a registration number and description of the
8 vehicle, or any other available information to establish
9 that there is no applicable motor vehicle property damage
10 liability insurance.

11 Any dispute with respect to the coverage and the amount of
12 damages shall be submitted for arbitration to the American
13 Arbitration Association and be subject to its rules for the
14 conduct of arbitration hearings or for determination in the
15 following manner: Upon the insured requesting arbitration,
16 each party to the dispute shall select an arbitrator and the 2
17 arbitrators so named shall select a third arbitrator. If such
18 arbitrators are not selected within 45 days from such request,
19 either party may request that the arbitration be submitted to
20 the American Arbitration Association. Any arbitration
21 proceeding under this subsection seeking recovery for property
22 damages shall be subject to the following rules:

23 (A) If at least 60 days' written notice of the
24 intention to offer the following documents in evidence is
25 given to every other party, accompanied by a copy of the
26 document, a party may offer in evidence, without

1 foundation or other proof:

2 (1) property repair bills or estimates, when
3 identified and itemized setting forth the charges for
4 labor and material used or proposed for use in the
5 repair of the property;

6 (2) the written opinion of an opinion witness, the
7 deposition of a witness, and the statement of a
8 witness that the witness would be allowed to express
9 if testifying in person, if the opinion or statement
10 is made by affidavit or by certification as provided
11 in Section 1-109 of the Code of Civil Procedure;

12 (3) any other document not specifically covered by
13 any of the foregoing provisions that is otherwise
14 admissible under the rules of evidence.

15 Any party receiving a notice under this paragraph (A)
16 may apply to the arbitrator or panel of arbitrators, as
17 the case may be, for the issuance of a subpoena directed to
18 the author or maker or custodian of the document that is
19 the subject of the notice, requiring the person subpoenaed
20 to produce copies of any additional documents as may be
21 related to the subject matter of the document that is the
22 subject of the notice. Any such subpoena shall be issued
23 in substantially similar form and served by notice as
24 provided by Illinois Supreme Court Rule 204(a)(4). Any
25 such subpoena shall be returnable not less than 5 days
26 before the arbitration hearing.

1 (B) Notwithstanding the provisions of Supreme Court
2 Rule 213(g), a party who proposes to use a written opinion
3 of an expert or opinion witness or the testimony of an
4 expert or opinion witness at the hearing may do so
5 provided a written notice of that intention is given to
6 every other party not less than 60 days prior to the date
7 of hearing, accompanied by a statement containing the
8 identity of the witness, his or her qualifications, the
9 subject matter, the basis of the witness's conclusions,
10 and his or her opinion.

11 (C) Any other party may subpoena the author or maker
12 of a document admissible under this subsection, at that
13 party's expense, and examine the author or maker as if
14 under cross-examination. The provisions of Section 2-1101
15 of the Code of Civil Procedure shall be applicable to
16 arbitration hearings, and it shall be the duty of a party
17 requesting the subpoena to modify the form to show that
18 the appearance is set before an arbitration panel and to
19 give the time and place set for the hearing.

20 (D) The provisions of Section 2-1102 of the Code of
21 Civil Procedure shall be applicable to arbitration
22 hearings under this subsection.

23 (3) For the purpose of the coverage, the term "uninsured
24 motor vehicle" includes, subject to the terms and conditions
25 of the coverage, a motor vehicle where on, before, or after the
26 accident date the liability insurer thereof is unable to make

1 payment with respect to the legal liability of its insured
2 within the limits specified in the policy because of the entry
3 by a court of competent jurisdiction of an order of
4 rehabilitation or liquidation by reason of insolvency on or
5 after the accident date. An insurer's extension of coverage,
6 as provided in this subsection, shall be applicable to all
7 accidents occurring after July 1, 1967 during a policy period
8 in which its insured's uninsured motor vehicle coverage is in
9 effect. Nothing in this Section may be construed to prevent
10 any insurer from extending coverage under terms and conditions
11 more favorable to its insureds than is required by this
12 Section.

13 (4) In the event of payment to any person under the
14 coverage required by this Section and subject to the terms and
15 conditions of the coverage, the insurer making the payment
16 shall, to the extent thereof, be entitled to the proceeds of
17 any settlement or judgment resulting from the exercise of any
18 rights of recovery of the person against any person or
19 organization legally responsible for the property damage,
20 bodily injury or death for which the payment is made,
21 including the proceeds recoverable from the assets of the
22 insolvent insurer. With respect to payments made by reason of
23 the coverage described in subsection (3), the insurer making
24 such payment shall not be entitled to any right of recovery
25 against the tortfeasor in excess of the proceeds recovered
26 from the assets of the insolvent insurer of the tortfeasor.

1 (5) This amendatory Act of 1967 (Laws of Illinois 1967,
2 page 875) shall not be construed to terminate or reduce any
3 insurance coverage or any right of any party under this Code in
4 effect before July 1, 1967. Public Act 86-1155 shall not be
5 construed to terminate or reduce any insurance coverage or any
6 right of any party under this Code in effect before its
7 effective date.

8 (6) Failure of the motorist from whom the claimant is
9 legally entitled to recover damages to file the appropriate
10 forms with the Safety Responsibility Section of the Department
11 of Transportation within 120 days of the accident date shall
12 create a rebuttable presumption that the motorist was
13 uninsured at the time of the injurious occurrence.

14 (7) An insurance carrier may upon good cause require the
15 insured to commence a legal action against the owner or
16 operator of an uninsured motor vehicle before good faith
17 negotiation with the carrier. If the action is commenced at
18 the request of the insurance carrier, the carrier shall pay to
19 the insured, before the action is commenced, all court costs,
20 jury fees and sheriff's fees arising from the action.

21 The changes made by Public Act 90-451 apply to all
22 policies of insurance amended, delivered, issued, or renewed
23 on and after January 1, 1998 (the effective date of Public Act
24 90-451).

25 (8) The changes made by Public Act 98-927 apply to all
26 policies of insurance amended, delivered, issued, or renewed

1 on and after January 1, 2015 (the effective date of Public Act
2 98-927).

3 (Source: P.A. 102-775, eff. 5-13-22; revised 8-3-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 143a. Uninsured and hit-and-run ~~hit and run~~ motor
6 vehicle coverage.

7 (1) No policy insuring against loss resulting from
8 liability imposed by law for bodily injury or death suffered
9 by any person arising out of the ownership, maintenance or use
10 of a motor vehicle that is designed for use on public highways
11 and that is either required to be registered in this State or
12 is principally garaged in this State shall be renewed,
13 delivered, or issued for delivery in this State unless
14 coverage is provided therein or supplemental thereto, in
15 limits for bodily injury or death set forth in Section 7-203 of
16 the Illinois Vehicle Code for the protection of persons
17 insured thereunder who are legally entitled to recover damages
18 from owners or operators of uninsured motor vehicles and
19 hit-and-run motor vehicles because of bodily injury, sickness
20 or disease, including death, resulting therefrom. Uninsured
21 motor vehicle coverage does not apply to bodily injury,
22 sickness, disease, or death resulting therefrom, of an insured
23 while occupying a motor vehicle owned by, or furnished or
24 available for the regular use of the insured, a resident
25 spouse or resident relative, if that motor vehicle is not

1 described in the policy under which a claim is made or is not a
2 newly acquired or replacement motor vehicle covered under the
3 terms of the policy. The limits for any coverage for any
4 vehicle under the policy may not be aggregated with the limits
5 for any similar coverage, whether provided by the same insurer
6 or another insurer, applying to other motor vehicles, for
7 purposes of determining the total limit of insurance coverage
8 available for bodily injury or death suffered by a person in
9 any one crash. No policy shall be renewed, delivered, or
10 issued for delivery in this State unless it is provided
11 therein that any dispute with respect to the coverage and the
12 amount of damages shall be submitted for arbitration to the
13 American Arbitration Association and be subject to its rules
14 for the conduct of arbitration hearings as to all matters
15 except medical opinions. As to medical opinions, if the amount
16 of damages being sought is equal to or less than the amount
17 provided for in Section 7-203 of the Illinois Vehicle Code,
18 then the current American Arbitration Association Rules shall
19 apply. If the amount being sought in an American Arbitration
20 Association case exceeds that amount as set forth in Section
21 7-203 of the Illinois Vehicle Code, then the Rules of Evidence
22 that apply in the circuit court for placing medical opinions
23 into evidence shall govern. Alternatively, disputes with
24 respect to damages and the coverage shall be determined in the
25 following manner: Upon the insured requesting arbitration,
26 each party to the dispute shall select an arbitrator and the 2

1 arbitrators so named shall select a third arbitrator. If such
2 arbitrators are not selected within 45 days from such request,
3 either party may request that the arbitration be submitted to
4 the American Arbitration Association. Any decision made by the
5 arbitrators shall be binding for the amount of damages not
6 exceeding \$75,000 for bodily injury to or death of any one
7 person, \$150,000 for bodily injury to or death of 2 or more
8 persons in any one motor vehicle crash, or the corresponding
9 policy limits for bodily injury or death, whichever is less.
10 All 3-person arbitration cases proceeding in accordance with
11 any uninsured motorist coverage conducted in this State in
12 which the claimant is only seeking monetary damages up to the
13 limits set forth in Section 7-203 of the Illinois Vehicle Code
14 shall be subject to the following rules:

15 (A) If at least 60 days' written notice of the
16 intention to offer the following documents in evidence is
17 given to every other party, accompanied by a copy of the
18 document, a party may offer in evidence, without
19 foundation or other proof:

20 (1) bills, records, and reports of hospitals,
21 doctors, dentists, registered nurses, licensed
22 practical nurses, physical therapists, and other
23 healthcare providers;

24 (2) bills for drugs, medical appliances, and
25 prostheses;

26 (3) property repair bills or estimates, when

1 identified and itemized setting forth the charges for
2 labor and material used or proposed for use in the
3 repair of the property;

4 (4) a report of the rate of earnings and time lost
5 from work or lost compensation prepared by an
6 employer;

7 (5) the written opinion of an opinion witness, the
8 deposition of a witness, and the statement of a
9 witness that the witness would be allowed to express
10 if testifying in person, if the opinion or statement
11 is made by affidavit or by certification as provided
12 in Section 1-109 of the Code of Civil Procedure;

13 (6) any other document not specifically covered by
14 any of the foregoing provisions that is otherwise
15 admissible under the rules of evidence.

16 Any party receiving a notice under this paragraph (A)
17 may apply to the arbitrator or panel of arbitrators, as
18 the case may be, for the issuance of a subpoena directed to
19 the author or maker or custodian of the document that is
20 the subject of the notice, requiring the person subpoenaed
21 to produce copies of any additional documents as may be
22 related to the subject matter of the document that is the
23 subject of the notice. Any such subpoena shall be issued
24 in substantially similar form and served by notice as
25 provided by Illinois Supreme Court Rule 204(a)(4). Any
26 such subpoena shall be returnable not less than 5 days

1 before the arbitration hearing.

2 (B) Notwithstanding the provisions of Supreme Court
3 Rule 213(g), a party who proposes to use a written opinion
4 of an expert or opinion witness or the testimony of an
5 expert or opinion witness at the hearing may do so
6 provided a written notice of that intention is given to
7 every other party not less than 60 days prior to the date
8 of hearing, accompanied by a statement containing the
9 identity of the witness, his or her qualifications, the
10 subject matter, the basis of the witness's conclusions,
11 and his or her opinion.

12 (C) Any other party may subpoena the author or maker
13 of a document admissible under this subsection, at that
14 party's expense, and examine the author or maker as if
15 under cross-examination. The provisions of Section 2-1101
16 of the Code of Civil Procedure shall be applicable to
17 arbitration hearings, and it shall be the duty of a party
18 requesting the subpoena to modify the form to show that
19 the appearance is set before an arbitration panel and to
20 give the time and place set for the hearing.

21 (D) The provisions of Section 2-1102 of the Code of
22 Civil Procedure shall be applicable to arbitration
23 hearings under this subsection.

24 (2) No policy insuring against loss resulting from
25 liability imposed by law for property damage arising out of
26 the ownership, maintenance, or use of a motor vehicle shall be

1 renewed, delivered, or issued for delivery in this State with
2 respect to any private passenger or recreational motor vehicle
3 that is designed for use on public highways and that is either
4 required to be registered in this State or is principally
5 garaged in this State, unless coverage is made available in
6 the amount of the actual cash value of the motor vehicle
7 described in the policy or the corresponding policy limit for
8 uninsured motor vehicle property damage coverage, whichever is
9 less, subject to a maximum \$250 deductible, for the protection
10 of persons insured thereunder who are legally entitled to
11 recover damages from owners or operators of uninsured motor
12 vehicles and hit-and-run motor vehicles because of property
13 damage to the motor vehicle described in the policy.

14 There shall be no liability imposed under the uninsured
15 motorist property damage coverage required by this subsection
16 if the owner or operator of the at-fault uninsured motor
17 vehicle or hit-and-run motor vehicle cannot be identified.
18 This subsection shall not apply to any policy which does not
19 provide primary motor vehicle liability insurance for
20 liabilities arising from the maintenance, operation, or use of
21 a specifically insured motor vehicle.

22 Each insurance company providing motor vehicle property
23 damage liability insurance shall advise applicants of the
24 availability of uninsured motor vehicle property damage
25 coverage, the premium therefor, and provide a brief
26 description of the coverage. That information need be given

1 only once and shall not be required in any subsequent renewal,
2 reinstatement or reissuance, substitute, amended, replacement
3 or supplementary policy. No written rejection shall be
4 required, and the absence of a premium payment for uninsured
5 motor vehicle property damage shall constitute conclusive
6 proof that the applicant or policyholder has elected not to
7 accept uninsured motorist property damage coverage.

8 An insurance company issuing uninsured motor vehicle
9 property damage coverage may provide that:

10 (i) Property damage losses recoverable thereunder
11 shall be limited to damages caused by the actual physical
12 contact of an uninsured motor vehicle with the insured
13 motor vehicle.

14 (ii) There shall be no coverage for loss of use of the
15 insured motor vehicle and no coverage for loss or damage
16 to personal property located in the insured motor vehicle.

17 (iii) Any claim submitted shall include the name and
18 address of the owner of the at-fault uninsured motor
19 vehicle, or a registration number and description of the
20 vehicle, or any other available information to establish
21 that there is no applicable motor vehicle property damage
22 liability insurance.

23 Any dispute with respect to the coverage and the amount of
24 damages shall be submitted for arbitration to the American
25 Arbitration Association and be subject to its rules for the
26 conduct of arbitration hearings or for determination in the

1 following manner: Upon the insured requesting arbitration,
2 each party to the dispute shall select an arbitrator and the 2
3 arbitrators so named shall select a third arbitrator. If such
4 arbitrators are not selected within 45 days from such request,
5 either party may request that the arbitration be submitted to
6 the American Arbitration Association. Any arbitration
7 proceeding under this subsection seeking recovery for property
8 damages shall be subject to the following rules:

9 (A) If at least 60 days' written notice of the
10 intention to offer the following documents in evidence is
11 given to every other party, accompanied by a copy of the
12 document, a party may offer in evidence, without
13 foundation or other proof:

14 (1) property repair bills or estimates, when
15 identified and itemized setting forth the charges for
16 labor and material used or proposed for use in the
17 repair of the property;

18 (2) the written opinion of an opinion witness, the
19 deposition of a witness, and the statement of a
20 witness that the witness would be allowed to express
21 if testifying in person, if the opinion or statement
22 is made by affidavit or by certification as provided
23 in Section 1-109 of the Code of Civil Procedure;

24 (3) any other document not specifically covered by
25 any of the foregoing provisions that is otherwise
26 admissible under the rules of evidence.

1 Any party receiving a notice under this paragraph (A)
2 may apply to the arbitrator or panel of arbitrators, as
3 the case may be, for the issuance of a subpoena directed to
4 the author or maker or custodian of the document that is
5 the subject of the notice, requiring the person subpoenaed
6 to produce copies of any additional documents as may be
7 related to the subject matter of the document that is the
8 subject of the notice. Any such subpoena shall be issued
9 in substantially similar form and served by notice as
10 provided by Illinois Supreme Court Rule 204(a)(4). Any
11 such subpoena shall be returnable not less than 5 days
12 before the arbitration hearing.

13 (B) Notwithstanding the provisions of Supreme Court
14 Rule 213(g), a party who proposes to use a written opinion
15 of an expert or opinion witness or the testimony of an
16 expert or opinion witness at the hearing may do so
17 provided a written notice of that intention is given to
18 every other party not less than 60 days prior to the date
19 of hearing, accompanied by a statement containing the
20 identity of the witness, his or her qualifications, the
21 subject matter, the basis of the witness's conclusions,
22 and his or her opinion.

23 (C) Any other party may subpoena the author or maker
24 of a document admissible under this subsection, at that
25 party's expense, and examine the author or maker as if
26 under cross-examination. The provisions of Section 2-1101

1 of the Code of Civil Procedure shall be applicable to
2 arbitration hearings, and it shall be the duty of a party
3 requesting the subpoena to modify the form to show that
4 the appearance is set before an arbitration panel and to
5 give the time and place set for the hearing.

6 (D) The provisions of Section 2-1102 of the Code of
7 Civil Procedure shall be applicable to arbitration
8 hearings under this subsection.

9 (3) For the purpose of the coverage, the term "uninsured
10 motor vehicle" includes, subject to the terms and conditions
11 of the coverage, a motor vehicle where on, before, or after the
12 date of the crash the liability insurer thereof is unable to
13 make payment with respect to the legal liability of its
14 insured within the limits specified in the policy because of
15 the entry by a court of competent jurisdiction of an order of
16 rehabilitation or liquidation by reason of insolvency on or
17 after the date of the crash. An insurer's extension of
18 coverage, as provided in this subsection, shall be applicable
19 to all crashes occurring after July 1, 1967 during a policy
20 period in which its insured's uninsured motor vehicle coverage
21 is in effect. Nothing in this Section may be construed to
22 prevent any insurer from extending coverage under terms and
23 conditions more favorable to its insureds than is required by
24 this Section.

25 (4) In the event of payment to any person under the
26 coverage required by this Section and subject to the terms and

1 conditions of the coverage, the insurer making the payment
2 shall, to the extent thereof, be entitled to the proceeds of
3 any settlement or judgment resulting from the exercise of any
4 rights of recovery of the person against any person or
5 organization legally responsible for the property damage,
6 bodily injury or death for which the payment is made,
7 including the proceeds recoverable from the assets of the
8 insolvent insurer. With respect to payments made by reason of
9 the coverage described in subsection (3), the insurer making
10 such payment shall not be entitled to any right of recovery
11 against the tortfeasor in excess of the proceeds recovered
12 from the assets of the insolvent insurer of the tortfeasor.

13 (5) This amendatory Act of 1967 (Laws of Illinois 1967,
14 page 875) shall not be construed to terminate or reduce any
15 insurance coverage or any right of any party under this Code in
16 effect before July 1, 1967. Public Act 86-1155 shall not be
17 construed to terminate or reduce any insurance coverage or any
18 right of any party under this Code in effect before its
19 effective date.

20 (6) Failure of the motorist from whom the claimant is
21 legally entitled to recover damages to file the appropriate
22 forms with the Safety Responsibility Section of the Department
23 of Transportation within 120 days of the date of the crash
24 shall create a rebuttable presumption that the motorist was
25 uninsured at the time of the injurious occurrence.

26 (7) An insurance carrier may upon good cause require the

1 insured to commence a legal action against the owner or
2 operator of an uninsured motor vehicle before good faith
3 negotiation with the carrier. If the action is commenced at
4 the request of the insurance carrier, the carrier shall pay to
5 the insured, before the action is commenced, all court costs,
6 jury fees and sheriff's fees arising from the action.

7 The changes made by Public Act 90-451 apply to all
8 policies of insurance amended, delivered, issued, or renewed
9 on and after January 1, 1998 (the effective date of Public Act
10 90-451).

11 (8) The changes made by Public Act 98-927 apply to all
12 policies of insurance amended, delivered, issued, or renewed
13 on and after January 1, 2015 (the effective date of Public Act
14 98-927).

15 (Source: P.A. 102-775, eff. 5-13-22; 102-982, eff. 7-1-23;
16 revised 8-3-22.)

17 (215 ILCS 5/229.4a)

18 Sec. 229.4a. Standard Nonforfeiture ~~Non-forfeiture~~ Law for
19 Individual Deferred Annuities.

20 (1) Title. This Section shall be known as the Standard
21 Nonforfeiture Law for Individual Deferred Annuities.

22 (2) Applicability. This Section shall not apply to any
23 reinsurance, group annuity purchased under a retirement plan
24 or plan of deferred compensation established or maintained by
25 an employer (including a partnership or sole proprietorship)

1 or by an employee organization, or by both, other than a plan
2 providing individual retirement accounts or individual
3 retirement annuities under Section 408 of the Internal Revenue
4 Code, as now or hereafter amended, premium deposit fund,
5 variable annuity, investment annuity, immediate annuity, any
6 deferred annuity contract after annuity payments have
7 commenced, or reversionary annuity, nor to any contract which
8 shall be delivered outside this State through an agent or
9 other representative of the company issuing the contract.

10 (3) Nonforfeiture Requirements.

11 (A) In the case of contracts issued on or after the
12 operative date of this Section as defined in subsection
13 (13), no contract of annuity, except as stated in
14 subsection (2), shall be delivered or issued for delivery
15 in this State unless it contains in substance the
16 following provisions, or corresponding provisions which in
17 the opinion of the Director of Insurance are at least as
18 favorable to the contract holder, upon cessation of
19 payment of considerations under the contract:

20 (i) That upon cessation of payment of
21 considerations under a contract, or upon the written
22 request of the contract owner, the company shall grant
23 a paid-up annuity benefit on a plan stipulated in the
24 contract of such value as is specified in subsections
25 (5), (6), (7), (8), and (10);

26 (ii) If a contract provides for a lump sum

1 settlement at maturity, or at any other time, that
2 upon surrender of the contract at or prior to the
3 commencement of any annuity payments, the company
4 shall pay in lieu of a paid-up annuity benefit a cash
5 surrender benefit of such amount as is specified in
6 subsections (5), (6), (8), and (10). The company may
7 reserve the right to defer the payment of the cash
8 surrender benefit for a period not to exceed 6 months
9 after demand therefor with surrender of the contract
10 after making written request and receiving written
11 approval of the Director. The request shall address
12 the necessity and equitability to all policyholders of
13 the deferral;

14 (iii) A statement of the mortality table, if any,
15 and interest rates used calculating any minimum
16 paid-up annuity, cash surrender, or death benefits
17 that are guaranteed under the contract, together with
18 sufficient information to determine the amounts of the
19 benefits; and

20 (iv) A statement that any paid-up annuity, cash
21 surrender, or death benefits that may be available
22 under the contract are not less than the minimum
23 benefits required by any statute of the state in which
24 the contract is delivered and an explanation of the
25 manner in which the benefits are altered by the
26 existence of any additional amounts credited by the

1 company to the contract, any indebtedness to the
2 company on the contract, or any prior withdrawals from
3 or partial surrenders of the contract.

4 (B) Notwithstanding the requirements of this Section,
5 a deferred annuity contract may provide that if no
6 considerations have been received under a contract for a
7 period of 2 full years and the portion of the paid-up
8 annuity benefit at maturity on the plan stipulated in the
9 contract arising from prior considerations paid would be
10 less than \$20 monthly, the company may at its option
11 terminate the contract by payment in cash of the then
12 present value of the portion of the paid-up annuity
13 benefit, calculated on the basis on the mortality table,
14 if any, and interest rate specified in the contract for
15 determining the paid-up annuity benefit, and by this
16 payment shall be relieved of any further obligation under
17 the contract.

18 (4) Minimum values. The minimum values as specified in
19 subsections (5), (6), (7), (8), and (10) of any paid-up
20 annuity, cash surrender, or death benefits available under an
21 annuity contract shall be based upon minimum nonforfeiture
22 amounts as defined in this subsection.

23 (A) (i) The minimum nonforfeiture amount at any time at
24 or prior to the commencement of any annuity payments shall
25 be equal to an accumulation up to such time at rates of
26 interest as indicated in subdivision (4)(B) of the net

1 considerations (as hereinafter defined) paid prior to such
2 time, decreased by the sum of paragraphs (a) through (d)
3 below:

4 (a) Any prior withdrawals from or partial
5 surrenders of the contract accumulated at rates of
6 interest as indicated in subdivision (4) (B);

7 (b) An annual contract charge of \$50, accumulated
8 at rates of interest as indicated in subdivision
9 (4) (B);

10 (c) Any premium tax paid by the company for the
11 contract, accumulated at rates of interest as
12 indicated in subdivision (4) (B); and

13 (d) The amount of any indebtedness to the company
14 on the contract, including interest due and accrued.

15 (ii) The net considerations for a given contract year
16 used to define the minimum nonforfeiture amount shall be
17 an amount equal to 87.5% of the gross considerations,
18 credited to the contract during that contract year.

19 (B) The interest rate used in determining minimum
20 nonforfeiture amounts shall be an annual rate of interest
21 determined as the lesser of 3% per annum and the
22 following, which shall be specified in the contract if the
23 interest rate will be reset:

24 (i) The 5-year ~~five-year~~ Constant Maturity
25 Treasury Rate reported by the Federal Reserve as of a
26 date, or average over a period, rounded to the nearest

1 1/20th of one percent, specified in the contract no
2 longer than 15 months prior to the contract issue date
3 or redetermination date under subdivision (4) (B) (iv);

4 (ii) Reduced by 125 basis points;

5 (iii) Where the resulting interest rate is not
6 less than 0.15%; and

7 (iv) The interest rate shall apply for an initial
8 period and may be redetermined for additional periods.
9 The redetermination date, basis, and period, if any,
10 shall be stated in the contract. The basis is the date
11 or average over a specified period that produces the
12 value of the 5-year Constant Maturity Treasury Rate to
13 be used at each redetermination date.

14 (C) During the period or term that a contract provides
15 substantive participation in an equity indexed benefit, it
16 may increase the reduction described in subdivision
17 (4) (B) (ii) above by up to an additional 100 basis points
18 to reflect the value of the equity index benefit. The
19 present value at the contract issue date, and at each
20 redetermination date thereafter, of the additional
21 reduction shall not exceed market value of the benefit.
22 The Director may require a demonstration that the present
23 value of the additional reduction does not exceed the
24 market value of the benefit. Lacking such a demonstration
25 that is acceptable to the Director, the Director may
26 disallow or limit the additional reduction.

1 (D) The Director may adopt rules to implement the
2 provisions of subdivision (4)(C) and to provide for
3 further adjustments to the calculation of minimum
4 nonforfeiture amounts for contracts that provide
5 substantive participation in an equity index benefit and
6 for other contracts that the Director determines
7 adjustments are justified.

8 (5) Computation of Present Value. Any paid-up annuity
9 benefit available under a contract shall be such that its
10 present value on the date annuity payments are to commence is
11 at least equal to the minimum nonforfeiture amount on that
12 date. Present value shall be computed using the mortality
13 table, if any, and the interest rates specified in the
14 contract for determining the minimum paid-up annuity benefits
15 guaranteed in the contract.

16 (6) Calculation of Cash Surrender Value. For contracts
17 that provide cash surrender benefits, the cash surrender
18 benefits available prior to maturity shall not be less than
19 the present value as of the date of surrender of that portion
20 of the maturity value of the paid-up annuity benefit that
21 would be provided under the contract at maturity arising from
22 considerations paid prior to the time of cash surrender
23 reduced by the amount appropriate to reflect any prior
24 withdrawals from or partial surrenders of the contract, such
25 present value being calculated on the basis of an interest
26 rate not more than 1% higher than the interest rate specified

1 in the contract for accumulating the net considerations to
2 determine maturity value, decreased by the amount of any
3 indebtedness to the company on the contract, including
4 interest due and accrued, and increased by any existing
5 additional amounts credited by the company to the contract. In
6 no event shall any cash surrender benefit be less than the
7 minimum nonforfeiture amount at that time. The death benefit
8 under such contracts shall be at least equal to the cash
9 surrender benefit.

10 (7) Calculation of Paid-up Annuity Benefits. For contracts
11 that do not provide cash surrender benefits, the present value
12 of any paid-up annuity benefit available as a nonforfeiture
13 option at any time prior to maturity shall not be less than the
14 present value of that portion of the maturity value of the
15 paid-up annuity benefit provided under the contract arising
16 from considerations paid prior to the time the contract is
17 surrendered in exchange for, or changed to, a deferred paid-up
18 annuity, such present value being calculated for the period
19 prior to the maturity date on the basis of the interest rate
20 specified in the contract for accumulating the net
21 considerations to determine maturity value, and increased by
22 any additional amounts credited by the company to the
23 contract. For contracts that do not provide any death benefits
24 prior to the commencement of any annuity payments, present
25 values shall be calculated on the basis of such interest rate
26 and the mortality table specified in the contract for

1 determining the maturity value of the paid-up annuity benefit.
2 However, in no event shall the present value of a paid-up
3 annuity benefit be less than the minimum nonforfeiture amount
4 at that time.

5 (8) Maturity Date. For the purpose of determining the
6 benefits calculated under subsections (6) and (7), in the case
7 of annuity contracts under which an election may be made to
8 have annuity payments commence at optional maturity dates, the
9 maturity date shall be deemed to be the latest date for which
10 election shall be permitted by the contract, but shall not be
11 deemed to be later than the anniversary of the contract next
12 following the annuitant's seventieth birthday or the tenth
13 anniversary of the contract, whichever is later.

14 (9) Disclosure of Limited Death Benefits. A contract that
15 does not provide cash surrender benefits or does not provide
16 death benefits at least equal to the minimum nonforfeiture
17 amount prior to the commencement of any annuity payments shall
18 include a statement in a prominent place in the contract that
19 such benefits are not provided.

20 (10) Inclusion of Lapse of Time Considerations. Any
21 paid-up annuity, cash surrender, or death benefits available
22 at any time, other than on the contract anniversary under any
23 contract with fixed scheduled considerations, shall be
24 calculated with allowance for the lapse of time and the
25 payment of any scheduled considerations beyond the beginning
26 of the contract year in which cessation of payment of

1 considerations under the contract occurs.

2 (11) Proration of Values; Additional Benefits. For a
3 contract which provides, within the same contract by rider or
4 supplemental contract provision, both annuity benefits and
5 life insurance benefits that are in excess of the greater of
6 cash surrender benefits or a return of the gross
7 considerations with interest, the minimum nonforfeiture
8 benefits shall be equal to the sum of the minimum
9 nonforfeiture benefits for the annuity portion and the minimum
10 nonforfeiture benefits, if any, for the life insurance portion
11 computed as if each portion were a separate contract.
12 Notwithstanding the provisions of subsections (5), (6), (7),
13 (8), and (10), additional benefits payable in the event of
14 total and permanent disability, as reversionary annuity or
15 deferred reversionary annuity benefits, or as other policy
16 benefits additional to life insurance, endowment, and annuity
17 benefits, and considerations for all such additional benefits,
18 shall be disregarded in ascertaining the minimum nonforfeiture
19 amounts, paid-up annuity, cash surrender, and death benefits
20 that may be required under this Section. The inclusion of such
21 benefits shall not be required in any paid-up benefits, unless
22 the additional benefits separately would require minimum
23 nonforfeiture amounts, paid-up annuity, cash surrender, and
24 death benefits.

25 (12) Rules. The Director may adopt rules to implement the
26 provisions of this Section.

1 (13) Effective Date. After August 6, 2004 (the effective
2 date of Public Act 93-873) ~~this amendatory Act of the 93rd~~
3 ~~General Assembly~~, a company may elect to apply its provisions
4 to annuity contracts on a contract form-by-contract form basis
5 before July 1, 2006. In all other instances, this Section
6 shall become operative with respect to annuity contracts
7 issued by the company on or after July 1, 2006.

8 (14) (Blank).

9 (Source: P.A. 102-775, eff. 5-13-22; revised 8-19-22.)

10 (215 ILCS 5/356z.14)

11 Sec. 356z.14. Autism spectrum disorders.

12 (a) A group or individual policy of accident and health
13 insurance or managed care plan amended, delivered, issued, or
14 renewed after December 12, 2008 (the effective date of Public
15 Act 95-1005) ~~this amendatory Act of the 95th General Assembly~~
16 must provide individuals under 21 years of age coverage for
17 the diagnosis of autism spectrum disorders and for the
18 treatment of autism spectrum disorders to the extent that the
19 diagnosis and treatment of autism spectrum disorders are not
20 already covered by the policy of accident and health insurance
21 or managed care plan.

22 (b) Coverage provided under this Section shall be subject
23 to a maximum benefit of \$36,000 per year, but shall not be
24 subject to any limits on the number of visits to a service
25 provider. After December 30, 2009, the Director of the

1 Division of Insurance shall, on an annual basis, adjust the
2 maximum benefit for inflation using the Medical Care Component
3 of the United States Department of Labor Consumer Price Index
4 for All Urban Consumers. Payments made by an insurer on behalf
5 of a covered individual for any care, treatment, intervention,
6 service, or item, the provision of which was for the treatment
7 of a health condition not diagnosed as an autism spectrum
8 disorder, shall not be applied toward any maximum benefit
9 established under this subsection.

10 (c) Coverage under this Section shall be subject to
11 copayment, deductible, and coinsurance provisions of a policy
12 of accident and health insurance or managed care plan to the
13 extent that other medical services covered by the policy of
14 accident and health insurance or managed care plan are subject
15 to these provisions.

16 (d) This Section shall not be construed as limiting
17 benefits that are otherwise available to an individual under a
18 policy of accident and health insurance or managed care plan
19 and benefits provided under this Section may not be subject to
20 dollar limits, deductibles, copayments, or coinsurance
21 provisions that are less favorable to the insured than the
22 dollar limits, deductibles, or coinsurance provisions that
23 apply to physical illness generally.

24 (e) An insurer may not deny or refuse to provide otherwise
25 covered services, or refuse to renew, refuse to reissue, or
26 otherwise terminate or restrict coverage under an individual

1 contract to provide services to an individual because the
2 individual or their dependent is diagnosed with an autism
3 spectrum disorder or due to the individual utilizing benefits
4 in this Section.

5 (e-5) An insurer may not deny or refuse to provide
6 otherwise covered services under a group or individual policy
7 of accident and health insurance or a managed care plan solely
8 because of the location wherein the clinically appropriate
9 services are provided.

10 (f) Upon request of the reimbursing insurer, a provider of
11 treatment for autism spectrum disorders shall furnish medical
12 records, clinical notes, or other necessary data that
13 substantiate that initial or continued medical treatment is
14 medically necessary and is resulting in improved clinical
15 status. When treatment is anticipated to require continued
16 services to achieve demonstrable progress, the insurer may
17 request a treatment plan consisting of diagnosis, proposed
18 treatment by type, frequency, anticipated duration of
19 treatment, the anticipated outcomes stated as goals, and the
20 frequency by which the treatment plan will be updated.

21 (g) When making a determination of medical necessity for a
22 treatment modality for autism spectrum disorders, an insurer
23 must make the determination in a manner that is consistent
24 with the manner used to make that determination with respect
25 to other diseases or illnesses covered under the policy,
26 including an appeals process. During the appeals process, any

1 challenge to medical necessity must be viewed as reasonable
2 only if the review includes a physician with expertise in the
3 most current and effective treatment modalities for autism
4 spectrum disorders.

5 (h) Coverage for medically necessary early intervention
6 services must be delivered by certified early intervention
7 specialists, as defined in 89 Ill. Adm. Admin. Code 500 and any
8 subsequent amendments thereto.

9 (h-5) If an individual has been diagnosed as having an
10 autism spectrum disorder, meeting the diagnostic criteria in
11 place at the time of diagnosis, and treatment is determined
12 medically necessary, then that individual shall remain
13 eligible for coverage under this Section even if subsequent
14 changes to the diagnostic criteria are adopted by the American
15 Psychiatric Association. If no changes to the diagnostic
16 criteria are adopted after April 1, 2012, and before December
17 31, 2014, then this subsection (h-5) shall be of no further
18 force and effect.

19 (h-10) An insurer may not deny or refuse to provide
20 covered services, or refuse to renew, refuse to reissue, or
21 otherwise terminate or restrict coverage under an individual
22 contract, for a person diagnosed with an autism spectrum
23 disorder on the basis that the individual declined an
24 alternative medication or covered service when the
25 individual's health care provider has determined that such
26 medication or covered service may exacerbate clinical

1 symptomatology and is medically contraindicated for the
2 individual and the individual has requested and received a
3 medical exception as provided for under Section 45.1 of the
4 Managed Care Reform and Patient Rights Act. For the purposes
5 of this subsection (h-10), "clinical symptomatology" means any
6 indication of disorder or disease when experienced by an
7 individual as a change from normal function, sensation, or
8 appearance.

9 (h-15) If, at any time, the Secretary of the United States
10 Department of Health and Human Services, or its successor
11 agency, promulgates rules or regulations to be published in
12 the Federal Register or publishes a comment in the Federal
13 Register or issues an opinion, guidance, or other action that
14 would require the State, pursuant to any provision of the
15 Patient Protection and Affordable Care Act (Public Law
16 111-148), including, but not limited to, 42 U.S.C.
17 18031(d)(3)(B) or any successor provision, to defray the cost
18 of any coverage outlined in subsection (h-10), then subsection
19 (h-10) is inoperative with respect to all coverage outlined in
20 subsection (h-10) other than that authorized under Section
21 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State
22 shall not assume any obligation for the cost of the coverage
23 set forth in subsection (h-10).

24 (i) As used in this Section:

25 "Autism spectrum disorders" means pervasive developmental
26 disorders as defined in the most recent edition of the

1 Diagnostic and Statistical Manual of Mental Disorders,
2 including autism, Asperger's disorder, and pervasive
3 developmental disorder not otherwise specified.

4 "Diagnosis of autism spectrum disorders" means one or more
5 tests, evaluations, or assessments to diagnose whether an
6 individual has autism spectrum disorder that is prescribed,
7 performed, or ordered by (A) a physician licensed to practice
8 medicine in all its branches or (B) a licensed clinical
9 psychologist with expertise in diagnosing autism spectrum
10 disorders.

11 "Medically necessary" means any care, treatment,
12 intervention, service or item which will or is reasonably
13 expected to do any of the following: (i) prevent the onset of
14 an illness, condition, injury, disease, or disability; (ii)
15 reduce or ameliorate the physical, mental or developmental
16 effects of an illness, condition, injury, disease, or
17 disability; or (iii) assist to achieve or maintain maximum
18 functional activity in performing daily activities.

19 "Treatment for autism spectrum disorders" shall include
20 the following care prescribed, provided, or ordered for an
21 individual diagnosed with an autism spectrum disorder by (A) a
22 physician licensed to practice medicine in all its branches or
23 (B) a certified, registered, or licensed health care
24 professional with expertise in treating effects of autism
25 spectrum disorders when the care is determined to be medically
26 necessary and ordered by a physician licensed to practice

1 medicine in all its branches:

2 (1) Psychiatric care, meaning direct, consultative, or
3 diagnostic services provided by a licensed psychiatrist.

4 (2) Psychological care, meaning direct or consultative
5 services provided by a licensed psychologist.

6 (3) Habilitative or rehabilitative care, meaning
7 professional, counseling, and guidance services and
8 treatment programs, including applied behavior analysis,
9 that are intended to develop, maintain, and restore the
10 functioning of an individual. As used in this subsection
11 (i), "applied behavior analysis" means the design,
12 implementation, and evaluation of environmental
13 modifications using behavioral stimuli and consequences to
14 produce socially significant improvement in human
15 behavior, including the use of direct observation,
16 measurement, and functional analysis of the relations
17 between environment and behavior.

18 (4) Therapeutic care, including behavioral, speech,
19 occupational, and physical therapies that provide
20 treatment in the following areas: (i) self care and
21 feeding, (ii) pragmatic, receptive, and expressive
22 language, (iii) cognitive functioning, (iv) applied
23 behavior analysis, intervention, and modification, (v)
24 motor planning, and (vi) sensory processing.

25 (j) Rulemaking authority to implement this amendatory Act
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the
2 Illinois Administrative Procedure Act and all rules and
3 procedures of the Joint Committee on Administrative Rules; any
4 purported rule not so adopted, for whatever reason, is
5 unauthorized.

6 (Source: P.A. 102-322, eff. 1-1-22; revised 2-28-22.)

7 (215 ILCS 5/356z.53)

8 Sec. 356z.53. Coverage for home health services. A group
9 or individual policy of accident and health insurance or a
10 managed care plan that is amended, delivered, issued, or
11 renewed on or after January 1, 2024 shall provide coverage for
12 access to home health services for the duration of medically
13 necessary care.

14 (Source: P.A. 102-816, eff. 1-1-23; revised 12-29-22.)

15 (215 ILCS 5/356z.54)

16 Sec. 356z.54 ~~356z.53~~. Coverage for breast reduction
17 surgery. A group or individual policy of accident and health
18 insurance or a managed care plan that is amended, delivered,
19 issued, or renewed on or after January 1, 2024 shall provide
20 coverage for medically necessary breast reduction surgery.

21 (Source: P.A. 102-731, eff. 1-1-23; revised 12-29-22.)

22 (215 ILCS 5/356z.55)

23 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 356z.55 ~~356z.53~~. Coverage for cleft lip and cleft
3 palate.

4 (a) As used in this Section, "medically necessary care and
5 treatment" to address congenital anomalies associated with a
6 cleft lip or palate, or both, includes:

7 (1) oral and facial surgery, including reconstructive
8 services and procedures necessary to improve and restore
9 and maintain vital functions;

10 (2) prosthetic treatment such as obturators
11 ~~obdurators~~, speech appliances, and feeding appliances;

12 (3) orthodontic treatment and management;

13 (4) prosthodontic treatment and management; and

14 (5) otolaryngology treatment and management.

15 "Medically necessary care and treatment" does not include
16 cosmetic surgery performed to reshape normal structures of the
17 lip, jaw, palate, or other facial structures to improve
18 appearance.

19 (b) An individual or group policy of accident and health
20 insurance amended, delivered, issued, or renewed on or after
21 January 1, 2024 (the effective date of Public Act 102-768)
22 ~~this amendatory Act of the 102nd General Assembly~~ shall
23 provide coverage for the medically necessary care and
24 treatment of cleft lip and palate for children under the age of
25 19. Coverage for cleft lip and palate care and treatment may
26 impose the same deductible, coinsurance, or other cost-sharing

1 limitation that is imposed on other related surgical benefits
2 under the policy.

3 (c) This Section does not apply to a policy that covers
4 only dental care.

5 (Source: P.A. 102-768, eff. 1-1-24; revised 7-25-22.)

6 (215 ILCS 5/356z.56)

7 Sec. 356z.56 ~~356z.53~~. Coverage for hormone therapy to
8 treat menopause. A group or individual policy of accident and
9 health insurance or a managed care plan that is amended,
10 delivered, issued, or renewed on or after January 1, 2024
11 shall provide coverage for medically necessary hormone therapy
12 treatment to treat menopause that has been induced by a
13 hysterectomy.

14 (Source: P.A. 102-804, eff. 1-1-23; revised 12-29-22.)

15 (215 ILCS 5/356z.57)

16 Sec. 356z.57 ~~356z.53~~. Pediatric palliative care.

17 (a) A group or individual policy of accident and health
18 insurance or a managed care plan amended, delivered, issued,
19 or renewed on or after January 1, 2024 shall provide coverage
20 for community-based pediatric palliative care and hospice
21 care. This care shall be delivered to any qualifying child
22 with a serious illness by a trained interdisciplinary team
23 that allows a child to receive community-based pediatric
24 palliative care and hospice care while continuing to pursue

1 curative treatment and disease-directed therapies for the
2 qualifying illness.

3 (b) As used in this Section, "palliative care" and
4 "serious illness" have the same meaning as set forth in the
5 Pediatric Palliative Care Act.

6 (Source: P.A. 102-860, eff. 1-1-23; revised 12-29-22.)

7 (215 ILCS 5/356z.58)

8 Sec. 356z.58 ~~356z.53~~. Prenatal vitamins coverage. A group
9 or individual policy of accident and health insurance that is
10 amended, delivered, issued, or renewed on or after January 1,
11 2024 that provides coverage for prescription drugs shall
12 provide coverage for prenatal vitamins when prescribed by a
13 physician licensed to practice medicine in all of its branches
14 or an advanced practice registered nurse licensed under the
15 Nurse Practice Act.

16 (Source: P.A. 102-930, eff. 1-1-23; revised 12-29-22.)

17 (215 ILCS 5/356z.59)

18 Sec. 356z.59 ~~356z.53~~. Coverage for continuous glucose
19 monitors. A group or individual policy of accident and health
20 insurance or a managed care plan that is amended, delivered,
21 issued, or renewed on or after January 1, 2024 shall provide
22 coverage for medically necessary continuous glucose monitors
23 for individuals who are diagnosed with type 1 or type 2
24 diabetes and require insulin for the management of their

1 diabetes.

2 (Source: P.A. 102-1093, eff. 1-1-23; revised 12-29-22.)

3 (215 ILCS 5/364.01)

4 Sec. 364.01. Qualified clinical cancer trials.

5 (a) No individual or group policy of accident and health
6 insurance issued or renewed in this State may be cancelled or
7 non-renewed for any individual based on that individual's
8 participation in a qualified clinical cancer trial.

9 (b) Qualified clinical cancer trials must meet the
10 following criteria:

11 (1) the effectiveness of the treatment has not been
12 determined relative to established therapies;

13 (2) the trial is under clinical investigation as part
14 of an approved cancer research trial in Phase II, Phase
15 III, or Phase IV of investigation;

16 (3) the trial is:

17 (A) approved by the Food and Drug Administration;

18 or

19 (B) approved and funded by the National Institutes
20 of Health, the Centers for Disease Control and
21 Prevention, the Agency for Healthcare Research and
22 Quality, the United States Department of Defense, the
23 United States Department of Veterans Affairs, or the
24 United States Department of Energy in the form of an
25 investigational new drug application, or a cooperative

1 group or center of any entity described in this
2 subdivision (B); and

3 (4) the patient's primary care physician, if any, is
4 involved in the coordination of care.

5 (c) No group policy of accident and health insurance shall
6 exclude coverage for any routine patient care administered to
7 an insured who is a qualified individual participating in a
8 qualified clinical cancer trial, if the policy covers that
9 same routine patient care of insureds not enrolled in a
10 qualified clinical cancer trial.

11 (d) The coverage that may not be excluded under subsection
12 (c) of this Section is subject to all terms, conditions,
13 restrictions, exclusions, and limitations that apply to the
14 same routine patient care received by an insured not enrolled
15 in a qualified clinical cancer trial, including the
16 application of any authorization requirement, utilization
17 review, or medical management practices. The insured or
18 enrollee shall incur no greater out-of-pocket liability than
19 had the insured or enrollee not enrolled in a qualified
20 clinical cancer trial.

21 (e) If the group policy of accident and health insurance
22 uses a preferred provider program and a preferred provider
23 provides routine patient care in connection with a qualified
24 clinical cancer trial, then the insurer may require the
25 insured to use the preferred provider if the preferred
26 provider agrees to provide to the insured that routine patient

1 care.

2 (f) A qualified clinical cancer trial may not pay or
3 refuse to pay for routine patient care of an individual
4 participating in the trial, based in whole or in part on the
5 person's having or not having coverage for routine patient
6 care under a group policy of accident and health insurance.

7 (g) Nothing in this Section shall be construed to limit an
8 insurer's coverage with respect to clinical trials.

9 (h) Nothing in this Section shall require coverage for
10 out-of-network services where the underlying health benefit
11 plan does not provide coverage for out-of-network services.

12 (i) As used in this Section, "routine patient care" means
13 all health care services provided in the qualified clinical
14 cancer trial that are otherwise generally covered under the
15 policy if those items or services were not provided in
16 connection with a qualified clinical cancer trial consistent
17 with the standard of care for the treatment of cancer,
18 including the type and frequency of any diagnostic modality,
19 that a provider typically provides to a cancer patient who is
20 not enrolled in a qualified clinical cancer trial. "Routine
21 patient care" does not include, and a group policy of accident
22 and health insurance may exclude, coverage for:

23 (1) a health care service, item, or drug that is the
24 subject of the cancer clinical trial;

25 (2) a health care service, item, or drug provided
26 solely to satisfy data collection and analysis needs for

1 the qualified clinical cancer trial that is not used in
2 the direct clinical management of the patient;

3 (3) an investigational drug or device that has not
4 been approved for market by the United States Food and
5 Drug Administration;

6 (4) transportation, lodging, food, or other expenses
7 for the patient or a family member or companion of the
8 patient that are associated with the travel to or from a
9 facility providing the qualified clinical cancer trial,
10 unless the policy covers these expenses for a cancer
11 patient who is not enrolled in a qualified clinical cancer
12 trial;

13 (5) a health care service, item, or drug customarily
14 provided by the qualified clinical cancer trial sponsors
15 free of charge for any patient;

16 (6) a health care service or item, which except for
17 the fact that it is being provided in a qualified clinical
18 cancer trial, is otherwise specifically excluded from
19 coverage under the insured's policy, including:

20 (A) costs of extra treatments, services,
21 procedures, tests, or drugs that would not be
22 performed or administered except for the fact that the
23 insured is participating in the cancer clinical trial;
24 and

25 (B) costs of nonhealth care services that the
26 patient is required to receive as a result of

1 participation in the approved cancer clinical trial;

2 (7) costs for services, items, or drugs that are
3 eligible for reimbursement from a source other than a
4 patient's contract or policy providing for third-party
5 payment or prepayment of health or medical expenses,
6 including the sponsor of the approved cancer clinical
7 trial;

8 (8) costs associated with approved cancer clinical
9 trials designed exclusively to test toxicity or disease
10 pathophysiology, unless the policy covers these expenses
11 for a cancer patient who is not enrolled in a qualified
12 clinical cancer trial; or

13 (9) a health care service or item that is eligible for
14 reimbursement by a source other than the insured's policy,
15 including the sponsor of the qualified clinical cancer
16 trial.

17 The definitions of the terms "health care services",
18 "Non-Preferred Provider", "Preferred Provider", and "Preferred
19 Provider Program", stated in 50 Ill. Adm. Code Part 2051
20 Preferred Provider Programs apply to these terms in this
21 Section.

22 (j) The external review procedures established under the
23 Health Carrier External Review Act shall apply to the
24 provisions under this Section.

25 (Source: P.A. 97-91, eff. 1-1-12; 97-813, eff. 7-13-12;
26 revised 3-16-22.)

1 (215 ILCS 5/513b1)

2 Sec. 513b1. Pharmacy benefit manager contracts.

3 (a) As used in this Section:

4 "340B drug discount program" means the program established
5 under Section 340B of the federal Public Health Service Act,
6 42 U.S.C. 256b.

7 "340B entity" means a covered entity as defined in 42
8 U.S.C. 256b(a)(4) authorized to participate in the 340B drug
9 discount program.

10 "340B pharmacy" means any pharmacy used to dispense 340B
11 drugs for a covered entity, whether entity-owned or external.

12 "Biological product" has the meaning ascribed to that term
13 in Section 19.5 of the Pharmacy Practice Act.

14 "Maximum allowable cost" means the maximum amount that a
15 pharmacy benefit manager will reimburse a pharmacy for the
16 cost of a drug.

17 "Maximum allowable cost list" means a list of drugs for
18 which a maximum allowable cost has been established by a
19 pharmacy benefit manager.

20 "Pharmacy benefit manager" means a person, business, or
21 entity, including a wholly or partially owned or controlled
22 subsidiary of a pharmacy benefit manager, that provides claims
23 processing services or other prescription drug or device
24 services, or both, for health benefit plans.

25 "Retail price" means the price an individual without

1 prescription drug coverage would pay at a retail pharmacy, not
2 including a pharmacist dispensing fee.

3 "Third-party payer" means any entity that pays for
4 prescription drugs on behalf of a patient other than a health
5 care provider or sponsor of a plan subject to regulation under
6 Medicare Part D, 42 U.S.C. 1395w-101~~7~~ et seq.

7 (b) A contract between a health insurer and a pharmacy
8 benefit manager must require that the pharmacy benefit
9 manager:

10 (1) Update maximum allowable cost pricing information
11 at least every 7 calendar days.

12 (2) Maintain a process that will, in a timely manner,
13 eliminate drugs from maximum allowable cost lists or
14 modify drug prices to remain consistent with changes in
15 pricing data used in formulating maximum allowable cost
16 prices and product availability.

17 (3) Provide access to its maximum allowable cost list
18 to each pharmacy or pharmacy services administrative
19 organization subject to the maximum allowable cost list.
20 Access may include a real-time pharmacy website portal to
21 be able to view the maximum allowable cost list. As used in
22 this Section, "pharmacy services administrative
23 organization" means an entity operating within the State
24 that contracts with independent pharmacies to conduct
25 business on their behalf with third-party payers. A
26 pharmacy services administrative organization may provide

1 administrative services to pharmacies and negotiate and
2 enter into contracts with third-party payers or pharmacy
3 benefit managers on behalf of pharmacies.

4 (4) Provide a process by which a contracted pharmacy
5 can appeal the provider's reimbursement for a drug subject
6 to maximum allowable cost pricing. The appeals process
7 must, at a minimum, include the following:

8 (A) A requirement that a contracted pharmacy has
9 14 calendar days after the applicable fill date to
10 appeal a maximum allowable cost if the reimbursement
11 for the drug is less than the net amount that the
12 network provider paid to the supplier of the drug.

13 (B) A requirement that a pharmacy benefit manager
14 must respond to a challenge within 14 calendar days of
15 the contracted pharmacy making the claim for which the
16 appeal has been submitted.

17 (C) A telephone number and e-mail address or
18 website to network providers, at which the provider
19 can contact the pharmacy benefit manager to process
20 and submit an appeal.

21 (D) A requirement that, if an appeal is denied,
22 the pharmacy benefit manager must provide the reason
23 for the denial and the name and the national drug code
24 number from national or regional wholesalers.

25 (E) A requirement that, if an appeal is sustained,
26 the pharmacy benefit manager must make an adjustment

1 in the drug price effective the date the challenge is
2 resolved and make the adjustment applicable to all
3 similarly situated network pharmacy providers, as
4 determined by the managed care organization or
5 pharmacy benefit manager.

6 (5) Allow a plan sponsor contracting with a pharmacy
7 benefit manager an annual right to audit compliance with
8 the terms of the contract by the pharmacy benefit manager,
9 including, but not limited to, full disclosure of any and
10 all rebate amounts secured, whether product specific or
11 generalized rebates, that were provided to the pharmacy
12 benefit manager by a pharmaceutical manufacturer.

13 (6) Allow a plan sponsor contracting with a pharmacy
14 benefit manager to request that the pharmacy benefit
15 manager disclose the actual amounts paid by the pharmacy
16 benefit manager to the pharmacy.

17 (7) Provide notice to the party contracting with the
18 pharmacy benefit manager of any consideration that the
19 pharmacy benefit manager receives from the manufacturer
20 for dispense as written prescriptions once a generic or
21 biologically similar product becomes available.

22 (c) In order to place a particular prescription drug on a
23 maximum allowable cost list, the pharmacy benefit manager
24 must, at a minimum, ensure that:

25 (1) if the drug is a generically equivalent drug, it
26 is listed as therapeutically equivalent and

1 pharmaceutically equivalent "A" or "B" rated in the United
2 States Food and Drug Administration's most recent version
3 of the "Orange Book" or have an NR or NA rating by
4 Medi-Span, Gold Standard, or a similar rating by a
5 nationally recognized reference;

6 (2) the drug is available for purchase by each
7 pharmacy in the State from national or regional
8 wholesalers operating in Illinois; and

9 (3) the drug is not obsolete.

10 (d) A pharmacy benefit manager is prohibited from limiting
11 a pharmacist's ability to disclose whether the cost-sharing
12 obligation exceeds the retail price for a covered prescription
13 drug, and the availability of a more affordable alternative
14 drug, if one is available in accordance with Section 42 of the
15 Pharmacy Practice Act.

16 (e) A health insurer or pharmacy benefit manager shall not
17 require an insured to make a payment for a prescription drug at
18 the point of sale in an amount that exceeds the lesser of:

19 (1) the applicable cost-sharing amount; or

20 (2) the retail price of the drug in the absence of
21 prescription drug coverage.

22 (f) Unless required by law, a contract between a pharmacy
23 benefit manager or third-party payer and a 340B entity or 340B
24 pharmacy shall not contain any provision that:

25 (1) distinguishes between drugs purchased through the
26 340B drug discount program and other drugs when

1 determining reimbursement or reimbursement methodologies,
2 or contains otherwise less favorable payment terms or
3 reimbursement methodologies for 340B entities or 340B
4 pharmacies when compared to similarly situated non-340B
5 entities;

6 (2) imposes any fee, chargeback, or rate adjustment
7 that is not similarly imposed on similarly situated
8 pharmacies that are not 340B entities or 340B pharmacies;

9 (3) imposes any fee, chargeback, or rate adjustment
10 that exceeds the fee, chargeback, or rate adjustment that
11 is not similarly imposed on similarly situated pharmacies
12 that are not 340B entities or 340B pharmacies;

13 (4) prevents or interferes with an individual's choice
14 to receive a covered prescription drug from a 340B entity
15 or 340B pharmacy through any legally permissible means,
16 except that nothing in this paragraph shall prohibit the
17 establishment of differing copayments or other
18 cost-sharing amounts within the benefit plan for covered
19 persons who acquire covered prescription drugs from a
20 nonpreferred or nonparticipating provider;

21 (5) excludes a 340B entity or 340B pharmacy from a
22 pharmacy network on any basis that includes consideration
23 of whether the 340B entity or 340B pharmacy participates
24 in the 340B drug discount program;

25 (6) prevents a 340B entity or 340B pharmacy from using
26 a drug purchased under the 340B drug discount program; or

1 (7) any other provision that discriminates against a
2 340B entity or 340B pharmacy by treating the 340B entity
3 or 340B pharmacy differently than non-340B entities or
4 non-340B pharmacies for any reason relating to the
5 entity's participation in the 340B drug discount program.

6 As used in this subsection, "pharmacy benefit manager" and
7 "third-party payer" do not include pharmacy benefit managers
8 and third-party payers acting on behalf of a Medicaid program.

9 (g) A violation of this Section by a pharmacy benefit
10 manager constitutes an unfair or deceptive act or practice in
11 the business of insurance under Section 424.

12 (h) A provision that violates subsection (f) in a contract
13 between a pharmacy benefit manager or a third-party payer and
14 a 340B entity that is entered into, amended, or renewed after
15 July 1, 2022 shall be void and unenforceable.

16 (i) This Section applies to contracts entered into or
17 renewed on or after July 1, 2022.

18 (j) This Section applies to any group or individual policy
19 of accident and health insurance or managed care plan that
20 provides coverage for prescription drugs and that is amended,
21 delivered, issued, or renewed on or after July 1, 2020.

22 (Source: P.A. 101-452, eff. 1-1-20; 102-778, eff. 7-1-22;
23 revised 8-19-22.)

24 Section 435. The Small Employer Health Insurance Rating
25 Act is amended by changing Section 25 as follows:

1 (215 ILCS 93/25)

2 Sec. 25. Premium Rates.

3 (a) Premium rates for health benefit plans subject to this
4 Act shall be subject to all of the following provisions:

5 (1) The index rate for a rating period for any class of
6 business shall not exceed the index rate for any other
7 class of business by more than 20%.

8 (2) For a class of business, the premium rates charged
9 during a rating period to small employers with similar
10 case characteristics for the same or similar coverage, or
11 the rates that could be charged to such employers under
12 the rating system for that class of business, shall not
13 vary from the index rate by more than 25% of the index
14 rate.

15 (3) The percentage increase in the premium rate
16 charged to a small employer for a new rating period shall
17 not exceed the sum of the following:

18 (A) the percentage change in the new business
19 premium rate measured from the first day of the prior
20 rating period to the first day of the new rating
21 period. In the case of a health benefit plan into which
22 the small employer carrier is no longer enrolling new
23 small employers, the small employer carrier shall use
24 the percentage change in the base premium rate;

25 (B) an adjustment, not to exceed 15% annually and

1 adjusted pro rata for rating periods of less than one
2 year, due to claim experience, health status, or
3 duration of coverage of the employees or dependents of
4 the small employer as determined from the small
5 employer carrier's rate manual for the class of
6 business; and

7 (C) any adjustment due to change in coverage or
8 change in the case characteristics of the small
9 employer as determined from the small employer
10 carrier's rate manual for the class of business.

11 (4) Adjustments in rates for a new rating period due
12 to claim experience, health status, and duration of
13 coverage shall not be charged to individual employees or
14 dependents. Any such adjustment shall be applied uniformly
15 to the rates charged for all employees and dependents of
16 the small employer.

17 (5) In the case of health benefit plans delivered or
18 issued for delivery prior to the effective date of this
19 Act, a premium rate for a rating period may exceed the
20 ranges set forth in items (1) and (2) of this subsection
21 (a) for a period of 3 years following the effective date of
22 this Act. In such case, the percentage increase in the
23 premium rate charged to a small employer for a new rating
24 period shall not exceed the sum of the following:

25 (A) the percentage change in the new business
26 premium rate measured from the first day of the prior

1 rating period to the first day of the new rating
2 period; in the case of a class of business into which
3 the small employer carrier is no longer enrolling new
4 small employers ~~employees~~, the small employer carrier
5 shall use the percentage change in the base premium
6 rate, provided that such change does not exceed, on a
7 percentage basis, the change in the new business
8 premium rate for the most similar class of business
9 into which the small employer carrier is actively
10 enrolling new small employers; and

11 (B) any adjustment due to change in coverage or
12 change in the case characteristics of the small
13 employer as determined from the carrier's rate manual
14 for the class of business.

15 (6) Small employer carriers shall apply rating
16 factors, including case characteristics, consistently with
17 respect to all small employers in a class of business. A
18 small employer carrier shall treat all health benefit
19 plans issued or renewed in the same calendar month as
20 having the same rating period.

21 (7) For the purposes of this subsection, a health
22 benefit plan that contains a restricted network provision
23 shall not be considered similar coverage to a health
24 benefit plan that does not contain such a provision,
25 provided that the restriction of benefits to network
26 providers results in substantial differences in claim

1 costs.

2 (b) A small employer carrier shall not transfer a small
3 employer involuntarily into or out of a class of business. A
4 small employer carrier shall not offer to transfer a small
5 employer into or out of a class of business unless such offer
6 is made to transfer all small employers in the class of
7 business without regard to case characteristics, claim
8 experience, health status, or duration of coverage since
9 issue.

10 (Source: P.A. 91-510, eff. 1-1-00; revised 8-19-22.)

11 Section 440. The Health Maintenance Organization Act is
12 amended by changing Sections 4.5-1 and 5-3 as follows:

13 (215 ILCS 125/4.5-1)

14 Sec. 4.5-1. Point-of-service health service contracts.

15 (a) A health maintenance organization that offers a
16 point-of-service contract:

17 (1) must include as in-plan covered services all
18 services required by law to be provided by a health
19 maintenance organization;

20 (2) must provide incentives, which shall include
21 financial incentives, for enrollees to use in-plan covered
22 services;

23 (3) may not offer services out-of-plan without
24 providing those services on an in-plan basis;

1 (4) may include annual out-of-pocket limits and
2 lifetime maximum benefits allowances for out-of-plan
3 services that are separate from any limits or allowances
4 applied to in-plan services;

5 (5) may not consider emergency services, authorized
6 referral services, or non-routine services obtained out of
7 the service area to be point-of-service services;

8 (6) may treat as out-of-plan services those services
9 that an enrollee obtains from a participating provider,
10 but for which the proper authorization was not given by
11 the health maintenance organization; and

12 (7) after January 1, 2003 (the effective date of
13 Public Act 92-579) ~~this amendatory Act of the 92nd General~~
14 ~~Assembly~~, must include the following disclosure on its
15 point-of-service contracts and evidences of coverage:
16 "WARNING, LIMITED BENEFITS WILL BE PAID WHEN
17 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware
18 that when you elect to utilize the services of a
19 non-participating provider for a covered service in
20 non-emergency situations, benefit payments to such
21 non-participating provider are not based upon the amount
22 billed. The basis of your benefit payment will be
23 determined according to your policy's fee schedule, usual
24 and customary charge (which is determined by comparing
25 charges for similar services adjusted to the geographical
26 area where the services are performed), or other method as

1 defined by the policy. YOU CAN EXPECT TO PAY MORE THAN THE
2 COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE PLAN
3 HAS PAID ITS REQUIRED PORTION. Non-participating providers
4 may bill members for any amount up to the billed charge
5 after the plan has paid its portion of the bill, except as
6 provided in Section 356z.3a of the Illinois Insurance Code
7 for covered services received at a participating health
8 care facility from a non-participating provider that are:
9 (a) ancillary services, (b) items or services furnished as
10 a result of unforeseen, urgent medical needs that arise at
11 the time the item or service is furnished, or (c) items or
12 services received when the facility or the
13 non-participating provider fails to satisfy the notice and
14 consent criteria specified under Section 356z.3a.
15 Participating providers have agreed to accept discounted
16 payments for services with no additional billing to the
17 member other than co-insurance and deductible amounts. You
18 may obtain further information about the participating
19 status of professional providers and information on
20 out-of-pocket expenses by calling the toll free telephone
21 number on your identification card.".

22 (b) A health maintenance organization offering a
23 point-of-service contract is subject to all of the following
24 limitations:

25 (1) The health maintenance organization may not expend
26 in any calendar quarter more than 20% of its total

1 expenditures for all its members for out-of-plan covered
2 services.

3 (2) If the amount specified in item (1) of this
4 subsection is exceeded by 2% in a quarter, the health
5 maintenance organization must effect compliance with item
6 (1) of this subsection by the end of the following
7 quarter.

8 (3) If compliance with the amount specified in item
9 (1) of this subsection is not demonstrated in the health
10 maintenance organization's next quarterly report, the
11 health maintenance organization may not offer the
12 point-of-service contract to new groups or include the
13 point-of-service option in the renewal of an existing
14 group until compliance with the amount specified in item
15 (1) of this subsection is demonstrated or until otherwise
16 allowed by the Director.

17 (4) A health maintenance organization failing, without
18 just cause, to comply with the provisions of this
19 subsection shall be required, after notice and hearing, to
20 pay a penalty of \$250 for each day out of compliance, to be
21 recovered by the Director. Any penalty recovered shall be
22 paid into the General Revenue Fund. The Director may
23 reduce the penalty if the health maintenance organization
24 demonstrates to the Director that the imposition of the
25 penalty would constitute a financial hardship to the
26 health maintenance organization.

1 (c) A health maintenance organization that offers a
2 point-of-service product must do all of the following:

3 (1) File a quarterly financial statement detailing
4 compliance with the requirements of subsection (b).

5 (2) Track out-of-plan, point-of-service utilization
6 separately from in-plan or non-point-of-service,
7 out-of-plan emergency care, referral care, and urgent care
8 out of the service area utilization.

9 (3) Record out-of-plan utilization in a manner that
10 will permit such utilization and cost reporting as the
11 Director may, by rule, require.

12 (4) Demonstrate to the Director's satisfaction that
13 the health maintenance organization has the fiscal,
14 administrative, and marketing capacity to control its
15 point-of-service enrollment, utilization, and costs so as
16 not to jeopardize the financial security of the health
17 maintenance organization.

18 (5) Maintain, in addition to any other deposit
19 required under this Act, the deposit required by Section
20 2-6.

21 (6) Maintain cash and cash equivalents of sufficient
22 amount to fully liquidate 10 days' average claim payments,
23 subject to review by the Director.

24 (7) Maintain and file with the Director, reinsurance
25 coverage protecting against catastrophic losses on
26 out-of-network ~~out of network~~ point-of-service services.

1 Deductibles may not exceed \$100,000 per covered life per
2 year, and the portion of risk retained by the health
3 maintenance organization once deductibles have been
4 satisfied may not exceed 20%. Reinsurance must be placed
5 with licensed authorized reinsurers qualified to do
6 business in this State.

7 (d) A health maintenance organization may not issue a
8 point-of-service contract until it has filed and had approved
9 by the Director a plan to comply with the provisions of this
10 Section. The compliance plan must, at a minimum, include
11 provisions demonstrating that the health maintenance
12 organization will do all of the following:

13 (1) Design the benefit levels and conditions of
14 coverage for in-plan covered services and out-of-plan
15 covered services as required by this Article.

16 (2) Provide or arrange for the provision of adequate
17 systems to:

18 (A) process and pay claims for all out-of-plan
19 covered services;

20 (B) meet the requirements for point-of-service
21 contracts set forth in this Section and any additional
22 requirements that may be set forth by the Director;
23 and

24 (C) generate accurate data and financial and
25 regulatory reports on a timely basis so that the
26 Department of Insurance can evaluate the health

1 maintenance organization's experience with the
2 point-of-service contract and monitor compliance with
3 point-of-service contract provisions.

4 (3) Comply with the requirements of subsections (b)
5 and (c).

6 (Source: P.A. 102-901, eff. 1-1-23; revised 12-9-22.)

7 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

8 Sec. 5-3. Insurance Code provisions.

9 (a) Health Maintenance Organizations shall be subject to
10 the provisions of Sections 133, 134, 136, 137, 139, 140,
11 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153,
12 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2,
13 355.3, 355b, 355c, 356g.5-1, 356m, 356q, 356v, 356w, 356x,
14 356y, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6,
15 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,
16 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25,
17 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33,
18 356z.35, 356z.36, 356z.40, 356z.41, 356z.46, 356z.47, 356z.48,
19 356z.50, 356z.51, 356z.53 ~~256z.53~~, 356z.54, 356z.56, 356z.57,
20 356z.59, 356z.60, 364, 364.01, 364.3, 367.2, 367.2-5, 367i,
21 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402,
22 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c)
23 of subsection (2) of Section 367, and Articles IIA, VIII 1/2,
24 XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the
25 Illinois Insurance Code.

1 (b) For purposes of the Illinois Insurance Code, except
2 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
3 Health Maintenance Organizations in the following categories
4 are deemed to be "domestic companies":

5 (1) a corporation authorized under the Dental Service
6 Plan Act or the Voluntary Health Services Plans Act;

7 (2) a corporation organized under the laws of this
8 State; or

9 (3) a corporation organized under the laws of another
10 state, 30% or more of the enrollees of which are residents
11 of this State, except a corporation subject to
12 substantially the same requirements in its state of
13 organization as is a "domestic company" under Article VIII
14 1/2 of the Illinois Insurance Code.

15 (c) In considering the merger, consolidation, or other
16 acquisition of control of a Health Maintenance Organization
17 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

18 (1) the Director shall give primary consideration to
19 the continuation of benefits to enrollees and the
20 financial conditions of the acquired Health Maintenance
21 Organization after the merger, consolidation, or other
22 acquisition of control takes effect;

23 (2) (i) the criteria specified in subsection (1) (b) of
24 Section 131.8 of the Illinois Insurance Code shall not
25 apply and (ii) the Director, in making his determination
26 with respect to the merger, consolidation, or other

1 acquisition of control, need not take into account the
2 effect on competition of the merger, consolidation, or
3 other acquisition of control;

4 (3) the Director shall have the power to require the
5 following information:

6 (A) certification by an independent actuary of the
7 adequacy of the reserves of the Health Maintenance
8 Organization sought to be acquired;

9 (B) pro forma financial statements reflecting the
10 combined balance sheets of the acquiring company and
11 the Health Maintenance Organization sought to be
12 acquired as of the end of the preceding year and as of
13 a date 90 days prior to the acquisition, as well as pro
14 forma financial statements reflecting projected
15 combined operation for a period of 2 years;

16 (C) a pro forma business plan detailing an
17 acquiring party's plans with respect to the operation
18 of the Health Maintenance Organization sought to be
19 acquired for a period of not less than 3 years; and

20 (D) such other information as the Director shall
21 require.

22 (d) The provisions of Article VIII 1/2 of the Illinois
23 Insurance Code and this Section 5-3 shall apply to the sale by
24 any health maintenance organization of greater than 10% of its
25 enrollee population (including without limitation the health
26 maintenance organization's right, title, and interest in and

1 to its health care certificates).

2 (e) In considering any management contract or service
3 agreement subject to Section 141.1 of the Illinois Insurance
4 Code, the Director (i) shall, in addition to the criteria
5 specified in Section 141.2 of the Illinois Insurance Code,
6 take into account the effect of the management contract or
7 service agreement on the continuation of benefits to enrollees
8 and the financial condition of the health maintenance
9 organization to be managed or serviced, and (ii) need not take
10 into account the effect of the management contract or service
11 agreement on competition.

12 (f) Except for small employer groups as defined in the
13 Small Employer Rating, Renewability and Portability Health
14 Insurance Act and except for medicare supplement policies as
15 defined in Section 363 of the Illinois Insurance Code, a
16 Health Maintenance Organization may by contract agree with a
17 group or other enrollment unit to effect refunds or charge
18 additional premiums under the following terms and conditions:

19 (i) the amount of, and other terms and conditions with
20 respect to, the refund or additional premium are set forth
21 in the group or enrollment unit contract agreed in advance
22 of the period for which a refund is to be paid or
23 additional premium is to be charged (which period shall
24 not be less than one year); and

25 (ii) the amount of the refund or additional premium
26 shall not exceed 20% of the Health Maintenance

1 Organization's profitable or unprofitable experience with
2 respect to the group or other enrollment unit for the
3 period (and, for purposes of a refund or additional
4 premium, the profitable or unprofitable experience shall
5 be calculated taking into account a pro rata share of the
6 Health Maintenance Organization's administrative and
7 marketing expenses, but shall not include any refund to be
8 made or additional premium to be paid pursuant to this
9 subsection (f)). The Health Maintenance Organization and
10 the group or enrollment unit may agree that the profitable
11 or unprofitable experience may be calculated taking into
12 account the refund period and the immediately preceding 2
13 plan years.

14 The Health Maintenance Organization shall include a
15 statement in the evidence of coverage issued to each enrollee
16 describing the possibility of a refund or additional premium,
17 and upon request of any group or enrollment unit, provide to
18 the group or enrollment unit a description of the method used
19 to calculate (1) the Health Maintenance Organization's
20 profitable experience with respect to the group or enrollment
21 unit and the resulting refund to the group or enrollment unit
22 or (2) the Health Maintenance Organization's unprofitable
23 experience with respect to the group or enrollment unit and
24 the resulting additional premium to be paid by the group or
25 enrollment unit.

26 In no event shall the Illinois Health Maintenance

1 Organization Guaranty Association be liable to pay any
2 contractual obligation of an insolvent organization to pay any
3 refund authorized under this Section.

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

10 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
11 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-393, eff.
12 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625,
13 eff. 1-1-21; 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;
14 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
15 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,
16 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;
17 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.
18 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,
19 eff. 1-1-23; 102-1117, eff. 1-13-23; revised 1-22-23.)

20 Section 445. The Managed Care Reform and Patient Rights
21 Act is amended by changing Sections 15 and 45.1 as follows:

22 (215 ILCS 134/15)

23 Sec. 15. Provision of information.

24 (a) A health care plan shall provide annually to enrollees

1 and prospective enrollees, upon request, a complete list of
2 participating health care providers in the health care plan's
3 service area and a description of the following terms of
4 coverage:

5 (1) the service area;

6 (2) the covered benefits and services with all
7 exclusions, exceptions, and limitations;

8 (3) the pre-certification and other utilization review
9 procedures and requirements;

10 (4) a description of the process for the selection of
11 a primary care physician, any limitation on access to
12 specialists, and the plan's standing referral policy;

13 (5) the emergency coverage and benefits, including any
14 restrictions on emergency care services;

15 (6) the out-of-area coverage and benefits, if any;

16 (7) the enrollee's financial responsibility for
17 copayments, deductibles, premiums, and any other
18 out-of-pocket expenses;

19 (8) the provisions for continuity of treatment in the
20 event a health care provider's participation terminates
21 during the course of an enrollee's treatment by that
22 provider;

23 (9) the appeals process, forms, and time frames for
24 health care services appeals, complaints, and external
25 independent reviews, administrative complaints, and
26 utilization review complaints, including a phone number to

1 call to receive more information from the health care plan
2 concerning the appeals process; and

3 (10) a statement of all basic health care services and
4 all specific benefits and services mandated to be provided
5 to enrollees by any State law or administrative rule.

6 (a-5) Without limiting the generality of subsection (a) of
7 this Section, no qualified health plans shall be offered for
8 sale directly to consumers through the health insurance
9 marketplace operating in the State in accordance with Sections
10 1311 and 1321 of the federal Patient Protection and Affordable
11 Care Act ~~of 2010~~ (Public Law 111-148), as amended by the
12 federal Health Care and Education Reconciliation Act of 2010
13 (Public Law 111-152), and any amendments thereto, or
14 regulations or guidance issued thereunder (collectively, "the
15 Federal Act"), unless, in addition to the information required
16 under subsection (a) of this Section, the following
17 information is available to the consumer at the time he or she
18 is comparing health care plans and their premiums:

19 (1) With respect to prescription drug benefits, the
20 most recently published formulary where a consumer can
21 view in one location covered prescription drugs;
22 information on tiering and the cost-sharing structure for
23 each tier; and information about how a consumer can obtain
24 specific copayment amounts or coinsurance percentages for
25 a specific qualified health plan before enrolling in that
26 plan. This information shall clearly identify the

1 qualified health plan to which it applies.

2 (2) The most recently published provider directory
3 where a consumer can view the provider network that
4 applies to each qualified health plan and information
5 about each provider, including location, contact
6 information, specialty, medical group, if any, any
7 institutional affiliation, and whether the provider is
8 accepting new patients. The information shall clearly
9 identify the qualified health plan to which it applies.

10 In the event of an inconsistency between any separate
11 written disclosure statement and the enrollee contract or
12 certificate, the terms of the enrollee contract or certificate
13 shall control.

14 (b) Upon written request, a health care plan shall provide
15 to enrollees a description of the financial relationships
16 between the health care plan and any health care provider and,
17 if requested, the percentage of copayments, deductibles, and
18 total premiums spent on healthcare related expenses and the
19 percentage of copayments, deductibles, and total premiums
20 spent on other expenses, including administrative expenses,
21 except that no health care plan shall be required to disclose
22 specific provider reimbursement.

23 (c) A participating health care provider shall provide all
24 of the following, where applicable, to enrollees upon request:

25 (1) Information related to the health care provider's
26 educational background, experience, training, specialty,

1 and board certification, if applicable.

2 (2) The names of licensed facilities on the provider
3 panel where the health care provider presently has
4 privileges for the treatment, illness, or procedure that
5 is the subject of the request.

6 (3) Information regarding the health care provider's
7 participation in continuing education programs and
8 compliance with any licensure, certification, or
9 registration requirements, if applicable.

10 (d) A health care plan shall provide the information
11 required to be disclosed under this Act upon enrollment and
12 annually thereafter in a legible and understandable format.
13 The Department shall promulgate rules to establish the format
14 based, to the extent practical, on the standards developed for
15 supplemental insurance coverage under Title XVIII of the
16 federal Social Security Act as a guide, so that a person can
17 compare the attributes of the various health care plans.

18 (e) The written disclosure requirements of this Section
19 may be met by disclosure to one enrollee in a household.

20 (f) Each issuer of qualified health plans for sale
21 directly to consumers through the health insurance marketplace
22 operating in the State shall make the information described in
23 subsection (a) of this Section, for each qualified health plan
24 that it offers, available and accessible to the general public
25 on the company's Internet website and through other means for
26 individuals without access to the Internet.

1 (g) The Department shall ensure that State-operated
2 Internet websites, in addition to the Internet website for the
3 health insurance marketplace established in this State in
4 accordance with the Federal Act and its implementing
5 regulations, prominently provide links to Internet-based
6 materials and tools to help consumers be informed purchasers
7 of health care plans.

8 (h) Nothing in this Section shall be interpreted or
9 implemented in a manner not consistent with the Federal Act.
10 This Section shall apply to all qualified health plans offered
11 for sale directly to consumers through the health insurance
12 marketplace operating in this State for any coverage year
13 beginning on or after January 1, 2015.

14 (Source: P.A. 98-1035, eff. 8-25-14; revised 6-2-22.)

15 (215 ILCS 134/45.1)

16 Sec. 45.1. Medical exceptions procedures required.

17 (a) Notwithstanding any other provision of law, on or
18 after January 1, 2018 (the effective date of Public Act
19 99-761) ~~this amendatory Act of the 99th General Assembly,~~
20 every insurer licensed in this State to sell a policy of group
21 or individual accident and health insurance or a health
22 benefits plan shall establish and maintain a medical
23 exceptions process that allows covered persons or their
24 authorized representatives to request any clinically
25 appropriate prescription drug when (1) the drug is not covered

1 based on the health benefit plan's formulary; (2) the health
2 benefit plan is discontinuing coverage of the drug on the
3 plan's formulary for reasons other than safety or other than
4 because the prescription drug has been withdrawn from the
5 market by the drug's manufacturer; (3) the prescription drug
6 alternatives required to be used in accordance with a step
7 therapy requirement (A) has been ineffective in the treatment
8 of the enrollee's disease or medical condition or, based on
9 both sound clinical evidence and medical and scientific
10 evidence, the known relevant physical or mental
11 characteristics of the enrollee, and the known characteristics
12 of the drug regimen, is likely to be ineffective or adversely
13 affect the drug's effectiveness or patient compliance or (B)
14 has caused or, based on sound medical evidence, is likely to
15 cause an adverse reaction or harm to the enrollee; or (4) the
16 number of doses available under a dose restriction for the
17 prescription drug (A) has been ineffective in the treatment of
18 the enrollee's disease or medical condition or (B) based on
19 both sound clinical evidence and medical and scientific
20 evidence, the known relevant physical and mental
21 characteristics of the enrollee, and known characteristics of
22 the drug regimen, is likely to be ineffective or adversely
23 affect the drug's effective or patient compliance.

24 (b) The health carrier's established medical exceptions
25 procedures must require, at a minimum, the following:

26 (1) Any request for approval of coverage made verbally

1 or in writing (regardless of whether made using a paper or
2 electronic form or some other writing) at any time shall
3 be reviewed by appropriate health care professionals.

4 (2) The health carrier must, within 72 hours after
5 receipt of a request made under subsection (a) of this
6 Section, either approve or deny the request. In the case
7 of a denial, the health carrier shall provide the covered
8 person or the covered person's authorized representative
9 and the covered person's prescribing provider with the
10 reason for the denial, an alternative covered medication,
11 if applicable, and information regarding the procedure for
12 submitting an appeal to the denial.

13 (3) In the case of an expedited coverage
14 determination, the health carrier must either approve or
15 deny the request within 24 hours after receipt of the
16 request. In the case of a denial, the health carrier shall
17 provide the covered person or the covered person's
18 authorized representative and the covered person's
19 prescribing provider with the reason for the denial, an
20 alternative covered medication, if applicable, and
21 information regarding the procedure for submitting an
22 appeal to the denial.

23 (c) A step therapy requirement exception request shall be
24 approved if:

25 (1) the required prescription drug is contraindicated;

26 (2) the patient has tried the required prescription

1 drug while under the patient's current or previous health
2 insurance or health benefit plan and the prescribing
3 provider submits evidence of failure or intolerance; or

4 (3) the patient is stable on a prescription drug
5 selected by his or her health care provider for the
6 medical condition under consideration while on a current
7 or previous health insurance or health benefit plan.

8 (d) Upon the granting of an exception request, the
9 insurer, health plan, utilization review organization, or
10 other entity shall authorize the coverage for the drug
11 prescribed by the enrollee's treating health care provider, to
12 the extent the prescribed drug is a covered drug under the
13 policy or contract up to the quantity covered.

14 (e) Any approval of a medical exception request made
15 pursuant to this Section shall be honored for 12 months
16 following the date of the approval or until renewal of the
17 plan.

18 (f) Notwithstanding any other provision of this Section,
19 nothing in this Section shall be interpreted or implemented in
20 a manner not consistent with the federal Patient Protection
21 and Affordable Care Act ~~of 2010~~ (Public Law 111-148), as
22 amended by the federal Health Care and Education
23 Reconciliation Act of 2010 (Public Law 111-152), and any
24 amendments thereto, or regulations or guidance issued under
25 those Acts.

26 (g) Nothing in this Section shall require or authorize the

1 State agency responsible for the administration of the medical
2 assistance program established under the Illinois Public Aid
3 Code to approve, supply, or cover prescription drugs pursuant
4 to the procedure established in this Section.

5 (Source: P.A. 98-1035, eff. 8-25-14; 99-761, eff. 1-1-18;
6 revised 6-6-22.)

7 Section 450. The Viatical Settlements Act of 2009 is
8 amended by changing Section 20 as follows:

9 (215 ILCS 159/20)

10 Sec. 20. Approval of viatical settlement contracts and
11 disclosure statements. A person shall not use a viatical
12 settlement contract form or provide to a viator a disclosure
13 statement form in this State unless first filed with and
14 approved by the Director. The Director shall disapprove a
15 viatical settlement contract form or disclosure statement form
16 if, in the Director's opinion, the contract or provisions
17 contained therein fail to meet the requirements of this Act or
18 are unreasonable, contrary to the interests of the public, or
19 otherwise misleading or unfair to the viator. At the
20 Director's discretion, the Director may require the submission
21 of advertising material. If the Director disapproves a
22 viatical settlement contract form or disclosure statement
23 form, then the Director shall notify the viatical settlement
24 provider and advise the viatical settlement provider, in

1 writing, of the reason for the disapproval. The viatical
2 settlement provider may make written demand upon the Director
3 within 30 days after the date of mailing for a hearing before
4 the Director to determine the reasonableness of the Director's
5 action. The hearing must be held within not fewer than 20 days
6 nor more than 30 days after the mailing of the notice of
7 hearing and shall be held in accordance with the Illinois
8 Administrative Procedure Act and 50 Ill. Adm. ~~Admin.~~ Code
9 2402.

10 (Source: P.A. 96-736, eff. 7-1-10; revised 2-28-22.)

11 Section 455. The Public Utilities Act is amended by
12 changing Sections 7-213, 8-103B, 8-201.4, 14-102, 14-103,
13 14-104, and 16-108.5 as follows:

14 (220 ILCS 5/7-213)

15 Sec. 7-213. Limitations on the transfer of water systems.

16 (a) In the event of a sale, purchase, or any other transfer
17 of ownership, including, without limitation, the acquisition
18 by eminent domain, of a water system, as defined under Section
19 11-124-5 ~~11-124-10~~ of the Illinois Municipal Code, operated by
20 a privately held public water utility, the water utility's
21 contract or agreements with the acquiring entity (or, in the
22 case of an eminent domain action, the court order) must
23 require that the acquiring entity hire a sufficient number of
24 non-supervisory employees to operate and maintain the water

1 system by initially making offers of employment to the
2 non-supervisory workforce of the water system at no less than
3 the wage rates, and substantially equivalent fringe benefits
4 and terms and conditions of employment that are in effect at
5 the time of transfer of ownership of the water system. The wage
6 rates and substantially equivalent fringe benefits and terms
7 and conditions of employment must continue for at least 30
8 months after the time of the transfer of ownership unless the
9 parties mutually agree to different terms and conditions of
10 employment within that 30-month period.

11 (b) The privately held public water utility shall offer a
12 transition plan to those employees who are not offered jobs by
13 the acquiring entity because that entity has a need for fewer
14 workers. The transition plan shall mitigate employee job
15 losses to the extent practical through such means as offers of
16 voluntary severance, retraining, early retirement, out
17 placement, or related benefits. Before any reduction in the
18 workforce during a water system transaction, the privately
19 held public water utility shall present to the employees, or
20 their representatives, a transition plan outlining the means
21 by which the utility intends to mitigate the impact of the
22 workforce reduction of its employees.

23 (Source: P.A. 94-1007, eff. 1-1-07; revised 8-22-22.)

24 (220 ILCS 5/8-103B)

25 Sec. 8-103B. Energy efficiency and demand-response

1 measures.

2 (a) It is the policy of the State that electric utilities
3 are required to use cost-effective energy efficiency and
4 demand-response measures to reduce delivery load. Requiring
5 investment in cost-effective energy efficiency and
6 demand-response measures will reduce direct and indirect costs
7 to consumers by decreasing environmental impacts and by
8 avoiding or delaying the need for new generation,
9 transmission, and distribution infrastructure. It serves the
10 public interest to allow electric utilities to recover costs
11 for reasonably and prudently incurred expenditures for energy
12 efficiency and demand-response measures. As used in this
13 Section, "cost-effective" means that the measures satisfy the
14 total resource cost test. The low-income measures described in
15 subsection (c) of this Section shall not be required to meet
16 the total resource cost test. For purposes of this Section,
17 the terms "energy-efficiency", "demand-response", "electric
18 utility", and "total resource cost test" have the meanings set
19 forth in the Illinois Power Agency Act. "Black, indigenous,
20 and people of color" and "BIPOC" means people who are members
21 of the groups described in subparagraphs (a) through (e) of
22 paragraph (A) of subsection (1) of Section 2 of the Business
23 Enterprise for Minorities, Women, and Persons with
24 Disabilities Act.

25 (a-5) This Section applies to electric utilities serving
26 more than 500,000 retail customers in the State for those

1 multi-year plans commencing after December 31, 2017.

2 (b) For purposes of this Section, electric utilities
3 subject to this Section that serve more than 3,000,000 retail
4 customers in the State shall be deemed to have achieved a
5 cumulative persisting annual savings of 6.6% from energy
6 efficiency measures and programs implemented during the period
7 beginning January 1, 2012 and ending December 31, 2017, which
8 percent is based on the deemed average weather normalized
9 sales of electric power and energy during calendar years 2014,
10 2015, and 2016 of 88,000,000 MWhs. For the purposes of this
11 subsection (b) and subsection (b-5), the 88,000,000 MWhs of
12 deemed electric power and energy sales shall be reduced by the
13 number of MWhs equal to the sum of the annual consumption of
14 customers that have opted out of subsections (a) through (j)
15 of this Section under paragraph (1) of subsection (l) of this
16 Section, as averaged across the calendar years 2014, 2015, and
17 2016. After 2017, the deemed value of cumulative persisting
18 annual savings from energy efficiency measures and programs
19 implemented during the period beginning January 1, 2012 and
20 ending December 31, 2017, shall be reduced each year, as
21 follows, and the applicable value shall be applied to and
22 count toward the utility's achievement of the cumulative
23 persisting annual savings goals set forth in subsection (b-5):

24 (1) 5.8% deemed cumulative persisting annual savings
25 for the year ending December 31, 2018;

26 (2) 5.2% deemed cumulative persisting annual savings

1 for the year ending December 31, 2019;

2 (3) 4.5% deemed cumulative persisting annual savings
3 for the year ending December 31, 2020;

4 (4) 4.0% deemed cumulative persisting annual savings
5 for the year ending December 31, 2021;

6 (5) 3.5% deemed cumulative persisting annual savings
7 for the year ending December 31, 2022;

8 (6) 3.1% deemed cumulative persisting annual savings
9 for the year ending December 31, 2023;

10 (7) 2.8% deemed cumulative persisting annual savings
11 for the year ending December 31, 2024;

12 (8) 2.5% deemed cumulative persisting annual savings
13 for the year ending December 31, 2025;

14 (9) 2.3% deemed cumulative persisting annual savings
15 for the year ending December 31, 2026;

16 (10) 2.1% deemed cumulative persisting annual savings
17 for the year ending December 31, 2027;

18 (11) 1.8% deemed cumulative persisting annual savings
19 for the year ending December 31, 2028;

20 (12) 1.7% deemed cumulative persisting annual savings
21 for the year ending December 31, 2029;

22 (13) 1.5% deemed cumulative persisting annual savings
23 for the year ending December 31, 2030;

24 (14) 1.3% deemed cumulative persisting annual savings
25 for the year ending December 31, 2031;

26 (15) 1.1% deemed cumulative persisting annual savings

- 1 for the year ending December 31, 2032;
- 2 (16) 0.9% deemed cumulative persisting annual savings
- 3 for the year ending December 31, 2033;
- 4 (17) 0.7% deemed cumulative persisting annual savings
- 5 for the year ending December 31, 2034;
- 6 (18) 0.5% deemed cumulative persisting annual savings
- 7 for the year ending December 31, 2035;
- 8 (19) 0.4% deemed cumulative persisting annual savings
- 9 for the year ending December 31, 2036;
- 10 (20) 0.3% deemed cumulative persisting annual savings
- 11 for the year ending December 31, 2037;
- 12 (21) 0.2% deemed cumulative persisting annual savings
- 13 for the year ending December 31, 2038;
- 14 (22) 0.1% deemed cumulative persisting annual savings
- 15 for the year ending December 31, 2039; and
- 16 (23) 0.0% deemed cumulative persisting annual savings
- 17 for the year ending December 31, 2040 and all subsequent
- 18 years.

19 For purposes of this Section, "cumulative persisting

20 annual savings" means the total electric energy savings in a

21 given year from measures installed in that year or in previous

22 years, but no earlier than January 1, 2012, that are still

23 operational and providing savings in that year because the

24 measures have not yet reached the end of their useful lives.

25 (b-5) Beginning in 2018, electric utilities subject to

26 this Section that serve more than 3,000,000 retail customers

1 in the State shall achieve the following cumulative persisting
2 annual savings goals, as modified by subsection (f) of this
3 Section and as compared to the deemed baseline of 88,000,000
4 MWhs of electric power and energy sales set forth in
5 subsection (b), as reduced by the number of MWhs equal to the
6 sum of the annual consumption of customers that have opted out
7 of subsections (a) through (j) of this Section under paragraph
8 (1) of subsection (l) of this Section as averaged across the
9 calendar years 2014, 2015, and 2016, through the
10 implementation of energy efficiency measures during the
11 applicable year and in prior years, but no earlier than
12 January 1, 2012:

13 (1) 7.8% cumulative persisting annual savings for the
14 year ending December 31, 2018;

15 (2) 9.1% cumulative persisting annual savings for the
16 year ending December 31, 2019;

17 (3) 10.4% cumulative persisting annual savings for the
18 year ending December 31, 2020;

19 (4) 11.8% cumulative persisting annual savings for the
20 year ending December 31, 2021;

21 (5) 13.1% cumulative persisting annual savings for the
22 year ending December 31, 2022;

23 (6) 14.4% cumulative persisting annual savings for the
24 year ending December 31, 2023;

25 (7) 15.7% cumulative persisting annual savings for the
26 year ending December 31, 2024;

1 (8) 17% cumulative persisting annual savings for the
2 year ending December 31, 2025;

3 (9) 17.9% cumulative persisting annual savings for the
4 year ending December 31, 2026;

5 (10) 18.8% cumulative persisting annual savings for
6 the year ending December 31, 2027;

7 (11) 19.7% cumulative persisting annual savings for
8 the year ending December 31, 2028;

9 (12) 20.6% cumulative persisting annual savings for
10 the year ending December 31, 2029; and

11 (13) 21.5% cumulative persisting annual savings for
12 the year ending December 31, 2030.

13 No later than December 31, 2021, the Illinois Commerce
14 Commission shall establish additional cumulative persisting
15 annual savings goals for the years 2031 through 2035. No later
16 than December 31, 2024, the Illinois Commerce Commission shall
17 establish additional cumulative persisting annual savings
18 goals for the years 2036 through 2040. The Commission shall
19 also establish additional cumulative persisting annual savings
20 goals every 5 years thereafter to ensure that utilities always
21 have goals that extend at least 11 years into the future. The
22 cumulative persisting annual savings goals beyond the year
23 2030 shall increase by 0.9 percentage points per year, absent
24 a Commission decision to initiate a proceeding to consider
25 establishing goals that increase by more or less than that
26 amount. Such a proceeding must be conducted in accordance with

1 the procedures described in subsection (f) of this Section. If
2 such a proceeding is initiated, the cumulative persisting
3 annual savings goals established by the Commission through
4 that proceeding shall reflect the Commission's best estimate
5 of the maximum amount of additional savings that are forecast
6 to be cost-effectively achievable unless such best estimates
7 would result in goals that represent less than 0.5 percentage
8 point annual increases in total cumulative persisting annual
9 savings. The Commission may only establish goals that
10 represent less than 0.5 percentage point annual increases in
11 cumulative persisting annual savings if it can demonstrate,
12 based on clear and convincing evidence and through independent
13 analysis, that 0.5 percentage point increases are not
14 cost-effectively achievable. The Commission shall inform its
15 decision based on an energy efficiency potential study that
16 conforms to the requirements of this Section.

17 (b-10) For purposes of this Section, electric utilities
18 subject to this Section that serve less than 3,000,000 retail
19 customers but more than 500,000 retail customers in the State
20 shall be deemed to have achieved a cumulative persisting
21 annual savings of 6.6% from energy efficiency measures and
22 programs implemented during the period beginning January 1,
23 2012 and ending December 31, 2017, which is based on the deemed
24 average weather normalized sales of electric power and energy
25 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.
26 For the purposes of this subsection (b-10) and subsection

1 (b-15), the 36,900,000 MWhs of deemed electric power and
2 energy sales shall be reduced by the number of MWhs equal to
3 the sum of the annual consumption of customers that have opted
4 out of subsections (a) through (j) of this Section under
5 paragraph (1) of subsection (l) of this Section, as averaged
6 across the calendar years 2014, 2015, and 2016. After 2017,
7 the deemed value of cumulative persisting annual savings from
8 energy efficiency measures and programs implemented during the
9 period beginning January 1, 2012 and ending December 31, 2017,
10 shall be reduced each year, as follows, and the applicable
11 value shall be applied to and count toward the utility's
12 achievement of the cumulative persisting annual savings goals
13 set forth in subsection (b-15):

14 (1) 5.8% deemed cumulative persisting annual savings
15 for the year ending December 31, 2018;

16 (2) 5.2% deemed cumulative persisting annual savings
17 for the year ending December 31, 2019;

18 (3) 4.5% deemed cumulative persisting annual savings
19 for the year ending December 31, 2020;

20 (4) 4.0% deemed cumulative persisting annual savings
21 for the year ending December 31, 2021;

22 (5) 3.5% deemed cumulative persisting annual savings
23 for the year ending December 31, 2022;

24 (6) 3.1% deemed cumulative persisting annual savings
25 for the year ending December 31, 2023;

26 (7) 2.8% deemed cumulative persisting annual savings

- 1 for the year ending December 31, 2024;
- 2 (8) 2.5% deemed cumulative persisting annual savings
- 3 for the year ending December 31, 2025;
- 4 (9) 2.3% deemed cumulative persisting annual savings
- 5 for the year ending December 31, 2026;
- 6 (10) 2.1% deemed cumulative persisting annual savings
- 7 for the year ending December 31, 2027;
- 8 (11) 1.8% deemed cumulative persisting annual savings
- 9 for the year ending December 31, 2028;
- 10 (12) 1.7% deemed cumulative persisting annual savings
- 11 for the year ending December 31, 2029;
- 12 (13) 1.5% deemed cumulative persisting annual savings
- 13 for the year ending December 31, 2030;
- 14 (14) 1.3% deemed cumulative persisting annual savings
- 15 for the year ending December 31, 2031;
- 16 (15) 1.1% deemed cumulative persisting annual savings
- 17 for the year ending December 31, 2032;
- 18 (16) 0.9% deemed cumulative persisting annual savings
- 19 for the year ending December 31, 2033;
- 20 (17) 0.7% deemed cumulative persisting annual savings
- 21 for the year ending December 31, 2034;
- 22 (18) 0.5% deemed cumulative persisting annual savings
- 23 for the year ending December 31, 2035;
- 24 (19) 0.4% deemed cumulative persisting annual savings
- 25 for the year ending December 31, 2036;
- 26 (20) 0.3% deemed cumulative persisting annual savings

1 for the year ending December 31, 2037;

2 (21) 0.2% deemed cumulative persisting annual savings
3 for the year ending December 31, 2038;

4 (22) 0.1% deemed cumulative persisting annual savings
5 for the year ending December 31, 2039; and

6 (23) 0.0% deemed cumulative persisting annual savings
7 for the year ending December 31, 2040 and all subsequent
8 years.

9 (b-15) Beginning in 2018, electric utilities subject to
10 this Section that serve less than 3,000,000 retail customers
11 but more than 500,000 retail customers in the State shall
12 achieve the following cumulative persisting annual savings
13 goals, as modified by subsection (b-20) and subsection (f) of
14 this Section and as compared to the deemed baseline as reduced
15 by the number of MWhs equal to the sum of the annual
16 consumption of customers that have opted out of subsections
17 (a) through (j) of this Section under paragraph (1) of
18 subsection (1) of this Section as averaged across the calendar
19 years 2014, 2015, and 2016, through the implementation of
20 energy efficiency measures during the applicable year and in
21 prior years, but no earlier than January 1, 2012:

22 (1) 7.4% cumulative persisting annual savings for the
23 year ending December 31, 2018;

24 (2) 8.2% cumulative persisting annual savings for the
25 year ending December 31, 2019;

26 (3) 9.0% cumulative persisting annual savings for the

1 year ending December 31, 2020;

2 (4) 9.8% cumulative persisting annual savings for the
3 year ending December 31, 2021;

4 (5) 10.6% cumulative persisting annual savings for the
5 year ending December 31, 2022;

6 (6) 11.4% cumulative persisting annual savings for the
7 year ending December 31, 2023;

8 (7) 12.2% cumulative persisting annual savings for the
9 year ending December 31, 2024;

10 (8) 13% cumulative persisting annual savings for the
11 year ending December 31, 2025;

12 (9) 13.6% cumulative persisting annual savings for the
13 year ending December 31, 2026;

14 (10) 14.2% cumulative persisting annual savings for
15 the year ending December 31, 2027;

16 (11) 14.8% cumulative persisting annual savings for
17 the year ending December 31, 2028;

18 (12) 15.4% cumulative persisting annual savings for
19 the year ending December 31, 2029; and

20 (13) 16% cumulative persisting annual savings for the
21 year ending December 31, 2030.

22 No later than December 31, 2021, the Illinois Commerce
23 Commission shall establish additional cumulative persisting
24 annual savings goals for the years 2031 through 2035. No later
25 than December 31, 2024, the Illinois Commerce Commission shall
26 establish additional cumulative persisting annual savings

1 goals for the years 2036 through 2040. The Commission shall
2 also establish additional cumulative persisting annual savings
3 goals every 5 years thereafter to ensure that utilities always
4 have goals that extend at least 11 years into the future. The
5 cumulative persisting annual savings goals beyond the year
6 2030 shall increase by 0.6 percentage points per year, absent
7 a Commission decision to initiate a proceeding to consider
8 establishing goals that increase by more or less than that
9 amount. Such a proceeding must be conducted in accordance with
10 the procedures described in subsection (f) of this Section. If
11 such a proceeding is initiated, the cumulative persisting
12 annual savings goals established by the Commission through
13 that proceeding shall reflect the Commission's best estimate
14 of the maximum amount of additional savings that are forecast
15 to be cost-effectively achievable unless such best estimates
16 would result in goals that represent less than 0.4 percentage
17 point annual increases in total cumulative persisting annual
18 savings. The Commission may only establish goals that
19 represent less than 0.4 percentage point annual increases in
20 cumulative persisting annual savings if it can demonstrate,
21 based on clear and convincing evidence and through independent
22 analysis, that 0.4 percentage point increases are not
23 cost-effectively achievable. The Commission shall inform its
24 decision based on an energy efficiency potential study that
25 conforms to the requirements of this Section.

26 (b-20) Each electric utility subject to this Section may

1 include cost-effective voltage optimization measures in its
2 plans submitted under subsections (f) and (g) of this Section,
3 and the costs incurred by a utility to implement the measures
4 under a Commission-approved plan shall be recovered under the
5 provisions of Article IX or Section 16-108.5 of this Act. For
6 purposes of this Section, the measure life of voltage
7 optimization measures shall be 15 years. The measure life
8 period is independent of the depreciation rate of the voltage
9 optimization assets deployed. Utilities may claim savings from
10 voltage optimization on circuits for more than 15 years if
11 they can demonstrate that they have made additional
12 investments necessary to enable voltage optimization savings
13 to continue beyond 15 years. Such demonstrations must be
14 subject to the review of independent evaluation.

15 Within 270 days after June 1, 2017 (the effective date of
16 Public Act 99-906), an electric utility that serves less than
17 3,000,000 retail customers but more than 500,000 retail
18 customers in the State shall file a plan with the Commission
19 that identifies the cost-effective voltage optimization
20 investment the electric utility plans to undertake through
21 December 31, 2024. The Commission, after notice and hearing,
22 shall approve or approve with modification the plan within 120
23 days after the plan's filing and, in the order approving or
24 approving with modification the plan, the Commission shall
25 adjust the applicable cumulative persisting annual savings
26 goals set forth in subsection (b-15) to reflect any amount of

1 cost-effective energy savings approved by the Commission that
2 is greater than or less than the following cumulative
3 persisting annual savings values attributable to voltage
4 optimization for the applicable year:

5 (1) 0.0% of cumulative persisting annual savings for
6 the year ending December 31, 2018;

7 (2) 0.17% of cumulative persisting annual savings for
8 the year ending December 31, 2019;

9 (3) 0.17% of cumulative persisting annual savings for
10 the year ending December 31, 2020;

11 (4) 0.33% of cumulative persisting annual savings for
12 the year ending December 31, 2021;

13 (5) 0.5% of cumulative persisting annual savings for
14 the year ending December 31, 2022;

15 (6) 0.67% of cumulative persisting annual savings for
16 the year ending December 31, 2023;

17 (7) 0.83% of cumulative persisting annual savings for
18 the year ending December 31, 2024; and

19 (8) 1.0% of cumulative persisting annual savings for
20 the year ending December 31, 2025 and all subsequent
21 years.

22 (b-25) In the event an electric utility jointly offers an
23 energy efficiency measure or program with a gas utility under
24 plans approved under this Section and Section 8-104 of this
25 Act, the electric utility may continue offering the program,
26 including the gas energy efficiency measures, in the event the

1 gas utility discontinues funding the program. In that event,
2 the energy savings value associated with such other fuels
3 shall be converted to electric energy savings on an equivalent
4 Btu basis for the premises. However, the electric utility
5 shall prioritize programs for low-income residential customers
6 to the extent practicable. An electric utility may recover the
7 costs of offering the gas energy efficiency measures under
8 this subsection (b-25).

9 For those energy efficiency measures or programs that save
10 both electricity and other fuels but are not jointly offered
11 with a gas utility under plans approved under this Section and
12 Section 8-104 or not offered with an affiliated gas utility
13 under paragraph (6) of subsection (f) of Section 8-104 of this
14 Act, the electric utility may count savings of fuels other
15 than electricity toward the achievement of its annual savings
16 goal, and the energy savings value associated with such other
17 fuels shall be converted to electric energy savings on an
18 equivalent Btu basis at the premises.

19 In no event shall more than 10% of each year's applicable
20 annual total savings requirement as defined in paragraph (7.5)
21 of subsection (g) of this Section be met through savings of
22 fuels other than electricity.

23 (b-27) Beginning in 2022, an electric utility may offer
24 and promote measures that electrify space heating, water
25 heating, cooling, drying, cooking, industrial processes, and
26 other building and industrial end uses that would otherwise be

1 served by combustion of fossil fuel at the premises, provided
2 that the electrification measures reduce total energy
3 consumption at the premises. The electric utility may count
4 the reduction in energy consumption at the premises toward
5 achievement of its annual savings goals. The reduction in
6 energy consumption at the premises shall be calculated as the
7 difference between: (A) the reduction in Btu consumption of
8 fossil fuels as a result of electrification, converted to
9 kilowatt-hour equivalents by dividing by 3,412 Btus ~~Btu's~~ per
10 kilowatt hour; and (B) the increase in kilowatt hours of
11 electricity consumption resulting from the displacement of
12 fossil fuel consumption as a result of electrification. An
13 electric utility may recover the costs of offering and
14 promoting electrification measures under this subsection
15 (b-27).

16 In no event shall electrification savings counted toward
17 each year's applicable annual total savings requirement, as
18 defined in paragraph (7.5) of subsection (g) of this Section,
19 be greater than:

20 (1) 5% per year for each year from 2022 through 2025;

21 (2) 10% per year for each year from 2026 through 2029;

22 and

23 (3) 15% per year for 2030 and all subsequent years.

24 In addition, a minimum of 25% of all electrification savings
25 counted toward a utility's applicable annual total savings
26 requirement must be from electrification of end uses in

1 low-income housing. The limitations on electrification savings
2 that may be counted toward a utility's annual savings goals
3 are separate from and in addition to the subsection (b-25)
4 limitations governing the counting of the other fuel savings
5 resulting from efficiency measures and programs.

6 As part of the annual informational filing to the
7 Commission that is required under paragraph (9) of subsection
8 (g) of this Section, each utility shall identify the specific
9 electrification measures offered under this subsection
10 ~~subsection~~ (b-27); the quantity of each electrification
11 measure that was installed by its customers; the average total
12 cost, average utility cost, average reduction in fossil fuel
13 consumption, and average increase in electricity consumption
14 associated with each electrification measure; the portion of
15 installations of each electrification measure that were in
16 low-income single-family housing, low-income multifamily
17 housing, non-low-income single-family housing, non-low-income
18 multifamily housing, commercial buildings, and industrial
19 facilities; and the quantity of savings associated with each
20 measure category in each customer category that are being
21 counted toward the utility's applicable annual total savings
22 requirement. Prior to installing an electrification measure,
23 the utility shall provide a customer with an estimate of the
24 impact of the new measure on the customer's average monthly
25 electric bill and total annual energy expenses.

26 (c) Electric utilities shall be responsible for overseeing

1 the design, development, and filing of energy efficiency plans
2 with the Commission and may, as part of that implementation,
3 outsource various aspects of program development and
4 implementation. A minimum of 10%, for electric utilities that
5 serve more than 3,000,000 retail customers in the State, and a
6 minimum of 7%, for electric utilities that serve less than
7 3,000,000 retail customers but more than 500,000 retail
8 customers in the State, of the utility's entire portfolio
9 funding level for a given year shall be used to procure
10 cost-effective energy efficiency measures from units of local
11 government, municipal corporations, school districts, public
12 housing, and community college districts, provided that a
13 minimum percentage of available funds shall be used to procure
14 energy efficiency from public housing, which percentage shall
15 be equal to public housing's share of public building energy
16 consumption.

17 The utilities shall also implement energy efficiency
18 measures targeted at low-income households, which, for
19 purposes of this Section, shall be defined as households at or
20 below 80% of area median income, and expenditures to implement
21 the measures shall be no less than \$40,000,000 per year for
22 electric utilities that serve more than 3,000,000 retail
23 customers in the State and no less than \$13,000,000 per year
24 for electric utilities that serve less than 3,000,000 retail
25 customers but more than 500,000 retail customers in the State.
26 The ratio of spending on efficiency programs targeted at

1 low-income multifamily buildings to spending on efficiency
2 programs targeted at low-income single-family buildings shall
3 be designed to achieve levels of savings from each building
4 type that are approximately proportional to the magnitude of
5 cost-effective lifetime savings potential in each building
6 type. Investment in low-income whole-building weatherization
7 programs shall constitute a minimum of 80% of a utility's
8 total budget specifically dedicated to serving low-income
9 customers.

10 The utilities shall work to bundle low-income energy
11 efficiency offerings with other programs that serve low-income
12 households to maximize the benefits going to these households.
13 The utilities shall market and implement low-income energy
14 efficiency programs in coordination with low-income assistance
15 programs, the Illinois Solar for All Program, and
16 weatherization whenever practicable. The program implementer
17 shall walk the customer through the enrollment process for any
18 programs for which the customer is eligible. The utilities
19 shall also pilot targeting customers with high arrearages,
20 high energy intensity (ratio of energy usage divided by home
21 or unit square footage), or energy assistance programs with
22 energy efficiency offerings, and then track reduction in
23 arrearages as a result of the targeting. This targeting and
24 bundling of low-income energy programs shall be offered to
25 both low-income single-family and multifamily customers
26 (owners and residents).

1 The utilities shall invest in health and safety measures
2 appropriate and necessary for comprehensively weatherizing a
3 home or multifamily building, and shall implement a health and
4 safety fund of at least 15% of the total income-qualified
5 weatherization budget that shall be used for the purpose of
6 making grants for technical assistance, construction,
7 reconstruction, improvement, or repair of buildings to
8 facilitate their participation in the energy efficiency
9 programs targeted at low-income single-family and multifamily
10 households. These funds may also be used for the purpose of
11 making grants for technical assistance, construction,
12 reconstruction, improvement, or repair of the following
13 buildings to facilitate their participation in the energy
14 efficiency programs created by this Section: (1) buildings
15 that are owned or operated by registered 501(c)(3) public
16 charities; and (2) day care centers, day care homes, or group
17 day care homes, as defined under 89 Ill. Adm. Code Part 406,
18 407, or 408, respectively.

19 Each electric utility shall assess opportunities to
20 implement cost-effective energy efficiency measures and
21 programs through a public housing authority or authorities
22 located in its service territory. If such opportunities are
23 identified, the utility shall propose such measures and
24 programs to address the opportunities. Expenditures to address
25 such opportunities shall be credited toward the minimum
26 procurement and expenditure requirements set forth in this

1 subsection (c).

2 Implementation of energy efficiency measures and programs
3 targeted at low-income households should be contracted, when
4 it is practicable, to independent third parties that have
5 demonstrated capabilities to serve such households, with a
6 preference for not-for-profit entities and government agencies
7 that have existing relationships with or experience serving
8 low-income communities in the State.

9 Each electric utility shall develop and implement
10 reporting procedures that address and assist in determining
11 the amount of energy savings that can be applied to the
12 low-income procurement and expenditure requirements set forth
13 in this subsection (c). Each electric utility shall also track
14 the types and quantities or volumes of insulation and air
15 sealing materials, and their associated energy saving
16 benefits, installed in energy efficiency programs targeted at
17 low-income single-family and multifamily households.

18 The electric utilities shall participate in a low-income
19 energy efficiency accountability committee ("the committee"),
20 which will directly inform the design, implementation, and
21 evaluation of the low-income and public-housing energy
22 efficiency programs. The committee shall be comprised of the
23 electric utilities subject to the requirements of this
24 Section, the gas utilities subject to the requirements of
25 Section 8-104 of this Act, the utilities' low-income energy
26 efficiency implementation contractors, nonprofit

1 organizations, community action agencies, advocacy groups,
2 State and local governmental agencies, public-housing
3 organizations, and representatives of community-based
4 organizations, especially those living in or working with
5 environmental justice communities and BIPOC communities. The
6 committee shall be composed of 2 geographically differentiated
7 subcommittees: one for stakeholders in northern Illinois and
8 one for stakeholders in central and southern Illinois. The
9 subcommittees shall meet together at least twice per year.

10 There shall be one statewide leadership committee led by
11 and composed of community-based organizations that are
12 representative of BIPOC and environmental justice communities
13 and that includes equitable representation from BIPOC
14 communities. The leadership committee shall be composed of an
15 equal number of representatives from the 2 subcommittees. The
16 subcommittees shall address specific programs and issues, with
17 the leadership committee convening targeted workgroups as
18 needed. The leadership committee may elect to work with an
19 independent facilitator to solicit and organize feedback,
20 recommendations and meeting participation from a wide variety
21 of community-based stakeholders. If a facilitator is used,
22 they shall be fair and responsive to the needs of all
23 stakeholders involved in the committee.

24 All committee meetings must be accessible, with rotating
25 locations if meetings are held in-person, virtual
26 participation options, and materials and agendas circulated in

1 advance.

2 There shall also be opportunities for direct input by
3 committee members outside of committee meetings, such as via
4 individual meetings, surveys, emails and calls, to ensure
5 robust participation by stakeholders with limited capacity and
6 ability to attend committee meetings. Committee meetings shall
7 emphasize opportunities to bundle and coordinate delivery of
8 low-income energy efficiency with other programs that serve
9 low-income communities, such as the Illinois Solar for All
10 Program and bill payment assistance programs. Meetings shall
11 include educational opportunities for stakeholders to learn
12 more about these additional offerings, and the committee shall
13 assist in figuring out the best methods for coordinated
14 delivery and implementation of offerings when serving
15 low-income communities. The committee shall directly and
16 equitably influence and inform utility low-income and
17 public-housing energy efficiency programs and priorities.
18 Participating utilities shall implement recommendations from
19 the committee whenever possible.

20 Participating utilities shall track and report how input
21 from the committee has led to new approaches and changes in
22 their energy efficiency portfolios. This reporting shall occur
23 at committee meetings and in quarterly energy efficiency
24 reports to the Stakeholder Advisory Group and Illinois
25 Commerce Commission, and other relevant reporting mechanisms.
26 Participating utilities shall also report on relevant equity

1 data and metrics requested by the committee, such as energy
2 burden data, geographic, racial, and other relevant
3 demographic data on where programs are being delivered and
4 what populations programs are serving.

5 The Illinois Commerce Commission shall oversee and have
6 relevant staff participate in the committee. The committee
7 shall have a budget of 0.25% of each utility's entire
8 efficiency portfolio funding for a given year. The budget
9 shall be overseen by the Commission. The budget shall be used
10 to provide grants for community-based organizations serving on
11 the leadership committee, stipends for community-based
12 organizations participating in the committee, grants for
13 community-based organizations to do energy efficiency outreach
14 and education, and relevant meeting needs as determined by the
15 leadership committee. The education and outreach shall
16 include, but is not limited to, basic energy efficiency
17 education, information about low-income energy efficiency
18 programs, and information on the committee's purpose,
19 structure, and activities.

20 (d) Notwithstanding any other provision of law to the
21 contrary, a utility providing approved energy efficiency
22 measures and, if applicable, demand-response measures in the
23 State shall be permitted to recover all reasonable and
24 prudently incurred costs of those measures from all retail
25 customers, except as provided in subsection (1) of this
26 Section, as follows, provided that nothing in this subsection

1 (d) permits the double recovery of such costs from customers:

2 (1) The utility may recover its costs through an
3 automatic adjustment clause tariff filed with and approved
4 by the Commission. The tariff shall be established outside
5 the context of a general rate case. Each year the
6 Commission shall initiate a review to reconcile any
7 amounts collected with the actual costs and to determine
8 the required adjustment to the annual tariff factor to
9 match annual expenditures. To enable the financing of the
10 incremental capital expenditures, including regulatory
11 assets, for electric utilities that serve less than
12 3,000,000 retail customers but more than 500,000 retail
13 customers in the State, the utility's actual year-end
14 capital structure that includes a common equity ratio,
15 excluding goodwill, of up to and including 50% of the
16 total capital structure shall be deemed reasonable and
17 used to set rates.

18 (2) A utility may recover its costs through an energy
19 efficiency formula rate approved by the Commission under a
20 filing under subsections (f) and (g) of this Section,
21 which shall specify the cost components that form the
22 basis of the rate charged to customers with sufficient
23 specificity to operate in a standardized manner and be
24 updated annually with transparent information that
25 reflects the utility's actual costs to be recovered during
26 the applicable rate year, which is the period beginning

1 with the first billing day of January and extending
2 through the last billing day of the following December.
3 The energy efficiency formula rate shall be implemented
4 through a tariff filed with the Commission under
5 subsections (f) and (g) of this Section that is consistent
6 with the provisions of this paragraph (2) and that shall
7 be applicable to all delivery services customers. The
8 Commission shall conduct an investigation of the tariff in
9 a manner consistent with the provisions of this paragraph
10 (2), subsections (f) and (g) of this Section, and the
11 provisions of Article IX of this Act to the extent they do
12 not conflict with this paragraph (2). The energy
13 efficiency formula rate approved by the Commission shall
14 remain in effect at the discretion of the utility and
15 shall do the following:

16 (A) Provide for the recovery of the utility's
17 actual costs incurred under this Section that are
18 prudently incurred and reasonable in amount consistent
19 with Commission practice and law. The sole fact that a
20 cost differs from that incurred in a prior calendar
21 year or that an investment is different from that made
22 in a prior calendar year shall not imply the
23 imprudence or unreasonableness of that cost or
24 investment.

25 (B) Reflect the utility's actual year-end capital
26 structure for the applicable calendar year, excluding

1 goodwill, subject to a determination of prudence and
2 reasonableness consistent with Commission practice and
3 law. To enable the financing of the incremental
4 capital expenditures, including regulatory assets, for
5 electric utilities that serve less than 3,000,000
6 retail customers but more than 500,000 retail
7 customers in the State, a participating electric
8 utility's actual year-end capital structure that
9 includes a common equity ratio, excluding goodwill, of
10 up to and including 50% of the total capital structure
11 shall be deemed reasonable and used to set rates.

12 (C) Include a cost of equity, which shall be
13 calculated as the sum of the following:

14 (i) the average for the applicable calendar
15 year of the monthly average yields of 30-year U.S.
16 Treasury bonds published by the Board of Governors
17 of the Federal Reserve System in its weekly H.15
18 Statistical Release or successor publication; and

19 (ii) 580 basis points.

20 At such time as the Board of Governors of the
21 Federal Reserve System ceases to include the monthly
22 average yields of 30-year U.S. Treasury bonds in its
23 weekly H.15 Statistical Release or successor
24 publication, the monthly average yields of the U.S.
25 Treasury bonds then having the longest duration
26 published by the Board of Governors in its weekly H.15

1 Statistical Release or successor publication shall
2 instead be used for purposes of this paragraph (2).

3 (D) Permit and set forth protocols, subject to a
4 determination of prudence and reasonableness
5 consistent with Commission practice and law, for the
6 following:

7 (i) recovery of incentive compensation expense
8 that is based on the achievement of operational
9 metrics, including metrics related to budget
10 controls, outage duration and frequency, safety,
11 customer service, efficiency and productivity, and
12 environmental compliance; however, this protocol
13 shall not apply if such expense related to costs
14 incurred under this Section is recovered under
15 Article IX or Section 16-108.5 of this Act;
16 incentive compensation expense that is based on
17 net income or an affiliate's earnings per share
18 shall not be recoverable under the energy
19 efficiency formula rate;

20 (ii) recovery of pension and other
21 post-employment benefits expense, provided that
22 such costs are supported by an actuarial study;
23 however, this protocol shall not apply if such
24 expense related to costs incurred under this
25 Section is recovered under Article IX or Section
26 16-108.5 of this Act;

1 (iii) recovery of existing regulatory assets
2 over the periods previously authorized by the
3 Commission;

4 (iv) as described in subsection (e),
5 amortization of costs incurred under this Section;
6 and

7 (v) projected, weather normalized billing
8 determinants for the applicable rate year.

9 (E) Provide for an annual reconciliation, as
10 described in paragraph (3) of this subsection (d),
11 less any deferred taxes related to the reconciliation,
12 with interest at an annual rate of return equal to the
13 utility's weighted average cost of capital, including
14 a revenue conversion factor calculated to recover or
15 refund all additional income taxes that may be payable
16 or receivable as a result of that return, of the energy
17 efficiency revenue requirement reflected in rates for
18 each calendar year, beginning with the calendar year
19 in which the utility files its energy efficiency
20 formula rate tariff under this paragraph (2), with
21 what the revenue requirement would have been had the
22 actual cost information for the applicable calendar
23 year been available at the filing date.

24 The utility shall file, together with its tariff, the
25 projected costs to be incurred by the utility during the
26 rate year under the utility's multi-year plan approved

1 under subsections (f) and (g) of this Section, including,
2 but not limited to, the projected capital investment costs
3 and projected regulatory asset balances with
4 correspondingly updated depreciation and amortization
5 reserves and expense, that shall populate the energy
6 efficiency formula rate and set the initial rates under
7 the formula.

8 The Commission shall review the proposed tariff in
9 conjunction with its review of a proposed multi-year plan,
10 as specified in paragraph (5) of subsection (g) of this
11 Section. The review shall be based on the same evidentiary
12 standards, including, but not limited to, those concerning
13 the prudence and reasonableness of the costs incurred by
14 the utility, the Commission applies in a hearing to review
15 a filing for a general increase in rates under Article IX
16 of this Act. The initial rates shall take effect beginning
17 with the January monthly billing period following the
18 Commission's approval.

19 The tariff's rate design and cost allocation across
20 customer classes shall be consistent with the utility's
21 automatic adjustment clause tariff in effect on June 1,
22 2017 (the effective date of Public Act 99-906); however,
23 the Commission may revise the tariff's rate design and
24 cost allocation in subsequent proceedings under paragraph
25 (3) of this subsection (d).

26 If the energy efficiency formula rate is terminated,

1 the then current rates shall remain in effect until such
2 time as the energy efficiency costs are incorporated into
3 new rates that are set under this subsection (d) or
4 Article IX of this Act, subject to retroactive rate
5 adjustment, with interest, to reconcile rates charged with
6 actual costs.

7 (3) The provisions of this paragraph (3) shall only
8 apply to an electric utility that has elected to file an
9 energy efficiency formula rate under paragraph (2) of this
10 subsection (d). Subsequent to the Commission's issuance of
11 an order approving the utility's energy efficiency formula
12 rate structure and protocols, and initial rates under
13 paragraph (2) of this subsection (d), the utility shall
14 file, on or before June 1 of each year, with the Chief
15 Clerk of the Commission its updated cost inputs to the
16 energy efficiency formula rate for the applicable rate
17 year and the corresponding new charges, as well as the
18 information described in paragraph (9) of subsection (g)
19 of this Section. Each such filing shall conform to the
20 following requirements and include the following
21 information:

22 (A) The inputs to the energy efficiency formula
23 rate for the applicable rate year shall be based on the
24 projected costs to be incurred by the utility during
25 the rate year under the utility's multi-year plan
26 approved under subsections (f) and (g) of this

1 Section, including, but not limited to, projected
2 capital investment costs and projected regulatory
3 asset balances with correspondingly updated
4 depreciation and amortization reserves and expense.
5 The filing shall also include a reconciliation of the
6 energy efficiency revenue requirement that was in
7 effect for the prior rate year (as set by the cost
8 inputs for the prior rate year) with the actual
9 revenue requirement for the prior rate year
10 (determined using a year-end rate base) that uses
11 amounts reflected in the applicable FERC Form 1 that
12 reports the actual costs for the prior rate year. Any
13 over-collection or under-collection indicated by such
14 reconciliation shall be reflected as a credit against,
15 or recovered as an additional charge to, respectively,
16 with interest calculated at a rate equal to the
17 utility's weighted average cost of capital approved by
18 the Commission for the prior rate year, the charges
19 for the applicable rate year. Such over-collection or
20 under-collection shall be adjusted to remove any
21 deferred taxes related to the reconciliation, for
22 purposes of calculating interest at an annual rate of
23 return equal to the utility's weighted average cost of
24 capital approved by the Commission for the prior rate
25 year, including a revenue conversion factor calculated
26 to recover or refund all additional income taxes that

1 may be payable or receivable as a result of that
2 return. Each reconciliation shall be certified by the
3 participating utility in the same manner that FERC
4 Form 1 is certified. The filing shall also include the
5 charge or credit, if any, resulting from the
6 calculation required by subparagraph (E) of paragraph
7 (2) of this subsection (d).

8 Notwithstanding any other provision of law to the
9 contrary, the intent of the reconciliation is to
10 ultimately reconcile both the revenue requirement
11 reflected in rates for each calendar year, beginning
12 with the calendar year in which the utility files its
13 energy efficiency formula rate tariff under paragraph
14 (2) of this subsection (d), with what the revenue
15 requirement determined using a year-end rate base for
16 the applicable calendar year would have been had the
17 actual cost information for the applicable calendar
18 year been available at the filing date.

19 For purposes of this Section, "FERC Form 1" means
20 the Annual Report of Major Electric Utilities,
21 Licensees and Others that electric utilities are
22 required to file with the Federal Energy Regulatory
23 Commission under the Federal Power Act, Sections 3,
24 4(a), 304 and 209, modified as necessary to be
25 consistent with 83 Ill. Adm. ~~Admin.~~ Code Part 415 as of
26 May 1, 2011. Nothing in this Section is intended to

1 allow costs that are not otherwise recoverable to be
2 recoverable by virtue of inclusion in FERC Form 1.

3 (B) The new charges shall take effect beginning on
4 the first billing day of the following January billing
5 period and remain in effect through the last billing
6 day of the next December billing period regardless of
7 whether the Commission enters upon a hearing under
8 this paragraph (3).

9 (C) The filing shall include relevant and
10 necessary data and documentation for the applicable
11 rate year. Normalization adjustments shall not be
12 required.

13 Within 45 days after the utility files its annual
14 update of cost inputs to the energy efficiency formula
15 rate, the Commission shall with reasonable notice,
16 initiate a proceeding concerning whether the projected
17 costs to be incurred by the utility and recovered during
18 the applicable rate year, and that are reflected in the
19 inputs to the energy efficiency formula rate, are
20 consistent with the utility's approved multi-year plan
21 under subsections (f) and (g) of this Section and whether
22 the costs incurred by the utility during the prior rate
23 year were prudent and reasonable. The Commission shall
24 also have the authority to investigate the information and
25 data described in paragraph (9) of subsection (g) of this
26 Section, including the proposed adjustment to the

1 utility's return on equity component of its weighted
2 average cost of capital. During the course of the
3 proceeding, each objection shall be stated with
4 particularity and evidence provided in support thereof,
5 after which the utility shall have the opportunity to
6 rebut the evidence. Discovery shall be allowed consistent
7 with the Commission's Rules of Practice, which Rules of
8 Practice shall be enforced by the Commission or the
9 assigned administrative law judge. The Commission shall
10 apply the same evidentiary standards, including, but not
11 limited to, those concerning the prudence and
12 reasonableness of the costs incurred by the utility,
13 during the proceeding as it would apply in a proceeding to
14 review a filing for a general increase in rates under
15 Article IX of this Act. The Commission shall not, however,
16 have the authority in a proceeding under this paragraph
17 (3) to consider or order any changes to the structure or
18 protocols of the energy efficiency formula rate approved
19 under paragraph (2) of this subsection (d). In a
20 proceeding under this paragraph (3), the Commission shall
21 enter its order no later than the earlier of 195 days after
22 the utility's filing of its annual update of cost inputs
23 to the energy efficiency formula rate or December 15. The
24 utility's proposed return on equity calculation, as
25 described in paragraphs (7) through (9) of subsection (g)
26 of this Section, shall be deemed the final, approved

1 calculation on December 15 of the year in which it is filed
2 unless the Commission enters an order on or before
3 December 15, after notice and hearing, that modifies such
4 calculation consistent with this Section. The Commission's
5 determinations of the prudence and reasonableness of the
6 costs incurred, and determination of such return on equity
7 calculation, for the applicable calendar year shall be
8 final upon entry of the Commission's order and shall not
9 be subject to reopening, reexamination, or collateral
10 attack in any other Commission proceeding, case, docket,
11 order, rule, or regulation; however, nothing in this
12 paragraph (3) shall prohibit a party from petitioning the
13 Commission to rehear or appeal to the courts the order
14 under the provisions of this Act.

15 (e) Beginning on June 1, 2017 (the effective date of
16 Public Act 99-906), a utility subject to the requirements of
17 this Section may elect to defer, as a regulatory asset, up to
18 the full amount of its expenditures incurred under this
19 Section for each annual period, including, but not limited to,
20 any expenditures incurred above the funding level set by
21 subsection (f) of this Section for a given year. The total
22 expenditures deferred as a regulatory asset in a given year
23 shall be amortized and recovered over a period that is equal to
24 the weighted average of the energy efficiency measure lives
25 implemented for that year that are reflected in the regulatory
26 asset. The unamortized balance shall be recognized as of

1 December 31 for a given year. The utility shall also earn a
2 return on the total of the unamortized balances of all of the
3 energy efficiency regulatory assets, less any deferred taxes
4 related to those unamortized balances, at an annual rate equal
5 to the utility's weighted average cost of capital that
6 includes, based on a year-end capital structure, the utility's
7 actual cost of debt for the applicable calendar year and a cost
8 of equity, which shall be calculated as the sum of the (i) the
9 average for the applicable calendar year of the monthly
10 average yields of 30-year U.S. Treasury bonds published by the
11 Board of Governors of the Federal Reserve System in its weekly
12 H.15 Statistical Release or successor publication; and (ii)
13 580 basis points, including a revenue conversion factor
14 calculated to recover or refund all additional income taxes
15 that may be payable or receivable as a result of that return.
16 Capital investment costs shall be depreciated and recovered
17 over their useful lives consistent with generally accepted
18 accounting principles. The weighted average cost of capital
19 shall be applied to the capital investment cost balance, less
20 any accumulated depreciation and accumulated deferred income
21 taxes, as of December 31 for a given year.

22 When an electric utility creates a regulatory asset under
23 the provisions of this Section, the costs are recovered over a
24 period during which customers also receive a benefit which is
25 in the public interest. Accordingly, it is the intent of the
26 General Assembly that an electric utility that elects to

1 create a regulatory asset under the provisions of this Section
2 shall recover all of the associated costs as set forth in this
3 Section. After the Commission has approved the prudence and
4 reasonableness of the costs that comprise the regulatory
5 asset, the electric utility shall be permitted to recover all
6 such costs, and the value and recoverability through rates of
7 the associated regulatory asset shall not be limited, altered,
8 impaired, or reduced.

9 (f) Beginning in 2017, each electric utility shall file an
10 energy efficiency plan with the Commission to meet the energy
11 efficiency standards for the next applicable multi-year period
12 beginning January 1 of the year following the filing,
13 according to the schedule set forth in paragraphs (1) through
14 (3) of this subsection (f). If a utility does not file such a
15 plan on or before the applicable filing deadline for the plan,
16 it shall face a penalty of \$100,000 per day until the plan is
17 filed.

18 (1) No later than 30 days after June 1, 2017 (the
19 effective date of Public Act 99-906), each electric
20 utility shall file a 4-year energy efficiency plan
21 commencing on January 1, 2018 that is designed to achieve
22 the cumulative persisting annual savings goals specified
23 in paragraphs (1) through (4) of subsection (b-5) of this
24 Section or in paragraphs (1) through (4) of subsection
25 (b-15) of this Section, as applicable, through
26 implementation of energy efficiency measures; however, the

1 goals may be reduced if the utility's expenditures are
2 limited pursuant to subsection (m) of this Section or, for
3 a utility that serves less than 3,000,000 retail
4 customers, if each of the following conditions are met:
5 (A) the plan's analysis and forecasts of the utility's
6 ability to acquire energy savings demonstrate that
7 achievement of such goals is not cost effective; and (B)
8 the amount of energy savings achieved by the utility as
9 determined by the independent evaluator for the most
10 recent year for which savings have been evaluated
11 preceding the plan filing was less than the average annual
12 amount of savings required to achieve the goals for the
13 applicable 4-year plan period. Except as provided in
14 subsection (m) of this Section, annual increases in
15 cumulative persisting annual savings goals during the
16 applicable 4-year plan period shall not be reduced to
17 amounts that are less than the maximum amount of
18 cumulative persisting annual savings that is forecast to
19 be cost-effectively achievable during the 4-year plan
20 period. The Commission shall review any proposed goal
21 reduction as part of its review and approval of the
22 utility's proposed plan.

23 (2) No later than March 1, 2021, each electric utility
24 shall file a 4-year energy efficiency plan commencing on
25 January 1, 2022 that is designed to achieve the cumulative
26 persisting annual savings goals specified in paragraphs

1 (5) through (8) of subsection (b-5) of this Section or in
2 paragraphs (5) through (8) of subsection (b-15) of this
3 Section, as applicable, through implementation of energy
4 efficiency measures; however, the goals may be reduced if
5 either (1) clear and convincing evidence demonstrates,
6 through independent analysis, that the expenditure limits
7 in subsection (m) of this Section preclude full
8 achievement of the goals or (2) each of the following
9 conditions are met: (A) the plan's analysis and forecasts
10 of the utility's ability to acquire energy savings
11 demonstrate by clear and convincing evidence and through
12 independent analysis that achievement of such goals is not
13 cost effective; and (B) the amount of energy savings
14 achieved by the utility as determined by the independent
15 evaluator for the most recent year for which savings have
16 been evaluated preceding the plan filing was less than the
17 average annual amount of savings required to achieve the
18 goals for the applicable 4-year plan period. If there is
19 not clear and convincing evidence that achieving the
20 savings goals specified in paragraph (b-5) or (b-15) of
21 this Section is possible both cost-effectively and within
22 the expenditure limits in subsection (m), such savings
23 goals shall not be reduced. Except as provided in
24 subsection (m) of this Section, annual increases in
25 cumulative persisting annual savings goals during the
26 applicable 4-year plan period shall not be reduced to

1 amounts that are less than the maximum amount of
2 cumulative persisting annual savings that is forecast to
3 be cost-effectively achievable during the 4-year plan
4 period. The Commission shall review any proposed goal
5 reduction as part of its review and approval of the
6 utility's proposed plan.

7 (3) No later than March 1, 2025, each electric utility
8 shall file a 4-year energy efficiency plan commencing on
9 January 1, 2026 that is designed to achieve the cumulative
10 persisting annual savings goals specified in paragraphs
11 (9) through (12) of subsection (b-5) of this Section or in
12 paragraphs (9) through (12) of subsection (b-15) of this
13 Section, as applicable, through implementation of energy
14 efficiency measures; however, the goals may be reduced if
15 either (1) clear and convincing evidence demonstrates,
16 through independent analysis, that the expenditure limits
17 in subsection (m) of this Section preclude full
18 achievement of the goals or (2) each of the following
19 conditions are met: (A) the plan's analysis and forecasts
20 of the utility's ability to acquire energy savings
21 demonstrate by clear and convincing evidence and through
22 independent analysis that achievement of such goals is not
23 cost effective; and (B) the amount of energy savings
24 achieved by the utility as determined by the independent
25 evaluator for the most recent year for which savings have
26 been evaluated preceding the plan filing was less than the

1 average annual amount of savings required to achieve the
2 goals for the applicable 4-year plan period. If there is
3 not clear and convincing evidence that achieving the
4 savings goals specified in paragraphs (b-5) or (b-15) of
5 this Section is possible both cost-effectively and within
6 the expenditure limits in subsection (m), such savings
7 goals shall not be reduced. Except as provided in
8 subsection (m) of this Section, annual increases in
9 cumulative persisting annual savings goals during the
10 applicable 4-year plan period shall not be reduced to
11 amounts that are less than the maximum amount of
12 cumulative persisting annual savings that is forecast to
13 be cost-effectively achievable during the 4-year plan
14 period. The Commission shall review any proposed goal
15 reduction as part of its review and approval of the
16 utility's proposed plan.

17 (4) No later than March 1, 2029, and every 4 years
18 thereafter, each electric utility shall file a 4-year
19 energy efficiency plan commencing on January 1, 2030, and
20 every 4 years thereafter, respectively, that is designed
21 to achieve the cumulative persisting annual savings goals
22 established by the Illinois Commerce Commission pursuant
23 to direction of subsections (b-5) and (b-15) of this
24 Section, as applicable, through implementation of energy
25 efficiency measures; however, the goals may be reduced if
26 either (1) clear and convincing evidence and independent

1 analysis demonstrates that the expenditure limits in
2 subsection (m) of this Section preclude full achievement
3 of the goals or (2) each of the following conditions are
4 met: (A) the plan's analysis and forecasts of the
5 utility's ability to acquire energy savings demonstrate by
6 clear and convincing evidence and through independent
7 analysis that achievement of such goals is not
8 cost-effective; and (B) the amount of energy savings
9 achieved by the utility as determined by the independent
10 evaluator for the most recent year for which savings have
11 been evaluated preceding the plan filing was less than the
12 average annual amount of savings required to achieve the
13 goals for the applicable 4-year plan period. If there is
14 not clear and convincing evidence that achieving the
15 savings goals specified in paragraphs (b-5) or (b-15) of
16 this Section is possible both cost-effectively and within
17 the expenditure limits in subsection (m), such savings
18 goals shall not be reduced. Except as provided in
19 subsection (m) of this Section, annual increases in
20 cumulative persisting annual savings goals during the
21 applicable 4-year plan period shall not be reduced to
22 amounts that are less than the maximum amount of
23 cumulative persisting annual savings that is forecast to
24 be cost-effectively achievable during the 4-year plan
25 period. The Commission shall review any proposed goal
26 reduction as part of its review and approval of the

1 utility's proposed plan.

2 Each utility's plan shall set forth the utility's
3 proposals to meet the energy efficiency standards identified
4 in subsection (b-5) or (b-15), as applicable and as such
5 standards may have been modified under this subsection (f),
6 taking into account the unique circumstances of the utility's
7 service territory. For those plans commencing on January 1,
8 2018, the Commission shall seek public comment on the
9 utility's plan and shall issue an order approving or
10 disapproving each plan no later than 105 days after June 1,
11 2017 (the effective date of Public Act 99-906). For those
12 plans commencing after December 31, 2021, the Commission shall
13 seek public comment on the utility's plan and shall issue an
14 order approving or disapproving each plan within 6 months
15 after its submission. If the Commission disapproves a plan,
16 the Commission shall, within 30 days, describe in detail the
17 reasons for the disapproval and describe a path by which the
18 utility may file a revised draft of the plan to address the
19 Commission's concerns satisfactorily. If the utility does not
20 refile with the Commission within 60 days, the utility shall
21 be subject to penalties at a rate of \$100,000 per day until the
22 plan is filed. This process shall continue, and penalties
23 shall accrue, until the utility has successfully filed a
24 portfolio of energy efficiency and demand-response measures.
25 Penalties shall be deposited into the Energy Efficiency Trust
26 Fund.

1 (g) In submitting proposed plans and funding levels under
2 subsection (f) of this Section to meet the savings goals
3 identified in subsection (b-5) or (b-15) of this Section, as
4 applicable, the utility shall:

5 (1) Demonstrate that its proposed energy efficiency
6 measures will achieve the applicable requirements that are
7 identified in subsection (b-5) or (b-15) of this Section,
8 as modified by subsection (f) of this Section.

9 (2) (Blank).

10 (2.5) Demonstrate consideration of program options for
11 (A) advancing new building codes, appliance standards, and
12 municipal regulations governing existing and new building
13 efficiency improvements and (B) supporting efforts to
14 improve compliance with new building codes, appliance
15 standards and municipal regulations, as potentially
16 cost-effective means of acquiring energy savings to count
17 toward savings goals.

18 (3) Demonstrate that its overall portfolio of
19 measures, not including low-income programs described in
20 subsection (c) of this Section, is cost-effective using
21 the total resource cost test or complies with paragraphs
22 (1) through (3) of subsection (f) of this Section and
23 represents a diverse cross-section of opportunities for
24 customers of all rate classes, other than those customers
25 described in subsection (1) of this Section, to
26 participate in the programs. Individual measures need not

1 be cost effective.

2 (3.5) Demonstrate that the utility's plan integrates
3 the delivery of energy efficiency programs with natural
4 gas efficiency programs, programs promoting distributed
5 solar, programs promoting demand response and other
6 efforts to address bill payment issues, including, but not
7 limited to, LIHEAP and the Percentage of Income Payment
8 Plan, to the extent such integration is practical and has
9 the potential to enhance customer engagement, minimize
10 market confusion, or reduce administrative costs.

11 (4) Present a third-party energy efficiency
12 implementation program subject to the following
13 requirements:

14 (A) beginning with the year commencing January 1,
15 2019, electric utilities that serve more than
16 3,000,000 retail customers in the State shall fund
17 third-party energy efficiency programs in an amount
18 that is no less than \$25,000,000 per year, and
19 electric utilities that serve less than 3,000,000
20 retail customers but more than 500,000 retail
21 customers in the State shall fund third-party energy
22 efficiency programs in an amount that is no less than
23 \$8,350,000 per year;

24 (B) during 2018, the utility shall conduct a
25 solicitation process for purposes of requesting
26 proposals from third-party vendors for those

1 third-party energy efficiency programs to be offered
2 during one or more of the years commencing January 1,
3 2019, January 1, 2020, and January 1, 2021; for those
4 multi-year plans commencing on January 1, 2022 and
5 January 1, 2026, the utility shall conduct a
6 solicitation process during 2021 and 2025,
7 respectively, for purposes of requesting proposals
8 from third-party vendors for those third-party energy
9 efficiency programs to be offered during one or more
10 years of the respective multi-year plan period; for
11 each solicitation process, the utility shall identify
12 the sector, technology, or geographical area for which
13 it is seeking requests for proposals; the solicitation
14 process must be either for programs that fill gaps in
15 the utility's program portfolio and for programs that
16 target low-income customers, business sectors,
17 building types, geographies, or other specific parts
18 of its customer base with initiatives that would be
19 more effective at reaching these customer segments
20 than the utilities' programs filed in its energy
21 efficiency plans;

22 (C) the utility shall propose the bidder
23 qualifications, performance measurement process, and
24 contract structure, which must include a performance
25 payment mechanism and general terms and conditions;
26 the proposed qualifications, process, and structure

1 shall be subject to Commission approval; and

2 (D) the utility shall retain an independent third
3 party to score the proposals received through the
4 solicitation process described in this paragraph (4),
5 rank them according to their cost per lifetime
6 kilowatt-hours saved, and assemble the portfolio of
7 third-party programs.

8 The electric utility shall recover all costs
9 associated with Commission-approved, third-party
10 administered programs regardless of the success of those
11 programs.

12 (4.5) Implement cost-effective demand-response
13 measures to reduce peak demand by 0.1% over the prior year
14 for eligible retail customers, as defined in Section
15 16-111.5 of this Act, and for customers that elect hourly
16 service from the utility pursuant to Section 16-107 of
17 this Act, provided those customers have not been declared
18 competitive. This requirement continues until December 31,
19 2026.

20 (5) Include a proposed or revised cost-recovery tariff
21 mechanism, as provided for under subsection (d) of this
22 Section, to fund the proposed energy efficiency and
23 demand-response measures and to ensure the recovery of the
24 prudently and reasonably incurred costs of
25 Commission-approved programs.

26 (6) Provide for an annual independent evaluation of

1 the performance of the cost-effectiveness of the utility's
2 portfolio of measures, as well as a full review of the
3 multi-year plan results of the broader net program impacts
4 and, to the extent practical, for adjustment of the
5 measures on a going-forward basis as a result of the
6 evaluations. The resources dedicated to evaluation shall
7 not exceed 3% of portfolio resources in any given year.

8 (7) For electric utilities that serve more than
9 3,000,000 retail customers in the State:

10 (A) Through December 31, 2025, provide for an
11 adjustment to the return on equity component of the
12 utility's weighted average cost of capital calculated
13 under subsection (d) of this Section:

14 (i) If the independent evaluator determines
15 that the utility achieved a cumulative persisting
16 annual savings that is less than the applicable
17 annual incremental goal, then the return on equity
18 component shall be reduced by a maximum of 200
19 basis points in the event that the utility
20 achieved no more than 75% of such goal. If the
21 utility achieved more than 75% of the applicable
22 annual incremental goal but less than 100% of such
23 goal, then the return on equity component shall be
24 reduced by 8 basis points for each percent by
25 which the utility failed to achieve the goal.

26 (ii) If the independent evaluator determines

1 that the utility achieved a cumulative persisting
2 annual savings that is more than the applicable
3 annual incremental goal, then the return on equity
4 component shall be increased by a maximum of 200
5 basis points in the event that the utility
6 achieved at least 125% of such goal. If the
7 utility achieved more than 100% of the applicable
8 annual incremental goal but less than 125% of such
9 goal, then the return on equity component shall be
10 increased by 8 basis points for each percent by
11 which the utility achieved above the goal. If the
12 applicable annual incremental goal was reduced
13 under paragraph ~~paragraphs~~ (1) or (2) of
14 subsection (f) of this Section, then the following
15 adjustments shall be made to the calculations
16 described in this item (ii):

17 (aa) the calculation for determining
18 achievement that is at least 125% of the
19 applicable annual incremental goal shall use
20 the unreduced applicable annual incremental
21 goal to set the value; and

22 (bb) the calculation for determining
23 achievement that is less than 125% but more
24 than 100% of the applicable annual incremental
25 goal shall use the reduced applicable annual
26 incremental goal to set the value for 100%

1 achievement of the goal and shall use the
2 unreduced goal to set the value for 125%
3 achievement. The 8 basis point value shall
4 also be modified, as necessary, so that the
5 200 basis points are evenly apportioned among
6 each percentage point value between 100% and
7 125% achievement.

8 (B) For the period January 1, 2026 through
9 December 31, 2029 and in all subsequent 4-year
10 periods, provide for an adjustment to the return on
11 equity component of the utility's weighted average
12 cost of capital calculated under subsection (d) of
13 this Section:

14 (i) If the independent evaluator determines
15 that the utility achieved a cumulative persisting
16 annual savings that is less than the applicable
17 annual incremental goal, then the return on equity
18 component shall be reduced by a maximum of 200
19 basis points in the event that the utility
20 achieved no more than 66% of such goal. If the
21 utility achieved more than 66% of the applicable
22 annual incremental goal but less than 100% of such
23 goal, then the return on equity component shall be
24 reduced by 6 basis points for each percent by
25 which the utility failed to achieve the goal.

26 (ii) If the independent evaluator determines

1 that the utility achieved a cumulative persisting
2 annual savings that is more than the applicable
3 annual incremental goal, then the return on equity
4 component shall be increased by a maximum of 200
5 basis points in the event that the utility
6 achieved at least 134% of such goal. If the
7 utility achieved more than 100% of the applicable
8 annual incremental goal but less than 134% of such
9 goal, then the return on equity component shall be
10 increased by 6 basis points for each percent by
11 which the utility achieved above the goal. If the
12 applicable annual incremental goal was reduced
13 under paragraph (3) of subsection (f) of this
14 Section, then the following adjustments shall be
15 made to the calculations described in this item
16 (ii):

17 (aa) the calculation for determining
18 achievement that is at least 134% of the
19 applicable annual incremental goal shall use
20 the unreduced applicable annual incremental
21 goal to set the value; and

22 (bb) the calculation for determining
23 achievement that is less than 134% but more
24 than 100% of the applicable annual incremental
25 goal shall use the reduced applicable annual
26 incremental goal to set the value for 100%

1 achievement of the goal and shall use the
2 unreduced goal to set the value for 134%
3 achievement. The 6 basis point value shall
4 also be modified, as necessary, so that the
5 200 basis points are evenly apportioned among
6 each percentage point value between 100% and
7 134% achievement.

8 (C) Notwithstanding the provisions of
9 subparagraphs (A) and (B) of this paragraph (7), if
10 the applicable annual incremental goal for an electric
11 utility is ever less than 0.6% of deemed average
12 weather normalized sales of electric power and energy
13 during calendar years 2014, 2015, and 2016, an
14 adjustment to the return on equity component of the
15 utility's weighted average cost of capital calculated
16 under subsection (d) of this Section shall be made as
17 follows:

18 (i) If the independent evaluator determines
19 that the utility achieved a cumulative persisting
20 annual savings that is less than would have been
21 achieved had the applicable annual incremental
22 goal been achieved, then the return on equity
23 component shall be reduced by a maximum of 200
24 basis points if the utility achieved no more than
25 75% of its applicable annual total savings
26 requirement as defined in paragraph (7.5) of this

1 subsection. If the utility achieved more than 75%
2 of the applicable annual total savings requirement
3 but less than 100% of such goal, then the return on
4 equity component shall be reduced by 8 basis
5 points for each percent by which the utility
6 failed to achieve the goal.

7 (ii) If the independent evaluator determines
8 that the utility achieved a cumulative persisting
9 annual savings that is more than would have been
10 achieved had the applicable annual incremental
11 goal been achieved, then the return on equity
12 component shall be increased by a maximum of 200
13 basis points if the utility achieved at least 125%
14 of its applicable annual total savings
15 requirement. If the utility achieved more than
16 100% of the applicable annual total savings
17 requirement but less than 125% of such goal, then
18 the return on equity component shall be increased
19 by 8 basis points for each percent by which the
20 utility achieved above the applicable annual total
21 savings requirement. If the applicable annual
22 incremental goal was reduced under paragraph (1)
23 or (2) of subsection (f) of this Section, then the
24 following adjustments shall be made to the
25 calculations described in this item (ii):

26 (aa) the calculation for determining

1 achievement that is at least 125% of the
2 applicable annual total savings requirement
3 shall use the unreduced applicable annual
4 incremental goal to set the value; and

5 (bb) the calculation for determining
6 achievement that is less than 125% but more
7 than 100% of the applicable annual total
8 savings requirement shall use the reduced
9 applicable annual incremental goal to set the
10 value for 100% achievement of the goal and
11 shall use the unreduced goal to set the value
12 for 125% achievement. The 8 basis point value
13 shall also be modified, as necessary, so that
14 the 200 basis points are evenly apportioned
15 among each percentage point value between 100%
16 and 125% achievement.

17 (7.5) For purposes of this Section, the term
18 "applicable annual incremental goal" means the difference
19 between the cumulative persisting annual savings goal for
20 the calendar year that is the subject of the independent
21 evaluator's determination and the cumulative persisting
22 annual savings goal for the immediately preceding calendar
23 year, as such goals are defined in subsections (b-5) and
24 (b-15) of this Section and as these goals may have been
25 modified as provided for under subsection (b-20) and
26 paragraphs (1) through (3) of subsection (f) of this

1 Section. Under subsections (b), (b-5), (b-10), and (b-15)
2 of this Section, a utility must first replace energy
3 savings from measures that have expired before any
4 progress towards achievement of its applicable annual
5 incremental goal may be counted. Savings may expire
6 because measures installed in previous years have reached
7 the end of their lives, because measures installed in
8 previous years are producing lower savings in the current
9 year than in the previous year, or for other reasons
10 identified by independent evaluators. Notwithstanding
11 anything else set forth in this Section, the difference
12 between the actual annual incremental savings achieved in
13 any given year, including the replacement of energy
14 savings that have expired, and the applicable annual
15 incremental goal shall not affect adjustments to the
16 return on equity for subsequent calendar years under this
17 subsection (g).

18 In this Section, "applicable annual total savings
19 requirement" means the total amount of new annual savings
20 that the utility must achieve in any given year to achieve
21 the applicable annual incremental goal. This is equal to
22 the applicable annual incremental goal plus the total new
23 annual savings that are required to replace savings that
24 expired in or at the end of the previous year.

25 (8) For electric utilities that serve less than
26 3,000,000 retail customers but more than 500,000 retail

1 customers in the State:

2 (A) Through December 31, 2025, the applicable
3 annual incremental goal shall be compared to the
4 annual incremental savings as determined by the
5 independent evaluator.

6 (i) The return on equity component shall be
7 reduced by 8 basis points for each percent by
8 which the utility did not achieve 84.4% of the
9 applicable annual incremental goal.

10 (ii) The return on equity component shall be
11 increased by 8 basis points for each percent by
12 which the utility exceeded 100% of the applicable
13 annual incremental goal.

14 (iii) The return on equity component shall not
15 be increased or decreased if the annual
16 incremental savings as determined by the
17 independent evaluator is greater than 84.4% of the
18 applicable annual incremental goal and less than
19 100% of the applicable annual incremental goal.

20 (iv) The return on equity component shall not
21 be increased or decreased by an amount greater
22 than 200 basis points pursuant to this
23 subparagraph (A).

24 (B) For the period of January 1, 2026 through
25 December 31, 2029 and in all subsequent 4-year
26 periods, the applicable annual incremental goal shall

1 be compared to the annual incremental savings as
2 determined by the independent evaluator.

3 (i) The return on equity component shall be
4 reduced by 6 basis points for each percent by
5 which the utility did not achieve 100% of the
6 applicable annual incremental goal.

7 (ii) The return on equity component shall be
8 increased by 6 basis points for each percent by
9 which the utility exceeded 100% of the applicable
10 annual incremental goal.

11 (iii) The return on equity component shall not
12 be increased or decreased by an amount greater
13 than 200 basis points pursuant to this
14 subparagraph (B).

15 (C) Notwithstanding provisions in subparagraphs
16 (A) and (B) of paragraph (7) of this subsection, if the
17 applicable annual incremental goal for an electric
18 utility is ever less than 0.6% of deemed average
19 weather normalized sales of electric power and energy
20 during calendar years 2014, 2015 and 2016, an
21 adjustment to the return on equity component of the
22 utility's weighted average cost of capital calculated
23 under subsection (d) of this Section shall be made as
24 follows:

25 (i) The return on equity component shall be
26 reduced by 8 basis points for each percent by

1 which the utility did not achieve 100% of the
2 applicable annual total savings requirement.

3 (ii) The return on equity component shall be
4 increased by 8 basis points for each percent by
5 which the utility exceeded 100% of the applicable
6 annual total savings requirement.

7 (iii) The return on equity component shall not
8 be increased or decreased by an amount greater
9 than 200 basis points pursuant to this
10 subparagraph (C).

11 (D) If the applicable annual incremental goal was
12 reduced under paragraph (1), (2), (3), or (4) of
13 subsection (f) of this Section, then the following
14 adjustments shall be made to the calculations
15 described in subparagraphs (A), (B), and (C) of this
16 paragraph (8):

17 (i) The calculation for determining
18 achievement that is at least 125% or 134%, as
19 applicable, of the applicable annual incremental
20 goal or the applicable annual total savings
21 requirement, as applicable, shall use the
22 unreduced applicable annual incremental goal to
23 set the value.

24 (ii) For the period through December 31, 2025,
25 the calculation for determining achievement that
26 is less than 125% but more than 100% of the

1 applicable annual incremental goal or the
2 applicable annual total savings requirement, as
3 applicable, shall use the reduced applicable
4 annual incremental goal to set the value for 100%
5 achievement of the goal and shall use the
6 unreduced goal to set the value for 125%
7 achievement. The 8 basis point value shall also be
8 modified, as necessary, so that the 200 basis
9 points are evenly apportioned among each
10 percentage point value between 100% and 125%
11 achievement.

12 (iii) For the period of January 1, 2026
13 through December 31, 2029 and all subsequent
14 4-year periods, the calculation for determining
15 achievement that is less than 125% or 134%, as
16 applicable, but more than 100% of the applicable
17 annual incremental goal or the applicable annual
18 total savings requirement, as applicable, shall
19 use the reduced applicable annual incremental goal
20 to set the value for 100% achievement of the goal
21 and shall use the unreduced goal to set the value
22 for 125% achievement. The 6 basis-point value or 8
23 basis-point value, as applicable, shall also be
24 modified, as necessary, so that the 200 basis
25 points are evenly apportioned among each
26 percentage point value between 100% and 125% or

1 between 100% and 134% achievement, as applicable.

2 (9) The utility shall submit the energy savings data
3 to the independent evaluator no later than 30 days after
4 the close of the plan year. The independent evaluator
5 shall determine the cumulative persisting annual savings
6 for a given plan year, as well as an estimate of job
7 impacts and other macroeconomic impacts of the efficiency
8 programs for that year, no later than 120 days after the
9 close of the plan year. The utility shall submit an
10 informational filing to the Commission no later than 160
11 days after the close of the plan year that attaches the
12 independent evaluator's final report identifying the
13 cumulative persisting annual savings for the year and
14 calculates, under paragraph (7) or (8) of this subsection
15 (g), as applicable, any resulting change to the utility's
16 return on equity component of the weighted average cost of
17 capital applicable to the next plan year beginning with
18 the January monthly billing period and extending through
19 the December monthly billing period. However, if the
20 utility recovers the costs incurred under this Section
21 under paragraphs (2) and (3) of subsection (d) of this
22 Section, then the utility shall not be required to submit
23 such informational filing, and shall instead submit the
24 information that would otherwise be included in the
25 informational filing as part of its filing under paragraph
26 (3) of such subsection (d) that is due on or before June 1

1 of each year.

2 For those utilities that must submit the informational
3 filing, the Commission may, on its own motion or by
4 petition, initiate an investigation of such filing,
5 provided, however, that the utility's proposed return on
6 equity calculation shall be deemed the final, approved
7 calculation on December 15 of the year in which it is filed
8 unless the Commission enters an order on or before
9 December 15, after notice and hearing, that modifies such
10 calculation consistent with this Section.

11 The adjustments to the return on equity component
12 described in paragraphs (7) and (8) of this subsection (g)
13 shall be applied as described in such paragraphs through a
14 separate tariff mechanism, which shall be filed by the
15 utility under subsections (f) and (g) of this Section.

16 (9.5) The utility must demonstrate how it will ensure
17 that program implementation contractors and energy
18 efficiency installation vendors will promote workforce
19 equity and quality jobs.

20 (9.6) Utilities shall collect data necessary to ensure
21 compliance with paragraph (9.5) no less than quarterly and
22 shall communicate progress toward compliance with
23 paragraph (9.5) to program implementation contractors and
24 energy efficiency installation vendors no less than
25 quarterly. Utilities shall work with relevant vendors,
26 providing education, training, and other resources needed

1 to ensure compliance and, where necessary, adjusting or
2 terminating work with vendors that cannot assist with
3 compliance.

4 (10) Utilities required to implement efficiency
5 programs under subsections (b-5) and (b-10) shall report
6 annually to the Illinois Commerce Commission and the
7 General Assembly on how hiring, contracting, job training,
8 and other practices related to its energy efficiency
9 programs enhance the diversity of vendors working on such
10 programs. These reports must include data on vendor and
11 employee diversity, including data on the implementation
12 of paragraphs (9.5) and (9.6). If the utility is not
13 meeting the requirements of paragraphs (9.5) and (9.6),
14 the utility shall submit a plan to adjust their activities
15 so that they meet the requirements of paragraphs (9.5) and
16 (9.6) within the following year.

17 (h) No more than 4% of energy efficiency and
18 demand-response program revenue may be allocated for research,
19 development, or pilot deployment of new equipment or measures.
20 Electric utilities shall work with interested stakeholders to
21 formulate a plan for how these funds should be spent,
22 incorporate statewide approaches for these allocations, and
23 file a 4-year plan that demonstrates that collaboration. If a
24 utility files a request for modified annual energy savings
25 goals with the Commission, then a utility shall forgo spending
26 portfolio dollars on research and development proposals.

1 (i) When practicable, electric utilities shall incorporate
2 advanced metering infrastructure data into the planning,
3 implementation, and evaluation of energy efficiency measures
4 and programs, subject to the data privacy and confidentiality
5 protections of applicable law.

6 (j) The independent evaluator shall follow the guidelines
7 and use the savings set forth in Commission-approved energy
8 efficiency policy manuals and technical reference manuals, as
9 each may be updated from time to time. Until such time as
10 measure life values for energy efficiency measures implemented
11 for low-income households under subsection (c) of this Section
12 are incorporated into such Commission-approved manuals, the
13 low-income measures shall have the same measure life values
14 that are established for same measures implemented in
15 households that are not low-income households.

16 (k) Notwithstanding any provision of law to the contrary,
17 an electric utility subject to the requirements of this
18 Section may file a tariff cancelling an automatic adjustment
19 clause tariff in effect under this Section or Section 8-103,
20 which shall take effect no later than one business day after
21 the date such tariff is filed. Thereafter, the utility shall
22 be authorized to defer and recover its expenditures incurred
23 under this Section through a new tariff authorized under
24 subsection (d) of this Section or in the utility's next rate
25 case under Article IX or Section 16-108.5 of this Act, with
26 interest at an annual rate equal to the utility's weighted

1 average cost of capital as approved by the Commission in such
2 case. If the utility elects to file a new tariff under
3 subsection (d) of this Section, the utility may file the
4 tariff within 10 days after June 1, 2017 (the effective date of
5 Public Act 99-906), and the cost inputs to such tariff shall be
6 based on the projected costs to be incurred by the utility
7 during the calendar year in which the new tariff is filed and
8 that were not recovered under the tariff that was cancelled as
9 provided for in this subsection. Such costs shall include
10 those incurred or to be incurred by the utility under its
11 multi-year plan approved under subsections (f) and (g) of this
12 Section, including, but not limited to, projected capital
13 investment costs and projected regulatory asset balances with
14 correspondingly updated depreciation and amortization reserves
15 and expense. The Commission shall, after notice and hearing,
16 approve, or approve with modification, such tariff and cost
17 inputs no later than 75 days after the utility filed the
18 tariff, provided that such approval, or approval with
19 modification, shall be consistent with the provisions of this
20 Section to the extent they do not conflict with this
21 subsection (k). The tariff approved by the Commission shall
22 take effect no later than 5 days after the Commission enters
23 its order approving the tariff.

24 No later than 60 days after the effective date of the
25 tariff cancelling the utility's automatic adjustment clause
26 tariff, the utility shall file a reconciliation that

1 reconciles the moneys collected under its automatic adjustment
2 clause tariff with the costs incurred during the period
3 beginning June 1, 2016 and ending on the date that the electric
4 utility's automatic adjustment clause tariff was cancelled. In
5 the event the reconciliation reflects an under-collection, the
6 utility shall recover the costs as specified in this
7 subsection (k). If the reconciliation reflects an
8 over-collection, the utility shall apply the amount of such
9 over-collection as a one-time credit to retail customers'
10 bills.

11 (1) For the calendar years covered by a multi-year plan
12 commencing after December 31, 2017, subsections (a) through
13 (j) of this Section do not apply to eligible large private
14 energy customers that have chosen to opt out of multi-year
15 plans consistent with this subsection (1).

16 (1) For purposes of this subsection (1), "eligible
17 large private energy customer" means any retail customers,
18 except for federal, State, municipal, and other public
19 customers, of an electric utility that serves more than
20 3,000,000 retail customers, except for federal, State,
21 municipal and other public customers, in the State and
22 whose total highest 30 minute demand was more than 10,000
23 kilowatts, or any retail customers of an electric utility
24 that serves less than 3,000,000 retail customers but more
25 than 500,000 retail customers in the State and whose total
26 highest 15 minute demand was more than 10,000 kilowatts.

1 For purposes of this subsection (1), "retail customer" has
2 the meaning set forth in Section 16-102 of this Act.
3 However, for a business entity with multiple sites located
4 in the State, where at least one of those sites qualifies
5 as an eligible large private energy customer, then any of
6 that business entity's sites, properly identified on a
7 form for notice, shall be considered eligible large
8 private energy customers for the purposes of this
9 subsection (1). A determination of whether this subsection
10 is applicable to a customer shall be made for each
11 multi-year plan beginning after December 31, 2017. The
12 criteria for determining whether this subsection (1) is
13 applicable to a retail customer shall be based on the 12
14 consecutive billing periods prior to the start of the
15 first year of each such multi-year plan.

16 (2) Within 45 days after September 15, 2021 (the
17 effective date of Public Act 102-662) ~~this amendatory Act~~
18 ~~of the 102nd General Assembly~~, the Commission shall
19 prescribe the form for notice required for opting out of
20 energy efficiency programs. The notice must be submitted
21 to the retail electric utility 12 months before the next
22 energy efficiency planning cycle. However, within 120 days
23 after the Commission's initial issuance of the form for
24 notice, eligible large private energy customers may submit
25 a form for notice to an electric utility. The form for
26 notice for opting out of energy efficiency programs shall

1 include all of the following:

2 (A) a statement indicating that the customer has
3 elected to opt out;

4 (B) the account numbers for the customer accounts
5 to which the opt out shall apply;

6 (C) the mailing address associated with the
7 customer accounts identified under subparagraph (B);

8 (D) an American Society of Heating, Refrigerating,
9 and Air-Conditioning Engineers (ASHRAE) level 2 or
10 higher audit report conducted by an independent
11 third-party expert identifying cost-effective energy
12 efficiency project opportunities that could be
13 invested in over the next 10 years. A retail customer
14 with specialized processes may utilize a self-audit
15 process in lieu of the ASHRAE audit;

16 (E) a description of the customer's plans to
17 reallocate the funds toward internal energy efficiency
18 efforts identified in the subparagraph (D) report,
19 including, but not limited to: (i) strategic energy
20 management or other programs, including descriptions
21 of targeted buildings, equipment and operations; (ii)
22 eligible energy efficiency measures; and (iii)
23 expected energy savings, itemized by technology. If
24 the subparagraph (D) audit report identifies that the
25 customer currently utilizes the best available energy
26 efficient technology, equipment, programs, and

1 operations, the customer may provide a statement that
2 more efficient technology, equipment, programs, and
3 operations are not reasonably available as a means of
4 satisfying this subparagraph (E); and

5 (F) the effective date of the opt out, which will
6 be the next January 1 following notice of the opt out.

7 (3) Upon receipt of a properly and timely noticed
8 request for opt out submitted by an eligible large private
9 energy customer, the retail electric utility shall grant
10 the request, file the request with the Commission and,
11 beginning January 1 of the following year, the opted out
12 customer shall no longer be assessed the costs of the plan
13 and shall be prohibited from participating in that 4-year
14 plan cycle to give the retail utility the certainty to
15 design program plan proposals.

16 (4) Upon a customer's election to opt out under
17 paragraphs (1) and (2) of this subsection (1) and
18 commencing on the effective date of said opt out, the
19 account properly identified in the customer's notice under
20 paragraph (2) shall not be subject to any cost recovery
21 and shall not be eligible to participate in, or directly
22 benefit from, compliance with energy efficiency cumulative
23 persisting savings requirements under subsections (a)
24 through (j).

25 (5) A utility's cumulative persisting annual savings
26 targets will exclude any opted out load.

1 (6) The request to opt out is only valid for the
2 requested plan cycle. An eligible large private energy
3 customer must also request to opt out for future energy
4 plan cycles, otherwise the customer will be included in
5 the future energy plan cycle.

6 (m) Notwithstanding the requirements of this Section, as
7 part of a proceeding to approve a multi-year plan under
8 subsections (f) and (g) of this Section if the multi-year plan
9 has been designed to maximize savings, but does not meet the
10 cost cap limitations of this Section, the Commission shall
11 reduce the amount of energy efficiency measures implemented
12 for any single year, and whose costs are recovered under
13 subsection (d) of this Section, by an amount necessary to
14 limit the estimated average net increase due to the cost of the
15 measures to no more than

16 (1) 3.5% for each of the 4 years beginning January 1,
17 2018,

18 (2) (blank),

19 (3) 4% for each of the 4 years beginning January 1,
20 2022,

21 (4) 4.25% for the 4 years beginning January 1, 2026,
22 and

23 (5) 4.25% plus an increase sufficient to account for
24 the rate of inflation between January 1, 2026 and January
25 1 of the first year of each subsequent 4-year plan cycle,
26 of the average amount paid per kilowatthour by residential

1 eligible retail customers during calendar year 2015. An
2 electric utility may plan to spend up to 10% more in any year
3 during an applicable multi-year plan period to
4 cost-effectively achieve additional savings so long as the
5 average over the applicable multi-year plan period does not
6 exceed the percentages defined in items (1) through (5). To
7 determine the total amount that may be spent by an electric
8 utility in any single year, the applicable percentage of the
9 average amount paid per kilowatthour shall be multiplied by
10 the total amount of energy delivered by such electric utility
11 in the calendar year 2015, adjusted to reflect the proportion
12 of the utility's load attributable to customers that have
13 opted out of subsections (a) through (j) of this Section under
14 subsection (l) of this Section. For purposes of this
15 subsection (m), the amount paid per kilowatthour includes,
16 without limitation, estimated amounts paid for supply,
17 transmission, distribution, surcharges, and add-on taxes. For
18 purposes of this Section, "eligible retail customers" shall
19 have the meaning set forth in Section 16-111.5 of this Act.
20 Once the Commission has approved a plan under subsections (f)
21 and (g) of this Section, no subsequent rate impact
22 determinations shall be made.

23 (n) A utility shall take advantage of the efficiencies
24 available through existing Illinois Home Weatherization
25 Assistance Program infrastructure and services, such as
26 enrollment, marketing, quality assurance and implementation,

1 which can reduce the need for similar services at a lower cost
2 than utility-only programs, subject to capacity constraints at
3 community action agencies, for both single-family and
4 multifamily weatherization services, to the extent Illinois
5 Home Weatherization Assistance Program community action
6 agencies provide multifamily services. A utility's plan shall
7 demonstrate that in formulating annual weatherization budgets,
8 it has sought input and coordination with community action
9 agencies regarding agencies' capacity to expand and maximize
10 Illinois Home Weatherization Assistance Program delivery using
11 the ratepayer dollars collected under this Section.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-662, eff. 9-15-21;
13 revised 2-28-22.)

14 (220 ILCS 5/8-201.4)

15 Sec. 8-201.4. Prohibition on use of utility name or logo
16 by non-utility entity. No non-utility individual, business, or
17 entity shall use a public utility name or logo, in whole or in
18 part, in any manner to market, solicit, sell, or bill for a
19 home ~~(i)~~ insurance, ~~(ii)~~ maintenance, or ~~(iii)~~ warranty
20 product. This prohibition does not apply to activities
21 permitted to implement a program or plan approved by the
22 Commission pursuant to an order entered under this Act. This
23 prohibition does not apply to the partial use by a non-utility
24 entity of a logo belonging to an electric utility that serves
25 fewer than 200,000 customers in this State.

1 (Source: P.A. 102-928, eff. 1-1-23; revised 12-19-22.)

2 (220 ILCS 5/14-102) (from Ch. 111 2/3, par. 14-102)

3 Sec. 14-102. Terms of office, vacancies, restrictions, and
4 removals.

5 Terms of office. The first members of the transit
6 commission shall be appointed for two, three, and four year
7 terms respectively. The term of office of each member
8 thereafter appointed shall be four years.

9 Vacancies. Any vacancy in the membership of the transit
10 commission occurring by reason of the death, resignation,
11 disqualification, removal, or inability or refusal to act of
12 any of the members of such transit commission shall be filled
13 by appointment by the mayor by and with the advice and consent
14 of the city council of the city.

15 Restrictions and removals. Each member of the transit
16 commission shall devote all time necessary to perform properly
17 and adequately the duties of his office, and shall hold no
18 other office or position of profit, or engage in any other
19 business, employment, or vocation to the detriment or neglect
20 of such duties.

21 No person holding stocks or bonds in any corporation
22 subject to the jurisdiction of the transit commission, or who
23 is in any other manner directly or indirectly pecuniarily
24 interested in any such corporation, shall be appointed as a
25 member of the transit commission or shall be appointed or

1 employed by the transit commission.

2 No member of the transit commission or any officer or
3 employee ~~employe~~ of the transit commission shall voluntarily
4 become so interested and if he shall become so interested
5 otherwise than voluntarily he shall within a reasonable time
6 divest himself of such interest.

7 No member of the transit commission or any officer or
8 employee ~~employe~~ of the transit commission shall solicit or
9 accept any gift, gratuity, emolument, or employment from any
10 corporation subject to the jurisdiction of the transit
11 commission or from any officer, agent, or employee ~~employe~~
12 thereof; nor solicit, request, or recommend directly or
13 indirectly, to any such corporation or to any officer, agent,
14 or employee ~~employe~~ thereof, the appointment or employment of
15 any person by any such corporation to any office or position.
16 And no such corporation or any officer, agent, or employee
17 ~~employe~~ thereof, shall offer to any member of the transit
18 commission or any officer or employee ~~employe~~ of the transit
19 commission any gift, gratuity, emolument, or employment.

20 Violation of any of the provisions of this paragraph by
21 any member, officer, or employee ~~employe~~ of the transit
22 commission shall be ground for his removal from the office or
23 employment held by him.

24 No member of the transit commission shall be removed from
25 office during the term for which he shall be appointed except
26 upon written charges made and sustained, as hereinafter

1 provided for violation of any of the provisions of this
2 paragraph, or for malfeasance, misfeasance, or nonfeasance in
3 the discharge of the duties of his office.

4 Such charges shall be preferred by the mayor in writing to
5 the city council of the city, or by resolution of the city
6 council of the city and shall be investigated by a committee
7 designated by the city council, which shall afford full
8 opportunity to the commissioner complained of to appear and be
9 heard in his own defense and to be represented by counsel.

10 The finding or decision of such committee shall be
11 reported by it to the city council. In case such finding or
12 decision shall sustain the charges and shall be approved by a
13 vote of two-thirds ~~two-thirds~~ of all of the members of the city
14 council, the mayor of the city shall issue a declaration
15 removing such commissioner from office and the vacancy thus
16 created shall be filled as in this Section ~~section~~ provided.

17 (Source: P.A. 84-617; revised 8-22-22.)

18 (220 ILCS 5/14-103) (from Ch. 111 2/3, par. 14-103)

19 Sec. 14-103. Offices, employees ~~employes~~ and supplies,
20 salaries.

21 Offices. The transit commission shall establish and
22 maintain an office in the city hall of the city or at such
23 other place as the city council of the city shall from time to
24 time authorize or provide.

25 Such office shall be open for business between the hours

1 of nine o'clock A. M. and five o'clock P. M. of each week day
2 except holidays, except on Saturdays the hours shall be from
3 nine o'clock A. M. to twelve o'clock noon.

4 Employees ~~Employee~~ and supplies. The transit commission
5 shall have power to appoint a secretary, and to employ such
6 accountants, engineers, experts, inspectors, clerks, and other
7 employees ~~employees~~ and fix their compensation, and to purchase
8 such furniture, stationery, and other supplies and materials,
9 as are reasonably necessary to enable it properly to perform
10 its duties and exercise its powers.

11 The secretary and such other employees ~~employees~~ as the
12 transit commission may require shall give bond in such amount
13 and with such security as the transit commission may
14 prescribe.

15 Salaries and expenses. Each of the members of the transit
16 commission shall receive such annual salary as shall be fixed
17 by the city council of the city.

18 The salary of any member shall not be reduced during his
19 term of office.

20 The city council of the city shall have power to provide
21 for the payment of the salaries of all members and the expenses
22 of the transit commission.

23 (Source: P.A. 84-617; revised 8-22-22.)

24 (220 ILCS 5/14-104) (from Ch. 111 2/3, par. 14-104)

25 Sec. 14-104. Rules and regulations, meetings, seal and

1 authentication of records, etc.

2 Rules and regulations. Consistent with the provisions of
3 this Article, the transit commission may adopt such rules and
4 regulations and may alter and amend the same as it shall deem
5 advisable relative to the calling, holding, and conduct of its
6 meetings, the transaction of its business, the regulation and
7 control of its agents and employees ~~employees~~, the filing of
8 complaints and petitions and the service of notices thereof
9 and the conduct of hearings thereon, and the performance in
10 general of its duties and powers hereunder.

11 Meetings. For the purpose of receiving, considering, and
12 acting upon any complaints or applications which may be
13 presented to it or for the purpose of conducting
14 investigations or hearings on its own motion the transit
15 commission shall hold a regular meeting at least once a week
16 except in the months of July and August in each year. In
17 addition to such other meetings of the transit commission as
18 may be held, called or provided for by the rules and
19 regulations of the transit commission, the Chairman shall call
20 a meeting of the transit commission at any time upon the
21 request of the mayor or city council of the city.

22 Quorum and Majority Rule. Two members of the transit
23 commission shall constitute a quorum to transact business and
24 no vacancy shall impair the right of the remaining
25 commissioners to exercise all the powers of the transit
26 commission; and every finding, order, decision, rule,

1 regulation, or requirement of the transit commission approved
2 by at least two members thereof shall be deemed to be the
3 finding, order, decision, rule, regulation, or requirement of
4 the transit commission.

5 Seal, Authentication of records, etc. The transit
6 commission may adopt, keep, and use a common seal, of which
7 judicial notice shall be taken in all courts of this State
8 ~~state~~. Any process, notice, or other instrument which the
9 transit commission may be authorized by law to issue shall be
10 deemed sufficient if signed by the secretary of the transit
11 commission and authenticated by such seal. All acts, orders,
12 decisions, rules, and records of the transit commission, and
13 all reports, schedules, and documents filed with the transit
14 commission may be proved in any court in this State ~~state~~ by a
15 copy thereof certified by the secretary under the seal of the
16 transit commission.

17 (Source: P.A. 84-617; revised 8-22-22.)

18 (220 ILCS 5/16-108.5)

19 Sec. 16-108.5. Infrastructure investment and
20 modernization; regulatory reform.

21 (a) (Blank).

22 (b) For purposes of this Section, "participating utility"
23 means an electric utility or a combination utility serving
24 more than 1,000,000 customers in Illinois that voluntarily
25 elects and commits to undertake (i) the infrastructure

1 investment program consisting of the commitments and
2 obligations described in this subsection (b) and (ii) the
3 customer assistance program consisting of the commitments and
4 obligations described in subsection (b-10) of this Section,
5 notwithstanding any other provisions of this Act and without
6 obtaining any approvals from the Commission or any other
7 agency other than as set forth in this Section, regardless of
8 whether any such approval would otherwise be required.

9 "Combination utility" means a utility that, as of January 1,
10 2011, provided electric service to at least one million retail
11 customers in Illinois and gas service to at least 500,000
12 retail customers in Illinois. A participating utility shall
13 recover the expenditures made under the infrastructure
14 investment program through the ratemaking process, including,
15 but not limited to, the performance-based formula rate and
16 process set forth in this Section.

17 During the infrastructure investment program's peak
18 program year, a participating utility other than a combination
19 utility shall create 2,000 full-time equivalent jobs in
20 Illinois, and a participating utility that is a combination
21 utility shall create 450 full-time equivalent jobs in Illinois
22 related to the provision of electric service. These jobs shall
23 include direct jobs, contractor positions, and induced jobs,
24 but shall not include any portion of a job commitment, not
25 specifically contingent on an amendatory Act of the 97th
26 General Assembly becoming law, between a participating utility

1 and a labor union that existed on December 30, 2011 (the
2 effective date of Public Act 97-646) and that has not yet been
3 fulfilled. A portion of the full-time equivalent jobs created
4 by each participating utility shall include incremental
5 personnel hired subsequent to December 30, 2011 (the effective
6 date of Public Act 97-646). For purposes of this Section,
7 "peak program year" means the consecutive 12-month period with
8 the highest number of full-time equivalent jobs that occurs
9 between the beginning of investment year 2 and the end of
10 investment year 4.

11 A participating utility shall meet one of the following
12 commitments, as applicable:

13 (1) Beginning no later than 180 days after a
14 participating utility other than a combination utility
15 files a performance-based formula rate tariff pursuant to
16 subsection (c) of this Section, or, beginning no later
17 than January 1, 2012 if such utility files such
18 performance-based formula rate tariff within 14 days of
19 October 26, 2011 (the effective date of Public Act
20 97-616), the participating utility shall, except as
21 provided in subsection (b-5):

22 (A) over a 5-year period, invest an estimated
23 \$1,300,000,000 in electric system upgrades,
24 modernization projects, and training facilities,
25 including, but not limited to:

26 (i) distribution infrastructure improvements

1 totaling an estimated \$1,000,000,000, including
2 underground residential distribution cable
3 injection and replacement and mainline cable
4 system refurbishment and replacement projects;

5 (ii) training facility construction or upgrade
6 projects totaling an estimated \$10,000,000,
7 provided that, at a minimum, one such facility
8 shall be located in a municipality having a
9 population of more than 2 million residents and
10 one such facility shall be located in a
11 municipality having a population of more than
12 150,000 residents but fewer than 170,000
13 residents; any such new facility located in a
14 municipality having a population of more than 2
15 million residents must be designed for the purpose
16 of obtaining, and the owner of the facility shall
17 apply for, certification under the United States
18 Green Building Council's Leadership in Energy
19 Efficiency Design Green Building Rating System;

20 (iii) wood pole inspection, treatment, and
21 replacement programs;

22 (iv) an estimated \$200,000,000 for reducing
23 the susceptibility of certain circuits to
24 storm-related damage, including, but not limited
25 to, high winds, thunderstorms, and ice storms;
26 improvements may include, but are not limited to,

1 overhead to underground conversion and other
2 engineered outcomes for circuits; the
3 participating utility shall prioritize the
4 selection of circuits based on each circuit's
5 historical susceptibility to storm-related damage
6 and the ability to provide the greatest customer
7 benefit upon completion of the improvements; to be
8 eligible for improvement, the participating
9 utility's ability to maintain proper tree
10 clearances surrounding the overhead circuit must
11 not have been impeded by third parties; and

12 (B) over a 10-year period, invest an estimated
13 \$1,300,000,000 to upgrade and modernize its
14 transmission and distribution infrastructure and in
15 Smart Grid electric system upgrades, including, but
16 not limited to:

17 (i) additional smart meters;

18 (ii) distribution automation;

19 (iii) associated cyber secure data
20 communication network; and

21 (iv) substation micro-processor relay
22 upgrades.

23 (2) Beginning no later than 180 days after a
24 participating utility that is a combination utility files
25 a performance-based formula rate tariff pursuant to
26 subsection (c) of this Section, or, beginning no later

1 than January 1, 2012 if such utility files such
2 performance-based formula rate tariff within 14 days of
3 October 26, 2011 (the effective date of Public Act
4 97-616), the participating utility shall, except as
5 provided in subsection (b-5):

6 (A) over a 10-year period, invest an estimated
7 \$265,000,000 in electric system upgrades,
8 modernization projects, and training facilities,
9 including, but not limited to:

10 (i) distribution infrastructure improvements
11 totaling an estimated \$245,000,000, which may
12 include bulk supply substations, transformers,
13 reconductoring, and rebuilding overhead
14 distribution and sub-transmission lines,
15 underground residential distribution cable
16 injection and replacement and mainline cable
17 system refurbishment and replacement projects;

18 (ii) training facility construction or upgrade
19 projects totaling an estimated \$1,000,000; any
20 such new facility must be designed for the purpose
21 of obtaining, and the owner of the facility shall
22 apply for, certification under the United States
23 Green Building Council's Leadership in Energy
24 Efficiency Design Green Building Rating System;
25 and

26 (iii) wood pole inspection, treatment, and

1 replacement programs; and
2 (B) over a 10-year period, invest an estimated
3 \$360,000,000 to upgrade and modernize its transmission
4 and distribution infrastructure and in Smart Grid
5 electric system upgrades, including, but not limited
6 to:
7 (i) additional smart meters;
8 (ii) distribution automation;
9 (iii) associated cyber secure data
10 communication network; and
11 (iv) substation micro-processor relay
12 upgrades.

13 For purposes of this Section, "Smart Grid electric system
14 upgrades" shall have the meaning set forth in subsection (a)
15 of Section 16-108.6 of this Act.

16 The investments in the infrastructure investment program
17 described in this subsection (b) shall be incremental to the
18 participating utility's annual capital investment program, as
19 defined by, for purposes of this subsection (b), the
20 participating utility's average capital spend for calendar
21 years 2008, 2009, and 2010 as reported in the applicable
22 Federal Energy Regulatory Commission (FERC) Form 1; provided
23 that where one or more utilities have merged, the average
24 capital spend shall be determined using the aggregate of the
25 merged utilities' capital spend reported in FERC Form 1 for
26 the years 2008, 2009, and 2010. A participating utility may

1 add reasonable construction ramp-up and ramp-down time to the
2 investment periods specified in this subsection (b). For each
3 such investment period, the ramp-up and ramp-down time shall
4 not exceed a total of 6 months.

5 Within 60 days after filing a tariff under subsection (c)
6 of this Section, a participating utility shall submit to the
7 Commission its plan, including scope, schedule, and staffing,
8 for satisfying its infrastructure investment program
9 commitments pursuant to this subsection (b). The submitted
10 plan shall include a schedule and staffing plan for the next
11 calendar year. The plan shall also include a plan for the
12 creation, operation, and administration of a Smart Grid test
13 bed as described in subsection (c) of Section 16-108.8. The
14 plan need not allocate the work equally over the respective
15 periods, but should allocate material increments throughout
16 such periods commensurate with the work to be undertaken. No
17 later than April 1 of each subsequent year, the utility shall
18 submit to the Commission a report that includes any updates to
19 the plan, a schedule for the next calendar year, the
20 expenditures made for the prior calendar year and
21 cumulatively, and the number of full-time equivalent jobs
22 created for the prior calendar year and cumulatively. If the
23 utility is materially deficient in satisfying a schedule or
24 staffing plan, then the report must also include a corrective
25 action plan to address the deficiency. The fact that the plan,
26 implementation of the plan, or a schedule changes shall not

1 imply the imprudence or unreasonableness of the infrastructure
2 investment program, plan, or schedule. Further, no later than
3 45 days following the last day of the first, second, and third
4 quarters of each year of the plan, a participating utility
5 shall submit to the Commission a verified quarterly report for
6 the prior quarter that includes (i) the total number of
7 full-time equivalent jobs created during the prior quarter,
8 (ii) the total number of employees as of the last day of the
9 prior quarter, (iii) the total number of full-time equivalent
10 hours in each job classification or job title, (iv) the total
11 number of incremental employees and contractors in support of
12 the investments undertaken pursuant to this subsection (b) for
13 the prior quarter, and (v) any other information that the
14 Commission may require by rule.

15 With respect to the participating utility's peak job
16 commitment, if, after considering the utility's corrective
17 action plan and compliance thereunder, the Commission enters
18 an order finding, after notice and hearing, that a
19 participating utility did not satisfy its peak job commitment
20 described in this subsection (b) for reasons that are
21 reasonably within its control, then the Commission shall also
22 determine, after consideration of the evidence, including, but
23 not limited to, evidence submitted by the Department of
24 Commerce and Economic Opportunity and the utility, the
25 deficiency in the number of full-time equivalent jobs during
26 the peak program year due to such failure. The Commission

1 shall notify the Department of any proceeding that is
2 initiated pursuant to this paragraph. For each full-time
3 equivalent job deficiency during the peak program year that
4 the Commission finds as set forth in this paragraph, the
5 participating utility shall, within 30 days after the entry of
6 the Commission's order, pay \$6,000 to a fund for training
7 grants administered under Section 605-800 of the Department of
8 Commerce and Economic Opportunity Law, which shall not be a
9 recoverable expense.

10 With respect to the participating utility's investment
11 amount commitments, if, after considering the utility's
12 corrective action plan and compliance thereunder, the
13 Commission enters an order finding, after notice and hearing,
14 that a participating utility is not satisfying its investment
15 amount commitments described in this subsection (b), then the
16 utility shall no longer be eligible to annually update the
17 performance-based formula rate tariff pursuant to subsection
18 (d) of this Section. In such event, the then current rates
19 shall remain in effect until such time as new rates are set
20 pursuant to Article IX of this Act, subject to retroactive
21 adjustment, with interest, to reconcile rates charged with
22 actual costs.

23 If the Commission finds that a participating utility is no
24 longer eligible to update the performance-based formula rate
25 tariff pursuant to subsection (d) of this Section, or the
26 performance-based formula rate is otherwise terminated, then

1 the participating utility's voluntary commitments and
2 obligations under this subsection (b) shall immediately
3 terminate, except for the utility's obligation to pay an
4 amount already owed to the fund for training grants pursuant
5 to a Commission order.

6 In meeting the obligations of this subsection (b), to the
7 extent feasible and consistent with State and federal law, the
8 investments under the infrastructure investment program should
9 provide employment opportunities for all segments of the
10 population and workforce, including minority-owned and
11 female-owned business enterprises, and shall not, consistent
12 with State and federal law, discriminate based on race or
13 socioeconomic status.

14 (b-5) Nothing in this Section shall prohibit the
15 Commission from investigating the prudence and reasonableness
16 of the expenditures made under the infrastructure investment
17 program during the annual review required by subsection (d) of
18 this Section and shall, as part of such investigation,
19 determine whether the utility's actual costs under the program
20 are prudent and reasonable. The fact that a participating
21 utility invests more than the minimum amounts specified in
22 subsection (b) of this Section or its plan shall not imply
23 imprudence or unreasonableness.

24 If the participating utility finds that it is implementing
25 its plan for satisfying the infrastructure investment program
26 commitments described in subsection (b) of this Section at a

1 cost below the estimated amounts specified in subsection (b)
2 of this Section, then the utility may file a petition with the
3 Commission requesting that it be permitted to satisfy its
4 commitments by spending less than the estimated amounts
5 specified in subsection (b) of this Section. The Commission
6 shall, after notice and hearing, enter its order approving, or
7 approving as modified, or denying each such petition within
8 150 days after the filing of the petition.

9 In no event, absent General Assembly approval, shall the
10 capital investment costs incurred by a participating utility
11 other than a combination utility in satisfying its
12 infrastructure investment program commitments described in
13 subsection (b) of this Section exceed \$3,000,000,000 or, for a
14 participating utility that is a combination utility,
15 \$720,000,000. If the participating utility's updated cost
16 estimates for satisfying its infrastructure investment program
17 commitments described in subsection (b) of this Section exceed
18 the limitation imposed by this subsection (b-5), then it shall
19 submit a report to the Commission that identifies the
20 increased costs and explains the reason or reasons for the
21 increased costs no later than the year in which the utility
22 estimates it will exceed the limitation. The Commission shall
23 review the report and shall, within 90 days after the
24 participating utility files the report, report to the General
25 Assembly its findings regarding the participating utility's
26 report. If the General Assembly does not amend the limitation

1 imposed by this subsection (b-5), then the utility may modify
2 its plan so as not to exceed the limitation imposed by this
3 subsection (b-5) and may propose corresponding changes to the
4 metrics established pursuant to subparagraphs (5) through (8)
5 of subsection (f) of this Section, and the Commission may
6 modify the metrics and incremental savings goals established
7 pursuant to subsection (f) of this Section accordingly.

8 (b-10) All participating utilities shall make
9 contributions for an energy low-income and support program in
10 accordance with this subsection. Beginning no later than 180
11 days after a participating utility files a performance-based
12 formula rate tariff pursuant to subsection (c) of this
13 Section, or beginning no later than January 1, 2012 if such
14 utility files such performance-based formula rate tariff
15 within 14 days of December 30, 2011 (the effective date of
16 Public Act 97-646), and without obtaining any approvals from
17 the Commission or any other agency other than as set forth in
18 this Section, regardless of whether any such approval would
19 otherwise be required, a participating utility other than a
20 combination utility shall pay \$10,000,000 per year for 5 years
21 and a participating utility that is a combination utility
22 shall pay \$1,000,000 per year for 10 years to the energy
23 low-income and support program, which is intended to fund
24 customer assistance programs with the primary purpose being
25 avoidance of imminent disconnection. Such programs may
26 include:

1 (1) a residential hardship program that may partner
2 with community-based organizations, including senior
3 citizen organizations, and provides grants to low-income
4 residential customers, including low-income senior
5 citizens, who demonstrate a hardship;

6 (2) a program that provides grants and other bill
7 payment concessions to veterans with disabilities who
8 demonstrate a hardship and members of the armed services
9 or reserve forces of the United States or members of the
10 Illinois National Guard who are on active duty pursuant to
11 an executive order of the President of the United States,
12 an act of the Congress of the United States, or an order of
13 the Governor and who demonstrate a hardship;

14 (3) a budget assistance program that provides tools
15 and education to low-income senior citizens to assist them
16 with obtaining information regarding energy usage and
17 effective means of managing energy costs;

18 (4) a non-residential special hardship program that
19 provides grants to non-residential customers such as small
20 businesses and non-profit organizations that demonstrate a
21 hardship, including those providing services to senior
22 citizen and low-income customers; and

23 (5) a performance-based assistance program that
24 provides grants to encourage residential customers to make
25 on-time payments by matching a portion of the customer's
26 payments or providing credits towards arrearages.

1 The payments made by a participating utility pursuant to
2 this subsection (b-10) shall not be a recoverable expense. A
3 participating utility may elect to fund either new or existing
4 customer assistance programs, including, but not limited to,
5 those that are administered by the utility.

6 Programs that use funds that are provided by a
7 participating utility to reduce utility bills may be
8 implemented through tariffs that are filed with and reviewed
9 by the Commission. If a utility elects to file tariffs with the
10 Commission to implement all or a portion of the programs,
11 those tariffs shall, regardless of the date actually filed, be
12 deemed accepted and approved, and shall become effective on
13 December 30, 2011 (the effective date of Public Act 97-646).
14 The participating utilities whose customers benefit from the
15 funds that are disbursed as contemplated in this Section shall
16 file annual reports documenting the disbursement of those
17 funds with the Commission. The Commission has the authority to
18 audit disbursement of the funds to ensure they were disbursed
19 consistently with this Section.

20 If the Commission finds that a participating utility is no
21 longer eligible to update the performance-based formula rate
22 tariff pursuant to subsection (d) of this Section, or the
23 performance-based formula rate is otherwise terminated, then
24 the participating utility's voluntary commitments and
25 obligations under this subsection (b-10) shall immediately
26 terminate.

1 (c) A participating utility may elect to recover its
2 delivery services costs through a performance-based formula
3 rate approved by the Commission, which shall specify the cost
4 components that form the basis of the rate charged to
5 customers with sufficient specificity to operate in a
6 standardized manner and be updated annually with transparent
7 information that reflects the utility's actual costs to be
8 recovered during the applicable rate year, which is the period
9 beginning with the first billing day of January and extending
10 through the last billing day of the following December. In the
11 event the utility recovers a portion of its costs through
12 automatic adjustment clause tariffs on October 26, 2011 (the
13 effective date of Public Act 97-616), the utility may elect to
14 continue to recover these costs through such tariffs, but then
15 these costs shall not be recovered through the
16 performance-based formula rate. In the event the participating
17 utility, prior to December 30, 2011 (the effective date of
18 Public Act 97-646), filed electric delivery services tariffs
19 with the Commission pursuant to Section 9-201 of this Act that
20 are related to the recovery of its electric delivery services
21 costs that are still pending on December 30, 2011 (the
22 effective date of Public Act 97-646), the participating
23 utility shall, at the time it files its performance-based
24 formula rate tariff with the Commission, also file a notice of
25 withdrawal with the Commission to withdraw the electric
26 delivery services tariffs previously filed pursuant to Section

1 9-201 of this Act. Upon receipt of such notice, the Commission
2 shall dismiss with prejudice any docket that had been
3 initiated to investigate the electric delivery services
4 tariffs filed pursuant to Section 9-201 of this Act, and such
5 tariffs and the record related thereto shall not be the
6 subject of any further hearing, investigation, or proceeding
7 of any kind related to rates for electric delivery services.

8 The performance-based formula rate shall be implemented
9 through a tariff filed with the Commission consistent with the
10 provisions of this subsection (c) that shall be applicable to
11 all delivery services customers. The Commission shall initiate
12 and conduct an investigation of the tariff in a manner
13 consistent with the provisions of this subsection (c) and the
14 provisions of Article IX of this Act to the extent they do not
15 conflict with this subsection (c). Except in the case where
16 the Commission finds, after notice and hearing, that a
17 participating utility is not satisfying its investment amount
18 commitments under subsection (b) of this Section, the
19 performance-based formula rate shall remain in effect at the
20 discretion of the utility. The performance-based formula rate
21 approved by the Commission shall do the following:

22 (1) Provide for the recovery of the utility's actual
23 costs of delivery services that are prudently incurred and
24 reasonable in amount consistent with Commission practice
25 and law. The sole fact that a cost differs from that
26 incurred in a prior calendar year or that an investment is

1 different from that made in a prior calendar year shall
2 not imply the imprudence or unreasonableness of that cost
3 or investment.

4 (2) Reflect the utility's actual year-end capital
5 structure for the applicable calendar year, excluding
6 goodwill, subject to a determination of prudence and
7 reasonableness consistent with Commission practice and
8 law. To enable the financing of the incremental capital
9 expenditures, including regulatory assets, for electric
10 utilities that serve less than 3,000,000 retail customers
11 but more than 500,000 retail customers in the State, a
12 participating electric utility's actual year-end capital
13 structure that includes a common equity ratio, excluding
14 goodwill, of up to and including 50% of the total capital
15 structure shall be deemed reasonable and used to set
16 rates.

17 (3) Include a cost of equity, which shall be
18 calculated as the sum of the following:

19 (A) the average for the applicable calendar year
20 of the monthly average yields of 30-year U.S. Treasury
21 bonds published by the Board of Governors of the
22 Federal Reserve System in its weekly H.15 Statistical
23 Release or successor publication; and

24 (B) 580 basis points.

25 At such time as the Board of Governors of the Federal
26 Reserve System ceases to include the monthly average

1 yields of 30-year U.S. Treasury bonds in its weekly H.15
2 Statistical Release or successor publication, the monthly
3 average yields of the U.S. Treasury bonds then having the
4 longest duration published by the Board of Governors in
5 its weekly H.15 Statistical Release or successor
6 publication shall instead be used for purposes of this
7 paragraph (3).

8 (4) Permit and set forth protocols, subject to a
9 determination of prudence and reasonableness consistent
10 with Commission practice and law, for the following:

11 (A) recovery of incentive compensation expense
12 that is based on the achievement of operational
13 metrics, including metrics related to budget controls,
14 outage duration and frequency, safety, customer
15 service, efficiency and productivity, and
16 environmental compliance. Incentive compensation
17 expense that is based on net income or an affiliate's
18 earnings per share shall not be recoverable under the
19 performance-based formula rate;

20 (B) recovery of pension and other post-employment
21 benefits expense, provided that such costs are
22 supported by an actuarial study;

23 (C) recovery of severance costs, provided that if
24 the amount is over \$3,700,000 for a participating
25 utility that is a combination utility or \$10,000,000
26 for a participating utility that serves more than 3

1 million retail customers, then the full amount shall
2 be amortized consistent with subparagraph (F) of this
3 paragraph (4);

4 (D) investment return at a rate equal to the
5 utility's weighted average cost of long-term debt, on
6 the pension assets as, and in the amount, reported in
7 Account 186 (or in such other Account or Accounts as
8 such asset may subsequently be recorded) of the
9 utility's most recently filed FERC Form 1, net of
10 deferred tax benefits;

11 (E) recovery of the expenses related to the
12 Commission proceeding under this subsection (c) to
13 approve this performance-based formula rate and
14 initial rates or to subsequent proceedings related to
15 the formula, provided that the recovery shall be
16 amortized over a 3-year period; recovery of expenses
17 related to the annual Commission proceedings under
18 subsection (d) of this Section to review the inputs to
19 the performance-based formula rate shall be expensed
20 and recovered through the performance-based formula
21 rate;

22 (F) amortization over a 5-year period of the full
23 amount of each charge or credit that exceeds
24 \$3,700,000 for a participating utility that is a
25 combination utility or \$10,000,000 for a participating
26 utility that serves more than 3 million retail

1 customers in the applicable calendar year and that
2 relates to a workforce reduction program's severance
3 costs, changes in accounting rules, changes in law,
4 compliance with any Commission-initiated audit, or a
5 single storm or other similar expense, provided that
6 any unamortized balance shall be reflected in the rate
7 base. For purposes of this subparagraph (F), changes
8 in law includes any enactment, repeal, or amendment in
9 a law, ordinance, rule, regulation, interpretation,
10 permit, license, consent, or order, including those
11 relating to taxes, accounting, or to environmental
12 matters, or in the interpretation or application
13 thereof by any governmental authority occurring after
14 October 26, 2011 (the effective date of Public Act
15 97-616);

16 (G) recovery of existing regulatory assets over
17 the periods previously authorized by the Commission;

18 (H) historical weather normalized billing
19 determinants; and

20 (I) allocation methods for common costs.

21 (5) Provide that if the participating utility's earned
22 rate of return on common equity related to the provision
23 of delivery services for the prior rate year (calculated
24 using costs and capital structure approved by the
25 Commission as provided in subparagraph (2) of this
26 subsection (c), consistent with this Section, in

1 accordance with Commission rules and orders, including,
2 but not limited to, adjustments for goodwill, and after
3 any Commission-ordered disallowances and taxes) is more
4 than 50 basis points higher than the rate of return on
5 common equity calculated pursuant to paragraph (3) of this
6 subsection (c) (after adjusting for any penalties to the
7 rate of return on common equity applied pursuant to the
8 performance metrics provision of subsection (f) of this
9 Section), then the participating utility shall apply a
10 credit through the performance-based formula rate that
11 reflects an amount equal to the value of that portion of
12 the earned rate of return on common equity that is more
13 than 50 basis points higher than the rate of return on
14 common equity calculated pursuant to paragraph (3) of this
15 subsection (c) (after adjusting for any penalties to the
16 rate of return on common equity applied pursuant to the
17 performance metrics provision of subsection (f) of this
18 Section) for the prior rate year, adjusted for taxes. If
19 the participating utility's earned rate of return on
20 common equity related to the provision of delivery
21 services for the prior rate year (calculated using costs
22 and capital structure approved by the Commission as
23 provided in subparagraph (2) of this subsection (c),
24 consistent with this Section, in accordance with
25 Commission rules and orders, including, but not limited
26 to, adjustments for goodwill, and after any

1 Commission-ordered disallowances and taxes) is more than
2 50 basis points less than the return on common equity
3 calculated pursuant to paragraph (3) of this subsection
4 (c) (after adjusting for any penalties to the rate of
5 return on common equity applied pursuant to the
6 performance metrics provision of subsection (f) of this
7 Section), then the participating utility shall apply a
8 charge through the performance-based formula rate that
9 reflects an amount equal to the value of that portion of
10 the earned rate of return on common equity that is more
11 than 50 basis points less than the rate of return on common
12 equity calculated pursuant to paragraph (3) of this
13 subsection (c) (after adjusting for any penalties to the
14 rate of return on common equity applied pursuant to the
15 performance metrics provision of subsection (f) of this
16 Section) for the prior rate year, adjusted for taxes.

17 (6) Provide for an annual reconciliation, as described
18 in subsection (d) of this Section, with interest, of the
19 revenue requirement reflected in rates for each calendar
20 year, beginning with the calendar year in which the
21 utility files its performance-based formula rate tariff
22 pursuant to subsection (c) of this Section, with what the
23 revenue requirement would have been had the actual cost
24 information for the applicable calendar year been
25 available at the filing date.

26 The utility shall file, together with its tariff, final

1 data based on its most recently filed FERC Form 1, plus
2 projected plant additions and correspondingly updated
3 depreciation reserve and expense for the calendar year in
4 which the tariff and data are filed, that shall populate the
5 performance-based formula rate and set the initial delivery
6 services rates under the formula. For purposes of this
7 Section, "FERC Form 1" means the Annual Report of Major
8 Electric Utilities, Licensees and Others that electric
9 utilities are required to file with the Federal Energy
10 Regulatory Commission under the Federal Power Act, Sections 3,
11 4(a), 304 and 209, modified as necessary to be consistent with
12 83 Ill. ~~Adm. Admin.~~ Code Part 415 as of May 1, 2011. Nothing in
13 this Section is intended to allow costs that are not otherwise
14 recoverable to be recoverable by virtue of inclusion in FERC
15 Form 1.

16 After the utility files its proposed performance-based
17 formula rate structure and protocols and initial rates, the
18 Commission shall initiate a docket to review the filing. The
19 Commission shall enter an order approving, or approving as
20 modified, the performance-based formula rate, including the
21 initial rates, as just and reasonable within 270 days after
22 the date on which the tariff was filed, or, if the tariff is
23 filed within 14 days after October 26, 2011 (the effective
24 date of Public Act 97-616), then by May 31, 2012. Such review
25 shall be based on the same evidentiary standards, including,
26 but not limited to, those concerning the prudence and

1 reasonableness of the costs incurred by the utility, the
2 Commission applies in a hearing to review a filing for a
3 general increase in rates under Article IX of this Act. The
4 initial rates shall take effect within 30 days after the
5 Commission's order approving the performance-based formula
6 rate tariff.

7 Until such time as the Commission approves a different
8 rate design and cost allocation pursuant to subsection (e) of
9 this Section, rate design and cost allocation across customer
10 classes shall be consistent with the Commission's most recent
11 order regarding the participating utility's request for a
12 general increase in its delivery services rates.

13 Subsequent changes to the performance-based formula rate
14 structure or protocols shall be made as set forth in Section
15 9-201 of this Act, but nothing in this subsection (c) is
16 intended to limit the Commission's authority under Article IX
17 and other provisions of this Act to initiate an investigation
18 of a participating utility's performance-based formula rate
19 tariff, provided that any such changes shall be consistent
20 with paragraphs (1) through (6) of this subsection (c). Any
21 change ordered by the Commission shall be made at the same time
22 new rates take effect following the Commission's next order
23 pursuant to subsection (d) of this Section, provided that the
24 new rates take effect no less than 30 days after the date on
25 which the Commission issues an order adopting the change.

26 A participating utility that files a tariff pursuant to

1 this subsection (c) must submit a one-time \$200,000 filing fee
2 at the time the Chief Clerk of the Commission accepts the
3 filing, which shall be a recoverable expense.

4 In the event the performance-based formula rate is
5 terminated, the then current rates shall remain in effect
6 until such time as new rates are set pursuant to Article IX of
7 this Act, subject to retroactive rate adjustment, with
8 interest, to reconcile rates charged with actual costs. At
9 such time that the performance-based formula rate is
10 terminated, the participating utility's voluntary commitments
11 and obligations under subsection (b) of this Section shall
12 immediately terminate, except for the utility's obligation to
13 pay an amount already owed to the fund for training grants
14 pursuant to a Commission order issued under subsection (b) of
15 this Section.

16 (d) Subsequent to the Commission's issuance of an order
17 approving the utility's performance-based formula rate
18 structure and protocols, and initial rates under subsection
19 (c) of this Section, the utility shall file, on or before May 1
20 of each year, with the Chief Clerk of the Commission its
21 updated cost inputs to the performance-based formula rate for
22 the applicable rate year and the corresponding new charges.
23 Each such filing shall conform to the following requirements
24 and include the following information:

25 (1) The inputs to the performance-based formula rate
26 for the applicable rate year shall be based on final

1 historical data reflected in the utility's most recently
2 filed annual FERC Form 1 plus projected plant additions
3 and correspondingly updated depreciation reserve and
4 expense for the calendar year in which the inputs are
5 filed. The filing shall also include a reconciliation of
6 the revenue requirement that was in effect for the prior
7 rate year (as set by the cost inputs for the prior rate
8 year) with the actual revenue requirement for the prior
9 rate year (determined using a year-end rate base) that
10 uses amounts reflected in the applicable FERC Form 1 that
11 reports the actual costs for the prior rate year. Any
12 over-collection or under-collection indicated by such
13 reconciliation shall be reflected as a credit against, or
14 recovered as an additional charge to, respectively, with
15 interest calculated at a rate equal to the utility's
16 weighted average cost of capital approved by the
17 Commission for the prior rate year, the charges for the
18 applicable rate year. Provided, however, that the first
19 such reconciliation shall be for the calendar year in
20 which the utility files its performance-based formula rate
21 tariff pursuant to subsection (c) of this Section and
22 shall reconcile (i) the revenue requirement or
23 requirements established by the rate order or orders in
24 effect from time to time during such calendar year
25 (weighted, as applicable) with (ii) the revenue
26 requirement determined using a year-end rate base for that

1 calendar year calculated pursuant to the performance-based
2 formula rate using (A) actual costs for that year as
3 reflected in the applicable FERC Form 1, and (B) for the
4 first such reconciliation only, the cost of equity, which
5 shall be calculated as the sum of 590 basis points plus the
6 average for the applicable calendar year of the monthly
7 average yields of 30-year U.S. Treasury bonds published by
8 the Board of Governors of the Federal Reserve System in
9 its weekly H.15 Statistical Release or successor
10 publication. The first such reconciliation is not intended
11 to provide for the recovery of costs previously excluded
12 from rates based on a prior Commission order finding of
13 imprudence or unreasonableness. Each reconciliation shall
14 be certified by the participating utility in the same
15 manner that FERC Form 1 is certified. The filing shall
16 also include the charge or credit, if any, resulting from
17 the calculation required by paragraph (6) of subsection
18 (c) of this Section.

19 Notwithstanding anything that may be to the contrary,
20 the intent of the reconciliation is to ultimately
21 reconcile the revenue requirement reflected in rates for
22 each calendar year, beginning with the calendar year in
23 which the utility files its performance-based formula rate
24 tariff pursuant to subsection (c) of this Section, with
25 what the revenue requirement determined using a year-end
26 rate base for the applicable calendar year would have been

1 had the actual cost information for the applicable
2 calendar year been available at the filing date.

3 (2) The new charges shall take effect beginning on the
4 first billing day of the following January billing period
5 and remain in effect through the last billing day of the
6 next December billing period regardless of whether the
7 Commission enters upon a hearing pursuant to this
8 subsection (d).

9 (3) The filing shall include relevant and necessary
10 data and documentation for the applicable rate year that
11 is consistent with the Commission's rules applicable to a
12 filing for a general increase in rates or any rules
13 adopted by the Commission to implement this Section.
14 Normalization adjustments shall not be required.
15 Notwithstanding any other provision of this Section or Act
16 or any rule or other requirement adopted by the
17 Commission, a participating utility that is a combination
18 utility with more than one rate zone shall not be required
19 to file a separate set of such data and documentation for
20 each rate zone and may combine such data and documentation
21 into a single set of schedules.

22 Within 45 days after the utility files its annual update
23 of cost inputs to the performance-based formula rate, the
24 Commission shall have the authority, either upon complaint or
25 its own initiative, but with reasonable notice, to enter upon
26 a hearing concerning the prudence and reasonableness of the

1 costs incurred by the utility to be recovered during the
2 applicable rate year that are reflected in the inputs to the
3 performance-based formula rate derived from the utility's FERC
4 Form 1. During the course of the hearing, each objection shall
5 be stated with particularity and evidence provided in support
6 thereof, after which the utility shall have the opportunity to
7 rebut the evidence. Discovery shall be allowed consistent with
8 the Commission's Rules of Practice, which Rules shall be
9 enforced by the Commission or the assigned administrative law
10 judge. The Commission shall apply the same evidentiary
11 standards, including, but not limited to, those concerning the
12 prudence and reasonableness of the costs incurred by the
13 utility, in the hearing as it would apply in a hearing to
14 review a filing for a general increase in rates under Article
15 IX of this Act. The Commission shall not, however, have the
16 authority in a proceeding under this subsection (d) to
17 consider or order any changes to the structure or protocols of
18 the performance-based formula rate approved pursuant to
19 subsection (c) of this Section. In a proceeding under this
20 subsection (d), the Commission shall enter its order no later
21 than the earlier of 240 days after the utility's filing of its
22 annual update of cost inputs to the performance-based formula
23 rate or December 31. The Commission's determinations of the
24 prudence and reasonableness of the costs incurred for the
25 applicable calendar year shall be final upon entry of the
26 Commission's order and shall not be subject to reopening,

1 reexamination, or collateral attack in any other Commission
2 proceeding, case, docket, order, rule or regulation, provided,
3 however, that nothing in this subsection (d) shall prohibit a
4 party from petitioning the Commission to rehear or appeal to
5 the courts the order pursuant to the provisions of this Act.

6 In the event the Commission does not, either upon
7 complaint or its own initiative, enter upon a hearing within
8 45 days after the utility files the annual update of cost
9 inputs to its performance-based formula rate, then the costs
10 incurred for the applicable calendar year shall be deemed
11 prudent and reasonable, and the filed charges shall not be
12 subject to reopening, reexamination, or collateral attack in
13 any other proceeding, case, docket, order, rule, or
14 regulation.

15 A participating utility's first filing of the updated cost
16 inputs, and any Commission investigation of such inputs
17 pursuant to this subsection (d) shall proceed notwithstanding
18 the fact that the Commission's investigation under subsection
19 (c) of this Section is still pending and notwithstanding any
20 other law, order, rule, or Commission practice to the
21 contrary.

22 (e) Nothing in subsections (c) or (d) of this Section
23 shall prohibit the Commission from investigating, or a
24 participating utility from filing, revenue-neutral tariff
25 changes related to rate design of a performance-based formula
26 rate that has been placed into effect for the utility.

1 Following approval of a participating utility's
2 performance-based formula rate tariff pursuant to subsection
3 (c) of this Section, the utility shall make a filing with the
4 Commission within one year after the effective date of the
5 performance-based formula rate tariff that proposes changes to
6 the tariff to incorporate the findings of any final rate
7 design orders of the Commission applicable to the
8 participating utility and entered subsequent to the
9 Commission's approval of the tariff. The Commission shall,
10 after notice and hearing, enter its order approving, or
11 approving with modification, the proposed changes to the
12 performance-based formula rate tariff within 240 days after
13 the utility's filing. Following such approval, the utility
14 shall make a filing with the Commission during each subsequent
15 3-year period that either proposes revenue-neutral tariff
16 changes or re-files the existing tariffs without change, which
17 shall present the Commission with an opportunity to suspend
18 the tariffs and consider revenue-neutral tariff changes
19 related to rate design.

20 (f) Within 30 days after the filing of a tariff pursuant to
21 subsection (c) of this Section, each participating utility
22 shall develop and file with the Commission multi-year metrics
23 designed to achieve, ratably (i.e., in equal segments) over a
24 10-year period, improvement over baseline performance values
25 as follows:

26 (1) Twenty percent improvement in the System Average

1 Interruption Frequency Index, using a baseline of the
2 average of the data from 2001 through 2010.

3 (2) Fifteen percent improvement in the system Customer
4 Average Interruption Duration Index, using a baseline of
5 the average of the data from 2001 through 2010.

6 (3) For a participating utility other than a
7 combination utility, 20% improvement in the System Average
8 Interruption Frequency Index for its Southern Region,
9 using a baseline of the average of the data from 2001
10 through 2010. For purposes of this paragraph (3), Southern
11 Region shall have the meaning set forth in the
12 participating utility's most recent report filed pursuant
13 to Section 16-125 of this Act.

14 (3.5) For a participating utility other than a
15 combination utility, 20% improvement in the System Average
16 Interruption Frequency Index for its Northeastern Region,
17 using a baseline of the average of the data from 2001
18 through 2010. For purposes of this paragraph (3.5),
19 Northeastern Region shall have the meaning set forth in
20 the participating utility's most recent report filed
21 pursuant to Section 16-125 of this Act.

22 (4) Seventy-five percent improvement in the total
23 number of customers who exceed the service reliability
24 targets as set forth in subparagraphs (A) through (C) of
25 paragraph (4) of subsection (b) of 83 Ill. Adm. ~~Admin.~~
26 Code ~~Part~~ 411.140 as of May 1, 2011, using 2010 as the

1 baseline year.

2 (5) Reduction in issuance of estimated electric bills:
3 90% improvement for a participating utility other than a
4 combination utility, and 56% improvement for a
5 participating utility that is a combination utility, using
6 a baseline of the average number of estimated bills for
7 the years 2008 through 2010.

8 (6) Consumption on inactive meters: 90% improvement
9 for a participating utility other than a combination
10 utility, and 56% improvement for a participating utility
11 that is a combination utility, using a baseline of the
12 average unbilled kilowatthours for the years 2009 and
13 2010.

14 (7) Unaccounted for energy: 50% improvement for a
15 participating utility other than a combination utility
16 using a baseline of the non-technical line loss
17 unaccounted for energy kilowatthours for the year 2009.

18 (8) Uncollectible expense: reduce uncollectible
19 expense by at least \$30,000,000 for a participating
20 utility other than a combination utility and by at least
21 \$3,500,000 for a participating utility that is a
22 combination utility, using a baseline of the average
23 uncollectible expense for the years 2008 through 2010.

24 (9) Opportunities for minority-owned and female-owned
25 business enterprises: design a performance metric
26 regarding the creation of opportunities for minority-owned

1 and female-owned business enterprises consistent with
2 State and federal law using a base performance value of
3 the percentage of the participating utility's capital
4 expenditures that were paid to minority-owned and
5 female-owned business enterprises in 2010.

6 The definitions set forth in 83 Ill. ~~Adm. Admin.~~ Code ~~Part~~
7 411.20 as of May 1, 2011 shall be used for purposes of
8 calculating performance under paragraphs (1) through (3.5) of
9 this subsection (f), provided, however, that the participating
10 utility may exclude up to 9 extreme weather event days from
11 such calculation for each year, and provided further that the
12 participating utility shall exclude 9 extreme weather event
13 days when calculating each year of the baseline period to the
14 extent that there are 9 such days in a given year of the
15 baseline period. For purposes of this Section, an extreme
16 weather event day is a 24-hour calendar day (beginning at
17 12:00 a.m. and ending at 11:59 p.m.) during which any weather
18 event (e.g., storm, tornado) caused interruptions for 10,000
19 or more of the participating utility's customers for 3 hours
20 or more. If there are more than 9 extreme weather event days in
21 a year, then the utility may choose no more than 9 extreme
22 weather event days to exclude, provided that the same extreme
23 weather event days are excluded from each of the calculations
24 performed under paragraphs (1) through (3.5) of this
25 subsection (f).

26 The metrics shall include incremental performance goals

1 for each year of the 10-year period, which shall be designed to
2 demonstrate that the utility is on track to achieve the
3 performance goal in each category at the end of the 10-year
4 period. The utility shall elect when the 10-year period shall
5 commence for the metrics set forth in subparagraphs (1)
6 through (4) and (9) of this subsection (f), provided that it
7 begins no later than 14 months following the date on which the
8 utility begins investing pursuant to subsection (b) of this
9 Section, and when the 10-year period shall commence for the
10 metrics set forth in subparagraphs (5) through (8) of this
11 subsection (f), provided that it begins no later than 14
12 months following the date on which the Commission enters its
13 order approving the utility's Advanced Metering Infrastructure
14 Deployment Plan pursuant to subsection (c) of Section 16-108.6
15 of this Act.

16 The metrics and performance goals set forth in
17 subparagraphs (5) through (8) of this subsection (f) are based
18 on the assumptions that the participating utility may fully
19 implement the technology described in subsection (b) of this
20 Section, including utilizing the full functionality of such
21 technology and that there is no requirement for personal
22 on-site notification. If the utility is unable to meet the
23 metrics and performance goals set forth in subparagraphs (5)
24 through (8) of this subsection (f) for such reasons, and the
25 Commission so finds after notice and hearing, then the utility
26 shall be excused from compliance, but only to the limited

1 extent achievement of the affected metrics and performance
2 goals was hindered by the less than full implementation.

3 (f-5) The financial penalties applicable to the metrics
4 described in subparagraphs (1) through (8) of subsection (f)
5 of this Section, as applicable, shall be applied through an
6 adjustment to the participating utility's return on equity of
7 no more than a total of 30 basis points in each of the first 3
8 years, of no more than a total of 34 basis points in each of
9 the 3 years thereafter, and of no more than a total of 38 basis
10 points in each of the 4 years thereafter, as follows:

11 (1) With respect to each of the incremental annual
12 performance goals established pursuant to paragraph (1) of
13 subsection (f) of this Section,

14 (A) for each year that a participating utility
15 other than a combination utility does not achieve the
16 annual goal, the participating utility's return on
17 equity shall be reduced as follows: during years 1
18 through 3, by 5 basis points; during years 4 through 6,
19 by 6 basis points; and during years 7 through 10, by 7
20 basis points; and

21 (B) for each year that a participating utility
22 that is a combination utility does not achieve the
23 annual goal, the participating utility's return on
24 equity shall be reduced as follows: during years 1
25 through 3, by 10 basis points; during years 4 through
26 6, by 12 basis points; and during years 7 through 10,

1 by 14 basis points.

2 (2) With respect to each of the incremental annual
3 performance goals established pursuant to paragraph (2) of
4 subsection (f) of this Section, for each year that the
5 participating utility does not achieve each such goal, the
6 participating utility's return on equity shall be reduced
7 as follows: during years 1 through 3, by 5 basis points;
8 during years 4 through 6, by 6 basis points; and during
9 years 7 through 10, by 7 basis points.

10 (3) With respect to each of the incremental annual
11 performance goals established pursuant to paragraphs (3)
12 and (3.5) of subsection (f) of this Section, for each year
13 that a participating utility other than a combination
14 utility does not achieve both such goals, the
15 participating utility's return on equity shall be reduced
16 as follows: during years 1 through 3, by 5 basis points;
17 during years 4 through 6, by 6 basis points; and during
18 years 7 through 10, by 7 basis points.

19 (4) With respect to each of the incremental annual
20 performance goals established pursuant to paragraph (4) of
21 subsection (f) of this Section, for each year that the
22 participating utility does not achieve each such goal, the
23 participating utility's return on equity shall be reduced
24 as follows: during years 1 through 3, by 5 basis points;
25 during years 4 through 6, by 6 basis points; and during
26 years 7 through 10, by 7 basis points.

1 (5) With respect to each of the incremental annual
2 performance goals established pursuant to subparagraph (5)
3 of subsection (f) of this Section, for each year that the
4 participating utility does not achieve at least 95% of
5 each such goal, the participating utility's return on
6 equity shall be reduced by 5 basis points for each such
7 unachieved goal.

8 (6) With respect to each of the incremental annual
9 performance goals established pursuant to paragraphs (6),
10 (7), and (8) of subsection (f) of this Section, as
11 applicable, which together measure non-operational
12 customer savings and benefits relating to the
13 implementation of the Advanced Metering Infrastructure
14 Deployment Plan, as defined in Section 16-108.6 of this
15 Act, the performance under each such goal shall be
16 calculated in terms of the percentage of the goal
17 achieved. The percentage of goal achieved for each of the
18 goals shall be aggregated, and an average percentage value
19 calculated, for each year of the 10-year period. If the
20 utility does not achieve an average percentage value in a
21 given year of at least 95%, the participating utility's
22 return on equity shall be reduced by 5 basis points.

23 The financial penalties shall be applied as described in
24 this subsection (f-5) for the 12-month period in which the
25 deficiency occurred through a separate tariff mechanism, which
26 shall be filed by the utility together with its metrics. In the

1 event the formula rate tariff established pursuant to
2 subsection (c) of this Section terminates, the utility's
3 obligations under subsection (f) of this Section and this
4 subsection (f-5) shall also terminate, provided, however, that
5 the tariff mechanism established pursuant to subsection (f) of
6 this Section and this subsection (f-5) shall remain in effect
7 until any penalties due and owing at the time of such
8 termination are applied.

9 The Commission shall, after notice and hearing, enter an
10 order within 120 days after the metrics are filed approving,
11 or approving with modification, a participating utility's
12 tariff or mechanism to satisfy the metrics set forth in
13 subsection (f) of this Section. On June 1 of each subsequent
14 year, each participating utility shall file a report with the
15 Commission that includes, among other things, a description of
16 how the participating utility performed under each metric and
17 an identification of any extraordinary events that adversely
18 impacted the utility's performance. Whenever a participating
19 utility does not satisfy the metrics required pursuant to
20 subsection (f) of this Section, the Commission shall, after
21 notice and hearing, enter an order approving financial
22 penalties in accordance with this subsection (f-5). The
23 Commission-approved financial penalties shall be applied
24 beginning with the next rate year. Nothing in this Section
25 shall authorize the Commission to reduce or otherwise obviate
26 the imposition of financial penalties for failing to achieve

1 one or more of the metrics established pursuant to
2 subparagraphs ~~subparagraph~~ (1) through (4) of subsection (f)
3 of this Section.

4 (g) On or before July 31, 2014, each participating utility
5 shall file a report with the Commission that sets forth the
6 average annual increase in the average amount paid per
7 kilowatthour for residential eligible retail customers,
8 exclusive of the effects of energy efficiency programs,
9 comparing the 12-month period ending May 31, 2012; the
10 12-month period ending May 31, 2013; and the 12-month period
11 ending May 31, 2014. For a participating utility that is a
12 combination utility with more than one rate zone, the weighted
13 average aggregate increase shall be provided. The report shall
14 be filed together with a statement from an independent auditor
15 attesting to the accuracy of the report. The cost of the
16 independent auditor shall be borne by the participating
17 utility and shall not be a recoverable expense. "The average
18 amount paid per kilowatthour" shall be based on the
19 participating utility's tariffed rates actually in effect and
20 shall not be calculated using any hypothetical rate or
21 adjustments to actual charges (other than as specified for
22 energy efficiency) as an input.

23 In the event that the average annual increase exceeds 2.5%
24 as calculated pursuant to this subsection (g), then Sections
25 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other
26 than this subsection, shall be inoperative as they relate to

1 the utility and its service area as of the date of the report
2 due to be submitted pursuant to this subsection and the
3 utility shall no longer be eligible to annually update the
4 performance-based formula rate tariff pursuant to subsection
5 (d) of this Section. In such event, the then current rates
6 shall remain in effect until such time as new rates are set
7 pursuant to Article IX of this Act, subject to retroactive
8 adjustment, with interest, to reconcile rates charged with
9 actual costs, and the participating utility's voluntary
10 commitments and obligations under subsection (b) of this
11 Section shall immediately terminate, except for the utility's
12 obligation to pay an amount already owed to the fund for
13 training grants pursuant to a Commission order issued under
14 subsection (b) of this Section.

15 In the event that the average annual increase is 2.5% or
16 less as calculated pursuant to this subsection (g), then the
17 performance-based formula rate shall remain in effect as set
18 forth in this Section.

19 For purposes of this Section, the amount per kilowatthour
20 means the total amount paid for electric service expressed on
21 a per kilowatthour basis, and the total amount paid for
22 electric service includes without limitation amounts paid for
23 supply, transmission, distribution, surcharges, and add-on
24 taxes exclusive of any increases in taxes or new taxes imposed
25 after October 26, 2011 (the effective date of Public Act
26 97-616). For purposes of this Section, "eligible retail

1 customers" shall have the meaning set forth in Section
2 16-111.5 of this Act.

3 The fact that this Section becomes inoperative as set
4 forth in this subsection shall not be construed to mean that
5 the Commission may reexamine or otherwise reopen prudence or
6 reasonableness determinations already made.

7 (h) By December 31, 2017, the Commission shall prepare and
8 file with the General Assembly a report on the infrastructure
9 program and the performance-based formula rate. The report
10 shall include the change in the average amount per
11 kilowatthour paid by residential customers between June 1,
12 2011 and May 31, 2017. If the change in the total average rate
13 paid exceeds 2.5% compounded annually, the Commission shall
14 include in the report an analysis that shows the portion of the
15 change due to the delivery services component and the portion
16 of the change due to the supply component of the rate. The
17 report shall include separate sections for each participating
18 utility.

19 Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of
20 this Act, other than this subsection (h) and subsection (i) of
21 this Section, are inoperative after December 31, 2022 for
22 every participating utility, after which time a participating
23 utility shall no longer be eligible to annually update the
24 performance-based formula rate tariff pursuant to subsection
25 (d) of this Section. At such time, the then current rates shall
26 remain in effect until such time as new rates are set pursuant

1 to Article IX of this Act, subject to retroactive adjustment,
2 with interest, to reconcile rates charged with actual costs.

3 The fact that this Section becomes inoperative as set
4 forth in this subsection shall not be construed to mean that
5 the Commission may reexamine or otherwise reopen prudence or
6 reasonableness determinations already made.

7 (i) While a participating utility may use, develop, and
8 maintain broadband systems and the delivery of broadband
9 services, voice-over-internet-protocol services,
10 telecommunications services, and cable and video programming
11 services for use in providing delivery services and Smart Grid
12 functionality or application to its retail customers,
13 including, but not limited to, the installation,
14 implementation and maintenance of Smart Grid electric system
15 upgrades as defined in Section 16-108.6 of this Act, a
16 participating utility is prohibited from providing to its
17 retail customers broadband services,
18 voice-over-internet-protocol services, telecommunications
19 services, or cable or video programming services, unless they
20 are part of a service directly related to delivery services or
21 Smart Grid functionality or applications as defined in Section
22 16-108.6 of this Act, and from recovering the costs of such
23 offerings from retail customers. The prohibition set forth in
24 this subsection (i) is inoperative after December 31, 2027 for
25 every participating utility.

26 (j) Nothing in this Section is intended to legislatively

1 overturn the opinion issued in Commonwealth Edison Co. v. Ill.
2 Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137,
3 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App.
4 Ct. 2d Dist. Sept. 30, 2010). Public Act 97-616 shall not be
5 construed as creating a contract between the General Assembly
6 and the participating utility, and shall not establish a
7 property right in the participating utility.

8 (k) The changes made in subsections (c) and (d) of this
9 Section by Public Act 98-15 are intended to be a restatement
10 and clarification of existing law, and intended to give
11 binding effect to the provisions of House Resolution 1157
12 adopted by the House of Representatives of the 97th General
13 Assembly and Senate Resolution 821 adopted by the Senate of
14 the 97th General Assembly that are reflected in paragraph (3)
15 of this subsection. In addition, Public Act 98-15 preempts and
16 supersedes any final Commission orders entered in Docket Nos.
17 11-0721, 12-0001, 12-0293, and 12-0321 to the extent
18 inconsistent with the amendatory language added to subsections
19 (c) and (d).

20 (1) No earlier than 5 business days after May 22, 2013
21 (the effective date of Public Act 98-15), each
22 participating utility shall file any tariff changes
23 necessary to implement the amendatory language set forth
24 in subsections (c) and (d) of this Section by Public Act
25 98-15 and a revised revenue requirement under the
26 participating utility's performance-based formula rate.

1 The Commission shall enter a final order approving such
2 tariff changes and revised revenue requirement within 21
3 days after the participating utility's filing.

4 (2) Notwithstanding anything that may be to the
5 contrary, a participating utility may file a tariff to
6 retroactively recover its previously unrecovered actual
7 costs of delivery service that are no longer subject to
8 recovery through a reconciliation adjustment under
9 subsection (d) of this Section. This retroactive recovery
10 shall include any derivative adjustments resulting from
11 the changes to subsections (c) and (d) of this Section by
12 Public Act 98-15. Such tariff shall allow the utility to
13 assess, on current customer bills over a period of 12
14 monthly billing periods, a charge or credit related to
15 those unrecovered costs with interest at the utility's
16 weighted average cost of capital during the period in
17 which those costs were unrecovered. A participating
18 utility may file a tariff that implements a retroactive
19 charge or credit as described in this paragraph for
20 amounts not otherwise included in the tariff filing
21 provided for in paragraph (1) of this subsection (k). The
22 Commission shall enter a final order approving such tariff
23 within 21 days after the participating utility's filing.

24 (3) The tariff changes described in paragraphs (1) and
25 (2) of this subsection (k) shall relate only to, and be
26 consistent with, the following provisions of Public Act

1 98-15: paragraph (2) of subsection (c) regarding year-end
2 capital structure, subparagraph (D) of paragraph (4) of
3 subsection (c) regarding pension assets, and subsection
4 (d) regarding the reconciliation components related to
5 year-end rate base and interest calculated at a rate equal
6 to the utility's weighted average cost of capital.

7 (4) Nothing in this subsection is intended to effect a
8 dismissal of or otherwise affect an appeal from any final
9 Commission orders entered in Docket Nos. 11-0721, 12-0001,
10 12-0293, and 12-0321 other than to the extent of the
11 amendatory language contained in subsections (c) and (d)
12 of this Section of Public Act 98-15.

13 (1) Each participating utility shall be deemed to have
14 been in full compliance with all requirements of subsection
15 (b) of this Section, subsection (c) of this Section, Section
16 16-108.6 of this Act, and all Commission orders entered
17 pursuant to Sections 16-108.5 and 16-108.6 of this Act, up to
18 and including May 22, 2013 (the effective date of Public Act
19 98-15). The Commission shall not undertake any investigation
20 of such compliance and no penalty shall be assessed or adverse
21 action taken against a participating utility for noncompliance
22 with Commission orders associated with subsection (b) of this
23 Section, subsection (c) of this Section, and Section 16-108.6
24 of this Act prior to such date. Each participating utility
25 other than a combination utility shall be permitted, without
26 penalty, a period of 12 months after such effective date to

1 take actions required to ensure its infrastructure investment
2 program is in compliance with subsection (b) of this Section
3 and with Section 16-108.6 of this Act. Provided further, the
4 following subparagraphs shall apply to a participating utility
5 other than a combination utility:

6 (A) if the Commission has initiated a proceeding
7 pursuant to subsection (e) of Section 16-108.6 of this Act
8 that is pending as of May 22, 2013 (the effective date of
9 Public Act 98-15), then the order entered in such
10 proceeding shall, after notice and hearing, accelerate the
11 commencement of the meter deployment schedule approved in
12 the final Commission order on rehearing entered in Docket
13 No. 12-0298;

14 (B) if the Commission has entered an order pursuant to
15 subsection (e) of Section 16-108.6 of this Act prior to
16 May 22, 2013 (the effective date of Public Act 98-15) that
17 does not accelerate the commencement of the meter
18 deployment schedule approved in the final Commission order
19 on rehearing entered in Docket No. 12-0298, then the
20 utility shall file with the Commission, within 45 days
21 after such effective date, a plan for accelerating the
22 commencement of the utility's meter deployment schedule
23 approved in the final Commission order on rehearing
24 entered in Docket No. 12-0298; the Commission shall reopen
25 the proceeding in which it entered its order pursuant to
26 subsection (e) of Section 16-108.6 of this Act and shall,

1 after notice and hearing, enter an amendatory order that
2 approves or approves as modified such accelerated plan
3 within 90 days after the utility's filing; or

4 (C) if the Commission has not initiated a proceeding
5 pursuant to subsection (e) of Section 16-108.6 of this Act
6 prior to May 22, 2013 (the effective date of Public Act
7 98-15), then the utility shall file with the Commission,
8 within 45 days after such effective date, a plan for
9 accelerating the commencement of the utility's meter
10 deployment schedule approved in the final Commission order
11 on rehearing entered in Docket No. 12-0298 and the
12 Commission shall, after notice and hearing, approve or
13 approve as modified such plan within 90 days after the
14 utility's filing.

15 Any schedule for meter deployment approved by the
16 Commission pursuant to this subsection (l) shall take into
17 consideration procurement times for meters and other equipment
18 and operational issues. Nothing in Public Act 98-15 shall
19 shorten or extend the end dates for the 5-year or 10-year
20 periods set forth in subsection (b) of this Section or Section
21 16-108.6 of this Act. Nothing in this subsection is intended
22 to address whether a participating utility has, or has not,
23 satisfied any or all of the metrics and performance goals
24 established pursuant to subsection (f) of this Section.

25 (m) The provisions of Public Act 98-15 are severable under
26 Section 1.31 of the Statute on Statutes.

1 (Source: P.A. 102-1031, eff. 5-27-22; revised 8-22-22.)

2 Section 460. The Broadband Advisory Council Act is amended
3 by changing Section 15 as follows:

4 (220 ILCS 80/15)

5 Sec. 15. Broadband Advisory Council; members of Council;
6 administrative support.

7 (a) The Broadband Advisory Council is hereby established.
8 The Department of Commerce and Economic Opportunity shall
9 house the Council and provide administrative, personnel, and
10 technical support services.

11 (b) The Council shall consist of the following 25 voting
12 members:

13 (1) the Director of Commerce and Economic Opportunity
14 or his or her designee, who shall serve as chair of the
15 Council;

16 (2) the Secretary of Innovation and Technology or his
17 or her designee;

18 (3) the Director of Aging or his or her designee;

19 (4) the Attorney General or his or her designee;

20 (5) the Chairman of the Illinois Commerce Commission
21 or his or her designee;

22 (6) one member appointed by the Director of Healthcare
23 and Family Services to represent the needs of disabled
24 citizens;

1 (7) one member appointed by the Director of Commerce
2 and Economic Opportunity and nominated by the president of
3 a statewide organization representing electric
4 cooperatives;

5 (8) one member appointed by the Director of Commerce
6 and Economic Opportunity and nominated by the executive
7 director of a statewide organization representing
8 municipalities;

9 (9) one member appointed by the Director of Commerce
10 and Economic Opportunity and nominated by the president of
11 a statewide organization representing libraries;

12 (10) one member appointed by the Director of Commerce
13 and Economic Opportunity and nominated by the president of
14 a statewide organization representing public housing
15 authorities;

16 (11) one member appointed by the Chair of the Illinois
17 Community College Board;

18 (12) one member appointed by the Chair of the Illinois
19 Board of Higher Education; ~~and~~

20 (13) one member appointed by the Director of Commerce
21 and Economic Opportunity and nominated by the president of
22 the State's largest general farm organization;

23 (14) one member appointed by the Director of Aging and
24 nominated by an organization representing Illinois' senior
25 population with a membership of at least 1,500,000;

26 (15) seven members to represent broadband providers

1 for 3-year terms appointed by the Governor as follows:

2 (A) one member representing an incumbent local
3 exchange carrier that serves rural areas;

4 (B) one member representing an incumbent local
5 exchange carrier that serves urban areas;

6 (C) one member representing wireless carriers that
7 offer broadband Internet access;

8 (D) one member representing cable companies that
9 serve Illinois;

10 (E) one member representing a statewide rural
11 broadband association;

12 (F) one member representing a telecommunications
13 carrier issued a certificate of public convenience and
14 necessity or a certificate of service authority from
15 the Illinois Commerce Commission, whose principal
16 place of business is located in east central Illinois
17 and who is engaged in providing broadband access in
18 rural areas through the installation of broadband
19 lines that connect telecommunications facilities to
20 other telecommunications facilities or to end-users;
21 and

22 (G) one member representing satellite providers;
23 and

24 (16) four members to represent underrepresented and
25 ethnically diverse communities for 3-year terms appointed
26 by the Governor as follows:

1 (A) one member from a community-based organization
2 representing the interests of African-American or
3 Black individuals;

4 (B) one member from a community-based organization
5 representing the interests of Hispanic or Latino
6 individuals;

7 (C) one member from a community-based organization
8 representing the interests of Asian-American or
9 Pacific Islander individuals; and

10 (D) one member from a community-based organization
11 representing the interests of ethnically diverse
12 individuals.

13 (c) In addition to the 25 voting members of the Council,
14 the President of the Senate, the Minority Leader of the
15 Senate, the Speaker of the House of Representatives, and the
16 Minority Leader of the House of Representatives shall each
17 appoint one non-voting member of the Council.

18 (d) All voting and non-voting members must be appointed
19 within 90 days after the effective date of this Act.

20 (e) The members shall select a vice chair from their
21 number. In the absence of the chair, the vice chair shall serve
22 as chair. The Council shall appoint a secretary-treasurer who
23 need not be a member of the Council and who, among other tasks
24 or functions designated by the Council, shall keep records of
25 its proceedings.

26 (f) The Council may appoint working groups to investigate

1 and make recommendations to the full Council. Members of these
2 working groups need not be members of the Council.

3 (g) Nine voting members of the Council constitute a
4 quorum, and the affirmative vote of a simple majority of those
5 members present is necessary for any action taken by vote of
6 the Council.

7 (h) The Council shall conduct its first meeting within 30
8 days after all members have been appointed. The Council shall
9 meet quarterly after its first meeting. Additional hearings
10 and public meetings are permitted at the discretion of the
11 members. The Council may meet in person or through video or
12 audio conference.

13 (i) Members shall serve without compensation and may be
14 reimbursed for reasonable expenses incurred in the performance
15 of their duties from funds appropriated for that purpose.

16 (Source: P.A. 102-247, eff. 1-1-22; revised 8-19-22.)

17 Section 465. The Illinois Athletic Trainers Practice Act
18 is amended by changing Section 4 as follows:

19 (225 ILCS 5/4) (from Ch. 111, par. 7604)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 4. Licensure; exempt activities. No person shall
22 provide any of the services set forth in subsection (4) of
23 Section 3 of this Act, or use the title "athletic trainer" ~~or~~
24 "certified athletic trainer" ~~or~~ "athletic trainer certified"

1 or "licensed athletic trainer" or the letters "LAT", "L.A.T.",
2 "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after the
3 athletic trainer's name, unless licensed under this Act.

4 Nothing in this Act shall be construed as preventing or
5 restricting the practice, services, or activities of:

6 (1) Any person licensed or registered in this State by
7 any other law from engaging in the profession or
8 occupation for which he or she is licensed or registered.

9 (2) Any person employed as an athletic trainer by the
10 Government of the United States, if such person provides
11 athletic training solely under the direction or control of
12 the organization by which he or she is employed.

13 (3) Any person pursuing a course of study leading to a
14 degree in athletic training at an accredited educational
15 program if such activities and services constitute a part
16 of a supervised course of study involving daily personal
17 or verbal contact at the site of supervision between the
18 athletic training student and the licensed athletic
19 trainer who plans, directs, advises, and evaluates the
20 student's athletic training clinical education. The
21 supervising licensed athletic trainer must be on-site
22 where the athletic training clinical education is being
23 obtained. A person meeting the criteria under this
24 paragraph (3) must be designated by a title which clearly
25 indicates his or her status as a student.

26 (4) (Blank).

1 (5) The practice of athletic training under the
2 supervision of a licensed athletic trainer by one who has
3 applied in writing to the Department for licensure and has
4 complied with all the provisions of Section 9 except the
5 passing of the examination to be eligible to receive such
6 license. This temporary right to act as an athletic
7 trainer shall expire 3 months after the filing of his or
8 her written application to the Department; when the
9 applicant has been notified of his or her failure to pass
10 the examination authorized by the Department; when the
11 applicant has withdrawn his or her application; when the
12 applicant has received a license from the Department after
13 successfully passing the examination authorized by the
14 Department; or when the applicant has been notified by the
15 Department to cease and desist from practicing, whichever
16 occurs first. This provision shall not apply to an
17 applicant who has previously failed the examination.

18 (6) Any person in a coaching position from rendering
19 emergency care on an as needed basis to the athletes under
20 his or her supervision when a licensed athletic trainer is
21 not available.

22 (7) Any person who is an athletic trainer from another
23 state or territory of the United States or another nation,
24 state, or territory acting as an athletic trainer while
25 performing his or her duties for his or her respective
26 non-Illinois based team or organization, so long as he or

1 she restricts his or her duties to his or her team or
2 organization during the course of his or her team's or
3 organization's stay in this State. For the purposes of
4 this Act, a team shall be considered based in Illinois if
5 its home contests are held in Illinois, regardless of the
6 location of the team's administrative offices.

7 (8) The practice of athletic training by persons
8 licensed in another state who have applied in writing to
9 the Department for licensure by endorsement. This
10 temporary right to act as an athletic trainer shall expire
11 6 months after the filing of his or her written
12 application to the Department; upon the withdrawal of the
13 application for licensure under this Act; upon delivery of
14 a notice of intent to deny the application from the
15 Department; or upon the denial of the application by the
16 Department, whichever occurs first.

17 (9) The practice of athletic training by one who has
18 applied in writing to the Department for licensure and has
19 complied with all the provisions of Section 9. This
20 temporary right to act as an athletic trainer shall expire
21 6 months after the filing of his or her written
22 application to the Department; upon the withdrawal of the
23 application for licensure under this Act; upon delivery of
24 a notice of intent to deny the application from the
25 Department; or upon the denial of the application by the
26 Department, whichever occurs first.

1 (10) The practice of athletic training by persons
2 actively licensed as an athletic trainer in another state
3 or territory of the United States or another country, or
4 currently certified by the Board of Certification, or its
5 successor entity, at a special athletic tournament or
6 event conducted by a sanctioned amateur athletic
7 organization for no more than 14 days. This shall not
8 include contests or events that are part of a scheduled
9 series of regular season events.

10 (11) Aides from performing patient care activities
11 under the on-site supervision of a licensed athletic
12 trainer. These patient care activities shall not include
13 interpretation of referrals or evaluation procedures,
14 planning or major modifications of patient programs,
15 administration of medication, or solo practice or event
16 coverage without immediate access to a licensed athletic
17 trainer.

18 (12) (Blank). ~~Persons or entities practicing the~~
19 ~~specified occupations set forth in subsection (a) of, and~~
20 ~~pursuant to a licensing exemption granted in subsection~~
21 ~~(b) or (d) of, Section 2105-350 of the Department of~~
22 ~~Professional Regulation Law of the Civil Administrative~~
23 ~~Code of Illinois, but only for so long as the 2016 Olympic~~
24 ~~and Paralympic Games Professional Licensure Exemption Law~~
25 ~~is operable.~~

26 (Source: P.A. 102-940, eff. 1-1-23; revised 12-9-22.)

1 Section 470. The Dietitian Nutritionist Practice Act is
2 amended by changing Sections 100 and 105 as follows:

3 (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

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

5 Sec. 100. Injunctions; cease and desist orders.

6 (a) If any person violates a provision of this Act, the
7 Secretary may, in the name of the People of the State of
8 Illinois through the Attorney General of the State of Illinois
9 or the State's Attorney of the county in which the violation is
10 alleged to have occurred, petition for an order enjoining the
11 violation or for an order enforcing compliance with this Act.
12 Upon the filing of a verified petition, the court may issue a
13 temporary restraining order, without notice or bond, and may
14 preliminarily and permanently enjoin the violation. If it is
15 established that the person has violated or is violating the
16 injunction, the Court may punish the offender for contempt of
17 court. Proceedings under this Section shall be in addition to,
18 and not in lieu of, all other remedies and penalties provided
19 by this Act.

20 (b) If any person provides, offers to provide, attempts to
21 provide or holds himself or herself out as qualified,
22 licensed, or able to provide medical nutrition therapy or
23 holds oneself out as licensed or qualified to practice
24 dietetics and nutrition or holds oneself out as a licensed

1 dietitian nutritionist or uses words or letters in connection
2 with the person's name in violation of Section 80 without
3 having a valid license under this Act, then any licensee, any
4 interested party, or any person injured thereby may, in
5 addition to the Secretary, petition for relief as provided in
6 subsection (a) of this Section.

7 (c) Whenever in the opinion of the Department any person
8 violates any provision of this Act, the Department may issue a
9 rule to show cause why an order to cease and desist should be
10 entered against him or her. The rule shall clearly set forth
11 the grounds relied upon by the Department and shall provide a
12 period of 7 days from the date of the rule to file an answer to
13 the satisfaction of the Department. Failure to answer to the
14 satisfaction of the Department shall cause an ~~in~~ order to
15 cease and desist to be issued immediately.

16 (Source: P.A. 102-945, eff. 1-1-23; revised 12-9-22.)

17 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

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

19 Sec. 105. Investigation; notice and hearing. The
20 Department may investigate the actions or qualifications of
21 any applicant or of any person or persons holding or claiming
22 to hold a license or certificate of registration. The
23 Department shall, before refusing to issue or renew a license
24 or to discipline a licensee under Section 95, at least 30 days
25 before the date set for the hearing, (i) notify the accused in

1 writing of any charges made and the time and place for a
2 hearing of the charges, (ii) direct him or her to file his or
3 her written answer to the charges under oath within 20 days
4 after the service of the notice, and (iii) inform the
5 applicant or licensee that failure to file an answer shall
6 result in a default judgment being entered against the
7 applicant or licensee. At the time and place fixed in the
8 notice, the Department shall proceed to hear the charges and
9 the parties or their counsel shall be accorded ample
10 opportunity to present any pertinent statements, testimony,
11 evidence, and arguments. The Department may continue the
12 hearing from time to time. In case the person, after receiving
13 the notice, fails to file an answer, his or her license, may,
14 in the discretion of the Department, be revoked, suspended, or
15 placed on probationary status or the Department may take
16 whatever disciplinary action considered proper, including
17 limiting the scope, nature, or extent of the person's practice
18 or the imposition of a fine, without a hearing, if the act or
19 acts charged constitute sufficient grounds for that action
20 under the Act. The written notice and any notice in the
21 subsequent proceeding may be served by mail to the licensee's
22 address of record or by email to the licensee's email address
23 of record.

24 (Source: P.A. 102-945, eff. 1-1-23; revised 12-9-22.)

25 Section 475. The Licensed Certified Professional Midwife

1 Practice Act is amended by changing Section 10 as follows:

2 (225 ILCS 64/10)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 10. Definitions. As used in this Act:

5 "Address of record" means the designated address recorded
6 by the Department in the applicant's application file or the
7 licensee's licensure file as maintained by the Department.

8 "Antepartum" means before labor or childbirth.

9 "Board" means the Illinois Midwifery Board.

10 "Certified nurse midwife" means an individual who is
11 licensed under the Nurse Practice Act as an advanced practice
12 registered nurse and is certified as a nurse midwife.

13 "Client" means a childbearing individual or newborn for
14 whom a licensed certified professional midwife provides
15 services.

16 "Consultation" means the process by which a licensed
17 certified professional midwife seeks the advice or opinion of
18 another health care professional.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Email address of record" means the designated email
22 address of record by the Department in the applicant's
23 application file or the licensee's licensure file as
24 maintained by the Department.

25 "Health care professional" means an advanced practice

1 registered nurse or a physician licensed to practice medicine
2 in all of its branches.

3 "Intrapartum" means during labor and delivery or
4 childbirth.

5 "Licensed certified professional midwife" means a person
6 who has successfully met the requirements under Section 45 of
7 this Act and has been licensed by the Department.

8 "Low-risk" means a low-risk pregnancy where there is an
9 absence of any preexisting maternal disease, significant
10 disease arising from the pregnancy, or any condition likely to
11 affect the pregnancy, including, but not limited to, those
12 listed in Section 85.

13 "Midwife assistant" means a person, at least 18 years of
14 age, who performs basic administrative, clerical, and
15 supportive services under the supervision of a certified
16 professional midwife, is educated to provide both basic and
17 emergency care to newborns and mothers during labor, delivery,
18 and immediately postpartum, and who maintains Neonatal
19 Resuscitation Program provider status and cardiopulmonary
20 resuscitation certification.

21 "Midwifery bridge certificate" means a certificate issued
22 by the North American Registry of Midwives that documents
23 completion of accredited continuing education for certified
24 professional midwives based upon identified areas to address
25 education in emergency skills and other competencies set by
26 the international confederation of midwives.

1 "Midwifery Education and Accreditation Council" or "MEAC"
2 means the nationally recognized accrediting agency, or its
3 successor, that establishes standards for the education of
4 direct-entry midwives in the United States.

5 "National Association of Certified Professional Midwives"
6 or "NACPM" means the professional organization, or its
7 successor, that promotes the growth and development of the
8 profession of certified professional midwives.

9 "North American Registry of Midwives" or "NARM" means the
10 accredited international agency, or its successor
11 organization, that has established and has continued to
12 administer certification for the credentialing of certified
13 professional midwives, including the administration of a
14 national competency examination.

15 "Onset of care" means the initial prenatal visit upon an
16 agreement between a licensed certified professional midwife
17 and client to establish a midwife-client relationship, during
18 which the licensed certified professional midwife may take a
19 client's medical history, complete an exam, establish a
20 client's record, or perform other services related to
21 establishing care. "Onset of care" does not include an initial
22 interview where information about the licensed certified
23 professional midwife's practice is shared but no
24 midwife-client relationship is established.

25 "Pediatric health care professional" means a licensed
26 physician specializing in the care of children, a family

1 practice physician, or an advanced practice registered nurse
2 licensed under the Nurse Practice Act and certified as a
3 Pediatric Nurse Practitioner or Family Nurse Practitioner.

4 "Physician" means a physician licensed under the Medical
5 Practice Act of 1987 to practice medicine in all of its
6 branches.

7 "Postpartum period" means the first 6 weeks after
8 delivery.

9 "Practice of midwifery" means providing the necessary
10 supervision, care, and advice to a client during a low-risk
11 pregnancy, labor, and the postpartum period, including the
12 intended low-risk delivery of a child, and providing normal
13 newborn care. "Practice of midwifery" does not include the
14 practice of medicine or nursing.

15 "Qualified midwife preceptor" means a licensed and
16 experienced midwife or other health professional licensed in
17 the State who participated in the clinical education of
18 individuals enrolled in a midwifery education institution,
19 program, or pathway accredited by the midwifery education
20 accreditation council and who meet the criteria for midwife
21 preceptors by NARM or its successor organization.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 "Supportive services" means simple routine medical tasks
25 and procedures for which the midwife assistant or student
26 midwife is appropriately trained.

1 (Source: P.A. 102-683, eff. 10-1-22; 102-963, eff. 5-27-22;
2 revised 10-17-22.)

3 Section 480. The Nurse Practice Act is amended by changing
4 Section 50-10 as follows:

5 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

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

7 Sec. 50-10. Definitions. Each of the following terms, when
8 used in this Act, shall have the meaning ascribed to it in this
9 Section, except where the context clearly indicates otherwise:

10 "Academic year" means the customary annual schedule of
11 courses at a college, university, or approved school,
12 customarily regarded as the school year as distinguished from
13 the calendar year.

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's or licensee's application
16 file or license file as maintained by the Department's
17 licensure maintenance unit.

18 "Advanced practice registered nurse" or "APRN" means a
19 person who has met the qualifications for a (i) certified
20 nurse midwife (CNM); (ii) certified nurse practitioner (CNP);
21 (iii) certified registered nurse anesthetist (CRNA); or (iv)
22 clinical nurse specialist (CNS) and has been licensed by the
23 Department. All advanced practice registered nurses licensed
24 and practicing in the State of Illinois shall use the title

1 APRN and may use specialty credentials CNM, CNP, CRNA, or CNS
2 after their name. All advanced practice registered nurses may
3 only practice in accordance with national certification and
4 this Act.

5 "Advisory Board" means the Illinois Nursing Workforce
6 Center Advisory Board.

7 "Approved program of professional nursing education" and
8 "approved program of practical nursing education" are programs
9 of professional or practical nursing, respectively, approved
10 by the Department under the provisions of this Act.

11 "Board" means the Board of Nursing appointed by the
12 Secretary.

13 "Center" means the Illinois Nursing Workforce Center.

14 "Collaboration" means a process involving 2 or more health
15 care professionals working together, each contributing one's
16 respective area of expertise to provide more comprehensive
17 patient care.

18 "Competence" means an expected and measurable level of
19 performance that integrates knowledge, skills, abilities, and
20 judgment based on established scientific knowledge and
21 expectations for nursing practice.

22 "Comprehensive nursing assessment" means the gathering of
23 information about the patient's physiological, psychological,
24 sociological, and spiritual status on an ongoing basis by a
25 registered professional nurse and is the first step in
26 implementing and guiding the nursing plan of care.

1 "Consultation" means the process whereby an advanced
2 practice registered nurse seeks the advice or opinion of
3 another health care professional.

4 "Credentialed" means the process of assessing and
5 validating the qualifications of a health care professional.

6 "Dentist" means a person licensed to practice dentistry
7 under the Illinois Dental Practice Act.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Email address of record" means the designated email
11 address recorded by the Department in the applicant's
12 application file or the licensee's license file, as maintained
13 by the Department's licensure maintenance unit.

14 "Focused nursing assessment" means an appraisal of an
15 individual's status and current situation, contributing to the
16 comprehensive nursing assessment performed by the registered
17 professional nurse or advanced practice registered nurse or
18 the assessment by the physician assistant, physician, dentist,
19 podiatric physician, or other licensed health care
20 professional, as determined by the Department, supporting
21 ongoing data collection, and deciding who needs to be informed
22 of the information and when to inform.

23 Full practice authority" means the authority of an
24 advanced practice registered nurse licensed in Illinois and
25 certified as a nurse practitioner, clinical nurse specialist,
26 or nurse midwife to practice without a written collaborative

1 agreement and:

2 (1) to be fully accountable to patients for the
3 quality of advanced nursing care rendered;

4 (2) to be fully accountable for recognizing limits of
5 knowledge and experience and for planning for the
6 management of situations beyond the advanced practice
7 registered nurse's expertise; the full practice authority
8 for advanced practice registered nurses includes accepting
9 referrals from, consulting with, collaborating with, or
10 referring to other health care professionals as warranted
11 by the needs of the patient; and

12 (3) to possess the authority to prescribe medications,
13 including Schedule II through V controlled substances, as
14 provided in Section 65-43.

15 "Hospital affiliate" means a corporation, partnership,
16 joint venture, limited liability company, or similar
17 organization, other than a hospital, that is devoted primarily
18 to the provision, management, or support of health care
19 services and that directly or indirectly controls, is
20 controlled by, or is under common control of the hospital. For
21 the purposes of this definition, "control" means having at
22 least an equal or a majority ownership or membership interest.
23 A hospital affiliate shall be 100% owned or controlled by any
24 combination of hospitals, their parent corporations, or
25 physicians licensed to practice medicine in all its branches
26 in Illinois. "Hospital affiliate" does not include a health

1 maintenance organization regulated under the Health
2 Maintenance Organization Act.

3 "Impaired nurse" means a nurse licensed under this Act who
4 is unable to practice with reasonable skill and safety because
5 of a physical or mental disability as evidenced by a written
6 determination or written consent based on clinical evidence,
7 including loss of motor skills, abuse of drugs or alcohol, or a
8 psychiatric disorder, of sufficient degree to diminish his or
9 her ability to deliver competent patient care.

10 "License-pending advanced practice registered nurse" means
11 a registered professional nurse who has completed all
12 requirements for licensure as an advanced practice registered
13 nurse except the certification examination and has applied to
14 take the next available certification exam and received a
15 temporary permit from the Department.

16 "License-pending registered nurse" means a person who has
17 passed the Department-approved registered nurse licensure exam
18 and has applied for a license from the Department. A
19 license-pending registered nurse shall use the title "RN lic
20 pend" on all documentation related to nursing practice.

21 "Nursing intervention" means any treatment based on
22 clinical nursing judgment or knowledge that a nurse performs.
23 An individual or entity shall not mandate that a registered
24 professional nurse delegate nursing interventions if the
25 registered professional nurse determines it is inappropriate
26 to do so. A nurse shall not be subject to disciplinary or any

1 other adverse action for refusing to delegate a nursing
2 intervention based on patient safety.

3 "Physician" means a person licensed to practice medicine
4 in all its branches under the Medical Practice Act of 1987.

5 "Podiatric physician" means a person licensed to practice
6 podiatry under the Podiatric Medical Practice Act of 1987.

7 "Practical nurse" or "licensed practical nurse" means a
8 person who is licensed as a practical nurse under this Act and
9 practices practical nursing as defined in this Act. Only a
10 practical nurse licensed under this Act is entitled to use the
11 title "licensed practical nurse" and the abbreviation
12 "L.P.N.".

13 "Practical nursing" means the performance of nursing
14 interventions requiring the nursing knowledge, judgment, and
15 skill acquired by means of completion of an approved practical
16 nursing education program. Practical nursing includes
17 assisting in the nursing process under the guidance of a
18 registered professional nurse or an advanced practice
19 registered nurse. The practical nurse may work under the
20 direction of a licensed physician, dentist, podiatric
21 physician, or other health care professional determined by the
22 Department.

23 "Privileged" means the authorization granted by the
24 governing body of a healthcare facility, agency, or
25 organization to provide specific patient care services within
26 well-defined limits, based on qualifications reviewed in the

1 credentialing process.

2 "Registered Nurse" or "Registered Professional Nurse"
3 means a person who is licensed as a professional nurse under
4 this Act and practices nursing as defined in this Act. Only a
5 registered nurse licensed under this Act is entitled to use
6 the titles "registered nurse" and "registered professional
7 nurse" and the abbreviation, "R.N.".

8 "Registered professional nursing practice" means a
9 scientific process founded on a professional body of knowledge
10 that includes, but is not limited to, the protection,
11 promotion, and optimization of health and abilities,
12 prevention of illness and injury, development and
13 implementation of the nursing plan of care, facilitation of
14 nursing interventions to alleviate suffering, care
15 coordination, and advocacy in the care of individuals,
16 families, groups, communities, and populations. "Registered
17 professional nursing practice" does not include the act of
18 medical diagnosis or prescription of medical therapeutic or
19 corrective measures.

20 "Professional assistance program for nurses" means a
21 professional assistance program that meets criteria
22 established by the Board of Nursing and approved by the
23 Secretary, which provides a non-disciplinary treatment
24 approach for nurses licensed under this Act whose ability to
25 practice is compromised by alcohol or chemical substance
26 addiction.

1 "Secretary" means the Secretary of Financial and
2 Professional Regulation.

3 "Unencumbered license" means a license issued in good
4 standing.

5 "Written collaborative agreement" means a written
6 agreement between an advanced practice registered nurse and a
7 collaborating physician, dentist, or podiatric physician
8 pursuant to Section 65-35.

9 (Source: P.A. 99-173, eff. 7-29-15; 99-330, eff. 1-1-16;
10 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; revised 2-28-22.)

11 Section 485. The Pharmacy Practice Act is amended by
12 changing Sections 9 and 25.10 as follows:

13 (225 ILCS 85/9)

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

15 Sec. 9. Licensure as registered pharmacy technician.

16 (a) Any person shall be entitled to licensure as a
17 registered pharmacy technician who is of the age of 16 or over,
18 has not engaged in conduct or behavior determined to be
19 grounds for discipline under this Act, is attending or has
20 graduated from an accredited high school or comparable school
21 or educational institution or received a State of Illinois
22 High School Diploma, and has filed a written or electronic
23 application for licensure on a form to be prescribed and
24 furnished by the Department for that purpose. The Department

1 shall issue a license as a registered pharmacy technician to
2 any applicant who has qualified as aforesaid, and such license
3 shall be the sole authority required to assist licensed
4 pharmacists in the practice of pharmacy, under the supervision
5 of a licensed pharmacist. A registered pharmacy technician may
6 be delegated to perform any task within the practice of
7 pharmacy if specifically trained for that task, except for
8 patient counseling, drug regimen review, clinical conflict
9 resolution, ~~or~~ final prescription verification except where a
10 registered certified pharmacy technician verifies a
11 prescription dispensed by another pharmacy technician using
12 technology-assisted medication verification, or providing
13 patients prophylaxis drugs for human immunodeficiency virus
14 pre-exposure prophylaxis or post-exposure prophylaxis.

15 (b) Beginning on January 1, 2017, within 2 years after
16 initial licensure as a registered pharmacy technician, the
17 licensee must meet the requirements described in Section 9.5
18 of this Act and become licensed as a registered certified
19 pharmacy technician. If the licensee has not yet attained the
20 age of 18, then upon the next renewal as a registered pharmacy
21 technician, the licensee must meet the requirements described
22 in Section 9.5 of this Act and become licensed as a registered
23 certified pharmacy technician. This requirement does not apply
24 to pharmacy technicians registered prior to January 1, 2008.

25 (c) Any person registered as a pharmacy technician who is
26 also enrolled in a first professional degree program in

1 pharmacy in a school or college of pharmacy or a department of
2 pharmacy of a university approved by the Department or has
3 graduated from such a program within the last 18 months, shall
4 be considered a "student pharmacist" and entitled to use the
5 title "student pharmacist". A student pharmacist must meet all
6 of the requirements for licensure as a registered pharmacy
7 technician set forth in this Section excluding the requirement
8 of certification prior to the second license renewal and pay
9 the required registered pharmacy technician license fees. A
10 student pharmacist may, under the supervision of a pharmacist,
11 assist in the practice of pharmacy and perform any and all
12 functions delegated to him or her by the pharmacist.

13 (d) Any person seeking licensure as a pharmacist who has
14 graduated from a pharmacy program outside the United States
15 must register as a pharmacy technician and shall be considered
16 a "student pharmacist" and be entitled to use the title
17 "student pharmacist" while completing the 1,200 clinical hours
18 of training approved by the Board of Pharmacy described and
19 for no more than 18 months after completion of these hours.
20 These individuals are not required to become registered
21 certified pharmacy technicians while completing their Board
22 approved clinical training, but must become licensed as a
23 pharmacist or become licensed as a registered certified
24 pharmacy technician before the second pharmacy technician
25 license renewal following completion of the Board approved
26 clinical training.

1 (e) The Department shall not renew the registered pharmacy
2 technician license of any person who has been licensed as a
3 registered pharmacy technician with the designation "student
4 pharmacist" who: (1) has dropped out of or been expelled from
5 an ACPE accredited college of pharmacy; (2) has failed to
6 complete his or her 1,200 hours of Board approved clinical
7 training within 24 months; or (3) has failed the pharmacist
8 licensure examination 3 times. The Department shall require
9 these individuals to meet the requirements of and become
10 licensed as a registered certified pharmacy technician.

11 (f) The Department may take any action set forth in
12 Section 30 of this Act with regard to a license pursuant to
13 this Section.

14 (g) Any person who is enrolled in a non-traditional
15 Pharm.D. program at an ACPE accredited college of pharmacy and
16 is licensed as a registered pharmacist under the laws of
17 another United States jurisdiction shall be permitted to
18 engage in the program of practice experience required in the
19 academic program by virtue of such license. Such person shall
20 be exempt from the requirement of licensure as a registered
21 pharmacy technician or registered certified pharmacy
22 technician while engaged in the program of practice experience
23 required in the academic program.

24 An applicant for licensure as a registered pharmacy
25 technician may assist a pharmacist in the practice of pharmacy
26 for a period of up to 60 days prior to the issuance of a

1 license if the applicant has submitted the required fee and an
2 application for licensure to the Department. The applicant
3 shall keep a copy of the submitted application on the premises
4 where the applicant is assisting in the practice of pharmacy.
5 The Department shall forward confirmation of receipt of the
6 application with start and expiration dates of practice
7 pending licensure.

8 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;
9 102-1051, eff. 1-1-23; 102-1100, eff. 1-1-23; revised
10 12-14-22.)

11 (225 ILCS 85/25.10)

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

13 Sec. 25.10. Remote prescription processing.

14 (a) In this Section, "remote prescription processing"
15 means and includes the outsourcing of certain prescription
16 functions to another pharmacy or licensed non-resident
17 pharmacy. "Remote prescription processing" includes any of the
18 following activities related to the dispensing process:

19 (1) Receiving, interpreting, evaluating, or clarifying
20 prescriptions.

21 (2) Entering prescription and patient data into a data
22 processing system.

23 (3) Transferring prescription information.

24 (4) Performing a drug regimen review.

25 (5) Obtaining refill or substitution authorizations or

1 otherwise communicating with the prescriber concerning a
2 patient's prescription.

3 (6) Evaluating clinical data for prior authorization
4 for dispensing.

5 (7) Discussing therapeutic interventions with
6 prescribers.

7 (8) Providing drug information or counseling
8 concerning a patient's prescription to the patient or
9 patient's agent, as defined in this Act.

10 (b) A pharmacy may engage in remote prescription
11 processing under the following conditions:

12 (1) The pharmacies shall either have the same owner or
13 have a written contract describing the scope of services
14 to be provided and the responsibilities and
15 accountabilities of each pharmacy in compliance with all
16 federal and State laws and regulations related to the
17 practice of pharmacy.

18 (2) The pharmacies shall share a common electronic
19 file or have technology that allows sufficient information
20 necessary to process a non-dispensing function.

21 (3) The records may be maintained separately by each
22 pharmacy or in a common electronic file shared by both
23 pharmacies, provided that the system can produce a record
24 at either location that shows each processing task, the
25 identity of the person performing each task, and the
26 location where each task was performed.

1 (c) Nothing in this Section shall prohibit an individual
2 employee licensed as a pharmacist, pharmacy technician, or
3 student pharmacist from accessing the employer pharmacy's
4 database from a home or other remote location or pharmacist's
5 home verification for the purpose of performing certain
6 prescription processing functions, provided that the pharmacy
7 establishes controls to protect the privacy and security of
8 confidential records.

9 (Source: P.A. 102-882, eff. 1-1-23; revised 12-9-22.)

10 Section 490. The Professional Counselor and Clinical
11 Professional Counselor Licensing and Practice Act is amended
12 by changing Sections 20 and 50 as follows:

13 (225 ILCS 107/20)

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

15 Sec. 20. Restrictions and limitations.

16 (a) No person shall, without a valid license as a
17 professional counselor issued by the Department: (i) in any
18 manner hold himself or herself out to the public as a
19 professional counselor under this Act; (ii) attach the title
20 "professional counselor" or "licensed professional
21 counselor" ~~or~~ or use the credential "L.P.C."; or (iii) offer to
22 render or render to individuals, corporations, or the public
23 professional counseling services.

24 (b) No person shall, without a valid license as a clinical

1 professional counselor issued by the Department: (i) in any
2 manner hold himself or herself out to the public as a clinical
3 professional counselor or licensed clinical professional
4 counselor under this Act; (ii) attach the title "clinical
5 professional counselor" ~~or~~ "licensed clinical professional
6 counselor", or use the credential "L.P.C."; or (iii) offer to
7 render to individuals, corporations, or the public clinical
8 professional counseling services.

9 (c) (Blank).

10 (d) No association, limited liability company,
11 professional limited liability company, or partnership shall
12 provide, attempt to provide, or offer to provide clinical
13 professional counseling or professional counseling services
14 unless every member, partner, and employee of the association,
15 limited liability company, professional limited liability
16 company, or partnership who practices professional counseling
17 or clinical professional counseling or who renders
18 professional counseling or clinical professional counseling
19 services holds a currently valid license issued under this
20 Act. No business shall provide, attempt to provide, or offer
21 to provide professional counseling or clinical professional
22 counseling services unless it is organized under the
23 Professional Service Corporation Act or Professional Limited
24 Liability Company Act.

25 (d-5) Nothing in this Act shall preclude individuals
26 licensed under this Act from practicing directly or indirectly

1 for a physician licensed to practice medicine in all its
2 branches under the Medical Practice Act of 1987 or for any
3 legal entity as provided under subsection (c) of Section 22.2
4 of the Medical Practice Act of 1987.

5 (e) Nothing in this Act shall be construed as permitting
6 persons licensed as professional counselors or clinical
7 professional counselors to engage in any manner in the
8 practice of medicine in all its branches as defined by law in
9 this State.

10 (f) When, in the course of providing professional
11 counseling or clinical professional counseling services to any
12 person, a professional counselor or clinical professional
13 counselor licensed under this Act finds indication of a
14 disease or condition that in his or her professional judgment
15 requires professional service outside the scope of practice as
16 defined in this Act, he or she shall refer that person to a
17 physician licensed to practice medicine in all of its branches
18 or another appropriate health care practitioner.

19 (Source: P.A. 102-878, eff. 1-1-23; revised 12-9-22.)

20 (225 ILCS 107/50)

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

22 Sec. 50. Licenses; renewal; restoration; person in
23 military service; inactive status.

24 (a) The expiration date and renewal period for each
25 license issued under this Act shall be set by rule. As a

1 condition for renewal of a license, the licensee shall be
2 required to complete continuing education in accordance with
3 rules established by the Department and pay the current
4 renewal fee.

5 (b) Any person who has permitted a license to expire or who
6 has a license on inactive status may have it restored by
7 submitting an application to the Department and filing proof
8 of fitness acceptable to the Department, to have the license
9 restored, including, if appropriate, evidence which is
10 satisfactory to the Department certifying the active practice
11 of professional counseling or clinical professional counseling
12 in another jurisdiction and by paying the required fee.

13 (c) If the person has not maintained an active practice in
14 another jurisdiction which is satisfactory to the Department,
15 the Department shall determine, by rule, the person's fitness
16 to resume active status and shall establish procedures and
17 requirements for restoration.

18 (d) However, any person whose license expired while he or
19 she was (i) in federal service on active duty with the armed
20 forces of the United States or the State Militia or (ii) in
21 training or education under the supervision of the United
22 States government prior to induction into the military service
23 may have his or her license restored without paying any lapsed
24 renewal fees if, within 2 years after the honorable
25 termination of such service, training, or education, the
26 Department is furnished with satisfactory evidence that the

1 person has been so engaged and that such service, training, or
2 education has been so terminated.

3 (e) A license to practice shall not be denied any
4 applicant because of the applicant's race, religion, creed,
5 national origin, political beliefs or activities, age, sex,
6 sexual orientation, or physical impairment.

7 (f) (Blank).

8 (g) Notwithstanding any other provision of law, the
9 following requirements for restoration of an inactive or
10 expired license of 5 years or less as set forth in subsections
11 (b), (c), and (f) are suspended for any licensed clinical
12 professional counselor who has had no disciplinary action
13 taken against his or her license in this State or in any other
14 jurisdiction during the entire period of licensure: proof of
15 fitness, certification of active practice in another
16 jurisdiction, and the payment of a renewal fee. An individual
17 may not restore his or her license in accordance with this
18 subsection more than once.

19 (Source: P.A. 102-878, eff. 1-1-23; 102-1053, eff. 6-10-22;
20 revised 12-14-22.)

21 Section 495. The Wholesale Drug Distribution Licensing Act
22 is amended by changing Sections 15, 21, 35, and 110 as follows:

23 (225 ILCS 120/15) (from Ch. 111, par. 8301-15)

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

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

2 "Address of record" means the designated address recorded
3 by the Department in the applicant's application file or
4 licensee's license file maintained by the Department's
5 licensure maintenance unit.

6 "Authentication" means the affirmative verification,
7 before any wholesale distribution of a prescription drug
8 occurs, that each transaction listed on the pedigree has
9 occurred.

10 "Authorized distributor of record" means a wholesale
11 distributor with whom a manufacturer has established an
12 ongoing relationship to distribute the manufacturer's
13 prescription drug. An ongoing relationship is deemed to exist
14 between a wholesale distributor and a manufacturer when the
15 wholesale distributor, including any affiliated group of the
16 wholesale distributor, as defined in Section 1504 of the
17 Internal Revenue Code, complies with the following:

18 (1) The wholesale distributor has a written agreement
19 currently in effect with the manufacturer evidencing the
20 ongoing relationship; and

21 (2) The wholesale distributor is listed on the
22 manufacturer's current list of authorized distributors of
23 record, which is updated by the manufacturer on no less
24 than a monthly basis.

25 "Blood" means whole blood collected from a single donor
26 and processed either for transfusion or further manufacturing.

1 "Blood component" means that part of blood separated by
2 physical or mechanical means.

3 "Board" means the State Board of Pharmacy of the
4 Department of Financial and Professional Regulation.

5 "Chain pharmacy warehouse" means a physical location for
6 prescription drugs that acts as a central warehouse and
7 performs intracompany sales or transfers of the drugs to a
8 group of chain or mail order pharmacies that have the same
9 common ownership and control. Notwithstanding any other
10 provision of this Act, a chain pharmacy warehouse shall be
11 considered part of the normal distribution channel.

12 "Co-licensed partner or product" means an instance where
13 one or more parties have the right to engage in the
14 manufacturing or marketing of a prescription drug, consistent
15 with the FDA's implementation of the Prescription Drug
16 Marketing Act.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Drop shipment" means the sale of a prescription drug to a
20 wholesale distributor by the manufacturer of the prescription
21 drug or that manufacturer's co-licensed product partner, that
22 manufacturer's third-party logistics provider, or that
23 manufacturer's exclusive distributor or by an authorized
24 distributor of record that purchased the product directly from
25 the manufacturer or one of these entities whereby the
26 wholesale distributor or chain pharmacy warehouse takes title

1 but not physical possession of such prescription drug and the
2 wholesale distributor invoices the pharmacy, chain pharmacy
3 warehouse, or other person authorized by law to dispense or
4 administer such drug to a patient and the pharmacy, chain
5 pharmacy warehouse, or other authorized person receives
6 delivery of the prescription drug directly from the
7 manufacturer, that manufacturer's third-party logistics
8 provider, or that manufacturer's exclusive distributor or from
9 an authorized distributor of record that purchased the product
10 directly from the manufacturer or one of these entities.

11 "Drug sample" means a unit of a prescription drug that is
12 not intended to be sold and is intended to promote the sale of
13 the drug.

14 "Email address of record" means the designated email
15 address recorded by the Department in the applicant's
16 application file or the licensee's license file, as maintained
17 by the Department's licensure maintenance unit.

18 "Facility" means a facility of a wholesale distributor
19 where prescription drugs are stored, handled, repackaged, or
20 offered for sale, or a facility of a third-party logistics
21 provider where prescription drugs are stored or handled.

22 "FDA" means the United States Food and Drug
23 Administration.

24 "Manufacturer" means a person licensed or approved by the
25 FDA to engage in the manufacture of drugs or devices,
26 consistent with the definition of "manufacturer" set forth in

1 the FDA's regulations and guidances implementing the
2 Prescription Drug Marketing Act. "Manufacturer" does not
3 include anyone who is engaged in the packaging, repackaging,
4 or labeling of drugs only to the extent permitted under the
5 Illinois Drug Reuse Opportunity Program Act.

6 "Manufacturer's exclusive distributor" means anyone who
7 contracts with a manufacturer to provide or coordinate
8 warehousing, distribution, or other services on behalf of a
9 manufacturer and who takes title to that manufacturer's
10 prescription drug, but who does not have general
11 responsibility to direct the sale or disposition of the
12 manufacturer's prescription drug. A manufacturer's exclusive
13 distributor must be licensed as a wholesale distributor under
14 this Act and, in order to be considered part of the normal
15 distribution channel, must also be an authorized distributor
16 of record.

17 "Normal distribution channel" means a chain of custody for
18 a prescription drug that goes, directly or by drop shipment,
19 from (i) a manufacturer of the prescription drug, (ii) that
20 manufacturer to that manufacturer's co-licensed partner, (iii)
21 that manufacturer to that manufacturer's third-party logistics
22 provider, or (iv) that manufacturer to that manufacturer's
23 exclusive distributor to:

24 (1) a pharmacy or to other designated persons
25 authorized by law to dispense or administer the drug to a
26 patient;

1 (2) a wholesale distributor to a pharmacy or other
2 designated persons authorized by law to dispense or
3 administer the drug to a patient;

4 (3) a wholesale distributor to a chain pharmacy
5 warehouse to that chain pharmacy warehouse's intracompany
6 pharmacy to a patient or other designated persons
7 authorized by law to dispense or administer the drug to a
8 patient;

9 (4) a chain pharmacy warehouse to the chain pharmacy
10 warehouse's intracompany pharmacy or other designated
11 persons authorized by law to dispense or administer the
12 drug to the patient;

13 (5) an authorized distributor of record to one other
14 authorized distributor of record to an office-based health
15 care practitioner authorized by law to dispense or
16 administer the drug to the patient; or

17 (6) an authorized distributor to a pharmacy or other
18 persons licensed to dispense or administer the drug.

19 "Pedigree" means a document or electronic file containing
20 information that records each wholesale distribution of any
21 given prescription drug from the point of origin to the final
22 wholesale distribution point of any given prescription drug.

23 "Person" means and includes a natural person, partnership,
24 association, corporation, or any other legal business entity.

25 "Pharmacy distributor" means any pharmacy licensed in this
26 State or hospital pharmacy that is engaged in the delivery or

1 distribution of prescription drugs either to any other
2 pharmacy licensed in this State or to any other person or
3 entity including, but not limited to, a wholesale drug
4 distributor engaged in the delivery or distribution of
5 prescription drugs who is involved in the actual,
6 constructive, or attempted transfer of a drug in this State to
7 other than the ultimate consumer except as otherwise provided
8 for by law.

9 "Prescription drug" means any human drug, including any
10 biological product (except for blood and blood components
11 intended for transfusion or biological products that are also
12 medical devices), required by federal law or regulation to be
13 dispensed only by a prescription, including finished dosage
14 forms and bulk drug substances subject to Section 503 of the
15 Federal Food, Drug and Cosmetic Act.

16 "Repackage" means repackaging or otherwise changing the
17 container, wrapper, or labeling to further the distribution of
18 a prescription drug, excluding that completed by the
19 pharmacist responsible for dispensing the product to a
20 patient.

21 "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation.

23 "Suspicious order" includes, but is not limited to, an
24 order of a controlled substance of unusual size, an order of a
25 controlled substance deviating substantially from a normal
26 pattern, and orders of controlled substances of unusual

1 frequency as defined by 21 U.S.C. ~~usc~~ 802.

2 "Third-party logistics provider" means anyone who
3 contracts with a prescription drug manufacturer to provide or
4 coordinate warehousing, distribution, or other services on
5 behalf of a manufacturer, but does not take title to the
6 prescription drug or have general responsibility to direct the
7 prescription drug's sale or disposition.

8 "Wholesale distribution" means the distribution of
9 prescription drugs to persons other than a consumer or
10 patient, but does not include any of the following:

11 (1) Intracompany sales of prescription drugs, meaning
12 (i) any transaction or transfer between any division,
13 subsidiary, parent, or affiliated or related company under
14 the common ownership and control of a corporate entity or
15 (ii) any transaction or transfer between co-licensees of a
16 co-licensed product.

17 (2) The sale, purchase, distribution, trade, or
18 transfer of a prescription drug or offer to sell,
19 purchase, distribute, trade, or transfer a prescription
20 drug for emergency medical reasons.

21 (3) The distribution of prescription drug samples by
22 manufacturers' representatives.

23 (4) Drug returns, when conducted by a hospital, health
24 care entity, or charitable institution in accordance with
25 federal regulation.

26 (5) The sale of minimal quantities of prescription

1 drugs by licensed pharmacies to licensed practitioners for
2 office use or other licensed pharmacies.

3 (6) The sale, purchase, or trade of a drug, an offer to
4 sell, purchase, or trade a drug, or the dispensing of a
5 drug pursuant to a prescription.

6 (7) The sale, transfer, merger, or consolidation of
7 all or part of the business of a pharmacy or pharmacies
8 from or with another pharmacy or pharmacies, whether
9 accomplished as a purchase and sale of stock or business
10 assets.

11 (8) The sale, purchase, distribution, trade, or
12 transfer of a prescription drug from one authorized
13 distributor of record to one additional authorized
14 distributor of record when the manufacturer has stated in
15 writing to the receiving authorized distributor of record
16 that the manufacturer is unable to supply the prescription
17 drug and the supplying authorized distributor of record
18 states in writing that the prescription drug being
19 supplied had until that time been exclusively in the
20 normal distribution channel.

21 (9) The delivery of or the offer to deliver a
22 prescription drug by a common carrier solely in the common
23 carrier's usual course of business of transporting
24 prescription drugs when the common carrier does not store,
25 warehouse, or take legal ownership of the prescription
26 drug.

1 (10) The sale or transfer from a retail pharmacy, mail
2 order pharmacy, or chain pharmacy warehouse of expired,
3 damaged, returned, or recalled prescription drugs to the
4 original manufacturer, the originating wholesale
5 distributor, or a third party returns processor.

6 (11) The donation of drugs to the extent permitted
7 under the Illinois Drug Reuse Opportunity Program Act.

8 "Wholesale drug distributor" means anyone engaged in the
9 wholesale distribution of prescription drugs into, out of, or
10 within the State, including, without limitation,
11 manufacturers; repackers; own label distributors; jobbers;
12 private label distributors; brokers; warehouses, including
13 manufacturers' and distributors' warehouses; manufacturer's
14 exclusive distributors; and authorized distributors of record;
15 drug wholesalers or distributors; independent wholesale drug
16 traders; specialty wholesale distributors; ~~and~~ retail
17 pharmacies that conduct wholesale distribution; and chain
18 pharmacy warehouses that conduct wholesale distribution. In
19 order to be considered part of the normal distribution
20 channel, a wholesale distributor must also be an authorized
21 distributor of record.

22 (Source: P.A. 101-420, eff. 8-16-19; 102-389, eff. 1-1-22;
23 102-879, eff. 1-1-23; revised 12-9-22.)

24 (225 ILCS 120/21)

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

1 Sec. 21. Reports to Department. Each licensee that is
2 required to report suspicious orders under 21 U.S.C. ~~usc~~ 832
3 shall also submit such suspicions order reports to the
4 Department.

5 (Source: P.A. 102-879, eff. 1-1-23; revised 12-19-22.)

6 (225 ILCS 120/35) (from Ch. 111, par. 8301-35)

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

8 Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

9 (a) The Department shall provide by rule for a schedule of
10 fees for the administration and enforcement of this Act,
11 including, l but not limited to, l original licensure, renewal,
12 and restoration. The fees shall be nonrefundable.

13 (b) All fees collected under this Act shall be deposited
14 into the Illinois State Pharmacy Disciplinary Fund and shall
15 be appropriated to the Department for the ordinary and
16 contingent expenses of the Department in the administration of
17 this Act. Moneys in the Fund may be transferred to the
18 Professions Indirect Cost Fund as authorized by Section
19 2105-300 of the Department of ~~Financial and~~ Professional
20 Regulation Law ~~(20 ILCS 2105/2105-300)~~.

21 The moneys deposited into the Illinois State Pharmacy
22 Disciplinary Fund shall be invested to earn interest which
23 shall accrue to the Fund.

24 (c) Any person who delivers a check or other payment to the
25 Department that is returned to the Department unpaid by the

1 financial institution upon which it is drawn shall pay to the
2 Department, in addition to the amount already owed to the
3 Department, a fine of \$50. The fines imposed by this Section
4 are in addition to any other discipline provided under this
5 Act for unlicensed practice or practice on a nonrenewed
6 license. The Department shall notify the person that payment
7 of fees and fines shall be paid to the Department by certified
8 check or money order within 30 calendar days of the
9 notification. If, after the expiration of 30 days from the
10 date of the notification, the person has failed to submit the
11 necessary remittance, the Department shall automatically
12 terminate the license or certificate or deny the application,
13 without hearing. If, after termination or denial, the person
14 seeks a license or certificate, he or she shall apply to the
15 Department for restoration or issuance of the license or
16 certificate and pay all fees and fines due to the Department.
17 The Department may establish a fee for the processing of an
18 application for restoration of a license or certificate to pay
19 all expenses of processing this application. The Secretary may
20 waive the fines due under this Section in individual cases
21 where the Secretary finds that the fines would be unreasonable
22 or unnecessarily burdensome.

23 (d) (Blank).

24 (e) A manufacturer of controlled substances, wholesale
25 distributor of controlled substances, or third-party logistics
26 provider that is licensed under this Act and owned and

1 operated by the State is exempt from licensure, registration,
2 renewal, and other fees required under this Act. Nothing in
3 this subsection (e) shall be construed to prohibit the
4 Department from imposing any fine or other penalty allowed
5 under this Act.

6 (Source: P.A. 101-420, eff. 8-16-19; 102-879, eff. 1-1-23;
7 revised 12-9-22.)

8 (225 ILCS 120/110) (from Ch. 111, par. 8301-110)

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

10 Sec. 110. Hearing officers; appointment. Notwithstanding
11 any other provision of this Act, the Secretary shall have the
12 authority to appoint any attorney duly licensed to practice
13 law in the State of Illinois to serve as the hearing officer in
14 any action before the Board for refusal to issue or renew a
15 license, or the discipline of a licensee. The hearing officer
16 shall report his findings of fact, conclusions of law, and
17 recommendations to the Board and the Secretary. The Board
18 shall have 60 days from receipt of the report to review the
19 report of the hearing officer and present its findings of
20 fact, conclusions of law, and recommendations to the
21 Secretary. If the Board fails to present its report within the
22 60-day ~~60-day~~ period, the Secretary may issue an order based on
23 the report of the hearing officer and the record of the
24 proceedings or issue an order remanding the matter back to the
25 hearing officer for additional proceedings in accordance with

1 the order. If the Secretary disagrees with the recommendation
2 of the Board or the hearing officer, the Secretary may issue an
3 order in contravention of the recommendation.

4 (Source: P.A. 102-879, eff. 1-1-23; revised 12-9-22.)

5 Section 500. The Solid Waste Site Operator Certification
6 Law is amended by changing Section 1011 as follows:

7 (225 ILCS 230/1011)

8 Sec. 1011. Fees.

9 (a) Fees for the issuance or renewal of a Solid Waste Site
10 Operator Certificate shall be as follows:

11 (1) (A) \$400 for issuance or renewal for Solid Waste
12 Site Operators;

13 (B) (blank); and

14 (C) \$100 for issuance or renewal for special waste
15 endorsements.

16 (2) If the fee for renewal is not paid within the grace
17 period the above fees for renewal shall each be increased by \$
18 50.

19 (b) (Blank).

20 (c) All fees collected by the Agency under this Section
21 shall be deposited into the Environmental Protection Permit
22 and Inspection Fund to be used in accordance with the
23 provisions of subsection (a) of Section 22.8 of the
24 Environmental Protection Act.

1 (Source: P.A. 102-1017, eff. 1-1-23; 102-1071, eff. 6-10-22;
2 revised 12-14-22.)

3 Section 505. The Registered Interior Designers Act is
4 amended by changing Sections 3, 4.1, and 4.2 as follows:

5 (225 ILCS 310/3) (from Ch. 111, par. 8203)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 3. Definitions. As used in this Act:

8 "Accredited institution" means an institution accredited
9 by the Council for Interior Design Accreditation, an
10 accreditation body recognized by the United States Department
11 of Education, or a curriculum or transcript approved by the
12 Board per a registration applicant's application.

13 "Address of record" means the designated address recorded
14 by the Department in the applicant's application file or the
15 registrant's registration file as maintained by the
16 Department's licensure maintenance unit.

17 "Board" means the Board of Registered Interior Design
18 Professionals established under Section 6 of this Act.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Email address of record" means the designated email
22 address recorded by the Department in the applicant's
23 application file or the registrant's registration file as
24 maintained by the Department's licensure maintenance unit.

1 "Interior technical submissions" means the designs,
2 drawings, and specifications that establish the scope of the
3 interior design to be constructed, the standard of quality for
4 materials, workmanship, equipment, and construction systems,
5 and the studies and other technical reports and calculations
6 prepared in the course of the practice of registered interior
7 design.

8 "Practice of registered interior design" means the design
9 of interior spaces as a part of an interior alteration or
10 interior construction project in conformity with public
11 health, safety, and welfare requirements, including the
12 preparation of documents relating to building code
13 descriptions, project egress plans that require no increase
14 capacity of exits in the space affected, space planning,
15 finish materials, furnishings, fixtures, equipment, and the
16 preparation of documents and interior technical submissions
17 relating to interior construction. "Practice of registered
18 interior design" does not include:

19 (1) The practice of structural engineering as defined
20 in the Structural Engineering Practice Act of 1989, the
21 practice of professional engineering as defined in the
22 Professional Engineering Practice Act of 1989, or the
23 practice of land surveying as defined in the Illinois
24 Professional Land Surveyor Act of 1989.

25 (2) Services that constitute the practice of
26 architecture as defined in the Illinois Architecture

1 Practice Act of 1989, except as provided in this Act.

2 (3) Altering or affecting the structural system of a
3 building, including changing the building's live or dead
4 load on the structural system.

5 (4) Changes to the building envelope, including
6 exterior walls, exterior wall coverings, exterior wall
7 openings, exterior windows and doors, architectural trim,
8 balconies and similar projections, bay and oriel windows,
9 roof assemblies and rooftop structures, and glass and
10 glazing for exterior use in both vertical and sloped
11 applications in buildings and structures.

12 (5) Altering or affecting the mechanical, plumbing,
13 heating, air conditioning, ventilation, electrical,
14 vertical transportation, fire sprinkler, or fire alarm
15 systems.

16 (6) Changes beyond the exit access component of a
17 means of egress system.

18 (7) Construction that materially affects life safety
19 systems pertaining to fire safety or the fire protection
20 of structural elements, or alterations to smoke evacuation
21 and compartmentalization systems or to fire-rated vertical
22 shafts in multistory structures.

23 (8) Changes of use to an occupancy of greater hazard
24 as determined by the International Building Code.

25 (9) Changes to the construction classification of the
26 building or structure according to the International

1 Building Code.

2 "Public member" means a person who is not a registered
3 interior designer, educator in the field, architect,
4 structural engineer, or professional engineer. For purposes of
5 board membership, any person with a significant financial
6 interest in the design or construction service or profession
7 is not a public member.

8 "Registered interior designer" means a person who has
9 received registration under Section 8 of this Act. A person
10 represents himself or herself to be a "registered interior
11 designer" within the meaning of this Act if he or she holds
12 himself or herself out to the public by any title
13 incorporating the words "registered interior designer" or any
14 title that includes the words "registered interior design".

15 "Responsible control" means the amount of control over
16 detailed professional knowledge of the content of interior
17 technical submissions during the preparation as is ordinarily
18 exercised by registered interior designers applying the
19 required professional standard of care. Merely reviewing or
20 reviewing and correcting an interior technical submission or
21 any portion thereof prepared by those not in the regular
22 employment of the office where the registered interior
23 designer is a resident without control over the content of
24 such work throughout its preparation does not constitute
25 responsible control.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 (Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23;
3 revised 12-9-22.)

4 (225 ILCS 310/4.1)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 4.1. Seal. Every registered interior designer shall
7 have a reproducible seal, or facsimile, the impression of
8 which shall contain the name of the registered interior
9 designer, the registration ~~registrations~~ number, and the words
10 "Registered Interior Designer, State of Illinois". The
11 registered interior designer shall affix the signature,
12 current date, date of registration expiration, and seal to the
13 first sheet of any bound set or loose sheets of interior
14 technical submissions used as contract documents between
15 parties to the contract or prepared for the review and
16 approval of any governmental or public authority having
17 jurisdiction by that registered interior designer or under
18 that registered interior designer's responsible control. The
19 sheet of interior technical submissions in which the seal is
20 affixed shall indicate those documents or parts thereof for
21 which the seal shall apply. The seal and dates may be
22 electronically affixed. The registrant may provide, at the
23 registrant's sole discretion, an original signature in the
24 registrant's handwriting, a scanned copy of the document
25 bearing an original signature, or a signature generated by a

1 computer. All interior technical submissions issued by any
2 corporation, partnership, or professional service corporation
3 shall contain the corporate or assumed business name in
4 addition to any other seal requirements set forth in this Act.

5 A registered interior designer under this Act shall not
6 sign and seal interior technical submissions that were not
7 prepared by or under the responsible control of the registered
8 interior designer, except that:

9 (1) the registered interior designer may sign and seal
10 those portions of the interior technical submission that
11 were prepared by or under the responsible control of a
12 person who holds a registration under this Act, and who
13 has signed and sealed the documents, if the registered
14 interior designer has reviewed in whole or in part such
15 portions and has either coordinated their preparation or
16 integrated them into the work;

17 (2) the registered interior designer may sign and seal
18 portions of the professional work that are not required by
19 this Act to be prepared by or under the responsible
20 control of a registered interior designer if the
21 registered interior designer has reviewed and adopted in
22 whole or in part such portions and has integrated them
23 into the work. The work associated with the combination of
24 services in connection with the design and construction of
25 buildings shall be provided by a licensed architect. If
26 engineering, structural engineering, or licensed land

1 surveying services are required in association with an
2 interior nonstructural project being performed by a
3 registered interior designer, the documents that have
4 already been properly sealed by a licensed professional
5 engineer, licensed structural engineer, or licensed land
6 surveyor may be compiled by a registered interior
7 designer. Each design professional shall seal the
8 respective documents and shall not seal a document that
9 was not prepared under the design professional's
10 responsible charge. For all other projects, engineering,
11 structural engineering, or land surveying services shall
12 be procured separate from the registered interior
13 designer;

14 (3) a partner or corporate officer of a professional
15 design firm registered in this State who has professional
16 knowledge of the content of the interior technical
17 submissions and intends to be responsible for the adequacy
18 of the interior technical submissions may sign and seal
19 interior technical submissions that are prepared by or
20 under the responsible control of a registered interior
21 designer who is registered in this State and who is in the
22 regular employment of the professional design firm.

23 The registered interior designer exercising responsible
24 control under which the interior technical submissions or
25 portions of the interior technical submission were prepared
26 shall be identified on the interior technical submissions or

1 portions of the interior technical submissions by name and
2 Illinois registration number.

3 Any registered interior designer who signs and seals
4 interior technical submissions not prepared by that registered
5 interior designer but prepared under that registered interior
6 designer's responsible control by persons not regularly
7 employed in the office where the registered interior designer
8 is a resident shall maintain and make available to the Board
9 upon request for at least 5 years following such signing and
10 sealing, adequate and complete records demonstrating the
11 nature and extent of the registered interior designer's
12 control over, and detailed professional knowledge of the
13 interior technical submissions throughout their preparation.
14 (Source: P.A. 102-1066, eff. 1-1-23; revised 12-19-22.)

15 (225 ILCS 310/4.2)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 4.2. Interior technical submissions.

18 (a) All interior technical submissions intended for use in
19 this State shall be prepared and administered in accordance
20 with standards of reasonable professional skill and diligence.
21 Care shall be taken to reflect the requirements of State law
22 and, where applicable, county and municipal ordinances in the
23 submissions. In recognition that registered interior designers
24 are registered for the protection of the public health,
25 safety, and welfare, submissions shall be of such quality and

1 scope, and be so administered, as to conform to professional
2 standards.

3 (b) No officer, board, commission, or other public entity
4 who receives interior technical submissions shall accept for
5 filing or approval any interior technical submissions related
6 to services requiring the involvement of a registered interior
7 designer that do not bear the seal and signature of a
8 registered interior designer.

9 (c) It is unlawful to affix a seal to interior technical
10 submissions if it masks the true identity ~~identify~~ of the
11 person who actually exercised responsible control of the
12 preparation of such work. A registered interior designer who
13 seals and signs interior technical submissions is not
14 responsible for damage caused by subsequent changes to, or
15 uses of, those interior technical submissions where the
16 subsequent changes or uses, including changes to uses made by
17 State or local agencies, are not authorized or approved in
18 writing by the registered interior designer who originally
19 sealed and signed the interior technical submissions.

20 (Source: P.A. 102-1066, eff. 1-1-23; revised 12-19-22.)

21 Section 510. The Illinois Plumbing License Law is amended
22 by changing Section 5 as follows:

23 (225 ILCS 320/5) (from Ch. 111, par. 1104)

24 Sec. 5. Advertising.

1 (a) Persons who advertise plumbing services shall, at
2 their place of business, display the licensed plumber's
3 license of at least one member of the firm, partnership or
4 officer of the corporation and shall maintain a register
5 listing the names and license numbers of all licensed plumbers
6 and all licensed apprentice plumbers currently employed by
7 them. The number of the license so displayed shall also be
8 included with the plumbing identification on vehicles.

9 (b) No person who provides plumbing services may advertise
10 those services unless that person includes in the
11 advertisement the license number that is required to be
12 displayed under subsection (a). Nothing contained in this
13 subsection requires the publisher of advertising for plumbing
14 services to investigate or verify the accuracy of the license
15 number provided by the advertiser.

16 (b.5) Any person who advertises plumbing services (i) who
17 fails to display the license number required by subsection (a)
18 in all manners required by that subsection, (ii) who fails to
19 provide a publisher with the correct number under subsection
20 (b), or (iii) who provides a publisher with a false license
21 number or a license number of a person other than the person
22 designated under subsection (a), or any person who allows his
23 or her license number to be displayed or used in order to allow
24 any other person to circumvent any provisions of this Section
25 is guilty of a Class A misdemeanor with a fine of \$1,000, which
26 shall be subject to the enforcement provisions of Section 29

1 of this Act. Each day that a person fails to display the
2 required license under subsection (a) and each day that an
3 advertisement runs or each day that a person allows his or her
4 license to be displayed or used in violation of this Section
5 constitutes a separate offense.

6 In addition to, and not in lieu of, the penalties and
7 remedies provided for in this Section and Section 29 of this
8 Act, any person licensed under this Act who violates any
9 provision of this Section shall be subject to suspension or
10 revocation of his or her license under Section 19 of this Act.

11 (b.10) In addition to, and not in lieu of, the penalties
12 and remedies provided for in this Section and Sections 19, 20,
13 and 29 of this Act, and after notice and an opportunity for
14 hearing as provided for in this subsection and Section 19 of
15 this Act, the Department may issue an Order Of Correction to
16 the telecommunications carrier furnishing service to any
17 telephone number contained in a printed advertisement for
18 plumbing services that is found to be in violation of the
19 provisions of this subsection. The Order of Correction shall
20 be limited to the telephone number contained in the unlawful
21 advertisement. The Order of Correction shall notify the
22 telecommunications carrier to disconnect the telephone service
23 furnished to any telephone number contained in the unlawful
24 advertisement and that subsequent calls to that number shall
25 not be referred by the telecommunications carrier to any new
26 telephone number obtained by or any existing number registered

1 to the person.

2 If, upon investigation, the Department has probable cause
3 to believe that a person has placed an advertisement with a
4 telecommunications carrier that: (i) contains a false license
5 number, (ii) contains a license number of a person other than
6 the person designated under subsection (a), or (iii) is placed
7 or circulated by a person who is not properly licensed under
8 this Act, the Department shall provide notice to the person of
9 the Department's intent to issue an Order of Correction to the
10 telecommunications carrier to disconnect the telephone service
11 furnished to any telephone number contained in the unlawful
12 advertisement, and that subsequent calls to that number shall
13 not be referred by the telecommunications carrier to any new
14 telephone number obtained by or any existing number registered
15 to the person.

16 Notice shall be provided by certified mail or by personal
17 service setting forth the particular reasons for the proposed
18 action and fixing a date, not less than 20 days from the date
19 of the mailing or service, within which time the person must
20 request a hearing in writing. Failure to serve upon the
21 Department a written request for hearing within the time
22 provided in the notice shall constitute a waiver of the
23 person's right to an administrative hearing. The hearing,
24 findings, and conclusions shall be in accordance with the
25 provisions contained in Section 19 of this Act and the
26 Department's Rules of Practice and Procedure in Administrative

1 Hearings (77 Ill. Adm. ~~Admin.~~ Code 100), which are
2 incorporated by reference herein.

3 Upon a finding that the person has violated the provisions
4 of this subsection, the Department shall issue the Order of
5 Correction to the telecommunications carrier. If the
6 telecommunications carrier fails to comply with the Order of
7 Correction within 20 days after the order is final, the
8 Department shall inform the Illinois Commerce Commission of
9 the failure to comply and the Illinois Commerce Commission
10 shall require the telecommunications carrier furnishing
11 services to that person to disconnect the telephone service
12 furnished to the telephone number contained in the unlawful
13 advertisement and direct that subsequent calls to that number
14 shall not be referred by the telecommunications carrier to any
15 new telephone number obtained by or any existing number
16 registered to the person.

17 A person may have his or her telephone services restored,
18 after an Order of Correction has been issued, upon a showing,
19 to the satisfaction of the Department, that he or she is in
20 compliance with the provisions of this Act.

21 (c) The Department may require by rule and regulation
22 additional information concerning licensed plumbers and
23 licensed apprentice plumbers maintained in the register. The
24 Department shall have the right to examine the payroll records
25 of such persons to determine compliance with this provision.
26 The Department's right to examine payroll records is limited

1 solely to those records and does not extend to any other
2 business records.

3 (Source: P.A. 91-184, eff. 1-1-00; revised 2-28-22.)

4 Section 515. The Collateral Recovery Act is amended by
5 changing Section 35 as follows:

6 (225 ILCS 422/35)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 35. Application for repossession agency licensure.

9 (a) Application for original licensure as a repossession
10 agency shall be made to the Commission in writing on forms
11 prescribed by the Commission and shall be accompanied by the
12 appropriate documentation and the required fee, and the fee is
13 nonrefundable.

14 (b) Every application shall state, in addition to any
15 other requirements, (i) the name of the applicant, (ii) the
16 name under which the applicant shall do business, (iii) the
17 proposed location of the agency by number, street, and city,
18 ~~and~~ (iv) the proposed location of the agency's remote storage
19 location or locations by number, street, and city, (v) the
20 proposed location of the Agency's branch office or branch
21 offices by number, street, and city, and (vi) the usual
22 business hours that the agency shall maintain.

23 (c) No license may be issued (i) in any fictitious name
24 that may be confused with or is similar to any federal, state,

1 county, or municipal government function or agency, (ii) in
2 any name that may tend to describe any business function or
3 enterprise not actually engaged in by the applicant, (iii) in
4 any name that is the same as or similar to any existing
5 licensed company and that would tend to deceive the public,
6 (iv) in any name that would tend to be deceptive or misleading,
7 or (v) to any repossession agency applicant without that
8 agency's location or branch office location maintaining a
9 secured storage facility as defined in Section 10 of this Act.

10 (d) If the applicant for repossession agency licensure is
11 an individual, then his or her application shall include (i)
12 the full residential address of the applicant and (ii) either
13 the sworn statement of the applicant declaring that he or she
14 is the licensed recovery manager who shall be personally in
15 control of the agency for which the licensure is sought, or the
16 name and signed sworn statement of the licensed recovery
17 manager who shall be in control or management of the agency.

18 (e) If the applicant for repossession agency licensure is
19 a partnership, then the application shall include (i) a
20 statement of the names and full residential addresses of all
21 partners in the business and (ii) a sworn statement signed by
22 each partner verifying the name of the person who is a licensed
23 recovery manager and shall be in control or management of the
24 business. If a licensed recovery manager who is not a partner
25 shall be in control or management of the agency, then he or she
26 must also sign the sworn statement. The application shall also

1 state whether any of the partners has ever used an alias.

2 (f) If the applicant for licensure as a repossession
3 agency is a corporation, then the application shall include
4 (i) the names and full residential addresses of all
5 corporation officers and (ii) a sworn statement signed by a
6 duly authorized officer of the corporation verifying the name
7 of the person who is a licensed recovery manager and shall be
8 in control or management of the agency. If a licensed recovery
9 manager who is not an officer shall be in control or management
10 of the agency, then he or she must also sign the sworn
11 statement. The application shall also state whether any of the
12 officers has ever used an alias.

13 (g) If the applicant for licensure as a repossession
14 agency is a limited liability company, then the application
15 shall include (i) the names and full residential addresses of
16 all members and (ii) a sworn statement signed by each member
17 verifying the name of the person who is a licensed recovery
18 manager and shall be in control or management of the agency. If
19 a licensed recovery manager who is not a member shall be in
20 control or management of the agency, then he or she must also
21 sign the sworn statement. The application shall also state
22 whether any of the members has ever used an alias.

23 (h) Each individual, partner of a partnership, officer of
24 a corporation, or member of a limited liability company shall
25 submit with the application a copy of a valid State or U.S.
26 government-issued photo identification card. An applicant who

1 is 21 years of age or older seeking a religious exemption to
2 the photograph requirement of this subsection shall furnish
3 with the application an approved copy of United States
4 Department of the Treasury Internal Revenue Service Form 4029.
5 Regardless of age, an applicant seeking a religious exemption
6 to this photograph requirement shall submit fingerprints in a
7 form and manner prescribed by the Commission with his or her
8 application in lieu of a photograph.

9 (i) No examination shall be required for licensure as a
10 repossession agency by the Commission.

11 (j) The Commission may require any additional information
12 that, in the judgment of the Commission, shall enable the
13 Commission to determine the qualifications of the applicant
14 for licensure.

15 (k) Applicants have 90 days from the date of application
16 to complete the application process. If the application has
17 not been completed within 90 days, then the application shall
18 be denied, the fee shall be forfeited, and the applicant must
19 reapply and meet the requirements in effect at the time of
20 reapplication.

21 (l) Nothing in this Section precludes a domestic or
22 foreign limited liability company being licensed as a
23 repossession agency.

24 (m) A repossession agency license may be transferable upon
25 prior notice to the Commission and upon completion of all
26 requirements relative to the application process for

1 repossession agency licensure.

2 (n) Repossessions performed in this State must be
3 performed by repossession agencies, their employees, or agents
4 licensed by the Commission, with the exception of financial
5 institutions or the employees of a financial institution that
6 are exempt under subsection (d) of Section 30 of this Act.

7 (Source: P.A. 102-748, eff. 1-1-23; revised 12-9-22.)

8 Section 520. The Real Estate License Act of 2000 is
9 amended by changing Section 5-10 as follows:

10 (225 ILCS 454/5-10)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 5-10. Requirements for license as a residential
13 leasing agent; continuing education.

14 (a) Every applicant for licensure as a residential leasing
15 agent must meet the following qualifications:

16 (1) be at least 18 years of age;

17 (2) be of good moral character;

18 (3) successfully complete a 4-year course of study in
19 a high school or secondary school or an equivalent course
20 of study approved by the state in which the school is
21 located, or possess a State of Illinois High School
22 Diploma, which shall be verified under oath by the
23 applicant;

24 (4) personally take and pass a written examination

1 authorized by the Department sufficient to demonstrate the
2 applicant's knowledge of the provisions of this Act
3 relating to residential leasing agents and the applicant's
4 competence to engage in the activities of a licensed
5 residential leasing agent;

6 (5) provide satisfactory evidence of having completed
7 15 hours of instruction in an approved course of study
8 relating to the leasing of residential real property. The
9 Board may recommend to the Department the number of hours
10 each topic of study shall require. The course of study
11 shall, among other topics, cover the provisions of this
12 Act applicable to residential leasing agents; fair housing
13 and human rights issues relating to residential leasing;
14 advertising and marketing issues; leases, applications,
15 and credit and criminal background reports; owner-tenant
16 relationships and owner-tenant laws; the handling of
17 funds; and environmental issues relating to residential
18 real property;

19 (6) complete any other requirements as set forth by
20 rule; and

21 (7) present a valid application for issuance of an
22 initial license accompanied by fees specified by rule.

23 (b) No applicant shall engage in any of the activities
24 covered by this Act without a valid license and until a valid
25 sponsorship has been registered with the Department.

26 (c) Successfully completed course work, completed pursuant

1 to the requirements of this Section, may be applied to the
2 course work requirements to obtain a managing broker's or
3 broker's license as provided by rule. The Board may recommend
4 to the Department and the Department may adopt requirements
5 for approved courses, course content, and the approval of
6 courses, instructors, and education providers, as well as
7 education provider and instructor fees. The Department may
8 establish continuing education requirements for residential
9 licensed leasing agents, by rule, consistent with the language
10 and intent of this Act, with the advice of the Board.

11 (d) The continuing education requirement for residential
12 leasing agents shall consist of a single core curriculum to be
13 prescribed by the Department as recommended by the Board.
14 Leasing agents shall be required to complete no less than 8
15 hours of continuing education in the core curriculum during
16 the current term of the license. The curriculum shall, at a
17 minimum, consist of a single course or courses on the subjects
18 of fair housing and human rights issues related to residential
19 leasing, advertising and marketing issues, leases,
20 applications, credit reports, and criminal history, the
21 handling of funds, owner-tenant relationships and owner-tenant
22 laws, and environmental issues relating to residential real
23 estate.

24 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;
25 102-1100, eff. 1-1-23; revised 12-14-22.)

1 Section 530. The Coal Mining Act is amended by changing
2 Sections 2.14 and 8.11 as follows:

3 (225 ILCS 705/2.14) (from Ch. 96 1/2, par. 314)

4 Sec. 2.14. The Director shall promulgate rules, in
5 accordance with the Illinois Administrative Procedure Act,
6 necessary for the effective and orderly conduct of hearings
7 held pursuant to this Act. These rules shall include, but not
8 necessarily be limited to, the following for the benefit of
9 any affected operator, miner, labor representative, l or other
10 person with a substantial interest in the hearing:

11 1. adequate written notice of charges against any
12 charged party;

13 2. adequate written notice of all hearings to any
14 affected operator, miner, labor representative, l or other
15 interested person;

16 3. the right to be represented by counsel;

17 4. the right to present evidence; ~~l~~

18 5. the right to cross-examine witnesses; ~~l~~

19 6. the right to present its position orally or in
20 writing to the Board; ~~l~~

21 7. the right to request issuance of subpoenas by the
22 Department.

23 (Source: P.A. 102-937, eff. 5-27-22; revised 8-22-22.)

24 (225 ILCS 705/8.11) (from Ch. 96 1/2, par. 811)

1 Sec. 8.11. In no case shall an applicant for a certificate
2 of competency be deemed competent unless he appears in person
3 before the Mining Board and orally answers intelligently and
4 correctly practical questions, propounded to him by said
5 Board, pertaining to the requirements and qualifications of a
6 practical miner.

7 (Source: P.A. 102-937, eff. 5-27-22; revised 8-22-22.)

8 Section 535. The Illinois Gambling Act is amended by
9 changing Section 7.2 as follows:

10 (230 ILCS 10/7.2)

11 Sec. 7.2. Temporary operating permits. Any person
12 operating under a temporary operating permit issued pursuant
13 to 86 Ill. ~~Adm. Admin.~~ Code 3000.230 shall be deemed to be
14 operating under the authority of an owner's license for
15 purposes of Section 13 of this Act. This Section shall not
16 affect in any way the licensure requirements of this Act.

17 (Source: P.A. 93-28, eff. 6-20-03; revised 2-28-22.)

18 Section 540. The Liquor Control Act of 1934 is amended by
19 changing Sections 1-3.43, 5-3, 6-9.15, 6-38, and 10-5 as
20 follows:

21 (235 ILCS 5/1-3.43)

22 Sec. 1-3.43. Beer showcase permit ~~license~~. "Beer showcase

1 permit" means a license for use by a class 3 brewer or
2 distributor to allow for the transfer of beer only from an
3 existing licensed premises of a class 3 brewer or distributor
4 to a designated site for a specific event.

5 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

6 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

7 Sec. 5-3. License fees. Except as otherwise provided
8 herein, at the time application is made to the State
9 Commission for a license of any class, the applicant shall pay
10 to the State Commission the fee hereinafter provided for the
11 kind of license applied for.

12 The fee for licenses issued by the State Commission shall
13 be as follows:

	Online	Initial
	renewal	license
		or
		non-online
		renewal

19 For a manufacturer's license:

20	Class 1. Distiller	\$4,000	\$5,000
21	Class 2. Rectifier	4,000	5,000
22	Class 3. Brewer	1,200	1,500
23	Class 4. First-class Wine		
24	Manufacturer	1,200	1,500
25	Class 5. Second-class		

1	Wine Manufacturer.....	1,500	1,750
2	Class 6. First-class wine-maker....	1,200	1,500
3	Class 7. Second-class wine-maker ..	1,500	1,750
4	Class 8. Limited Wine		
5	Manufacturer	250	350
6	Class 9. Craft Distiller	2,000	2,500
7	Class 10. Class 1 Craft Distiller ..	50	75
8	Class 11. Class 2 Craft Distiller ..	75	100
9	Class 12. Class 1 Brewer	50	75
10	Class 13. Class 2 Brewer	75	100
11	Class 14. Class 3 Brewer	25	50
12	For a Brew Pub License	1,200	1,500
13	For a Distilling Pub License	1,200	1,500
14	For a caterer retailer's license ..	350	500
15	For a foreign importer's license ..	25	25
16	For an importing distributor's		
17	license.....	25	25
18	For a distributor's license		
19	(11,250,000 gallons		
20	or over)	1,450	2,200
21	For a distributor's license		
22	(over 4,500,000 gallons, but		
23	under 11,250,000 gallons)	950	1,450
24	For a distributor's license		
25	(4,500,000 gallons or under) ..	300	450
26	For a non-resident dealer's license		

1	(500,000 gallons or over)		
2	or with self-distribution		
3	privileges	1,200	1,500
4	For a non-resident dealer's license		
5	(under 500,000 gallons)	250	350
6	For a wine-maker's premises		
7	license.....	250	500
8	For a winery shipper's license		
9	(under 250,000 gallons)	200	350
10	For a winery shipper's license		
11	(250,000 or over, but		
12	under 500,000 gallons)	750	1,000
13	For a winery shipper's license		
14	(500,000 gallons or over)	1,200	1,500
15	For a wine-maker's premises		
16	license, second location	500	1,000
17	For a wine-maker's premises		
18	license, third location.....	500	1,000
19	For a retailer's license	600	750
20	For a special event retailer's		
21	license, (not-for-profit).....	25	25
22	For a beer showcase permit license ,		
23	one day only	100	150
24	2 days or more	150	250
25	For a special use permit license,		
26	one day only	100	150

1	2 days or more	150	250
2	For a railroad license	100	150
3	For a boat license	500	1,000
4	For an airplane license, times the		
5	licensee's maximum number of		
6	aircraft in flight, serving		
7	liquor over the State at any		
8	given time, which either		
9	originate, terminate, or make		
10	an intermediate stop in		
11	the State.....	100	150
12	For a non-beverage user's license:		
13	Class 1.....	24	24
14	Class 2.....	60	60
15	Class 3.....	120	120
16	Class 4.....	240	240
17	Class 5.....	600	600
18	For a broker's license	750	1,000
19	For an auction liquor license	100	150
20	For a homebrewer special		
21	event permit	25	25
22	For a craft distiller		
23	tasting permit	25	25
24	For a BASSET trainer license	300	350
25	For a tasting representative		
26	license.....	200	300

1	For a brewer warehouse permit	25	25
2	For a craft distiller		
3	warehouse permit	25	25

4 Fees collected under this Section shall be paid into the
5 Dram Shop Fund. The State Commission shall waive license
6 renewal fees for those retailers' licenses that are designated
7 as "1A" by the State Commission and expire on or after July 1,
8 2022, and on or before June 30, 2023. One-half of the funds
9 received for a retailer's license shall be paid into the Dram
10 Shop Fund and one-half of the funds received for a retailer's
11 license shall be paid into the General Revenue Fund.

12 No fee shall be paid for licenses issued by the State
13 Commission to the following non-beverage users:

14 (a) Hospitals, sanitariums, or clinics when their use
15 of alcoholic liquor is exclusively medicinal, mechanical
16 or scientific.

17 (b) Universities, colleges of learning or schools when
18 their use of alcoholic liquor is exclusively medicinal,
19 mechanical or scientific.

20 (c) Laboratories when their use is exclusively for the
21 purpose of scientific research.

22 (Source: P.A. 101-482, eff. 8-23-19; 101-615, eff. 12-20-19;
23 102-442, eff. 8-20-21; 102-558, eff. 8-20-21; 102-699, eff.
24 4-19-22; revised 2-6-23.)

1 Sec. 6-9.15. Quantity discounting terms for wine or
2 spirits cooperative purchase agreements.

3 (a) All wine or spirits quantity discount programs offered
4 to consumption off the premises retailers must be offered to
5 all consumption off the premises cooperative groups and
6 cooperative agents, ~~and~~ and all quantity discount programs
7 offered to consumption on the premises retailers shall be
8 offered to all consumption on the premises cooperative groups
9 and cooperative agents. Quantity discount programs shall:

10 (1) be open and available for acceptance for 7
11 business days;

12 (2) be designed and implemented to produce product
13 volume growth with retail licensees;

14 (3) be based on the volume of product purchased;
15 however, discounts may include price reductions, cash, and
16 credits, ~~and~~ and no-charge wine or spirits products may be
17 given instead of a discount;

18 (4) be documented on related sales invoices or credit
19 memoranda;

20 (5) not require a retail licensee to take and dispose
21 of any quota of wine or spirits; however, bona fide
22 quantity discounts shall not be deemed to be quota sales;
23 and

24 (6) not require a retail licensee to purchase one
25 product in order to purchase another; this includes
26 combination sales if one or more products may be purchased

1 only in combination with other products and not
2 individually.

3 (b) A distributor or importing distributor that makes
4 quantity discount sales to participating members of a
5 cooperative purchase group shall issue customary invoices to
6 each participating retail licensee itemizing the wine or
7 spirit sold and delivered as part of a quantity discount
8 program to each participating retail licensee.

9 (c) If a distributor or importing distributor offers a
10 quantity discount for wine or spirits, excluding any product
11 fermented with malt or any substitute for malt, cooperative
12 purchase groups shall purchase a minimum of 250 cases in each
13 quantity discount program. Each individual participating
14 member of a cooperative purchase group purchasing product
15 through a quantity discount program may be required to
16 purchase the following minimum amounts:

17 (1) 2% of cases of any quantity discount program of
18 500 or fewer cases.

19 (2) 1.5% of cases of any quantity discount program of
20 at least 501 and not more than 2,000 cases.

21 (3) 1% of cases of any quantity discount program of
22 2,001 or more cases.

23 (d) The cooperative agent shall place each cooperative
24 purchase order under the name of the cooperative purchase
25 group and shall identify each participating retail member
26 involved with the purchase, the quantity of product purchased

1 ~~purchase~~, the price attributable to each retailer member's
2 purchase, and a requested delivery date. A retail licensee may
3 make purchases through a cooperative purchasing group or
4 independently of such group. Nothing in this Section shall be
5 construed to prohibit retail licensees from making purchases
6 separate and apart from any cooperative purchasing group.

7 (e) Each distributor or importing distributor shall
8 separately invoice each participating cooperative purchase
9 group member for the purchase made on behalf of such
10 participating member.

11 (f) A cooperative purchasing group shall maintain the
12 records of each cooperative purchase order placed for 90 days.
13 The records shall include:

14 (1) the date the cooperative purchasing group order
15 was placed and the date of any amendments to the order;

16 (2) the distributor or importing distributor with
17 which the cooperative purchasing group placed the order;

18 (3) the names and license numbers of each cooperative
19 purchasing group member participating in the order;

20 (4) the price discounts and net price of all wine or
21 spirits ordered by each cooperative purchase group member;
22 and

23 (5) the requested delivery date for the order.

24 (g) A cooperative purchase group is subject to the books
25 and records requirements of Section 6-10 and subsection (e) of
26 11 Ill. Adm. ~~Admin.~~ Code 100.130.

1 (h) A cooperative purchasing group shall retain a surety
2 bond at all times for no less than \$250,000. If a cooperative
3 purchasing group member is delinquent in payment pursuant to
4 Section 6-5, the surety shall immediately pay the importing
5 distributor or distributor the delinquent amount. The surety
6 bond required by this Section may be acquired from a company,
7 agent, or broker of the cooperative purchase group's choice.
8 If the surety bond does not cure the indebtedness, the 30-day
9 merchandising credit requirements of Section 6-5 shall apply
10 jointly to each cooperative purchasing group until the
11 indebtedness is cured. The cooperative purchasing group is
12 responsible for all costs and fees related to the surety bond.

13 (i) Any licensee that fails to comply with the terms and
14 conditions of this Section may be deemed to be in violation of
15 this Act.

16 (j) Nothing in this Section shall apply to quantity
17 discount programs offered for any product fermented with malt
18 or any substitute for malt. Nothing in this ~~the~~ Section shall
19 be construed to prohibit, limit, or interfere with quantity
20 discount, credit, or rebate programs offered for any product
21 fermented with malt or any substitute for malt.

22 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

23 (235 ILCS 5/6-38)

24 Sec. 6-38. One-time inventory transfer of wine or spirits
25 by a retail licensee with multiple licenses.

1 (a) No original package of wine or spirits may be
2 transferred from one retail licensee to any other retail
3 licensee without permission from the State Commission pursuant
4 to 11 Ill. Adm. ~~Admin.~~ Code 100.250; however, if the same
5 retailer owns more than one licensed retail location, the
6 retailer may transfer inventory of original packages of wine
7 or spirits from one or more of such retailer's licensed
8 locations to another of that retailer's licensed locations
9 without prior permission from the State Commission, under the
10 following circumstances:

11 (1) acts of god (such as, but not limited to,
12 pandemics, fires, explosions, tornadoes, earthquakes,
13 drought, and floods);

14 (2) federal, State, or local law or ordinance change;

15 (3) bankruptcy;

16 (4) permanent or temporary closure of one or more of
17 the retail licensee's locations;

18 (5) the retail licensee obtains an additional liquor
19 license for a new location;

20 (6) a retail licensee purchases another retail
21 licensee's location;

22 (7) a new licensee opens a business at the same
23 location where the prior licensee conducted business, when
24 the new licensee takes possession of the inventory of the
25 immediately prior license; or

26 (8) other unforeseeable circumstances beyond the

1 control of the licensee, such as circumstances:

2 (A) the licensee cannot reasonably take
3 precautions to prevent; and

4 (B) in which the only reasonable method of
5 disposing of the alcoholic liquor products would be a
6 transfer to another licensee or location.

7 (b) The transfer shall be made by:

8 (1) common carrier;

9 (2) a licensed distributor's or importing
10 distributor's vehicle; or

11 (3) a vehicle owned and operated by the licensee.

12 (c) All transfers must be properly documented on a form
13 provided by the State Commission that includes the following
14 information:

15 (1) the license number of the retail licensee's
16 location from which the transfer is to be made and the
17 license number of the retail licensee's location to which
18 the transfer is to be made;

19 (2) the brand, size, and quantity of the wine or
20 spirits to be transferred; and

21 (3) the date the transfer is made.

22 (d) A retail licensee location that transfers or receives
23 an original package of wine or spirits as authorized by this
24 Section shall not be deemed to be engaged in business as a
25 wholesaler or distributor based upon the transfer authorized
26 by this Section.

1 (e) A transfer authorized by this Section shall not be
2 deemed a sale.

3 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

4 (235 ILCS 5/10-5) (from Ch. 43, par. 187)

5 Sec. 10-5. Whenever any officer, director, manager, or
6 other employee ~~employe~~ in a position of authority of any
7 licensee under this Act shall be convicted of any violation of
8 this Act while engaged in the course of his employment or while
9 upon the premises described by said license, said license
10 shall be revoked and the fees paid thereon forfeited both as to
11 the holder of said license and as to said premises, and said
12 bond given by said licensee to secure the faithful compliance
13 with the terms of this Act shall be forfeited in like manner as
14 if said licensee had himself been convicted.

15 (Source: P.A. 82-783; revised 8-19-22.)

16 Section 545. The Illinois Public Aid Code is amended by
17 changing Sections 5-3, 5-5, 5-5.01b, and 14-12 and the
18 headings of Articles V-G, V-H, X, XIV, and XV and by setting
19 forth, renumbering, and changing multiple versions of Section
20 5-45 as follows:

21 (305 ILCS 5/5-3) (from Ch. 23, par. 5-3)

22 Sec. 5-3. Residence.→ Any person who has established his
23 residence in this State and lives therein, including any

1 person who is a migrant worker, may qualify for medical
2 assistance. A person who, while temporarily in this State,
3 suffers injury or illness endangering his life and health and
4 necessitating emergency care, may also qualify.

5 Temporary absence from the State shall not disqualify a
6 person from maintaining his eligibility under this Article.

7 As used in this Section, "migrant worker" means any person
8 residing temporarily and employed in Illinois who moves
9 seasonally from one place to another for the purpose of
10 employment in agricultural activities, including the planting,
11 raising, or harvesting of any agricultural or horticultural
12 commodities and the handling, packing, or processing of such
13 commodities on the farm where produced or at the point of first
14 processing, in animal husbandry, or in other activities
15 connected with the care of animals. Dependents of such person
16 shall be considered eligible if they are living with the
17 person during his or her temporary residence and employment in
18 Illinois.

19 In order to be eligible for medical assistance under this
20 section, each migrant worker shall show proof of citizenship
21 or legal immigration status.

22 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-22-22.)

23 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

24 Sec. 5-5. Medical services. The Illinois Department, by
25 rule, shall determine the quantity and quality of and the rate

1 of reimbursement for the medical assistance for which payment
2 will be authorized, and the medical services to be provided,
3 which may include all or part of the following: (1) inpatient
4 hospital services; (2) outpatient hospital services; (3) other
5 laboratory and X-ray services; (4) skilled nursing home
6 services; (5) physicians' services whether furnished in the
7 office, the patient's home, a hospital, a skilled nursing
8 home, or elsewhere; (6) medical care, or any other type of
9 remedial care furnished by licensed practitioners; (7) home
10 health care services; (8) private duty nursing service; (9)
11 clinic services; (10) dental services, including prevention
12 and treatment of periodontal disease and dental caries disease
13 for pregnant individuals, provided by an individual licensed
14 to practice dentistry or dental surgery; for purposes of this
15 item (10), "dental services" means diagnostic, preventive, or
16 corrective procedures provided by or under the supervision of
17 a dentist in the practice of his or her profession; (11)
18 physical therapy and related services; (12) prescribed drugs,
19 dentures, and prosthetic devices; and eyeglasses prescribed by
20 a physician skilled in the diseases of the eye, or by an
21 optometrist, whichever the person may select; (13) other
22 diagnostic, screening, preventive, and rehabilitative
23 services, including to ensure that the individual's need for
24 intervention or treatment of mental disorders or substance use
25 disorders or co-occurring mental health and substance use
26 disorders is determined using a uniform screening, assessment,

1 and evaluation process inclusive of criteria, for children and
2 adults; for purposes of this item (13), a uniform screening,
3 assessment, and evaluation process refers to a process that
4 includes an appropriate evaluation and, as warranted, a
5 referral; "uniform" does not mean the use of a singular
6 instrument, tool, or process that all must utilize; (14)
7 transportation and such other expenses as may be necessary;
8 (15) medical treatment of sexual assault survivors, as defined
9 in Section 1a of the Sexual Assault Survivors Emergency
10 Treatment Act, for injuries sustained as a result of the
11 sexual assault, including examinations and laboratory tests to
12 discover evidence which may be used in criminal proceedings
13 arising from the sexual assault; (16) the diagnosis and
14 treatment of sickle cell anemia; (16.5) services performed by
15 a chiropractic physician licensed under the Medical Practice
16 Act of 1987 and acting within the scope of his or her license,
17 including, but not limited to, chiropractic manipulative
18 treatment; and (17) any other medical care, and any other type
19 of remedial care recognized under the laws of this State. The
20 term "any other type of remedial care" shall include nursing
21 care and nursing home service for persons who rely on
22 treatment by spiritual means alone through prayer for healing.

23 Notwithstanding any other provision of this Section, a
24 comprehensive tobacco use cessation program that includes
25 purchasing prescription drugs or prescription medical devices
26 approved by the Food and Drug Administration shall be covered

1 under the medical assistance program under this Article for
2 persons who are otherwise eligible for assistance under this
3 Article.

4 Notwithstanding any other provision of this Code,
5 reproductive health care that is otherwise legal in Illinois
6 shall be covered under the medical assistance program for
7 persons who are otherwise eligible for medical assistance
8 under this Article.

9 Notwithstanding any other provision of this Section, all
10 tobacco cessation medications approved by the United States
11 Food and Drug Administration and all individual and group
12 tobacco cessation counseling services and telephone-based
13 counseling services and tobacco cessation medications provided
14 through the Illinois Tobacco Quitline shall be covered under
15 the medical assistance program for persons who are otherwise
16 eligible for assistance under this Article. The Department
17 shall comply with all federal requirements necessary to obtain
18 federal financial participation, as specified in 42 CFR
19 433.15(b)(7), for telephone-based counseling services provided
20 through the Illinois Tobacco Quitline, including, but not
21 limited to: (i) entering into a memorandum of understanding or
22 interagency agreement with the Department of Public Health, as
23 administrator of the Illinois Tobacco Quitline; and (ii)
24 developing a cost allocation plan for Medicaid-allowable
25 Illinois Tobacco Quitline services in accordance with 45 CFR
26 95.507. The Department shall submit the memorandum of

1 understanding or interagency agreement, the cost allocation
2 plan, and all other necessary documentation to the Centers for
3 Medicare and Medicaid Services for review and approval.
4 Coverage under this paragraph shall be contingent upon federal
5 approval.

6 Notwithstanding any other provision of this Code, the
7 Illinois Department may not require, as a condition of payment
8 for any laboratory test authorized under this Article, that a
9 physician's handwritten signature appear on the laboratory
10 test order form. The Illinois Department may, however, impose
11 other appropriate requirements regarding laboratory test order
12 documentation.

13 Upon receipt of federal approval of an amendment to the
14 Illinois Title XIX State Plan for this purpose, the Department
15 shall authorize the Chicago Public Schools (CPS) to procure a
16 vendor or vendors to manufacture eyeglasses for individuals
17 enrolled in a school within the CPS system. CPS shall ensure
18 that its vendor or vendors are enrolled as providers in the
19 medical assistance program and in any capitated Medicaid
20 managed care entity (MCE) serving individuals enrolled in a
21 school within the CPS system. Under any contract procured
22 under this provision, the vendor or vendors must serve only
23 individuals enrolled in a school within the CPS system. Claims
24 for services provided by CPS's vendor or vendors to recipients
25 of benefits in the medical assistance program under this Code,
26 the Children's Health Insurance Program, or the Covering ALL

1 KIDS Health Insurance Program shall be submitted to the
2 Department or the MCE in which the individual is enrolled for
3 payment and shall be reimbursed at the Department's or the
4 MCE's established rates or rate methodologies for eyeglasses.

5 On and after July 1, 2012, the Department of Healthcare
6 and Family Services may provide the following services to
7 persons eligible for assistance under this Article who are
8 participating in education, training or employment programs
9 operated by the Department of Human Services as successor to
10 the Department of Public Aid:

11 (1) dental services provided by or under the
12 supervision of a dentist; and

13 (2) eyeglasses prescribed by a physician skilled in
14 the diseases of the eye, or by an optometrist, whichever
15 the person may select.

16 On and after July 1, 2018, the Department of Healthcare
17 and Family Services shall provide dental services to any adult
18 who is otherwise eligible for assistance under the medical
19 assistance program. As used in this paragraph, "dental
20 services" means diagnostic, preventative, restorative, or
21 corrective procedures, including procedures and services for
22 the prevention and treatment of periodontal disease and dental
23 caries disease, provided by an individual who is licensed to
24 practice dentistry or dental surgery or who is under the
25 supervision of a dentist in the practice of his or her
26 profession.

1 On and after July 1, 2018, targeted dental services, as
2 set forth in Exhibit D of the Consent Decree entered by the
3 United States District Court for the Northern District of
4 Illinois, Eastern Division, in the matter of Memisovski v.
5 Maram, Case No. 92 C 1982, that are provided to adults under
6 the medical assistance program shall be established at no less
7 than the rates set forth in the "New Rate" column in Exhibit D
8 of the Consent Decree for targeted dental services that are
9 provided to persons under the age of 18 under the medical
10 assistance program.

11 Notwithstanding any other provision of this Code and
12 subject to federal approval, the Department may adopt rules to
13 allow a dentist who is volunteering his or her service at no
14 cost to render dental services through an enrolled
15 not-for-profit health clinic without the dentist personally
16 enrolling as a participating provider in the medical
17 assistance program. A not-for-profit health clinic shall
18 include a public health clinic or Federally Qualified Health
19 Center or other enrolled provider, as determined by the
20 Department, through which dental services covered under this
21 Section are performed. The Department shall establish a
22 process for payment of claims for reimbursement for covered
23 dental services rendered under this provision.

24 On and after January 1, 2022, the Department of Healthcare
25 and Family Services shall administer and regulate a
26 school-based dental program that allows for the out-of-office

1 delivery of preventative dental services in a school setting
2 to children under 19 years of age. The Department shall
3 establish, by rule, guidelines for participation by providers
4 and set requirements for follow-up referral care based on the
5 requirements established in the Dental Office Reference Manual
6 published by the Department that establishes the requirements
7 for dentists participating in the All Kids Dental School
8 Program. Every effort shall be made by the Department when
9 developing the program requirements to consider the different
10 geographic differences of both urban and rural areas of the
11 State for initial treatment and necessary follow-up care. No
12 provider shall be charged a fee by any unit of local government
13 to participate in the school-based dental program administered
14 by the Department. Nothing in this paragraph shall be
15 construed to limit or preempt a home rule unit's or school
16 district's authority to establish, change, or administer a
17 school-based dental program in addition to, or independent of,
18 the school-based dental program administered by the
19 Department.

20 The Illinois Department, by rule, may distinguish and
21 classify the medical services to be provided only in
22 accordance with the classes of persons designated in Section
23 5-2.

24 The Department of Healthcare and Family Services must
25 provide coverage and reimbursement for amino acid-based
26 elemental formulas, regardless of delivery method, for the

1 diagnosis and treatment of (i) eosinophilic disorders and (ii)
2 short bowel syndrome when the prescribing physician has issued
3 a written order stating that the amino acid-based elemental
4 formula is medically necessary.

5 The Illinois Department shall authorize the provision of,
6 and shall authorize payment for, screening by low-dose
7 mammography for the presence of occult breast cancer for
8 individuals 35 years of age or older who are eligible for
9 medical assistance under this Article, as follows:

10 (A) A baseline mammogram for individuals 35 to 39
11 years of age.

12 (B) An annual mammogram for individuals 40 years of
13 age or older.

14 (C) A mammogram at the age and intervals considered
15 medically necessary by the individual's health care
16 provider for individuals under 40 years of age and having
17 a family history of breast cancer, prior personal history
18 of breast cancer, positive genetic testing, or other risk
19 factors.

20 (D) A comprehensive ultrasound screening and MRI of an
21 entire breast or breasts if a mammogram demonstrates
22 heterogeneous or dense breast tissue or when medically
23 necessary as determined by a physician licensed to
24 practice medicine in all of its branches.

25 (E) A screening MRI when medically necessary, as
26 determined by a physician licensed to practice medicine in

1 all of its branches.

2 (F) A diagnostic mammogram when medically necessary,
3 as determined by a physician licensed to practice medicine
4 in all its branches, advanced practice registered nurse,
5 or physician assistant.

6 The Department shall not impose a deductible, coinsurance,
7 copayment, or any other cost-sharing requirement on the
8 coverage provided under this paragraph; except that this
9 sentence does not apply to coverage of diagnostic mammograms
10 to the extent such coverage would disqualify a high-deductible
11 health plan from eligibility for a health savings account
12 pursuant to Section 223 of the Internal Revenue Code (26
13 U.S.C. 223).

14 All screenings shall include a physical breast exam,
15 instruction on self-examination and information regarding the
16 frequency of self-examination and its value as a preventative
17 tool.

18 For purposes of this Section:

19 "Diagnostic mammogram" means a mammogram obtained using
20 diagnostic mammography.

21 "Diagnostic mammography" means a method of screening that
22 is designed to evaluate an abnormality in a breast, including
23 an abnormality seen or suspected on a screening mammogram or a
24 subjective or objective abnormality otherwise detected in the
25 breast.

26 "Low-dose mammography" means the x-ray examination of the

1 breast using equipment dedicated specifically for mammography,
2 including the x-ray tube, filter, compression device, and
3 image receptor, with an average radiation exposure delivery of
4 less than one rad per breast for 2 views of an average size
5 breast. The term also includes digital mammography and
6 includes breast tomosynthesis.

7 "Breast tomosynthesis" means a radiologic procedure that
8 involves the acquisition of projection images over the
9 stationary breast to produce cross-sectional digital
10 three-dimensional images of the breast.

11 If, at any time, the Secretary of the United States
12 Department of Health and Human Services, or its successor
13 agency, promulgates rules or regulations to be published in
14 the Federal Register or publishes a comment in the Federal
15 Register or issues an opinion, guidance, or other action that
16 would require the State, pursuant to any provision of the
17 Patient Protection and Affordable Care Act (Public Law
18 111-148), including, but not limited to, 42 U.S.C.
19 18031(d)(3)(B) or any successor provision, to defray the cost
20 of any coverage for breast tomosynthesis outlined in this
21 paragraph, then the requirement that an insurer cover breast
22 tomosynthesis is inoperative other than any such coverage
23 authorized under Section 1902 of the Social Security Act, 42
24 U.S.C. 1396a, and the State shall not assume any obligation
25 for the cost of coverage for breast tomosynthesis set forth in
26 this paragraph.

1 On and after January 1, 2016, the Department shall ensure
2 that all networks of care for adult clients of the Department
3 include access to at least one breast imaging Center of
4 Imaging Excellence as certified by the American College of
5 Radiology.

6 On and after January 1, 2012, providers participating in a
7 quality improvement program approved by the Department shall
8 be reimbursed for screening and diagnostic mammography at the
9 same rate as the Medicare program's rates, including the
10 increased reimbursement for digital mammography and, after
11 January 1, 2023 (the effective date of Public Act 102-1018)
12 ~~this amendatory Act of the 102nd General Assembly~~, breast
13 tomosynthesis.

14 The Department shall convene an expert panel including
15 representatives of hospitals, free-standing mammography
16 facilities, and doctors, including radiologists, to establish
17 quality standards for mammography.

18 On and after January 1, 2017, providers participating in a
19 breast cancer treatment quality improvement program approved
20 by the Department shall be reimbursed for breast cancer
21 treatment at a rate that is no lower than 95% of the Medicare
22 program's rates for the data elements included in the breast
23 cancer treatment quality program.

24 The Department shall convene an expert panel, including
25 representatives of hospitals, free-standing breast cancer
26 treatment centers, breast cancer quality organizations, and

1 doctors, including breast surgeons, reconstructive breast
2 surgeons, oncologists, and primary care providers to establish
3 quality standards for breast cancer treatment.

4 Subject to federal approval, the Department shall
5 establish a rate methodology for mammography at federally
6 qualified health centers and other encounter-rate clinics.
7 These clinics or centers may also collaborate with other
8 hospital-based mammography facilities. By January 1, 2016, the
9 Department shall report to the General Assembly on the status
10 of the provision set forth in this paragraph.

11 The Department shall establish a methodology to remind
12 individuals who are age-appropriate for screening mammography,
13 but who have not received a mammogram within the previous 18
14 months, of the importance and benefit of screening
15 mammography. The Department shall work with experts in breast
16 cancer outreach and patient navigation to optimize these
17 reminders and shall establish a methodology for evaluating
18 their effectiveness and modifying the methodology based on the
19 evaluation.

20 The Department shall establish a performance goal for
21 primary care providers with respect to their female patients
22 over age 40 receiving an annual mammogram. This performance
23 goal shall be used to provide additional reimbursement in the
24 form of a quality performance bonus to primary care providers
25 who meet that goal.

26 The Department shall devise a means of case-managing or

1 patient navigation for beneficiaries diagnosed with breast
2 cancer. This program shall initially operate as a pilot
3 program in areas of the State with the highest incidence of
4 mortality related to breast cancer. At least one pilot program
5 site shall be in the metropolitan Chicago area and at least one
6 site shall be outside the metropolitan Chicago area. On or
7 after July 1, 2016, the pilot program shall be expanded to
8 include one site in western Illinois, one site in southern
9 Illinois, one site in central Illinois, and 4 sites within
10 metropolitan Chicago. An evaluation of the pilot program shall
11 be carried out measuring health outcomes and cost of care for
12 those served by the pilot program compared to similarly
13 situated patients who are not served by the pilot program.

14 The Department shall require all networks of care to
15 develop a means either internally or by contract with experts
16 in navigation and community outreach to navigate cancer
17 patients to comprehensive care in a timely fashion. The
18 Department shall require all networks of care to include
19 access for patients diagnosed with cancer to at least one
20 academic commission on cancer-accredited cancer program as an
21 in-network covered benefit.

22 The Department shall provide coverage and reimbursement
23 for a human papillomavirus (HPV) vaccine that is approved for
24 marketing by the federal Food and Drug Administration for all
25 persons between the ages of 9 and 45 and persons of the age of
26 46 and above who have been diagnosed with cervical dysplasia

1 with a high risk of recurrence or progression. The Department
2 shall disallow any preauthorization requirements for the
3 administration of the human papillomavirus (HPV) vaccine.

4 On or after July 1, 2022, individuals who are otherwise
5 eligible for medical assistance under this Article shall
6 receive coverage for perinatal depression screenings for the
7 12-month period beginning on the last day of their pregnancy.
8 Medical assistance coverage under this paragraph shall be
9 conditioned on the use of a screening instrument approved by
10 the Department.

11 Any medical or health care provider shall immediately
12 recommend, to any pregnant individual who is being provided
13 prenatal services and is suspected of having a substance use
14 disorder as defined in the Substance Use Disorder Act,
15 referral to a local substance use disorder treatment program
16 licensed by the Department of Human Services or to a licensed
17 hospital which provides substance abuse treatment services.
18 The Department of Healthcare and Family Services shall assure
19 coverage for the cost of treatment of the drug abuse or
20 addiction for pregnant recipients in accordance with the
21 Illinois Medicaid Program in conjunction with the Department
22 of Human Services.

23 All medical providers providing medical assistance to
24 pregnant individuals under this Code shall receive information
25 from the Department on the availability of services under any
26 program providing case management services for addicted

1 individuals, including information on appropriate referrals
2 for other social services that may be needed by addicted
3 individuals in addition to treatment for addiction.

4 The Illinois Department, in cooperation with the
5 Departments of Human Services (as successor to the Department
6 of Alcoholism and Substance Abuse) and Public Health, through
7 a public awareness campaign, may provide information
8 concerning treatment for alcoholism and drug abuse and
9 addiction, prenatal health care, and other pertinent programs
10 directed at reducing the number of drug-affected infants born
11 to recipients of medical assistance.

12 Neither the Department of Healthcare and Family Services
13 nor the Department of Human Services shall sanction the
14 recipient solely on the basis of the recipient's substance
15 abuse.

16 The Illinois Department shall establish such regulations
17 governing the dispensing of health services under this Article
18 as it shall deem appropriate. The Department should seek the
19 advice of formal professional advisory committees appointed by
20 the Director of the Illinois Department for the purpose of
21 providing regular advice on policy and administrative matters,
22 information dissemination and educational activities for
23 medical and health care providers, and consistency in
24 procedures to the Illinois Department.

25 The Illinois Department may develop and contract with
26 Partnerships of medical providers to arrange medical services

1 for persons eligible under Section 5-2 of this Code.
2 Implementation of this Section may be by demonstration
3 projects in certain geographic areas. The Partnership shall be
4 represented by a sponsor organization. The Department, by
5 rule, shall develop qualifications for sponsors of
6 Partnerships. Nothing in this Section shall be construed to
7 require that the sponsor organization be a medical
8 organization.

9 The sponsor must negotiate formal written contracts with
10 medical providers for physician services, inpatient and
11 outpatient hospital care, home health services, treatment for
12 alcoholism and substance abuse, and other services determined
13 necessary by the Illinois Department by rule for delivery by
14 Partnerships. Physician services must include prenatal and
15 obstetrical care. The Illinois Department shall reimburse
16 medical services delivered by Partnership providers to clients
17 in target areas according to provisions of this Article and
18 the Illinois Health Finance Reform Act, except that:

19 (1) Physicians participating in a Partnership and
20 providing certain services, which shall be determined by
21 the Illinois Department, to persons in areas covered by
22 the Partnership may receive an additional surcharge for
23 such services.

24 (2) The Department may elect to consider and negotiate
25 financial incentives to encourage the development of
26 Partnerships and the efficient delivery of medical care.

1 (3) Persons receiving medical services through
2 Partnerships may receive medical and case management
3 services above the level usually offered through the
4 medical assistance program.

5 Medical providers shall be required to meet certain
6 qualifications to participate in Partnerships to ensure the
7 delivery of high quality medical services. These
8 qualifications shall be determined by rule of the Illinois
9 Department and may be higher than qualifications for
10 participation in the medical assistance program. Partnership
11 sponsors may prescribe reasonable additional qualifications
12 for participation by medical providers, only with the prior
13 written approval of the Illinois Department.

14 Nothing in this Section shall limit the free choice of
15 practitioners, hospitals, and other providers of medical
16 services by clients. In order to ensure patient freedom of
17 choice, the Illinois Department shall immediately promulgate
18 all rules and take all other necessary actions so that
19 provided services may be accessed from therapeutically
20 certified optometrists to the full extent of the Illinois
21 Optometric Practice Act of 1987 without discriminating between
22 service providers.

23 The Department shall apply for a waiver from the United
24 States Health Care Financing Administration to allow for the
25 implementation of Partnerships under this Section.

26 The Illinois Department shall require health care

1 providers to maintain records that document the medical care
2 and services provided to recipients of Medical Assistance
3 under this Article. Such records must be retained for a period
4 of not less than 6 years from the date of service or as
5 provided by applicable State law, whichever period is longer,
6 except that if an audit is initiated within the required
7 retention period then the records must be retained until the
8 audit is completed and every exception is resolved. The
9 Illinois Department shall require health care providers to
10 make available, when authorized by the patient, in writing,
11 the medical records in a timely fashion to other health care
12 providers who are treating or serving persons eligible for
13 Medical Assistance under this Article. All dispensers of
14 medical services shall be required to maintain and retain
15 business and professional records sufficient to fully and
16 accurately document the nature, scope, details and receipt of
17 the health care provided to persons eligible for medical
18 assistance under this Code, in accordance with regulations
19 promulgated by the Illinois Department. The rules and
20 regulations shall require that proof of the receipt of
21 prescription drugs, dentures, prosthetic devices and
22 eyeglasses by eligible persons under this Section accompany
23 each claim for reimbursement submitted by the dispenser of
24 such medical services. No such claims for reimbursement shall
25 be approved for payment by the Illinois Department without
26 such proof of receipt, unless the Illinois Department shall

1 have put into effect and shall be operating a system of
2 post-payment audit and review which shall, on a sampling
3 basis, be deemed adequate by the Illinois Department to assure
4 that such drugs, dentures, prosthetic devices and eyeglasses
5 for which payment is being made are actually being received by
6 eligible recipients. Within 90 days after September 16, 1984
7 (the effective date of Public Act 83-1439), the Illinois
8 Department shall establish a current list of acquisition costs
9 for all prosthetic devices and any other items recognized as
10 medical equipment and supplies reimbursable under this Article
11 and shall update such list on a quarterly basis, except that
12 the acquisition costs of all prescription drugs shall be
13 updated no less frequently than every 30 days as required by
14 Section 5-5.12.

15 Notwithstanding any other law to the contrary, the
16 Illinois Department shall, within 365 days after July 22, 2013
17 (the effective date of Public Act 98-104), establish
18 procedures to permit skilled care facilities licensed under
19 the Nursing Home Care Act to submit monthly billing claims for
20 reimbursement purposes. Following development of these
21 procedures, the Department shall, by July 1, 2016, test the
22 viability of the new system and implement any necessary
23 operational or structural changes to its information
24 technology platforms in order to allow for the direct
25 acceptance and payment of nursing home claims.

26 Notwithstanding any other law to the contrary, the

1 Illinois Department shall, within 365 days after August 15,
2 2014 (the effective date of Public Act 98-963), establish
3 procedures to permit ID/DD facilities licensed under the ID/DD
4 Community Care Act and MC/DD facilities licensed under the
5 MC/DD Act to submit monthly billing claims for reimbursement
6 purposes. Following development of these procedures, the
7 Department shall have an additional 365 days to test the
8 viability of the new system and to ensure that any necessary
9 operational or structural changes to its information
10 technology platforms are implemented.

11 The Illinois Department shall require all dispensers of
12 medical services, other than an individual practitioner or
13 group of practitioners, desiring to participate in the Medical
14 Assistance program established under this Article to disclose
15 all financial, beneficial, ownership, equity, surety or other
16 interests in any and all firms, corporations, partnerships,
17 associations, business enterprises, joint ventures, agencies,
18 institutions or other legal entities providing any form of
19 health care services in this State under this Article.

20 The Illinois Department may require that all dispensers of
21 medical services desiring to participate in the medical
22 assistance program established under this Article disclose,
23 under such terms and conditions as the Illinois Department may
24 by rule establish, all inquiries from clients and attorneys
25 regarding medical bills paid by the Illinois Department, which
26 inquiries could indicate potential existence of claims or

1 liens for the Illinois Department.

2 Enrollment of a vendor shall be subject to a provisional
3 period and shall be conditional for one year. During the
4 period of conditional enrollment, the Department may terminate
5 the vendor's eligibility to participate in, or may disenroll
6 the vendor from, the medical assistance program without cause.
7 Unless otherwise specified, such termination of eligibility or
8 disenrollment is not subject to the Department's hearing
9 process. However, a disenrolled vendor may reapply without
10 penalty.

11 The Department has the discretion to limit the conditional
12 enrollment period for vendors based upon the category of risk
13 of the vendor.

14 Prior to enrollment and during the conditional enrollment
15 period in the medical assistance program, all vendors shall be
16 subject to enhanced oversight, screening, and review based on
17 the risk of fraud, waste, and abuse that is posed by the
18 category of risk of the vendor. The Illinois Department shall
19 establish the procedures for oversight, screening, and review,
20 which may include, but need not be limited to: criminal and
21 financial background checks; fingerprinting; license,
22 certification, and authorization verifications; unscheduled or
23 unannounced site visits; database checks; prepayment audit
24 reviews; audits; payment caps; payment suspensions; and other
25 screening as required by federal or State law.

26 The Department shall define or specify the following: (i)

1 by provider notice, the "category of risk of the vendor" for
2 each type of vendor, which shall take into account the level of
3 screening applicable to a particular category of vendor under
4 federal law and regulations; (ii) by rule or provider notice,
5 the maximum length of the conditional enrollment period for
6 each category of risk of the vendor; and (iii) by rule, the
7 hearing rights, if any, afforded to a vendor in each category
8 of risk of the vendor that is terminated or disenrolled during
9 the conditional enrollment period.

10 To be eligible for payment consideration, a vendor's
11 payment claim or bill, either as an initial claim or as a
12 resubmitted claim following prior rejection, must be received
13 by the Illinois Department, or its fiscal intermediary, no
14 later than 180 days after the latest date on the claim on which
15 medical goods or services were provided, with the following
16 exceptions:

17 (1) In the case of a provider whose enrollment is in
18 process by the Illinois Department, the 180-day period
19 shall not begin until the date on the written notice from
20 the Illinois Department that the provider enrollment is
21 complete.

22 (2) In the case of errors attributable to the Illinois
23 Department or any of its claims processing intermediaries
24 which result in an inability to receive, process, or
25 adjudicate a claim, the 180-day period shall not begin
26 until the provider has been notified of the error.

1 (3) In the case of a provider for whom the Illinois
2 Department initiates the monthly billing process.

3 (4) In the case of a provider operated by a unit of
4 local government with a population exceeding 3,000,000
5 when local government funds finance federal participation
6 for claims payments.

7 For claims for services rendered during a period for which
8 a recipient received retroactive eligibility, claims must be
9 filed within 180 days after the Department determines the
10 applicant is eligible. For claims for which the Illinois
11 Department is not the primary payer, claims must be submitted
12 to the Illinois Department within 180 days after the final
13 adjudication by the primary payer.

14 In the case of long term care facilities, within 120
15 calendar days of receipt by the facility of required
16 prescreening information, new admissions with associated
17 admission documents shall be submitted through the Medical
18 Electronic Data Interchange (MEDI) or the Recipient
19 Eligibility Verification (REV) System or shall be submitted
20 directly to the Department of Human Services using required
21 admission forms. Effective September 1, 2014, admission
22 documents, including all prescreening information, must be
23 submitted through MEDI or REV. Confirmation numbers assigned
24 to an accepted transaction shall be retained by a facility to
25 verify timely submittal. Once an admission transaction has
26 been completed, all resubmitted claims following prior

1 rejection are subject to receipt no later than 180 days after
2 the admission transaction has been completed.

3 Claims that are not submitted and received in compliance
4 with the foregoing requirements shall not be eligible for
5 payment under the medical assistance program, and the State
6 shall have no liability for payment of those claims.

7 To the extent consistent with applicable information and
8 privacy, security, and disclosure laws, State and federal
9 agencies and departments shall provide the Illinois Department
10 access to confidential and other information and data
11 necessary to perform eligibility and payment verifications and
12 other Illinois Department functions. This includes, but is not
13 limited to: information pertaining to licensure;
14 certification; earnings; immigration status; citizenship; wage
15 reporting; unearned and earned income; pension income;
16 employment; supplemental security income; social security
17 numbers; National Provider Identifier (NPI) numbers; the
18 National Practitioner Data Bank (NPDB); program and agency
19 exclusions; taxpayer identification numbers; tax delinquency;
20 corporate information; and death records.

21 The Illinois Department shall enter into agreements with
22 State agencies and departments, and is authorized to enter
23 into agreements with federal agencies and departments, under
24 which such agencies and departments shall share data necessary
25 for medical assistance program integrity functions and
26 oversight. The Illinois Department shall develop, in

1 cooperation with other State departments and agencies, and in
2 compliance with applicable federal laws and regulations,
3 appropriate and effective methods to share such data. At a
4 minimum, and to the extent necessary to provide data sharing,
5 the Illinois Department shall enter into agreements with State
6 agencies and departments, and is authorized to enter into
7 agreements with federal agencies and departments, including,
8 but not limited to: the Secretary of State; the Department of
9 Revenue; the Department of Public Health; the Department of
10 Human Services; and the Department of Financial and
11 Professional Regulation.

12 Beginning in fiscal year 2013, the Illinois Department
13 shall set forth a request for information to identify the
14 benefits of a pre-payment, post-adjudication, and post-edit
15 claims system with the goals of streamlining claims processing
16 and provider reimbursement, reducing the number of pending or
17 rejected claims, and helping to ensure a more transparent
18 adjudication process through the utilization of: (i) provider
19 data verification and provider screening technology; and (ii)
20 clinical code editing; and (iii) pre-pay, pre-adjudicated ~~pre-~~
21 or post-adjudicated predictive modeling with an integrated
22 case management system with link analysis. Such a request for
23 information shall not be considered as a request for proposal
24 or as an obligation on the part of the Illinois Department to
25 take any action or acquire any products or services.

26 The Illinois Department shall establish policies,

1 procedures, standards and criteria by rule for the
2 acquisition, repair and replacement of orthotic and prosthetic
3 devices and durable medical equipment. Such rules shall
4 provide, but not be limited to, the following services: (1)
5 immediate repair or replacement of such devices by recipients;
6 and (2) rental, lease, purchase or lease-purchase of durable
7 medical equipment in a cost-effective manner, taking into
8 consideration the recipient's medical prognosis, the extent of
9 the recipient's needs, and the requirements and costs for
10 maintaining such equipment. Subject to prior approval, such
11 rules shall enable a recipient to temporarily acquire and use
12 alternative or substitute devices or equipment pending repairs
13 or replacements of any device or equipment previously
14 authorized for such recipient by the Department.
15 Notwithstanding any provision of Section 5-5f to the contrary,
16 the Department may, by rule, exempt certain replacement
17 wheelchair parts from prior approval and, for wheelchairs,
18 wheelchair parts, wheelchair accessories, and related seating
19 and positioning items, determine the wholesale price by
20 methods other than actual acquisition costs.

21 The Department shall require, by rule, all providers of
22 durable medical equipment to be accredited by an accreditation
23 organization approved by the federal Centers for Medicare and
24 Medicaid Services and recognized by the Department in order to
25 bill the Department for providing durable medical equipment to
26 recipients. No later than 15 months after the effective date

1 of the rule adopted pursuant to this paragraph, all providers
2 must meet the accreditation requirement.

3 In order to promote environmental responsibility, meet the
4 needs of recipients and enrollees, and achieve significant
5 cost savings, the Department, or a managed care organization
6 under contract with the Department, may provide recipients or
7 managed care enrollees who have a prescription or Certificate
8 of Medical Necessity access to refurbished durable medical
9 equipment under this Section (excluding prosthetic and
10 orthotic devices as defined in the Orthotics, Prosthetics, and
11 Pedorthics Practice Act and complex rehabilitation technology
12 products and associated services) through the State's
13 assistive technology program's reutilization program, using
14 staff with the Assistive Technology Professional (ATP)
15 Certification if the refurbished durable medical equipment:
16 (i) is available; (ii) is less expensive, including shipping
17 costs, than new durable medical equipment of the same type;
18 (iii) is able to withstand at least 3 years of use; (iv) is
19 cleaned, disinfected, sterilized, and safe in accordance with
20 federal Food and Drug Administration regulations and guidance
21 governing the reprocessing of medical devices in health care
22 settings; and (v) equally meets the needs of the recipient or
23 enrollee. The reutilization program shall confirm that the
24 recipient or enrollee is not already in receipt of the same or
25 similar equipment from another service provider, and that the
26 refurbished durable medical equipment equally meets the needs

1 of the recipient or enrollee. Nothing in this paragraph shall
2 be construed to limit recipient or enrollee choice to obtain
3 new durable medical equipment or place any additional prior
4 authorization conditions on enrollees of managed care
5 organizations.

6 The Department shall execute, relative to the nursing home
7 prescreening project, written inter-agency agreements with the
8 Department of Human Services and the Department on Aging, to
9 effect the following: (i) intake procedures and common
10 eligibility criteria for those persons who are receiving
11 non-institutional services; and (ii) the establishment and
12 development of non-institutional services in areas of the
13 State where they are not currently available or are
14 undeveloped; and (iii) notwithstanding any other provision of
15 law, subject to federal approval, on and after July 1, 2012, an
16 increase in the determination of need (DON) scores from 29 to
17 37 for applicants for institutional and home and
18 community-based long term care; if and only if federal
19 approval is not granted, the Department may, in conjunction
20 with other affected agencies, implement utilization controls
21 or changes in benefit packages to effectuate a similar savings
22 amount for this population; and (iv) no later than July 1,
23 2013, minimum level of care eligibility criteria for
24 institutional and home and community-based long term care; and
25 (v) no later than October 1, 2013, establish procedures to
26 permit long term care providers access to eligibility scores

1 for individuals with an admission date who are seeking or
2 receiving services from the long term care provider. In order
3 to select the minimum level of care eligibility criteria, the
4 Governor shall establish a workgroup that includes affected
5 agency representatives and stakeholders representing the
6 institutional and home and community-based long term care
7 interests. This Section shall not restrict the Department from
8 implementing lower level of care eligibility criteria for
9 community-based services in circumstances where federal
10 approval has been granted.

11 The Illinois Department shall develop and operate, in
12 cooperation with other State Departments and agencies and in
13 compliance with applicable federal laws and regulations,
14 appropriate and effective systems of health care evaluation
15 and programs for monitoring of utilization of health care
16 services and facilities, as it affects persons eligible for
17 medical assistance under this Code.

18 The Illinois Department shall report annually to the
19 General Assembly, no later than the second Friday in April of
20 1979 and each year thereafter, in regard to:

21 (a) actual statistics and trends in utilization of
22 medical services by public aid recipients;

23 (b) actual statistics and trends in the provision of
24 the various medical services by medical vendors;

25 (c) current rate structures and proposed changes in
26 those rate structures for the various medical vendors; and

1 (d) efforts at utilization review and control by the
2 Illinois Department.

3 The period covered by each report shall be the 3 years
4 ending on the June 30 prior to the report. The report shall
5 include suggested legislation for consideration by the General
6 Assembly. The requirement for reporting to the General
7 Assembly shall be satisfied by filing copies of the report as
8 required by Section 3.1 of the General Assembly Organization
9 Act, and filing such additional copies with the State
10 Government Report Distribution Center for the General Assembly
11 as is required under paragraph (t) of Section 7 of the State
12 Library Act.

13 Rulemaking authority to implement Public Act 95-1045, if
14 any, is conditioned on the rules being adopted in accordance
15 with all provisions of the Illinois Administrative Procedure
16 Act and all rules and procedures of the Joint Committee on
17 Administrative Rules; any purported rule not so adopted, for
18 whatever reason, is unauthorized.

19 On and after July 1, 2012, the Department shall reduce any
20 rate of reimbursement for services or other payments or alter
21 any methodologies authorized by this Code to reduce any rate
22 of reimbursement for services or other payments in accordance
23 with Section 5-5e.

24 Because kidney transplantation can be an appropriate,
25 cost-effective alternative to renal dialysis when medically
26 necessary and notwithstanding the provisions of Section 1-11

1 of this Code, beginning October 1, 2014, the Department shall
2 cover kidney transplantation for noncitizens with end-stage
3 renal disease who are not eligible for comprehensive medical
4 benefits, who meet the residency requirements of Section 5-3
5 of this Code, and who would otherwise meet the financial
6 requirements of the appropriate class of eligible persons
7 under Section 5-2 of this Code. To qualify for coverage of
8 kidney transplantation, such person must be receiving
9 emergency renal dialysis services covered by the Department.
10 Providers under this Section shall be prior approved and
11 certified by the Department to perform kidney transplantation
12 and the services under this Section shall be limited to
13 services associated with kidney transplantation.

14 Notwithstanding any other provision of this Code to the
15 contrary, on or after July 1, 2015, all FDA approved forms of
16 medication assisted treatment prescribed for the treatment of
17 alcohol dependence or treatment of opioid dependence shall be
18 covered under both fee for service and managed care medical
19 assistance programs for persons who are otherwise eligible for
20 medical assistance under this Article and shall not be subject
21 to any (1) utilization control, other than those established
22 under the American Society of Addiction Medicine patient
23 placement criteria, (2) prior authorization mandate, or (3)
24 lifetime restriction limit mandate.

25 On or after July 1, 2015, opioid antagonists prescribed
26 for the treatment of an opioid overdose, including the

1 medication product, administration devices, and any pharmacy
2 fees or hospital fees related to the dispensing, distribution,
3 and administration of the opioid antagonist, shall be covered
4 under the medical assistance program for persons who are
5 otherwise eligible for medical assistance under this Article.
6 As used in this Section, "opioid antagonist" means a drug that
7 binds to opioid receptors and blocks or inhibits the effect of
8 opioids acting on those receptors, including, but not limited
9 to, naloxone hydrochloride or any other similarly acting drug
10 approved by the U.S. Food and Drug Administration. The
11 Department shall not impose a copayment on the coverage
12 provided for naloxone hydrochloride under the medical
13 assistance program.

14 Upon federal approval, the Department shall provide
15 coverage and reimbursement for all drugs that are approved for
16 marketing by the federal Food and Drug Administration and that
17 are recommended by the federal Public Health Service or the
18 United States Centers for Disease Control and Prevention for
19 pre-exposure prophylaxis and related pre-exposure prophylaxis
20 services, including, but not limited to, HIV and sexually
21 transmitted infection screening, treatment for sexually
22 transmitted infections, medical monitoring, assorted labs, and
23 counseling to reduce the likelihood of HIV infection among
24 individuals who are not infected with HIV but who are at high
25 risk of HIV infection.

26 A federally qualified health center, as defined in Section

1 1905(1)(2)(B) of the federal Social Security Act, shall be
2 reimbursed by the Department in accordance with the federally
3 qualified health center's encounter rate for services provided
4 to medical assistance recipients that are performed by a
5 dental hygienist, as defined under the Illinois Dental
6 Practice Act, working under the general supervision of a
7 dentist and employed by a federally qualified health center.

8 Within 90 days after October 8, 2021 (the effective date
9 of Public Act 102-665), the Department shall seek federal
10 approval of a State Plan amendment to expand coverage for
11 family planning services that includes presumptive eligibility
12 to individuals whose income is at or below 208% of the federal
13 poverty level. Coverage under this Section shall be effective
14 beginning no later than December 1, 2022.

15 Subject to approval by the federal Centers for Medicare
16 and Medicaid Services of a Title XIX State Plan amendment
17 electing the Program of All-Inclusive Care for the Elderly
18 (PACE) as a State Medicaid option, as provided for by Subtitle
19 I (commencing with Section 4801) of Title IV of the Balanced
20 Budget Act of 1997 (Public Law 105-33) and Part 460
21 (commencing with Section 460.2) of Subchapter E of Title 42 of
22 the Code of Federal Regulations, PACE program services shall
23 become a covered benefit of the medical assistance program,
24 subject to criteria established in accordance with all
25 applicable laws.

26 Notwithstanding any other provision of this Code,

1 community-based pediatric palliative care from a trained
2 interdisciplinary team shall be covered under the medical
3 assistance program as provided in Section 15 of the Pediatric
4 Palliative Care Act.

5 Notwithstanding any other provision of this Code, within
6 12 months after June 2, 2022 (the effective date of Public Act
7 102-1037) ~~this amendatory Act of the 102nd General Assembly~~
8 and subject to federal approval, acupuncture services
9 performed by an acupuncturist licensed under the Acupuncture
10 Practice Act who is acting within the scope of his or her
11 license shall be covered under the medical assistance program.
12 The Department shall apply for any federal waiver or State
13 Plan amendment, if required, to implement this paragraph. The
14 Department may adopt any rules, including standards and
15 criteria, necessary to implement this paragraph.

16 (Source: P.A. 101-209, eff. 8-5-19; 101-580, eff. 1-1-20;
17 102-43, Article 30, Section 30-5, eff. 7-6-21; 102-43, Article
18 35, Section 35-5, eff. 7-6-21; 102-43, Article 55, Section
19 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123, eff. 1-1-22;
20 102-558, eff. 8-20-21; 102-598, eff. 1-1-22; 102-655, eff.
21 1-1-22; 102-665, eff. 10-8-21; 102-813, eff. 5-13-22;
22 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22; 102-1038 eff.
23 1-1-23; revised 2-5-23.)

24 (305 ILCS 5/5-5.01b)

25 Sec. 5-5.01b. Certified Nursing Assistant Intern Program.

1 (a) The Department shall establish or approve a Certified
2 Nursing Assistant Intern Program to address the increasing
3 need for trained health care workers for the supporting living
4 facilities program established under Section 5-5.01a. Upon
5 successful completion of the classroom education and
6 on-the-job training requirements of the Program under this
7 Section, an individual may provide, at a facility certified
8 under this Act, the patient and resident care services
9 determined under the Program and may perform the procedures
10 listed under subsection (d).

11 (b) In order to qualify as a certified nursing assistant
12 intern, an individual shall successfully complete at least 8
13 hours of classroom education on the services and procedures
14 listed under subsection (d). The classroom education shall be:

15 (1) taken within the facility where the certified
16 nursing assistant intern will be employed;

17 (2) proctored by either an advanced practice
18 registered nurse or a registered nurse who holds a
19 bachelor's degree in nursing, has a minimum of 3 years of
20 continuous experience in geriatric care, or is certified
21 as a nursing assistant instructor; and

22 (3) satisfied by the successful completion of an
23 approved 8-hour online training course or in-person group
24 training.

25 (c) In order to qualify as a certified nursing assistant
26 intern, an individual shall successfully complete at least 24

1 hours of on-the-job training in the services and procedures
2 determined under the Program and listed under subsection (d),
3 as follows:

4 (1) The training program instructor shall be either an
5 advanced practice registered nurse or a registered nurse
6 who holds a bachelor's degree in nursing, has a minimum of
7 3 years of continuous experience in geriatric care, or is
8 certified as a nursing assistant instructor.

9 (2) The training program instructor shall ensure that
10 the student meets the competencies determined under the
11 Program and those listed under subsection (d). The
12 instructor shall document the successful completion or
13 failure of the competencies and any remediation that may
14 allow for the successful completion of the competencies.

15 (3) All on-the-job training shall be under the direct
16 observation of either an advanced practice registered
17 nurse or a registered nurse who holds a bachelor's degree
18 in nursing, has a minimum of 3 years of continuous
19 experience in geriatric care, or is certified as a nursing
20 assistant instructor.

21 (4) All on-the-job training shall be conducted at a
22 facility that is licensed by the State of Illinois and
23 that is the facility where the certified nursing assistant
24 intern will be working.

25 (d) A certified nursing assistant intern shall receive
26 classroom and on-the-job training on how to provide the

1 patient or resident care services and procedures, as
2 determined under the Program, that are required of a certified
3 nursing assistant's performance skills, including, but not
4 limited to, all of the following:

5 (1) Successful completion and maintenance of active
6 certification in both first aid and the American Red
7 Cross' courses on cardiopulmonary resuscitation.

8 (2) Infection control and in-service training required
9 at the facility.

10 (3) Washing a resident's hands.

11 (4) Performing oral hygiene on a resident.

12 (5) Shaving a resident with an electric razor.

13 (6) Giving a resident a partial bath.

14 (7) Making a bed that is occupied.

15 (8) Dressing a resident.

16 (9) Transferring a resident to a wheelchair using a
17 gait belt or transfer belt.

18 (10) Ambulating a resident with a gait belt or
19 transfer belt.

20 (11) Feeding a resident.

21 (12) Calculating a resident's intake and output.

22 (13) Placing a resident in a side-lying position.

23 (14) The Heimlich maneuver.

24 (e) A certified nursing assistant intern may not perform
25 any of the following on a resident:

26 (1) Shaving with a nonelectric razor.

- 1 (2) Nail care.
- 2 (3) Perineal care.
- 3 (4) Transfer using a mechanical lift.
- 4 (5) Passive range of motion.

5 (f) A certified nursing assistant intern may only provide
6 the patient or resident care services and perform the
7 procedures that he or she is deemed qualified to perform that
8 are listed under subsection (d). A certified nursing assistant
9 intern may not provide the procedures excluded under
10 subsection (e).

11 (g) A certified nursing assistant intern shall report to a
12 facility's charge nurse or nursing supervisor and may only be
13 assigned duties authorized in this Section by a supervising
14 nurse.

15 (h) A facility shall notify its certified and licensed
16 staff members, in writing, that a certified nursing assistant
17 intern may only provide the services and perform the
18 procedures listed under subsection (d). The notification shall
19 detail which duties may be delegated to a certified nursing
20 assistant intern.

21 (i) If a facility learns that a certified nursing
22 assistant intern is performing work outside of the scope of
23 the Program's training, the facility shall:

- 24 (1) stop the certified nursing assistant intern from
25 performing the work;
- 26 (2) inspect the work and correct mistakes, if the work

1 performed was done improperly;

2 (3) assign the work to the appropriate personnel; and

3 (4) ensure that a thorough assessment of any resident
4 involved in the work performed is completed by a
5 registered nurse.

6 (j) The Program is subject to the Health Care Worker
7 Background Check Act and the Health Care Worker Background
8 Check Code under 77 Ill. Adm. Code 955. Program participants
9 and personnel shall be included on the Health Care Worker
10 Registry.

11 (k) A Program participant who has completed the training
12 required under paragraph (5) of subsection (a) of Section
13 3-206 of the Nursing Home Care Act, has completed the Program
14 from April 21, 2020 through September 18, 2020, and has shown
15 competency in all of the performance skills listed under
16 subsection (d) shall be considered a certified nursing
17 assistant intern.

18 (l) The requirement under subsection (b) of Section
19 395.400 of Title 77 of the Illinois Administrative Code that a
20 student must pass a BNATP written competency examination
21 within 12 months after the completion of the BNATP does not
22 apply to a certified nursing assistant intern under this
23 Section. However, upon a Program participant's enrollment in a
24 certified nursing assistant course, the requirement under
25 subsection (b) of Section 395.400 of Title 77 of the Illinois
26 Administrative Code that a student pass a BNATP written

1 competency examination within 12 months after completion of
2 the BNATP program applies.

3 (m) A certified nursing assistant intern shall enroll in a
4 certified nursing assistant program within 6 months after
5 completing his or her certified nursing assistant intern
6 training under the Program. The individual may continue to
7 work as a certified nursing assistant intern during his or her
8 certified nursing assistant training. If the scope of work for
9 a nurse assistant in training pursuant to 77 Ill. Adm. Code
10 300.660 is broader in scope than the work permitted to be
11 performed by a certified nursing assistant intern, then the
12 certified nursing assistant intern enrolled in certified
13 nursing assistant training may perform the work allowed under
14 77. Ill. Adm. Code 300.660. The individual shall receive one
15 hour of credit for every hour employed as a certified nursing
16 assistant intern or as a temporary nurse assistant, not to
17 exceed 30 hours of credit, subject to the approval of an
18 accredited certified nursing assistant training program.

19 (n) A facility that seeks to train and employ a certified
20 nursing assistant intern at the facility must:

21 (1) not have received a substantiated citation, that
22 the facility has the right to the appeal, for a violation
23 that has caused severe harm to or the death of a resident
24 within the 2 years prior to employing a certified nursing
25 assistant intern; and

26 (2) establish a certified nursing assistant intern

1 mentoring program within the facility for the purposes of
2 increasing education and retention, which must include an
3 experienced certified nurse assistant who has at least 3
4 years of active employment and is employed by the
5 facility.

6 (o) A facility that does not meet the requirements of
7 subsection (n) shall cease its new employment training,
8 education, or onboarding of any employee under the Program.
9 The facility may resume its new employment training,
10 education, or onboarding of an employee under the Program once
11 the Department determines that the facility is in compliance
12 with subsection (n).

13 (p) To study the effectiveness of the Program, the
14 Department shall collect data from participating facilities
15 and publish a report on the extent to which the Program brought
16 individuals into continuing employment as certified nursing
17 assistants in long-term care. Data collected from facilities
18 shall include, but shall not be limited to, the number of
19 certified nursing assistants employed, the number of persons
20 who began participation in the Program, the number of persons
21 who successfully completed the Program, and the number of
22 persons who continue employment in a long-term care service or
23 facility. The report shall be published no later than 6 months
24 after the Program end date determined under subsection (r). A
25 facility participating in the Program shall, twice annually,
26 submit data under this subsection in a manner and time

1 determined by the Department. Failure to submit data under
2 this subsection shall result in suspension of the facility's
3 Program.

4 (q) The Department may adopt emergency rules in accordance
5 with Section 5-45.32 ~~5-45.22~~ of the Illinois Administrative
6 Procedure Act.

7 (r) The Program shall end upon the termination of the
8 Secretary of Health and Human Services' public health
9 emergency declaration for COVID-19 or 3 years after the date
10 that the Program becomes operational, whichever occurs later.

11 (s) This Section is inoperative 18 months after the
12 Program end date determined under subsection (r).

13 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

14 (305 ILCS 5/5-45)

15 Sec. 5-45. Reimbursement rates; substance use disorder
16 treatment providers and facilities. Beginning on July 1, 2022,
17 the Department of Human Services' Division of Substance Use
18 Prevention and Recovery in conjunction with the Department of
19 Healthcare and Family Services, shall provide for an increase
20 in reimbursement rates by way of an increase to existing rates
21 of 47% for all community-based substance use disorder
22 treatment services, including, but not limited to, all of the
23 following:

24 (1) Admission and Discharge Assessment.

25 (2) Level 1 (Individual).

- 1 (3) Level 1 (Group).
- 2 (4) Level 2 (Individual).
- 3 (5) Level 2 (Group).
- 4 (6) Psychiatric/Diagnostic.
- 5 (7) Medication Monitoring (Individual).
- 6 (8) Methadone as an Adjunct to Treatment.

7 No existing or future reimbursement rates or add-ons shall
8 be reduced or changed to address the rate increase proposed
9 under this Section. The Department of Healthcare and Family
10 Services shall immediately, no later than 3 months following
11 April 19, 2022 (the effective date of Public Act 102-699) ~~this~~
12 ~~amendatory Act of the 102nd General Assembly~~, submit any
13 necessary application to the federal Centers for Medicare and
14 Medicaid Services for a waiver or State Plan amendment to
15 implement the requirements of this Section. Beginning in State
16 fiscal year 2023, and every State fiscal year thereafter,
17 reimbursement rates for those community-based substance use
18 disorder treatment services shall be adjusted upward by an
19 amount equal to the Consumer Price Index-U from the previous
20 year, not to exceed 2% in any State fiscal year. If there is a
21 decrease in the Consumer Price Index-U, rates shall remain
22 unchanged for that State fiscal year. The Department of Human
23 Services shall adopt rules, including emergency rules under
24 Section 5-45.1 of the Illinois Administrative Procedure Act,
25 to implement the provisions of this Section.

26 As used in this Section, "consumer price index-u" means

1 the index published by the Bureau of Labor Statistics of the
2 United States Department of Labor that measures the average
3 change in prices of goods and services purchased by all urban
4 consumers, United States city average, all items, 1982-84 =
5 100.

6 (Source: P.A. 102-699, eff. 4-19-22; revised 8-8-22.)

7 (305 ILCS 5/5-46)

8 Sec. 5-46 ~~5-45~~. General acute care hospitals. A general
9 acute care hospital is authorized to file a notice with the
10 Department of Public Health and the Health Facilities and
11 Services Review Board to establish an acute mental illness
12 category of service in accordance with the Illinois Health
13 Facilities Planning Act and add authorized acute mental
14 illness beds if the following conditions are met:

15 (1) the general acute care hospital qualifies as a
16 safety-net hospital, as defined in Section 5-5e.1, as
17 determined by the Department of Healthcare and Family
18 Services at the time of filing the notice or for the year
19 immediately prior to the date of filing the notice;

20 (2) the notice seeks to establish no more than 24
21 authorized acute mental illness beds; and

22 (3) the notice seeks to reduce the number of
23 authorized beds in another category of service to offset
24 the number of authorized acute mental illness beds.

25 (Source: P.A. 102-886, eff. 5-17-22; revised 8-8-22.)

1 (305 ILCS 5/Art. V-G heading)

2 ARTICLE V-G. SUPPORTIVE LIVING FACILITY FUNDING~~—~~

3 (Source: P.A. 98-651, eff. 6-16-14; revised 8-22-22.)

4 (305 ILCS 5/Art. V-H heading)

5 ARTICLE V-H. MANAGED CARE ORGANIZATION PROVIDER ASSESSMENT~~—~~

6 (Source: P.A. 101-9, eff. 6-5-19; revised 8-22-22.)

7 (305 ILCS 5/Art. X heading)

8 ARTICLE X~~—~~. DETERMINATION AND ENFORCEMENT OF

9 SUPPORT RESPONSIBILITY OF RELATIVES

10 (305 ILCS 5/Art. XIV heading)

11 ARTICLE XIV~~—~~. HOSPITAL SERVICES TRUST FUND

12 (305 ILCS 5/14-12)

13 Sec. 14-12. Hospital rate reform payment system. The
14 hospital payment system pursuant to Section 14-11 of this
15 Article shall be as follows:

16 (a) Inpatient hospital services. Effective for discharges
17 on and after July 1, 2014, reimbursement for inpatient general
18 acute care services shall utilize the All Patient Refined
19 Diagnosis Related Grouping (APR-DRG) software, version 30,
20 distributed by 3MTM Health Information System.

21 (1) The Department shall establish Medicaid weighting

1 factors to be used in the reimbursement system established
2 under this subsection. Initial weighting factors shall be
3 the weighting factors as published by 3M Health
4 Information System, associated with Version 30.0 adjusted
5 for the Illinois experience.

6 (2) The Department shall establish a
7 statewide-standardized amount to be used in the inpatient
8 reimbursement system. The Department shall publish these
9 amounts on its website no later than 10 calendar days
10 prior to their effective date.

11 (3) In addition to the statewide-standardized amount,
12 the Department shall develop adjusters to adjust the rate
13 of reimbursement for critical Medicaid providers or
14 services for trauma, transplantation services, perinatal
15 care, and Graduate Medical Education (GME).

16 (4) The Department shall develop add-on payments to
17 account for exceptionally costly inpatient stays,
18 consistent with Medicare outlier principles. Outlier fixed
19 loss thresholds may be updated to control for excessive
20 growth in outlier payments no more frequently than on an
21 annual basis, but at least once every 4 years. Upon
22 updating the fixed loss thresholds, the Department shall
23 be required to update base rates within 12 months.

24 (5) The Department shall define those hospitals or
25 distinct parts of hospitals that shall be exempt from the
26 APR-DRG reimbursement system established under this

1 Section. The Department shall publish these hospitals'
2 inpatient rates on its website no later than 10 calendar
3 days prior to their effective date.

4 (6) Beginning July 1, 2014 and ending on June 30,
5 2024, in addition to the statewide-standardized amount,
6 the Department shall develop an adjustor to adjust the
7 rate of reimbursement for safety-net hospitals defined in
8 Section 5-5e.1 of this Code excluding pediatric hospitals.

9 (7) Beginning July 1, 2014, in addition to the
10 statewide-standardized amount, the Department shall
11 develop an adjustor to adjust the rate of reimbursement
12 for Illinois freestanding inpatient psychiatric hospitals
13 that are not designated as children's hospitals by the
14 Department but are primarily treating patients under the
15 age of 21.

16 (7.5) (Blank).

17 (8) Beginning July 1, 2018, in addition to the
18 statewide-standardized amount, the Department shall adjust
19 the rate of reimbursement for hospitals designated by the
20 Department of Public Health as a Perinatal Level II or II+
21 center by applying the same adjustor that is applied to
22 Perinatal and Obstetrical care cases for Perinatal Level
23 III centers, as of December 31, 2017.

24 (9) Beginning July 1, 2018, in addition to the
25 statewide-standardized amount, the Department shall apply
26 the same adjustor that is applied to trauma cases as of

1 December 31, 2017 to inpatient claims to treat patients
2 with burns, including, but not limited to, APR-DRGs 841,
3 842, 843, and 844.

4 (10) Beginning July 1, 2018, the
5 statewide-standardized amount for inpatient general acute
6 care services shall be uniformly increased so that base
7 claims projected reimbursement is increased by an amount
8 equal to the funds allocated in paragraph (1) of
9 subsection (b) of Section 5A-12.6, less the amount
10 allocated under paragraphs (8) and (9) of this subsection
11 and paragraphs (3) and (4) of subsection (b) multiplied by
12 40%.

13 (11) Beginning July 1, 2018, the reimbursement for
14 inpatient rehabilitation services shall be increased by
15 the addition of a \$96 per day add-on.

16 (b) Outpatient hospital services. Effective for dates of
17 service on and after July 1, 2014, reimbursement for
18 outpatient services shall utilize the Enhanced Ambulatory
19 Procedure Grouping (EAPG) software, version 3.7 distributed by
20 3MTM Health Information System.

21 (1) The Department shall establish Medicaid weighting
22 factors to be used in the reimbursement system established
23 under this subsection. The initial weighting factors shall
24 be the weighting factors as published by 3M Health
25 Information System, associated with Version 3.7.

26 (2) The Department shall establish service specific

1 statewide-standardized amounts to be used in the
2 reimbursement system.

3 (A) The initial statewide standardized amounts,
4 with the labor portion adjusted by the Calendar Year
5 2013 Medicare Outpatient Prospective Payment System
6 wage index with reclassifications, shall be published
7 by the Department on its website no later than 10
8 calendar days prior to their effective date.

9 (B) The Department shall establish adjustments to
10 the statewide-standardized amounts for each Critical
11 Access Hospital, as designated by the Department of
12 Public Health in accordance with 42 CFR 485, Subpart
13 F. For outpatient services provided on or before June
14 30, 2018, the EAPG standardized amounts are determined
15 separately for each critical access hospital such that
16 simulated EAPG payments using outpatient base period
17 paid claim data plus payments under Section 5A-12.4 of
18 this Code net of the associated tax costs are equal to
19 the estimated costs of outpatient base period claims
20 data with a rate year cost inflation factor applied.

21 (3) In addition to the statewide-standardized amounts,
22 the Department shall develop adjusters to adjust the rate
23 of reimbursement for critical Medicaid hospital outpatient
24 providers or services, including outpatient high volume or
25 safety-net hospitals. Beginning July 1, 2018, the
26 outpatient high volume adjustor shall be increased to

1 increase annual expenditures associated with this adjustor
2 by \$79,200,000, based on the State Fiscal Year 2015 base
3 year data and this adjustor shall apply to public
4 hospitals, except for large public hospitals, as defined
5 under 89 Ill. Adm. Code 148.25(a).

6 (4) Beginning July 1, 2018, in addition to the
7 statewide standardized amounts, the Department shall make
8 an add-on payment for outpatient expensive devices and
9 drugs. This add-on payment shall at least apply to claim
10 lines that: (i) are assigned with one of the following
11 EAPGs: 490, 1001 to 1020, and coded with one of the
12 following revenue codes: 0274 to 0276, 0278; or (ii) are
13 assigned with one of the following EAPGs: 430 to 441, 443,
14 444, 460 to 465, 495, 496, 1090. The add-on payment shall
15 be calculated as follows: the claim line's covered charges
16 multiplied by the hospital's total acute cost to charge
17 ratio, less the claim line's EAPG payment plus \$1,000,
18 multiplied by 0.8.

19 (5) Beginning July 1, 2018, the statewide-standardized
20 amounts for outpatient services shall be increased by a
21 uniform percentage so that base claims projected
22 reimbursement is increased by an amount equal to no less
23 than the funds allocated in paragraph (1) of subsection
24 (b) of Section 5A-12.6, less the amount allocated under
25 paragraphs (8) and (9) of subsection (a) and paragraphs
26 (3) and (4) of this subsection multiplied by 46%.

1 (6) Effective for dates of service on or after July 1,
2 2018, the Department shall establish adjustments to the
3 statewide-standardized amounts for each Critical Access
4 Hospital, as designated by the Department of Public Health
5 in accordance with 42 CFR 485, Subpart F, such that each
6 Critical Access Hospital's standardized amount for
7 outpatient services shall be increased by the applicable
8 uniform percentage determined pursuant to paragraph (5) of
9 this subsection. It is the intent of the General Assembly
10 that the adjustments required under this paragraph (6) by
11 Public Act 100-1181 shall be applied retroactively to
12 claims for dates of service provided on or after July 1,
13 2018.

14 (7) Effective for dates of service on or after March
15 8, 2019 (the effective date of Public Act 100-1181), the
16 Department shall recalculate and implement an updated
17 statewide-standardized amount for outpatient services
18 provided by hospitals that are not Critical Access
19 Hospitals to reflect the applicable uniform percentage
20 determined pursuant to paragraph (5).

21 (1) Any recalculation to the
22 statewide-standardized amounts for outpatient services
23 provided by hospitals that are not Critical Access
24 Hospitals shall be the amount necessary to achieve the
25 increase in the statewide-standardized amounts for
26 outpatient services increased by a uniform percentage,

1 so that base claims projected reimbursement is
2 increased by an amount equal to no less than the funds
3 allocated in paragraph (1) of subsection (b) of
4 Section 5A-12.6, less the amount allocated under
5 paragraphs (8) and (9) of subsection (a) and
6 paragraphs (3) and (4) of this subsection, for all
7 hospitals that are not Critical Access Hospitals,
8 multiplied by 46%.

9 (2) It is the intent of the General Assembly that
10 the recalculations required under this paragraph (7)
11 by Public Act 100-1181 shall be applied prospectively
12 to claims for dates of service provided on or after
13 March 8, 2019 (the effective date of Public Act
14 100-1181) and that no recoupment or repayment by the
15 Department or an MCO of payments attributable to
16 recalculation under this paragraph (7), issued to the
17 hospital for dates of service on or after July 1, 2018
18 and before March 8, 2019 (the effective date of Public
19 Act 100-1181), shall be permitted.

20 (8) The Department shall ensure that all necessary
21 adjustments to the managed care organization capitation
22 base rates necessitated by the adjustments under
23 subparagraph (6) or (7) of this subsection are completed
24 and applied retroactively in accordance with Section
25 5-30.8 of this Code within 90 days of March 8, 2019 (the
26 effective date of Public Act 100-1181).

1 (9) Within 60 days after federal approval of the
2 change made to the assessment in Section 5A-2 by Public
3 Act 101-650 ~~this amendatory Act of the 101st General~~
4 ~~Assembly~~, the Department shall incorporate into the EAPG
5 system for outpatient services those services performed by
6 hospitals currently billed through the Non-Institutional
7 Provider billing system.

8 (b-5) Notwithstanding any other provision of this Section,
9 beginning with dates of service on and after January 1, 2023,
10 any general acute care hospital with more than 500 outpatient
11 psychiatric Medicaid services to persons under 19 years of age
12 in any calendar year shall be paid the outpatient add-on
13 payment of no less than \$113.

14 (c) In consultation with the hospital community, the
15 Department is authorized to replace 89 Ill. Adm. Admin. Code
16 152.150 as published in 38 Ill. Reg. 4980 through 4986 within
17 12 months of June 16, 2014 (the effective date of Public Act
18 98-651). If the Department does not replace these rules within
19 12 months of June 16, 2014 (the effective date of Public Act
20 98-651), the rules in effect for 152.150 as published in 38
21 Ill. Reg. 4980 through 4986 shall remain in effect until
22 modified by rule by the Department. Nothing in this subsection
23 shall be construed to mandate that the Department file a
24 replacement rule.

25 (d) Transition period. There shall be a transition period
26 to the reimbursement systems authorized under this Section

1 that shall begin on the effective date of these systems and
2 continue until June 30, 2018, unless extended by rule by the
3 Department. To help provide an orderly and predictable
4 transition to the new reimbursement systems and to preserve
5 and enhance access to the hospital services during this
6 transition, the Department shall allocate a transitional
7 hospital access pool of at least \$290,000,000 annually so that
8 transitional hospital access payments are made to hospitals.

9 (1) After the transition period, the Department may
10 begin incorporating the transitional hospital access pool
11 into the base rate structure; however, the transitional
12 hospital access payments in effect on June 30, 2018 shall
13 continue to be paid, if continued under Section 5A-16.

14 (2) After the transition period, if the Department
15 reduces payments from the transitional hospital access
16 pool, it shall increase base rates, develop new adjustors,
17 adjust current adjustors, develop new hospital access
18 payments based on updated information, or any combination
19 thereof by an amount equal to the decreases proposed in
20 the transitional hospital access pool payments, ensuring
21 that the entire transitional hospital access pool amount
22 shall continue to be used for hospital payments.

23 (d-5) Hospital and health care transformation program. The
24 Department shall develop a hospital and health care
25 transformation program to provide financial assistance to
26 hospitals in transforming their services and care models to

1 better align with the needs of the communities they serve. The
2 payments authorized in this Section shall be subject to
3 approval by the federal government.

4 (1) Phase 1. In State fiscal years 2019 through 2020,
5 the Department shall allocate funds from the transitional
6 access hospital pool to create a hospital transformation
7 pool of at least \$262,906,870 annually and make hospital
8 transformation payments to hospitals. Subject to Section
9 5A-16, in State fiscal years 2019 and 2020, an Illinois
10 hospital that received either a transitional hospital
11 access payment under subsection (d) or a supplemental
12 payment under subsection (f) of this Section in State
13 fiscal year 2018, shall receive a hospital transformation
14 payment as follows:

15 (A) If the hospital's Rate Year 2017 Medicaid
16 inpatient utilization rate is equal to or greater than
17 45%, the hospital transformation payment shall be
18 equal to 100% of the sum of its transitional hospital
19 access payment authorized under subsection (d) and any
20 supplemental payment authorized under subsection (f).

21 (B) If the hospital's Rate Year 2017 Medicaid
22 inpatient utilization rate is equal to or greater than
23 25% but less than 45%, the hospital transformation
24 payment shall be equal to 75% of the sum of its
25 transitional hospital access payment authorized under
26 subsection (d) and any supplemental payment authorized

1 under subsection (f).

2 (C) If the hospital's Rate Year 2017 Medicaid
3 inpatient utilization rate is less than 25%, the
4 hospital transformation payment shall be equal to 50%
5 of the sum of its transitional hospital access payment
6 authorized under subsection (d) and any supplemental
7 payment authorized under subsection (f).

8 (2) Phase 2.

9 (A) The funding amount from phase one shall be
10 incorporated into directed payment and pass-through
11 payment methodologies described in Section 5A-12.7.

12 (B) Because there are communities in Illinois that
13 experience significant health care disparities due to
14 systemic racism, as recently emphasized by the
15 COVID-19 pandemic, aggravated by social determinants
16 of health and a lack of sufficiently allocated
17 healthcare resources, particularly community-based
18 services, preventive care, obstetric care, chronic
19 disease management, and specialty care, the Department
20 shall establish a health care transformation program
21 that shall be supported by the transformation funding
22 pool. It is the intention of the General Assembly that
23 innovative partnerships funded by the pool must be
24 designed to establish or improve integrated health
25 care delivery systems that will provide significant
26 access to the Medicaid and uninsured populations in

1 their communities, as well as improve health care
2 equity. It is also the intention of the General
3 Assembly that partnerships recognize and address the
4 disparities revealed by the COVID-19 pandemic, as well
5 as the need for post-COVID care. During State fiscal
6 years 2021 through 2027, the hospital and health care
7 transformation program shall be supported by an annual
8 transformation funding pool of up to \$150,000,000,
9 pending federal matching funds, to be allocated during
10 the specified fiscal years for the purpose of
11 facilitating hospital and health care transformation.
12 No disbursement of moneys for transformation projects
13 from the transformation funding pool described under
14 this Section shall be considered an award, a grant, or
15 an expenditure of grant funds. Funding agreements made
16 in accordance with the transformation program shall be
17 considered purchases of care under the Illinois
18 Procurement Code, and funds shall be expended by the
19 Department in a manner that maximizes federal funding
20 to expend the entire allocated amount.

21 The Department shall convene, within 30 days after
22 March 12, 2021 (the effective date of Public Act
23 101-655) ~~this amendatory Act of the 101st General~~
24 ~~Assembly~~, a workgroup that includes subject matter
25 experts on healthcare disparities and stakeholders
26 from distressed communities, which could be a

1 subcommittee of the Medicaid Advisory Committee, to
2 review and provide recommendations on how Department
3 policy, including health care transformation, can
4 improve health disparities and the impact on
5 communities disproportionately affected by COVID-19.
6 The workgroup shall consider and make recommendations
7 on the following issues: a community safety-net
8 designation of certain hospitals, racial equity, and a
9 regional partnership to bring additional specialty
10 services to communities.

11 (C) As provided in paragraph (9) of Section 3 of
12 the Illinois Health Facilities Planning Act, any
13 hospital participating in the transformation program
14 may be excluded from the requirements of the Illinois
15 Health Facilities Planning Act for those projects
16 related to the hospital's transformation. To be
17 eligible, the hospital must submit to the Health
18 Facilities and Services Review Board approval from the
19 Department that the project is a part of the
20 hospital's transformation.

21 (D) As provided in subsection (a-20) of Section
22 32.5 of the Emergency Medical Services (EMS) Systems
23 Act, a hospital that received hospital transformation
24 payments under this Section may convert to a
25 freestanding emergency center. To be eligible for such
26 a conversion, the hospital must submit to the

1 Department of Public Health approval from the
2 Department that the project is a part of the
3 hospital's transformation.

4 (E) Criteria for proposals. To be eligible for
5 funding under this Section, a transformation proposal
6 shall meet all of the following criteria:

7 (i) the proposal shall be designed based on
8 community needs assessment completed by either a
9 University partner or other qualified entity with
10 significant community input;

11 (ii) the proposal shall be a collaboration
12 among providers across the care and community
13 spectrum, including preventative care, primary
14 care specialty care, hospital services, mental
15 health and substance abuse services, as well as
16 community-based entities that address the social
17 determinants of health;

18 (iii) the proposal shall be specifically
19 designed to improve healthcare outcomes and reduce
20 healthcare disparities, and improve the
21 coordination, effectiveness, and efficiency of
22 care delivery;

23 (iv) the proposal shall have specific
24 measurable metrics related to disparities that
25 will be tracked by the Department and made public
26 by the Department;

1 (v) the proposal shall include a commitment to
2 include Business Enterprise Program certified
3 vendors or other entities controlled and managed
4 by minorities or women; and

5 (vi) the proposal shall specifically increase
6 access to primary, preventive, or specialty care.

7 (F) Entities eligible to be funded.

8 (i) Proposals for funding should come from
9 collaborations operating in one of the most
10 distressed communities in Illinois as determined
11 by the U.S. Centers for Disease Control and
12 Prevention's Social Vulnerability Index for
13 Illinois and areas disproportionately impacted by
14 COVID-19 or from rural areas of Illinois.

15 (ii) The Department shall prioritize
16 partnerships from distressed communities, which
17 include Business Enterprise Program certified
18 vendors or other entities controlled and managed
19 by minorities or women and also include one or
20 more of the following: safety-net hospitals,
21 critical access hospitals, the campuses of
22 hospitals that have closed since January 1, 2018,
23 or other healthcare providers designed to address
24 specific healthcare disparities, including the
25 impact of COVID-19 on individuals and the
26 community and the need for post-COVID care. All

1 funded proposals must include specific measurable
2 goals and metrics related to improved outcomes and
3 reduced disparities which shall be tracked by the
4 Department.

5 (iii) The Department should target the funding
6 in the following ways: \$30,000,000 of
7 transformation funds to projects that are a
8 collaboration between a safety-net hospital,
9 particularly community safety-net hospitals, and
10 other providers and designed to address specific
11 healthcare disparities, \$20,000,000 of
12 transformation funds to collaborations between
13 safety-net hospitals and a larger hospital partner
14 that increases specialty care in distressed
15 communities, \$30,000,000 of transformation funds
16 to projects that are a collaboration between
17 hospitals and other providers in distressed areas
18 of the State designed to address specific
19 healthcare disparities, \$15,000,000 to
20 collaborations between critical access hospitals
21 and other providers designed to address specific
22 healthcare disparities, and \$15,000,000 to
23 cross-provider collaborations designed to address
24 specific healthcare disparities, and \$5,000,000 to
25 collaborations that focus on workforce
26 development.

1 (iv) The Department may allocate up to
2 \$5,000,000 for planning, racial equity analysis,
3 or consulting resources for the Department or
4 entities without the resources to develop a plan
5 to meet the criteria of this Section. Any contract
6 for consulting services issued by the Department
7 under this subparagraph shall comply with the
8 provisions of Section 5-45 of the State Officials
9 and Employees Ethics Act. Based on availability of
10 federal funding, the Department may directly
11 procure consulting services or provide funding to
12 the collaboration. The provision of resources
13 under this subparagraph is not a guarantee that a
14 project will be approved.

15 (v) The Department shall take steps to ensure
16 that safety-net hospitals operating in
17 under-resourced communities receive priority
18 access to hospital and healthcare transformation
19 funds, including consulting funds, as provided
20 under this Section.

21 (G) Process for submitting and approving projects
22 for distressed communities. The Department shall issue
23 a template for application. The Department shall post
24 any proposal received on the Department's website for
25 at least 2 weeks for public comment, and any such
26 public comment shall also be considered in the review

1 process. Applicants may request that proprietary
2 financial information be redacted from publicly posted
3 proposals and the Department in its discretion may
4 agree. Proposals for each distressed community must
5 include all of the following:

6 (i) A detailed description of how the project
7 intends to affect the goals outlined in this
8 subsection, describing new interventions, new
9 technology, new structures, and other changes to
10 the healthcare delivery system planned.

11 (ii) A detailed description of the racial and
12 ethnic makeup of the entities' board and
13 leadership positions and the salaries of the
14 executive staff of entities in the partnership
15 that is seeking to obtain funding under this
16 Section.

17 (iii) A complete budget, including an overall
18 timeline and a detailed pathway to sustainability
19 within a 5-year period, specifying other sources
20 of funding, such as in-kind, cost-sharing, or
21 private donations, particularly for capital needs.
22 There is an expectation that parties to the
23 transformation project dedicate resources to the
24 extent they are able and that these expectations
25 are delineated separately for each entity in the
26 proposal.

1 (iv) A description of any new entities formed
2 or other legal relationships between collaborating
3 entities and how funds will be allocated among
4 participants.

5 (v) A timeline showing the evolution of sites
6 and specific services of the project over a 5-year
7 period, including services available to the
8 community by site.

9 (vi) Clear milestones indicating progress
10 toward the proposed goals of the proposal as
11 checkpoints along the way to continue receiving
12 funding. The Department is authorized to refine
13 these milestones in agreements, and is authorized
14 to impose reasonable penalties, including
15 repayment of funds, for substantial lack of
16 progress.

17 (vii) A clear statement of the level of
18 commitment the project will include for minorities
19 and women in contracting opportunities, including
20 as equity partners where applicable, or as
21 subcontractors and suppliers in all phases of the
22 project.

23 (viii) If the community study utilized is not
24 the study commissioned and published by the
25 Department, the applicant must define the
26 methodology used, including documentation of clear

1 community participation.

2 (ix) A description of the process used in
3 collaborating with all levels of government in the
4 community served in the development of the
5 project, including, but not limited to,
6 legislators and officials of other units of local
7 government.

8 (x) Documentation of a community input process
9 in the community served, including links to
10 proposal materials on public websites.

11 (xi) Verifiable project milestones and quality
12 metrics that will be impacted by transformation.
13 These project milestones and quality metrics must
14 be identified with improvement targets that must
15 be met.

16 (xii) Data on the number of existing employees
17 by various job categories and wage levels by the
18 zip code of the employees' residence and
19 benchmarks for the continued maintenance and
20 improvement of these levels. The proposal must
21 also describe any retraining or other workforce
22 development planned for the new project.

23 (xiii) If a new entity is created by the
24 project, a description of how the board will be
25 reflective of the community served by the
26 proposal.

1 (xiv) An explanation of how the proposal will
2 address the existing disparities that exacerbated
3 the impact of COVID-19 and the need for post-COVID
4 care in the community, if applicable.

5 (xv) An explanation of how the proposal is
6 designed to increase access to care, including
7 specialty care based upon the community's needs.

8 (H) The Department shall evaluate proposals for
9 compliance with the criteria listed under subparagraph
10 (G). Proposals meeting all of the criteria may be
11 eligible for funding with the areas of focus
12 prioritized as described in item (ii) of subparagraph
13 (F). Based on the funds available, the Department may
14 negotiate funding agreements with approved applicants
15 to maximize federal funding. Nothing in this
16 subsection requires that an approved project be funded
17 to the level requested. Agreements shall specify the
18 amount of funding anticipated annually, the
19 methodology of payments, the limit on the number of
20 years such funding may be provided, and the milestones
21 and quality metrics that must be met by the projects in
22 order to continue to receive funding during each year
23 of the program. Agreements shall specify the terms and
24 conditions under which a health care facility that
25 receives funds under a purchase of care agreement and
26 closes in violation of the terms of the agreement must

1 pay an early closure fee no greater than 50% of the
2 funds it received under the agreement, prior to the
3 Health Facilities and Services Review Board
4 considering an application for closure of the
5 facility. Any project that is funded shall be required
6 to provide quarterly written progress reports, in a
7 form prescribed by the Department, and at a minimum
8 shall include the progress made in achieving any
9 milestones or metrics or Business Enterprise Program
10 commitments in its plan. The Department may reduce or
11 end payments, as set forth in transformation plans, if
12 milestones or metrics or Business Enterprise Program
13 commitments are not achieved. The Department shall
14 seek to make payments from the transformation fund in
15 a manner that is eligible for federal matching funds.

16 In reviewing the proposals, the Department shall
17 take into account the needs of the community, data
18 from the study commissioned by the Department from the
19 University of Illinois-Chicago if applicable, feedback
20 from public comment on the Department's website, as
21 well as how the proposal meets the criteria listed
22 under subparagraph (G). Alignment with the
23 Department's overall strategic initiatives shall be an
24 important factor. To the extent that fiscal year
25 funding is not adequate to fund all eligible projects
26 that apply, the Department shall prioritize

1 applications that most comprehensively and effectively
2 address the criteria listed under subparagraph (G).

3 (3) (Blank).

4 (4) Hospital Transformation Review Committee. There is
5 created the Hospital Transformation Review Committee. The
6 Committee shall consist of 14 members. No later than 30
7 days after March 12, 2018 (the effective date of Public
8 Act 100-581), the 4 legislative leaders shall each appoint
9 3 members; the Governor shall appoint the Director of
10 Healthcare and Family Services, or his or her designee, as
11 a member; and the Director of Healthcare and Family
12 Services shall appoint one member. Any vacancy shall be
13 filled by the applicable appointing authority within 15
14 calendar days. The members of the Committee shall select a
15 Chair and a Vice-Chair from among its members, provided
16 that the Chair and Vice-Chair cannot be appointed by the
17 same appointing authority and must be from different
18 political parties. The Chair shall have the authority to
19 establish a meeting schedule and convene meetings of the
20 Committee, and the Vice-Chair shall have the authority to
21 convene meetings in the absence of the Chair. The
22 Committee may establish its own rules with respect to
23 meeting schedule, notice of meetings, and the disclosure
24 of documents; however, the Committee shall not have the
25 power to subpoena individuals or documents and any rules
26 must be approved by 9 of the 14 members. The Committee

1 shall perform the functions described in this Section and
2 advise and consult with the Director in the administration
3 of this Section. In addition to reviewing and approving
4 the policies, procedures, and rules for the hospital and
5 health care transformation program, the Committee shall
6 consider and make recommendations related to qualifying
7 criteria and payment methodologies related to safety-net
8 hospitals and children's hospitals. Members of the
9 Committee appointed by the legislative leaders shall be
10 subject to the jurisdiction of the Legislative Ethics
11 Commission, not the Executive Ethics Commission, and all
12 requests under the Freedom of Information Act shall be
13 directed to the applicable Freedom of Information officer
14 for the General Assembly. The Department shall provide
15 operational support to the Committee as necessary. The
16 Committee is dissolved on April 1, 2019.

17 (e) Beginning 36 months after initial implementation, the
18 Department shall update the reimbursement components in
19 subsections (a) and (b), including standardized amounts and
20 weighting factors, and at least once every 4 years and no more
21 frequently than annually thereafter. The Department shall
22 publish these updates on its website no later than 30 calendar
23 days prior to their effective date.

24 (f) Continuation of supplemental payments. Any
25 supplemental payments authorized under Illinois Administrative
26 Code 148 effective January 1, 2014 and that continue during

1 the period of July 1, 2014 through December 31, 2014 shall
2 remain in effect as long as the assessment imposed by Section
3 5A-2 that is in effect on December 31, 2017 remains in effect.

4 (g) Notwithstanding subsections (a) through (f) of this
5 Section and notwithstanding the changes authorized under
6 Section 5-5b.1, any updates to the system shall not result in
7 any diminishment of the overall effective rates of
8 reimbursement as of the implementation date of the new system
9 (July 1, 2014). These updates shall not preclude variations in
10 any individual component of the system or hospital rate
11 variations. Nothing in this Section shall prohibit the
12 Department from increasing the rates of reimbursement or
13 developing payments to ensure access to hospital services.
14 Nothing in this Section shall be construed to guarantee a
15 minimum amount of spending in the aggregate or per hospital as
16 spending may be impacted by factors, including, but not
17 limited to, the number of individuals in the medical
18 assistance program and the severity of illness of the
19 individuals.

20 (h) The Department shall have the authority to modify by
21 rulemaking any changes to the rates or methodologies in this
22 Section as required by the federal government to obtain
23 federal financial participation for expenditures made under
24 this Section.

25 (i) Except for subsections (g) and (h) of this Section,
26 the Department shall, pursuant to subsection (c) of Section

1 5-40 of the Illinois Administrative Procedure Act, provide for
2 presentation at the June 2014 hearing of the Joint Committee
3 on Administrative Rules (JCAR) additional written notice to
4 JCAR of the following rules in order to commence the second
5 notice period for the following rules: rules published in the
6 Illinois Register, rule dated February 21, 2014 at 38 Ill.
7 Reg. 4559 (Medical Payment), 4628 (Specialized Health Care
8 Delivery Systems), 4640 (Hospital Services), 4932 (Diagnostic
9 Related Grouping (DRG) Prospective Payment System (PPS)), and
10 4977 (Hospital Reimbursement Changes), and published in the
11 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
12 (Specialized Health Care Delivery Systems) and 6505 (Hospital
13 Services).

14 (j) Out-of-state hospitals. Beginning July 1, 2018, for
15 purposes of determining for State fiscal years 2019 and 2020
16 and subsequent fiscal years the hospitals eligible for the
17 payments authorized under subsections (a) and (b) of this
18 Section, the Department shall include out-of-state hospitals
19 that are designated a Level I pediatric trauma center or a
20 Level I trauma center by the Department of Public Health as of
21 December 1, 2017.

22 (k) The Department shall notify each hospital and managed
23 care organization, in writing, of the impact of the updates
24 under this Section at least 30 calendar days prior to their
25 effective date.

26 (Source: P.A. 101-81, eff. 7-12-19; 101-650, eff. 7-7-20;

1 101-655, eff. 3-12-21; 102-682, eff. 12-10-21; 102-1037, eff.
2 6-2-22; revised 8-22-22.)

3 (305 ILCS 5/Art. XV heading)

4 ARTICLE XV.

5 COUNTY PROVIDER TRUST FUND

6 Section 548. The Rebuild Illinois Mental Health Workforce
7 Act is amended by changing Section 20-10 as follows:

8 (305 ILCS 66/20-10)

9 Sec. 20-10. Medicaid funding for community mental health
10 services. Medicaid funding for the specific community mental
11 health services listed in this Act shall be adjusted and paid
12 as set forth in this Act. Such payments shall be paid in
13 addition to the base Medicaid reimbursement rate and add-on
14 payment rates per service unit.

15 (a) The payment adjustments shall begin on July 1, 2022
16 for State Fiscal Year 2023 and shall continue for every State
17 fiscal year thereafter.

18 (1) Individual Therapy Medicaid Payment rate for
19 services provided under the H0004 Code:

20 (A) The Medicaid total payment rate for individual
21 therapy provided by a qualified mental health
22 professional shall be increased by no less than \$9 per
23 service unit.

1 (B) The Medicaid total payment rate for individual
2 therapy provided by a mental health professional shall
3 be increased by no less than ~~then~~ \$9 per service unit.

4 (2) Community Support - Individual Medicaid Payment
5 rate for services provided under the H2015 Code: All
6 community support - individual services shall be increased
7 by no less than \$15 per service unit.

8 (3) Case Management Medicaid Add-on Payment for
9 services provided under the T1016 code: All case
10 management services rates shall be increased by no less
11 than \$15 per service unit.

12 (4) Assertive Community Treatment Medicaid Add-on
13 Payment for services provided under the H0039 code: The
14 Medicaid total payment rate for assertive community
15 treatment services shall increase by no less than \$8 per
16 service unit.

17 (5) Medicaid user-based directed payments.

18 (A) For each State fiscal year, a monthly directed
19 payment shall be paid to a community mental health
20 provider of community support team services based on
21 the number of Medicaid users of community support team
22 services documented by Medicaid fee-for-service and
23 managed care encounter claims delivered by that
24 provider in the base year. The Department of
25 Healthcare and Family Services shall make the monthly
26 directed payment to each provider entitled to directed

1 payments under this Act by no later than the last day
2 of each month throughout each State fiscal year.

3 (i) The monthly directed payment for a
4 community support team provider shall be
5 calculated as follows: The sum total number of
6 individual Medicaid users of community support
7 team services delivered by that provider
8 throughout the base year, multiplied by \$4,200 per
9 Medicaid user, divided into 12 equal monthly
10 payments for the State fiscal year.

11 (ii) As used in this subparagraph, "user"
12 means an individual who received at least 200
13 units of community support team services (H2016)
14 during the base year.

15 (B) For each State fiscal year, a monthly directed
16 payment shall be paid to each community mental health
17 provider of assertive community treatment services
18 based on the number of Medicaid users of assertive
19 community treatment services documented by Medicaid
20 fee-for-service and managed care encounter claims
21 delivered by the provider in the base year.

22 (i) The monthly direct payment for an
23 assertive community treatment provider shall be
24 calculated as follows: The sum total number of
25 Medicaid users of assertive community treatment
26 services provided by that provider throughout the

1 base year, multiplied by \$6,000 per Medicaid user,
2 divided into 12 equal monthly payments for that
3 State fiscal year.

4 (ii) As used in this subparagraph, "user"
5 means an individual that received at least 300
6 units of assertive community treatment services
7 during the base year.

8 (C) The base year for directed payments under this
9 Section shall be calendar year 2019 for State Fiscal
10 Year 2023 and State Fiscal Year 2024. For the State
11 fiscal year beginning on July 1, 2024, and for every
12 State fiscal year thereafter, the base year shall be
13 the calendar year that ended 18 months prior to the
14 start of the State fiscal year in which payments are
15 made.

16 (b) Subject to federal approval, a one-time directed
17 payment must be made in calendar year 2023 for community
18 mental health services provided by community mental health
19 providers. The one-time directed payment shall be for an
20 amount appropriated for these purposes. The one-time directed
21 payment shall be for services for Integrated Assessment and
22 Treatment Planning and other intensive services, including,
23 but not limited to, services for Mobile Crisis Response,
24 crisis intervention, and medication monitoring. The amounts
25 and services used for designing and distributing these
26 one-time directed payments shall not be construed to require

1 any future rate or funding increases for the same or other
2 mental health services.

3 (Source: P.A. 102-699, eff. 4-19-22; 102-1118, eff. 1-18-23;
4 revised 1-23-23.)

5 Section 550. The Abused and Neglected Child Reporting Act
6 is amended by changing Section 4 as follows:

7 (325 ILCS 5/4)

8 Sec. 4. Persons required to report; privileged
9 communications; transmitting false report.

10 (a) The following persons are required to immediately
11 report to the Department when they have reasonable cause to
12 believe that a child known to them in their professional or
13 official capacities may be an abused child or a neglected
14 child:

15 (1) Medical personnel, including any: physician
16 licensed to practice medicine in any of its branches
17 (medical doctor or doctor of osteopathy); resident;
18 intern; medical administrator or personnel engaged in the
19 examination, care, and treatment of persons; psychiatrist;
20 surgeon; dentist; dental hygienist; chiropractic
21 physician; podiatric physician; physician assistant;
22 emergency medical technician; physical therapist; physical
23 therapy assistant; occupational therapist; occupational
24 therapy assistant; acupuncturist; registered nurse;

1 licensed practical nurse; advanced practice registered
2 nurse; genetic counselor; respiratory care practitioner;
3 home health aide; or certified nursing assistant.

4 (2) Social services and mental health personnel,
5 including any: licensed professional counselor; licensed
6 clinical professional counselor; licensed social worker;
7 licensed clinical social worker; licensed psychologist or
8 assistant working under the direct supervision of a
9 psychologist; associate licensed marriage and family
10 therapist; licensed marriage and family therapist; field
11 personnel of the Departments of Healthcare and Family
12 Services, Public Health, Human Services, Human Rights, or
13 Children and Family Services; supervisor or administrator
14 of the General Assistance program established under
15 Article VI of the Illinois Public Aid Code; social
16 services administrator; or substance abuse treatment
17 personnel.

18 (3) Crisis intervention personnel, including any:
19 crisis line or hotline personnel; or domestic violence
20 program personnel.

21 (4) Education personnel, including any: school
22 personnel (including administrators and certified and
23 non-certified school employees); personnel of institutions
24 of higher education; educational advocate assigned to a
25 child in accordance with the School Code; member of a
26 school board or the Chicago Board of Education or the

1 governing body of a private school (but only to the extent
2 required under subsection (d)); or truant officer.

3 (5) Recreation or athletic program or facility
4 personnel; or an athletic trainer.

5 (6) Child care personnel, including any: early
6 intervention provider as defined in the Early Intervention
7 Services System Act; director or staff assistant of a
8 nursery school or a child day care center; or foster
9 parent, homemaker, or child care worker.

10 (7) Law enforcement personnel, including any: law
11 enforcement officer; field personnel of the Department of
12 Juvenile Justice; field personnel of the Department of
13 Corrections; probation officer; or animal control officer
14 or field investigator of the Department of Agriculture's
15 Bureau of Animal Health and Welfare.

16 (8) Any funeral home director; funeral home director
17 and embalmer; funeral home employee; coroner; or medical
18 examiner.

19 (9) Any member of the clergy.

20 (10) Any physician, physician assistant, registered
21 nurse, licensed practical nurse, medical technician,
22 certified nursing assistant, licensed social worker,
23 licensed clinical social worker, or licensed professional
24 counselor of any office, clinic, licensed behavior
25 analyst, licensed assistant behavior analyst, or any other
26 physical location that provides abortions, abortion

1 referrals, or contraceptives.

2 (b) When 2 or more persons who work within the same
3 workplace and are required to report under this Act share a
4 reasonable cause to believe that a child may be an abused or
5 neglected child, one of those reporters may be designated to
6 make a single report. The report shall include the names and
7 contact information for the other mandated reporters sharing
8 the reasonable cause to believe that a child may be an abused
9 or neglected child. The designated reporter must provide
10 written confirmation of the report to those mandated reporters
11 within 48 hours. If confirmation is not provided, those
12 mandated reporters are individually responsible for
13 immediately ensuring a report is made. Nothing in this Section
14 precludes or may be used to preclude any person from reporting
15 child abuse or child neglect.

16 (c) (1) As used in this Section, "a child known to them in
17 their professional or official capacities" means:

18 (A) the mandated reporter comes into contact with the
19 child in the course of the reporter's employment or
20 practice of a profession, or through a regularly scheduled
21 program, activity, or service;

22 (B) the mandated reporter is affiliated with an
23 agency, institution, organization, school, school
24 district, regularly established church or religious
25 organization, or other entity that is directly responsible
26 for the care, supervision, guidance, or training of the

1 child; or

2 (C) a person makes a specific disclosure to the
3 mandated reporter that an identifiable child is the victim
4 of child abuse or child neglect, and the disclosure
5 happens while the mandated reporter is engaged in his or
6 her employment or practice of a profession, or in a
7 regularly scheduled program, activity, or service.

8 (2) Nothing in this Section requires a child to come
9 before the mandated reporter in order for the reporter to make
10 a report of suspected child abuse or child neglect.

11 (d) If an allegation is raised to a school board member
12 during the course of an open or closed school board meeting
13 that a child who is enrolled in the school district of which he
14 or she is a board member is an abused child as defined in
15 Section 3 of this Act, the member shall direct or cause the
16 school board to direct the superintendent of the school
17 district or other equivalent school administrator to comply
18 with the requirements of this Act concerning the reporting of
19 child abuse. For purposes of this paragraph, a school board
20 member is granted the authority in his or her individual
21 capacity to direct the superintendent of the school district
22 or other equivalent school administrator to comply with the
23 requirements of this Act concerning the reporting of child
24 abuse.

25 Notwithstanding any other provision of this Act, if an
26 employee of a school district has made a report or caused a

1 report to be made to the Department under this Act involving
2 the conduct of a current or former employee of the school
3 district and a request is made by another school district for
4 the provision of information concerning the job performance or
5 qualifications of the current or former employee because he or
6 she is an applicant for employment with the requesting school
7 district, the general superintendent of the school district to
8 which the request is being made must disclose to the
9 requesting school district the fact that an employee of the
10 school district has made a report involving the conduct of the
11 applicant or caused a report to be made to the Department, as
12 required under this Act. Only the fact that an employee of the
13 school district has made a report involving the conduct of the
14 applicant or caused a report to be made to the Department may
15 be disclosed by the general superintendent of the school
16 district to which the request for information concerning the
17 applicant is made, and this fact may be disclosed only in cases
18 where the employee and the general superintendent have not
19 been informed by the Department that the allegations were
20 unfounded. An employee of a school district who is or has been
21 the subject of a report made pursuant to this Act during his or
22 her employment with the school district must be informed by
23 that school district that if he or she applies for employment
24 with another school district, the general superintendent of
25 the former school district, upon the request of the school
26 district to which the employee applies, shall notify that

1 requesting school district that the employee is or was the
2 subject of such a report.

3 (e) Whenever such person is required to report under this
4 Act in his capacity as a member of the staff of a medical or
5 other public or private institution, school, facility or
6 agency, or as a member of the clergy, he shall make report
7 immediately to the Department in accordance with the
8 provisions of this Act and may also notify the person in charge
9 of such institution, school, facility or agency, or church,
10 synagogue, temple, mosque, or other religious institution, or
11 his designated agent that such report has been made. Under no
12 circumstances shall any person in charge of such institution,
13 school, facility or agency, or church, synagogue, temple,
14 mosque, or other religious institution, or his designated
15 agent to whom such notification has been made, exercise any
16 control, restraint, modification or other change in the report
17 or the forwarding of such report to the Department.

18 (f) In addition to the persons required to report
19 suspected cases of child abuse or child neglect under this
20 Section, any other person may make a report if such person has
21 reasonable cause to believe a child may be an abused child or a
22 neglected child.

23 (g) The privileged quality of communication between any
24 professional person required to report and his patient or
25 client shall not apply to situations involving abused or
26 neglected children and shall not constitute grounds for

1 failure to report as required by this Act or constitute
2 grounds for failure to share information or documents with the
3 Department during the course of a child abuse or neglect
4 investigation. If requested by the professional, the
5 Department shall confirm in writing that the information or
6 documents disclosed by the professional were gathered in the
7 course of a child abuse or neglect investigation.

8 The reporting requirements of this Act shall not apply to
9 the contents of a privileged communication between an attorney
10 and his or her client or to confidential information within
11 the meaning of Rule 1.6 of the Illinois Rules of Professional
12 Conduct relating to the legal representation of an individual
13 client.

14 A member of the clergy may claim the privilege under
15 Section 8-803 of the Code of Civil Procedure.

16 (h) Any office, clinic, or any other physical location
17 that provides abortions, abortion referrals, or contraceptives
18 shall provide to all office personnel copies of written
19 information and training materials about abuse and neglect and
20 the requirements of this Act that are provided to employees of
21 the office, clinic, or physical location who are required to
22 make reports to the Department under this Act, and instruct
23 such office personnel to bring to the attention of an employee
24 of the office, clinic, or physical location who is required to
25 make reports to the Department under this Act any reasonable
26 suspicion that a child known to him or her in his or her

1 professional or official capacity may be an abused child or a
2 neglected child.

3 (i) Any person who enters into employment on and after
4 July 1, 1986 and is mandated by virtue of that employment to
5 report under this Act, shall sign a statement on a form
6 prescribed by the Department, to the effect that the employee
7 has knowledge and understanding of the reporting requirements
8 of this Act. On and after January 1, 2019, the statement shall
9 also include information about available mandated reporter
10 training provided by the Department. The statement shall be
11 signed prior to commencement of the employment. The signed
12 statement shall be retained by the employer. The cost of
13 printing, distribution, and filing of the statement shall be
14 borne by the employer.

15 (j) Persons required to report child abuse or child
16 neglect as provided under this Section must complete an
17 initial mandated reporter training, including a section on
18 implicit bias, within 3 months of their date of engagement in a
19 professional or official capacity as a mandated reporter, or
20 within the time frame of any other applicable State law that
21 governs training requirements for a specific profession, and
22 at least every 3 years thereafter. The initial requirement
23 only applies to the first time they engage in their
24 professional or official capacity. In lieu of training every 3
25 years, medical personnel, as listed in paragraph (1) of
26 subsection (a), must meet the requirements described in

1 subsection (k).

2 The mandated reporter trainings shall be in-person or
3 web-based, and shall include, at a minimum, information on the
4 following topics: (i) indicators for recognizing child abuse
5 and child neglect, as defined under this Act; (ii) the process
6 for reporting suspected child abuse and child neglect in
7 Illinois as required by this Act and the required
8 documentation; (iii) responding to a child in a
9 trauma-informed manner; and (iv) understanding the response of
10 child protective services and the role of the reporter after a
11 call has been made. Child-serving organizations are encouraged
12 to provide in-person annual trainings.

13 The implicit bias section shall be in-person or web-based,
14 and shall include, at a minimum, information on the following
15 topics: (i) implicit bias and (ii) racial and ethnic
16 sensitivity. As used in this subsection, "implicit bias" means
17 the attitudes or internalized stereotypes that affect people's
18 perceptions, actions, and decisions in an unconscious manner
19 and that exist and often contribute to unequal treatment of
20 people based on race, ethnicity, gender identity, sexual
21 orientation, age, disability, and other characteristics. The
22 implicit bias section shall provide tools to adjust automatic
23 patterns of thinking and ultimately eliminate discriminatory
24 behaviors. During these trainings mandated reporters shall
25 complete the following: (1) a pretest to assess baseline
26 implicit bias levels; (2) an implicit bias training task; and

1 (3) a posttest to reevaluate bias levels after training. The
2 implicit bias curriculum for mandated reporters shall be
3 developed within one year after January 1, 2022 (the effective
4 date of Public Act 102-604) ~~this amendatory Act of the 102nd~~
5 ~~General Assembly~~ and shall be created in consultation with
6 organizations demonstrating expertise and or experience in the
7 areas of implicit bias, youth and adolescent developmental
8 issues, prevention of child abuse, exploitation, and neglect,
9 culturally diverse family systems, and the child welfare
10 system.

11 The mandated reporter training, including a section on
12 implicit bias, shall be provided through the Department,
13 through an entity authorized to provide continuing education
14 for professionals licensed through the Department of Financial
15 and Professional Regulation, the State Board of Education, the
16 Illinois Law Enforcement Training Standards Board, or the
17 Illinois ~~Department of~~ State Police, or through an
18 organization approved by the Department to provide mandated
19 reporter training, including a section on implicit bias. The
20 Department must make available a free web-based training for
21 reporters.

22 Each mandated reporter shall report to his or her employer
23 and, when applicable, to his or her licensing or certification
24 board that he or she received the mandated reporter training.
25 The mandated reporter shall maintain records of completion.

26 Beginning January 1, 2021, if a mandated reporter receives

1 licensure from the Department of Financial and Professional
2 Regulation or the State Board of Education, and his or her
3 profession has continuing education requirements, the training
4 mandated under this Section shall count toward meeting the
5 licensee's required continuing education hours.

6 (k)(1) Medical personnel, as listed in paragraph (1) of
7 subsection (a), who work with children in their professional
8 or official capacity, must complete mandated reporter training
9 at least every 6 years. Such medical personnel, if licensed,
10 must attest at each time of licensure renewal on their renewal
11 form that they understand they are a mandated reporter of
12 child abuse and neglect, that they are aware of the process for
13 making a report, that they know how to respond to a child in a
14 trauma-informed manner, and that they are aware of the role of
15 child protective services and the role of a reporter after a
16 call has been made.

17 (2) In lieu of repeated training, medical personnel, as
18 listed in paragraph (1) of subsection (a), who do not work with
19 children in their professional or official capacity, may
20 instead attest each time at licensure renewal on their renewal
21 form that they understand they are a mandated reporter of
22 child abuse and neglect, that they are aware of the process for
23 making a report, that they know how to respond to a child in a
24 trauma-informed manner, and that they are aware of the role of
25 child protective services and the role of a reporter after a
26 call has been made. Nothing in this paragraph precludes

1 medical personnel from completing mandated reporter training
2 and receiving continuing education credits for that training.

3 (l) The Department shall provide copies of this Act, upon
4 request, to all employers employing persons who shall be
5 required under the provisions of this Section to report under
6 this Act.

7 (m) Any person who knowingly transmits a false report to
8 the Department commits the offense of disorderly conduct under
9 subsection (a)(7) of Section 26-1 of the Criminal Code of
10 2012. A violation of this provision is a Class 4 felony.

11 Any person who knowingly and willfully violates any
12 provision of this Section other than a second or subsequent
13 violation of transmitting a false report as described in the
14 preceding paragraph, is guilty of a Class A misdemeanor for a
15 first violation and a Class 4 felony for a second or subsequent
16 violation; except that if the person acted as part of a plan or
17 scheme having as its object the prevention of discovery of an
18 abused or neglected child by lawful authorities for the
19 purpose of protecting or insulating any person or entity from
20 arrest or prosecution, the person is guilty of a Class 4 felony
21 for a first offense and a Class 3 felony for a second or
22 subsequent offense (regardless of whether the second or
23 subsequent offense involves any of the same facts or persons
24 as the first or other prior offense).

25 (n) A child whose parent, guardian or custodian in good
26 faith selects and depends upon spiritual means through prayer

1 alone for the treatment or cure of disease or remedial care may
2 be considered neglected or abused, but not for the sole reason
3 that his parent, guardian or custodian accepts and practices
4 such beliefs.

5 (o) A child shall not be considered neglected or abused
6 solely because the child is not attending school in accordance
7 with the requirements of Article 26 of the School Code, as
8 amended.

9 (p) Nothing in this Act prohibits a mandated reporter who
10 reasonably believes that an animal is being abused or
11 neglected in violation of the Humane Care for Animals Act from
12 reporting animal abuse or neglect to the Department of
13 Agriculture's Bureau of Animal Health and Welfare.

14 (q) A home rule unit may not regulate the reporting of
15 child abuse or neglect in a manner inconsistent with the
16 provisions of this Section. This Section is a limitation under
17 subsection (i) of Section 6 of Article VII of the Illinois
18 Constitution on the concurrent exercise by home rule units of
19 powers and functions exercised by the State.

20 (r) For purposes of this Section "child abuse or neglect"
21 includes abuse or neglect of an adult resident as defined in
22 this Act.

23 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22;
24 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised 2-5-23.)

25 Section 555. The Service Member Employment and

1 Reemployment Rights Act is amended by changing Section 1-10 as
2 follows:

3 (330 ILCS 61/1-10)

4 Sec. 1-10. Definitions. As used in this Act:

5 "Accrue" means to accumulate in regular or increasing
6 amounts over time subject to customary allocation of cost.

7 "Active duty" means any full-time military service
8 regardless of length or voluntariness including, but not
9 limited to, annual training, full-time National Guard duty,
10 and State active duty. "Active duty" does not include any form
11 of inactive duty service such as drill duty or muster duty.
12 "Active duty", unless provided otherwise, includes active duty
13 without pay.

14 "Active service" means all forms of active and inactive
15 duty regardless of voluntariness including, but not limited
16 to, annual training, active duty for training, initial active
17 duty training, overseas training duty, full-time National
18 Guard duty, active duty other than training, State active
19 duty, mobilizations, and muster duty. "Active service", unless
20 provided otherwise, includes active service without pay.
21 "Active service" includes:

22 (1) Reserve component voluntary active service means
23 service under one of the following authorities:

24 (A) any duty under 32 U.S.C. 502(f) (1) (B);

25 (B) active guard reserve duty, operational

1 support, or additional duty under 10 U.S.C. 12301(d)
2 or 32 U.S.C. 502(f) (1) (B);

3 (C) funeral honors under 10 U.S.C. 12503 or 32
4 U.S.C. 115;

5 (D) duty at the National Guard Bureau under 10
6 U.S.C. 12402;

7 (E) unsatisfactory participation under 10 U.S.C.
8 10148 or 10 U.S.C. 12303;

9 (F) discipline under 10 U.S.C. 802(d);

10 (G) extended active duty under 10 U.S.C. 12311;
11 and

12 (H) reserve program administrator under 10 U.S.C.
13 10211.

14 (2) Reserve component involuntary active service
15 includes, but is not limited to, service under one of the
16 following authorities:

17 (A) annual training or drill requirements under 10
18 U.S.C. 10147, 10 U.S.C. 12301(b)1 or 32 U.S.C.
19 502(a)1;

20 (B) additional training duty or other duty under
21 32 U.S.C. 502(f) (1) (A);

22 (C) pre-planned or pre-programmed combatant
23 commander support under 10 U.S.C. 12304b;

24 (D) mobilization under 10 U.S.C. 12301(a) or 10
25 U.S.C. 12302;

26 (E) presidential reserve call-up under 10 U.S.C.

1 12304;

2 (F) emergencies and natural disasters under 10
3 U.S.C. 12304a or 14 U.S.C. 712;

4 (G) muster duty under 10 U.S.C. 12319;

5 (H) retiree recall under 10 U.S.C. 688;

6 (I) captive status under 10 U.S.C. 12301(g);

7 (J) insurrection under 10 U.S.C. 331, 10 U.S.C.
8 332, or 10 U.S.C. 12406;

9 (K) pending line of duty determination for
10 response to sexual assault under 10 U.S.C. 12323; and

11 (L) initial active duty for training under 10
12 U.S.C. 671.

13 Reserve component active service not listed in paragraph
14 (1) or (2) shall be considered involuntary active service
15 under paragraph (2).

16 "Active service without pay" means active service
17 performed under any authority in which base pay is not
18 received regardless of other allowances.

19 "Annual training" means any active duty performed under
20 Section 10147 or 12301(b) of Title 10 of the United States Code
21 or under Section 502(a) of Title 32 of the United States Code.

22 "Base pay" means the main component of military pay,
23 whether active or inactive, based on rank and time in service.
24 It does not include the addition of conditional funds for
25 specific purposes such as allowances, incentive and special
26 pay. Base pay, also known as basic pay, can be determined by

1 referencing the appropriate military pay chart covering the
2 time period in question located on the federal Defense Finance
3 and Accounting Services website or as reflected on a federal
4 Military Leave and Earnings Statement.

5 "Benefits" includes, but is not limited to, the terms,
6 conditions, or privileges of employment, including any
7 advantage, profit, privilege, gain, status, account, or
8 interest, including wages or salary for work performed, that
9 accrues by reason of an employment contract or agreement or an
10 employer policy, plan, or practice and includes rights and
11 benefits under a pension plan, a health plan, an employee
12 stock ownership plan, insurance coverage and awards, bonuses,
13 severance pay, supplemental unemployment benefits, vacations,
14 and the opportunity to select work hours or location of
15 employment.

16 "Differential compensation" means pay due when the
17 employee's daily rate of compensation for military service is
18 less than his or her daily rate of compensation as a public
19 employee.

20 "Employee" means anyone employed by an employer.
21 "Employee" includes any person who is a citizen, national, or
22 permanent resident of the United States employed in a
23 workplace that the State has legal authority to regulate
24 business and employment. "Employee" does not include an
25 independent contractor.

26 "Employer" means any person, institution, organization, or

1 other entity that pays salary or wages for work performed or
2 that has control over employment opportunities, including:

3 (1) a person, institution, organization, or other
4 entity to whom the employer has delegated the performance
5 of employment-related responsibilities;

6 (2) an employer of a public employee;

7 (3) any successor in interest to a person,
8 institution, organization, or other entity referred to
9 under this definition; and

10 (4) a person, institution, organization, or other
11 entity that has been denied initial employment in
12 violation of Section 5-15.

13 "Inactive duty" means inactive duty training, including
14 drills, consisting of regularly scheduled unit training
15 assemblies, additional training assemblies, periods of
16 appropriate duty or equivalent training, and any special
17 additional duties authorized for reserve component personnel
18 by appropriate military authority. "Inactive duty" does not
19 include active duty.

20 "Military leave" means a furlough or leave of absence
21 while performing active service. It cannot be substituted for
22 accrued vacation, annual, or similar leave with pay except at
23 the sole discretion of the service member employee. It is not a
24 benefit of employment that is requested but a legal
25 requirement upon receiving notice of pending military service.

26 "Military service" means:

1 (1) Service in the Armed Forces of the United States,
2 the National Guard of any state or territory regardless of
3 status, and the State Guard as defined in the State Guard
4 Act. "Military service", whether active or reserve,
5 includes service under the authority of U.S.C. Titles 10,
6 14, or 32, or State active duty.

7 (2) Service in a federally recognized auxiliary of the
8 United States Armed Forces when performing official duties
9 in support of military or civilian authorities as a result
10 of an emergency.

11 (3) A period for which an employee is absent from a
12 position of employment for the purpose of medical or
13 dental treatment for a condition, illness, or injury
14 sustained or aggravated during a period of active service
15 in which treatment is paid by the United States Department
16 of Defense Military Health System.

17 "Public employee" means any person classified as a
18 full-time employee of the State of Illinois, a unit of local
19 government, a public institution of higher education as
20 defined in Section 1 of the Board of Higher Education Act, or a
21 school district, other than an independent contractor.

22 "Reserve component" means the reserve components of
23 Illinois and the United States Armed Forces regardless of
24 status.

25 "Service member" means any person who is a member of a
26 military service.

1 "State active duty" means full-time State-funded military
2 duty under the command and control of the Governor and subject
3 to the Military Code of Illinois.

4 "Unit of local government" means any city, village, town,
5 county, or special district.

6 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-22-22.)

7 Section 560. The Community Mental Health Act is amended by
8 changing Section 5 as follows:

9 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

10 Sec. 5. (a) When the governing body of a governmental unit
11 passes a resolution as provided in Section 4 asking that an
12 annual tax may be levied for the purpose of providing such
13 mental health facilities and services, including facilities
14 and services for the person with a developmental disability or
15 a substance use disorder, in the community and so instructs
16 the clerk of the governmental unit such clerk shall certify
17 the proposition to the proper election officials for
18 submission at a regular election in accordance with the
19 general election law. The proposition shall be in the
20 following form:

21 -----

22 Shall..... (governmental
23 unit) levy an annual tax of (not YES
24 more than .15%) for the purpose of providing

1 community mental health facilities and -----
2 services including facilities and services
3 for persons ~~the person~~ with a developmental NO
4 disability or a substance use disorder?
5 -----

6 (a-5) If the governmental unit is also subject to the
7 Property Tax Extension Limitation Law, then the proposition
8 shall also comply with the Property Tax Extension Limitation
9 Law. Notwithstanding any provision of this subsection, any
10 referendum imposing an annual tax on or after January 1, 1994
11 and prior to May 13, 2022 (the effective date of Public Act
12 102-839) ~~this amendatory Act of the 102nd General Assembly~~
13 that complies with subsection (a) is hereby validated.

14 (b) If a majority of all the votes cast upon the
15 proposition are for the levy of such tax, the governing body of
16 such governmental unit shall thereafter annually levy a tax
17 not to exceed the rate set forth in Section 4. Thereafter, the
18 governing body shall in the annual appropriation bill
19 appropriate from such funds such sum or sums of money as may be
20 deemed necessary, based upon the community mental health
21 board's budget, the board's annual mental health report, and
22 the local mental health plan to defray necessary expenses and
23 liabilities in providing for such community mental health
24 facilities and services.

25 (c) If the governing body of a governmental unit levies a
26 tax under Section 4 of this Act and the rate specified in the

1 proposition under subsection (a) of this Section is less than
2 0.15%, then the governing body of the governmental unit may,
3 upon referendum approval, increase that rate to not more than
4 0.15%. The governing body shall instruct the clerk of the
5 governmental unit to certify the proposition to the proper
6 election officials for submission at a regular election in
7 accordance with the general election law. The proposition
8 shall be in the following form:

9 "Shall the tax imposed by (governmental unit) for the
10 purpose of providing community mental health facilities
11 and services, including facilities and services for
12 persons with a developmental disability or substance use
13 disorder be increased to (not more than 0.15%)?"

14 If a majority of all the votes cast upon the proposition
15 are for the increase of the tax, then the governing body of the
16 governmental unit may thereafter annually levy a tax not to
17 exceed the rate set forth in the referendum question.

18 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;
19 revised 8-25-22.)

20 Section 565. The Children's Mental Health Act is amended
21 by changing Section 5 as follows:

22 (405 ILCS 49/5)

23 Sec. 5. Children's Mental Health Partnership; Children's
24 Mental Health Plan.

1 (a) The Children's Mental Health Partnership (hereafter
2 referred to as "the Partnership") created under Public Act
3 93-495 and continued under Public Act 102-899 ~~this amendatory~~
4 ~~Act of the 102nd General Assembly~~ shall advise State agencies
5 on designing and implementing short-term and long-term
6 strategies to provide comprehensive and coordinated services
7 for children from birth to age 25 and their families with the
8 goal of addressing children's mental health needs across a
9 full continuum of care, including social determinants of
10 health, prevention, early identification, and treatment. The
11 recommended strategies shall build upon the recommendations in
12 the Children's Mental Health Plan of 2022 and may include, but
13 are not limited to, recommendations regarding the following:

14 (1) Increasing public awareness on issues connected to
15 children's mental health and wellness to decrease stigma,
16 promote acceptance, and strengthen the ability of
17 children, families, and communities to access supports.

18 (2) Coordination of programs, services, and policies
19 across child-serving State agencies to best monitor and
20 assess spending, as well as foster innovation of adaptive
21 or new practices.

22 (3) Funding and resources for children's mental health
23 prevention, early identification, and treatment across
24 child-serving State agencies.

25 (4) Facilitation of research on best practices and
26 model programs and dissemination of this information to

1 State policymakers, practitioners, and the general public.

2 (5) Monitoring programs, services, and policies
3 addressing children's mental health and wellness.

4 (6) Growing, retaining, diversifying, and supporting
5 the child-serving workforce, with special emphasis on
6 professional development around child and family mental
7 health and wellness services.

8 (7) Supporting the design, implementation, and
9 evaluation of a quality-driven children's mental health
10 system of care across all child services that prevents
11 mental health concerns and mitigates trauma.

12 (8) Improving the system to more effectively meet the
13 emergency and residential placement needs for all children
14 with severe mental and behavioral challenges.

15 (b) The Partnership shall have the responsibility of
16 developing and updating the Children's Mental Health Plan and
17 advising the relevant State agencies on implementation of the
18 Plan. The Children's Mental Health Partnership shall be
19 comprised of the following members:

20 (1) The Governor or his or her designee.

21 (2) The Attorney General or his or her designee.

22 (3) The Secretary of the Department of Human Services
23 or his or her designee.

24 (4) The State Superintendent of Education or his or
25 her designee.

26 (5) The Director of the Department of Children and

1 Family Services or his or her designee.

2 (6) The Director of the Department of Healthcare and
3 Family Services or his or her designee.

4 (7) The Director of the Department of Public Health or
5 his or her designee.

6 (8) The Director of the Department of Juvenile Justice
7 or his or her designee.

8 (9) The Executive Director of the Governor's Office of
9 Early Childhood Development or his or her designee.

10 (10) The Director of the Criminal Justice Information
11 Authority or his or her designee.

12 (11) One member of the General Assembly appointed by
13 the Speaker of the House.

14 (12) One member of the General Assembly appointed by
15 the President of the Senate.

16 (13) One member of the General Assembly appointed by
17 the Minority Leader of the Senate.

18 (14) One member of the General Assembly appointed by
19 the Minority Leader of the House.

20 (15) Up to 25 representatives from the public
21 reflecting a diversity of age, gender identity, race,
22 ethnicity, socioeconomic status, and geographic location,
23 to be appointed by the Governor. Those public members
24 appointed under this paragraph must include, but are not
25 limited to:

26 (A) a family member or individual with lived

- 1 experience in the children's mental health system;
- 2 (B) a child advocate;
- 3 (C) a community mental health expert,
4 practitioner, or provider;
- 5 (D) a representative of a statewide association
6 representing a majority of hospitals in the State;
- 7 (E) an early childhood expert or practitioner;
- 8 (F) a representative from the K-12 school system;
- 9 (G) a representative from the healthcare sector;
- 10 (H) a substance use prevention expert or
11 practitioner, or a representative of a statewide
12 association representing community-based mental health
13 substance use disorder treatment providers in the
14 State;
- 15 (I) a violence prevention expert or practitioner;
- 16 (J) a representative from the juvenile justice
17 system;
- 18 (K) a school social worker; and
- 19 (L) a representative of a statewide organization
20 representing pediatricians.

21 (16) Two co-chairs appointed by the Governor, one
22 being a representative from the public and one being a
23 representative from the State.

24 The members appointed by the Governor shall be appointed
25 for 4 years with one opportunity for reappointment, except as
26 otherwise provided for in this subsection. Members who were

1 appointed by the Governor and are serving on January 1, 2023
2 (the effective date of Public Act 102-899) ~~this amendatory Act~~
3 ~~of the 102nd General Assembly~~ shall maintain their appointment
4 until the term of their appointment has expired. For new
5 appointments made pursuant to Public Act 102-899 ~~this~~
6 ~~amendatory Act of the 102nd General Assembly~~, members shall be
7 appointed for one-year, 2-year ~~two year~~, or 4-year ~~four year~~
8 terms, as determined by the Governor, with no more than 9 of
9 the Governor's new or existing appointees serving the same
10 term. Those new appointments serving a one-year or 2-year term
11 may be appointed to 2 additional 4-year terms. If a vacancy
12 occurs in the Partnership membership, the vacancy shall be
13 filled in the same manner as the original appointment for the
14 remainder of the term.

15 The Partnership shall be convened no later than January
16 31, 2023 to discuss the changes in Public Act 102-899 ~~this~~
17 ~~amendatory Act of the 102nd General Assembly~~.

18 The members of the Partnership shall serve without
19 compensation but may be entitled to reimbursement for all
20 necessary expenses incurred in the performance of their
21 official duties as members of the Partnership from funds
22 appropriated for that purpose.

23 The Partnership may convene and appoint special committees
24 or study groups to operate under the direction of the
25 Partnership. Persons appointed to such special committees or
26 study groups shall only receive reimbursement for reasonable

1 expenses.

2 (b-5) The Partnership shall include an adjunct council
3 comprised of no more than 6 youth aged 14 to 25 and 4
4 representatives of 4 different community-based ~~community-based~~
5 organizations that focus on youth mental health. Of the
6 community-based organizations that focus on youth mental
7 health, one of the community-based organizations shall be led
8 by an LGBTQ-identified person, one of the community-based
9 organizations shall be led by a person of color, and one of the
10 community-based organizations shall be led by a woman. Of the
11 representatives appointed to the council from the
12 community-based organizations, at least one representative
13 shall be LGBTQ-identified, at least one representative shall
14 be a person of color, and at least one representative shall be
15 a woman. The council members shall be appointed by the Chair of
16 the Partnership and shall reflect the racial, gender identity,
17 sexual orientation, ability, socioeconomic, ethnic, and
18 geographic diversity of the State, including rural, suburban,
19 and urban appointees. The council shall make recommendations
20 to the Partnership regarding youth mental health, including,
21 but not limited to, identifying barriers to youth feeling
22 supported by and empowered by the system of mental health and
23 treatment providers, barriers perceived by youth in accessing
24 mental health services, gaps in the mental health system,
25 available resources in schools, including youth's perceptions
26 and experiences with outreach personnel, agency websites, and

1 informational materials, methods to destigmatize mental health
2 services, and how to improve State policy concerning student
3 mental health. The mental health system may include services
4 for substance use disorders and addiction. The council shall
5 meet at least 4 times annually.

6 (c) (Blank).

7 (d) The Illinois Children's Mental Health Partnership has
8 the following powers and duties:

9 (1) Conducting research assessments to determine the
10 needs and gaps of programs, services, and policies that
11 touch children's mental health.

12 (2) Developing policy statements for interagency
13 cooperation to cover all aspects of mental health
14 delivery, including social determinants of health,
15 prevention, early identification, and treatment.

16 (3) Recommending policies and providing ~~provide~~
17 information on effective programs for delivery of mental
18 health services.

19 (4) Using funding from federal, State ~~state~~, or
20 philanthropic partners, to fund pilot programs or research
21 activities to resource innovative practices by
22 organizational partners that will address children's
23 mental health. However, the Partnership may not provide
24 direct services.

25 (5) Submitting an annual report, on or before December
26 30 of each year, to the Governor and the General Assembly

1 on the progress of the Plan, any recommendations regarding
2 State policies, laws, or rules necessary to fulfill the
3 purposes of the Act, and any additional recommendations
4 regarding mental or behavioral health that the Partnership
5 deems necessary.

6 (6) Employing an Executive Director and setting the
7 compensation of the Executive Director and other such
8 employees and technical assistance as it deems necessary
9 to carry out its duties under this Section.

10 The Partnership may designate a fiscal and administrative
11 agent that can accept funds to carry out its duties as outlined
12 in this Section.

13 The Department of Healthcare and Family Services shall
14 provide technical and administrative support for the
15 Partnership.

16 (e) The Partnership may accept monetary gifts or grants
17 from the federal government or any agency thereof, from any
18 charitable foundation or professional association, or from any
19 reputable source for implementation of any program necessary
20 or desirable to carry out the powers and duties as defined
21 under this Section.

22 (f) On or before January 1, 2027, the Partnership shall
23 submit recommendations to the Governor and General Assembly
24 that includes recommended updates to the Act to reflect the
25 current mental health landscape in this State.

26 (Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;

1 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; revised
2 12-14-22.)

3 Section 570. The Mental Health Inpatient Facility Access
4 Act is amended by changing Section 10 as follows:

5 (405 ILCS 140/10)

6 Sec. 10. Strategic plan on improving access to inpatient
7 psychiatric beds. The Department of Human Services' Division
8 of Mental Health shall develop a written, strategic plan that
9 comprehensively addresses improving access to inpatient
10 psychiatric beds in State-operated mental health facilities
11 for individuals needing a hospital level of care. This plan
12 shall address achieving the best use of State-operated
13 psychiatric beds across Illinois, with strategies specifically
14 to mitigate inefficient use of forensic beds and reduce
15 lengths of stays for the forensic population. A comprehensive
16 approach to this plan shall include training and education,
17 ongoing assessment of individuals receiving inpatient
18 services, reviewing and updating policies and procedures, and
19 increasing community-based capacity for individuals in all
20 State-operated forensic beds. The plan shall include:

21 (1) Annual training. Required annual training for all
22 State-operated inpatient mental health facility clinicians
23 shall include:

24 (A) Best practices for evaluating whether

1 individuals found not guilty by reason of insanity or
2 unfit to stand trial meet the legal criteria for
3 inpatient treatment.

4 (B) Best practices for determining appropriate
5 treatment for individuals found not guilty by reason
6 of insanity or unfit to stand trial.

7 (C) The requirements of treatment plan reports.

8 (D) The types of mental health services available
9 following discharge, including, but not limited to:
10 assertive community treatment, community support
11 teams, supportive housing, medication management,
12 psychotherapy, peer support services, specialized
13 mental health rehabilitation facilities, and nursing
14 homes.

15 (2) Regular and periodic assessment of mental health
16 condition and progress. At least once every year following
17 the admission of any individual under Section 5-2-4 of the
18 Unified Code of Corrections or Section 104-17 of the Code
19 of Criminal Procedure of 1963, the Director of the
20 Division of Mental Health, or his or her designee, shall
21 meet with the treatment team assigned to that individual
22 to review whether:

23 (A) The individual continues to meet the standard
24 for inpatient care.

25 (B) The individual may be appropriate for
26 unsupervised on-grounds privileges, off-grounds

1 privileges (with or without escort by personnel of the
2 Department of Human Services), home visits, and
3 participation in work programs.

4 (C) The current treatment plan is reasonably
5 expected to result in the improvement of the
6 individual's clinical condition so that the individual
7 no longer needs inpatient treatment, and, if not, what
8 other treatments or placements are available to meet
9 the individual's needs and safety.

10 (3) Updated policies and procedures.

11 (A) Revise facility policies and procedures to
12 increase opportunities for home visits and work
13 programs that assist with community reintegration.
14 This shall include a review of unsupervised on-grounds
15 privileges, off-grounds privileges (with or without
16 escort by personnel of the Department of Human
17 Services), home visits, and participation in work or
18 educational programs to ensure that policies do not
19 limit the ability to approve these activities. The
20 plan shall also address the frequency for which
21 individuals are assessed to be eligible for these
22 activities.

23 (B) Ensure all individuals found unfit to stand
24 trial or not guilty by reason of insanity, who can be
25 treated on an outpatient basis are recommended for
26 outpatient services.

1 (C) Develop benchmarks to ensure that:

2 (i) every individual found unfit to stand
3 trial or not guilty by reason of insanity who has
4 been committed by a court to the Department for
5 treatment shall be admitted to a Department
6 facility within the time periods set forth in
7 subsection (b) of Section 104-17 of the Code of
8 Criminal Procedure of 1963 and subsection (a) of
9 Section 5-2-4 of Unified Code of Corrections; and

10 (ii) no individual who needs inpatient
11 psychiatric care remains in an emergency
12 department of any hospital or in any other
13 non-psychiatric unit longer than 48 hours.

14 (4) Building community treatment capacity.

15 (A) Specific steps to increase access to
16 community-based mental health services that provide
17 (i) outpatient alternatives to those being assessed
18 for inpatient stays at State-operated inpatient mental
19 health facilities and (ii) step-down services for
20 those no longer meeting inpatient stay criteria,
21 specifically the population of individuals found not
22 guilty by reason of insanity. Such steps must
23 specifically identify community-based treatment
24 alternatives and how these services will be funded.

25 (B) Specific steps to ensure each State-operated
26 inpatient mental health facility has sufficient

1 qualified psychiatrists, psychologists, social
2 workers, peer support professionals, and other staff
3 so that the Department may provide adequate and humane
4 care and services for all patients. That plan shall
5 include:

6 (i) an assessment of whether the salary and
7 other benefits provided to professional staff are
8 sufficient to attract and retain staff;

9 (ii) an assessment of the annual budget needed
10 to attract and retain staff;

11 (iii) an assessment of any other impediments
12 to attracting and retaining staff, and a
13 mitigation plan for those impediments; and

14 (iv) a detailed plan for recruiting
15 psychiatrists, psychologists, social workers, peer
16 support professionals, and other mental health
17 staff.

18 (5) Certification of mental health clinicians. The
19 Division of Mental Health shall outline in the strategic
20 plan a plan for training, implementing standard
21 qualifications, and credentialing all psychiatrists,
22 clinical social workers, clinical psychologists, and
23 qualified examiners who conduct any evaluations, as
24 employees, agents, or vendors of the Division concerning:

25 (A) findings of unfitness to stand trial and all
26 other evaluations of individuals receiving treatment

1 in accordance with Section 104-10 of the Code of
2 Criminal Procedure of 1963:

3 (B) individuals receiving treatment in accordance
4 with Section 5-2-4 of the Unified Code of Corrections;

5 (C) whether individuals are subject to involuntary
6 admission on an inpatient or outpatient basis in
7 accordance with the Mental Health and Developmental
8 Disabilities Code; and

9 (D) whether individuals are subject to
10 court-ordered treatment in accordance with Section
11 2-107.1 of the Mental Health and Developmental
12 Disabilities Code.

13 Such evaluations shall include any treatment reports
14 required under the Code of Criminal Procedure of 1963 or
15 the Mental Health and Developmental Disabilities Code.

16 (6) There shall be stakeholder input during the
17 planning process from the Division of Mental Health's
18 forensic workgroup.

19 (Source: P.A. 102-913, eff. 5-27-22; revised 8-19-22.)

20 Section 575. The Ensuring a More Qualified, Competent, and
21 Diverse Community Behavioral Health Workforce Act is amended
22 by changing Section 1-5 as follows:

23 (405 ILCS 145/1-5)

24 Sec. 1-5. Findings. The General Assembly finds that:

1 (1) The behavioral health workforce shortage, already
2 at dire levels before 2020, has been exacerbated by the
3 COVID-19 pandemic and is at a crisis point.

4 (2) Behavioral health workforce shortages,
5 particularly licensed clinical staff, staff turnover in
6 all positions, and workforce development are major
7 concerns in the behavioral health field.

8 (3) By 2026, unfilled mental healthcare jobs in
9 Illinois are expected to reach 8,353, according to
10 Mercer's 2021 External Healthcare Labor Market Analysis.

11 (4) Community-based ~~Community-based~~ mental health
12 agencies often serve as training or supervision sites for
13 interns and new entrants to the workforce seeking
14 supervision hours to meet licensure requirements. These
15 professionals are mandated to complete up to 3000 hours of
16 supervised clinical experience. This places financial and
17 time-resource hardships on these already lean
18 organizations to provide the supervision.

19 (5) Many new mental health clinicians have to pay an
20 estimated \$10,000-\$30,000 in fees for supervision
21 according to Motivo. The amount is unaffordable for many
22 students, particularly lower-income students, who graduate
23 with tens of thousands of dollars in debt.

24 (6) Community mental health agencies frequently serve
25 the most complex and chronically ill behavioral health
26 clients, which can be a challenging population for new

1 entrants to the workforce. Many times, professionals leave
2 for better-paid opportunities with lower acuity patients
3 after completing their facility-sponsored supervision
4 requirements.

5 (7) The lack of compensation for serving as a training
6 or supervision site and staff turnover adversely impact
7 the ability of agencies to better prepare the workforce
8 and meet the needs of their behavioral health clients.

9 (8) Recognizing and providing financial support for
10 this function will help community-based agencies provide
11 more training or supervision opportunities and may also
12 assist with recruiting and retaining professionals at
13 these sites.

14 (9) Providing financial support for this role would
15 help to address reductions in standard clinical
16 productivity as a result of time spent supervising new
17 workers, enabling better absorption of the costs of high
18 turnover, or allowing for these settings to staff
19 appropriately to support training or supervision.

20 (10) For individuals seeking their licensure,
21 roadblocks to supervision include cost-prohibitive fees,
22 difficulty finding supervisors, and an even greater
23 supervisor shortage in rural areas.

24 (11) Beyond fulfilling the required hours to get
25 licensed, clinical supervision has a profound impact on
26 the trajectory of an individual's career and the lives of

1 their clients. Ultimately, effective clinical supervision
2 helps ensure that clients are competently served.

3 (12) At a time when behavioral health providers report
4 crisis level wait lists that force individuals seeking
5 care to wait for months before they receive care, now more
6 than ever, we need immediate solutions to help strengthen
7 our State's behavioral health workforce.

8 (Source: P.A. 102-1053, eff. 6-10-22; revised 8-19-22.)

9 Section 580. The Sexual Assault Survivors Emergency
10 Treatment Act is amended by changing Sections 1a, 1a-1, 2-1,
11 5-1, 5.4, 7, 7-1, and 9.5 as follows:

12 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

13 Sec. 1a. Definitions.

14 (a) In this Act:

15 "Advanced practice registered nurse" has the meaning
16 provided in Section 50-10 of the Nurse Practice Act.

17 "Ambulance provider" means an individual or entity that
18 owns and operates a business or service using ambulances or
19 emergency medical services vehicles to transport emergency
20 patients.

21 "Approved pediatric health care facility" means a health
22 care facility, other than a hospital, with a sexual assault
23 treatment plan approved by the Department to provide medical
24 forensic services to sexual assault survivors under the age of

1 18 who present with a complaint of sexual assault within a
2 minimum of the last 7 days or who have disclosed past sexual
3 assault by a specific individual and were in the care of that
4 individual within a minimum of the last 7 days.

5 "Areawide sexual assault treatment plan" means a plan,
6 developed by hospitals or by hospitals and approved pediatric
7 health care facilities in a community or area to be served,
8 which provides for medical forensic services to sexual assault
9 survivors that shall be made available by each of the
10 participating hospitals and approved pediatric health care
11 facilities.

12 "Board-certified child abuse pediatrician" means a
13 physician certified by the American Board of Pediatrics in
14 child abuse pediatrics.

15 "Board-eligible child abuse pediatrician" means a
16 physician who has completed the requirements set forth by the
17 American Board of Pediatrics to take the examination for
18 certification in child abuse pediatrics.

19 "Department" means the Department of Public Health.

20 "Emergency contraception" means medication as approved by
21 the federal Food and Drug Administration (FDA) that can
22 significantly reduce the risk of pregnancy if taken within 72
23 hours after sexual assault.

24 "Follow-up healthcare" means healthcare services related
25 to a sexual assault, including laboratory services and
26 pharmacy services, rendered within 180 days of the initial

1 visit for medical forensic services.

2 "Health care professional" means a physician, a physician
3 assistant, a sexual assault forensic examiner, an advanced
4 practice registered nurse, a registered professional nurse, a
5 licensed practical nurse, or a sexual assault nurse examiner.

6 "Hospital" means a hospital licensed under the Hospital
7 Licensing Act or operated under the University of Illinois
8 Hospital Act, any outpatient center included in the hospital's
9 sexual assault treatment plan where hospital employees provide
10 medical forensic services, and an out-of-state hospital that
11 has consented to the jurisdiction of the Department under
12 Section 2.06.

13 "Illinois State Police Sexual Assault Evidence Collection
14 Kit" means a prepackaged set of materials and forms to be used
15 for the collection of evidence relating to sexual assault. The
16 standardized evidence collection kit for the State of Illinois
17 shall be the Illinois State Police Sexual Assault Evidence
18 Collection Kit.

19 "Law enforcement agency having jurisdiction" means the law
20 enforcement agency in the jurisdiction where an alleged sexual
21 assault or sexual abuse occurred.

22 "Licensed practical nurse" has the meaning provided in
23 Section 50-10 of the Nurse Practice Act.

24 "Medical forensic services" means health care delivered to
25 patients within or under the care and supervision of personnel
26 working in a designated emergency department of a hospital or

1 an approved pediatric health care facility. "Medical forensic
2 services" includes, but is not limited to, taking a medical
3 history, performing photo documentation, performing a physical
4 and anogenital examination, assessing the patient for evidence
5 collection, collecting evidence in accordance with a statewide
6 sexual assault evidence collection program administered by the
7 Illinois State Police using the Illinois State Police Sexual
8 Assault Evidence Collection Kit, if appropriate, assessing the
9 patient for drug-facilitated or alcohol-facilitated sexual
10 assault, providing an evaluation of and care for sexually
11 transmitted infection and human immunodeficiency virus (HIV),
12 pregnancy risk evaluation and care, and discharge and
13 follow-up healthcare planning.

14 "Pediatric health care facility" means a clinic or
15 physician's office that provides medical services to patients
16 under the age of 18.

17 "Pediatric sexual assault survivor" means a person under
18 the age of 13 who presents for medical forensic services in
19 relation to injuries or trauma resulting from a sexual
20 assault.

21 "Photo documentation" means digital photographs or
22 colposcope videos stored and backed up securely in the
23 original file format.

24 "Physician" means a person licensed to practice medicine
25 in all its branches.

26 "Physician assistant" has the meaning provided in Section

1 4 of the Physician Assistant Practice Act of 1987.

2 "Prepubescent sexual assault survivor" means a female who
3 is under the age of 18 years and has not had a first menstrual
4 cycle or a male who is under the age of 18 years and has not
5 started to develop secondary sex characteristics who presents
6 for medical forensic services in relation to injuries or
7 trauma resulting from a sexual assault.

8 "Qualified medical provider" means a board-certified child
9 abuse pediatrician, board-eligible child abuse pediatrician, a
10 sexual assault forensic examiner, or a sexual assault nurse
11 examiner who has access to photo documentation tools, and who
12 participates in peer review.

13 "Registered Professional Nurse" has the meaning provided
14 in Section 50-10 of the Nurse Practice Act.

15 "Sexual assault" means:

16 (1) an act of sexual conduct; as used in this
17 paragraph, "sexual conduct" has the meaning provided under
18 Section 11-0.1 of the Criminal Code of 2012; or

19 (2) any act of sexual penetration; as used in this
20 paragraph, "sexual penetration" has the meaning provided
21 under Section 11-0.1 of the Criminal Code of 2012 and
22 includes, without limitation, acts prohibited under
23 Sections 11-1.20 through 11-1.60 of the Criminal Code of
24 2012.

25 "Sexual assault forensic examiner" means a physician or
26 physician assistant who has completed training that meets or

1 is substantially similar to the Sexual Assault Nurse Examiner
2 Education Guidelines established by the International
3 Association of Forensic Nurses.

4 "Sexual assault nurse examiner" means an advanced practice
5 registered nurse or registered professional nurse who has
6 completed a sexual assault nurse examiner training program
7 that meets the Sexual Assault Nurse Examiner Education
8 Guidelines established by the International Association of
9 Forensic Nurses.

10 "Sexual assault services voucher" means a document
11 generated by a hospital or approved pediatric health care
12 facility at the time the sexual assault survivor receives
13 outpatient medical forensic services that may be used to seek
14 payment for any ambulance services, medical forensic services,
15 laboratory services, pharmacy services, and follow-up
16 healthcare provided as a result of the sexual assault.

17 "Sexual assault survivor" means a person who presents for
18 medical forensic services in relation to injuries or trauma
19 resulting from a sexual assault.

20 "Sexual assault transfer plan" means a written plan
21 developed by a hospital and approved by the Department, which
22 describes the hospital's procedures for transferring sexual
23 assault survivors to another hospital, and an approved
24 pediatric health care facility, if applicable, in order to
25 receive medical forensic services.

26 "Sexual assault treatment plan" means a written plan that

1 describes the procedures and protocols for providing medical
2 forensic services to sexual assault survivors who present
3 themselves for such services, either directly or through
4 transfer from a hospital or an approved pediatric health care
5 facility.

6 "Transfer hospital" means a hospital with a sexual assault
7 transfer plan approved by the Department.

8 "Transfer services" means the appropriate medical
9 screening examination and necessary stabilizing treatment
10 prior to the transfer of a sexual assault survivor to a
11 hospital or an approved pediatric health care facility that
12 provides medical forensic services to sexual assault survivors
13 pursuant to a sexual assault treatment plan or areawide sexual
14 assault treatment plan.

15 "Treatment hospital" means a hospital with a sexual
16 assault treatment plan approved by the Department to provide
17 medical forensic services to all sexual assault survivors who
18 present with a complaint of sexual assault within a minimum of
19 the last 7 days or who have disclosed past sexual assault by a
20 specific individual and were in the care of that individual
21 within a minimum of the last 7 days.

22 "Treatment hospital with approved pediatric transfer"
23 means a hospital with a treatment plan approved by the
24 Department to provide medical forensic services to sexual
25 assault survivors 13 years old or older who present with a
26 complaint of sexual assault within a minimum of the last 7 days

1 or who have disclosed past sexual assault by a specific
2 individual and were in the care of that individual within a
3 minimum of the last 7 days.

4 (b) This Section is effective on and after January 1,
5 2024.

6 (Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20;
7 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; 102-674, eff.
8 11-30-21; 102-813, eff. 5-13-22; 102-1097, eff. 1-1-23;
9 102-1106, eff. 1-1-23; revised 12-19-22.)

10 (410 ILCS 70/1a-1)

11 (Section scheduled to be repealed on December 31, 2023)

12 Sec. 1a-1. Definitions.

13 (a) In this Act:

14 "Advanced practice registered nurse" has the meaning
15 provided in Section 50-10 of the Nurse Practice Act.

16 "Ambulance provider" means an individual or entity that
17 owns and operates a business or service using ambulances or
18 emergency medical services vehicles to transport emergency
19 patients.

20 "Approved pediatric health care facility" means a health
21 care facility, other than a hospital, with a sexual assault
22 treatment plan approved by the Department to provide medical
23 forensic services to sexual assault survivors under the age of
24 18 who present with a complaint of sexual assault within a
25 minimum of the last 7 days or who have disclosed past sexual

1 assault by a specific individual and were in the care of that
2 individual within a minimum of the last 7 days.

3 "Approved federally qualified health center" means a
4 facility as defined in Section 1905(1)(2)(B) of the federal
5 Social Security Act with a sexual assault treatment plan
6 approved by the Department to provide medical forensic
7 services to sexual assault survivors 13 years old or older who
8 present with a complaint of sexual assault within a minimum of
9 the last 7 days or who have disclosed past sexual assault by a
10 specific individual and were in the care of that individual
11 within a minimum of the last 7 days.

12 "Areawide sexual assault treatment plan" means a plan,
13 developed by hospitals or by hospitals, approved pediatric
14 health care facilities, and approved federally qualified
15 health centers in a community or area to be served, which
16 provides for medical forensic services to sexual assault
17 survivors that shall be made available by each of the
18 participating hospitals and approved pediatric health care
19 facilities.

20 "Board-certified child abuse pediatrician" means a
21 physician certified by the American Board of Pediatrics in
22 child abuse pediatrics.

23 "Board-eligible child abuse pediatrician" means a
24 physician who has completed the requirements set forth by the
25 American Board of Pediatrics to take the examination for
26 certification in child abuse pediatrics.

1 "Department" means the Department of Public Health.

2 "Emergency contraception" means medication as approved by
3 the federal Food and Drug Administration (FDA) that can
4 significantly reduce the risk of pregnancy if taken within 72
5 hours after sexual assault.

6 "Federally qualified health center" means a facility as
7 defined in Section 1905(1)(2)(B) of the federal Social
8 Security Act that provides primary care or sexual health
9 services.

10 "Follow-up healthcare" means healthcare services related
11 to a sexual assault, including laboratory services and
12 pharmacy services, rendered within 180 days of the initial
13 visit for medical forensic services.

14 "Health care professional" means a physician, a physician
15 assistant, a sexual assault forensic examiner, an advanced
16 practice registered nurse, a registered professional nurse, a
17 licensed practical nurse, or a sexual assault nurse examiner.

18 "Hospital" means a hospital licensed under the Hospital
19 Licensing Act or operated under the University of Illinois
20 Hospital Act, any outpatient center included in the hospital's
21 sexual assault treatment plan where hospital employees provide
22 medical forensic services, and an out-of-state hospital that
23 has consented to the jurisdiction of the Department under
24 Section 2.06-1.

25 "Illinois State Police Sexual Assault Evidence Collection
26 Kit" means a prepackaged set of materials and forms to be used

1 for the collection of evidence relating to sexual assault. The
2 standardized evidence collection kit for the State of Illinois
3 shall be the Illinois State Police Sexual Assault Evidence
4 Collection Kit.

5 "Law enforcement agency having jurisdiction" means the law
6 enforcement agency in the jurisdiction where an alleged sexual
7 assault or sexual abuse occurred.

8 "Licensed practical nurse" has the meaning provided in
9 Section 50-10 of the Nurse Practice Act.

10 "Medical forensic services" means health care delivered to
11 patients within or under the care and supervision of personnel
12 working in a designated emergency department of a hospital,
13 approved pediatric health care facility, or an approved
14 federally qualified health center ~~centers~~.

15 "Medical forensic services" includes, but is not limited
16 to, taking a medical history, performing photo documentation,
17 performing a physical and anogenital examination, assessing
18 the patient for evidence collection, collecting evidence in
19 accordance with a statewide sexual assault evidence collection
20 program administered by the Illinois ~~Department of~~ State
21 Police using the Illinois State Police Sexual Assault Evidence
22 Collection Kit, if appropriate, assessing the patient for
23 drug-facilitated or alcohol-facilitated sexual assault,
24 providing an evaluation of and care for sexually transmitted
25 infection and human immunodeficiency virus (HIV), pregnancy
26 risk evaluation and care, and discharge and follow-up

1 healthcare planning.

2 "Pediatric health care facility" means a clinic or
3 physician's office that provides medical services to patients
4 under the age of 18.

5 "Pediatric sexual assault survivor" means a person under
6 the age of 13 who presents for medical forensic services in
7 relation to injuries or trauma resulting from a sexual
8 assault.

9 "Photo documentation" means digital photographs or
10 colposcope videos stored and backed up securely in the
11 original file format.

12 "Physician" means a person licensed to practice medicine
13 in all its branches.

14 "Physician assistant" has the meaning provided in Section
15 4 of the Physician Assistant Practice Act of 1987.

16 "Prepubescent sexual assault survivor" means a female who
17 is under the age of 18 years and has not had a first menstrual
18 cycle or a male who is under the age of 18 years and has not
19 started to develop secondary sex characteristics who presents
20 for medical forensic services in relation to injuries or
21 trauma resulting from a sexual assault.

22 "Qualified medical provider" means a board-certified child
23 abuse pediatrician, board-eligible child abuse pediatrician, a
24 sexual assault forensic examiner, or a sexual assault nurse
25 examiner who has access to photo documentation tools, and who
26 participates in peer review.

1 "Registered Professional Nurse" has the meaning provided
2 in Section 50-10 of the Nurse Practice Act.

3 "Sexual assault" means:

4 (1) an act of sexual conduct; as used in this
5 paragraph, "sexual conduct" has the meaning provided under
6 Section 11-0.1 of the Criminal Code of 2012; or

7 (2) any act of sexual penetration; as used in this
8 paragraph, "sexual penetration" has the meaning provided
9 under Section 11-0.1 of the Criminal Code of 2012 and
10 includes, without limitation, acts prohibited under
11 Sections 11-1.20 through 11-1.60 of the Criminal Code of
12 2012.

13 "Sexual assault forensic examiner" means a physician or
14 physician assistant who has completed training that meets or
15 is substantially similar to the Sexual Assault Nurse Examiner
16 Education Guidelines established by the International
17 Association of Forensic Nurses.

18 "Sexual assault nurse examiner" means an advanced practice
19 registered nurse or registered professional nurse who has
20 completed a sexual assault nurse examiner training program
21 that meets the Sexual Assault Nurse Examiner Education
22 Guidelines established by the International Association of
23 Forensic Nurses.

24 "Sexual assault services voucher" means a document
25 generated by a hospital or approved pediatric health care
26 facility at the time the sexual assault survivor receives

1 outpatient medical forensic services that may be used to seek
2 payment for any ambulance services, medical forensic services,
3 laboratory services, pharmacy services, and follow-up
4 healthcare provided as a result of the sexual assault.

5 "Sexual assault survivor" means a person who presents for
6 medical forensic services in relation to injuries or trauma
7 resulting from a sexual assault.

8 "Sexual assault transfer plan" means a written plan
9 developed by a hospital and approved by the Department, which
10 describes the hospital's procedures for transferring sexual
11 assault survivors to another hospital, and an approved
12 pediatric health care facility, if applicable, in order to
13 receive medical forensic services.

14 "Sexual assault treatment plan" means a written plan that
15 describes the procedures and protocols for providing medical
16 forensic services to sexual assault survivors who present
17 themselves for such services, either directly or through
18 transfer from a hospital or an approved pediatric health care
19 facility.

20 "Transfer hospital" means a hospital with a sexual assault
21 transfer plan approved by the Department.

22 "Transfer services" means the appropriate medical
23 screening examination and necessary stabilizing treatment
24 prior to the transfer of a sexual assault survivor to a
25 hospital or an approved pediatric health care facility that
26 provides medical forensic services to sexual assault survivors

1 pursuant to a sexual assault treatment plan or areawide sexual
2 assault treatment plan.

3 "Treatment hospital" means a hospital with a sexual
4 assault treatment plan approved by the Department to provide
5 medical forensic services to all sexual assault survivors who
6 present with a complaint of sexual assault within a minimum of
7 the last 7 days or who have disclosed past sexual assault by a
8 specific individual and were in the care of that individual
9 within a minimum of the last 7 days.

10 "Treatment hospital with approved pediatric transfer"
11 means a hospital with a treatment plan approved by the
12 Department to provide medical forensic services to sexual
13 assault survivors 13 years old or older who present with a
14 complaint of sexual assault within a minimum of the last 7 days
15 or who have disclosed past sexual assault by a specific
16 individual and were in the care of that individual within a
17 minimum of the last 7 days.

18 (b) This Section is repealed on December 31, 2023.

19 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;
20 102-674, eff. 11-30-21; 102-1097, eff. 1-1-23; 102-1106, eff.
21 1-1-23; revised 12-19-22.)

22 (410 ILCS 70/2-1)

23 (Section scheduled to be repealed on December 31, 2023)

24 Sec. 2-1. Hospital, approved pediatric health care
25 facility, and approved federally qualified health center

1 requirements for sexual assault plans.

2 (a) Every hospital required to be licensed by the
3 Department pursuant to the Hospital Licensing Act, or operated
4 under the University of Illinois Hospital Act that provides
5 general medical and surgical hospital services shall provide
6 either (i) transfer services to all sexual assault survivors,
7 (ii) medical forensic services to all sexual assault
8 survivors, or (iii) transfer services to pediatric sexual
9 assault survivors and medical forensic services to sexual
10 assault survivors 13 years old or older, in accordance with
11 rules adopted by the Department.

12 In addition, every such hospital, regardless of whether or
13 not a request is made for reimbursement, shall submit to the
14 Department a plan to provide either (i) transfer services to
15 all sexual assault survivors, (ii) medical forensic services
16 to all sexual assault survivors, or (iii) transfer services to
17 pediatric sexual assault survivors and medical forensic
18 services to sexual assault survivors 13 years old or older
19 within the time frame established by the Department. The
20 Department shall approve such plan for either (i) transfer
21 services to all sexual assault survivors, (ii) medical
22 forensic services to all sexual assault survivors, or (iii)
23 transfer services to pediatric sexual assault survivors and
24 medical forensic services to sexual assault survivors 13 years
25 old or older, if it finds that the implementation of the
26 proposed plan would provide (i) transfer services or (ii)

1 medical forensic services for sexual assault survivors in
2 accordance with the requirements of this Act and provide
3 sufficient protections from the risk of pregnancy to sexual
4 assault survivors. Notwithstanding anything to the contrary in
5 this paragraph, the Department may approve a sexual assault
6 transfer plan for the provision of medical forensic services
7 if:

8 (1) a treatment hospital with approved pediatric
9 transfer has agreed, as part of an areawide treatment
10 plan, to accept sexual assault survivors 13 years of age
11 or older from the proposed transfer hospital, if the
12 treatment hospital with approved pediatric transfer is
13 geographically closer to the transfer hospital than a
14 treatment hospital or another treatment hospital with
15 approved pediatric transfer and such transfer is not
16 unduly burdensome on the sexual assault survivor; and

17 (2) a treatment hospital has agreed, as a part of an
18 areawide treatment plan, to accept sexual assault
19 survivors under 13 years of age from the proposed transfer
20 hospital and transfer to the treatment hospital would not
21 unduly burden the sexual assault survivor.

22 The Department may not approve a sexual assault transfer
23 plan unless a treatment hospital has agreed, as a part of an
24 areawide treatment plan, to accept sexual assault survivors
25 from the proposed transfer hospital and a transfer to the
26 treatment hospital would not unduly burden the sexual assault

1 survivor.

2 In counties with a population of less than 1,000,000, the
3 Department may not approve a sexual assault transfer plan for
4 a hospital located within a 20-mile radius of a 4-year public
5 university, not including community colleges, unless there is
6 a treatment hospital with a sexual assault treatment plan
7 approved by the Department within a 20-mile radius of the
8 4-year public university.

9 A transfer must be in accordance with federal and State
10 laws and local ordinances.

11 A treatment hospital with approved pediatric transfer must
12 submit an areawide treatment plan under Section 3-1 of this
13 Act that includes a written agreement with a treatment
14 hospital stating that the treatment hospital will provide
15 medical forensic services to pediatric sexual assault
16 survivors transferred from the treatment hospital with
17 approved pediatric transfer. The areawide treatment plan may
18 also include an approved pediatric health care facility.

19 A transfer hospital must submit an areawide treatment plan
20 under Section 3-1 of this Act that includes a written
21 agreement with a treatment hospital stating that the treatment
22 hospital will provide medical forensic services to all sexual
23 assault survivors transferred from the transfer hospital. The
24 areawide treatment plan may also include an approved pediatric
25 health care facility. Notwithstanding anything to the contrary
26 in this paragraph, the areawide treatment plan may include a

1 written agreement with a treatment hospital with approved
2 pediatric transfer that is geographically closer than other
3 hospitals providing medical forensic services to sexual
4 assault survivors 13 years of age or older stating that the
5 treatment hospital with approved pediatric transfer will
6 provide medical services to sexual assault survivors 13 years
7 of age or older who are transferred from the transfer
8 hospital. If the areawide treatment plan includes a written
9 agreement with a treatment hospital with approved pediatric
10 transfer, it must also include a written agreement with a
11 treatment hospital stating that the treatment hospital will
12 provide medical forensic services to sexual assault survivors
13 under 13 years of age who are transferred from the transfer
14 hospital.

15 Beginning January 1, 2019, each treatment hospital and
16 treatment hospital with approved pediatric transfer shall
17 ensure that emergency department attending physicians,
18 physician assistants, advanced practice registered nurses, and
19 registered professional nurses providing clinical services,
20 who do not meet the definition of a qualified medical provider
21 in Section 1a-1 of this Act, receive a minimum of 2 hours of
22 sexual assault training by July 1, 2020 or until the treatment
23 hospital or treatment hospital with approved pediatric
24 transfer certifies to the Department, in a form and manner
25 prescribed by the Department, that it employs or contracts
26 with a qualified medical provider in accordance with

1 subsection (a-7) of Section 5-1, whichever occurs first.

2 After July 1, 2020 or once a treatment hospital or a
3 treatment hospital with approved pediatric transfer certifies
4 compliance with subsection (a-7) of Section 5-1, whichever
5 occurs first, each treatment hospital and treatment hospital
6 with approved pediatric transfer shall ensure that emergency
7 department attending physicians, physician assistants,
8 advanced practice registered nurses, and registered
9 professional nurses providing clinical services, who do not
10 meet the definition of a qualified medical provider in Section
11 1a-1 of this Act, receive a minimum of 2 hours of continuing
12 education on responding to sexual assault survivors every 2
13 years. Protocols for training shall be included in the
14 hospital's sexual assault treatment plan.

15 Sexual assault training provided under this subsection may
16 be provided in person or online and shall include, but not be
17 limited to:

18 (1) information provided on the provision of medical
19 forensic services;

20 (2) information on the use of the Illinois Sexual
21 Assault Evidence Collection Kit;

22 (3) information on sexual assault epidemiology,
23 neurobiology of trauma, drug-facilitated sexual assault,
24 child sexual abuse, and Illinois sexual assault-related
25 laws; and

26 (4) information on the hospital's sexual

1 assault-related policies and procedures.

2 The online training made available by the Office of the
3 Attorney General under subsection (b) of Section 10-1 may be
4 used to comply with this subsection.

5 (a-5) A hospital must submit a plan to provide either (i)
6 transfer services to all sexual assault survivors, (ii)
7 medical forensic services to all sexual assault survivors, or
8 (iii) transfer services to pediatric sexual assault survivors
9 and medical forensic services to sexual assault survivors 13
10 years old or older as required in subsection (a) of this
11 Section within 60 days of the Department's request. Failure to
12 submit a plan as described in this subsection shall subject a
13 hospital to the imposition of a fine by the Department. The
14 Department may impose a fine of up to \$500 per day until the
15 hospital submits a plan as described in this subsection. No
16 fine shall be taken or assessed until January 1, 2024 (12
17 months after the effective date of Public Act 102-1106) ~~this~~
18 ~~amendatory Act of the 102nd General Assembly.~~

19 (a-10) Upon receipt of a plan as described in subsection
20 (a-5), the Department shall notify the hospital whether or not
21 the plan is acceptable. If the Department determines that the
22 plan is unacceptable, the hospital must submit a modified plan
23 within 10 days of service of the notification. If the
24 Department determines that the modified plan is unacceptable,
25 or if the hospital fails to submit a modified plan within 10
26 days, the Department may impose a fine of up to \$500 per day

1 until an acceptable plan has been submitted, as determined by
2 the Department. No fine shall be taken or assessed until
3 January 1, 2024 (12 months after the effective date of Public
4 Act 102-1106) ~~this amendatory Act of the 102nd General~~
5 ~~Assembly.~~

6 (b) An approved pediatric health care facility may provide
7 medical forensic services, in accordance with rules adopted by
8 the Department, to all sexual assault survivors under the age
9 of 18 who present for medical forensic services in relation to
10 injuries or trauma resulting from a sexual assault. These
11 services shall be provided by a qualified medical provider.

12 A pediatric health care facility must participate in or
13 submit an areawide treatment plan under Section 3-1 of this
14 Act that includes a treatment hospital. If a pediatric health
15 care facility does not provide certain medical or surgical
16 services that are provided by hospitals, the areawide sexual
17 assault treatment plan must include a procedure for ensuring a
18 sexual assault survivor in need of such medical or surgical
19 services receives the services at the treatment hospital. The
20 areawide treatment plan may also include a treatment hospital
21 with approved pediatric transfer.

22 The Department shall review a proposed sexual assault
23 treatment plan submitted by a pediatric health care facility
24 within 60 days after receipt of the plan. If the Department
25 finds that the proposed plan meets the minimum requirements
26 set forth in Section 5-1 of this Act and that implementation of

1 the proposed plan would provide medical forensic services for
2 sexual assault survivors under the age of 18, then the
3 Department shall approve the plan. If the Department does not
4 approve a plan, then the Department shall notify the pediatric
5 health care facility that the proposed plan has not been
6 approved. The pediatric health care facility shall have 30
7 days to submit a revised plan. The Department shall review the
8 revised plan within 30 days after receipt of the plan and
9 notify the pediatric health care facility whether the revised
10 plan is approved or rejected. A pediatric health care facility
11 may not provide medical forensic services to sexual assault
12 survivors under the age of 18 who present with a complaint of
13 sexual assault within a minimum of the last 7 days or who have
14 disclosed past sexual assault by a specific individual and
15 were in the care of that individual within a minimum of the
16 last 7 days until the Department has approved a treatment
17 plan.

18 If an approved pediatric health care facility is not open
19 24 hours a day, 7 days a week, it shall post signage at each
20 public entrance to its facility that:

21 (1) is at least 14 inches by 14 inches in size;

22 (2) directs those seeking services as follows: "If
23 closed, call 911 for services or go to the closest
24 hospital emergency department, (insert name) located at
25 (insert address).";

26 (3) lists the approved pediatric health care

1 facility's hours of operation;

2 (4) lists the street address of the building;

3 (5) has a black background with white bold capital
4 lettering in a clear and easy to read font that is at least
5 72-point type, and with "call 911" in at least 125-point
6 type;

7 (6) is posted clearly and conspicuously on or adjacent
8 to the door at each entrance and, if building materials
9 allow, is posted internally for viewing through glass; if
10 posted externally, the sign shall be made of
11 weather-resistant and theft-resistant materials,
12 non-removable, and adhered permanently to the building;
13 and

14 (7) has lighting that is part of the sign itself or is
15 lit with a dedicated light that fully illuminates the
16 sign.

17 (b-5) An approved federally qualified health center may
18 provide medical forensic services, in accordance with rules
19 adopted by the Department, to all sexual assault survivors 13
20 years old or older who present for medical forensic services
21 in relation to injuries or trauma resulting from a sexual
22 assault during the duration, and 90 days thereafter, of a
23 proclamation issued by the Governor declaring a disaster, or a
24 successive proclamation regarding the same disaster, in all
25 102 counties due to a public health emergency. These services
26 must be available on-site during an approved federally

1 qualified health center's hours of operation and shall be
2 provided by a qualified medical provider. If the treatment
3 plan is terminated, the federally qualified health center must
4 submit to the Department for approval, before providing
5 medical forensic services, a new treatment plan and a list of
6 qualified medical providers to ensure coverage for the days
7 and hours of operation.

8 A federally qualified health center must employ a Sexual
9 Assault Nurse Examiner Coordinator who is a qualified medical
10 provider and a Medical Director who is a qualified medical
11 provider.

12 A federally qualified health center must participate in or
13 submit an areawide treatment plan under Section 3-1 of this
14 Act that includes a treatment hospital. If a federally
15 qualified health center does not provide certain medical or
16 surgical services that are provided by hospitals, the areawide
17 sexual assault treatment plan must include a procedure for
18 ensuring a sexual assault survivor in need of such medical or
19 surgical services receives the services at the treatment
20 hospital. The areawide treatment plan may also include a
21 treatment hospital with approved pediatric transfer or an
22 approved pediatric health care facility. An approved federally
23 qualified health center must report each instance that a
24 sexual assault survivor is transferred to a treatment
25 hospital, treatment hospital with approved pediatric transfer,
26 or an approved pediatric health care facility to the

1 Department within 24 hours of the transfer, in a form and
2 manner prescribed by the Department, including the reason for
3 the transfer.

4 The Department shall review a proposed sexual assault
5 treatment plan submitted by a federally qualified health
6 center within 14 days after receipt of the plan. The
7 Department shall approve the proposed sexual assault treatment
8 plan if it finds that the proposed plan:

9 (1) meets the minimum requirements set forth in
10 Section 5-1;

11 (2) would provide medical forensic services for sexual
12 assault survivors 13 years old or older on-site during the
13 approved federally qualified health center's hours of
14 operation; and

15 (3) includes an emergency protocol for sexual assault
16 survivors 13 years old or older to be transferred to a
17 treatment hospital or treatment hospital with approved
18 pediatric transfer to receive medical forensic services if
19 medical forensic services are not available by a qualified
20 medical provider during the approved federally qualified
21 health center's hours of operation, as required.

22 The Department shall not approve sexual assault treatment
23 plans for more than 6 federally qualified health centers,
24 which must be located in geographically diverse areas of the
25 State. If the Department does not approve a plan, then the
26 Department shall notify the federally qualified health center

1 that the proposed plan has not been approved. The federally
2 qualified health center shall have 14 days to submit a revised
3 plan. The Department shall review the revised plan within 14
4 days after receipt of the plan and notify the federally
5 qualified health center whether the revised plan is approved
6 or rejected. A federally qualified health center may not (i)
7 provide medical forensic services to sexual assault survivors
8 13 years old or older who present with a complaint of sexual
9 assault within a minimum of the previous 7 days or (ii) who
10 have disclosed past sexual assault by a specific individual
11 and were in the care of that individual within a minimum of the
12 previous 7 days until the Department has approved a treatment
13 plan.

14 Each approved federally qualified health center shall
15 ensure that any physician, physician assistant, advanced
16 practice registered nurse, or registered professional nurse
17 who (i) provides clinical services to sexual assault survivors
18 and (ii) does not meet the definition of a qualified medical
19 provider under Section 1a-1 receives (A) a minimum of 2 hours
20 of sexual assault training within 6 months after June 16, 2022
21 (the effective date of Public Act 102-1097) ~~this amendatory~~
22 ~~Act of the 102nd General Assembly~~ or within 6 months after
23 beginning employment, whichever is later, and (B) a minimum of
24 2 hours of continuing education on responding to sexual
25 assault survivors every 2 years. Protocols for training shall
26 be included in the approved federally qualified health

1 center's sexual assault treatment plan. Sexual assault
2 training provided under this paragraph may be provided in
3 person or online and shall include, but not be limited to:

4 (1) information provided on the provision of medical
5 forensic services;

6 (2) information on the use of the Illinois Sexual
7 Assault Evidence Collection Kit;

8 (3) information on sexual assault epidemiology,
9 neurobiology of trauma, drug-facilitated sexual assault,
10 child sexual abuse, and Illinois sexual assault-related
11 laws; and

12 (4) information on the approved federally qualified
13 health center's sexual assault-related policies and
14 procedures.

15 The online training made available by the Office of the
16 Attorney General under subsection (b) of Section 10-1 may be
17 used to comply with the sexual assault training required under
18 the preceding paragraph.

19 If an approved federally qualified health center is not
20 open 24 hours a day, 7 days a week, it shall post signage at
21 each public entrance to its facility that:

22 (1) is at least 14 inches by 14 inches in size;

23 (2) directs those seeking services as follows: "If
24 closed, call 911 for services or go to the closest
25 hospital emergency department, (insert name) located at
26 (insert address).";

1 (3) lists the approved federally qualified health
2 center's hours of operation;

3 (4) lists the street address of the building;

4 (5) has a black background with white bold capital
5 lettering in a clear and easy to read font that is at least
6 72-point type, and with "call 911" in at least 125-point
7 type;

8 (6) is posted clearly and conspicuously on or adjacent
9 to the door at each entrance and, if building materials
10 allow, is posted internally for viewing through glass; if
11 posted externally, the sign shall be made of
12 weather-resistant and theft-resistant materials,
13 non-removable, and adhered permanently to the building;

14 (7) has lighting that is part of the sign itself or is
15 lit with a dedicated light that fully illuminates the
16 sign;

17 (8) directs those seeking services as follows: "Call
18 the local rape crisis center for support."; and

19 (9) includes the name and hotline number, available 24
20 hours a day, 7 days a week, of the local rape crisis
21 center.

22 A copy of the proposed sign must be submitted to the
23 Department and approved as part of the approved federally
24 qualified health center's sexual assault treatment plan.

25 (c) Each treatment hospital, treatment hospital with
26 approved pediatric transfer, approved pediatric health care

1 facility, and approved federally qualified health center must
2 enter into a memorandum of understanding with a rape crisis
3 center for medical advocacy services, if these services are
4 available to the treatment hospital, treatment hospital with
5 approved pediatric transfer, approved pediatric health care
6 facility, or approved federally qualified health center. With
7 the consent of the sexual assault survivor, a rape crisis
8 counselor shall remain in the exam room during the collection
9 for forensic evidence.

10 An approved federally qualified health center that has a
11 memorandum of understanding with a rape crisis center must
12 notify the rape crisis center immediately if medical forensic
13 services are not available during the approved federally
14 qualified health center's hours of operation or if the
15 approved federally qualified health center's treatment plan is
16 terminated by the Department.

17 (d) Every treatment hospital, treatment hospital with
18 approved pediatric transfer, approved pediatric health care
19 facility, and approved federally qualified health center's
20 sexual assault treatment plan shall include procedures for
21 complying with mandatory reporting requirements pursuant to
22 (1) the Abused and Neglected Child Reporting Act; (2) the
23 Abused and Neglected Long Term Care Facility Residents
24 Reporting Act; (3) the Adult Protective Services Act; and (iv)
25 the Criminal Identification Act.

26 (e) Each treatment hospital, treatment hospital with

1 approved pediatric transfer, approved pediatric health care
2 facility, and approved federally qualified health center shall
3 submit to the Department every 6 months, in a manner
4 prescribed by the Department, the following information:

5 (1) The total number of patients who presented with a
6 complaint of sexual assault.

7 (2) The total number of Illinois Sexual Assault
8 Evidence Collection Kits:

9 (A) offered to (i) all sexual assault survivors
10 and (ii) pediatric sexual assault survivors pursuant
11 to paragraph (1.5) of subsection (a-5) of Section 5-1;

12 (B) completed for (i) all sexual assault survivors
13 and (ii) pediatric sexual assault survivors; and

14 (C) declined by (i) all sexual assault survivors
15 and (ii) pediatric sexual assault survivors.

16 This information shall be made available on the
17 Department's website.

18 (f) This Section is repealed on December 31, 2023.

19 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;
20 102-674, eff. 11-30-21; 102-1097, eff. 6-16-22; 102-1106, eff.
21 1-1-23; revised 12-19-22.)

22 (410 ILCS 70/5-1)

23 (Section scheduled to be repealed on December 31, 2023)

24 Sec. 5-1. Minimum requirements for medical forensic
25 services provided to sexual assault survivors by hospitals,

1 approved pediatric health care facilities, and approved
2 federally qualified health centers.

3 (a) Every hospital, approved pediatric health care
4 facility, and approved federally qualified health center
5 providing medical forensic services to sexual assault
6 survivors under this Act shall, as minimum requirements for
7 such services, provide, with the consent of the sexual assault
8 survivor, and as ordered by the attending physician, an
9 advanced practice registered nurse, or a physician assistant,
10 the services set forth in subsection (a-5).

11 Beginning January 1, 2023, a qualified medical provider
12 must provide the services set forth in subsection (a-5).

13 (a-5) A treatment hospital, a treatment hospital with
14 approved pediatric transfer, an approved pediatric health care
15 facility, or an approved federally qualified health center
16 shall provide the following services in accordance with
17 subsection (a):

18 (1) Appropriate medical forensic services without
19 delay, in a private, age-appropriate or
20 developmentally-appropriate space, required to ensure the
21 health, safety, and welfare of a sexual assault survivor
22 and which may be used as evidence in a criminal proceeding
23 against a person accused of the sexual assault, in a
24 proceeding under the Juvenile Court Act of 1987, or in an
25 investigation under the Abused and Neglected Child
26 Reporting Act.

1 Records of medical forensic services, including
2 results of examinations and tests, the Illinois State
3 Police Medical Forensic Documentation Forms, the Illinois
4 State Police Patient Discharge Materials, and the Illinois
5 State Police Patient Consent: Collect and Test Evidence or
6 Collect and Hold Evidence Form, shall be maintained by the
7 hospital or approved pediatric health care facility as
8 part of the patient's electronic medical record.

9 Records of medical forensic services of sexual assault
10 survivors under the age of 18 shall be retained by the
11 hospital for a period of 60 years after the sexual assault
12 survivor reaches the age of 18. Records of medical
13 forensic services of sexual assault survivors 18 years of
14 age or older shall be retained by the hospital for a period
15 of 20 years after the date the record was created.

16 Records of medical forensic services may only be
17 disseminated in accordance with Section 6.5-1 of this Act
18 and other State and federal law.

19 (1.5) An offer to complete the Illinois Sexual Assault
20 Evidence Collection Kit for any sexual assault survivor
21 who presents within a minimum of the last 7 days of the
22 assault or who has disclosed past sexual assault by a
23 specific individual and was in the care of that individual
24 within a minimum of the last 7 days.

25 (A) Appropriate oral and written information
26 concerning evidence-based guidelines for the

1 appropriateness of evidence collection depending on
2 the sexual development of the sexual assault survivor,
3 the type of sexual assault, and the timing of the
4 sexual assault shall be provided to the sexual assault
5 survivor. Evidence collection is encouraged for
6 prepubescent sexual assault survivors who present to a
7 hospital or approved pediatric health care facility
8 with a complaint of sexual assault within a minimum of
9 96 hours after the sexual assault.

10 Before January 1, 2023, the information required
11 under this subparagraph shall be provided in person by
12 the health care professional providing medical
13 forensic services directly to the sexual assault
14 survivor.

15 On and after January 1, 2023, the information
16 required under this subparagraph shall be provided in
17 person by the qualified medical provider providing
18 medical forensic services directly to the sexual
19 assault survivor.

20 The written information provided shall be the
21 information created in accordance with Section 10-1 of
22 this Act.

23 (B) Following the discussion regarding the
24 evidence-based guidelines for evidence collection in
25 accordance with subparagraph (A), evidence collection
26 must be completed at the sexual assault survivor's

1 request. A sexual assault nurse examiner conducting an
2 examination using the Illinois State Police Sexual
3 Assault Evidence Collection Kit may do so without the
4 presence or participation of a physician.

5 (2) Appropriate oral and written information
6 concerning the possibility of infection, sexually
7 transmitted infection, including an evaluation of the
8 sexual assault survivor's risk of contracting human
9 immunodeficiency virus (HIV) from sexual assault, and
10 pregnancy resulting from sexual assault.

11 (3) Appropriate oral and written information
12 concerning accepted medical procedures, laboratory tests,
13 medication, and possible contraindications of such
14 medication available for the prevention or treatment of
15 infection or disease resulting from sexual assault.

16 (3.5) After a medical evidentiary or physical
17 examination, access to a shower at no cost, unless
18 showering facilities are unavailable.

19 (4) An amount of medication, including HIV
20 prophylaxis, for treatment at the hospital, approved
21 pediatric health care facility, or approved federally
22 qualified health center and after discharge as is deemed
23 appropriate by the attending physician, an advanced
24 practice registered nurse, or a physician assistant in
25 accordance with the Centers for Disease Control and
26 Prevention guidelines and consistent with the hospital's

1 or approved pediatric health care facility's current
2 approved protocol for sexual assault survivors.

3 (5) Photo documentation of the sexual assault
4 survivor's injuries, anatomy involved in the assault, or
5 other visible evidence on the sexual assault survivor's
6 body to supplement the medical forensic history and
7 written documentation of physical findings and evidence
8 beginning July 1, 2019. Photo documentation does not
9 replace written documentation of the injury.

10 (6) Written and oral instructions indicating the need
11 for follow-up examinations and laboratory tests after the
12 sexual assault to determine the presence or absence of
13 sexually transmitted infection.

14 (7) Referral by hospital, approved pediatric health
15 care facility, or approved federally qualified health
16 center personnel for appropriate counseling.

17 (8) Medical advocacy services provided by a rape
18 crisis counselor whose communications are protected under
19 Section 8-802.1 of the Code of Civil Procedure, if there
20 is a memorandum of understanding between the hospital,
21 approved pediatric health care facility, or approved
22 federally qualified health center and a rape crisis
23 center. With the consent of the sexual assault survivor, a
24 rape crisis counselor shall remain in the exam room during
25 the medical forensic examination.

26 (9) Written information regarding services provided by

1 a Children's Advocacy Center and rape crisis center, if
2 applicable.

3 (10) A treatment hospital, a treatment hospital with
4 approved pediatric transfer, an out-of-state hospital as
5 defined in Section 5.4, an approved pediatric health care
6 facility, or an approved federally qualified health center
7 shall comply with the rules relating to the collection and
8 tracking of sexual assault evidence adopted by the
9 Illinois Department of State Police under Section 50 of
10 the Sexual Assault Evidence Submission Act.

11 (11) Written information regarding the Illinois State
12 Police sexual assault evidence tracking system.

13 (a-7) By January 1, 2023, every hospital with a treatment
14 plan approved by the Department shall employ or contract with
15 a qualified medical provider to initiate medical forensic
16 services to a sexual assault survivor within 90 minutes of the
17 patient presenting to the treatment hospital or treatment
18 hospital with approved pediatric transfer. The provision of
19 medical forensic services by a qualified medical provider
20 shall not delay the provision of life-saving medical care.

21 (a-10) Every federally qualified health center with a
22 treatment plan approved by the Department shall employ or
23 contract with a qualified medical provider to initiate medical
24 forensic services to a sexual assault survivor within 90
25 minutes of the patient presenting to the federally qualified
26 health center. The provision of medical forensic services by a

1 qualified medical provider shall not delay the provision of
2 life-saving medical care.

3 (b) Any person who is a sexual assault survivor who seeks
4 medical forensic services or follow-up healthcare under this
5 Act shall be provided such services without the consent of any
6 parent, guardian, custodian, surrogate, or agent. If a sexual
7 assault survivor is unable to consent to medical forensic
8 services, the services may be provided under the Consent by
9 Minors to Health Care Services Act, the Health Care Surrogate
10 Act, or other applicable State and federal laws.

11 (b-5) Every hospital, approved pediatric health care
12 facility, or approved federally qualified health center
13 providing medical forensic services to sexual assault
14 survivors shall issue a voucher to any sexual assault survivor
15 who is eligible to receive one in accordance with Section
16 5.2-1 of this Act. The hospital, approved pediatric health
17 care facility, or approved federally qualified health center
18 shall make a copy of the voucher and place it in the medical
19 record of the sexual assault survivor. The hospital, approved
20 pediatric health care facility, or approved federally
21 qualified health center shall provide a copy of the voucher to
22 the sexual assault survivor after discharge upon request.

23 (c) Nothing in this Section creates a physician-patient
24 relationship that extends beyond discharge from the hospital,
25 or approved pediatric health care facility, or approved
26 federally qualified health center.

1 (d) This Section is repealed on December 31, 2023.
2 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;
3 102-674, eff. 11-30-21; 102-1097, eff. 6-16-22; 102-1106, eff.
4 1-1-23; revised 12-19-22.)

5 (410 ILCS 70/5.4)

6 Sec. 5.4. Out-of-state hospitals.

7 (a) Nothing in this Section shall prohibit the transfer of
8 a patient in need of medical services from a hospital that has
9 been designated as a trauma center by the Department in
10 accordance with Section 3.90 of the Emergency Medical Services
11 (EMS) Systems Act.

12 (b) A transfer hospital, treatment hospital with approved
13 pediatric transfer, or approved pediatric health care facility
14 may transfer a sexual assault survivor to an out-of-state
15 hospital that is located in a county that borders Illinois if
16 the out-of-state hospital: (1) submits an areawide treatment
17 plan approved by the Department; and (2) has certified the
18 following to the Department in a form and manner prescribed by
19 the Department that the out-of-state hospital will:

20 (i) consent to the jurisdiction of the Department in
21 accordance with Section 2.06 of this Act;

22 (ii) comply with all requirements of this Act
23 applicable to treatment hospitals, including, but not
24 limited to, offering evidence collection to any Illinois
25 sexual assault survivor who presents with a complaint of

1 sexual assault within a minimum of the last 7 days or who
2 has disclosed past sexual assault by a specific individual
3 and was in the care of that individual within a minimum of
4 the last 7 days and not billing the sexual assault
5 survivor for medical forensic services or 180 days of
6 follow-up healthcare;

7 (iii) use an Illinois State Police Sexual Assault
8 Evidence Collection Kit to collect forensic evidence from
9 an Illinois sexual assault survivor;

10 (iv) ensure its staff cooperates with Illinois law
11 enforcement agencies and are responsive to subpoenas
12 issued by Illinois courts; and

13 (v) provide appropriate transportation upon the
14 completion of medical forensic services back to the
15 transfer hospital or treatment hospital with pediatric
16 transfer where the sexual assault survivor initially
17 presented seeking medical forensic services, unless the
18 sexual assault survivor chooses to arrange his or her own
19 transportation.

20 (c) Subsection (b) of this Section is inoperative on and
21 after January 1, 2029.

22 (Source: P.A. 102-1097, eff. 1-1-23; 102-1106, eff. 1-1-23;
23 revised 12-19-22.)

24 (410 ILCS 70/7)

25 Sec. 7. Reimbursement.

1 (a) A hospital, approved pediatric health care facility,
2 or health care professional furnishing medical forensic
3 services, an ambulance provider furnishing transportation to a
4 sexual assault survivor, a hospital, health care professional,
5 or laboratory providing follow-up healthcare, or a pharmacy
6 dispensing prescribed medications to any sexual assault
7 survivor shall furnish such services or medications to that
8 person without charge and shall seek payment as follows:

9 (1) If a sexual assault survivor is eligible to
10 receive benefits under the medical assistance program
11 under Article V of the Illinois Public Aid Code, the
12 ambulance provider, hospital, approved pediatric health
13 care facility, health care professional, laboratory, or
14 pharmacy must submit the bill to the Department of
15 Healthcare and Family Services or the appropriate Medicaid
16 managed care organization and accept the amount paid as
17 full payment.

18 (2) If a sexual assault survivor is covered by one or
19 more policies of health insurance or is a beneficiary
20 under a public or private health coverage program, the
21 ambulance provider, hospital, approved pediatric health
22 care facility, health care professional, laboratory, or
23 pharmacy shall bill the insurance company or program. With
24 respect to such insured patients, applicable deductible,
25 co-pay, co-insurance, denial of claim, or any other
26 out-of-pocket insurance-related expense may be submitted

1 to the Illinois Sexual Assault Emergency Treatment Program
2 of the Department of Healthcare and Family Services in
3 accordance with 89 Ill. Adm. Code 148.510 for payment at
4 the Department of Healthcare and Family Services'
5 allowable rates under the Illinois Public Aid Code. The
6 ambulance provider, hospital, approved pediatric health
7 care facility, health care professional, laboratory, or
8 pharmacy shall accept the amounts paid by the insurance
9 company or health coverage program and the Illinois Sexual
10 Assault Treatment Program as full payment.

11 (3) If a sexual assault survivor (i) is neither
12 eligible to receive benefits under the medical assistance
13 program under Article V of the Illinois Public Aid Code
14 nor covered by a policy of insurance or a public or private
15 health coverage program or (ii) opts out of billing a
16 private insurance provider, as permitted under subsection
17 (a-5) of Section 7.5, the ambulance provider, hospital,
18 approved pediatric health care facility, health care
19 professional, laboratory, or pharmacy shall submit the
20 request for reimbursement to the Illinois Sexual Assault
21 Emergency Treatment Program under the Department of
22 Healthcare and Family Services in accordance with 89 Ill.
23 Adm. Code 148.510 at the Department of Healthcare and
24 Family Services' allowable rates under the Illinois Public
25 Aid Code.

26 (4) If a sexual assault survivor presents a sexual

1 assault services voucher for follow-up healthcare, the
2 healthcare professional, pediatric health care facility,
3 or laboratory that provides follow-up healthcare or the
4 pharmacy that dispenses prescribed medications to a sexual
5 assault survivor shall submit the request for
6 reimbursement for follow-up healthcare, pediatric health
7 care facility, laboratory, or pharmacy services to the
8 Illinois Sexual Assault Emergency Treatment Program under
9 the Department of Healthcare and Family Services in
10 accordance with 89 Ill. Adm. Code 148.510 at the
11 Department of Healthcare and Family Services' allowable
12 rates under the Illinois Public Aid Code. Nothing in this
13 subsection (a) precludes hospitals or approved pediatric
14 health care facilities from providing follow-up healthcare
15 and receiving reimbursement under this Section.

16 (b) Nothing in this Section precludes a hospital, health
17 care provider, ambulance provider, laboratory, or pharmacy
18 from billing the sexual assault survivor or any applicable
19 health insurance or coverage for inpatient services.

20 (b-5) Medical forensic services furnished by a person or
21 entity described under subsection (a) to any sexual assault
22 survivor on or after July 1, 2022 that are required under this
23 Act to be reimbursed by the Department of Healthcare and
24 Family Services, the Illinois Sexual Assault Emergency
25 Treatment Program under the Department of Healthcare and
26 Family Services, or the appropriate Medicaid managed care

1 organization shall be reimbursed at a rate of at least \$1,000.

2 (c) (Blank).

3 (d) (Blank).

4 (e) The Department of Healthcare and Family Services shall
5 establish standards, rules, and regulations to implement this
6 Section.

7 (f) This Section is effective on and after January 1,
8 2024.

9 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;
10 102-674, eff. 11-30-21; 102-699, Article 30, Section 30-5,
11 eff. 4-19-22; 102-699, Article 35, Section 35-5 (See Section
12 99-99 of P.A. 102-699 and Section 99 of P.A. 102-1097
13 regarding the effective date of changes made in Article 35 of
14 P.A. 102-699); revised 12-14-22.)

15 (410 ILCS 70/7-1)

16 (Section scheduled to be repealed on December 31, 2023)

17 Sec. 7-1. Reimbursement

18 (a) A hospital, approved pediatric health care facility,
19 approved federally qualified health center, or health care
20 professional furnishing medical forensic services, an
21 ambulance provider furnishing transportation to a sexual
22 assault survivor, a hospital, health care professional, or
23 laboratory providing follow-up healthcare, or a pharmacy
24 dispensing prescribed medications to any sexual assault
25 survivor shall furnish such services or medications to that

1 person without charge and shall seek payment as follows:

2 (1) If a sexual assault survivor is eligible to
3 receive benefits under the medical assistance program
4 under Article V of the Illinois Public Aid Code, the
5 ambulance provider, hospital, approved pediatric health
6 care facility, approved federally qualified health center,
7 health care professional, laboratory, or pharmacy must
8 submit the bill to the Department of Healthcare and Family
9 Services or the appropriate Medicaid managed care
10 organization and accept the amount paid as full payment.

11 (2) If a sexual assault survivor is covered by one or
12 more policies of health insurance or is a beneficiary
13 under a public or private health coverage program, the
14 ambulance provider, hospital, approved pediatric health
15 care facility, approved federally qualified health center,
16 health care professional, laboratory, or pharmacy shall
17 bill the insurance company or program. With respect to
18 such insured patients, applicable deductible, co-pay,
19 co-insurance, denial of claim, or any other out-of-pocket
20 insurance-related expense may be submitted to the Illinois
21 Sexual Assault Emergency Treatment Program of the
22 Department of Healthcare and Family Services in accordance
23 with 89 Ill. Adm. Code 148.510 for payment at the
24 Department of Healthcare and Family Services' allowable
25 rates under the Illinois Public Aid Code. The ambulance
26 provider, hospital, approved pediatric health care

1 facility, approved federally qualified health center,
2 health care professional, laboratory, or pharmacy shall
3 accept the amounts paid by the insurance company or health
4 coverage program and the Illinois Sexual Assault Treatment
5 Program as full payment.

6 (3) If a sexual assault survivor (i) is neither
7 eligible to receive benefits under the medical assistance
8 program under Article V of the Illinois Public Aid Code
9 nor covered by a policy of insurance or a public or private
10 health coverage program or (ii) opts out of billing a
11 private insurance provider, as permitted under subsection
12 (a-5) of Section 7.5, the ambulance provider, hospital,
13 approved pediatric health care facility, approved
14 federally qualified health center, health care
15 professional, laboratory, or pharmacy shall submit the
16 request for reimbursement to the Illinois Sexual Assault
17 Emergency Treatment Program under the Department of
18 Healthcare and Family Services in accordance with 89 Ill.
19 Adm. Code 148.510 at the Department of Healthcare and
20 Family Services' allowable rates under the Illinois Public
21 Aid Code.

22 (4) If a sexual assault survivor presents a sexual
23 assault services voucher for follow-up healthcare, the
24 healthcare professional, pediatric health care facility,
25 federally qualified health center, or laboratory that
26 provides follow-up healthcare or the pharmacy that

1 dispenses prescribed medications to a sexual assault
2 survivor shall submit the request for reimbursement for
3 follow-up healthcare, pediatric health care facility,
4 laboratory, or pharmacy services to the Illinois Sexual
5 Assault Emergency Treatment Program under the Department
6 of Healthcare and Family Services in accordance with 89
7 Ill. Adm. Code 148.510 at the Department of Healthcare and
8 Family Services' allowable rates under the Illinois Public
9 Aid Code. Nothing in this subsection (a) precludes
10 hospitals, or approved pediatric health care facilities or
11 approved federally qualified health centers from providing
12 follow-up healthcare and receiving reimbursement under
13 this Section.

14 (b) Nothing in this Section precludes a hospital, health
15 care provider, ambulance provider, laboratory, or pharmacy
16 from billing the sexual assault survivor or any applicable
17 health insurance or coverage for inpatient services.

18 (b-5) Medical forensic services furnished by a person or
19 entity described under subsection (a) to any sexual assault
20 survivor on or after July 1, 2022 that are required under this
21 Act to be reimbursed by the Department of Healthcare and
22 Family Services, the Illinois Sexual Assault Emergency
23 Treatment Program under the Department of Healthcare and
24 Family Services, or the appropriate Medicaid managed care
25 organization shall be reimbursed at a rate of at least \$1,000.

26 (c) (Blank).

1 (d) (Blank).

2 (e) The Department of Healthcare and Family Services shall
3 establish standards, rules, and regulations to implement this
4 Section.

5 (f) This Section is repealed on December 31, 2023.

6 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;
7 102-674, eff. 11-30-21; 102-699, Article 30, Section 30-5,
8 eff. 4-19-22; 102-699, Article 35, Section 35-5 (See Section
9 99-99 of P.A. 102-699 and Section 99 of P.A. 102-1097
10 regarding the effective date of changes made in Article 35 of
11 P.A. 102-699); revised 12-14-22.)

12 (410 ILCS 70/9.5)

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

14 Sec. 9.5. Sexual Assault Medical Forensic Services
15 Implementation Task Force.

16 (a) The Sexual Assault Medical Forensic Services
17 Implementation Task Force is created to assist hospitals and
18 approved pediatric health care facilities with the
19 implementation of the changes made by Public Act 100-775 ~~this~~
20 ~~amendatory Act of the 100th General Assembly~~. The Task Force
21 shall consist of the following members, who shall serve
22 without compensation:

23 (1) one member of the Senate appointed by the
24 President of the Senate, who may designate an alternate
25 member;

1 (2) one member of the Senate appointed by the Minority
2 Leader of the Senate, who may designate an alternate
3 member;

4 (3) one member of the House of Representatives
5 appointed by the Speaker of the House of Representatives,
6 who may designate an alternate member;

7 (4) one member of the House of Representatives
8 appointed by the Minority Leader of the House of
9 Representatives, who may designate an alternate member;

10 (5) two members representing the Office of the
11 Attorney General appointed by the Attorney General, one of
12 whom shall be the Sexual Assault Nurse Examiner
13 Coordinator for the State of Illinois;

14 (6) one member representing the Department of Public
15 Health appointed by the Director of Public Health;

16 (7) one member representing the Illinois State Police
17 appointed by the Director of the Illinois State Police;

18 (8) one member representing the Department of
19 Healthcare and Family Services appointed by the Director
20 of Healthcare and Family Services;

21 (9) six members representing hospitals appointed by
22 the head of a statewide organization representing the
23 interests of hospitals in Illinois, at least one of whom
24 shall represent small and rural hospitals and at least one
25 of these members shall represent urban hospitals;

26 (10) one member representing physicians appointed by

1 the head of a statewide organization representing the
2 interests of physicians in Illinois;

3 (11) one member representing emergency physicians
4 appointed by the head of a statewide organization
5 representing the interests of emergency physicians in
6 Illinois;

7 (12) two members representing child abuse
8 pediatricians appointed by the head of a statewide
9 organization representing the interests of child abuse
10 pediatricians in Illinois, at least one of whom shall
11 represent child abuse pediatricians providing medical
12 forensic services in rural locations and at least one of
13 whom shall represent child abuse pediatricians providing
14 medical forensic services in urban locations;

15 (13) one member representing nurses appointed by the
16 head of a statewide organization representing the
17 interests of nurses in Illinois;

18 (14) two members representing sexual assault nurse
19 examiners appointed by the head of a statewide
20 organization representing the interests of forensic nurses
21 in Illinois, at least one of whom shall represent
22 pediatric/adolescent sexual assault nurse examiners and at
23 least one of these members shall represent
24 adult/adolescent sexual assault nurse examiners;

25 (15) one member representing State's Attorneys
26 appointed by the head of a statewide organization

1 representing the interests of State's Attorneys in
2 Illinois;

3 (16) three members representing sexual assault
4 survivors appointed by the head of a statewide
5 organization representing the interests of sexual assault
6 survivors and rape crisis centers, at least one of whom
7 shall represent rural rape crisis centers and at least one
8 of whom shall represent urban rape crisis centers;

9 (17) two members representing children's advocacy
10 centers appointed by the head of a statewide organization
11 representing the interests of children's advocacy centers
12 in Illinois, one of whom represents rural child advocacy
13 centers and one of whom represents urban child advocacy
14 centers; and

15 (18) one member representing approved federally
16 qualified health centers appointed by the Director of
17 Public Health.

18 The members representing the Office of the Attorney
19 General and the Department of Public Health shall serve as
20 co-chairpersons of the Task Force. The Office of the Attorney
21 General shall provide administrative and other support to the
22 Task Force.

23 (b) The first meeting of the Task Force shall be called by
24 the co-chairpersons no later than 90 days after the effective
25 date of this Section.

26 (c) The goals of the Task Force shall include, but not be

1 limited to, the following:

2 (1) to facilitate the development of areawide
3 treatment plans among hospitals and pediatric health care
4 facilities;

5 (2) to facilitate the development of on-call systems
6 of qualified medical providers and assist hospitals with
7 the development of plans to employ or contract with a
8 qualified medical provider to initiate medical forensic
9 services to a sexual assault survivor within 90 minutes of
10 the patient presenting to the hospital as required in
11 subsection (a-7) of Section 5;

12 (3) to identify photography and storage options for
13 hospitals to comply with the photo documentation
14 requirements in Sections 5 and 5.1;

15 (4) to develop a model written agreement for use by
16 rape crisis centers, hospitals, and approved pediatric
17 health care facilities with sexual assault treatment plans
18 to comply with subsection (c) of Section 2;

19 (5) to develop and distribute educational information
20 regarding the implementation of this Act to hospitals,
21 health care providers, rape crisis centers, children's
22 advocacy centers, State's Attorney's offices;

23 (6) to examine the role of telemedicine in the
24 provision of medical forensic services under this Act and
25 to develop recommendations for statutory change and
26 standards and procedures for the use of telemedicine to be

1 adopted by the Department;

2 (7) to seek inclusion of the International Association
3 of Forensic Nurses Sexual Assault Nurse Examiner Education
4 Guidelines for nurses within the registered nurse training
5 curriculum in Illinois nursing programs and the American
6 College of Emergency Physicians Management of the Patient
7 with the Complaint of Sexual Assault for emergency
8 physicians within the Illinois residency training
9 curriculum for emergency physicians; and

10 (8) to submit a report to the General Assembly by
11 January 1, 2024 regarding the status of implementation of
12 Public Act 100-775 ~~this amendatory Act of the 100th~~
13 ~~General Assembly~~, including, but not limited to, the
14 impact of transfers to out-of-state hospitals on sexual
15 assault survivors, the availability of treatment hospitals
16 in Illinois, and the status of pediatric sexual assault
17 care. The report shall also cover the impact of medical
18 forensic services provided at approved federally qualified
19 health centers on sexual assault survivors. The report to
20 the General Assembly shall be filed with the Clerk of the
21 House of Representatives and the Secretary of the Senate
22 in electronic form only, in the manner that the Clerk and
23 the Secretary shall direct.

24 (d) This Section is repealed on January 1, 2025.

25 (Source: P.A. 102-538, eff. 8-20-21; 102-1097, eff. 6-16-22;
26 102-1106, eff. 12-14-22; revised 12-19-22.)

1 Section 585. The Vital Records Act is amended by changing
2 Section 18 as follows:

3 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

4 Sec. 18. (1) Each death which occurs in this State shall be
5 registered by filing a death certificate with the local
6 registrar of the district in which the death occurred or the
7 body was found, within 7 days after such death (within 5 days
8 if the death occurs prior to January 1, 1989) and prior to
9 cremation or removal of the body from the State, except when
10 death is subject to investigation by the coroner or medical
11 examiner.

12 (a) For the purposes of this Section, if the place of
13 death is unknown, a death certificate shall be filed in
14 the registration district in which a dead body is found,
15 which shall be considered the place of death.

16 (b) When a death occurs on a moving conveyance, the
17 place where the body is first removed from the conveyance
18 shall be considered the place of death and a death
19 certificate shall be filed in the registration district in
20 which such place is located.

21 (c) The funeral director who first assumes custody of
22 a dead body shall be responsible for filing a completed
23 death certificate. He or she shall obtain the personal
24 data from the next of kin or the best qualified person or

1 source available; he or she shall enter on the certificate
2 the name, relationship, and address of the informant; he
3 or she shall enter the date, place, and method of final
4 disposition; he or she shall affix his or her own
5 signature and enter his or her address; and shall present
6 the certificate to the person responsible for completing
7 the medical certification of cause of death. The person
8 responsible for completing the medical certification of
9 cause of death must note the presence of
10 methicillin-resistant staphylococcus aureus, clostridium
11 difficile, or vancomycin-resistant enterococci if it is a
12 contributing factor to or the cause of death. Additional
13 multi-drug resistant organisms (MDROs) may be added to
14 this list by the Department by rule.

15 (2) The medical certification shall be completed and
16 signed within 48 hours after death by the certifying health
17 care professional who, within 12 months prior to the date of
18 the patient's death, was treating or managing treatment of the
19 patient's illness or condition which resulted in death, except
20 when death is subject to the coroner's or medical examiner's
21 investigation. In the absence of the certifying health care
22 professional or with his or her approval, the medical
23 certificate may be completed and signed by his or her
24 associate physician, ~~or~~ advanced practice registered nurse, or
25 physician assistant, the chief medical officer of the
26 institution in which death occurred, or ~~by~~ the physician who

1 performed an autopsy upon the decedent.

2 (3) When a death occurs without medical attendance, or
3 when it is otherwise subject to the coroner's or medical
4 examiner's investigation, the coroner or medical examiner
5 shall be responsible for the completion of a coroner's or
6 medical examiner's certificate of death and shall sign the
7 medical certification within 48 hours after death, except as
8 provided by regulation in special problem cases. If the
9 decedent was under the age of 18 years at the time of his or
10 her death, and the death was due to injuries suffered as a
11 result of a motor vehicle backing over a child, or if the death
12 occurred due to the power window of a motor vehicle, the
13 coroner or medical examiner must send a copy of the medical
14 certification, with information documenting that the death was
15 due to a vehicle backing over the child or that the death was
16 caused by a power window of a vehicle, to the Department of
17 Children and Family Services. The Department of Children and
18 Family Services shall (i) collect this information for use by
19 Child Death Review Teams and (ii) compile and maintain this
20 information as part of its Annual Child Death Review Team
21 Report to the General Assembly.

22 (3.5) The medical certification of cause of death shall
23 expressly provide an opportunity for the person completing the
24 certification to indicate that the death was caused in whole
25 or in part by a dementia-related disease, Parkinson's Disease,
26 or Parkinson-Dementia Complex.

1 (4) When the deceased was a veteran of any war of the
2 United States, the funeral director shall prepare a
3 "Certificate of Burial of U. S. War Veteran", as prescribed
4 and furnished by the Illinois Department of Veterans' Affairs,
5 and submit such certificate to the Illinois Department of
6 Veterans' Affairs monthly.

7 (5) When a death is presumed to have occurred in this State
8 but the body cannot be located, a death certificate may be
9 prepared by the State Registrar upon receipt of an order of a
10 court of competent jurisdiction which includes the finding of
11 facts required to complete the death certificate. Such death
12 certificate shall be marked "Presumptive" and shall show on
13 its face the date of the registration and shall identify the
14 court and the date of the judgment.

15 (Source: P.A. 102-257, eff. 1-1-22; 102-844, eff. 1-1-23;
16 revised 12-12-22.)

17 Section 590. The Sanitary Food Preparation Act is amended
18 by changing Sections 2 and 8 as follows:

19 (410 ILCS 650/2) (from Ch. 56 1/2, par. 68)

20 Sec. 2. The floors, sidewalks, ceilings, furniture,
21 receptacles, implements, and machinery of every such
22 establishment or place where such food intended for sale is
23 produced, prepared, manufactured, packed, stored, sold, or
24 distributed, and all cars, trucks, and vehicles used in the

1 transportation of such food products, shall at no time be kept
2 or permitted to remain in an unclean, unhealthful, or
3 insanitary condition; and for the purpose of this Act ~~act~~,
4 unclean, unhealthful, or insanitary conditions shall be deemed
5 to exist if food in the process of production, preparation,
6 manufacture, packing, storing, sale, distribution, or
7 transportation is not securely protected from flies, dust,
8 dirt, and, as far as may be necessary by all reasonable means,
9 from all other foreign or injurious contamination; or if the
10 refuse, dirt, or waste products subject to decomposition and
11 fermentation incident to the manufacture, preparation,
12 packing, storing, selling, distributing, or transportation of
13 such food are not removed daily, or if all trucks, trays,
14 boxes, buckets, or other receptacles, or the shutes,
15 platforms, racks, tables, shelves, and knives, saws, cleavers,
16 or other utensils, or the machinery used in moving, handling,
17 cutting, chopping, mixing, canning, or other processes are not
18 thoroughly cleaned daily; or if the clothing of operatives,
19 employees ~~employes~~, clerks, or other persons therein employed,
20 is unclean.

21 (Source: P.A. 80-1495; revised 8-24-22.)

22 (410 ILCS 650/8) (from Ch. 56 1/2, par. 74)

23 Sec. 8. No operative, employee ~~employe~~, or other persons
24 shall expectorate on the food or on the utensils or on the
25 floors or sidewalls of any building, room, basement, or cellar

1 where the production, preparation, manufacture, packing,
2 storing, or sale of any such food is conducted. Operatives,
3 employees ~~employes~~, clerks, and all other persons who handle
4 the material from which such food is prepared or the finished
5 product, before beginning work, or after visiting toilet or
6 toilets, shall wash their hands thoroughly in clean water.
7 Whoever fails to observe or violates the provisions of this
8 Section shall be guilty of a petty offense and fined not more
9 than \$25.

10 (Source: P.A. 77-2695; revised 8-24-22.)

11 Section 595. The Drug Take-Back Act is amended by changing
12 Section 25 as follows:

13 (410 ILCS 720/25)

14 Sec. 25. Drug take-back program requirements.

15 (a) At least 120 days prior to submitting a proposal under
16 Section 35, a manufacturer program operator must notify
17 potential authorized collectors of the opportunity to serve as
18 an authorized collector for the proposed drug take-back
19 program. No later than 30 days after a potential authorized
20 collector expresses interest in participating in a proposed
21 program, the manufacturer program operator must commence good
22 faith negotiations with the potential authorized collector
23 regarding the collector's participation in the program.

24 (b) A person may serve as an authorized collector for a

1 drug take-back program voluntarily or in exchange for
2 compensation. Nothing in this Act requires any person to serve
3 as an authorized collector for a drug take-back program.

4 (c) A pharmacy shall not be required to participate in a
5 drug take-back program.

6 (d) A drug take-back program must include as a collector
7 any person who (i) is a potential authorized collector and
8 (ii) offers to participate in the program. The manufacturer
9 program operator must include the person in the program as an
10 authorized collector no later than 90 days after receiving a
11 written offer to participate.

12 (e) A drug take-back program must pay for all
13 administrative and operational costs of the drug take-back
14 program, as outlined in subsection (a) of Section 55.

15 (f) An authorized collector operating a drug take-back
16 program collection site must accept all covered drugs from
17 consumers during the hours that the location used as a
18 collection site is normally open for business to the public.

19 (g) A drug take-back program collection site must collect
20 covered drugs and store them in compliance with State and
21 federal law, including United States Drug Enforcement
22 Administration regulations. The manufacturer program operator
23 must provide for transportation and disposal of collected
24 covered drugs in a manner that ensures each collection site is
25 serviced as often as necessary to avoid reaching capacity and
26 that collected covered drugs are transported to final disposal

1 in a manner compliant with State and federal law, including a
2 process for additional prompt collection service upon
3 notification from the collection site. Covered drugs shall be
4 disposed of at:

5 (1) a permitted hazardous waste facility that meets
6 the requirements under 40 CFR 264 and 40 CFR 265;

7 (2) a permitted municipal waste incinerator that meets
8 the requirements under 40 CFR 50 and 40 CFR 62; or

9 (3) a permitted hospital, medical, and infectious
10 waste incinerator that meets the requirements under
11 subpart HHH of 40 CFR part 62, an applicable State plan for
12 existing hospital, medical, and infectious waste
13 incinerators, or subpart Ec of 40 CFR part 60 for new
14 hospital, medical, and infectious waste incinerators.

15 (h) Authorized collectors must comply with all State and
16 federal laws and regulations governing the collection,
17 storage, and disposal of covered drugs, including United
18 States Drug Enforcement Administration regulations.

19 (i) A drug take-back program must provide for the
20 collection, transportation, and disposal of covered drugs on
21 an ongoing, year-round basis and must provide access for
22 residents across the State as set forth in subsection (j).

23 (j) A drug take-back program shall provide, in every
24 county with a potential authorized collector, one authorized
25 collection site and a minimum of at least one additional
26 collection site for every 50,000 county residents, provided

1 that there are enough potential authorized collectors offering
2 to participate in the drug take-back program.

3 All potential authorized collection sites that offer to
4 participate in a drug take-back program shall be counted
5 toward ~~towards~~ meeting the minimum number of authorized
6 collection sites within a drug take-back program. Collection
7 sites funded in part or in whole under a contract between a
8 covered manufacturer and a pharmacy entered into on or before
9 June 10, 2022 (the effective date of this Act) shall be counted
10 toward ~~towards~~ the minimum requirements within this Section
11 for so long as the contract continues.

12 (k) A drug take-back program may include mail-back
13 distribution locations or periodic collection events for each
14 county in the State. The manufacturer program operator shall
15 consult with each county authority identified in the written
16 notice prior to preparing the program plan to determine the
17 role that mail-back distribution locations or periodic
18 collection events will have in the drug take-back program.

19 The requirement to hold periodic collection events shall
20 be deemed to be satisfied if a manufacturer program operator
21 makes reasonable efforts to arrange periodic collection events
22 but they cannot be scheduled due to lack of law enforcement
23 availability.

24 A drug take-back program must permit a consumer who is a
25 homeless, homebound, or disabled individual to request
26 prepaid, preaddressed mailing envelopes. A manufacturer

1 program operator shall accept the request through a website
2 and toll-free telephone number that it must maintain to comply
3 with the requests.

4 (Source: P.A. 102-1055, eff. 6-10-22; revised 8-24-22.)

5 Section 600. The Environmental Protection Act is amended
6 by changing Sections 10, 22.15, and 22.59 as follows:

7 (415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

8 Sec. 10. Regulations.

9 (A) The Board, pursuant to procedures prescribed in Title
10 VII of this Act, may adopt regulations to promote the purposes
11 of this Title. Without limiting the generality of this
12 authority, such regulations may among other things prescribe:

13 (a) (Blank);

14 (b) Emission standards specifying the maximum amounts
15 or concentrations of various contaminants that may be
16 discharged into the atmosphere;

17 (c) Standards for the issuance of permits for
18 construction, installation, or operation of any equipment,
19 facility, vehicle, vessel, or aircraft capable of causing
20 or contributing to air pollution or designed to prevent
21 air pollution;

22 (d) Standards and conditions regarding the sale,
23 offer, or use of any fuel, vehicle, or other article
24 determined by the Board to constitute an air-pollution

1 hazard;

2 (e) Alert and abatement standards relative to
3 air-pollution episodes or emergencies constituting an
4 acute danger to health or to the environment;

5 (f) Requirements and procedures for the inspection of
6 any equipment, facility, vehicle, vessel, or aircraft that
7 may cause or contribute to air pollution;

8 (g) Requirements and standards for equipment and
9 procedures for monitoring contaminant discharges at their
10 sources, the collection of samples, and the collection,
11 reporting, and retention of data resulting from such
12 monitoring.

13 (B) The Board may adopt regulations and emission standards
14 that are applicable or that may become applicable to
15 stationary emission sources located in all areas of the State
16 in accordance with any of the following:

17 (1) that are required by federal law;

18 (2) that are otherwise part of the State's attainment
19 plan and are necessary to attain the national ambient air
20 quality standards; or

21 (3) that are necessary to comply with the requirements
22 of the federal Clean Air Act.

23 (C) The Board may not adopt any regulation banning the
24 burning of landscape waste throughout the State generally. The
25 Board may, by regulation, restrict or prohibit the burning of
26 landscape waste within any geographical area of the State if

1 it determines based on medical and biological evidence
2 generally accepted by the scientific community that such
3 burning will produce in the atmosphere of that geographical
4 area contaminants in sufficient quantities and of such
5 characteristics and duration as to be injurious to human
6 ~~humans~~, plant, or animal life~~7~~ or health.

7 (D) The Board shall adopt regulations requiring the owner
8 or operator of a gasoline dispensing system that dispenses
9 more than 10,000 gallons of gasoline per month to install and
10 operate a system for the recovery of gasoline vapor emissions
11 arising from the fueling of motor vehicles that meets the
12 requirements of Section 182 of the federal Clean Air Act (42
13 U.S.C. USC 7511a). These regulations shall apply only in areas
14 of the State that are classified as moderate, serious, severe,
15 or extreme nonattainment areas for ozone pursuant to Section
16 181 of the federal Clean Air Act (42 U.S.C. USC 7511), but
17 shall not apply in such areas classified as moderate
18 nonattainment areas for ozone if the Administrator of the U.S.
19 Environmental Protection Agency promulgates standards for
20 vehicle-based (onboard) systems for the control of vehicle
21 refueling emissions pursuant to Section 202(a)(6) of the
22 federal Clean Air Act (42 U.S.C. USC 7521(a)(6)) by November
23 15, 1992.

24 (E) The Board shall not adopt or enforce any regulation
25 requiring the use of a tarpaulin or other covering on a truck,
26 trailer, or other vehicle that is stricter than the

1 requirements of Section 15-109.1 of the Illinois Vehicle Code.
2 To the extent that it is in conflict with this subsection, the
3 Board's rule codified as 35 Ill. Adm. ~~Admin.~~ Code, ~~Section~~
4 212.315 is hereby superseded.

5 (F) Any person who L prior to June 8, 1988, has filed a
6 timely Notice of Intent to Petition for an Adjusted RACT
7 Emissions Limitation and who subsequently timely files a
8 completed petition for an adjusted RACT emissions limitation
9 pursuant to 35 Ill. Adm. Code~~7~~ Part 215, Subpart I, shall be
10 subject to the procedures contained in Subpart I but shall be
11 excluded by operation of law from 35 Ill. Adm. Code~~7~~ Part 215,
12 Subparts PP, QQ~~L~~ and RR, including the applicable definitions
13 in 35 Ill. Adm. Code~~7~~ Part 211. Such persons shall instead be
14 subject to a separate regulation which the Board is hereby
15 authorized to adopt pursuant to the adjusted RACT emissions
16 limitation procedure in 35 Ill. Adm. Code~~7~~ Part 215, Subpart
17 I. In its final action on the petition, the Board shall create
18 a separate rule which establishes Reasonably Available Control
19 Technology (RACT) for such person. The purpose of this
20 procedure is to create separate and independent regulations
21 for purposes of SIP submittal, review, and approval by USEPA.

22 (G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code~~7~~
23 ~~Sections~~ 218.720 through 218.730 and ~~Sections~~ 219.720 through
24 219.730, are hereby repealed by operation of law and are
25 rendered null and void and of no force and effect.

26 (H) In accordance with subsection (b) of Section 7.2, the

1 Board shall adopt ambient air quality standards specifying the
2 maximum permissible short-term and long-term concentrations of
3 various contaminants in the atmosphere; those standards shall
4 be identical in substance to the national ambient air quality
5 standards promulgated by the Administrator of the United
6 States Environmental Protection Agency in accordance with
7 Section 109 of the Clean Air Act. The Board may consolidate
8 into a single rulemaking under this subsection all such
9 federal regulations adopted within a period of time not to
10 exceed 6 months. The provisions and requirements of Title VII
11 of this Act and Section 5-35 of the Illinois Administrative
12 Procedure Act, relating to procedures for rulemaking, shall
13 not apply to identical in substance regulations adopted
14 pursuant to this subsection. However, the Board shall provide
15 for notice and public comment before adopted rules are filed
16 with the Secretary of State. Nothing in this subsection shall
17 be construed to limit the right of any person to submit a
18 proposal to the Board, or the authority of the Board to adopt,
19 air quality standards more stringent than the standards
20 promulgated by the Administrator, pursuant to the rulemaking
21 requirements of Title VII of this Act and Section 5-35 of the
22 Illinois Administrative Procedure Act.

23 (Source: P.A. 97-945, eff. 8-10-12; revised 2-28-22.)

24 (415 ILCS 5/22.15)

25 Sec. 22.15. Solid Waste Management Fund; fees.

1 (a) There is hereby created within the State Treasury a
2 special fund to be known as the Solid Waste Management Fund, to
3 be constituted from the fees collected by the State pursuant
4 to this Section, from repayments of loans made from the Fund
5 for solid waste projects, from registration fees collected
6 pursuant to the Consumer Electronics Recycling Act, and from
7 amounts transferred into the Fund pursuant to Public Act
8 100-433. Moneys received by either the Agency or the
9 Department of Commerce and Economic Opportunity in repayment
10 of loans made pursuant to the Illinois Solid Waste Management
11 Act shall be 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 2023, 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, and for the administration of
23 the Consumer Electronics Recycling Act and the Drug Take-Back
24 Act.

25 (f) The Agency is authorized to enter into such agreements
26 and to promulgate such rules as are necessary to carry out its

1 duties under this Section and the Illinois Solid Waste
2 Management Act.

3 (g) On the first day of January, April, July, and October
4 of each year, beginning on July 1, 1996, the State Comptroller
5 and Treasurer shall transfer \$500,000 from the Solid Waste
6 Management Fund to the Hazardous Waste Fund. Moneys
7 transferred under this subsection (g) shall be used only for
8 the purposes set forth in item (1) of subsection (d) of Section
9 22.2.

10 (h) The Agency is authorized to provide financial
11 assistance to units of local government for the performance of
12 inspecting, investigating, and enforcement activities pursuant
13 to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous
14 solid waste disposal sites.

15 (i) The Agency is authorized to conduct household waste
16 collection and disposal programs.

17 (j) A unit of local government, as defined in the Local
18 Solid Waste Disposal Act, in which a solid waste disposal
19 facility is located may establish a fee, tax, or surcharge
20 with regard to the permanent disposal of solid waste. All
21 fees, taxes, and surcharges collected under this subsection
22 shall be utilized for solid waste management purposes,
23 including long-term monitoring and maintenance of landfills,
24 planning, implementation, inspection, enforcement and other
25 activities consistent with the Solid Waste Management Act and
26 the Local Solid Waste Disposal Act, or for any other

1 environment-related purpose, including, but not limited to, an
2 environment-related public works project, but not for the
3 construction of a new pollution control facility other than a
4 household hazardous waste facility. However, the total fee,
5 tax or surcharge imposed by all units of local government
6 under this subsection (j) upon the solid waste disposal
7 facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic
9 yards of non-hazardous solid waste is permanently disposed
10 of at the site in a calendar year, unless the owner or
11 operator weighs the quantity of the solid waste received
12 with a device for which certification has been obtained
13 under the Weights and Measures Act, in which case the fee
14 shall not exceed \$1.27 per ton of solid waste permanently
15 disposed of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not
17 more than 150,000 cubic yards, of non-hazardous waste is
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not
20 more than 100,000 cubic yards, of non-hazardous solid
21 waste is permanently disposed of at the site in a calendar
22 year.

23 (4) \$4,650 if more than 10,000 cubic yards, but not
24 more than 50,000 cubic yards, of non-hazardous solid waste
25 is permanently disposed of at the site in a calendar year.

26 (5) \$650 if not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at
2 the site in a calendar year.

3 The corporate authorities of the unit of local government
4 may use proceeds from the fee, tax, or surcharge to reimburse a
5 highway commissioner whose road district lies wholly or
6 partially within the corporate limits of the unit of local
7 government for expenses incurred in the removal of
8 nonhazardous, nonfluid municipal waste that has been dumped on
9 public property in violation of a State law or local
10 ordinance.

11 For the disposal of solid waste from general construction
12 or demolition debris recovery facilities as defined in
13 subsection (a-1) of Section 3.160, the total fee, tax, or
14 surcharge imposed by all units of local government under this
15 subsection (j) upon the solid waste disposal facility shall
16 not exceed 50% of the applicable amount set forth above. A unit
17 of local government, as defined in the Local Solid Waste
18 Disposal Act, in which a general construction or demolition
19 debris recovery facility is located may establish a fee, tax,
20 or surcharge on the general construction or demolition debris
21 recovery facility with regard to the permanent disposal of
22 solid waste by the general construction or demolition debris
23 recovery facility at a solid waste disposal facility, provided
24 that such fee, tax, or surcharge shall not exceed 50% of the
25 applicable amount set forth above, based on the total amount
26 of solid waste transported from the general construction or

1 demolition debris recovery facility for disposal at solid
2 waste disposal facilities, and the unit of local government
3 and fee shall be subject to all other requirements of this
4 subsection (j).

5 A county or Municipal Joint Action Agency that imposes a
6 fee, tax, or surcharge under this subsection may use the
7 proceeds thereof to reimburse a municipality that lies wholly
8 or partially within its boundaries for expenses incurred in
9 the removal of nonhazardous, nonfluid municipal waste that has
10 been dumped on public property in violation of a State law or
11 local ordinance.

12 If the fees are to be used to conduct a local sanitary
13 landfill inspection or enforcement program, the unit of local
14 government must enter into a written delegation agreement with
15 the Agency pursuant to subsection (r) of Section 4. The unit of
16 local government and the Agency shall enter into such a
17 written delegation agreement within 60 days after the
18 establishment of such fees. At least annually, the Agency
19 shall conduct an audit of the expenditures made by units of
20 local government from the funds granted by the Agency to the
21 units of local government for purposes of local sanitary
22 landfill inspection and enforcement programs, to ensure that
23 the funds have been expended for the prescribed purposes under
24 the grant.

25 The fees, taxes or surcharges collected under this
26 subsection (j) shall be placed by the unit of local government

1 in a separate fund, and the interest received on the moneys in
2 the fund shall be credited to the fund. The monies in the fund
3 may be accumulated over a period of years to be expended in
4 accordance with this subsection.

5 A unit of local government, as defined in the Local Solid
6 Waste Disposal Act, shall prepare and post on its website, in
7 April of each year, a report that details spending plans for
8 monies collected in accordance with this subsection. The
9 report will at a minimum include the following:

10 (1) The total monies collected pursuant to this
11 subsection.

12 (2) The most current balance of monies collected
13 pursuant to this subsection.

14 (3) An itemized accounting of all monies expended for
15 the previous year pursuant to this subsection.

16 (4) An estimation of monies to be collected for the
17 following 3 years pursuant to this subsection.

18 (5) A narrative detailing the general direction and
19 scope of future expenditures for one, 2 and 3 years.

20 The exemptions granted under Sections 22.16 and 22.16a,
21 and under subsection (k) of this Section, shall be applicable
22 to any fee, tax or surcharge imposed under this subsection
23 (j); except that the fee, tax or surcharge authorized to be
24 imposed under this subsection (j) may be made applicable by a
25 unit of local government to the permanent disposal of solid
26 waste after December 31, 1986, under any contract lawfully

1 executed before June 1, 1986 under which more than 150,000
2 cubic yards (or 50,000 tons) of solid waste is to be
3 permanently disposed of, even though the waste is exempt from
4 the fee imposed by the State under subsection (b) of this
5 Section pursuant to an exemption granted under Section 22.16.

6 (k) In accordance with the findings and purposes of the
7 Illinois Solid Waste Management Act, beginning January 1, 1989
8 the fee under subsection (b) and the fee, tax or surcharge
9 under subsection (j) shall not apply to:

10 (1) waste which is hazardous waste;

11 (2) waste which is pollution control waste;

12 (3) waste from recycling, reclamation or reuse
13 processes which have been approved by the Agency as being
14 designed to remove any contaminant from wastes so as to
15 render such wastes reusable, provided that the process
16 renders at least 50% of the waste reusable; the exemption
17 set forth in this paragraph (3) of this subsection (k)
18 shall not apply to general construction or demolition
19 debris recovery facilities as defined in subsection (a-1)
20 of Section 3.160;

21 (4) non-hazardous solid waste that is received at a
22 sanitary landfill and composted or recycled through a
23 process permitted by the Agency; or

24 (5) any landfill which is permitted by the Agency to
25 receive only demolition or construction debris or
26 landscape waste.

1 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
2 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
3 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;
4 102-1055, eff. 6-10-22; revised 8-25-22.)

5 (415 ILCS 5/22.59)

6 Sec. 22.59. CCR surface impoundments.

7 (a) The General Assembly finds that:

8 (1) the State of Illinois has a long-standing policy
9 to restore, protect, and enhance the environment,
10 including the purity of the air, land, and waters,
11 including groundwaters, of this State;

12 (2) a clean environment is essential to the growth and
13 well-being of this State;

14 (3) CCR generated by the electric generating industry
15 has caused groundwater contamination and other forms of
16 pollution at active and inactive plants throughout this
17 State;

18 (4) environmental laws should be supplemented to
19 ensure consistent, responsible regulation of all existing
20 CCR surface impoundments; and

21 (5) meaningful participation of State residents,
22 especially vulnerable populations who may be affected by
23 regulatory actions, is critical to ensure that
24 environmental justice considerations are incorporated in
25 the development of, decision-making related to, and

1 implementation of environmental laws and rulemaking that
2 protects and improves the well-being of communities in
3 this State that bear disproportionate burdens imposed by
4 environmental pollution.

5 Therefore, the purpose of this Section is to promote a
6 healthful environment, including clean water, air, and land,
7 meaningful public involvement, and the responsible disposal
8 and storage of coal combustion residuals, so as to protect
9 public health and to prevent pollution of the environment of
10 this State.

11 The provisions of this Section shall be liberally
12 construed to carry out the purposes of this Section.

13 (b) No person shall:

14 (1) cause or allow the discharge of any contaminants
15 from a CCR surface impoundment into the environment so as
16 to cause, directly or indirectly, a violation of this
17 Section or any regulations or standards adopted by the
18 Board under this Section, either alone or in combination
19 with contaminants from other sources;

20 (2) construct, install, modify, operate, or close any
21 CCR surface impoundment without a permit granted by the
22 Agency, or so as to violate any conditions imposed by such
23 permit, any provision of this Section or any regulations
24 or standards adopted by the Board under this Section;

25 (3) cause or allow, directly or indirectly, the
26 discharge, deposit, injection, dumping, spilling, leaking,

1 or placing of any CCR upon the land in a place and manner
2 so as to cause or tend to cause a violation of this Section
3 or any regulations or standards adopted by the Board under
4 this Section; or

5 (4) construct, install, modify, or close a CCR surface
6 impoundment in accordance with a permit issued under this
7 Act without certifying to the Agency that all contractors,
8 subcontractors, and installers utilized to construct,
9 install, modify, or close a CCR surface impoundment are
10 participants in:

11 (A) a training program that is approved by and
12 registered with the United States Department of
13 Labor's Employment and Training Administration and
14 that includes instruction in erosion control and
15 environmental remediation; and

16 (B) a training program that is approved by and
17 registered with the United States Department of
18 Labor's Employment and Training Administration and
19 that includes instruction in the operation of heavy
20 equipment and excavation.

21 Nothing in this paragraph (4) shall be construed to
22 require providers of construction-related professional
23 services to participate in a training program approved by
24 and registered with the United States Department of
25 Labor's Employment and Training Administration.

26 In this paragraph (4), "construction-related

1 professional services" includes, but is not limited to,
2 those services within the scope of: (i) the practice of
3 architecture as regulated under the Illinois Architecture
4 Practice Act of 1989; (ii) professional engineering as
5 defined in Section 4 of the Professional Engineering
6 Practice Act of 1989; (iii) the practice of a structural
7 engineer as defined in Section 4 of the Structural
8 Engineering Practice Act of 1989; or (iv) land surveying
9 under the Illinois Professional Land Surveyor Act of 1989.

10 (c) (Blank).

11 (d) Before commencing closure of a CCR surface
12 impoundment, in accordance with Board rules, the owner of a
13 CCR surface impoundment must submit to the Agency for approval
14 a closure alternatives analysis that analyzes all closure
15 methods being considered and that otherwise satisfies all
16 closure requirements adopted by the Board under this Act.
17 Complete removal of CCR, as specified by the Board's rules,
18 from the CCR surface impoundment must be considered and
19 analyzed. Section 3.405 does not apply to the Board's rules
20 specifying complete removal of CCR. The selected closure
21 method must ensure compliance with regulations adopted by the
22 Board pursuant to this Section.

23 (e) Owners or operators of CCR surface impoundments who
24 have submitted a closure plan to the Agency before May 1, 2019,
25 and who have completed closure prior to 24 months after July
26 30, 2019 (the effective date of Public Act 101-171) shall not

1 be required to obtain a construction permit for the surface
2 impoundment closure under this Section.

3 (f) Except for the State, its agencies and institutions, a
4 unit of local government, or a not-for-profit electric
5 cooperative as defined in Section 3.4 of the Electric Supplier
6 Act, any person who owns or operates a CCR surface impoundment
7 in this State shall post with the Agency a performance bond or
8 other security for the purpose of: (i) ensuring closure of the
9 CCR surface impoundment and post-closure care in accordance
10 with this Act and its rules; and (ii) ensuring remediation of
11 releases from the CCR surface impoundment. The only acceptable
12 forms of financial assurance are: a trust fund, a surety bond
13 guaranteeing payment, a surety bond guaranteeing performance,
14 or an irrevocable letter of credit.

15 (1) The cost estimate for the post-closure care of a
16 CCR surface impoundment shall be calculated using a
17 30-year post-closure care period or such longer period as
18 may be approved by the Agency under Board or federal
19 rules.

20 (2) The Agency is authorized to enter into such
21 contracts and agreements as it may deem necessary to carry
22 out the purposes of this Section. Neither the State, nor
23 the Director, nor any State employee shall be liable for
24 any damages or injuries arising out of or resulting from
25 any action taken under this Section.

26 (3) The Agency shall have the authority to approve or

1 disapprove any performance bond or other security posted
2 under this subsection. Any person whose performance bond
3 or other security is disapproved by the Agency may contest
4 the disapproval as a permit denial appeal pursuant to
5 Section 40.

6 (g) The Board shall adopt rules establishing construction
7 permit requirements, operating permit requirements, design
8 standards, reporting, financial assurance, and closure and
9 post-closure care requirements for CCR surface impoundments.
10 Not later than 8 months after July 30, 2019 (the effective date
11 of Public Act 101-171) the Agency shall propose, and not later
12 than one year after receipt of the Agency's proposal the Board
13 shall adopt, rules under this Section. The Board shall not be
14 deemed in noncompliance with the rulemaking deadline due to
15 delays in adopting rules as a result of the Joint Committee
16 ~~Commission~~ on Administrative Rules oversight process. The
17 rules must, at a minimum:

18 (1) be at least as protective and comprehensive as the
19 federal regulations or amendments thereto promulgated by
20 the Administrator of the United States Environmental
21 Protection Agency in Subpart D of 40 CFR 257 governing CCR
22 surface impoundments;

23 (2) specify the minimum contents of CCR surface
24 impoundment construction and operating permit
25 applications, including the closure alternatives analysis
26 required under subsection (d);

1 (3) specify which types of permits include
2 requirements for closure, post-closure, remediation and
3 all other requirements applicable to CCR surface
4 impoundments;

5 (4) specify when permit applications for existing CCR
6 surface impoundments must be submitted, taking into
7 consideration whether the CCR surface impoundment must
8 close under the RCRA;

9 (5) specify standards for review and approval by the
10 Agency of CCR surface impoundment permit applications;

11 (6) specify meaningful public participation procedures
12 for the issuance of CCR surface impoundment construction
13 and operating permits, including, but not limited to,
14 public notice of the submission of permit applications, an
15 opportunity for the submission of public comments, an
16 opportunity for a public hearing prior to permit issuance,
17 and a summary and response of the comments prepared by the
18 Agency;

19 (7) prescribe the type and amount of the performance
20 bonds or other securities required under subsection (f),
21 and the conditions under which the State is entitled to
22 collect moneys from such performance bonds or other
23 securities;

24 (8) specify a procedure to identify areas of
25 environmental justice concern in relation to CCR surface
26 impoundments;

1 (9) specify a method to prioritize CCR surface
2 impoundments required to close under RCRA if not otherwise
3 specified by the United States Environmental Protection
4 Agency, so that the CCR surface impoundments with the
5 highest risk to public health and the environment, and
6 areas of environmental justice concern are given first
7 priority;

8 (10) define when complete removal of CCR is achieved
9 and specify the standards for responsible removal of CCR
10 from CCR surface impoundments, including, but not limited
11 to, dust controls and the protection of adjacent surface
12 water and groundwater; and

13 (11) describe the process and standards for
14 identifying a specific alternative source of groundwater
15 pollution when the owner or operator of the CCR surface
16 impoundment believes that groundwater contamination on the
17 site is not from the CCR surface impoundment.

18 (h) Any owner of a CCR surface impoundment that generates
19 CCR and sells or otherwise provides coal combustion byproducts
20 pursuant to Section 3.135 shall, every 12 months, post on its
21 publicly available website a report specifying the volume or
22 weight of CCR, in cubic yards or tons, that it sold or provided
23 during the past 12 months.

24 (i) The owner of a CCR surface impoundment shall post all
25 closure plans, permit applications, and supporting
26 documentation, as well as any Agency approval of the plans or

1 applications, on its publicly available website.

2 (j) The owner or operator of a CCR surface impoundment
3 shall pay the following fees:

4 (1) An initial fee to the Agency within 6 months after
5 July 30, 2019 (the effective date of Public Act 101-171)
6 of:

7 \$50,000 for each closed CCR surface impoundment;

8 and

9 \$75,000 for each CCR surface impoundment that have
10 not completed closure.

11 (2) Annual fees to the Agency, beginning on July 1,
12 2020, of:

13 \$25,000 for each CCR surface impoundment that has
14 not completed closure; and

15 \$15,000 for each CCR surface impoundment that has
16 completed closure, but has not completed post-closure
17 care.

18 (k) All fees collected by the Agency under subsection (j)
19 shall be deposited into the Environmental Protection Permit
20 and Inspection Fund.

21 (l) The Coal Combustion Residual Surface Impoundment
22 Financial Assurance Fund is created as a special fund in the
23 State treasury. Any moneys forfeited to the State of Illinois
24 from any performance bond or other security required under
25 this Section shall be placed in the Coal Combustion Residual
26 Surface Impoundment Financial Assurance Fund and shall, upon

1 approval by the Governor and the Director, be used by the
2 Agency for the purposes for which such performance bond or
3 other security was issued. The Coal Combustion Residual
4 Surface Impoundment Financial Assurance Fund is not subject to
5 the provisions of subsection (c) of Section 5 of the State
6 Finance Act.

7 (m) The provisions of this Section shall apply, without
8 limitation, to all existing CCR surface impoundments and any
9 CCR surface impoundments constructed after July 30, 2019 (the
10 effective date of Public Act 101-171), except to the extent
11 prohibited by the Illinois or United States Constitutions.

12 (Source: P.A. 101-171, eff. 7-30-19; 102-16, eff. 6-17-21;
13 102-137, eff. 7-23-21; 102-309, eff. 8-6-21; 102-558, eff.
14 8-20-21; 102-662, eff. 9-15-21; 102-813, eff. 5-13-22; revised
15 8-24-22.)

16 Section 605. The Illinois Pesticide Act is amended by
17 changing Section 4 as follows:

18 (415 ILCS 60/4) (from Ch. 5, par. 804)

19 Sec. 4. Definitions. As used in this Act:

20 1. "Director" means Director of the Illinois Department of
21 Agriculture or his authorized representative.

22 2. "Active Ingredient" means any ingredient which will
23 prevent, destroy, repel, control or mitigate a pest or which
24 will act as a plant regulator, defoliant or desiccant.

1 3. "Adulterated" shall apply to any pesticide if the
2 strength or purity is not within the standard of quality
3 expressed on the labeling under which it is sold, distributed
4 or used, including any substance which has been substituted
5 wholly or in part for the pesticide as specified on the
6 labeling under which it is sold, distributed or used, or if any
7 valuable constituent of the pesticide has been wholly or in
8 part abstracted.

9 4. "Agricultural Commodity" means produce of the land,
10 including, but not limited to, plants and plant parts,
11 livestock and poultry and livestock or poultry products,
12 seeds, sod, shrubs and other products of agricultural origin
13 including the premises necessary to and used directly in
14 agricultural production. Agricultural commodity also includes
15 aquatic products, including any aquatic plants and animals or
16 their by-products that are produced, grown, managed, harvested
17 and marketed on an annual, semi-annual, biennial or short-term
18 basis, in permitted aquaculture facilities.

19 5. "Animal" means all vertebrate and invertebrate species
20 including, but not limited to, man and other mammals, birds
21 ~~bird~~, fish, and shellfish.

22 5.5. "Barrier mosquitocide" means a pesticide that is
23 formulated to kill adult mosquitoes and that is applied so as
24 to leave a residual mosquitocidal coating on natural or
25 manmade surfaces. "Barrier mosquitocide" does not include a
26 product that is exempt from registration under the Federal

1 Insecticide, Fungicide, and Rodenticide Act, or rules adopted
2 pursuant to that Act.

3 5.6. "Barrier mosquitocide treatment" means application of
4 a barrier mosquitocide to a natural or manmade surface.

5 6. "Beneficial Insects" means those insects which during
6 their life cycle are effective pollinators of plants,
7 predators of pests or are otherwise beneficial.

8 7. "Certified applicator".

9 A. "Certified applicator" means any individual who is
10 certified under this Act to purchase, use, or supervise
11 the use of pesticides which are classified for restricted
12 use.

13 B. "Private applicator" means a certified applicator
14 who purchases, uses, or supervises the use of any
15 pesticide classified for restricted use, for the purpose
16 of producing any agricultural commodity on property owned,
17 rented, or otherwise controlled by him or his employer, or
18 applied to other property if done without compensation
19 other than trading of personal services between no more
20 than 2 producers of agricultural commodities.

21 C. "Licensed Commercial Applicator" means a certified
22 applicator, whether or not he is a private applicator with
23 respect to some uses, who owns or manages a business that
24 is engaged in applying pesticides, whether classified for
25 general or restricted use, for hire. The term also applies
26 to a certified applicator who uses or supervises the use

1 of pesticides, whether classified for general or
2 restricted use, for any purpose or on property of others
3 excluding those specified by subparagraphs 7 (B), (D), (E)
4 of Section 4 of this Act.

5 D. "Commercial Not For Hire Applicator" means a
6 certified applicator who uses or supervises the use of
7 pesticides classified for general or restricted use for
8 any purpose on property of an employer when such activity
9 is a requirement of the terms of employment and such
10 application of pesticides under this certification is
11 limited to property under the control of the employer only
12 and includes, but is not limited to, the use or
13 supervision of the use of pesticides in a greenhouse
14 setting. "Commercial Not For Hire Applicator" also
15 includes a certified applicator who uses or supervises the
16 use of pesticides classified for general or restricted use
17 as an employee of a state agency, municipality, or other
18 duly constituted governmental agency or unit.

19 8. "Defoliant" means any substance or combination of
20 substances which cause leaves or foliage to drop from a plant
21 with or without causing abscission.

22 9. "Desiccant" means any substance or combination of
23 substances intended for artificially accelerating the drying
24 of plant tissue.

25 10. "Device" means any instrument or contrivance, other
26 than a firearm or equipment for application of pesticides when

1 sold separately from pesticides, which is intended for
2 trapping, repelling, destroying, or mitigating any pest, other
3 than bacteria, virus, or other microorganisms on or living in
4 man or other living animals.

5 11. "Distribute" means offer or hold for sale, sell,
6 barter, ship, deliver for shipment, receive and then deliver,
7 or offer to deliver pesticides, within the State.

8 12. "Environment" includes water, air, land, and all
9 plants and animals including man, living therein and the
10 interrelationships which exist among these.

11 13. "Equipment" means any type of instruments and
12 contrivances using motorized, mechanical or pressure power
13 which is used to apply any pesticide, excluding pressurized
14 hand-size household apparatus containing dilute ready to apply
15 pesticide or used to apply household pesticides.

16 14. "FIFRA" means the Federal Insecticide, Fungicide, and
17 Rodenticide Act, as amended.

18 15. "Fungi" means any non-chlorophyll bearing
19 thallophytes, any non-chlorophyll bearing plant of a lower
20 order than mosses or liverworts, as for example rust, smut,
21 mildew, mold, yeast and bacteria, except those on or in living
22 animals including man and those on or in processed foods,
23 beverages or pharmaceuticals.

24 16. "Household Substance" means any pesticide customarily
25 produced and distributed for use by individuals in or about
26 the household.

1 17. "Imminent Hazard" means a situation which exists when
2 continued use of a pesticide would likely result in
3 unreasonable adverse effects ~~effect~~ on the environment or will
4 involve unreasonable hazard to the survival of a species
5 declared endangered by the U.S. Secretary of the Interior or
6 to species declared to be protected by the Illinois Department
7 of Natural Resources.

8 18. "Inert Ingredient" means an ingredient which is not an
9 active ingredient.

10 19. "Ingredient Statement" means a statement of the name
11 and percentage of each active ingredient together with the
12 total percentage of inert ingredients in a pesticide and for
13 pesticides containing arsenic in any form, the ingredient
14 statement shall include percentage of total and water soluble
15 arsenic, each calculated as elemental arsenic. In the case of
16 spray adjuvants the ingredient statement need contain only the
17 names of the functioning agents and the total percent of those
18 constituents ineffective as spray adjuvants.

19 20. "Insect" means any of the numerous small invertebrate
20 animals generally having the body more or less obviously
21 segmented for the most part belonging to the class Insects,
22 comprised of six-legged, usually winged forms, as for example
23 beetles, caterpillars, and flies. This definition encompasses
24 other allied classes of arthropods whose members are wingless
25 and usually have more than 6 legs as for example spiders,
26 mites, ticks, centipedes, and millipedes.

1 21. "Label" means the written, printed or graphic matter
2 on or attached to the pesticide or device or any of its
3 containers or wrappings.

4 22. "Labeling" means the label and all other written,
5 printed or graphic matter: (a) on the pesticide or device or
6 any of its containers or wrappings, (b) accompanying the
7 pesticide or device or referring to it in any other media used
8 to disseminate information to the public, (c) to which
9 reference is made to the pesticide or device except when
10 references are made to current official publications of the U.
11 S. Environmental Protection Agency, Departments of
12 Agriculture, Health, Education and Welfare or other Federal
13 Government institutions, the state experiment station or
14 colleges of agriculture or other similar state institution
15 authorized to conduct research in the field of pesticides.

16 23. "Land" means all land and water area including
17 airspace, and all plants, animals, structures, buildings,
18 contrivances, and machinery appurtenant thereto or situated
19 thereon, fixed or mobile, including any used for
20 transportation.

21 24. "Licensed Operator" means a person employed to apply
22 pesticides to the lands of others under the direction of a
23 "licensed commercial applicator" or a "licensed commercial
24 not-for-hire applicator".

25 25. "Nematode" means invertebrate animals of the phylum
26 nemathelminthes and class nematoda, also referred to as nemas

1 or eelworms, which are unsegmented roundworms with elongated
2 fusiform or sac-like bodies covered with cuticle and
3 inhabiting soil, water, plants or plant parts.

4 26. "Permit" means a written statement issued by the
5 Director or his authorized agent, authorizing certain acts of
6 pesticide purchase or of pesticide use or application on an
7 interim basis prior to normal certification, registration, or
8 licensing.

9 27. "Person" means any individual, partnership,
10 association, fiduciary, corporation, or any organized group of
11 persons whether incorporated or not.

12 28. "Pest" means (a) any insect, rodent, nematode, fungus,
13 weed, or (b) any other form of terrestrial or aquatic plant or
14 animal life or virus, bacteria, or other microorganism,
15 excluding virus, bacteria, or other microorganism on or in
16 living animals including man, which the Director declares to
17 be a pest.

18 29. "Pesticide" means any substance or mixture of
19 substances intended for preventing, destroying, repelling, or
20 mitigating any pest or any substance or mixture of substances
21 intended for use as a plant regulator, defoliant or desiccant.

22 30. "Pesticide Dealer" means any person who distributes
23 registered pesticides to the user.

24 31. "Plant Regulator" means any substance or mixture of
25 substances intended through physiological action to affect the
26 rate of growth or maturation or otherwise alter the behavior

1 of ornamental or crop plants or the produce thereof. This does
2 not include substances which are not intended as plant
3 nutrient trace elements, nutritional chemicals, plant or seed
4 inoculants or soil conditioners or amendments.

5 32. "Protect Health and Environment" means to guard
6 against any unreasonable adverse effects on the environment.

7 33. "Registrant" means a person who has registered any
8 pesticide pursuant to the provision of FIFRA and this Act.

9 34. "Restricted Use Pesticide" means any pesticide with
10 one or more of its uses classified as restricted by order of
11 the Administrator of USEPA.

12 35. "SLN Registration" means registration of a pesticide
13 for use under conditions of special local need as defined by
14 FIFRA.

15 36. "State Restricted Pesticide Use" means any pesticide
16 use which the Director determines, subsequent to public
17 hearing, that an additional restriction for that use is needed
18 to prevent unreasonable adverse effects.

19 37. "Structural Pest" means any pests which attack and
20 destroy buildings and other structures or which attack
21 clothing, stored food, commodities stored at food
22 manufacturing and processing facilities or manufactured and
23 processed goods.

24 38. "Unreasonable Adverse Effects on the Environment"
25 means the unreasonable risk to the environment, including man,
26 from the use of any pesticide, when taking into account

1 accrued benefits of as well as the economic, social, and
2 environmental costs of its use.

3 39. "USEPA" means United States Environmental Protection
4 Agency.

5 40. "Use inconsistent with the label" means to use a
6 pesticide in a manner not consistent with the label
7 instruction, the definition adopted in FIFRA as interpreted by
8 USEPA shall apply in Illinois.

9 41. "Weed" means any plant growing in a place where it is
10 not wanted.

11 42. "Wildlife" means all living things, not human,
12 domestic, or pests.

13 43. "Bulk pesticide" means any registered pesticide which
14 is transported or held in an individual container in undivided
15 quantities of greater than 55 U.S. gallons liquid measure or
16 100 pounds net dry weight.

17 44. "Bulk repackaging" means the transfer of a registered
18 pesticide from one bulk container (containing undivided
19 quantities of greater than 100 U.S. gallons liquid measure or
20 100 pounds net dry weight) to another bulk container
21 (containing undivided quantities of greater than 100 U.S.
22 gallons liquid measure or 100 pounds net dry weight) in an
23 unaltered state in preparation for sale or distribution to
24 another person.

25 45. "Business" means any individual, partnership,
26 corporation or association engaged in a business operation for

1 the purpose of selling or distributing pesticides or providing
2 the service of application of pesticides in this State.

3 46. "Facility" means any building or structure and all
4 real property contiguous thereto, including all equipment
5 fixed thereon used for the operation of the business.

6 47. "Chemigation" means the application of a pesticide
7 through the systems or equipment employed for the primary
8 purpose of irrigation of land and crops.

9 48. "Use" means any activity covered by the pesticide
10 label, including, but not limited to, application of
11 pesticide, mixing and loading, storage of pesticides or
12 pesticide containers, disposal of pesticides and pesticide
13 containers and reentry into treated sites or areas.

14 (Source: P.A. 102-555, eff. 1-1-22; 102-916, eff. 1-1-23;
15 revised 2-5-23.)

16 Section 610. The Drycleaner Environmental Response Trust
17 Fund Act is amended by changing Section 45 as follows:

18 (415 ILCS 135/45)

19 Sec. 45. Insurance account.

20 (a) The insurance account shall offer financial assurance
21 for a qualified owner or operator of a drycleaning facility
22 under the terms and conditions provided for under this
23 Section. Coverage may be provided to either the owner or the
24 operator of a drycleaning facility. Neither the Agency nor the

1 Council is required to resolve whether the owner or operator,
2 or both, are responsible for a release under the terms of an
3 agreement between the owner and operator.

4 (b) The source of funds for the insurance account shall be
5 as follows:

6 (1) moneys allocated to the insurance account;

7 (2) moneys collected as an insurance premium,
8 including service fees, if any; and

9 (3) investment income attributed to the insurance
10 account.

11 (c) An owner or operator may purchase coverage of up to
12 \$500,000 per drycleaning facility subject to the terms and
13 conditions under this Section and those adopted by the Council
14 before July 1, 2020 or by the Board on or after that date.
15 Coverage shall be limited to remedial action costs associated
16 with soil and groundwater contamination resulting from a
17 release of drycleaning solvent at an insured drycleaning
18 facility, including third-party liability for soil and
19 groundwater contamination. Coverage is not provided for a
20 release that occurred before the date of coverage.

21 (d) An owner or operator, subject to underwriting
22 requirements and terms and conditions deemed necessary and
23 convenient by the Council for periods before July 1, 2020 and
24 subject to terms and conditions deemed necessary and
25 convenient by the Board for periods on or after that date, may
26 purchase insurance coverage from the insurance account

1 provided that:

2 (1) a site investigation designed to identify soil and
3 groundwater contamination resulting from the release of a
4 drycleaning solvent has been completed for the drycleaning
5 facility to be insured and the site investigation has been
6 found adequate by the Council before July 1, 2020 or by the
7 Agency on or after that date;

8 (2) the drycleaning facility is participating in and
9 meets all drycleaning compliance program requirements
10 adopted by the Board pursuant to Section 12 of this Act;

11 (3) the drycleaning facility to be insured is licensed
12 under Section 60 of this Act and all fees due under that
13 Section have been paid;

14 (4) the owner or operator of the drycleaning facility
15 to be insured provides proof to the Agency or Council
16 that:

17 (A) all drycleaning solvent wastes generated at
18 the facility are managed in accordance with applicable
19 State waste management laws and rules;

20 (B) there is no discharge of wastewater from
21 drycleaning machines, or of drycleaning solvent from
22 drycleaning operations, to a sanitary sewer or septic
23 tank, to the surface, or in groundwater;

24 (C) the facility has a containment dike or other
25 containment structure around each machine, item of
26 equipment, drycleaning area, and portable waste

1 container in which any drycleaning solvent is
2 utilized, that is capable of containing leaks, spills,
3 or releases of drycleaning solvent from that machine,
4 item, area, or container, including: (i) 100% of the
5 drycleaning solvent in the largest tank or vessel;
6 (ii) 100% of the drycleaning solvent of each item of
7 drycleaning equipment; and (iii) 100% of the
8 drycleaning solvent of the largest portable waste
9 container or at least 10% of the total volume of the
10 portable waste containers stored within the
11 containment dike or structure, whichever is greater;

12 (D) those portions of diked floor surfaces at the
13 facility on which a drycleaning solvent may leak,
14 spill, or otherwise be released are sealed or
15 otherwise rendered impervious;

16 (E) all drycleaning solvent is delivered to the
17 facility by means of closed, direct-coupled delivery
18 systems; and

19 (F) the drycleaning facility is in compliance with
20 paragraph (2) of this subsection (d) ~~of this Section~~;
21 and

22 (5) the owner or operator of the drycleaning facility
23 to be insured has paid all insurance premiums for
24 insurance coverage provided under this Section.

25 Petroleum underground storage tank systems that are in
26 compliance with applicable USEPA and State Fire Marshal rules,

1 including, but not limited to, leak detection system rules,
2 are exempt from the secondary containment requirement in
3 subparagraph (C) of paragraph (4) ~~(3)~~ of this subsection (d).

4 (e) The annual premium for insurance coverage shall be:

5 (1) For the year July 1, 1999 through June 30, 2000,
6 \$250 per drycleaning facility.

7 (2) For the year July 1, 2000 through June 30, 2001,
8 \$375 per drycleaning facility.

9 (3) For the year July 1, 2001 through June 30, 2002,
10 \$500 per drycleaning facility.

11 (4) For the year July 1, 2002 through June 30, 2003,
12 \$625 per drycleaning facility.

13 (5) For each subsequent program year through the
14 program year ending June 30, 2019, an owner or operator
15 applying for coverage shall pay an annual actuarially
16 sound ~~actuarially sound~~ insurance premium for coverage by
17 the insurance account. The Council may approve Fund
18 coverage through the payment of a premium established on
19 an actuarially sound ~~actuarially sound~~ basis, taking into
20 consideration the risk to the insurance account presented
21 by the insured. Risk factor adjustments utilized to
22 determine actuarially sound ~~actuarially sound~~ insurance
23 premiums should reflect the range of risk presented by the
24 variety of drycleaning systems, monitoring systems,
25 drycleaning volume, risk management practices, and other
26 factors as determined by the Council. As used in this

1 item, "actuarially sound" is not limited to Fund premium
2 revenue equaling or exceeding Fund expenditures for the
3 general drycleaning facility population. Actuarially
4 determined ~~Actuarially determined~~ premiums shall be
5 published at least 180 days prior to the premiums becoming
6 effective.

7 (6) For the year July 1, 2020 through June 30, 2021,
8 and for subsequent years through June 30, 2029, \$1,500 per
9 drycleaning facility per year.

10 (7) For July 1, 2029 through January 1, 2030, \$750 per
11 drycleaning facility.

12 (e-5) (Blank).

13 (e-6) (Blank).

14 (f) If coverage is purchased for any part of a year, the
15 purchaser shall pay the full annual premium. Until July 1,
16 2020, the insurance premium is fully earned upon issuance of
17 the insurance policy. Beginning July 1, 2020, coverage first
18 commences for a purchaser only after payment of the full
19 annual premium due for the applicable program year.

20 (g) Any insurance coverage provided under this Section
21 shall be subject to a \$10,000 deductible.

22 (h) A future repeal of this Section shall not terminate
23 the obligations under this Section or authority necessary to
24 administer the obligations until the obligations are
25 satisfied, including, but not limited to, the payment of
26 claims filed prior to the effective date of any future repeal

1 against the insurance account until moneys in the account are
2 exhausted. Upon exhaustion of the moneys in the account, any
3 remaining claims shall be invalid. If moneys remain in the
4 account following satisfaction of the obligations under this
5 Section, the remaining moneys in and moneys due to the account
6 shall be deposited in the remedial action account.

7 (Source: P.A. 101-400, eff. 12-31-19 (See Section 5 of P.A.
8 101-605 for effective date of P.A. 101-400); 101-605, eff.
9 12-31-19; revised 6-1-22.)

10 Section 615. The Illinois Nuclear Safety Preparedness Act
11 is amended by changing Section 8 as follows:

12 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

13 Sec. 8. (a) The Illinois Nuclear Safety Preparedness
14 Program shall consist of an assessment of the potential
15 nuclear accidents, their radiological consequences, and the
16 necessary protective actions required to mitigate the effects
17 of such accidents. It shall include, but not necessarily be
18 limited to:

19 (1) Development of a remote effluent monitoring system
20 capable of reliably detecting and quantifying accidental
21 radioactive releases from nuclear power plants to the
22 environment;

23 (2) Development of an environmental monitoring program
24 for nuclear facilities other than nuclear power plants;

1 (3) Development of procedures for radiological
2 assessment and radiation exposure control for areas
3 surrounding each nuclear facility in Illinois;

4 (4) Radiological training of State ~~state~~ and local
5 emergency response personnel in accordance with the
6 Agency's responsibilities under the program;

7 (5) Participation in the development of accident
8 scenarios and in the exercising of fixed facility nuclear
9 emergency response plans;

10 (6) Development of mitigative emergency planning
11 standards including, but not limited to, standards
12 pertaining to evacuations, re-entry into evacuated areas,
13 contaminated foodstuffs and contaminated water supplies;

14 (7) Provision of specialized response equipment
15 necessary to accomplish this task;

16 (8) Implementation of the Boiler and Pressure Vessel
17 Safety program at nuclear steam-generating facilities as
18 mandated by Section 2005-35 of the Department of Nuclear
19 Safety Law, or its successor statute;

20 (9) Development and implementation of a plan for
21 inspecting and escorting all shipments of spent nuclear
22 fuel, high-level radioactive waste, transuranic waste, and
23 highway route controlled quantities of radioactive
24 materials in Illinois; ~~and~~

25 (10) Implementation of the program under the Illinois
26 Nuclear Facility Safety Act; and ~~and~~.

1 (11) Development and implementation of a
2 radiochemistry laboratory capable of preparing
3 environmental samples, performing analyses,
4 quantification, and reporting for assessment and radiation
5 exposure control due to accidental radioactive releases
6 from nuclear power plants into the environment.

7 (b) The Agency may incorporate data collected by the
8 operator of a nuclear facility into the Agency's remote
9 monitoring system.

10 (c) The owners of each nuclear power reactor in Illinois
11 shall provide the Agency all system status signals which
12 initiate Emergency Action Level Declarations, actuate accident
13 mitigation and provide mitigation verification as directed by
14 the Agency. The Agency shall designate by rule those system
15 status signals that must be provided. Signals providing
16 indication of operating power level shall also be provided.
17 The owners of the nuclear power reactors shall, at their
18 expense, ensure that valid signals will be provided
19 continuously 24 hours a day.

20 All such signals shall be provided in a manner and at a
21 frequency specified by the Agency for incorporation into and
22 augmentation of the remote effluent monitoring system
23 specified in paragraph (1) of subsection (a) ~~(1)~~ of this
24 Section. Provision shall be made for assuring that such system
25 status and power level signals shall be available to the
26 Agency during reactor operation as well as throughout

1 accidents and subsequent recovery operations.

2 For nuclear reactors with operating licenses issued by the
3 Nuclear Regulatory Commission prior to the effective date of
4 this amendatory Act, such system status and power level
5 signals shall be provided to the Department of Nuclear Safety
6 (of which the Agency is the successor) by March 1, 1985. For
7 reactors without such a license on the effective date of this
8 amendatory Act, such signals shall be provided to the
9 Department prior to commencing initial fuel load for such
10 reactor. Nuclear reactors receiving their operating license
11 after September 7, 1984 (the effective date of Public Act
12 83-1342) ~~this amendatory Act~~, but before July 1, 1985, shall
13 provide such system status and power level signals to the
14 Department of Nuclear Safety (of which the Agency is the
15 successor) by September 1, 1985.

16 (Source: P.A. 102-133, eff. 7-23-21; revised 8-24-22.)

17 Section 620. The Firearm Owners Identification Card Act is
18 amended by changing Sections 1.1, 8.3, and 9.5 as follows:

19 (430 ILCS 65/1.1)

20 Sec. 1.1. For purposes of this Act:

21 "Addicted to narcotics" means a person who has been:

22 (1) convicted of an offense involving the use or
23 possession of cannabis, a controlled substance, or
24 methamphetamine within the past year; or

1 (2) determined by the Illinois State Police to be
2 addicted to narcotics based upon federal law or federal
3 guidelines.

4 "Addicted to narcotics" does not include possession or use
5 of a prescribed controlled substance under the direction and
6 authority of a physician or other person authorized to
7 prescribe the controlled substance when the controlled
8 substance is used in the prescribed manner.

9 "Adjudicated as a person with a mental disability" means
10 the person is the subject of a determination by a court, board,
11 commission or other lawful authority that the person, as a
12 result of marked subnormal intelligence, or mental illness,
13 mental impairment, incompetency, condition, or disease:

14 (1) presents a clear and present danger to himself,
15 herself, or to others;

16 (2) lacks the mental capacity to manage his or her own
17 affairs or is adjudicated a person with a disability as
18 defined in Section 11a-2 of the Probate Act of 1975;

19 (3) is not guilty in a criminal case by reason of
20 insanity, mental disease or defect;

21 (3.5) is guilty but mentally ill, as provided in
22 Section 5-2-6 of the Unified Code of Corrections;

23 (4) is incompetent to stand trial in a criminal case;

24 (5) is not guilty by reason of lack of mental
25 responsibility under Articles 50a and 72b of the Uniform
26 Code of Military Justice, 10 U.S.C. 850a, 876b;

1 (6) is a sexually violent person under subsection (f)
2 of Section 5 of the Sexually Violent Persons Commitment
3 Act;

4 (7) is a sexually dangerous person under the Sexually
5 Dangerous Persons Act;

6 (8) is unfit to stand trial under the Juvenile Court
7 Act of 1987;

8 (9) is not guilty by reason of insanity under the
9 Juvenile Court Act of 1987;

10 (10) is subject to involuntary admission as an
11 inpatient as defined in Section 1-119 of the Mental Health
12 and Developmental Disabilities Code;

13 (11) is subject to involuntary admission as an
14 outpatient as defined in Section 1-119.1 of the Mental
15 Health and Developmental Disabilities Code;

16 (12) is subject to judicial admission as set forth in
17 Section 4-500 of the Mental Health and Developmental
18 Disabilities Code; or

19 (13) is subject to the provisions of the Interstate
20 Agreements on Sexually Dangerous Persons Act.

21 "Clear and present danger" means a person who:

22 (1) communicates a serious threat of physical violence
23 against a reasonably identifiable victim or poses a clear
24 and imminent risk of serious physical injury to himself,
25 herself, or another person as determined by a physician,
26 clinical psychologist, or qualified examiner; or

1 (2) demonstrates threatening physical or verbal
2 behavior, such as violent, suicidal, or assaultive
3 threats, actions, or other behavior, as determined by a
4 physician, clinical psychologist, qualified examiner,
5 school administrator, or law enforcement official.

6 "Clinical psychologist" has the meaning provided in
7 Section 1-103 of the Mental Health and Developmental
8 Disabilities Code.

9 "Controlled substance" means a controlled substance or
10 controlled substance analog as defined in the Illinois
11 Controlled Substances Act.

12 "Counterfeit" means to copy or imitate, without legal
13 authority, with intent to deceive.

14 "Developmental disability" means a severe, chronic
15 disability of an individual that:

16 (1) is attributable to a mental or physical impairment
17 or combination of mental and physical impairments;

18 (2) is manifested before the individual attains age
19 22;

20 (3) is likely to continue indefinitely;

21 (4) results in substantial functional limitations in 3
22 or more of the following areas of major life activity:

23 (A) Self-care.

24 (B) Receptive and expressive language.

25 (C) Learning.

26 (D) Mobility.

1 (E) Self-direction.

2 (F) Capacity for independent living.

3 (G) Economic self-sufficiency; and

4 (5) reflects the individual's need for a combination
5 and sequence of special, interdisciplinary, or generic
6 services, individualized supports, or other forms of
7 assistance that are of lifelong or extended duration and
8 are individually planned and coordinated.

9 "Federally licensed firearm dealer" means a person who is
10 licensed as a federal firearms dealer under Section 923 of the
11 federal Gun Control Act of 1968 (18 U.S.C. 923).

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

16 (1) any pneumatic gun, spring gun, paint ball gun, or
17 B-B gun which expels a single globular projectile not
18 exceeding .18 inch in diameter or which has a maximum
19 muzzle velocity of less than 700 feet per second;

20 (1.1) any pneumatic gun, spring gun, paint ball gun,
21 or B-B gun which expels breakable paint balls containing
22 washable marking colors;

23 (2) any device used exclusively for signaling or
24 safety and required or recommended by the United States
25 Coast Guard or the Interstate Commerce Commission;

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)
4 which, although designed as a weapon, the Illinois State
5 Police finds by reason of the date of its manufacture,
6 value, design, and other characteristics is primarily a
7 collector's item and is not likely to be used as a weapon.

8 "Firearm ammunition" means any self-contained cartridge or
9 shotgun shell, by whatever name known, which is designed to be
10 used or adaptable to use in a firearm; excluding, however:

11 (1) any ammunition exclusively designed for use with a
12 device used exclusively for signaling or safety and
13 required or recommended by the United States Coast Guard
14 or the Interstate Commerce Commission; and

15 (2) any ammunition designed exclusively for use with a
16 stud or rivet driver or other similar industrial
17 ammunition.

18 "Gun show" means an event or function:

19 (1) at which the sale and transfer of firearms is the
20 regular and normal course of business and where 50 or more
21 firearms are displayed, offered, or exhibited for sale,
22 transfer, or exchange; or

23 (2) at which not less than 10 gun show vendors
24 display, offer, or exhibit for sale, sell, transfer, or
25 exchange firearms.

26 "Gun show" includes the entire premises provided for an

1 event or function, including parking areas for the event or
2 function, that is sponsored to facilitate the purchase, sale,
3 transfer, or exchange of firearms as described in this
4 Section. Nothing in this definition shall be construed to
5 exclude a gun show held in conjunction with competitive
6 shooting events at the World Shooting Complex sanctioned by a
7 national governing body in which the sale or transfer of
8 firearms is authorized under subparagraph (5) of paragraph (g)
9 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

10 Unless otherwise expressly stated, "gun show" does not
11 include training or safety classes, competitive shooting
12 events, such as rifle, shotgun, or handgun matches, trap,
13 skeet, or sporting clays shoots, dinners, banquets, raffles,
14 or any other event where the sale or transfer of firearms is
15 not the primary course of business.

16 "Gun show promoter" means a person who organizes or
17 operates a gun show.

18 "Gun show vendor" means a person who exhibits, sells,
19 offers for sale, transfers, or exchanges any firearms at a gun
20 show, regardless of whether the person arranges with a gun
21 show promoter for a fixed location from which to exhibit,
22 sell, offer for sale, transfer, or exchange any firearm.

23 "Intellectual disability" means significantly subaverage
24 general intellectual functioning, existing concurrently with
25 deficits in adaptive behavior and manifested during the
26 developmental period, which is defined as before the age of

1 22, that adversely affects a child's educational performance.

2 "Involuntarily admitted" has the meaning as prescribed in
3 Sections 1-119 and 1-119.1 of the Mental Health and
4 Developmental Disabilities Code.

5 "Mental health facility" means any licensed private
6 hospital or hospital affiliate, institution, or facility, or
7 part thereof, and any facility, or part thereof, operated by
8 the State or a political subdivision thereof which provides
9 treatment of persons with mental illness and includes all
10 hospitals, institutions, clinics, evaluation facilities,
11 mental health centers, colleges, universities, long-term care
12 facilities, and nursing homes, or parts thereof, which provide
13 treatment of persons with mental illness whether or not the
14 primary purpose is to provide treatment of persons with mental
15 illness.

16 "National governing body" means a group of persons who
17 adopt rules and formulate policy on behalf of a national
18 firearm sporting organization.

19 "Noncitizen" means a person who is not a citizen of the
20 United States, but is a person who is a foreign-born person who
21 lives in the United States, has not been naturalized, and is
22 still a citizen of a foreign country.

23 "Patient" means:

24 (1) a person who is admitted as an inpatient or
25 resident of a public or private mental health facility for
26 mental health treatment under Chapter III of the Mental

1 Health and Developmental Disabilities Code as an informal
2 admission, a voluntary admission, a minor admission, an
3 emergency admission, or an involuntary admission, unless
4 the treatment was solely for an alcohol abuse disorder; or

5 (2) a person who voluntarily or involuntarily receives
6 mental health treatment as an out-patient or is otherwise
7 provided services by a public or private mental health
8 facility and who poses a clear and present danger to
9 himself, herself, or others.

10 "Physician" has the meaning as defined in Section 1-120 of
11 the Mental Health and Developmental Disabilities Code.

12 "Protective order" means any orders of protection issued
13 under the Illinois Domestic Violence Act of 1986, stalking no
14 contact orders issued under the Stalking No Contact Order Act,
15 civil no contact orders issued under the Civil No Contact
16 Order Act, and firearms restraining orders issued under the
17 Firearms Restraining Order Act or a substantially similar
18 order issued by the court of another state, tribe, or United
19 States territory or military tribunal.

20 "Qualified examiner" has the meaning provided in Section
21 1-122 of the Mental Health and Developmental Disabilities
22 Code.

23 "Sanctioned competitive shooting event" means a shooting
24 contest officially recognized by a national or state shooting
25 sport association, and includes any sight-in or practice
26 conducted in conjunction with the event.

1 "School administrator" means the person required to report
2 under the School Administrator Reporting of Mental Health
3 Clear and Present Danger Determinations Law.

4 "Stun gun or taser" has the meaning ascribed to it in
5 Section 24-1 of the Criminal Code of 2012.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
8 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

9 (430 ILCS 65/8.3)

10 Sec. 8.3. Suspension of Firearm Owner's Identification
11 Card. The Illinois State Police may suspend the Firearm
12 Owner's Identification Card of a person whose Firearm Owner's
13 Identification Card is subject to revocation and seizure under
14 this Act for the duration of the disqualification if the
15 disqualification is not a permanent ground ~~grounds~~ for
16 revocation of a Firearm Owner's Identification Card under this
17 Act. The Illinois State Police may adopt rules necessary to
18 implement this Section.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22; revised 8-24-22.)

21 (430 ILCS 65/9.5)

22 Sec. 9.5. Revocation of Firearm Owner's Identification
23 Card.

24 (a) A person who receives a revocation notice under

1 Section 9 of this Act shall, within 48 hours of receiving
2 notice of the revocation:

3 (1) surrender his or her Firearm Owner's
4 Identification Card to the local law enforcement agency
5 where the person resides or to the Illinois State Police;
6 and

7 (2) complete a Firearm Disposition Record on a form
8 prescribed by the Illinois State Police and place his or
9 her firearms in the location or with the person reported
10 in the Firearm Disposition Record. The form shall require
11 the person to disclose:

12 (A) the make, model, and serial number of each
13 firearm owned by or under the custody and control of
14 the revoked person;

15 (B) the location where each firearm will be
16 maintained during the prohibited term;

17 (C) if any firearm will be transferred to the
18 custody of another person, the name, address and
19 Firearm Owner's Identification Card number of the
20 transferee; and

21 (D) to whom his or her Firearm Owner's
22 Identification Card was surrendered.

23 Once completed, the person shall retain a copy and
24 provide a copy of the Firearm Disposition Record to the
25 Illinois State Police.

26 (b) Upon confirming through the portal created under

1 Section 2605-304 of the Illinois State Police Law of the Civil
2 Administrative Code of Illinois that the Firearm Owner's
3 Identification Card has been revoked by the Illinois State
4 Police, surrendered cards shall be destroyed by the law
5 enforcement agency receiving the cards. If a card has not been
6 revoked, the card shall be returned to the cardholder.

7 (b-5) If a court orders the surrender of a Firearm
8 ~~Firearms~~ Owner's Identification Card and accepts receipt of
9 the Card, the court shall destroy the Card and direct the
10 person whose Firearm Owner's Identification Card has been
11 surrendered to comply with paragraph (2) of subsection (a).

12 (b-10) If the person whose Firearm Owner's Identification
13 Card has been revoked has either lost or destroyed the Card,
14 the person must still comply with paragraph (2) of subsection
15 (a).

16 (b-15) A notation shall be made in the portal created
17 under Section 2605-304 of the Illinois State Police Law of the
18 Civil Administrative Code of Illinois that the revoked Firearm
19 Owner's Identification Card has been destroyed.

20 (c) If the person whose Firearm Owner's Identification
21 Card has been revoked fails to comply with the requirements of
22 this Section, the sheriff or law enforcement agency where the
23 person resides may petition the circuit court to issue a
24 warrant to search for and seize the Firearm Owner's
25 Identification Card and firearms in the possession or under
26 the custody or control of the person whose Firearm Owner's

1 Identification Card has been revoked.

2 (d) A violation of subsection (a) of this Section is a
3 Class A misdemeanor.

4 (e) The observation of a Firearm Owner's Identification
5 Card in the possession of a person whose Firearm Owner's
6 Identification Card has been revoked constitutes a sufficient
7 basis for the arrest of that person for violation of this
8 Section.

9 (f) Within 30 days after July 9, 2013 (the effective date
10 of Public Act 98-63), the Illinois State Police shall provide
11 written notice of the requirements of this Section to persons
12 whose Firearm Owner's Identification Cards have been revoked,
13 suspended, or expired and who have failed to surrender their
14 cards to the Illinois State Police.

15 (g) A person whose Firearm Owner's Identification Card has
16 been revoked and who received notice under subsection (f)
17 shall comply with the requirements of this Section within 48
18 hours of receiving notice.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22; revised 8-24-22.)

21 Section 625. The Lake Michigan Rescue Equipment Act is
22 amended by changing Section 25 as follows:

23 (430 ILCS 175/25)

24 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 25. High-incident drowning area plans. Within one
3 year after an owner's property becomes ~~becoming~~ a
4 high-incident drowning area, the owner shall update and
5 disseminate a water safety plan as well as upgrade installed
6 safety equipment as needed, which may include, but is not
7 limited to, installing equipment that automatically contacts
8 9-1-1 or other safety improvements.

9 (Source: P.A. 102-1036, eff. 6-2-23; revised 8-24-22.)

10 Section 630. The Herptiles-Herps Act is amended by
11 changing Section 100-10 as follows:

12 (510 ILCS 68/100-10)

13 Sec. 100-10. Search and seizure. Whenever any authorized
14 employee of the Department, sheriff, deputy sheriff, or other
15 peace officer ~~office~~ of the State has reason to believe that
16 any person, owner, possessor, commercial institution, pet
17 store, or reptile show vendor or attendee possesses any
18 herptile or any part or parts of a herptile contrary to the
19 provisions of this Act, including administrative rules, he or
20 she may file, or cause to be filed, a sworn complaint to that
21 effect before the circuit court and procure and execute a
22 search warrant. Upon execution of the search warrant, the
23 officer executing the search warrant shall make due return of
24 the search warrant to the court issuing the search warrant,

1 together with an inventory of all the herptiles or any part or
2 parts of a herptile taken under the search warrant. The court
3 shall then issue process against the party owning,
4 controlling, or transporting the herptile or any part of a
5 herptile seized, and upon its return shall proceed to
6 determine whether or not the herptile or any part or parts of a
7 herptile were held, possessed, or transported in violation of
8 this Act, including administrative rules. In case of a finding
9 that a herptile was illegally held, possessed, transported, or
10 sold, a judgment shall be entered against the owner or party
11 found in possession of the herptile or any part or parts of a
12 herptile for the costs of the proceeding and providing for the
13 disposition of the property seized, as provided for by this
14 Act.

15 (Source: P.A. 102-315, eff. 1-1-22; revised 2-28-22.)

16 Section 635. The Fish and Aquatic Life Code is amended by
17 changing Section 20-45 as follows:

18 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

19 Sec. 20-45. License fees for residents. Fees for licenses
20 for residents of the State of Illinois shall be as follows:

21 (a) Except as otherwise provided in this Section, for
22 sport fishing devices as defined in Section 10-95 or
23 spearing devices as defined in Section 10-110, the fee is
24 \$14.50 for individuals 16 to 64 years old, one-half of the

1 current fishing license fee for individuals age 65 or
2 older, and, commencing with the 2012 license year,
3 one-half of the current fishing license fee for resident
4 veterans of the United States Armed Forces after returning
5 from service abroad or mobilization by the President of
6 the United States as an active duty member of the United
7 States Armed Forces, the Illinois National Guard, or the
8 Reserves of the United States Armed Forces. Veterans must
9 provide to the Department acceptable verification of their
10 service. The Department shall establish by administrative
11 rule the procedure by which such verification of service
12 shall be made to the Department for the purpose of issuing
13 fishing licenses to resident veterans at a reduced fee.

14 (a-5) The fee for all sport fishing licenses shall be
15 \$1 for residents over 75 years of age.

16 (b) All residents before using any commercial fishing
17 device shall obtain a commercial fishing license, the fee
18 for which shall be \$60 and a resident fishing license, the
19 fee for which is \$14.50. Each and every commercial device
20 used shall be licensed by a resident commercial fisherman
21 as follows:

22 (1) For each 100 lineal yards, or fraction
23 thereof, of seine the fee is \$18. For each minnow
24 seine, minnow trap, or net for commercial purposes the
25 fee is \$20.

26 (2) For each device to fish with a 100 hook trot

1 line device, basket trap, hoop net, or dip net the fee
2 is \$3.

3 (3) When used in the waters of Lake Michigan, for
4 the first 2000 lineal feet, or fraction thereof, of
5 gill net the fee is \$10; and for each 1000 additional
6 lineal feet, or fraction thereof, the fee is \$10.
7 These fees shall apply to all gill nets in use in the
8 water or on drying reels on the shore.

9 (4) For each 100 lineal yards, or fraction
10 thereof, of gill net or trammel net the fee is \$18.

11 (c) Residents of the State of Illinois may obtain a
12 sportsmen's combination license that shall entitle the
13 holder to the same non-commercial fishing privileges as
14 residents holding a license as described in subsection (a)
15 of this Section and to the same hunting privileges as
16 residents holding a license to hunt all species as
17 described in Section 3.1 of the Wildlife Code. No
18 sportsmen's combination license shall be issued to any
19 individual who would be ineligible for either the fishing
20 or hunting license separately. The sportsmen's combination
21 license fee shall be \$25.50. For residents age 65 or
22 older, the fee is one-half of the fee charged for a
23 sportsmen's combination license. For resident veterans of
24 the United States Armed Forces after returning from
25 service abroad or mobilization by the President of the
26 United States as an active duty member of the United

1 States Armed Forces, the Illinois National Guard, or the
2 Reserves of the United States Armed Forces, the fee,
3 commencing with the 2012 license year, is one-half of the
4 fee charged for a sportsmen's combination license.
5 Veterans must provide to the Department acceptable
6 verification of their service. The Department shall
7 establish by administrative rule the procedure by which
8 such verification of service shall be made to the
9 Department for the purpose of issuing sportsmen's
10 combination licenses to resident veterans at a reduced
11 fee.

12 (d) For 24 hours of fishing by sport fishing devices
13 as defined in Section 10-95 or by spearing devices as
14 defined in Section 10-110 the fee is \$5. This license does
15 not exempt the licensee from the requirement for a salmon
16 or inland trout stamp. The licenses provided for by this
17 subsection are not required for residents of the State of
18 Illinois who have obtained the license provided for in
19 subsection (a) of this Section.

20 (e) All residents before using any commercial mussel
21 device shall obtain a commercial mussel license, the fee
22 for which shall be \$50.

23 (f) Residents of this State, upon establishing
24 residency as required by the Department, may obtain a
25 lifetime hunting or fishing license or lifetime
26 sportsmen's combination license which shall entitle the

1 holder to the same non-commercial fishing privileges as
2 residents holding a license as described in paragraph (a)
3 of this Section and to the same hunting privileges as
4 residents holding a license to hunt all species as
5 described in Section 3.1 of the Wildlife Code. No lifetime
6 sportsmen's combination license shall be issued to or
7 retained by any individual who would be ineligible for
8 either the fishing or hunting license separately, either
9 upon issuance, or in any year a violation would subject an
10 individual to have either or both fishing or hunting
11 privileges rescinded. The lifetime hunting and fishing
12 license fees shall be as follows:

13 (1) Lifetime fishing: 30 x the current fishing
14 license fee.

15 (2) Lifetime hunting: 30 x the current hunting
16 license fee.

17 (3) Lifetime sportsmen's combination license: 30 x
18 the current sportsmen's combination license fee.

19 Lifetime licenses shall not be refundable. A \$10 fee shall
20 be charged for reissuing any lifetime license. The Department
21 may establish rules and regulations for the issuance and use
22 of lifetime licenses and may suspend or revoke any lifetime
23 license issued under this Section for violations of those
24 rules or regulations or other provisions under this Code or
25 the Wildlife Code, or a violation of the United States Code
26 that involves the taking, possessing, killing, harvesting,

1 transportation, selling, exporting, or importing any fish or
2 aquatic life protected by this Code or the taking, possessing,
3 killing, harvesting, transportation, selling, exporting, or
4 importing any fauna protected by the Wildlife Code when any
5 part of the United States Code violation occurred in Illinois.
6 Individuals under 16 years of age who possess a lifetime
7 hunting or sportsmen's combination license shall have in their
8 possession, while in the field, a certificate of competency as
9 required under Section 3.2 of the Wildlife Code. Any lifetime
10 license issued under this Section shall not exempt individuals
11 from obtaining additional stamps or permits required under the
12 provisions of this Code or the Wildlife Code. Individuals
13 required to purchase additional stamps shall sign the stamps
14 and have them in their possession while fishing or hunting
15 with a lifetime license. All fees received from the issuance
16 of lifetime licenses shall be deposited in the Fish and
17 Wildlife Endowment Fund.

18 Except for licenses issued under subsection (e) of this
19 Section, all licenses provided for in this Section shall
20 expire on March 31 of each year, except that the license
21 provided for in subsection (d) of this Section shall expire 24
22 hours after the effective date and time listed on the face of
23 the license.

24 All individuals required to have and failing to have the
25 license provided for in subsection (a) or (d) of this Section
26 shall be fined according to the provisions of Section 20-35 of

1 this Code.

2 All individuals required to have and failing to have the
3 licenses provided for in subsections (b) and (e) of this
4 Section shall be guilty of a Class B misdemeanor.

5 (g) For the purposes of this Section, "acceptable
6 verification" means official documentation from the Department
7 of Defense or the appropriate Major Command showing
8 mobilization dates or service abroad dates, including: (i) a
9 DD-214, (ii) a letter from the Illinois Department of Military
10 Affairs for members of the Illinois National Guard, (iii) a
11 letter from the Regional Reserve Command for members of the
12 Armed Forces Reserve, (iv) a letter from the Major Command
13 covering Illinois for active duty members, (v) personnel
14 records for mobilized State employees, and (vi) any other
15 documentation that the Department, by administrative rule,
16 deems acceptable to establish dates of mobilization or service
17 abroad.

18 For the purposes of this Section, the term "service
19 abroad" means active duty service outside of the 50 United
20 States and the District of Columbia, and includes all active
21 duty service in territories and possessions of the United
22 States.

23 (Source: P.A. 102-780, eff. 5-13-22; 102-837, eff. 5-13-22;
24 revised 7-26-22.)

25 Section 640. The Wildlife Code is amended by changing

1 Sections 1.2t and 2.33 as follows:

2 (520 ILCS 5/1.2t) (from Ch. 61, par. 1.2t)

3 Sec. 1.2t. "Wildlife" means any bird or mammal that is ~~are~~
4 by nature wild by way of distinction from a bird or mammal
5 ~~those~~ that is ~~are~~ naturally tame and is ~~are~~ ordinarily living
6 unconfined in a state of nature without the care of man.

7 (Source: P.A. 97-431, eff. 8-16-11; revised 6-1-22.)

8 (520 ILCS 5/2.33)

9 Sec. 2.33. Prohibitions.

10 (a) It is unlawful to carry or possess any gun in any State
11 refuge unless otherwise permitted by administrative rule.

12 (b) It is unlawful to use or possess any snare or
13 snare-like device, deadfall, net, or pit trap to take any
14 species, except that snares not powered by springs or other
15 mechanical devices may be used to trap fur-bearing mammals, in
16 water sets only, if at least one-half of the snare noose is
17 located underwater at all times.

18 (c) It is unlawful for any person at any time to take a
19 wild mammal protected by this Act from its den by means of any
20 mechanical device, spade, or digging device or to use smoke or
21 other gases to dislodge or remove such mammal except as
22 provided in Section 2.37.

23 (d) It is unlawful to use a ferret or any other small
24 mammal which is used in the same or similar manner for which

1 ferrets are used for the purpose of frightening or driving any
2 mammals from their dens or hiding places.

3 (e) (Blank).

4 (f) It is unlawful to use spears, gigs, hooks, or any like
5 device to take any species protected by this Act.

6 (g) It is unlawful to use poisons, chemicals, or
7 explosives for the purpose of taking any species protected by
8 this Act.

9 (h) It is unlawful to hunt adjacent to or near any peat,
10 grass, brush, or other inflammable substance when it is
11 burning.

12 (i) It is unlawful to take, pursue or intentionally harass
13 or disturb in any manner any wild birds or mammals by use or
14 aid of any vehicle, conveyance, or unmanned aircraft as
15 defined by the Illinois Aeronautics Act, except as permitted
16 by the Code of Federal Regulations for the taking of
17 waterfowl; except that nothing in this subsection shall
18 prohibit the use of unmanned aircraft in the inspection of a
19 public utility facility, tower, or structure or a mobile
20 service facility, tower, or structure by a public utility, as
21 defined in Section 3-105 of the Public Utilities Act, or a
22 provider of mobile services as defined in Section 153 of Title
23 47 of the United States Code. It is also unlawful to use the
24 lights of any vehicle or conveyance, any light connected to
25 any vehicle or conveyance, or any other lighting device or
26 mechanism from inside or on a vehicle or conveyance in any area

1 where wildlife may be found except in accordance with Section
2 2.37 of this Act; however, nothing in this Section shall
3 prohibit the normal use of headlamps for the purpose of
4 driving upon a roadway. For purposes of this Section, any
5 other lighting device or mechanism shall include, but not be
6 limited to, any device that uses infrared or other light not
7 visible to the naked eye, electronic image intensification,
8 active illumination, thermal imaging, or night vision. Striped
9 skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote
10 may be taken during the open season by use of a small light
11 which is worn on the body or hand-held by a person on foot and
12 not in any vehicle.

13 (j) It is unlawful to use any shotgun larger than 10 gauge
14 while taking or attempting to take any of the species
15 protected by this Act.

16 (k) It is unlawful to use or possess in the field any
17 shotgun shell loaded with a shot size larger than lead BB or
18 steel T (.20 diameter) when taking or attempting to take any
19 species of wild game mammals (excluding white-tailed deer),
20 wild game birds, migratory waterfowl or migratory game birds
21 protected by this Act, except white-tailed deer as provided
22 for in Section 2.26 and other species as provided for by
23 subsection (l) or administrative rule.

24 (l) It is unlawful to take any species of wild game, except
25 white-tailed deer and fur-bearing mammals, with a shotgun
26 loaded with slugs unless otherwise provided for by

1 administrative rule.

2 (m) It is unlawful to use any shotgun capable of holding
3 more than 3 shells in the magazine or chamber combined, except
4 on game breeding and hunting preserve areas licensed under
5 Section 3.27 and except as permitted by the Code of Federal
6 Regulations for the taking of waterfowl. If the shotgun is
7 capable of holding more than 3 shells, it shall, while being
8 used on an area other than a game breeding and shooting
9 preserve area licensed pursuant to Section 3.27, be fitted
10 with a one-piece ~~one-piece~~ plug that is irremovable without
11 dismantling the shotgun or otherwise altered to render it
12 incapable of holding more than 3 shells in the magazine and
13 chamber, combined.

14 (n) It is unlawful for any person, except persons who
15 possess a permit to hunt from a vehicle as provided in this
16 Section and persons otherwise permitted by law, to have or
17 carry any gun in or on any vehicle, conveyance, or aircraft,
18 unless such gun is unloaded and enclosed in a case, except that
19 at field trials authorized by Section 2.34 of this Act,
20 unloaded guns or guns loaded with blank cartridges only⁷ may
21 be carried on horseback while not contained in a case, or to
22 have or carry any bow or arrow device in or on any vehicle
23 unless such bow or arrow device is unstrung or enclosed in a
24 case, or otherwise made inoperable unless in accordance with
25 the Firearm Concealed Carry Act.

26 (o) (Blank).

1 (p) It is unlawful to take game birds, migratory game
2 birds or migratory waterfowl with a rifle, pistol, revolver,
3 or air rifle.

4 (q) It is unlawful to fire a rifle, pistol, revolver, or
5 air rifle on, over, or into any waters of this State, including
6 frozen waters.

7 (r) It is unlawful to discharge any gun or bow and arrow
8 device along, upon, across, or from any public right-of-way or
9 highway in this State.

10 (s) It is unlawful to use a silencer or other device to
11 muffle or mute the sound of the explosion or report resulting
12 from the firing of any gun.

13 (t) It is unlawful for any person to take or attempt to
14 take any species of wildlife or parts thereof, or allow a dog
15 to hunt, within or upon the land of another, or upon waters
16 flowing over or standing on the land of another, or to
17 knowingly shoot a gun or bow and arrow device at any wildlife
18 physically on or flying over the property of another without
19 first obtaining permission from the owner or the owner's
20 designee. For the purposes of this Section, the owner's
21 designee means anyone who the owner designates in a written
22 authorization and the authorization must contain (i) the legal
23 or common description of property for which such authority is
24 given, (ii) the extent that the owner's designee is authorized
25 to make decisions regarding who is allowed to take or attempt
26 to take any species of wildlife or parts thereof, and (iii) the

1 owner's notarized signature. Before enforcing this Section,
2 the law enforcement officer must have received notice from the
3 owner or the owner's designee of a violation of this Section.
4 Statements made to the law enforcement officer regarding this
5 notice shall not be rendered inadmissible by the hearsay rule
6 when offered for the purpose of showing the required notice.

7 (u) It is unlawful for any person to discharge any firearm
8 for the purpose of taking any of the species protected by this
9 Act, or hunt with gun or dog, or allow a dog to hunt, within
10 300 yards of an inhabited dwelling without first obtaining
11 permission from the owner or tenant, except that while
12 trapping, hunting with bow and arrow, hunting with dog and
13 shotgun using shot shells only, or hunting with shotgun using
14 shot shells only, or providing outfitting services under a
15 waterfowl outfitter permit, or on licensed game breeding and
16 hunting preserve areas, as defined in Section 3.27, on
17 federally owned and managed lands and on Department owned,
18 managed, leased, or controlled lands, a 100 yard restriction
19 shall apply.

20 (v) It is unlawful for any person to remove fur-bearing
21 mammals from, or to move or disturb in any manner, the traps
22 owned by another person without written authorization of the
23 owner to do so.

24 (w) It is unlawful for any owner of a dog to allow his or
25 her dog to pursue, harass, or kill deer, except that nothing in
26 this Section shall prohibit the tracking of wounded deer with

1 a dog in accordance with the provisions of Section 2.26 of this
2 Code.

3 (x) It is unlawful for any person to wantonly or
4 carelessly injure or destroy, in any manner whatsoever, any
5 real or personal property on the land of another while engaged
6 in hunting or trapping thereon.

7 (y) It is unlawful to hunt wild game protected by this Act
8 between one-half ~~one-half~~ hour after sunset and one-half ~~one~~
9 ~~half~~ hour before sunrise, except that hunting hours between
10 one-half ~~one-half~~ hour after sunset and one-half ~~one-half~~ hour
11 before sunrise may be established by administrative rule for
12 fur-bearing mammals.

13 (z) It is unlawful to take any game bird (excluding wild
14 turkeys and crippled pheasants not capable of normal flight
15 and otherwise irretrievable) protected by this Act when not
16 flying. Nothing in this Section shall prohibit a person from
17 carrying an uncased, unloaded shotgun in a boat, while in
18 pursuit of a crippled migratory waterfowl that is incapable of
19 normal flight, for the purpose of attempting to reduce the
20 migratory waterfowl to possession, provided that the attempt
21 is made immediately upon downing the migratory waterfowl and
22 is done within 400 yards of the blind from which the migratory
23 waterfowl was downed. This exception shall apply only to
24 migratory game birds that are not capable of normal flight.
25 Migratory waterfowl that are crippled may be taken only with a
26 shotgun as regulated by subsection (j) of this Section using

1 shotgun shells as regulated in subsection (k) of this Section.

2 (aa) It is unlawful to use or possess any device that may
3 be used for tree climbing or cutting, while hunting
4 fur-bearing mammals, excluding coyotes. However, coyotes may
5 not be hunted utilizing these devices during open season for
6 deer except by properly licensed deer hunters.

7 (bb) It is unlawful for any person, except licensed game
8 breeders, pursuant to Section 2.29 to import, carry into, or
9 possess alive in this State any species of wildlife taken
10 outside of this State, without obtaining permission to do so
11 from the Director.

12 (cc) It is unlawful for any person to have in his or her
13 possession any freshly killed species protected by this Act
14 during the season closed for taking.

15 (dd) It is unlawful to take any species protected by this
16 Act and retain it alive except as provided by administrative
17 rule.

18 (ee) It is unlawful to possess any rifle while in the field
19 during gun deer season except as provided in Sections 2.25 and
20 2.26 and administrative rules.

21 (ff) It is unlawful for any person to take any species
22 protected by this Act, except migratory waterfowl, during the
23 gun deer hunting season in those counties open to gun deer
24 hunting, unless he or she wears, when in the field, a cap and
25 upper outer garment of a solid blaze orange color or solid
26 blaze pink color, with such articles of clothing displaying a

1 minimum of 400 square inches of blaze orange or solid blaze
2 pink color material.

3 (gg) It is unlawful during the upland game season for any
4 person to take upland game with a firearm unless he or she
5 wears, while in the field, a cap of solid blaze orange color or
6 solid blaze pink color. For purposes of this Act, upland game
7 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
8 Pheasant, Eastern Cottontail, and Swamp Rabbit.

9 (hh) It shall be unlawful to kill or cripple any species
10 protected by this Act for which there is a bag limit without
11 making a reasonable effort to retrieve such species and
12 include such in the bag limit. It shall be unlawful for any
13 person having control over harvested game mammals, game birds,
14 or migratory game birds for which there is a bag limit to
15 wantonly waste or destroy the usable meat of the game, except
16 this shall not apply to wildlife taken under Sections 2.37 or
17 3.22 of this Code. For purposes of this subsection, "usable
18 meat" means the breast meat of a game bird or migratory game
19 bird and the hind ham and front shoulders of a game mammal. It
20 shall be unlawful for any person to place, leave, dump, or
21 abandon a wildlife carcass or parts of it along or upon a
22 public right-of-way or highway or on public or private
23 property, including a waterway or stream, without the
24 permission of the owner or tenant. It shall not be unlawful to
25 discard game meat that is determined to be unfit for human
26 consumption.

1 (ii) This Section shall apply only to those species
2 protected by this Act taken within the State. Any species or
3 any parts thereof, legally taken in and transported from other
4 states or countries, may be possessed within the State, except
5 as provided in this Section and Sections 2.35, 2.36, and 3.21.

6 (jj) (Blank).

7 (kk) Nothing contained in this Section shall prohibit the
8 Director from issuing permits to paraplegics or to other
9 persons with disabilities who meet the requirements set forth
10 in administrative rule to shoot or hunt from a vehicle as
11 provided by that rule, provided that such is otherwise in
12 accord with this Act.

13 (ll) Nothing contained in this Act shall prohibit the
14 taking of aquatic life protected by the Fish and Aquatic Life
15 Code or birds and mammals protected by this Act, except deer
16 and fur-bearing mammals, from a boat not camouflaged or
17 disguised to alter its identity or to further provide a place
18 of concealment and not propelled by sail or mechanical power.
19 However, only shotguns not larger than 10 gauge nor smaller
20 than .410 bore loaded with not more than 3 shells of a shot
21 size no larger than lead BB or steel T (.20 diameter) may be
22 used to take species protected by this Act.

23 (mm) Nothing contained in this Act shall prohibit the use
24 of a shotgun, not larger than 10 gauge nor smaller than a 20
25 gauge, with a rifled barrel.

26 (nn) It shall be unlawful to possess any species of

1 wildlife or wildlife parts taken unlawfully in Illinois, any
2 other state, or any other country, whether or not the wildlife
3 or wildlife parts are ~~is~~ indigenous to Illinois. For the
4 purposes of this subsection, the statute of limitations for
5 unlawful possession of wildlife or wildlife parts shall not
6 cease until 2 years after the possession has permanently
7 ended.

8 (oo) It is unlawful while deer hunting:

9 (1) to possess or be in close proximity to a rifle that
10 is not centerfire; or

11 (2) to be in possession of or in close proximity to a
12 magazine that is capable of making a rifle not a single
13 shot.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22;
15 102-932, eff. 1-1-23; revised 12-14-22.)

16 Section 645. The Wildlife Habitat Management Areas Act is
17 amended by changing Section 20 as follows:

18 (520 ILCS 20/20) (from Ch. 61, par. 237)

19 Sec. 20. In connection with their official duties, it is
20 lawful for any member of the Department, or any employee
21 ~~employe~~ or duly appointed agent thereof, to go upon a Wildlife
22 Habitat Management Area, restricted or open, at any time of
23 the year with or without firearms, traps, or dogs.

24 (Source: Laws 1961, p. 2296; revised 8-22-22.)

1 Section 650. The Illinois Highway Code is amended by
2 changing Section 2-201 as follows:

3 (605 ILCS 5/2-201) (from Ch. 121, par. 2-201)

4 Sec. 2-201. The terms used in this Code shall, for the
5 purposes of this Code, have the meanings ascribed to them in
6 this Division of this Article, except when the context
7 otherwise requires.

8 (Source: Laws 1959, p. 196; revised 2-28-22.)

9 Section 655. The Expressway Camera Act is amended by
10 changing Section 5 as follows:

11 (605 ILCS 140/5)

12 (Section scheduled to be repealed on July 1, 2025)

13 Sec. 5. Camera program.

14 (a) The Illinois State Police, the Illinois Department of
15 Transportation, and the Illinois State Toll Highway Authority
16 shall work together to conduct a program to increase the
17 amount of cameras along (i) expressways and the State highway
18 system in the counties of Boone, Bureau, Champaign, Cook,
19 DeKalb, DuPage, Grundy, Henry, Kane, Kendall, Lake, LaSalle,
20 Macon, Madison, McHenry, Morgan, Peoria, Rock Island,
21 Sangamon, St. Clair, Will, and Winnebago and (ii)
22 Jean-Baptiste Pointe DuSable Lake Shore Drive in Cook County.

1 Within 90 days after June 3, 2022 (the effective date of Public
2 Act 102-1042) ~~this amendatory Act of the 102nd General~~
3 ~~Assembly~~, details about the program objectives, counties where
4 the program is operational, and policies under which the
5 program operates shall be made publicly available and posted
6 online.

7 (b) Images from the cameras may be extracted by any
8 authorized user and used by any municipal police department,
9 county sheriff's office, State Police officer, or other law
10 enforcement agency with jurisdiction in the investigation of
11 any offenses involving vehicular hijacking, aggravated
12 vehicular hijacking, terrorism, motor vehicle theft, or any
13 forcible felony, including, but not limited to, offenses
14 involving the use of a firearm; to detect expressway hazards
15 and highway conditions; and to facilitate highway safety and
16 incident management. Images from the cameras shall not be used
17 to enforce petty offenses or offenses not listed in this
18 subsection, unless use of the images pertains to expressway or
19 highway safety or hazards. Images from the cameras may be used
20 by any law enforcement agency conducting an active law
21 enforcement investigation. All images from the cameras shall
22 be deleted within 120 days, unless the images are relevant to
23 an ongoing investigation or pending criminal trial. Cameras
24 shall not be used to monitor individuals or groups in a
25 discriminatory manner contrary to applicable State or federal
26 law.

1 (b-5) By June 30th of each year, the Illinois State
2 Police, the Illinois Department of Transportation, and the
3 Illinois State Toll Highway Authority shall issue a joint
4 report to the General Assembly detailing the program
5 operations, including, but not limited to:

6 (1) the cost of installation of cameras by county;

7 (2) the cost of ongoing maintenance of the camera
8 systems per county, including electrical costs and data
9 transfer costs;

10 (3) the number of inquiries where the investigation
11 involved the criminal offenses outlined in subsection (b);
12 and

13 (4) the number of incidents in which law enforcement
14 searched the stored data for the criminal offenses
15 outlined in subsection (b).

16 (c) Subject to appropriation, any funds needed to conduct
17 the program for use on the expressways or State highway system
18 under the jurisdiction of the Department of Transportation
19 shall be taken from the Road Fund and shall be included in
20 requests for qualification processes. Any funds needed to
21 conduct the program for use on expressways under the
22 jurisdiction of the Illinois State Toll Highway Authority
23 shall be paid for by funds from the Illinois State Tollway
24 Highway Authority and shall be included in requests for
25 qualification processes.

26 (c-5) Any forcible felony, gunrunning, or firearms

1 trafficking offense, as defined in Section 2-8, 24-3a, or
2 24-3b of the Criminal Code of 2012, respectively, committed on
3 an expressway monitored by a camera system funded by money
4 from the Road Fund and investigated by officers of the
5 Illinois State Police may be prosecuted by the Attorney
6 General or the State's Attorney where the offense was
7 committed.

8 (d) (Blank).

9 (Source: P.A. 101-42, eff. 1-1-20; 102-1042, eff. 6-3-22;
10 102-1043, eff. 6-3-22; revised 7-26-22.)

11 Section 660. The Railroad Incorporation Act is amended by
12 changing Section 13a as follows:

13 (610 ILCS 5/13a) (from Ch. 114, par. 13a)

14 Sec. 13a. Any railroad corporation may, with the consent
15 of the stockholders hereinafter stated, issue and sell,
16 subject, however, to the provisions of the Illinois Securities
17 Law and amendments thereto, under such restrictions and terms
18 and for such consideration as the stockholders shall
19 authorize, any part or all of its unissued stock, or
20 additional stock authorized pursuant to the provisions of this
21 Act, to employees ~~employee~~ of the corporation or of any
22 subsidiary corporation, without first offering such stock for
23 subscription to its stockholders. Such consent and
24 authorization may be given at any annual or special meeting of

1 the stockholders by the affirmative vote of two-thirds in
2 amount of all the shares of stock outstanding and entitled to
3 vote. If any stockholder not voting in favor of said issue and
4 sale of stock to employees ~~employee~~, so desires, he may, at
5 such meeting, or within twenty days thereafter, object thereto
6 in writing, to be filed with the secretary of the corporation,
7 and demand payment for the stock then held by him, in which
8 case such stockholder or the corporation may at any time
9 within sixty days after such meeting file a petition in the
10 Circuit Court of the county in which the principal office of
11 the corporation is located, asking for a finding and
12 determination of the fair value of his shares of stock at the
13 date of such stockholders' meeting.

14 The same procedure shall be followed upon the filing of
15 such a petition, as near as may be, as is provided for other
16 cases where a stockholder, who objects to a certain action of a
17 corporation, is permitted to have the value of his stock fixed
18 by the Circuit Court and is given the power to compel the
19 corporation to buy the stock at that price. The value of such
20 shares of stock at such date shall be their market value in
21 case the stock of such corporation is listed upon any
22 exchange. Upon payment by the corporation of the value of such
23 shares of stock so determined, such stockholder shall cease to
24 have any interest in such shares or in the property of the
25 corporation and his shares of stock shall be transferred to
26 and may be held and disposed of by the corporation as it shall

1 see fit. The corporation shall be liable for and shall pay to
2 any such objecting stockholder the value of his shares of
3 stock so determined.

4 (Source: Laws 1925, p. 513; revised 8-22-22.)

5 Section 665. The Illinois Vehicle Code is amended by
6 changing Sections 4-203, 5-101.1, 6-107, 6-206, 6-514, 7-328,
7 7-329, 11-208.6, 11-208.9, 11-506, 11-605, and 12-215 as
8 follows:

9 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

10 (Text of Section before amendment by P.A. 102-982)

11 Sec. 4-203. Removal of motor vehicles or other vehicles;
12 towing or hauling away.

13 (a) When a vehicle is abandoned, or left unattended, on a
14 toll highway, interstate highway, or expressway for 2 hours or
15 more, its removal by a towing service may be authorized by a
16 law enforcement agency having jurisdiction.

17 (b) When a vehicle is abandoned on a highway in an urban
18 district for 10 hours or more, its removal by a towing service
19 may be authorized by a law enforcement agency having
20 jurisdiction.

21 (c) When a vehicle is abandoned or left unattended on a
22 highway other than a toll highway, interstate highway, or
23 expressway, outside of an urban district for 24 hours or more,
24 its removal by a towing service may be authorized by a law

1 enforcement agency having jurisdiction.

2 (d) When an abandoned, unattended, wrecked, burned, or
3 partially dismantled vehicle is creating a traffic hazard
4 because of its position in relation to the highway or its
5 physical appearance is causing the impeding of traffic, its
6 immediate removal from the highway or private property
7 adjacent to the highway by a towing service may be authorized
8 by a law enforcement agency having jurisdiction.

9 (e) Whenever a peace officer reasonably believes that a
10 person under arrest for a violation of Section 11-501 of this
11 Code or a similar provision of a local ordinance is likely,
12 upon release, to commit a subsequent violation of Section
13 11-501, or a similar provision of a local ordinance, the
14 arresting officer shall have the vehicle which the person was
15 operating at the time of the arrest impounded for a period of
16 12 hours after the time of arrest. However, such vehicle may be
17 released by the arresting law enforcement agency prior to the
18 end of the impoundment period if:

19 (1) the vehicle was not owned by the person under
20 arrest, and the lawful owner requesting such release
21 possesses a valid operator's license, proof of ownership,
22 and would not, as determined by the arresting law
23 enforcement agency, indicate a lack of ability to operate
24 a motor vehicle in a safe manner, or who would otherwise,
25 by operating such motor vehicle, be in violation of this
26 Code; or

1 (2) the vehicle is owned by the person under arrest,
2 and the person under arrest gives permission to another
3 person to operate such vehicle, provided however, that the
4 other person possesses a valid operator's license and
5 would not, as determined by the arresting law enforcement
6 agency, indicate a lack of ability to operate a motor
7 vehicle in a safe manner or who would otherwise, by
8 operating such motor vehicle, be in violation of this
9 Code.

10 (e-5) Whenever a registered owner of a vehicle is taken
11 into custody for operating the vehicle in violation of Section
12 11-501 of this Code or a similar provision of a local ordinance
13 or Section 6-303 of this Code, a law enforcement officer may
14 have the vehicle immediately impounded for a period not less
15 than:

16 (1) 24 hours for a second violation of Section 11-501
17 of this Code or a similar provision of a local ordinance or
18 Section 6-303 of this Code or a combination of these
19 offenses; or

20 (2) 48 hours for a third violation of Section 11-501
21 of this Code or a similar provision of a local ordinance or
22 Section 6-303 of this Code or a combination of these
23 offenses.

24 The vehicle may be released sooner if the vehicle is owned
25 by the person under arrest and the person under arrest gives
26 permission to another person to operate the vehicle and that

1 other person possesses a valid operator's license and would
2 not, as determined by the arresting law enforcement agency,
3 indicate a lack of ability to operate a motor vehicle in a safe
4 manner or would otherwise, by operating the motor vehicle, be
5 in violation of this Code.

6 (f) Except as provided in Chapter 18a of this Code, the
7 owner or lessor of privately owned real property within this
8 State, or any person authorized by such owner or lessor, or any
9 law enforcement agency in the case of publicly owned real
10 property may cause any motor vehicle abandoned or left
11 unattended upon such property without permission to be removed
12 by a towing service without liability for the costs of
13 removal, transportation or storage or damage caused by such
14 removal, transportation or storage. The towing or removal of
15 any vehicle from private property without the consent of the
16 registered owner or other legally authorized person in control
17 of the vehicle is subject to compliance with the following
18 conditions and restrictions:

19 1. Any towed or removed vehicle must be stored at the
20 site of the towing service's place of business. The site
21 must be open during business hours, and for the purpose of
22 redemption of vehicles, during the time that the person or
23 firm towing such vehicle is open for towing purposes.

24 2. The towing service shall within 30 minutes of
25 completion of such towing or removal, notify the law
26 enforcement agency having jurisdiction of such towing or

1 removal, and the make, model, color, and license plate
2 number of the vehicle, and shall obtain and record the
3 name of the person at the law enforcement agency to whom
4 such information was reported.

5 3. If the registered owner or legally authorized
6 person entitled to possession of the vehicle shall arrive
7 at the scene prior to actual removal or towing of the
8 vehicle, the vehicle shall be disconnected from the tow
9 truck and that person shall be allowed to remove the
10 vehicle without interference, upon the payment of a
11 reasonable service fee of not more than one-half ~~one-half~~
12 the posted rate of the towing service as provided in
13 paragraph 6 of this subsection, for which a receipt shall
14 be given.

15 4. The rebate or payment of money or any other
16 valuable consideration from the towing service or its
17 owners, managers, or employees to the owners or operators
18 of the premises from which the vehicles are towed or
19 removed, for the privilege of removing or towing those
20 vehicles, is prohibited. Any individual who violates this
21 paragraph shall be guilty of a Class A misdemeanor.

22 5. Except for property appurtenant to and obviously a
23 part of a single family residence, and except for
24 instances where notice is personally given to the owner or
25 other legally authorized person in control of the vehicle
26 that the area in which that vehicle is parked is reserved

1 or otherwise unavailable to unauthorized vehicles and they
2 are subject to being removed at the owner or operator's
3 expense, any property owner or lessor, prior to towing or
4 removing any vehicle from private property without the
5 consent of the owner or other legally authorized person in
6 control of that vehicle, must post a notice meeting the
7 following requirements:

8 a. Except as otherwise provided in subparagraph
9 a.1 of this subdivision (f)5, the notice must be
10 prominently placed at each driveway access or curb cut
11 allowing vehicular access to the property within 5
12 feet from the public right-of-way line. If there are
13 no curbs or access barriers, the sign must be posted
14 not less than one sign each 100 feet of lot frontage.

15 a.1. In a municipality with a population of less
16 than 250,000, as an alternative to the requirement of
17 subparagraph a of this subdivision (f)5, the notice
18 for a parking lot contained within property used
19 solely for a 2-family, 3-family, or 4-family residence
20 may be prominently placed at the perimeter of the
21 parking lot, in a position where the notice is visible
22 to the occupants of vehicles entering the lot.

23 b. The notice must indicate clearly, in not less
24 than 2 inch high light-reflective letters on a
25 contrasting background, that unauthorized vehicles
26 will be towed away at the owner's expense.

1 c. The notice must also provide the name and
2 current telephone number of the towing service towing
3 or removing the vehicle.

4 d. The sign structure containing the required
5 notices must be permanently installed with the bottom
6 of the sign not less than 4 feet above ground level,
7 and must be continuously maintained on the property
8 for not less than 24 hours prior to the towing or
9 removing of any vehicle.

10 6. Any towing service that tows or removes vehicles
11 and proposes to require the owner, operator, or person in
12 control of the vehicle to pay the costs of towing and
13 storage prior to redemption of the vehicle must file and
14 keep on record with the local law enforcement agency a
15 complete copy of the current rates to be charged for such
16 services, and post at the storage site an identical rate
17 schedule and any written contracts with property owners,
18 lessors, or persons in control of property which authorize
19 them to remove vehicles as provided in this Section. The
20 towing and storage charges, however, shall not exceed the
21 maximum allowed by the Illinois Commerce Commission under
22 Section 18a-200.

23 7. No person shall engage in the removal of vehicles
24 from private property as described in this Section without
25 filing a notice of intent in each community where he
26 intends to do such removal, and such notice shall be filed

1 at least 7 days before commencing such towing.

2 8. No removal of a vehicle from private property shall
3 be done except upon express written instructions of the
4 owners or persons in charge of the private property upon
5 which the vehicle is said to be trespassing.

6 9. Vehicle entry for the purpose of removal shall be
7 allowed with reasonable care on the part of the person or
8 firm towing the vehicle. Such person or firm shall be
9 liable for any damages occasioned to the vehicle if such
10 entry is not in accordance with the standards of
11 reasonable care.

12 9.5. Except as authorized by a law enforcement
13 officer, no towing service shall engage in the removal of
14 a commercial motor vehicle that requires a commercial
15 driver's license to operate by operating the vehicle under
16 its own power on a highway.

17 10. When a vehicle has been towed or removed pursuant
18 to this Section, it must be released to its owner,
19 custodian, agent, or lienholder within one-half ~~one-half~~
20 hour after requested, if such request is made during
21 business hours. Any vehicle owner, custodian, agent, or
22 lienholder shall have the right to inspect the vehicle
23 before accepting its return, and no release or waiver of
24 any kind which would release the towing service from
25 liability for damages incurred during the towing and
26 storage may be required from any vehicle owner or other

1 legally authorized person as a condition of release of the
2 vehicle. A detailed, signed receipt showing the legal name
3 of the towing service must be given to the person paying
4 towing or storage charges at the time of payment, whether
5 requested or not.

6 This Section shall not apply to law enforcement,
7 firefighting, rescue, ambulance, or other emergency
8 vehicles which are marked as such or to property owned by
9 any governmental entity.

10 When an authorized person improperly causes a motor
11 vehicle to be removed, such person shall be liable to the
12 owner or lessee of the vehicle for the cost of ~~or~~ removal,
13 transportation and storage, any damages resulting from the
14 removal, transportation and storage, attorney's fee and
15 court costs.

16 Any towing or storage charges accrued shall be payable
17 in cash or by cashier's check, certified check, debit
18 card, credit card, or wire transfer, at the option of the
19 party taking possession of the vehicle.

20 11. Towing companies shall also provide insurance
21 coverage for areas where vehicles towed under the
22 provisions of this Chapter will be impounded or otherwise
23 stored, and shall adequately cover loss by fire, theft, or
24 other risks.

25 Any person who fails to comply with the conditions and
26 restrictions of this subsection shall be guilty of a Class C

1 misdemeanor and shall be fined not less than \$100 nor more than
2 \$500.

3 (g)(1) When a vehicle is determined to be a hazardous
4 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
5 Illinois Municipal Code or Section 5-12002.1 of the Counties
6 Code, its removal and impoundment by a towing service may be
7 authorized by a law enforcement agency with appropriate
8 jurisdiction.

9 (2) When a vehicle removal from either public or private
10 property is authorized by a law enforcement agency, the owner
11 of the vehicle shall be responsible for all towing and storage
12 charges.

13 (3) Vehicles removed from public or private property and
14 stored by a commercial vehicle relocator or any other towing
15 service authorized by a law enforcement agency in compliance
16 with this Section and Sections 4-201 and 4-202 of this Code, or
17 at the request of the vehicle owner or operator, shall be
18 subject to a possessor lien for services pursuant to the Labor
19 and Storage Lien (Small Amount) Act. The provisions of Section
20 1 of that Act relating to notice and implied consent shall be
21 deemed satisfied by compliance with Section 18a-302 and
22 subsection (6) of Section 18a-300. In no event shall such lien
23 be greater than the rate or rates established in accordance
24 with subsection (6) of Section 18a-200 of this Code. In no
25 event shall such lien be increased or altered to reflect any
26 charge for services or materials rendered in addition to those

1 authorized by this Code. Every such lien shall be payable in
2 cash or by cashier's check, certified check, debit card,
3 credit card, or wire transfer, at the option of the party
4 taking possession of the vehicle.

5 (4) Any personal property belonging to the vehicle owner
6 in a vehicle subject to a lien under this subsection (g) shall
7 likewise be subject to that lien, excepting only: child
8 restraint systems as defined in Section 4 of the Child
9 Passenger Protection Act and other child booster seats;
10 eyeglasses; food; medicine; perishable property; any
11 operator's licenses; any cash, credit cards, or checks or
12 checkbooks; any wallet, purse, or other property containing
13 any operator's license or other identifying documents or
14 materials, cash, credit cards, checks, or checkbooks; and any
15 personal property belonging to a person other than the vehicle
16 owner if that person provides adequate proof that the personal
17 property belongs to that person. The spouse, child, mother,
18 father, brother, or sister of the vehicle owner may claim
19 personal property excepted under this paragraph (4) if the
20 person claiming the personal property provides the commercial
21 vehicle relocater or towing service with the authorization of
22 the vehicle owner.

23 (5) This paragraph (5) applies only in the case of a
24 vehicle that is towed as a result of being involved in an
25 accident. In addition to the personal property excepted under
26 paragraph (4), all other personal property in a vehicle

1 subject to a lien under this subsection (g) is exempt from that
2 lien and may be claimed by the vehicle owner if the vehicle
3 owner provides the commercial vehicle relocater or towing
4 service with proof that the vehicle owner has an insurance
5 policy covering towing and storage fees. The spouse, child,
6 mother, father, brother, or sister of the vehicle owner may
7 claim personal property in a vehicle subject to a lien under
8 this subsection (g) if the person claiming the personal
9 property provides the commercial vehicle relocater or towing
10 service with the authorization of the vehicle owner and proof
11 that the vehicle owner has an insurance policy covering towing
12 and storage fees. The regulation of liens on personal property
13 and exceptions to those liens in the case of vehicles towed as
14 a result of being involved in an accident are exclusive powers
15 and functions of the State. A home rule unit may not regulate
16 liens on personal property and exceptions to those liens in
17 the case of vehicles towed as a result of being involved in an
18 accident. This paragraph (5) is a denial and limitation of
19 home rule powers and functions under subsection (h) of Section
20 6 of Article VII of the Illinois Constitution.

21 (6) No lien under this subsection (g) shall: exceed \$2,000
22 in its total amount; or be increased or altered to reflect any
23 charge for services or materials rendered in addition to those
24 authorized by this Code.

25 (h) Whenever a peace officer issues a citation to a driver
26 for a violation of subsection (a) of Section 11-506 of this

1 Code, the arresting officer may have the vehicle which the
2 person was operating at the time of the arrest impounded for a
3 period of 5 days after the time of arrest. An impounding agency
4 shall release a motor vehicle impounded under this subsection
5 (h) to the registered owner of the vehicle under any of the
6 following circumstances:

7 (1) if ~~if~~ the vehicle is a stolen vehicle; or

8 (2) if ~~if~~ the person ticketed for a violation of
9 subsection (a) of Section 11-506 of this Code was not
10 authorized by the registered owner of the vehicle to
11 operate the vehicle at the time of the violation; or

12 (3) if ~~if~~ the registered owner of the vehicle was
13 neither the driver nor a passenger in the vehicle at the
14 time of the violation or was unaware that the driver was
15 using the vehicle to engage in street racing; or

16 (4) if ~~if~~ the legal owner or registered owner of the
17 vehicle is a rental car agency; or

18 (5) if ~~if~~, prior to the expiration of the impoundment
19 period specified above, the citation is dismissed or the
20 defendant is found not guilty of the offense.

21 (i) Except for vehicles exempted under subsection (b) of
22 Section 7-601 of this Code, whenever a law enforcement officer
23 issues a citation to a driver for a violation of Section 3-707
24 of this Code, and the driver has a prior conviction for a
25 violation of Section 3-707 of this Code in the past 12 months,
26 the arresting officer shall authorize the removal and

1 impoundment of the vehicle by a towing service.

2 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;
3 100-537, eff. 6-1-18; 100-863, eff. 8-14-18; revised 8-26-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 4-203. Removal of motor vehicles or other vehicles;
6 towing or hauling away.

7 (a) When a vehicle is abandoned, or left unattended, on a
8 toll highway, interstate highway, or expressway for 2 hours or
9 more, its removal by a towing service may be authorized by a
10 law enforcement agency having jurisdiction.

11 (b) When a vehicle is abandoned on a highway in an urban
12 district for 10 hours or more, its removal by a towing service
13 may be authorized by a law enforcement agency having
14 jurisdiction.

15 (c) When a vehicle is abandoned or left unattended on a
16 highway other than a toll highway, interstate highway, or
17 expressway, outside of an urban district for 24 hours or more,
18 its removal by a towing service may be authorized by a law
19 enforcement agency having jurisdiction.

20 (d) When an abandoned, unattended, wrecked, burned, or
21 partially dismantled vehicle is creating a traffic hazard
22 because of its position in relation to the highway or its
23 physical appearance is causing the impeding of traffic, its
24 immediate removal from the highway or private property
25 adjacent to the highway by a towing service may be authorized

1 by a law enforcement agency having jurisdiction.

2 (e) Whenever a peace officer reasonably believes that a
3 person under arrest for a violation of Section 11-501 of this
4 Code or a similar provision of a local ordinance is likely,
5 upon release, to commit a subsequent violation of Section
6 11-501, or a similar provision of a local ordinance, the
7 arresting officer shall have the vehicle which the person was
8 operating at the time of the arrest impounded for a period of
9 12 hours after the time of arrest. However, such vehicle may be
10 released by the arresting law enforcement agency prior to the
11 end of the impoundment period if:

12 (1) the vehicle was not owned by the person under
13 arrest, and the lawful owner requesting such release
14 possesses a valid operator's license, proof of ownership,
15 and would not, as determined by the arresting law
16 enforcement agency, indicate a lack of ability to operate
17 a motor vehicle in a safe manner, or who would otherwise,
18 by operating such motor vehicle, be in violation of this
19 Code; or

20 (2) the vehicle is owned by the person under arrest,
21 and the person under arrest gives permission to another
22 person to operate such vehicle, provided however, that the
23 other person possesses a valid operator's license and
24 would not, as determined by the arresting law enforcement
25 agency, indicate a lack of ability to operate a motor
26 vehicle in a safe manner or who would otherwise, by

1 operating such motor vehicle, be in violation of this
2 Code.

3 (e-5) Whenever a registered owner of a vehicle is taken
4 into custody for operating the vehicle in violation of Section
5 11-501 of this Code or a similar provision of a local ordinance
6 or Section 6-303 of this Code, a law enforcement officer may
7 have the vehicle immediately impounded for a period not less
8 than:

9 (1) 24 hours for a second violation of Section 11-501
10 of this Code or a similar provision of a local ordinance or
11 Section 6-303 of this Code or a combination of these
12 offenses; or

13 (2) 48 hours for a third violation of Section 11-501
14 of this Code or a similar provision of a local ordinance or
15 Section 6-303 of this Code or a combination of these
16 offenses.

17 The vehicle may be released sooner if the vehicle is owned
18 by the person under arrest and the person under arrest gives
19 permission to another person to operate the vehicle and that
20 other person possesses a valid operator's license and would
21 not, as determined by the arresting law enforcement agency,
22 indicate a lack of ability to operate a motor vehicle in a safe
23 manner or would otherwise, by operating the motor vehicle, be
24 in violation of this Code.

25 (f) Except as provided in Chapter 18a of this Code, the
26 owner or lessor of privately owned real property within this

1 State, or any person authorized by such owner or lessor, or any
2 law enforcement agency in the case of publicly owned real
3 property may cause any motor vehicle abandoned or left
4 unattended upon such property without permission to be removed
5 by a towing service without liability for the costs of
6 removal, transportation or storage or damage caused by such
7 removal, transportation or storage. The towing or removal of
8 any vehicle from private property without the consent of the
9 registered owner or other legally authorized person in control
10 of the vehicle is subject to compliance with the following
11 conditions and restrictions:

12 1. Any towed or removed vehicle must be stored at the
13 site of the towing service's place of business. The site
14 must be open during business hours, and for the purpose of
15 redemption of vehicles, during the time that the person or
16 firm towing such vehicle is open for towing purposes.

17 2. The towing service shall within 30 minutes of
18 completion of such towing or removal, notify the law
19 enforcement agency having jurisdiction of such towing or
20 removal, and the make, model, color, and license plate
21 number of the vehicle, and shall obtain and record the
22 name of the person at the law enforcement agency to whom
23 such information was reported.

24 3. If the registered owner or legally authorized
25 person entitled to possession of the vehicle shall arrive
26 at the scene prior to actual removal or towing of the

1 vehicle, the vehicle shall be disconnected from the tow
2 truck and that person shall be allowed to remove the
3 vehicle without interference, upon the payment of a
4 reasonable service fee of not more than one-half ~~one-half~~
5 the posted rate of the towing service as provided in
6 paragraph 6 of this subsection, for which a receipt shall
7 be given.

8 4. The rebate or payment of money or any other
9 valuable consideration from the towing service or its
10 owners, managers, or employees to the owners or operators
11 of the premises from which the vehicles are towed or
12 removed, for the privilege of removing or towing those
13 vehicles, is prohibited. Any individual who violates this
14 paragraph shall be guilty of a Class A misdemeanor.

15 5. Except for property appurtenant to and obviously a
16 part of a single family residence, and except for
17 instances where notice is personally given to the owner or
18 other legally authorized person in control of the vehicle
19 that the area in which that vehicle is parked is reserved
20 or otherwise unavailable to unauthorized vehicles and they
21 are subject to being removed at the owner or operator's
22 expense, any property owner or lessor, prior to towing or
23 removing any vehicle from private property without the
24 consent of the owner or other legally authorized person in
25 control of that vehicle, must post a notice meeting the
26 following requirements:

1 a. Except as otherwise provided in subparagraph
2 a.1 of this subdivision (f)5, the notice must be
3 prominently placed at each driveway access or curb cut
4 allowing vehicular access to the property within 5
5 feet from the public right-of-way line. If there are
6 no curbs or access barriers, the sign must be posted
7 not less than one sign each 100 feet of lot frontage.

8 a.1. In a municipality with a population of less
9 than 250,000, as an alternative to the requirement of
10 subparagraph a of this subdivision (f)5, the notice
11 for a parking lot contained within property used
12 solely for a 2-family, 3-family, or 4-family residence
13 may be prominently placed at the perimeter of the
14 parking lot, in a position where the notice is visible
15 to the occupants of vehicles entering the lot.

16 b. The notice must indicate clearly, in not less
17 than 2 inch high light-reflective letters on a
18 contrasting background, that unauthorized vehicles
19 will be towed away at the owner's expense.

20 c. The notice must also provide the name and
21 current telephone number of the towing service towing
22 or removing the vehicle.

23 d. The sign structure containing the required
24 notices must be permanently installed with the bottom
25 of the sign not less than 4 feet above ground level,
26 and must be continuously maintained on the property

1 for not less than 24 hours prior to the towing or
2 removing of any vehicle.

3 6. Any towing service that tows or removes vehicles
4 and proposes to require the owner, operator, or person in
5 control of the vehicle to pay the costs of towing and
6 storage prior to redemption of the vehicle must file and
7 keep on record with the local law enforcement agency a
8 complete copy of the current rates to be charged for such
9 services, and post at the storage site an identical rate
10 schedule and any written contracts with property owners,
11 lessors, or persons in control of property which authorize
12 them to remove vehicles as provided in this Section. The
13 towing and storage charges, however, shall not exceed the
14 maximum allowed by the Illinois Commerce Commission under
15 Section 18a-200.

16 7. No person shall engage in the removal of vehicles
17 from private property as described in this Section without
18 filing a notice of intent in each community where he
19 intends to do such removal, and such notice shall be filed
20 at least 7 days before commencing such towing.

21 8. No removal of a vehicle from private property shall
22 be done except upon express written instructions of the
23 owners or persons in charge of the private property upon
24 which the vehicle is said to be trespassing.

25 9. Vehicle entry for the purpose of removal shall be
26 allowed with reasonable care on the part of the person or

1 firm towing the vehicle. Such person or firm shall be
2 liable for any damages occasioned to the vehicle if such
3 entry is not in accordance with the standards of
4 reasonable care.

5 9.5. Except as authorized by a law enforcement
6 officer, no towing service shall engage in the removal of
7 a commercial motor vehicle that requires a commercial
8 driver's license to operate by operating the vehicle under
9 its own power on a highway.

10 10. When a vehicle has been towed or removed pursuant
11 to this Section, it must be released to its owner,
12 custodian, agent, or lienholder within one-half ~~one-half~~
13 hour after requested, if such request is made during
14 business hours. Any vehicle owner, custodian, agent, or
15 lienholder shall have the right to inspect the vehicle
16 before accepting its return, and no release or waiver of
17 any kind which would release the towing service from
18 liability for damages incurred during the towing and
19 storage may be required from any vehicle owner or other
20 legally authorized person as a condition of release of the
21 vehicle. A detailed, signed receipt showing the legal name
22 of the towing service must be given to the person paying
23 towing or storage charges at the time of payment, whether
24 requested or not.

25 This Section shall not apply to law enforcement,
26 firefighting, rescue, ambulance, or other emergency

1 vehicles which are marked as such or to property owned by
2 any governmental entity.

3 When an authorized person improperly causes a motor
4 vehicle to be removed, such person shall be liable to the
5 owner or lessee of the vehicle for the cost of ~~or~~ removal,
6 transportation and storage, any damages resulting from the
7 removal, transportation and storage, attorney's fee and
8 court costs.

9 Any towing or storage charges accrued shall be payable
10 in cash or by cashier's check, certified check, debit
11 card, credit card, or wire transfer, at the option of the
12 party taking possession of the vehicle.

13 11. Towing companies shall also provide insurance
14 coverage for areas where vehicles towed under the
15 provisions of this Chapter will be impounded or otherwise
16 stored, and shall adequately cover loss by fire, theft, or
17 other risks.

18 Any person who fails to comply with the conditions and
19 restrictions of this subsection shall be guilty of a Class C
20 misdemeanor and shall be fined not less than \$100 nor more than
21 \$500.

22 (g) (1) When a vehicle is determined to be a hazardous
23 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
24 Illinois Municipal Code or Section 5-12002.1 of the Counties
25 Code, its removal and impoundment by a towing service may be
26 authorized by a law enforcement agency with appropriate

1 jurisdiction.

2 (2) When a vehicle removal from either public or private
3 property is authorized by a law enforcement agency, the owner
4 of the vehicle shall be responsible for all towing and storage
5 charges.

6 (3) Vehicles removed from public or private property and
7 stored by a commercial vehicle relocater or any other towing
8 service authorized by a law enforcement agency in compliance
9 with this Section and Sections 4-201 and 4-202 of this Code, or
10 at the request of the vehicle owner or operator, shall be
11 subject to a possessor lien for services pursuant to the Labor
12 and Storage Lien (Small Amount) Act. The provisions of Section
13 1 of that Act relating to notice and implied consent shall be
14 deemed satisfied by compliance with Section 18a-302 and
15 subsection (6) of Section 18a-300. In no event shall such lien
16 be greater than the rate or rates established in accordance
17 with subsection (6) of Section 18a-200 of this Code. In no
18 event shall such lien be increased or altered to reflect any
19 charge for services or materials rendered in addition to those
20 authorized by this Code. Every such lien shall be payable in
21 cash or by cashier's check, certified check, debit card,
22 credit card, or wire transfer, at the option of the party
23 taking possession of the vehicle.

24 (4) Any personal property belonging to the vehicle owner
25 in a vehicle subject to a lien under this subsection (g) shall
26 likewise be subject to that lien, excepting only: child

1 restraint systems as defined in Section 4 of the Child
2 Passenger Protection Act and other child booster seats;
3 eyeglasses; food; medicine; perishable property; any
4 operator's licenses; any cash, credit cards, or checks or
5 checkbooks; any wallet, purse, or other property containing
6 any operator's license or other identifying documents or
7 materials, cash, credit cards, checks, or checkbooks; and any
8 personal property belonging to a person other than the vehicle
9 owner if that person provides adequate proof that the personal
10 property belongs to that person. The spouse, child, mother,
11 father, brother, or sister of the vehicle owner may claim
12 personal property excepted under this paragraph (4) if the
13 person claiming the personal property provides the commercial
14 vehicle relocater or towing service with the authorization of
15 the vehicle owner.

16 (5) This paragraph (5) applies only in the case of a
17 vehicle that is towed as a result of being involved in a crash.
18 In addition to the personal property excepted under paragraph
19 (4), all other personal property in a vehicle subject to a lien
20 under this subsection (g) is exempt from that lien and may be
21 claimed by the vehicle owner if the vehicle owner provides the
22 commercial vehicle relocater or towing service with proof that
23 the vehicle owner has an insurance policy covering towing and
24 storage fees. The spouse, child, mother, father, brother, or
25 sister of the vehicle owner may claim personal property in a
26 vehicle subject to a lien under this subsection (g) if the

1 person claiming the personal property provides the commercial
2 vehicle relocater or towing service with the authorization of
3 the vehicle owner and proof that the vehicle owner has an
4 insurance policy covering towing and storage fees. The
5 regulation of liens on personal property and exceptions to
6 those liens in the case of vehicles towed as a result of being
7 involved in a crash are exclusive powers and functions of the
8 State. A home rule unit may not regulate liens on personal
9 property and exceptions to those liens in the case of vehicles
10 towed as a result of being involved in a crash. This paragraph
11 (5) is a denial and limitation of home rule powers and
12 functions under subsection (h) of Section 6 of Article VII of
13 the Illinois Constitution.

14 (6) No lien under this subsection (g) shall: exceed \$2,000
15 in its total amount; or be increased or altered to reflect any
16 charge for services or materials rendered in addition to those
17 authorized by this Code.

18 (h) Whenever a peace officer issues a citation to a driver
19 for a violation of subsection (a) of Section 11-506 of this
20 Code, the arresting officer may have the vehicle which the
21 person was operating at the time of the arrest impounded for a
22 period of 5 days after the time of arrest. An impounding agency
23 shall release a motor vehicle impounded under this subsection
24 (h) to the registered owner of the vehicle under any of the
25 following circumstances:

26 (1) if ~~if~~ the vehicle is a stolen vehicle; or

1 (2) if ~~if~~ the person ticketed for a violation of
2 subsection (a) of Section 11-506 of this Code was not
3 authorized by the registered owner of the vehicle to
4 operate the vehicle at the time of the violation; or

5 (3) if ~~if~~ the registered owner of the vehicle was
6 neither the driver nor a passenger in the vehicle at the
7 time of the violation or was unaware that the driver was
8 using the vehicle to engage in street racing; or

9 (4) if ~~if~~ the legal owner or registered owner of the
10 vehicle is a rental car agency; or

11 (5) if ~~if~~, prior to the expiration of the impoundment
12 period specified above, the citation is dismissed or the
13 defendant is found not guilty of the offense.

14 (i) Except for vehicles exempted under subsection (b) of
15 Section 7-601 of this Code, whenever a law enforcement officer
16 issues a citation to a driver for a violation of Section 3-707
17 of this Code, and the driver has a prior conviction for a
18 violation of Section 3-707 of this Code in the past 12 months,
19 the arresting officer shall authorize the removal and
20 impoundment of the vehicle by a towing service.

21 (Source: P.A. 102-982, eff. 7-1-23; revised 8-26-22.)

22 (625 ILCS 5/5-101.1)

23 (Text of Section before amendment by P.A. 102-982)

24 Sec. 5-101.1. Motor vehicle financing affiliates;
25 licensing.

1 (a) In this State, no business shall engage in the
2 business of a motor vehicle financing affiliate without a
3 license to do so in writing from the Secretary of State.

4 (b) An application for a motor vehicle financing
5 affiliate's license must be filed with the Secretary of State,
6 duly verified by oath, on a form prescribed by the Secretary of
7 State and shall contain all of the following:

8 (1) The name and type of business organization of the
9 applicant and the applicant's established place of
10 business and any additional places of business in this
11 State.

12 (2) The name and address of the licensed new or used
13 vehicle dealer to which the applicant will be selling,
14 transferring, or assigning new or used motor vehicles
15 pursuant to a written contract. If more than one dealer is
16 on the application, the applicant shall state in writing
17 the basis of common ownership among the dealers.

18 (3) A list of the business organization's officers,
19 directors, members, and shareholders having a 10% or
20 greater ownership interest in the business, providing the
21 residential address for each person listed.

22 (4) If selling, transferring, or assigning new motor
23 vehicles, the make or makes of new vehicles that it will
24 sell, assign, or otherwise transfer to the contracting new
25 motor vehicle dealer listed on the application pursuant to
26 paragraph (2).

1 (5) The name of each manufacturer or franchised
2 distributor, if any, of new vehicles with whom the
3 applicant has contracted for the sale of new vehicles and
4 a signed statement from each manufacturer or franchised
5 distributor acknowledging the contract.

6 (6) A statement that the applicant has been approved
7 for registration under the Retailers' Occupation Tax Act
8 by the Department of Revenue. This requirement does not
9 apply to a motor vehicle financing affiliate that is
10 already licensed with the Secretary of State and is
11 applying for a renewal of its license.

12 (7) A statement that the applicant has complied with
13 the appropriate liability insurance requirement and a
14 Certificate of Insurance that shall not expire before
15 December 31 of the year for which the license was issued or
16 renewed with a minimum liability coverage of \$100,000 for
17 the bodily injury or death of any person, \$300,000 for the
18 bodily injury or death of 2 or more persons in any one
19 accident, and \$50,000 for damage to property. The
20 expiration of the insurance policy shall not terminate the
21 liability under the policy arising during the period for
22 which the policy was filed. Trailer and mobile home
23 dealers are exempt from the requirements of this
24 paragraph. A motor vehicle financing affiliate is exempt
25 from the requirements of this paragraph if it is covered
26 by the insurance policy of the new or used dealer listed on

1 the application pursuant to paragraph (2).

2 (8) A license fee of \$1,000 for the applicant's
3 established place of business and \$250 for each additional
4 place of business, if any, to which the application
5 pertains. However, if the application is made after June
6 15 of any year, the license fee shall be \$500 for the
7 applicant's established place of business and \$125 for
8 each additional place of business, if any, to which the
9 application pertains. These license fees shall be
10 returnable only in the event that the application is
11 denied by the Secretary of State.

12 (9) A statement incorporating the requirements of
13 paragraphs 8 and 9 of subsection (b) of Section 5-101.

14 (10) Any other information concerning the business of
15 the applicant as the Secretary of State may prescribe.

16 (11) A statement that the applicant understands
17 Chapter 1 through Chapter 5 of this Code.

18 (12) The full name, address, and contact information
19 of each of the dealer's agents or legal representatives
20 who is an Illinois resident and liable for the performance
21 of the dealership.

22 (c) Any change which renders no longer accurate any
23 information contained in any application for a motor vehicle
24 financing affiliate's license shall be amended within 30 days
25 after the occurrence of the change on a form prescribed by the
26 Secretary of State, accompanied by an amendatory fee of \$2.

1 (d) If a new vehicle dealer is not listed on the
2 application, pursuant to paragraph (2) of subsection (b), the
3 motor vehicle financing affiliate shall not receive, possess,
4 or transfer any new vehicle. If a new motor vehicle dealer is
5 listed on the application, pursuant to paragraph (2) of
6 subsection (b), the new motor vehicle dealer can only receive
7 those new cars it is permitted to receive under its franchise
8 agreement. If both a new and used motor vehicle dealer are
9 listed on the application, pursuant to paragraph (2) of
10 subsection (b), only the new motor vehicle dealer may receive
11 new motor vehicles. If a used motor vehicle is listed on the
12 application, pursuant to paragraph (2) of subsection (b), the
13 used motor vehicle dealer shall not receive any new motor
14 vehicles.

15 (e) The applicant and dealer provided pursuant to
16 paragraph (2) of subsection (b) must be business organizations
17 registered to conduct business in Illinois. Three-fourths of
18 the dealer's board of directors must be members of the motor
19 vehicle financing affiliate's board of directors, if
20 applicable.

21 (f) Unless otherwise provided in this Chapter 5, no
22 business organization registered to do business in Illinois
23 shall be licensed as a motor vehicle financing affiliate
24 unless:

25 (1) The motor vehicle financing affiliate shall only
26 sell, transfer, or assign motor vehicles to the licensed

1 new or used dealer listed on the application pursuant to
2 paragraph (2) of subsection (b).

3 (2) The motor vehicle financing affiliate sells,
4 transfers, or assigns to the new motor vehicle dealer
5 listed on the application, if any, only those new motor
6 vehicles the motor vehicle financing affiliate has
7 received under the contract set forth in paragraph (5) of
8 subsection (b).

9 (3) Any new vehicle dealer listed pursuant to
10 paragraph (2) of subsection (b) has a franchise agreement
11 that permits the dealer to receive motor vehicles from the
12 motor vehicle franchise affiliate.

13 (4) The new or used motor vehicle dealer listed on the
14 application pursuant to paragraph (2) of subsection (b)
15 has one established place of business or supplemental
16 places of business as referenced in subsection (g).

17 (g) The Secretary of State shall, within a reasonable time
18 after receipt, examine an application submitted pursuant to
19 this Section and, unless it is determined that the application
20 does not conform with the requirements of this Section or that
21 grounds exist for a denial of the application under Section
22 5-501, grant the applicant a motor vehicle financing affiliate
23 license in writing for the applicant's established place of
24 business and a supplemental license in writing for each
25 additional place of business in a form prescribed by the
26 Secretary, which shall include all of the following:

- 1 (1) The name of the business licensed;
- 2 (2) The name and address of its officers, directors,
3 or members, as applicable;
- 4 (3) In the case of an original license, the
5 established place of business of the licensee;
- 6 (4) If applicable, the make or makes of new vehicles
7 which the licensee is licensed to sell to the new motor
8 vehicle dealer listed on the application pursuant to
9 paragraph (2) of subsection (b); and
- 10 (5) The full name, address, and contact information of
11 each of the dealer's agents or legal representatives who
12 is an Illinois resident and liable for the performance of
13 the dealership.
- 14 (h) The appropriate instrument evidencing the license or a
15 certified copy, provided by the Secretary of State, shall be
16 kept posted conspicuously in the established place of business
17 of the licensee.
- 18 (i) Except as provided in subsection (h), all motor
19 vehicle financing affiliate's licenses granted under this
20 Section shall expire ~~expired~~ by operation of law on December
21 31 of the calendar year for which they are granted, unless
22 revoked or canceled at an earlier date pursuant to Section
23 5-501.
- 24 (j) A motor vehicle financing affiliate's license may be
25 renewed upon application and payment of the required fee.
26 However, when an application for renewal of a motor vehicle

1 financing affiliate's license is made during the month of
2 December, the effective license shall remain in force until
3 the application is granted or denied by the Secretary of
4 State.

5 (k) The contract a motor vehicle financing affiliate has
6 with a manufacturer or franchised distributor, as provided in
7 paragraph (5) of subsection (b), shall only permit the
8 applicant to sell, transfer, or assign new motor vehicles to
9 the new motor vehicle dealer listed on the application
10 pursuant to paragraph (2) of subsection (b). The contract
11 shall specifically prohibit the motor vehicle financing
12 affiliate from selling motor vehicles at retail. This contract
13 shall not be considered the granting of a franchise as defined
14 in Section 2 of the Motor Vehicle Franchise Act.

15 (l) When purchasing ~~of~~ a motor vehicle by a new or used
16 motor vehicle dealer, all persons licensed as a motor vehicle
17 financing affiliate are required to furnish all of the
18 following:

19 (1) For a new vehicle, a manufacturer's statement of
20 origin properly assigned to the purchasing dealer. For a
21 used vehicle, a certificate of title properly assigned to
22 the purchasing dealer.

23 (2) A statement verified under oath that all
24 identifying numbers on the vehicle agree with those on the
25 certificate of title or manufacturer's statement of
26 origin.

1 (3) A bill of sale properly executed on behalf of the
2 purchasing dealer.

3 (4) A copy of the Uniform Invoice-transaction report
4 pursuant to Section 5-402.

5 (5) In the case of a rebuilt vehicle, a copy of the
6 Disclosure of Rebuilt Vehicle Status pursuant to Section
7 5-104.3.

8 (6) In the case of a vehicle for which a warranty has
9 been reinstated, a copy of the warranty.

10 (m) The motor vehicle financing affiliate shall use the
11 established and supplemental place or places of business the
12 new or used vehicle dealer listed on the application pursuant
13 to paragraph (2) of subsection (b) as its established and
14 supplemental place or places of business.

15 (n) The motor vehicle financing affiliate shall keep all
16 books and records required by this Code with the books and
17 records of the new or used vehicle dealer listed on the
18 application pursuant to paragraph (2) of subsection (b). The
19 motor vehicle financing affiliate may use the books and
20 records of the new or used motor vehicle dealer listed on the
21 application pursuant to paragraph (2) of subsection (b).

22 (o) Under no circumstances shall a motor vehicle financing
23 affiliate sell, transfer, or assign a new vehicle to any place
24 of business of a new motor vehicle dealer, unless that place of
25 business is licensed under this Chapter to sell, assign, or
26 otherwise transfer the make of the new motor vehicle

1 transferred.

2 (p) All moneys received by the Secretary of State as
3 license fees under this Section shall be deposited into the
4 Motor Vehicle Review Board Fund and shall be used to
5 administer the Motor Vehicle Review Board under the Motor
6 Vehicle Franchise Act.

7 (q) Except as otherwise provided in this Section, a motor
8 vehicle financing affiliate shall comply with all provisions
9 of this Code.

10 (r) If a licensee under this Section voluntarily
11 surrenders a license to the Illinois Secretary of State Police
12 or a representative of the Secretary of State Vehicle Services
13 Department due to the licensee's inability to adhere to
14 recordkeeping provisions, or the inability to properly issue
15 certificates of title or registrations under this Code, or the
16 Secretary revokes a license under this Section, then the
17 licensee and the licensee's agent, designee, or legal
18 representative, if applicable, may not be named on a new
19 application for a license under this Section or under this
20 Chapter, nor is the licensee or the licensee's agent,
21 designee, or legal representative permitted to work for
22 another licensee under this Chapter in a recordkeeping,
23 management, or financial position or as an employee who
24 handles certificate of title and registration documents and
25 applications.

26 (Source: P.A. 102-154, eff. 1-1-22; revised 8-22-22.)

1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 5-101.1. Motor vehicle financing affiliates;
3 licensing.

4 (a) In this State, l no business shall engage in the
5 business of a motor vehicle financing affiliate without a
6 license to do so in writing from the Secretary of State.

7 (b) An application for a motor vehicle financing
8 affiliate's license must be filed with the Secretary of State,
9 duly verified by oath, on a form prescribed by the Secretary of
10 State and shall contain all of the following:

11 (1) The name and type of business organization of the
12 applicant and the applicant's established place of
13 business and any additional places of business in this
14 State.

15 (2) The name and address of the licensed new or used
16 vehicle dealer to which the applicant will be selling,
17 transferring, or assigning new or used motor vehicles
18 pursuant to a written contract. If more than one dealer is
19 on the application, the applicant shall state in writing
20 the basis of common ownership among the dealers.

21 (3) A list of the business organization's officers,
22 directors, members, and shareholders having a 10% or
23 greater ownership interest in the business, providing the
24 residential address for each person listed.

25 (4) If selling, transferring, or assigning new motor

1 vehicles, the make or makes of new vehicles that it will
2 sell, assign, or otherwise transfer to the contracting new
3 motor vehicle dealer listed on the application pursuant to
4 paragraph (2).

5 (5) The name of each manufacturer or franchised
6 distributor, if any, of new vehicles with whom the
7 applicant has contracted for the sale of new vehicles and
8 a signed statement from each manufacturer or franchised
9 distributor acknowledging the contract.

10 (6) A statement that the applicant has been approved
11 for registration under the Retailers' Occupation Tax Act
12 by the Department of Revenue. This requirement does not
13 apply to a motor vehicle financing affiliate that is
14 already licensed with the Secretary of State and is
15 applying for a renewal of its license.

16 (7) A statement that the applicant has complied with
17 the appropriate liability insurance requirement and a
18 Certificate of Insurance that shall not expire before
19 December 31 of the year for which the license was issued or
20 renewed with a minimum liability coverage of \$100,000 for
21 the bodily injury or death of any person, \$300,000 for the
22 bodily injury or death of 2 or more persons in any one
23 crash, and \$50,000 for damage to property. The expiration
24 of the insurance policy shall not terminate the liability
25 under the policy arising during the period for which the
26 policy was filed. Trailer and mobile home dealers are

1 exempt from the requirements of this paragraph. A motor
2 vehicle financing affiliate is exempt from the
3 requirements of this paragraph if it is covered by the
4 insurance policy of the new or used dealer listed on the
5 application pursuant to paragraph (2).

6 (8) A license fee of \$1,000 for the applicant's
7 established place of business and \$250 for each additional
8 place of business, if any, to which the application
9 pertains. However, if the application is made after June
10 15 of any year, the license fee shall be \$500 for the
11 applicant's established place of business and \$125 for
12 each additional place of business, if any, to which the
13 application pertains. These license fees shall be
14 returnable only in the event that the application is
15 denied by the Secretary of State.

16 (9) A statement incorporating the requirements of
17 paragraphs 8 and 9 of subsection (b) of Section 5-101.

18 (10) Any other information concerning the business of
19 the applicant as the Secretary of State may prescribe.

20 (11) A statement that the applicant understands
21 Chapter 1 through Chapter 5 of this Code.

22 (12) The full name, address, and contact information
23 of each of the dealer's agents or legal representatives
24 who is an Illinois resident and liable for the performance
25 of the dealership.

26 (c) Any change which renders no longer accurate any

1 information contained in any application for a motor vehicle
2 financing affiliate's license shall be amended within 30 days
3 after the occurrence of the change on a form prescribed by the
4 Secretary of State, accompanied by an amendatory fee of \$2.

5 (d) If a new vehicle dealer is not listed on the
6 application, pursuant to paragraph (2) of subsection (b), the
7 motor vehicle financing affiliate shall not receive, possess,
8 or transfer any new vehicle. If a new motor vehicle dealer is
9 listed on the application, pursuant to paragraph (2) of
10 subsection (b), the new motor vehicle dealer can only receive
11 those new cars it is permitted to receive under its franchise
12 agreement. If both a new and used motor vehicle dealer are
13 listed on the application, pursuant to paragraph (2) of
14 subsection (b), only the new motor vehicle dealer may receive
15 new motor vehicles. If a used motor vehicle is listed on the
16 application, pursuant to paragraph (2) of subsection (b), the
17 used motor vehicle dealer shall not receive any new motor
18 vehicles.

19 (e) The applicant and dealer provided pursuant to
20 paragraph (2) of subsection (b) must be business organizations
21 registered to conduct business in Illinois. Three-fourths of
22 the dealer's board of directors must be members of the motor
23 vehicle financing affiliate's board of directors, if
24 applicable.

25 (f) Unless otherwise provided in this Chapter 5, no
26 business organization registered to do business in Illinois

1 shall be licensed as a motor vehicle financing affiliate
2 unless:

3 (1) The motor vehicle financing affiliate shall only
4 sell, transfer, or assign motor vehicles to the licensed
5 new or used dealer listed on the application pursuant to
6 paragraph (2) of subsection (b).

7 (2) The motor vehicle financing affiliate sells,
8 transfers, or assigns to the new motor vehicle dealer
9 listed on the application, if any, only those new motor
10 vehicles the motor vehicle financing affiliate has
11 received under the contract set forth in paragraph (5) of
12 subsection (b).

13 (3) Any new vehicle dealer listed pursuant to
14 paragraph (2) of subsection (b) has a franchise agreement
15 that permits the dealer to receive motor vehicles from the
16 motor vehicle franchise affiliate.

17 (4) The new or used motor vehicle dealer listed on the
18 application pursuant to paragraph (2) of subsection (b)
19 has one established place of business or supplemental
20 places of business as referenced in subsection (g).

21 (g) The Secretary of State shall, within a reasonable time
22 after receipt, examine an application submitted pursuant to
23 this Section and, unless it is determined that the application
24 does not conform with the requirements of this Section or that
25 grounds exist for a denial of the application under Section
26 5-501, grant the applicant a motor vehicle financing affiliate

1 license in writing for the applicant's established place of
2 business and a supplemental license in writing for each
3 additional place of business in a form prescribed by the
4 Secretary, which shall include all of the following:

5 (1) The name of the business licensed;

6 (2) The name and address of its officers, directors,
7 or members, as applicable;

8 (3) In the case of an original license, the
9 established place of business of the licensee;

10 (4) If applicable, the make or makes of new vehicles
11 which the licensee is licensed to sell to the new motor
12 vehicle dealer listed on the application pursuant to
13 paragraph (2) of subsection (b); and

14 (5) The full name, address, and contact information of
15 each of the dealer's agents or legal representatives who
16 is an Illinois resident and liable for the performance of
17 the dealership.

18 (h) The appropriate instrument evidencing the license or a
19 certified copy, provided by the Secretary of State, shall be
20 kept posted conspicuously in the established place of business
21 of the licensee.

22 (i) Except as provided in subsection (h), all motor
23 vehicle financing affiliate's licenses granted under this
24 Section shall expire ~~expired~~ by operation of law on December
25 31 of the calendar year for which they are granted, unless
26 revoked or canceled at an earlier date pursuant to Section

1 5-501.

2 (j) A motor vehicle financing affiliate's license may be
3 renewed upon application and payment of the required fee.
4 However, when an application for renewal of a motor vehicle
5 financing affiliate's license is made during the month of
6 December, the effective license shall remain in force until
7 the application is granted or denied by the Secretary of
8 State.

9 (k) The contract a motor vehicle financing affiliate has
10 with a manufacturer or franchised distributor, as provided in
11 paragraph (5) of subsection (b), shall only permit the
12 applicant to sell, transfer, or assign new motor vehicles to
13 the new motor vehicle dealer listed on the application
14 pursuant to paragraph (2) of subsection (b). The contract
15 shall specifically prohibit the motor vehicle financing
16 affiliate from selling motor vehicles at retail. This contract
17 shall not be considered the granting of a franchise as defined
18 in Section 2 of the Motor Vehicle Franchise Act.

19 (l) When purchasing ~~of~~ a motor vehicle by a new or used
20 motor vehicle dealer, all persons licensed as a motor vehicle
21 financing affiliate are required to furnish all of the
22 following:

23 (1) For a new vehicle, a manufacturer's statement of
24 origin properly assigned to the purchasing dealer. For a
25 used vehicle, a certificate of title properly assigned to
26 the purchasing dealer.

1 (2) A statement verified under oath that all
2 identifying numbers on the vehicle agree with those on the
3 certificate of title or manufacturer's statement of
4 origin.

5 (3) A bill of sale properly executed on behalf of the
6 purchasing dealer.

7 (4) A copy of the Uniform Invoice-transaction report
8 pursuant to Section 5-402.

9 (5) In the case of a rebuilt vehicle, a copy of the
10 Disclosure of Rebuilt Vehicle Status pursuant to Section
11 5-104.3.

12 (6) In the case of a vehicle for which a warranty has
13 been reinstated, a copy of the warranty.

14 (m) The motor vehicle financing affiliate shall use the
15 established and supplemental place or places of business the
16 new or used vehicle dealer listed on the application pursuant
17 to paragraph (2) of subsection (b) as its established and
18 supplemental place or places of business.

19 (n) The motor vehicle financing affiliate shall keep all
20 books and records required by this Code with the books and
21 records of the new or used vehicle dealer listed on the
22 application pursuant to paragraph (2) of subsection (b). The
23 motor vehicle financing affiliate may use the books and
24 records of the new or used motor vehicle dealer listed on the
25 application pursuant to paragraph (2) of subsection (b).

26 (o) Under no circumstances shall a motor vehicle financing

1 affiliate sell, transfer, or assign a new vehicle to any place
2 of business of a new motor vehicle dealer, unless that place of
3 business is licensed under this Chapter to sell, assign, or
4 otherwise transfer the make of the new motor vehicle
5 transferred.

6 (p) All moneys received by the Secretary of State as
7 license fees under this Section shall be deposited into the
8 Motor Vehicle Review Board Fund and shall be used to
9 administer the Motor Vehicle Review Board under the Motor
10 Vehicle Franchise Act.

11 (q) Except as otherwise provided in this Section, a motor
12 vehicle financing affiliate shall comply with all provisions
13 of this Code.

14 (r) If a licensee under this Section voluntarily
15 surrenders a license to the Illinois Secretary of State Police
16 or a representative of the Secretary of State Vehicle Services
17 Department due to the licensee's inability to adhere to
18 recordkeeping provisions, or the inability to properly issue
19 certificates of title or registrations under this Code, or the
20 Secretary revokes a license under this Section, then the
21 licensee and the licensee's agent, designee, or legal
22 representative, if applicable, may not be named on a new
23 application for a licensee under this Section or under this
24 Chapter, nor is the licensee or the licensee's agent,
25 designee, or legal representative permitted to work for
26 another licensee under this Chapter in a recordkeeping,

1 management, or financial position or as an employee who
2 handles certificate of title and registration documents and
3 applications.

4 (Source: P.A. 102-154, eff. 1-1-22; 102-982, eff. 7-1-23;
5 revised 8-22-22.)

6 (625 ILCS 5/6-107)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 6-107. Graduated license.

9 (a) The purpose of the Graduated Licensing Program is to
10 develop safe and mature driving habits in young, inexperienced
11 drivers and reduce or prevent motor vehicle accidents,
12 fatalities, and injuries by:

13 (1) providing for an increase in the time of practice
14 period before granting permission to obtain a driver's
15 license;

16 (2) strengthening driver licensing and testing
17 standards for persons under the age of 21 years;

18 (3) sanctioning driving privileges of drivers under
19 age 21 who have committed serious traffic violations or
20 other specified offenses; and

21 (4) setting stricter standards to promote the public's
22 health and safety.

23 (b) The application of any person under the age of 18
24 years, and not legally emancipated, for a driver's ~~drivers~~
25 license or permit to operate a motor vehicle issued under the

1 laws of this State, shall be accompanied by the written
2 consent of either parent of the applicant; otherwise by the
3 guardian having custody of the applicant, or in the event
4 there is no parent or guardian, then by another responsible
5 adult. The written consent must accompany any application for
6 a driver's license under this subsection (b), regardless of
7 whether or not the required written consent also accompanied
8 the person's previous application for an instruction permit.

9 No graduated driver's license shall be issued to any
10 applicant under 18 years of age, unless the applicant is at
11 least 16 years of age and has:

12 (1) Held a valid instruction permit for a minimum of 9
13 months.

14 (2) Passed an approved driver education course and
15 submits proof of having passed the course as may be
16 required.

17 (3) Certification by the parent, legal guardian, or
18 responsible adult that the applicant has had a minimum of
19 50 hours of behind-the-wheel practice time, at least 10
20 hours of which have been at night, and is sufficiently
21 prepared and able to safely operate a motor vehicle.

22 (b-1) No graduated driver's license shall be issued to any
23 applicant who is under 18 years of age and not legally
24 emancipated, unless the applicant has graduated from a
25 secondary school of this State or any other state, is enrolled
26 in a course leading to a State of Illinois High School Diploma,

1 has obtained a State of Illinois High School Diploma, is
2 enrolled in an elementary or secondary school or college or
3 university of this State or any other state and is not a
4 chronic or habitual truant as provided in Section 26-2a of the
5 School Code, or is receiving home instruction and submits
6 proof of meeting any of those requirements at the time of
7 application.

8 An applicant under 18 years of age who provides proof
9 acceptable to the Secretary that the applicant has resumed
10 regular school attendance or home instruction or that his or
11 her application was denied in error shall be eligible to
12 receive a graduated license if other requirements are met. The
13 Secretary shall adopt rules for implementing this subsection
14 (b-1).

15 (c) No graduated driver's license or permit shall be
16 issued to any applicant under 18 years of age who has committed
17 the offense of operating a motor vehicle without a valid
18 license or permit in violation of Section 6-101 of this Code or
19 a similar out of state offense and no graduated driver's
20 license or permit shall be issued to any applicant under 18
21 years of age who has committed an offense that would otherwise
22 result in a mandatory revocation of a license or permit as
23 provided in Section 6-205 of this Code or who has been either
24 convicted of or adjudicated a delinquent based upon a
25 violation of the Cannabis Control Act, the Illinois Controlled
26 Substances Act, the Use of Intoxicating Compounds Act, or the

1 Methamphetamine Control and Community Protection Act while
2 that individual was in actual physical control of a motor
3 vehicle. For purposes of this Section, any person placed on
4 probation under Section 10 of the Cannabis Control Act,
5 Section 410 of the Illinois Controlled Substances Act, or
6 Section 70 of the Methamphetamine Control and Community
7 Protection Act shall not be considered convicted. Any person
8 found guilty of such an ~~this~~ offense, while in actual physical
9 control of a motor vehicle, shall have an entry made in the
10 court record by the judge that the ~~this~~ offense did occur while
11 the person was in actual physical control of a motor vehicle
12 and order the clerk of the court to report the violation to the
13 Secretary of State as such.

14 (d) No graduated driver's license shall be issued for 9
15 months to any applicant under the age of 18 years who has
16 committed and subsequently been convicted of an offense
17 against traffic regulations governing the movement of
18 vehicles, any violation of this Section or Section 12-603.1 of
19 this Code, or who has received a disposition of court
20 supervision for a violation of Section 6-20 of the Illinois
21 Liquor Control Act of 1934 or a similar provision of a local
22 ordinance.

23 (e) No graduated driver's license holder under the age of
24 18 years shall operate any motor vehicle, except a motor
25 driven cycle or motorcycle, with more than one passenger in
26 the front seat of the motor vehicle and no more passengers in

1 the back seats than the number of available seat safety belts
2 as set forth in Section 12-603 of this Code. If a graduated
3 driver's license holder over the age of 18 committed an
4 offense against traffic regulations governing the movement of
5 vehicles or any violation of this Section or Section 12-603.1
6 of this Code in the 6 months prior to the graduated driver's
7 license holder's 18th birthday, and was subsequently convicted
8 of the violation, the provisions of this paragraph shall
9 continue to apply until such time as a period of 6 consecutive
10 months has elapsed without an additional violation and
11 subsequent conviction of an offense against traffic
12 regulations governing the movement of vehicles or any
13 violation of this Section or Section 12-603.1 of this Code.

14 (f) (Blank).

15 (g) If a graduated driver's license holder is under the
16 age of 18 when he or she receives the license, for the first 12
17 months he or she holds the license or until he or she reaches
18 the age of 18, whichever occurs sooner, the graduated license
19 holder may not operate a motor vehicle with more than one
20 passenger in the vehicle who is under the age of 20, unless any
21 additional passenger or passengers are siblings,
22 step-siblings, children, or stepchildren of the driver. If a
23 graduated driver's license holder committed an offense against
24 traffic regulations governing the movement of vehicles or any
25 violation of this Section or Section 12-603.1 of this Code
26 during the first 12 months the license is held and

1 subsequently is convicted of the violation, the provisions of
2 this paragraph shall remain in effect until such time as a
3 period of 6 consecutive months has elapsed without an
4 additional violation and subsequent conviction of an offense
5 against traffic regulations governing the movement of vehicles
6 or any violation of this Section or Section 12-603.1 of this
7 Code.

8 (h) It shall be an offense for a person that is age 15, but
9 under age 20, to be a passenger in a vehicle operated by a
10 driver holding a graduated driver's license during the first
11 12 months the driver holds the license or until the driver
12 reaches the age of 18, whichever occurs sooner, if another
13 passenger under the age of 20 is present, excluding a sibling,
14 step-sibling, child, or step-child of the driver.

15 (i) No graduated driver's license shall be issued to any
16 applicant under the age of 18 years if the applicant has been
17 issued a traffic citation for which a disposition has not been
18 rendered at the time of application.

19 (Source: P.A. 102-1100, eff. 1-1-23; revised 12-14-22.)

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 6-107. Graduated license.

22 (a) The purpose of the Graduated Licensing Program is to
23 develop safe and mature driving habits in young, inexperienced
24 drivers and reduce or prevent motor vehicle crashes,
25 fatalities, and injuries by:

1 (1) providing for an increase in the time of practice
2 period before granting permission to obtain a driver's
3 license;

4 (2) strengthening driver licensing and testing
5 standards for persons under the age of 21 years;

6 (3) sanctioning driving privileges of drivers under
7 age 21 who have committed serious traffic violations or
8 other specified offenses; and

9 (4) setting stricter standards to promote the public's
10 health and safety.

11 (b) The application of any person under the age of 18
12 years, and not legally emancipated, for a driver's ~~drivers~~
13 license or permit to operate a motor vehicle issued under the
14 laws of this State, shall be accompanied by the written
15 consent of either parent of the applicant; otherwise by the
16 guardian having custody of the applicant, or in the event
17 there is no parent or guardian, then by another responsible
18 adult. The written consent must accompany any application for
19 a driver's license under this subsection (b), regardless of
20 whether or not the required written consent also accompanied
21 the person's previous application for an instruction permit.

22 No graduated driver's license shall be issued to any
23 applicant under 18 years of age, unless the applicant is at
24 least 16 years of age and has:

25 (1) Held a valid instruction permit for a minimum of 9
26 months.

1 (2) Passed an approved driver education course and
2 submits proof of having passed the course as may be
3 required.

4 (3) Certification by the parent, legal guardian, or
5 responsible adult that the applicant has had a minimum of
6 50 hours of behind-the-wheel practice time, at least 10
7 hours of which have been at night, and is sufficiently
8 prepared and able to safely operate a motor vehicle.

9 (b-1) No graduated driver's license shall be issued to any
10 applicant who is under 18 years of age and not legally
11 emancipated, unless the applicant has graduated from a
12 secondary school of this State or any other state, is enrolled
13 in a course leading to a State of Illinois High School Diploma,
14 has obtained a State of Illinois High School Diploma, is
15 enrolled in an elementary or secondary school or college or
16 university of this State or any other state and is not a
17 chronic or habitual truant as provided in Section 26-2a of the
18 School Code, or is receiving home instruction and submits
19 proof of meeting any of those requirements at the time of
20 application.

21 An applicant under 18 years of age who provides proof
22 acceptable to the Secretary that the applicant has resumed
23 regular school attendance or home instruction or that his or
24 her application was denied in error shall be eligible to
25 receive a graduated license if other requirements are met. The
26 Secretary shall adopt rules for implementing this subsection

1 (b-1).

2 (c) No graduated driver's license or permit shall be
3 issued to any applicant under 18 years of age who has committed
4 the offense of operating a motor vehicle without a valid
5 license or permit in violation of Section 6-101 of this Code or
6 a similar out of state offense and no graduated driver's
7 license or permit shall be issued to any applicant under 18
8 years of age who has committed an offense that would otherwise
9 result in a mandatory revocation of a license or permit as
10 provided in Section 6-205 of this Code or who has been either
11 convicted of or adjudicated a delinquent based upon a
12 violation of the Cannabis Control Act, the Illinois Controlled
13 Substances Act, the Use of Intoxicating Compounds Act, or the
14 Methamphetamine Control and Community Protection Act while
15 that individual was in actual physical control of a motor
16 vehicle. For purposes of this Section, any person placed on
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act, or
19 Section 70 of the Methamphetamine Control and Community
20 Protection Act shall not be considered convicted. Any person
21 found guilty of such an ~~this~~ offense, while in actual physical
22 control of a motor vehicle, shall have an entry made in the
23 court record by the judge that the ~~this~~ offense did occur while
24 the person was in actual physical control of a motor vehicle
25 and order the clerk of the court to report the violation to the
26 Secretary of State as such.

1 (d) No graduated driver's license shall be issued for 9
2 months to any applicant under the age of 18 years who has
3 committed and subsequently been convicted of an offense
4 against traffic regulations governing the movement of
5 vehicles, any violation of this Section or Section 12-603.1 of
6 this Code, or who has received a disposition of court
7 supervision for a violation of Section 6-20 of the Illinois
8 Liquor Control Act of 1934 or a similar provision of a local
9 ordinance.

10 (e) No graduated driver's license holder under the age of
11 18 years shall operate any motor vehicle, except a motor
12 driven cycle or motorcycle, with more than one passenger in
13 the front seat of the motor vehicle and no more passengers in
14 the back seats than the number of available seat safety belts
15 as set forth in Section 12-603 of this Code. If a graduated
16 driver's license holder over the age of 18 committed an
17 offense against traffic regulations governing the movement of
18 vehicles or any violation of this Section or Section 12-603.1
19 of this Code in the 6 months prior to the graduated driver's
20 license holder's 18th birthday, and was subsequently convicted
21 of the violation, the provisions of this paragraph shall
22 continue to apply until such time as a period of 6 consecutive
23 months has elapsed without an additional violation and
24 subsequent conviction of an offense against traffic
25 regulations governing the movement of vehicles or any
26 violation of this Section or Section 12-603.1 of this Code.

1 (f) (Blank).

2 (g) If a graduated driver's license holder is under the
3 age of 18 when he or she receives the license, for the first 12
4 months he or she holds the license or until he or she reaches
5 the age of 18, whichever occurs sooner, the graduated license
6 holder may not operate a motor vehicle with more than one
7 passenger in the vehicle who is under the age of 20, unless any
8 additional passenger or passengers are siblings,
9 step-siblings, children, or stepchildren of the driver. If a
10 graduated driver's license holder committed an offense against
11 traffic regulations governing the movement of vehicles or any
12 violation of this Section or Section 12-603.1 of this Code
13 during the first 12 months the license is held and
14 subsequently is convicted of the violation, the provisions of
15 this paragraph shall remain in effect until such time as a
16 period of 6 consecutive months has elapsed without an
17 additional violation and subsequent conviction of an offense
18 against traffic regulations governing the movement of vehicles
19 or any violation of this Section or Section 12-603.1 of this
20 Code.

21 (h) It shall be an offense for a person that is age 15, but
22 under age 20, to be a passenger in a vehicle operated by a
23 driver holding a graduated driver's license during the first
24 12 months the driver holds the license or until the driver
25 reaches the age of 18, whichever occurs sooner, if another
26 passenger under the age of 20 is present, excluding a sibling,

1 step-sibling, child, or step-child of the driver.

2 (i) No graduated driver's license shall be issued to any
3 applicant under the age of 18 years if the applicant has been
4 issued a traffic citation for which a disposition has not been
5 rendered at the time of application.

6 (Source: P.A. 102-982, eff. 7-1-23; 102-1100, eff. 1-1-23;
7 revised 12-14-22.)

8 (625 ILCS 5/6-206)

9 (Text of Section before amendment by P.A. 102-982)

10 Sec. 6-206. Discretionary authority to suspend or revoke
11 license or permit; right to a hearing.

12 (a) The Secretary of State is authorized to suspend or
13 revoke the driving privileges of any person without
14 preliminary hearing upon a showing of the person's records or
15 other sufficient evidence that the person:

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required
18 upon conviction;

19 2. Has been convicted of not less than 3 offenses
20 against traffic regulations governing the movement of
21 vehicles committed within any 12-month period. No
22 revocation or suspension shall be entered more than 6
23 months after the date of last conviction;

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in injury
9 requiring immediate professional treatment in a medical
10 facility or doctor's office to any person, except that any
11 suspension or revocation imposed by the Secretary of State
12 under the provisions of this subsection shall start no
13 later than 6 months after being convicted of violating a
14 law or ordinance regulating the movement of traffic, which
15 violation is related to the accident, or shall start not
16 more than one year after the date of the accident,
17 whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

1 8. Is ineligible for a driver's license or permit
2 under the provisions of Section 6-103;

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

10 11. Has operated a motor vehicle upon a highway of
11 this State when the person's driving privilege or
12 privilege to obtain a driver's license or permit was
13 revoked or suspended unless the operation was authorized
14 by a monitoring device driving permit, judicial driving
15 permit issued prior to January 1, 2009, probationary
16 license to drive, or restricted driving permit issued
17 under this Code;

18 12. Has submitted to any portion of the application
19 process for another person or has obtained the services of
20 another person to submit to any portion of the application
21 process for the purpose of obtaining a license,
22 identification card, or permit for some other person;

23 13. Has operated a motor vehicle upon a highway of
24 this State when the person's driver's license or permit
25 was invalid under the provisions of Sections 6-107.1 and
26 6-110;

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
3 14B of the Illinois Identification Card Act or a similar
4 offense in another state if, at the time of the offense,
5 the person held an Illinois driver's license or
6 identification card;

7 15. Has been convicted of violating Section 21-2 of
8 the Criminal Code of 1961 or the Criminal Code of 2012
9 relating to criminal trespass to vehicles if the person
10 exercised actual physical control over the vehicle during
11 the commission of the offense, in which case the
12 suspension shall be for one year;

13 16. Has been convicted of violating Section 11-204 of
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 of this Code and the
17 person has not sought a hearing as provided for in Section
18 11-501.1;

19 18. (Blank);

20 19. Has committed a violation of paragraph (a) or (b)
21 of Section 6-101 relating to driving without a driver's
22 license;

23 20. Has been convicted of violating Section 6-104
24 relating to classification of driver's license;

25 21. Has been convicted of violating Section 11-402 of
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

3 22. Has used a motor vehicle in violating paragraph
4 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
5 the Criminal Code of 1961 or the Criminal Code of 2012
6 relating to unlawful use of weapons, in which case the
7 suspension shall be for one year;

8 23. Has, as a driver, been convicted of committing a
9 violation of paragraph (a) of Section 11-502 of this Code
10 for a second or subsequent time within one year of a
11 similar violation;

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois or in
15 another state of or for a traffic-related offense that is
16 the same as or similar to an offense specified under
17 Section 6-205 or 6-206 of this Code;

18 25. Has permitted any form of identification to be
19 used by another in the application process in order to
20 obtain or attempt to obtain a license, identification
21 card, or permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

25 27. (Blank);

26 28. Has been convicted for a first time of the illegal

1 possession, while operating or in actual physical control,
2 as a driver, of a motor vehicle, of any controlled
3 substance prohibited under the Illinois Controlled
4 Substances Act, any cannabis prohibited under the Cannabis
5 Control Act, or any methamphetamine prohibited under the
6 Methamphetamine Control and Community Protection Act, in
7 which case the person's driving privileges shall be
8 suspended for one year. Any defendant found guilty of this
9 offense while operating a motor vehicle shall have an
10 entry made in the court record by the presiding judge that
11 this offense did occur while the defendant was operating a
12 motor vehicle and order the clerk of the court to report
13 the violation to the Secretary of State;

14 29. Has been convicted of the following offenses that
15 were committed while the person was operating or in actual
16 physical control, as a driver, of a motor vehicle:
17 criminal sexual assault, predatory criminal sexual assault
18 of a child, aggravated criminal sexual assault, criminal
19 sexual abuse, aggravated criminal sexual abuse, juvenile
20 pimping, soliciting for a juvenile prostitute, promoting
21 juvenile prostitution as described in subdivision (a)(1),
22 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, and the manufacture,
24 sale or delivery of controlled substances or instruments
25 used for illegal drug use or abuse in which case the
26 driver's driving privileges shall be suspended for one

1 year;

2 30. Has been convicted a second or subsequent time for
3 any combination of the offenses named in paragraph 29 of
4 this subsection, in which case the person's driving
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 of this Code or Section 5-16c of the Boat
8 Registration and Safety Act or has submitted to a test
9 resulting in an alcohol concentration of 0.08 or more or
10 any amount of a drug, substance, or compound resulting
11 from the unlawful use or consumption of cannabis as listed
12 in the Cannabis Control Act, a controlled substance as
13 listed in the Illinois Controlled Substances Act, an
14 intoxicating compound as listed in the Use of Intoxicating
15 Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act, in
17 which case the penalty shall be as prescribed in Section
18 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012
21 relating to the aggravated discharge of a firearm if the
22 offender was located in a motor vehicle at the time the
23 firearm was discharged, in which case the suspension shall
24 be for 3 years;

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this
2 Code or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of
4 this Code or a similar provision of a local ordinance;

5 35. Has committed a violation of Section 11-1301.6 of
6 this Code or a similar provision of a local ordinance;

7 36. Is under the age of 21 years at the time of arrest
8 and has been convicted of not less than 2 offenses against
9 traffic regulations governing the movement of vehicles
10 committed within any 24-month period. No revocation or
11 suspension shall be entered more than 6 months after the
12 date of last conviction;

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code that resulted in damage to the
15 property of another or the death or injury of another;

16 38. Has been convicted of a violation of Section 6-20
17 of the Liquor Control Act of 1934 or a similar provision of
18 a local ordinance and the person was an occupant of a motor
19 vehicle at the time of the violation;

20 39. Has committed a second or subsequent violation of
21 Section 11-1201 of this Code;

22 40. Has committed a violation of subsection (a-1) of
23 Section 11-908 of this Code;

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code, a similar provision of a
26 local ordinance, or a similar violation in any other state

1 within 2 years of the date of the previous violation, in
2 which case the suspension shall be for 90 days;

3 42. Has committed a violation of subsection (a-1) of
4 Section 11-1301.3 of this Code or a similar provision of a
5 local ordinance;

6 43. Has received a disposition of court supervision
7 for a violation of subsection (a), (d), or (e) of Section
8 6-20 of the Liquor Control Act of 1934 or a similar
9 provision of a local ordinance and the person was an
10 occupant of a motor vehicle at the time of the violation,
11 in which case the suspension shall be for a period of 3
12 months;

13 44. Is under the age of 21 years at the time of arrest
14 and has been convicted of an offense against traffic
15 regulations governing the movement of vehicles after
16 having previously had his or her driving privileges
17 suspended or revoked pursuant to subparagraph 36 of this
18 Section;

19 45. Has, in connection with or during the course of a
20 formal hearing conducted under Section 2-118 of this Code:
21 (i) committed perjury; (ii) submitted fraudulent or
22 falsified documents; (iii) submitted documents that have
23 been materially altered; or (iv) submitted, as his or her
24 own, documents that were in fact prepared or composed for
25 another person;

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

2 47. Has committed a violation of subsection (a) of
3 Section 11-502.1 of this Code;

4 48. Has submitted a falsified or altered medical
5 examiner's certificate to the Secretary of State or
6 provided false information to obtain a medical examiner's
7 certificate;

8 49. Has been convicted of a violation of Section
9 11-1002 or 11-1002.5 that resulted in a Type A injury to
10 another, in which case the driving privileges of the
11 person shall be suspended for 12 months;

12 50. Has committed a violation of subsection (b-5) of
13 Section 12-610.2 that resulted in great bodily harm,
14 permanent disability, or disfigurement, in which case the
15 driving privileges of the person shall be suspended for 12
16 months;

17 51. Has committed a violation of Section 10-15 Of the
18 Cannabis Regulation and Tax Act or a similar provision of
19 a local ordinance while in a motor vehicle; or

20 52. Has committed a violation of subsection (b) of
21 Section 10-20 of the Cannabis Regulation and Tax Act or a
22 similar provision of a local ordinance.

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
24 and 27 of this subsection, license means any driver's license,
25 any traffic ticket issued when the person's driver's license
26 is deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license, or a temporary driver's
3 license.

4 (b) If any conviction forming the basis of a suspension or
5 revocation authorized under this Section is appealed, the
6 Secretary of State may rescind or withhold the entry of the
7 order of suspension or revocation, as the case may be,
8 provided that a certified copy of a stay order of a court is
9 filed with the Secretary of State. If the conviction is
10 affirmed on appeal, the date of the conviction shall relate
11 back to the time the original judgment of conviction was
12 entered and the 6-month limitation prescribed shall not apply.

13 (c) 1. Upon suspending or revoking the driver's license or
14 permit of any person as authorized in this Section, the
15 Secretary of State shall immediately notify the person in
16 writing of the revocation or suspension. The notice to be
17 deposited in the United States mail, postage prepaid, to the
18 last known address of the person.

19 2. If the Secretary of State suspends the driver's license
20 of a person under subsection 2 of paragraph (a) of this
21 Section, a person's privilege to operate a vehicle as an
22 occupation shall not be suspended, provided an affidavit is
23 properly completed, the appropriate fee received, and a permit
24 issued prior to the effective date of the suspension, unless 5
25 offenses were committed, at least 2 of which occurred while
26 operating a commercial vehicle in connection with the driver's

1 regular occupation. All other driving privileges shall be
2 suspended by the Secretary of State. Any driver prior to
3 operating a vehicle for occupational purposes only must submit
4 the affidavit on forms to be provided by the Secretary of State
5 setting forth the facts of the person's occupation. The
6 affidavit shall also state the number of offenses committed
7 while operating a vehicle in connection with the driver's
8 regular occupation. The affidavit shall be accompanied by the
9 driver's license. Upon receipt of a properly completed
10 affidavit, the Secretary of State shall issue the driver a
11 permit to operate a vehicle in connection with the driver's
12 regular occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended as set
15 forth in the notice that was mailed under this Section. If an
16 affidavit is received subsequent to the effective date of this
17 suspension, a permit may be issued for the remainder of the
18 suspension period.

19 The provisions of this subparagraph shall not apply to any
20 driver required to possess a CDL for the purpose of operating a
21 commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section 6-302
24 and upon conviction thereof shall have all driving privileges
25 revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118 of

1 this Code, the Secretary of State shall either rescind or
2 continue an order of revocation or shall substitute an order
3 of suspension; or, good cause appearing therefor, rescind,
4 continue, change, or extend the order of suspension. If the
5 Secretary of State does not rescind the order, the Secretary
6 may upon application, to relieve undue hardship (as defined by
7 the rules of the Secretary of State), issue a restricted
8 driving permit granting the privilege of driving a motor
9 vehicle between the petitioner's residence and petitioner's
10 place of employment or within the scope of the petitioner's
11 employment-related duties, or to allow the petitioner to
12 transport himself or herself, or a family member of the
13 petitioner's household to a medical facility, to receive
14 necessary medical care, to allow the petitioner to transport
15 himself or herself to and from alcohol or drug remedial or
16 rehabilitative activity recommended by a licensed service
17 provider, or to allow the petitioner to transport himself or
18 herself or a family member of the petitioner's household to
19 classes, as a student, at an accredited educational
20 institution, or to allow the petitioner to transport children,
21 elderly persons, or persons with disabilities who do not hold
22 driving privileges and are living in the petitioner's
23 household to and from daycare. The petitioner must demonstrate
24 that no alternative means of transportation is reasonably
25 available and that the petitioner will not endanger the public
26 safety or welfare.

1 (A) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating
3 Section 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense, or
5 Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, where the use of alcohol or other drugs is
7 recited as an element of the offense, or a similar
8 out-of-state offense, or a combination of these offenses,
9 arising out of separate occurrences, that person, if
10 issued a restricted driving permit, may not operate a
11 vehicle unless it has been equipped with an ignition
12 interlock device as defined in Section 1-129.1.

13 (B) If a person's license or permit is revoked or
14 suspended 2 or more times due to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense or Section
18 9-3 of the Criminal Code of 1961 or the Criminal Code
19 of 2012, where the use of alcohol or other drugs is
20 recited as an element of the offense, or a similar
21 out-of-state offense; or

22 (ii) a statutory summary suspension or revocation
23 under Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

3 (B-5) If a person's license or permit is revoked or
4 suspended due to a conviction for a violation of
5 subparagraph (C) or (F) of paragraph (1) of subsection (d)
6 of Section 11-501 of this Code, or a similar provision of a
7 local ordinance or similar out-of-state offense, that
8 person, if issued a restricted driving permit, may not
9 operate a vehicle unless it has been equipped with an
10 ignition interlock device as defined in Section 1-129.1.

11 (C) The person issued a permit conditioned upon the
12 use of an ignition interlock device must pay to the
13 Secretary of State DUI Administration Fund an amount not
14 to exceed \$30 per month. The Secretary shall establish by
15 rule the amount and the procedures, terms, and conditions
16 relating to these fees.

17 (D) If the restricted driving permit is issued for
18 employment purposes, then the prohibition against
19 operating a motor vehicle that is not equipped with an
20 ignition interlock device does not apply to the operation
21 of an occupational vehicle owned or leased by that
22 person's employer when used solely for employment
23 purposes. For any person who, within a 5-year period, is
24 convicted of a second or subsequent offense under Section
25 11-501 of this Code, or a similar provision of a local
26 ordinance or similar out-of-state offense, this employment

1 exemption does not apply until either a one-year period
2 has elapsed during which that person had his or her
3 driving privileges revoked or a one-year period has
4 elapsed during which that person had a restricted driving
5 permit which required the use of an ignition interlock
6 device on every motor vehicle owned or operated by that
7 person.

8 (E) In each case the Secretary may issue a restricted
9 driving permit for a period deemed appropriate, except
10 that all permits shall expire no later than 2 years from
11 the date of issuance. A restricted driving permit issued
12 under this Section shall be subject to cancellation,
13 revocation, and suspension by the Secretary of State in
14 like manner and for like cause as a driver's license
15 issued under this Code may be cancelled, revoked, or
16 suspended; except that a conviction upon one or more
17 offenses against laws or ordinances regulating the
18 movement of traffic shall be deemed sufficient cause for
19 the revocation, suspension, or cancellation of a
20 restricted driving permit. The Secretary of State may, as
21 a condition to the issuance of a restricted driving
22 permit, require the applicant to participate in a
23 designated driver remedial or rehabilitative program. The
24 Secretary of State is authorized to cancel a restricted
25 driving permit if the permit holder does not successfully
26 complete the program.

1 (F) A person subject to the provisions of paragraph 4
2 of subsection (b) of Section 6-208 of this Code may make
3 application for a restricted driving permit at a hearing
4 conducted under Section 2-118 of this Code after the
5 expiration of 5 years from the effective date of the most
6 recent revocation or after 5 years from the date of
7 release from a period of imprisonment resulting from a
8 conviction of the most recent offense, whichever is later,
9 provided the person, in addition to all other requirements
10 of the Secretary, shows by clear and convincing evidence:

11 (i) a minimum of 3 years of uninterrupted
12 abstinence from alcohol and the unlawful use or
13 consumption of cannabis under the Cannabis Control
14 Act, a controlled substance under the Illinois
15 Controlled Substances Act, an intoxicating compound
16 under the Use of Intoxicating Compounds Act, or
17 methamphetamine under the Methamphetamine Control and
18 Community Protection Act; and

19 (ii) the successful completion of any
20 rehabilitative treatment and involvement in any
21 ongoing rehabilitative activity that may be
22 recommended by a properly licensed service provider
23 according to an assessment of the person's alcohol or
24 drug use under Section 11-501.01 of this Code.

25 In determining whether an applicant is eligible for a
26 restricted driving permit under this subparagraph (F), the

1 Secretary may consider any relevant evidence, including,
2 but not limited to, testimony, affidavits, records, and
3 the results of regular alcohol or drug tests. Persons
4 subject to the provisions of paragraph 4 of subsection (b)
5 of Section 6-208 of this Code and who have been convicted
6 of more than one violation of paragraph (3), paragraph
7 (4), or paragraph (5) of subsection (a) of Section 11-501
8 of this Code shall not be eligible to apply for a
9 restricted driving permit under this subparagraph (F).

10 A restricted driving permit issued under this
11 subparagraph (F) shall provide that the holder may only
12 operate motor vehicles equipped with an ignition interlock
13 device as required under paragraph (2) of subsection (c)
14 of Section 6-205 of this Code and subparagraph (A) of
15 paragraph 3 of subsection (c) of this Section. The
16 Secretary may revoke a restricted driving permit or amend
17 the conditions of a restricted driving permit issued under
18 this subparagraph (F) if the holder operates a vehicle
19 that is not equipped with an ignition interlock device, or
20 for any other reason authorized under this Code.

21 A restricted driving permit issued under this
22 subparagraph (F) shall be revoked, and the holder barred
23 from applying for or being issued a restricted driving
24 permit in the future, if the holder is convicted of a
25 violation of Section 11-501 of this Code, a similar
26 provision of a local ordinance, or a similar offense in

1 another state.

2 (c-3) In the case of a suspension under paragraph 43 of
3 subsection (a), reports received by the Secretary of State
4 under this Section shall, except during the actual time the
5 suspension is in effect, be privileged information and for use
6 only by the courts, police officers, prosecuting authorities,
7 the driver licensing administrator of any other state, the
8 Secretary of State, or the parent or legal guardian of a driver
9 under the age of 18. However, beginning January 1, 2008, if the
10 person is a CDL holder, the suspension shall also be made
11 available to the driver licensing administrator of any other
12 state, the U.S. Department of Transportation, and the affected
13 driver or motor carrier or prospective motor carrier upon
14 request.

15 (c-4) In the case of a suspension under paragraph 43 of
16 subsection (a), the Secretary of State shall notify the person
17 by mail that his or her driving privileges and driver's
18 license will be suspended one month after the date of the
19 mailing of the notice.

20 (c-5) The Secretary of State may, as a condition of the
21 reissuance of a driver's license or permit to an applicant
22 whose driver's license or permit has been suspended before he
23 or she reached the age of 21 years pursuant to any of the
24 provisions of this Section, require the applicant to
25 participate in a driver remedial education course and be
26 retested under Section 6-109 of this Code.

1 (d) This Section is subject to the provisions of the
2 Driver License Compact.

3 (e) The Secretary of State shall not issue a restricted
4 driving permit to a person under the age of 16 years whose
5 driving privileges have been suspended or revoked under any
6 provisions of this Code.

7 (f) In accordance with 49 CFR 384, the Secretary of State
8 may not issue a restricted driving permit for the operation of
9 a commercial motor vehicle to a person holding a CDL whose
10 driving privileges have been suspended, revoked, cancelled, or
11 disqualified under any provisions of this Code.

12 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
13 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
14 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,
15 eff. 5-13-22; revised 12-14-22.)

16 (Text of Section after amendment by P.A. 102-982)

17 Sec. 6-206. Discretionary authority to suspend or revoke
18 license or permit; right to a hearing.

19 (a) The Secretary of State is authorized to suspend or
20 revoke the driving privileges of any person without
21 preliminary hearing upon a showing of the person's records or
22 other sufficient evidence that the person:

23 1. Has committed an offense for which mandatory
24 revocation of a driver's license or permit is required
25 upon conviction;

1 2. Has been convicted of not less than 3 offenses
2 against traffic regulations governing the movement of
3 vehicles committed within any 12-month period. No
4 revocation or suspension shall be entered more than 6
5 months after the date of last conviction;

6 3. Has been repeatedly involved as a driver in motor
7 vehicle collisions or has been repeatedly convicted of
8 offenses against laws and ordinances regulating the
9 movement of traffic, to a degree that indicates lack of
10 ability to exercise ordinary and reasonable care in the
11 safe operation of a motor vehicle or disrespect for the
12 traffic laws and the safety of other persons upon the
13 highway;

14 4. Has by the unlawful operation of a motor vehicle
15 caused or contributed to a crash resulting in injury
16 requiring immediate professional treatment in a medical
17 facility or doctor's office to any person, except that any
18 suspension or revocation imposed by the Secretary of State
19 under the provisions of this subsection shall start no
20 later than 6 months after being convicted of violating a
21 law or ordinance regulating the movement of traffic, which
22 violation is related to the crash, or shall start not more
23 than one year after the date of the crash, whichever date
24 occurs later;

25 5. Has permitted an unlawful or fraudulent use of a
26 driver's license, identification card, or permit;

1 6. Has been lawfully convicted of an offense or
2 offenses in another state, including the authorization
3 contained in Section 6-203.1, which if committed within
4 this State would be grounds for suspension or revocation;

5 7. Has refused or failed to submit to an examination
6 provided for by Section 6-207 or has failed to pass the
7 examination;

8 8. Is ineligible for a driver's license or permit
9 under the provisions of Section 6-103;

10 9. Has made a false statement or knowingly concealed a
11 material fact or has used false information or
12 identification in any application for a license,
13 identification card, or permit;

14 10. Has possessed, displayed, or attempted to
15 fraudulently use any license, identification card, or
16 permit not issued to the person;

17 11. Has operated a motor vehicle upon a highway of
18 this State when the person's driving privilege or
19 privilege to obtain a driver's license or permit was
20 revoked or suspended unless the operation was authorized
21 by a monitoring device driving permit, judicial driving
22 permit issued prior to January 1, 2009, probationary
23 license to drive, or restricted driving permit issued
24 under this Code;

25 12. Has submitted to any portion of the application
26 process for another person or has obtained the services of

1 another person to submit to any portion of the application
2 process for the purpose of obtaining a license,
3 identification card, or permit for some other person;

4 13. Has operated a motor vehicle upon a highway of
5 this State when the person's driver's license or permit
6 was invalid under the provisions of Sections 6-107.1 and
7 6-110;

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
10 14B of the Illinois Identification Card Act or a similar
11 offense in another state if, at the time of the offense,
12 the person held an Illinois driver's license or
13 identification card;

14 15. Has been convicted of violating Section 21-2 of
15 the Criminal Code of 1961 or the Criminal Code of 2012
16 relating to criminal trespass to vehicles if the person
17 exercised actual physical control over the vehicle during
18 the commission of the offense, in which case the
19 suspension shall be for one year;

20 16. Has been convicted of violating Section 11-204 of
21 this Code relating to fleeing from a peace officer;

22 17. Has refused to submit to a test, or tests, as
23 required under Section 11-501.1 of this Code and the
24 person has not sought a hearing as provided for in Section
25 11-501.1;

26 18. (Blank);

1 19. Has committed a violation of paragraph (a) or (b)
2 of Section 6-101 relating to driving without a driver's
3 license;

4 20. Has been convicted of violating Section 6-104
5 relating to classification of driver's license;

6 21. Has been convicted of violating Section 11-402 of
7 this Code relating to leaving the scene of a crash
8 resulting in damage to a vehicle in excess of \$1,000, in
9 which case the suspension shall be for one year;

10 22. Has used a motor vehicle in violating paragraph
11 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
12 the Criminal Code of 1961 or the Criminal Code of 2012
13 relating to unlawful use of weapons, in which case the
14 suspension shall be for one year;

15 23. Has, as a driver, been convicted of committing a
16 violation of paragraph (a) of Section 11-502 of this Code
17 for a second or subsequent time within one year of a
18 similar violation;

19 24. Has been convicted by a court-martial or punished
20 by non-judicial punishment by military authorities of the
21 United States at a military installation in Illinois or in
22 another state of or for a traffic-related offense that is
23 the same as or similar to an offense specified under
24 Section 6-205 or 6-206 of this Code;

25 25. Has permitted any form of identification to be
26 used by another in the application process in order to

1 obtain or attempt to obtain a license, identification
2 card, or permit;

3 26. Has altered or attempted to alter a license or has
4 possessed an altered license, identification card, or
5 permit;

6 27. (Blank);

7 28. Has been convicted for a first time of the illegal
8 possession, while operating or in actual physical control,
9 as a driver, of a motor vehicle, of any controlled
10 substance prohibited under the Illinois Controlled
11 Substances Act, any cannabis prohibited under the Cannabis
12 Control Act, or any methamphetamine prohibited under the
13 Methamphetamine Control and Community Protection Act, in
14 which case the person's driving privileges shall be
15 suspended for one year. Any defendant found guilty of this
16 offense while operating a motor vehicle shall have an
17 entry made in the court record by the presiding judge that
18 this offense did occur while the defendant was operating a
19 motor vehicle and order the clerk of the court to report
20 the violation to the Secretary of State;

21 29. Has been convicted of the following offenses that
22 were committed while the person was operating or in actual
23 physical control, as a driver, of a motor vehicle:
24 criminal sexual assault, predatory criminal sexual assault
25 of a child, aggravated criminal sexual assault, criminal
26 sexual abuse, aggravated criminal sexual abuse, juvenile

1 pimping, soliciting for a juvenile prostitute, promoting
2 juvenile prostitution as described in subdivision (a)(1),
3 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, and the manufacture,
5 sale or delivery of controlled substances or instruments
6 used for illegal drug use or abuse in which case the
7 driver's driving privileges shall be suspended for one
8 year;

9 30. Has been convicted a second or subsequent time for
10 any combination of the offenses named in paragraph 29 of
11 this subsection, in which case the person's driving
12 privileges shall be suspended for 5 years;

13 31. Has refused to submit to a test as required by
14 Section 11-501.6 of this Code or Section 5-16c of the Boat
15 Registration and Safety Act or has submitted to a test
16 resulting in an alcohol concentration of 0.08 or more or
17 any amount of a drug, substance, or compound resulting
18 from the unlawful use or consumption of cannabis as listed
19 in the Cannabis Control Act, a controlled substance as
20 listed in the Illinois Controlled Substances Act, an
21 intoxicating compound as listed in the Use of Intoxicating
22 Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act, in
24 which case the penalty shall be as prescribed in Section
25 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 relating to the aggravated discharge of a firearm if the
3 offender was located in a motor vehicle at the time the
4 firearm was discharged, in which case the suspension shall
5 be for 3 years;

6 33. Has as a driver, who was less than 21 years of age
7 on the date of the offense, been convicted a first time of
8 a violation of paragraph (a) of Section 11-502 of this
9 Code or a similar provision of a local ordinance;

10 34. Has committed a violation of Section 11-1301.5 of
11 this Code or a similar provision of a local ordinance;

12 35. Has committed a violation of Section 11-1301.6 of
13 this Code or a similar provision of a local ordinance;

14 36. Is under the age of 21 years at the time of arrest
15 and has been convicted of not less than 2 offenses against
16 traffic regulations governing the movement of vehicles
17 committed within any 24-month period. No revocation or
18 suspension shall be entered more than 6 months after the
19 date of last conviction;

20 37. Has committed a violation of subsection (c) of
21 Section 11-907 of this Code that resulted in damage to the
22 property of another or the death or injury of another;

23 38. Has been convicted of a violation of Section 6-20
24 of the Liquor Control Act of 1934 or a similar provision of
25 a local ordinance and the person was an occupant of a motor
26 vehicle at the time of the violation;

1 39. Has committed a second or subsequent violation of
2 Section 11-1201 of this Code;

3 40. Has committed a violation of subsection (a-1) of
4 Section 11-908 of this Code;

5 41. Has committed a second or subsequent violation of
6 Section 11-605.1 of this Code, a similar provision of a
7 local ordinance, or a similar violation in any other state
8 within 2 years of the date of the previous violation, in
9 which case the suspension shall be for 90 days;

10 42. Has committed a violation of subsection (a-1) of
11 Section 11-1301.3 of this Code or a similar provision of a
12 local ordinance;

13 43. Has received a disposition of court supervision
14 for a violation of subsection (a), (d), or (e) of Section
15 6-20 of the Liquor Control Act of 1934 or a similar
16 provision of a local ordinance and the person was an
17 occupant of a motor vehicle at the time of the violation,
18 in which case the suspension shall be for a period of 3
19 months;

20 44. Is under the age of 21 years at the time of arrest
21 and has been convicted of an offense against traffic
22 regulations governing the movement of vehicles after
23 having previously had his or her driving privileges
24 suspended or revoked pursuant to subparagraph 36 of this
25 Section;

26 45. Has, in connection with or during the course of a

1 formal hearing conducted under Section 2-118 of this Code:
2 (i) committed perjury; (ii) submitted fraudulent or
3 falsified documents; (iii) submitted documents that have
4 been materially altered; or (iv) submitted, as his or her
5 own, documents that were in fact prepared or composed for
6 another person;

7 46. Has committed a violation of subsection (j) of
8 Section 3-413 of this Code;

9 47. Has committed a violation of subsection (a) of
10 Section 11-502.1 of this Code;

11 48. Has submitted a falsified or altered medical
12 examiner's certificate to the Secretary of State or
13 provided false information to obtain a medical examiner's
14 certificate;

15 49. Has been convicted of a violation of Section
16 11-1002 or 11-1002.5 that resulted in a Type A injury to
17 another, in which case the driving privileges of the
18 person shall be suspended for 12 months;

19 50. Has committed a violation of subsection (b-5) of
20 Section 12-610.2 that resulted in great bodily harm,
21 permanent disability, or disfigurement, in which case the
22 driving privileges of the person shall be suspended for 12
23 months;

24 51. Has committed a violation of Section 10-15 Of the
25 Cannabis Regulation and Tax Act or a similar provision of
26 a local ordinance while in a motor vehicle; or

1 52. Has committed a violation of subsection (b) of
2 Section 10-20 of the Cannabis Regulation and Tax Act or a
3 similar provision of a local ordinance.

4 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
5 and 27 of this subsection, license means any driver's license,
6 any traffic ticket issued when the person's driver's license
7 is deposited in lieu of bail, a suspension notice issued by the
8 Secretary of State, a duplicate or corrected driver's license,
9 a probationary driver's license, or a temporary driver's
10 license.

11 (b) If any conviction forming the basis of a suspension or
12 revocation authorized under this Section is appealed, the
13 Secretary of State may rescind or withhold the entry of the
14 order of suspension or revocation, as the case may be,
15 provided that a certified copy of a stay order of a court is
16 filed with the Secretary of State. If the conviction is
17 affirmed on appeal, the date of the conviction shall relate
18 back to the time the original judgment of conviction was
19 entered and the 6-month limitation prescribed shall not apply.

20 (c) 1. Upon suspending or revoking the driver's license or
21 permit of any person as authorized in this Section, the
22 Secretary of State shall immediately notify the person in
23 writing of the revocation or suspension. The notice to be
24 deposited in the United States mail, postage prepaid, to the
25 last known address of the person.

26 2. If the Secretary of State suspends the driver's license

1 of a person under subsection 2 of paragraph (a) of this
2 Section, a person's privilege to operate a vehicle as an
3 occupation shall not be suspended, provided an affidavit is
4 properly completed, the appropriate fee received, and a permit
5 issued prior to the effective date of the suspension, unless 5
6 offenses were committed, at least 2 of which occurred while
7 operating a commercial vehicle in connection with the driver's
8 regular occupation. All other driving privileges shall be
9 suspended by the Secretary of State. Any driver prior to
10 operating a vehicle for occupational purposes only must submit
11 the affidavit on forms to be provided by the Secretary of State
12 setting forth the facts of the person's occupation. The
13 affidavit shall also state the number of offenses committed
14 while operating a vehicle in connection with the driver's
15 regular occupation. The affidavit shall be accompanied by the
16 driver's license. Upon receipt of a properly completed
17 affidavit, the Secretary of State shall issue the driver a
18 permit to operate a vehicle in connection with the driver's
19 regular occupation only. Unless the permit is issued by the
20 Secretary of State prior to the date of suspension, the
21 privilege to drive any motor vehicle shall be suspended as set
22 forth in the notice that was mailed under this Section. If an
23 affidavit is received subsequent to the effective date of this
24 suspension, a permit may be issued for the remainder of the
25 suspension period.

26 The provisions of this subparagraph shall not apply to any

1 driver required to possess a CDL for the purpose of operating a
2 commercial motor vehicle.

3 Any person who falsely states any fact in the affidavit
4 required herein shall be guilty of perjury under Section 6-302
5 and upon conviction thereof shall have all driving privileges
6 revoked without further rights.

7 3. At the conclusion of a hearing under Section 2-118 of
8 this Code, the Secretary of State shall either rescind or
9 continue an order of revocation or shall substitute an order
10 of suspension; or, good cause appearing therefor, rescind,
11 continue, change, or extend the order of suspension. If the
12 Secretary of State does not rescind the order, the Secretary
13 may upon application, to relieve undue hardship (as defined by
14 the rules of the Secretary of State), issue a restricted
15 driving permit granting the privilege of driving a motor
16 vehicle between the petitioner's residence and petitioner's
17 place of employment or within the scope of the petitioner's
18 employment-related duties, or to allow the petitioner to
19 transport himself or herself, or a family member of the
20 petitioner's household to a medical facility, to receive
21 necessary medical care, to allow the petitioner to transport
22 himself or herself to and from alcohol or drug remedial or
23 rehabilitative activity recommended by a licensed service
24 provider, or to allow the petitioner to transport himself or
25 herself or a family member of the petitioner's household to
26 classes, as a student, at an accredited educational

1 institution, or to allow the petitioner to transport children,
2 elderly persons, or persons with disabilities who do not hold
3 driving privileges and are living in the petitioner's
4 household to and from daycare. The petitioner must demonstrate
5 that no alternative means of transportation is reasonably
6 available and that the petitioner will not endanger the public
7 safety or welfare.

8 (A) If a person's license or permit is revoked or
9 suspended due to 2 or more convictions of violating
10 Section 11-501 of this Code or a similar provision of a
11 local ordinance or a similar out-of-state offense, or
12 Section 9-3 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, where the use of alcohol or other drugs is
14 recited as an element of the offense, or a similar
15 out-of-state offense, or a combination of these offenses,
16 arising out of separate occurrences, that person, if
17 issued a restricted driving permit, may not operate a
18 vehicle unless it has been equipped with an ignition
19 interlock device as defined in Section 1-129.1.

20 (B) If a person's license or permit is revoked or
21 suspended 2 or more times due to any combination of:

22 (i) a single conviction of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense or Section
25 9-3 of the Criminal Code of 1961 or the Criminal Code
26 of 2012, where the use of alcohol or other drugs is

1 recited as an element of the offense, or a similar
2 out-of-state offense; or

3 (ii) a statutory summary suspension or revocation
4 under Section 11-501.1; or

5 (iii) a suspension under Section 6-203.1;

6 arising out of separate occurrences; that person, if
7 issued a restricted driving permit, may not operate a
8 vehicle unless it has been equipped with an ignition
9 interlock device as defined in Section 1-129.1.

10 (B-5) If a person's license or permit is revoked or
11 suspended due to a conviction for a violation of
12 subparagraph (C) or (F) of paragraph (1) of subsection (d)
13 of Section 11-501 of this Code, or a similar provision of a
14 local ordinance or similar out-of-state offense, that
15 person, if issued a restricted driving permit, may not
16 operate a vehicle unless it has been equipped with an
17 ignition interlock device as defined in Section 1-129.1.

18 (C) The person issued a permit conditioned upon the
19 use of an ignition interlock device must pay to the
20 Secretary of State DUI Administration Fund an amount not
21 to exceed \$30 per month. The Secretary shall establish by
22 rule the amount and the procedures, terms, and conditions
23 relating to these fees.

24 (D) If the restricted driving permit is issued for
25 employment purposes, then the prohibition against
26 operating a motor vehicle that is not equipped with an

1 ignition interlock device does not apply to the operation
2 of an occupational vehicle owned or leased by that
3 person's employer when used solely for employment
4 purposes. For any person who, within a 5-year period, is
5 convicted of a second or subsequent offense under Section
6 11-501 of this Code, or a similar provision of a local
7 ordinance or similar out-of-state offense, this employment
8 exemption does not apply until either a one-year period
9 has elapsed during which that person had his or her
10 driving privileges revoked or a one-year period has
11 elapsed during which that person had a restricted driving
12 permit which required the use of an ignition interlock
13 device on every motor vehicle owned or operated by that
14 person.

15 (E) In each case the Secretary may issue a restricted
16 driving permit for a period deemed appropriate, except
17 that all permits shall expire no later than 2 years from
18 the date of issuance. A restricted driving permit issued
19 under this Section shall be subject to cancellation,
20 revocation, and suspension by the Secretary of State in
21 like manner and for like cause as a driver's license
22 issued under this Code may be cancelled, revoked, or
23 suspended; except that a conviction upon one or more
24 offenses against laws or ordinances regulating the
25 movement of traffic shall be deemed sufficient cause for
26 the revocation, suspension, or cancellation of a

1 restricted driving permit. The Secretary of State may, as
2 a condition to the issuance of a restricted driving
3 permit, require the applicant to participate in a
4 designated driver remedial or rehabilitative program. The
5 Secretary of State is authorized to cancel a restricted
6 driving permit if the permit holder does not successfully
7 complete the program.

8 (F) A person subject to the provisions of paragraph 4
9 of subsection (b) of Section 6-208 of this Code may make
10 application for a restricted driving permit at a hearing
11 conducted under Section 2-118 of this Code after the
12 expiration of 5 years from the effective date of the most
13 recent revocation or after 5 years from the date of
14 release from a period of imprisonment resulting from a
15 conviction of the most recent offense, whichever is later,
16 provided the person, in addition to all other requirements
17 of the Secretary, shows by clear and convincing evidence:

18 (i) a minimum of 3 years of uninterrupted
19 abstinence from alcohol and the unlawful use or
20 consumption of cannabis under the Cannabis Control
21 Act, a controlled substance under the Illinois
22 Controlled Substances Act, an intoxicating compound
23 under the Use of Intoxicating Compounds Act, or
24 methamphetamine under the Methamphetamine Control and
25 Community Protection Act; and

26 (ii) the successful completion of any

1 rehabilitative treatment and involvement in any
2 ongoing rehabilitative activity that may be
3 recommended by a properly licensed service provider
4 according to an assessment of the person's alcohol or
5 drug use under Section 11-501.01 of this Code.

6 In determining whether an applicant is eligible for a
7 restricted driving permit under this subparagraph (F), the
8 Secretary may consider any relevant evidence, including,
9 but not limited to, testimony, affidavits, records, and
10 the results of regular alcohol or drug tests. Persons
11 subject to the provisions of paragraph 4 of subsection (b)
12 of Section 6-208 of this Code and who have been convicted
13 of more than one violation of paragraph (3), paragraph
14 (4), or paragraph (5) of subsection (a) of Section 11-501
15 of this Code shall not be eligible to apply for a
16 restricted driving permit under this subparagraph (F).

17 A restricted driving permit issued under this
18 subparagraph (F) shall provide that the holder may only
19 operate motor vehicles equipped with an ignition interlock
20 device as required under paragraph (2) of subsection (c)
21 of Section 6-205 of this Code and subparagraph (A) of
22 paragraph 3 of subsection (c) of this Section. The
23 Secretary may revoke a restricted driving permit or amend
24 the conditions of a restricted driving permit issued under
25 this subparagraph (F) if the holder operates a vehicle
26 that is not equipped with an ignition interlock device, or

1 for any other reason authorized under this Code.

2 A restricted driving permit issued under this
3 subparagraph (F) shall be revoked, and the holder barred
4 from applying for or being issued a restricted driving
5 permit in the future, if the holder is convicted of a
6 violation of Section 11-501 of this Code, a similar
7 provision of a local ordinance, or a similar offense in
8 another state.

9 (c-3) In the case of a suspension under paragraph 43 of
10 subsection (a), reports received by the Secretary of State
11 under this Section shall, except during the actual time the
12 suspension is in effect, be privileged information and for use
13 only by the courts, police officers, prosecuting authorities,
14 the driver licensing administrator of any other state, the
15 Secretary of State, or the parent or legal guardian of a driver
16 under the age of 18. However, beginning January 1, 2008, if the
17 person is a CDL holder, the suspension shall also be made
18 available to the driver licensing administrator of any other
19 state, the U.S. Department of Transportation, and the affected
20 driver or motor carrier or prospective motor carrier upon
21 request.

22 (c-4) In the case of a suspension under paragraph 43 of
23 subsection (a), the Secretary of State shall notify the person
24 by mail that his or her driving privileges and driver's
25 license will be suspended one month after the date of the
26 mailing of the notice.

1 (c-5) The Secretary of State may, as a condition of the
2 reissuance of a driver's license or permit to an applicant
3 whose driver's license or permit has been suspended before he
4 or she reached the age of 21 years pursuant to any of the
5 provisions of this Section, require the applicant to
6 participate in a driver remedial education course and be
7 retested under Section 6-109 of this Code.

8 (d) This Section is subject to the provisions of the
9 Driver License Compact.

10 (e) The Secretary of State shall not issue a restricted
11 driving permit to a person under the age of 16 years whose
12 driving privileges have been suspended or revoked under any
13 provisions of this Code.

14 (f) In accordance with 49 CFR 384, the Secretary of State
15 may not issue a restricted driving permit for the operation of
16 a commercial motor vehicle to a person holding a CDL whose
17 driving privileges have been suspended, revoked, cancelled, or
18 disqualified under any provisions of this Code.

19 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
20 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
21 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,
22 eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)

23 (625 ILCS 5/6-514)

24 (Text of Section before amendment by P.A. 102-982)

25 Sec. 6-514. Commercial driver's license (CDL); commercial

1 learner's permit (CLP); disqualifications.

2 (a) A person shall be disqualified from driving a
3 commercial motor vehicle for a period of not less than 12
4 months for the first violation of:

5 (1) Refusing to submit to or failure to complete a
6 test or tests to determine the driver's blood
7 concentration of alcohol, other drug, or both while
8 driving a commercial motor vehicle or, if the driver is a
9 CLP or CDL holder, while driving a non-CMV; or

10 (2) Operating a commercial motor vehicle while the
11 alcohol concentration of the person's blood, breath, other
12 bodily substance, or urine is at least 0.04, or any amount
13 of a drug, substance, or compound in the person's blood,
14 other bodily substance, or urine resulting from the
15 unlawful use or consumption of cannabis listed in the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, or methamphetamine as
18 listed in the Methamphetamine Control and Community
19 Protection Act as indicated by a police officer's sworn
20 report or other verified evidence; or operating a
21 non-commercial motor vehicle while the alcohol
22 concentration of the person's blood, breath, other bodily
23 substance, or urine was above the legal limit defined in
24 Section 11-501.1 or 11-501.8 or any amount of a drug,
25 substance, or compound in the person's blood, other bodily
26 substance, or urine resulting from the unlawful use or

1 consumption of cannabis listed in the Cannabis Control
2 Act, a controlled substance listed in the Illinois
3 Controlled Substances Act, or methamphetamine as listed in
4 the Methamphetamine Control and Community Protection Act
5 as indicated by a police officer's sworn report or other
6 verified evidence while holding a CLP or CDL; or

7 (3) Conviction for a first violation of:

8 (i) Driving a commercial motor vehicle or, if the
9 driver is a CLP or CDL holder, driving a non-CMV while
10 under the influence of alcohol, or any other drug, or
11 combination of drugs to a degree which renders such
12 person incapable of safely driving; or

13 (ii) Knowingly leaving the scene of an accident
14 while operating a commercial motor vehicle or, if the
15 driver is a CLP or CDL holder, while driving a non-CMV;
16 or

17 (iii) Driving a commercial motor vehicle or, if
18 the driver is a CLP or CDL holder, driving a non-CMV
19 while committing any felony; or

20 (iv) Driving a commercial motor vehicle while the
21 person's driving privileges or driver's license or
22 permit is revoked, suspended, or cancelled or the
23 driver is disqualified from operating a commercial
24 motor vehicle; or

25 (v) Causing a fatality through the negligent
26 operation of a commercial motor vehicle, including but

1 not limited to the crimes of motor vehicle
2 manslaughter, homicide by a motor vehicle, and
3 negligent homicide.

4 As used in this subdivision (a)(3)(v), "motor
5 vehicle manslaughter" means the offense of involuntary
6 manslaughter if committed by means of a vehicle;
7 "homicide by a motor vehicle" means the offense of
8 first degree murder or second degree murder, if either
9 offense is committed by means of a vehicle; and
10 "negligent homicide" means reckless homicide under
11 Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 and aggravated driving under the
13 influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof under subdivision (d)(1)(F) of Section 11-501
16 of this Code.

17 If any of the above violations or refusals occurred
18 while transporting hazardous material(s) required to be
19 placarded, the person shall be disqualified for a period
20 of not less than 3 years; or

21 (4) (Blank).

22 (b) A person is disqualified for life for a second
23 conviction of any of the offenses specified in paragraph (a),
24 or any combination of those offenses, arising from 2 or more
25 separate incidents.

26 (c) A person is disqualified from driving a commercial

1 motor vehicle for life if the person either (i) uses a
2 commercial motor vehicle in the commission of any felony
3 involving the manufacture, distribution, or dispensing of a
4 controlled substance, or possession with intent to
5 manufacture, distribute or dispense a controlled substance or
6 (ii) if the person is a CLP or CDL holder, uses a non-CMV in
7 the commission of a felony involving any of those activities.

8 (d) The Secretary of State may, when the United States
9 Secretary of Transportation so authorizes, issue regulations
10 in which a disqualification for life under paragraph (b) may
11 be reduced to a period of not less than 10 years. If a
12 reinstated driver is subsequently convicted of another
13 disqualifying offense, as specified in subsection (a) of this
14 Section, he or she shall be permanently disqualified for life
15 and shall be ineligible to again apply for a reduction of the
16 lifetime disqualification.

17 (e) A person is disqualified from driving a commercial
18 motor vehicle for a period of not less than 2 months if
19 convicted of 2 serious traffic violations, committed in a
20 commercial motor vehicle, non-CMV while holding a CLP or CDL,
21 or any combination thereof, arising from separate incidents,
22 occurring within a 3-year period, provided the serious traffic
23 violation committed in a non-CMV would result in the
24 suspension or revocation of the CLP or CDL holder's non-CMV
25 privileges. However, a person will be disqualified from
26 driving a commercial motor vehicle for a period of not less

1 than 4 months if convicted of 3 serious traffic violations,
2 committed in a commercial motor vehicle, non-CMV while holding
3 a CLP or CDL, or any combination thereof, arising from
4 separate incidents, occurring within a 3-year period, provided
5 the serious traffic violation committed in a non-CMV would
6 result in the suspension or revocation of the CLP or CDL
7 holder's non-CMV privileges. If all the convictions occurred
8 in a non-CMV, the disqualification shall be entered only if
9 the convictions would result in the suspension or revocation
10 of the CLP or CDL holder's non-CMV privileges.

11 (e-1) (Blank).

12 (f) Notwithstanding any other provision of this Code, any
13 driver disqualified from operating a commercial motor vehicle,
14 pursuant to this UCDLA, shall not be eligible for restoration
15 of commercial driving privileges during any such period of
16 disqualification.

17 (g) After suspending, revoking, or cancelling a CLP or
18 CDL, the Secretary of State must update the driver's records
19 to reflect such action within 10 days. After suspending or
20 revoking the driving privilege of any person who has been
21 issued a CLP or CDL from another jurisdiction, the Secretary
22 shall originate notification to such issuing jurisdiction
23 within 10 days.

24 (h) The "disqualifications" referred to in this Section
25 shall not be imposed upon any commercial motor vehicle driver,
26 by the Secretary of State, unless the prohibited action(s)

1 occurred after March 31, 1992.

2 (i) A person is disqualified from driving a commercial
3 motor vehicle in accordance with the following:

4 (1) For 6 months upon a first conviction of paragraph
5 (2) of subsection (b) or subsection (b-3) of Section 6-507
6 of this Code.

7 (2) For 2 years upon a second conviction of paragraph
8 (2) of subsection (b) or subsection (b-3) or any
9 combination of paragraphs (2) or (3) of subsection (b) or
10 subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the second conviction is a
12 violation of paragraph (2) of subsection (b) or subsection
13 (b-3).

14 (3) For 3 years upon a third or subsequent conviction
15 of paragraph (2) of subsection (b) or subsection (b-3) or
16 any combination of paragraphs (2) or (3) of subsection (b)
17 or subsections (b-3) or (b-5) of Section 6-507 of this
18 Code within a 10-year period if the third or subsequent
19 conviction is a violation of paragraph (2) of subsection
20 (b) or subsection (b-3).

21 (4) For one year upon a first conviction of paragraph
22 (3) of subsection (b) or subsection (b-5) of Section 6-507
23 of this Code.

24 (5) For 3 years upon a second conviction of paragraph
25 (3) of subsection (b) or subsection (b-5) or any
26 combination of paragraphs (2) or (3) of subsection (b) or

1 subsections (b-3) or (b-5) of Section 6-507 of this Code
2 within a 10-year period if the second conviction is a
3 violation of paragraph (3) of subsection (b) or (b-5).

4 (6) For 5 years upon a third or subsequent conviction
5 of paragraph (3) of subsection (b) or subsection (b-5) or
6 any combination of paragraphs (2) or (3) of subsection (b)
7 or subsections (b-3) or (b-5) of Section 6-507 of this
8 Code within a 10-year period if the third or subsequent
9 conviction is a violation of paragraph (3) of subsection
10 (b) or (b-5).

11 (j) Disqualification for railroad-highway grade crossing
12 violation.

13 (1) General rule. A driver who is convicted of a
14 violation of a federal, State, or local law or regulation
15 pertaining to one of the following 6 offenses at a
16 railroad-highway grade crossing must be disqualified from
17 operating a commercial motor vehicle for the period of
18 time specified in paragraph (2) of this subsection (j) if
19 the offense was committed while operating a commercial
20 motor vehicle:

21 (i) For drivers who are not required to always
22 stop, failing to slow down and check that the tracks
23 are clear of an approaching train or railroad track
24 equipment, as described in subsection (a-5) of Section
25 11-1201 of this Code;

26 (ii) For drivers who are not required to always

1 stop, failing to stop before reaching the crossing, if
2 the tracks are not clear, as described in subsection
3 (a) of Section 11-1201 of this Code;

4 (iii) For drivers who are always required to stop,
5 failing to stop before driving onto the crossing, as
6 described in Section 11-1202 of this Code;

7 (iv) For all drivers, failing to have sufficient
8 space to drive completely through the crossing without
9 stopping, as described in subsection (b) of Section
10 11-1425 of this Code;

11 (v) For all drivers, failing to obey a traffic
12 control device or the directions of an enforcement
13 official at the crossing, as described in subdivision
14 (a)2 of Section 11-1201 of this Code;

15 (vi) For all drivers, failing to negotiate a
16 crossing because of insufficient undercarriage
17 clearance, as described in subsection (d-1) of Section
18 11-1201 of this Code.

19 (2) Duration of disqualification for railroad-highway
20 grade crossing violation.

21 (i) First violation. A driver must be disqualified
22 from operating a commercial motor vehicle for not less
23 than 60 days if the driver is convicted of a violation
24 described in paragraph (1) of this subsection (j) and,
25 in the three-year period preceding the conviction, the
26 driver had no convictions for a violation described in

1 paragraph (1) of this subsection (j).

2 (ii) Second violation. A driver must be
3 disqualified from operating a commercial motor vehicle
4 for not less than 120 days if the driver is convicted
5 of a violation described in paragraph (1) of this
6 subsection (j) and, in the three-year period preceding
7 the conviction, the driver had one other conviction
8 for a violation described in paragraph (1) of this
9 subsection (j) that was committed in a separate
10 incident.

11 (iii) Third or subsequent violation. A driver must
12 be disqualified from operating a commercial motor
13 vehicle for not less than one year if the driver is
14 convicted of a violation described in paragraph (1) of
15 this subsection (j) and, in the three-year period
16 preceding the conviction, the driver had 2 or more
17 other convictions for violations described in
18 paragraph (1) of this subsection (j) that were
19 committed in separate incidents.

20 (k) Upon notification of a disqualification of a driver's
21 commercial motor vehicle privileges imposed by the U.S.
22 Department of Transportation, Federal Motor Carrier Safety
23 Administration, in accordance with 49 CFR 383.52, the
24 Secretary of State shall immediately record to the driving
25 record the notice of disqualification and confirm to the
26 driver the action that has been taken.

1 (l) A foreign commercial driver is subject to
2 disqualification under this Section.

3 (m) A person shall be disqualified from operating a
4 commercial motor vehicle for life if that individual uses a
5 commercial motor vehicle in the commission of a felony
6 involving an act or practice of severe forms of human
7 trafficking, as defined in 22 U.S.C. 7102(11).

8 (Source: P.A. 102-749, eff. 1-1-23.)

9 (Text of Section after amendment by P.A. 102-982)

10 Sec. 6-514. Commercial driver's license (CDL); commercial
11 learner's permit (CLP); disqualifications.

12 (a) A person shall be disqualified from driving a
13 commercial motor vehicle for a period of not less than 12
14 months for the first violation of:

15 (1) Refusing to submit to or failure to complete a
16 test or tests to determine the driver's blood
17 concentration of alcohol, other drug, or both while
18 driving a commercial motor vehicle or, if the driver is a
19 CLP or CDL holder, while driving a non-CMV; or

20 (2) Operating a commercial motor vehicle while the
21 alcohol concentration of the person's blood, breath, other
22 bodily substance, or urine is at least 0.04, or any amount
23 of a drug, substance, or compound in the person's blood,
24 other bodily substance, or urine resulting from the
25 unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act, a controlled substance listed in the
2 Illinois Controlled Substances Act, or methamphetamine as
3 listed in the Methamphetamine Control and Community
4 Protection Act as indicated by a police officer's sworn
5 report or other verified evidence; or operating a
6 non-commercial motor vehicle while the alcohol
7 concentration of the person's blood, breath, other bodily
8 substance, or urine was above the legal limit defined in
9 Section 11-501.1 or 11-501.8 or any amount of a drug,
10 substance, or compound in the person's blood, other bodily
11 substance, or urine resulting from the unlawful use or
12 consumption of cannabis listed in the Cannabis Control
13 Act, a controlled substance listed in the Illinois
14 Controlled Substances Act, or methamphetamine as listed in
15 the Methamphetamine Control and Community Protection Act
16 as indicated by a police officer's sworn report or other
17 verified evidence while holding a CLP or CDL; or

18 (3) Conviction for a first violation of:

19 (i) Driving a commercial motor vehicle or, if the
20 driver is a CLP or CDL holder, driving a non-CMV while
21 under the influence of alcohol, or any other drug, or
22 combination of drugs to a degree which renders such
23 person incapable of safely driving; or

24 (ii) Knowingly leaving the scene of a crash while
25 operating a commercial motor vehicle or, if the driver
26 is a CLP or CDL holder, while driving a non-CMV; or

1 (iii) Driving a commercial motor vehicle or, if
2 the driver is a CLP or CDL holder, driving a non-CMV
3 while committing any felony; or

4 (iv) Driving a commercial motor vehicle while the
5 person's driving privileges or driver's license or
6 permit is revoked, suspended, or cancelled or the
7 driver is disqualified from operating a commercial
8 motor vehicle; or

9 (v) Causing a fatality through the negligent
10 operation of a commercial motor vehicle, including but
11 not limited to the crimes of motor vehicle
12 manslaughter, homicide by a motor vehicle, and
13 negligent homicide.

14 As used in this subdivision (a)(3)(v), "motor
15 vehicle manslaughter" means the offense of involuntary
16 manslaughter if committed by means of a vehicle;
17 "homicide by a motor vehicle" means the offense of
18 first degree murder or second degree murder, if either
19 offense is committed by means of a vehicle; and
20 "negligent homicide" means reckless homicide under
21 Section 9-3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 and aggravated driving under the
23 influence of alcohol, other drug or drugs,
24 intoxicating compound or compounds, or any combination
25 thereof under subdivision (d)(1)(F) of Section 11-501
26 of this Code.

1 If any of the above violations or refusals occurred
2 while transporting hazardous material(s) required to be
3 placarded, the person shall be disqualified for a period
4 of not less than 3 years; or

5 (4) (Blank).

6 (b) A person is disqualified for life for a second
7 conviction of any of the offenses specified in paragraph (a),
8 or any combination of those offenses, arising from 2 or more
9 separate incidents.

10 (c) A person is disqualified from driving a commercial
11 motor vehicle for life if the person either (i) uses a
12 commercial motor vehicle in the commission of any felony
13 involving the manufacture, distribution, or dispensing of a
14 controlled substance, or possession with intent to
15 manufacture, distribute or dispense a controlled substance or
16 (ii) if the person is a CLP or CDL holder, uses a non-CMV in
17 the commission of a felony involving any of those activities.

18 (d) The Secretary of State may, when the United States
19 Secretary of Transportation so authorizes, issue regulations
20 in which a disqualification for life under paragraph (b) may
21 be reduced to a period of not less than 10 years. If a
22 reinstated driver is subsequently convicted of another
23 disqualifying offense, as specified in subsection (a) of this
24 Section, he or she shall be permanently disqualified for life
25 and shall be ineligible to again apply for a reduction of the
26 lifetime disqualification.

1 (e) A person is disqualified from driving a commercial
2 motor vehicle for a period of not less than 2 months if
3 convicted of 2 serious traffic violations, committed in a
4 commercial motor vehicle, non-CMV while holding a CLP or CDL,
5 or any combination thereof, arising from separate incidents,
6 occurring within a 3-year period, provided the serious traffic
7 violation committed in a non-CMV would result in the
8 suspension or revocation of the CLP or CDL holder's non-CMV
9 privileges. However, a person will be disqualified from
10 driving a commercial motor vehicle for a period of not less
11 than 4 months if convicted of 3 serious traffic violations,
12 committed in a commercial motor vehicle, non-CMV while holding
13 a CLP or CDL, or any combination thereof, arising from
14 separate incidents, occurring within a 3-year period, provided
15 the serious traffic violation committed in a non-CMV would
16 result in the suspension or revocation of the CLP or CDL
17 holder's non-CMV privileges. If all the convictions occurred
18 in a non-CMV, the disqualification shall be entered only if
19 the convictions would result in the suspension or revocation
20 of the CLP or CDL holder's non-CMV privileges.

21 (e-1) (Blank).

22 (f) Notwithstanding any other provision of this Code, any
23 driver disqualified from operating a commercial motor vehicle,
24 pursuant to this UCDLA, shall not be eligible for restoration
25 of commercial driving privileges during any such period of
26 disqualification.

1 (g) After suspending, revoking, or cancelling a CLP or
2 CDL, the Secretary of State must update the driver's records
3 to reflect such action within 10 days. After suspending or
4 revoking the driving privilege of any person who has been
5 issued a CLP or CDL from another jurisdiction, the Secretary
6 shall originate notification to such issuing jurisdiction
7 within 10 days.

8 (h) The "disqualifications" referred to in this Section
9 shall not be imposed upon any commercial motor vehicle driver,
10 by the Secretary of State, unless the prohibited action(s)
11 occurred after March 31, 1992.

12 (i) A person is disqualified from driving a commercial
13 motor vehicle in accordance with the following:

14 (1) For 6 months upon a first conviction of paragraph
15 (2) of subsection (b) or subsection (b-3) of Section 6-507
16 of this Code.

17 (2) For 2 years upon a second conviction of paragraph
18 (2) of subsection (b) or subsection (b-3) or any
19 combination of paragraphs (2) or (3) of subsection (b) or
20 subsections (b-3) or (b-5) of Section 6-507 of this Code
21 within a 10-year period if the second conviction is a
22 violation of paragraph (2) of subsection (b) or subsection
23 (b-3).

24 (3) For 3 years upon a third or subsequent conviction
25 of paragraph (2) of subsection (b) or subsection (b-3) or
26 any combination of paragraphs (2) or (3) of subsection (b)

1 or subsections (b-3) or (b-5) of Section 6-507 of this
2 Code within a 10-year period if the third or subsequent
3 conviction is a violation of paragraph (2) of subsection
4 (b) or subsection (b-3).

5 (4) For one year upon a first conviction of paragraph
6 (3) of subsection (b) or subsection (b-5) of Section 6-507
7 of this Code.

8 (5) For 3 years upon a second conviction of paragraph
9 (3) of subsection (b) or subsection (b-5) or any
10 combination of paragraphs (2) or (3) of subsection (b) or
11 subsections (b-3) or (b-5) of Section 6-507 of this Code
12 within a 10-year period if the second conviction is a
13 violation of paragraph (3) of subsection (b) or (b-5).

14 (6) For 5 years upon a third or subsequent conviction
15 of paragraph (3) of subsection (b) or subsection (b-5) or
16 any combination of paragraphs (2) or (3) of subsection (b)
17 or subsections (b-3) or (b-5) of Section 6-507 of this
18 Code within a 10-year period if the third or subsequent
19 conviction is a violation of paragraph (3) of subsection
20 (b) or (b-5).

21 (j) Disqualification for railroad-highway grade crossing
22 violation.

23 (1) General rule. A driver who is convicted of a
24 violation of a federal, State, or local law or regulation
25 pertaining to one of the following 6 offenses at a
26 railroad-highway grade crossing must be disqualified from

1 operating a commercial motor vehicle for the period of
2 time specified in paragraph (2) of this subsection (j) if
3 the offense was committed while operating a commercial
4 motor vehicle:

5 (i) For drivers who are not required to always
6 stop, failing to slow down and check that the tracks
7 are clear of an approaching train or railroad track
8 equipment, as described in subsection (a-5) of Section
9 11-1201 of this Code;

10 (ii) For drivers who are not required to always
11 stop, failing to stop before reaching the crossing, if
12 the tracks are not clear, as described in subsection
13 (a) of Section 11-1201 of this Code;

14 (iii) For drivers who are always required to stop,
15 failing to stop before driving onto the crossing, as
16 described in Section 11-1202 of this Code;

17 (iv) For all drivers, failing to have sufficient
18 space to drive completely through the crossing without
19 stopping, as described in subsection (b) of Section
20 11-1425 of this Code;

21 (v) For all drivers, failing to obey a traffic
22 control device or the directions of an enforcement
23 official at the crossing, as described in subdivision
24 (a)2 of Section 11-1201 of this Code;

25 (vi) For all drivers, failing to negotiate a
26 crossing because of insufficient undercarriage

1 clearance, as described in subsection (d-1) of Section
2 11-1201 of this Code.

3 (2) Duration of disqualification for railroad-highway
4 grade crossing violation.

5 (i) First violation. A driver must be disqualified
6 from operating a commercial motor vehicle for not less
7 than 60 days if the driver is convicted of a violation
8 described in paragraph (1) of this subsection (j) and,
9 in the three-year period preceding the conviction, the
10 driver had no convictions for a violation described in
11 paragraph (1) of this subsection (j).

12 (ii) Second violation. A driver must be
13 disqualified from operating a commercial motor vehicle
14 for not less than 120 days if the driver is convicted
15 of a violation described in paragraph (1) of this
16 subsection (j) and, in the three-year period preceding
17 the conviction, the driver had one other conviction
18 for a violation described in paragraph (1) of this
19 subsection (j) that was committed in a separate
20 incident.

21 (iii) Third or subsequent violation. A driver must
22 be disqualified from operating a commercial motor
23 vehicle for not less than one year if the driver is
24 convicted of a violation described in paragraph (1) of
25 this subsection (j) and, in the three-year period
26 preceding the conviction, the driver had 2 or more

1 other convictions for violations described in
2 paragraph (1) of this subsection (j) that were
3 committed in separate incidents.

4 (k) Upon notification of a disqualification of a driver's
5 commercial motor vehicle privileges imposed by the U.S.
6 Department of Transportation, Federal Motor Carrier Safety
7 Administration, in accordance with 49 CFR 383.52, the
8 Secretary of State shall immediately record to the driving
9 record the notice of disqualification and confirm to the
10 driver the action that has been taken.

11 (l) A foreign commercial driver is subject to
12 disqualification under this Section.

13 (m) A person shall be disqualified from operating a
14 commercial motor vehicle for life if that individual uses a
15 commercial motor vehicle in the commission of a felony
16 involving an act or practice of severe forms of human
17 trafficking, as defined in 22 U.S.C. 7102(11).

18 (Source: P.A. 102-749, eff. 1-1-23; 102-982, eff. 7-1-23;
19 revised 12-14-22.)

20 (625 ILCS 5/7-328) (from Ch. 95 1/2, par. 7-328)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 7-328. Duration of proof; when proof ~~proof~~ ~~When~~ proof may
23 be canceled or returned. The Secretary of State shall upon
24 request cancel any bond or return any certificate of
25 insurance, or the Secretary of State shall direct and the

1 State Treasurer shall return to the person entitled thereto
2 any money or securities, deposited pursuant to this Chapter as
3 proof of financial responsibility or waive the requirements of
4 filing proof of financial responsibility in any of the
5 following events:

6 1. In the event of the death of the person on whose
7 behalf such proof was filed, or the permanent incapacity
8 of such person to operate a motor vehicle~~+~~

9 2. In the event the person who has given proof of
10 financial responsibility surrenders such person's driver's
11 license, registration certificates, license plates~~+~~ and
12 registration stickers, but the Secretary of State shall
13 not release such proof in the event any action for damages
14 upon a liability referred to in this Article is then
15 pending or any judgment upon any such liability is then
16 outstanding and unsatisfied or in the event the Secretary
17 of State has received notice that such person has, within
18 the period of 3 months immediately preceding, been
19 involved as a driver in any motor vehicle accident. An
20 affidavit of the applicant of the nonexistence of such
21 facts shall be sufficient evidence thereof in the absence
22 of evidence to the contrary in the records of the
23 Secretary of State. Any person who has not completed the
24 required 3-year ~~3-year~~ period of proof of financial
25 responsibility pursuant to Section 7-304, and to whom
26 proof has been surrendered as provided in this paragraph

1 applies for a driver's license or the registration of a
2 motor vehicle shall have the application denied unless the
3 applicant reestablishes ~~re-establishes~~ such proof for the
4 remainder of such period.

5 3. In the event that proof of financial responsibility
6 has been deposited voluntarily, at any time upon request
7 of the person entitled thereto, provided that the person
8 on whose behalf such proof was given has not, during the
9 period between the date of the original deposit thereof
10 and the date of such request, been convicted of any
11 offense for which revocation is mandatory as provided in
12 Section 6-205; provided, further, that no action for
13 damages is pending against such person on whose behalf
14 such proof of financial responsibility was furnished and
15 no judgment against such person is outstanding and
16 unsatisfied in respect to bodily injury, or in respect to
17 damage to property resulting from the ownership,
18 maintenance, use, or operation hereafter of a motor
19 vehicle. An affidavit of the applicant under this Section
20 shall be sufficient evidence of the facts in the absence
21 of evidence to the contrary in the records of the
22 Secretary of State.

23 (Source: P.A. 85-321; revised 8-19-22.)

24 (Text of Section after amendment by P.A. 102-982)

25 Sec. 7-328. Duration of proof; when proof ~~When proof~~ may

1 be canceled or returned. The Secretary of State shall upon
2 request cancel any bond or return any certificate of
3 insurance, or the Secretary of State shall direct and the
4 State Treasurer shall return to the person entitled thereto
5 any money or securities, deposited pursuant to this Chapter as
6 proof of financial responsibility or waive the requirements of
7 filing proof of financial responsibility in any of the
8 following events:

9 1. In the event of the death of the person on whose
10 behalf such proof was filed, or the permanent incapacity
11 of such person to operate a motor vehicle.~~+~~

12 2. In the event the person who has given proof of
13 financial responsibility surrenders such person's driver's
14 license, registration certificates, license plates and
15 registration stickers, but the Secretary of State shall
16 not release such proof in the event any action for damages
17 upon a liability referred to in this Article is then
18 pending or any judgment upon any such liability is then
19 outstanding and unsatisfied or in the event the Secretary
20 of State has received notice that such person has, within
21 the period of 3 months immediately preceding, been
22 involved as a driver in any motor vehicle crash. An
23 affidavit of the applicant of the nonexistence of such
24 facts shall be sufficient evidence thereof in the absence
25 of evidence to the contrary in the records of the
26 Secretary of State. Any person who has not completed the

1 required 3-year ~~3-year~~ period of proof of financial
2 responsibility pursuant to Section 7-304, and to whom
3 proof has been surrendered as provided in this paragraph
4 applies for a driver's license or the registration of a
5 motor vehicle shall have the application denied unless the
6 applicant reestablishes ~~re-establishes~~ such proof for the
7 remainder of such period.

8 3. In the event that proof of financial responsibility
9 has been deposited voluntarily, at any time upon request
10 of the person entitled thereto, provided that the person
11 on whose behalf such proof was given has not, during the
12 period between the date of the original deposit thereof
13 and the date of such request, been convicted of any
14 offense for which revocation is mandatory as provided in
15 Section 6-205; provided, further, that no action for
16 damages is pending against such person on whose behalf
17 such proof of financial responsibility was furnished and
18 no judgment against such person is outstanding and
19 unsatisfied in respect to bodily injury, or in respect to
20 damage to property resulting from the ownership,
21 maintenance, use, or operation hereafter of a motor
22 vehicle. An affidavit of the applicant under this Section
23 shall be sufficient evidence of the facts in the absence
24 of evidence to the contrary in the records of the
25 Secretary of State.

26 (Source: P.A. 102-982, eff. 7-1-23; revised 8-19-22.)

1 (625 ILCS 5/7-329) (from Ch. 95 1/2, par. 7-329)

2 (Text of Section before amendment by P.A. 102-982)

3 Sec. 7-329. Proof of financial responsibility made
4 voluntarily.

5 1. Proof of financial responsibility may be made
6 voluntarily by or on behalf of any person. The privilege of
7 operation of any motor vehicle within this State by such
8 person shall not be suspended or withdrawn under the
9 provisions of this Article if such proof of financial
10 responsibility has been voluntarily filed or deposited prior
11 to the offense or accident out of which any conviction,
12 judgment, or order arises and if such proof, at the date of
13 such conviction, judgment, or order, is valid and sufficient
14 for the requirements of this Code.

15 2. If the Secretary of State receives record of any
16 conviction or judgment against such person which, in the
17 absence of such proof of financial responsibility would have
18 caused the suspension of the driver's license of such person,
19 the Secretary of State shall forthwith notify the insurer or
20 surety of such person of the conviction or judgment so
21 reported.

22 (Source: P.A. 83-831; revised 8-19-22.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 7-329. Proof of financial responsibility made

1 voluntarily.

2 1. Proof of financial responsibility may be made
3 voluntarily by or on behalf of any person. The privilege of
4 operation of any motor vehicle within this State by such
5 person shall not be suspended or withdrawn under the
6 provisions of this Article if such proof of financial
7 responsibility has been voluntarily filed or deposited prior
8 to the offense or crash out of which any conviction, judgment,
9 or order arises and if such proof, at the date of such
10 conviction, judgment, or order, is valid and sufficient for
11 the requirements of this Code.

12 2. If the Secretary of State receives record of any
13 conviction or judgment against such person which, in the
14 absence of such proof of financial responsibility would have
15 caused the suspension of the driver's license of such person,
16 the Secretary of State shall forthwith notify the insurer or
17 surety of such person of the conviction or judgment so
18 reported.

19 (Source: P.A. 102-982, eff. 7-1-23; revised 8-19-22.)

20 (625 ILCS 5/11-208.6)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 11-208.6. Automated traffic law enforcement system.

23 (a) As used in this Section, "automated traffic law
24 enforcement system" means a device with one or more motor
25 vehicle sensors working in conjunction with a red light signal

1 to produce recorded images of motor vehicles entering an
2 intersection against a red signal indication in violation of
3 Section 11-306 of this Code or a similar provision of a local
4 ordinance.

5 An automated traffic law enforcement system is a system,
6 in a municipality or county operated by a governmental agency,
7 that produces a recorded image of a motor vehicle's violation
8 of a provision of this Code or a local ordinance and is
9 designed to obtain a clear recorded image of the vehicle and
10 the vehicle's license plate. The recorded image must also
11 display the time, date, and location of the violation.

12 (b) As used in this Section, "recorded images" means
13 images recorded by an automated traffic law enforcement system
14 on:

- 15 (1) 2 or more photographs;
- 16 (2) 2 or more microphotographs;
- 17 (3) 2 or more electronic images; or
- 18 (4) a video recording showing the motor vehicle and,
19 on at least one image or portion of the recording, clearly
20 identifying the registration plate or digital registration
21 plate number of the motor vehicle.

22 (b-5) A municipality or county that produces a recorded
23 image of a motor vehicle's violation of a provision of this
24 Code or a local ordinance must make the recorded images of a
25 violation accessible to the alleged violator by providing the
26 alleged violator with a website address, accessible through

1 the Internet.

2 (c) Except as provided under Section 11-208.8 of this
3 Code, a county or municipality, including a home rule county
4 or municipality, may not use an automated traffic law
5 enforcement system to provide recorded images of a motor
6 vehicle for the purpose of recording its speed. Except as
7 provided under Section 11-208.8 of this Code, the regulation
8 of the use of automated traffic law enforcement systems to
9 record vehicle speeds is an exclusive power and function of
10 the State. This subsection (c) is a denial and limitation of
11 home rule powers and functions under subsection (h) of Section
12 6 of Article VII of the Illinois Constitution.

13 (c-5) A county or municipality, including a home rule
14 county or municipality, may not use an automated traffic law
15 enforcement system to issue violations in instances where the
16 motor vehicle comes to a complete stop and does not enter the
17 intersection, as defined by Section 1-132 of this Code, during
18 the cycle of the red signal indication unless one or more
19 pedestrians or bicyclists are present, even if the motor
20 vehicle stops at a point past a stop line or crosswalk where a
21 driver is required to stop, as specified in subsection (c) of
22 Section 11-306 of this Code or a similar provision of a local
23 ordinance.

24 (c-6) A county, or a municipality with less than 2,000,000
25 inhabitants, including a home rule county or municipality, may
26 not use an automated traffic law enforcement system to issue

1 violations in instances where a motorcyclist enters an
2 intersection against a red signal indication when the red
3 signal fails to change to a green signal within a reasonable
4 period of time not less than 120 seconds because of a signal
5 malfunction or because the signal has failed to detect the
6 arrival of the motorcycle due to the motorcycle's size or
7 weight.

8 (d) For each violation of a provision of this Code or a
9 local ordinance recorded by an automatic traffic law
10 enforcement system, the county or municipality having
11 jurisdiction shall issue a written notice of the violation to
12 the registered owner of the vehicle as the alleged violator.
13 The notice shall be delivered to the registered owner of the
14 vehicle, by mail, within 30 days after the Secretary of State
15 notifies the municipality or county of the identity of the
16 owner of the vehicle, but in no event later than 90 days after
17 the violation.

18 The notice shall include:

19 (1) the name and address of the registered owner of
20 the vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the location where the violation occurred;

25 (5) the date and time of the violation;

26 (6) a copy of the recorded images;

1 (7) the amount of the civil penalty imposed and the
2 requirements of any traffic education program imposed and
3 the date by which the civil penalty should be paid and the
4 traffic education program should be completed;

5 (8) a statement that recorded images are evidence of a
6 violation of a red light signal;

7 (9) a warning that failure to pay the civil penalty,
8 to complete a required traffic education program, or to
9 contest liability in a timely manner is an admission of
10 liability;

11 (10) a statement that the person may elect to proceed
12 by:

13 (A) paying the fine, completing a required traffic
14 education program, or both; or

15 (B) challenging the charge in court, by mail, or
16 by administrative hearing; and

17 (11) a website address, accessible through the
18 Internet, where the person may view the recorded images of
19 the violation.

20 (e) (Blank).

21 (f) Based on inspection of recorded images produced by an
22 automated traffic law enforcement system, a notice alleging
23 that the violation occurred shall be evidence of the facts
24 contained in the notice and admissible in any proceeding
25 alleging a violation under this Section.

26 (g) Recorded images made by an automatic traffic law

1 enforcement system are confidential and shall be made
2 available only to the alleged violator and governmental and
3 law enforcement agencies for purposes of adjudicating a
4 violation of this Section, for statistical purposes, or for
5 other governmental purposes. Any recorded image evidencing a
6 violation of this Section, however, may be admissible in any
7 proceeding resulting from the issuance of the citation.

8 (h) The court or hearing officer may consider in defense
9 of a violation:

10 (1) that the motor vehicle or registration plates or
11 digital registration plates of the motor vehicle were
12 stolen before the violation occurred and not under the
13 control of or in the possession of the owner or lessee at
14 the time of the violation;

15 (1.5) that the motor vehicle was hijacked before the
16 violation occurred and not under the control of or in the
17 possession of the owner or lessee at the time of the
18 violation;

19 (2) that the driver of the vehicle passed through the
20 intersection when the light was red either (i) in order to
21 yield the right-of-way to an emergency vehicle or (ii) as
22 part of a funeral procession; and

23 (3) any other evidence or issues provided by municipal
24 or county ordinance.

25 (i) To demonstrate that the motor vehicle was hijacked or
26 the motor vehicle or registration plates or digital

1 registration plates were stolen before the violation occurred
2 and were not under the control or possession of the owner or
3 lessee at the time of the violation, the owner or lessee must
4 submit proof that a report concerning the motor vehicle or
5 registration plates was filed with a law enforcement agency in
6 a timely manner.

7 (j) Unless the driver of the motor vehicle received a
8 Uniform Traffic Citation from a police officer at the time of
9 the violation, the motor vehicle owner is subject to a civil
10 penalty not exceeding \$100 or the completion of a traffic
11 education program, or both, plus an additional penalty of not
12 more than \$100 for failure to pay the original penalty or to
13 complete a required traffic education program, or both, in a
14 timely manner, if the motor vehicle is recorded by an
15 automated traffic law enforcement system. A violation for
16 which a civil penalty is imposed under this Section is not a
17 violation of a traffic regulation governing the movement of
18 vehicles and may not be recorded on the driving record of the
19 owner of the vehicle.

20 (j-3) A registered owner who is a holder of a valid
21 commercial driver's license is not required to complete a
22 traffic education program.

23 (j-5) For purposes of the required traffic education
24 program only, a registered owner may submit an affidavit to
25 the court or hearing officer swearing that at the time of the
26 alleged violation, the vehicle was in the custody and control

1 of another person. The affidavit must identify the person in
2 custody and control of the vehicle, including the person's
3 name and current address. The person in custody and control of
4 the vehicle at the time of the violation is required to
5 complete the required traffic education program. If the person
6 in custody and control of the vehicle at the time of the
7 violation completes the required traffic education program,
8 the registered owner of the vehicle is not required to
9 complete a traffic education program.

10 (k) An intersection equipped with an automated traffic law
11 enforcement system must be posted with a sign visible to
12 approaching traffic indicating that the intersection is being
13 monitored by an automated traffic law enforcement system.

14 (k-3) A municipality or county that has one or more
15 intersections equipped with an automated traffic law
16 enforcement system must provide notice to drivers by posting
17 the locations of automated traffic law systems on the
18 municipality or county website.

19 (k-5) An intersection equipped with an automated traffic
20 law enforcement system must have a yellow change interval that
21 conforms with the Illinois Manual on Uniform Traffic Control
22 Devices (IMUTCD) published by the Illinois Department of
23 Transportation.

24 (k-7) A municipality or county operating an automated
25 traffic law enforcement system shall conduct a statistical
26 analysis to assess the safety impact of each automated traffic

1 law enforcement system at an intersection following
2 installation of the system. The statistical analysis shall be
3 based upon the best available crash, traffic, and other data,
4 and shall cover a period of time before and after installation
5 of the system sufficient to provide a statistically valid
6 comparison of safety impact. The statistical analysis shall be
7 consistent with professional judgment and acceptable industry
8 practice. The statistical analysis also shall be consistent
9 with the data required for valid comparisons of before and
10 after conditions and shall be conducted within a reasonable
11 period following the installation of the automated traffic law
12 enforcement system. The statistical analysis required by this
13 subsection (k-7) shall be made available to the public and
14 shall be published on the website of the municipality or
15 county. If the statistical analysis for the 36-month ~~36-month~~
16 period following installation of the system indicates that
17 there has been an increase in the rate of accidents at the
18 approach to the intersection monitored by the system, the
19 municipality or county shall undertake additional studies to
20 determine the cause and severity of the accidents, and may
21 take any action that it determines is necessary or appropriate
22 to reduce the number or severity of the accidents at that
23 intersection.

24 (1) The compensation paid for an automated traffic law
25 enforcement system must be based on the value of the equipment
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the
2 system.

3 (m) This Section applies only to the counties of Cook,
4 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
5 to municipalities located within those counties.

6 (n) The fee for participating in a traffic education
7 program under this Section shall not exceed \$25.

8 A low-income individual required to complete a traffic
9 education program under this Section who provides proof of
10 eligibility for the federal earned income tax credit under
11 Section 32 of the Internal Revenue Code or the Illinois earned
12 income tax credit under Section 212 of the Illinois Income Tax
13 Act shall not be required to pay any fee for participating in a
14 required traffic education program.

15 (o) (Blank).

16 (p) No person who is the lessor of a motor vehicle pursuant
17 to a written lease agreement shall be liable for an automated
18 speed or traffic law enforcement system violation involving
19 such motor vehicle during the period of the lease; provided
20 that upon the request of the appropriate authority received
21 within 120 days after the violation occurred, the lessor
22 provides within 60 days after such receipt the name and
23 address of the lessee.

24 Upon the provision of information by the lessor pursuant
25 to this subsection, the county or municipality may issue the
26 violation to the lessee of the vehicle in the same manner as it

1 would issue a violation to a registered owner of a vehicle
2 pursuant to this Section, and the lessee may be held liable for
3 the violation.

4 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
5 102-905, eff. 1-1-23; revised 12-14-22.)

6 (Text of Section after amendment by P.A. 102-982)

7 Sec. 11-208.6. Automated traffic law enforcement system.

8 (a) As used in this Section, "automated traffic law
9 enforcement system" means a device with one or more motor
10 vehicle sensors working in conjunction with a red light signal
11 to produce recorded images of motor vehicles entering an
12 intersection against a red signal indication in violation of
13 Section 11-306 of this Code or a similar provision of a local
14 ordinance.

15 An automated traffic law enforcement system is a system,
16 in a municipality or county operated by a governmental agency,
17 that produces a recorded image of a motor vehicle's violation
18 of a provision of this Code or a local ordinance and is
19 designed to obtain a clear recorded image of the vehicle and
20 the vehicle's license plate. The recorded image must also
21 display the time, date, and location of the violation.

22 (b) As used in this Section, "recorded images" means
23 images recorded by an automated traffic law enforcement system
24 on:

25 (1) 2 or more photographs;

- 1 (2) 2 or more microphotographs;
- 2 (3) 2 or more electronic images; or
- 3 (4) a video recording showing the motor vehicle and,
4 on at least one image or portion of the recording, clearly
5 identifying the registration plate or digital registration
6 plate number of the motor vehicle.

7 (b-5) A municipality or county that produces a recorded
8 image of a motor vehicle's violation of a provision of this
9 Code or a local ordinance must make the recorded images of a
10 violation accessible to the alleged violator by providing the
11 alleged violator with a website address, accessible through
12 the Internet.

13 (c) Except as provided under Section 11-208.8 of this
14 Code, a county or municipality, including a home rule county
15 or municipality, may not use an automated traffic law
16 enforcement system to provide recorded images of a motor
17 vehicle for the purpose of recording its speed. Except as
18 provided under Section 11-208.8 of this Code, the regulation
19 of the use of automated traffic law enforcement systems to
20 record vehicle speeds is an exclusive power and function of
21 the State. This subsection (c) is a denial and limitation of
22 home rule powers and functions under subsection (h) of Section
23 6 of Article VII of the Illinois Constitution.

24 (c-5) A county or municipality, including a home rule
25 county or municipality, may not use an automated traffic law
26 enforcement system to issue violations in instances where the

1 motor vehicle comes to a complete stop and does not enter the
2 intersection, as defined by Section 1-132 of this Code, during
3 the cycle of the red signal indication unless one or more
4 pedestrians or bicyclists are present, even if the motor
5 vehicle stops at a point past a stop line or crosswalk where a
6 driver is required to stop, as specified in subsection (c) of
7 Section 11-306 of this Code or a similar provision of a local
8 ordinance.

9 (c-6) A county, or a municipality with less than 2,000,000
10 inhabitants, including a home rule county or municipality, may
11 not use an automated traffic law enforcement system to issue
12 violations in instances where a motorcyclist enters an
13 intersection against a red signal indication when the red
14 signal fails to change to a green signal within a reasonable
15 period of time not less than 120 seconds because of a signal
16 malfunction or because the signal has failed to detect the
17 arrival of the motorcycle due to the motorcycle's size or
18 weight.

19 (d) For each violation of a provision of this Code or a
20 local ordinance recorded by an automatic traffic law
21 enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle as the alleged violator.
24 The notice shall be delivered to the registered owner of the
25 vehicle, by mail, within 30 days after the Secretary of State
26 notifies the municipality or county of the identity of the

1 owner of the vehicle, but in no event later than 90 days after
2 the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of
5 the vehicle;

6 (2) the registration number of the motor vehicle
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

10 (5) the date and time of the violation;

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the
13 requirements of any traffic education program imposed and
14 the date by which the civil penalty should be paid and the
15 traffic education program should be completed;

16 (8) a statement that recorded images are evidence of a
17 violation of a red light signal;

18 (9) a warning that failure to pay the civil penalty,
19 to complete a required traffic education program, or to
20 contest liability in a timely manner is an admission of
21 liability;

22 (10) a statement that the person may elect to proceed
23 by:

24 (A) paying the fine, completing a required traffic
25 education program, or both; or

26 (B) challenging the charge in court, by mail, or

1 by administrative hearing; and

2 (11) a website address, accessible through the
3 Internet, where the person may view the recorded images of
4 the violation.

5 (e) (Blank).

6 (f) Based on inspection of recorded images produced by an
7 automated traffic law enforcement system, a notice alleging
8 that the violation occurred shall be evidence of the facts
9 contained in the notice and admissible in any proceeding
10 alleging a violation under this Section.

11 (g) Recorded images made by an automatic traffic law
12 enforcement system are confidential and shall be made
13 available only to the alleged violator and governmental and
14 law enforcement agencies for purposes of adjudicating a
15 violation of this Section, for statistical purposes, or for
16 other governmental purposes. Any recorded image evidencing a
17 violation of this Section, however, may be admissible in any
18 proceeding resulting from the issuance of the citation.

19 (h) The court or hearing officer may consider in defense
20 of a violation:

21 (1) that the motor vehicle or registration plates or
22 digital registration plates of the motor vehicle were
23 stolen before the violation occurred and not under the
24 control of or in the possession of the owner or lessee at
25 the time of the violation;

26 (1.5) that the motor vehicle was hijacked before the

1 violation occurred and not under the control of or in the
2 possession of the owner or lessee at the time of the
3 violation;

4 (2) that the driver of the vehicle passed through the
5 intersection when the light was red either (i) in order to
6 yield the right-of-way to an emergency vehicle or (ii) as
7 part of a funeral procession; and

8 (3) any other evidence or issues provided by municipal
9 or county ordinance.

10 (i) To demonstrate that the motor vehicle was hijacked or
11 the motor vehicle or registration plates or digital
12 registration plates were stolen before the violation occurred
13 and were not under the control or possession of the owner or
14 lessee at the time of the violation, the owner or lessee must
15 submit proof that a report concerning the motor vehicle or
16 registration plates was filed with a law enforcement agency in
17 a timely manner.

18 (j) Unless the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer at the time of
20 the violation, the motor vehicle owner is subject to a civil
21 penalty not exceeding \$100 or the completion of a traffic
22 education program, or both, plus an additional penalty of not
23 more than \$100 for failure to pay the original penalty or to
24 complete a required traffic education program, or both, in a
25 timely manner, if the motor vehicle is recorded by an
26 automated traffic law enforcement system. A violation for

1 which a civil penalty is imposed under this Section is not a
2 violation of a traffic regulation governing the movement of
3 vehicles and may not be recorded on the driving record of the
4 owner of the vehicle.

5 (j-3) A registered owner who is a holder of a valid
6 commercial driver's license is not required to complete a
7 traffic education program.

8 (j-5) For purposes of the required traffic education
9 program only, a registered owner may submit an affidavit to
10 the court or hearing officer swearing that at the time of the
11 alleged violation, the vehicle was in the custody and control
12 of another person. The affidavit must identify the person in
13 custody and control of the vehicle, including the person's
14 name and current address. The person in custody and control of
15 the vehicle at the time of the violation is required to
16 complete the required traffic education program. If the person
17 in custody and control of the vehicle at the time of the
18 violation completes the required traffic education program,
19 the registered owner of the vehicle is not required to
20 complete a traffic education program.

21 (k) An intersection equipped with an automated traffic law
22 enforcement system must be posted with a sign visible to
23 approaching traffic indicating that the intersection is being
24 monitored by an automated traffic law enforcement system.

25 (k-3) A municipality or county that has one or more
26 intersections equipped with an automated traffic law

1 enforcement system must provide notice to drivers by posting
2 the locations of automated traffic law systems on the
3 municipality or county website.

4 (k-5) An intersection equipped with an automated traffic
5 law enforcement system must have a yellow change interval that
6 conforms with the Illinois Manual on Uniform Traffic Control
7 Devices (IMUTCD) published by the Illinois Department of
8 Transportation.

9 (k-7) A municipality or county operating an automated
10 traffic law enforcement system shall conduct a statistical
11 analysis to assess the safety impact of each automated traffic
12 law enforcement system at an intersection following
13 installation of the system. The statistical analysis shall be
14 based upon the best available crash, traffic, and other data,
15 and shall cover a period of time before and after installation
16 of the system sufficient to provide a statistically valid
17 comparison of safety impact. The statistical analysis shall be
18 consistent with professional judgment and acceptable industry
19 practice. The statistical analysis also shall be consistent
20 with the data required for valid comparisons of before and
21 after conditions and shall be conducted within a reasonable
22 period following the installation of the automated traffic law
23 enforcement system. The statistical analysis required by this
24 subsection (k-7) shall be made available to the public and
25 shall be published on the website of the municipality or
26 county. If the statistical analysis for the 36-month ~~36-month~~

1 period following installation of the system indicates that
2 there has been an increase in the rate of crashes at the
3 approach to the intersection monitored by the system, the
4 municipality or county shall undertake additional studies to
5 determine the cause and severity of the crashes, and may take
6 any action that it determines is necessary or appropriate to
7 reduce the number or severity of the crashes at that
8 intersection.

9 (l) The compensation paid for an automated traffic law
10 enforcement system must be based on the value of the equipment
11 or the services provided and may not be based on the number of
12 traffic citations issued or the revenue generated by the
13 system.

14 (m) This Section applies only to the counties of Cook,
15 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
16 to municipalities located within those counties.

17 (n) The fee for participating in a traffic education
18 program under this Section shall not exceed \$25.

19 A low-income individual required to complete a traffic
20 education program under this Section who provides proof of
21 eligibility for the federal earned income tax credit under
22 Section 32 of the Internal Revenue Code or the Illinois earned
23 income tax credit under Section 212 of the Illinois Income Tax
24 Act shall not be required to pay any fee for participating in a
25 required traffic education program.

26 (o) (Blank).

1 (p) No person who is the lessor of a motor vehicle pursuant
2 to a written lease agreement shall be liable for an automated
3 speed or traffic law enforcement system violation involving
4 such motor vehicle during the period of the lease; provided
5 that upon the request of the appropriate authority received
6 within 120 days after the violation occurred, the lessor
7 provides within 60 days after such receipt the name and
8 address of the lessee.

9 Upon the provision of information by the lessor pursuant
10 to this subsection, the county or municipality may issue the
11 violation to the lessee of the vehicle in the same manner as it
12 would issue a violation to a registered owner of a vehicle
13 pursuant to this Section, and the lessee may be held liable for
14 the violation.

15 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
16 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

17 (625 ILCS 5/11-208.9)

18 (Text of Section before amendment by P.A. 102-982)

19 Sec. 11-208.9. Automated traffic law enforcement system;
20 approaching, overtaking, and passing a school bus.

21 (a) As used in this Section, "automated traffic law
22 enforcement system" means a device with one or more motor
23 vehicle sensors working in conjunction with the visual signals
24 on a school bus, as specified in Sections 12-803 and 12-805 of
25 this Code, to produce recorded images of motor vehicles that

1 fail to stop before meeting or overtaking, from either
2 direction, any school bus stopped at any location for the
3 purpose of receiving or discharging pupils in violation of
4 Section 11-1414 of this Code or a similar provision of a local
5 ordinance.

6 An automated traffic law enforcement system is a system,
7 in a municipality or county operated by a governmental agency,
8 that produces a recorded image of a motor vehicle's violation
9 of a provision of this Code or a local ordinance and is
10 designed to obtain a clear recorded image of the vehicle and
11 the vehicle's license plate. The recorded image must also
12 display the time, date, and location of the violation.

13 (b) As used in this Section, "recorded images" means
14 images recorded by an automated traffic law enforcement system
15 on:

- 16 (1) 2 or more photographs;
17 (2) 2 or more microphotographs;
18 (3) 2 or more electronic images; or
19 (4) a video recording showing the motor vehicle and,
20 on at least one image or portion of the recording, clearly
21 identifying the registration plate or digital registration
22 plate number of the motor vehicle.

23 (c) A municipality or county that produces a recorded
24 image of a motor vehicle's violation of a provision of this
25 Code or a local ordinance must make the recorded images of a
26 violation accessible to the alleged violator by providing the

1 alleged violator with a website address, accessible through
2 the Internet.

3 (d) For each violation of a provision of this Code or a
4 local ordinance recorded by an automated traffic law
5 enforcement system, the county or municipality having
6 jurisdiction shall issue a written notice of the violation to
7 the registered owner of the vehicle as the alleged violator.
8 The notice shall be delivered to the registered owner of the
9 vehicle, by mail, within 30 days after the Secretary of State
10 notifies the municipality or county of the identity of the
11 owner of the vehicle, but in no event later than 90 days after
12 the violation.

13 (e) The notice required under subsection (d) shall
14 include:

15 (1) the name and address of the registered owner of
16 the vehicle;

17 (2) the registration number of the motor vehicle
18 involved in the violation;

19 (3) the violation charged;

20 (4) the location where the violation occurred;

21 (5) the date and time of the violation;

22 (6) a copy of the recorded images;

23 (7) the amount of the civil penalty imposed and the
24 date by which the civil penalty should be paid;

25 (8) a statement that recorded images are evidence of a
26 violation of overtaking or passing a school bus stopped

1 for the purpose of receiving or discharging pupils;

2 (9) a warning that failure to pay the civil penalty or
3 to contest liability in a timely manner is an admission of
4 liability;

5 (10) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine; 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 (f) (Blank).

14 (g) 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 (h) Recorded images made by an automated 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 (i) 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 motor vehicle received a
13 Uniform Traffic Citation from a police officer for a
14 violation of Section 11-1414 of this Code within
15 one-eighth of a mile and 15 minutes of the violation that
16 was recorded by the system;

17 (3) that the visual signals required by Sections
18 12-803 and 12-805 of this Code were damaged, not
19 activated, not present in violation of Sections 12-803 and
20 12-805, or inoperable; and

21 (4) any other evidence or issues provided by municipal
22 or county ordinance.

23 (j) To demonstrate that the motor vehicle was hijacked or
24 the motor vehicle or registration plates or digital
25 registration plates were stolen before the violation occurred
26 and were not under the control or possession of the owner or

1 lessee at the time of the violation, the owner or lessee must
2 submit proof that a report concerning the motor vehicle or
3 registration plates was filed with a law enforcement agency in
4 a timely manner.

5 (k) Unless the driver of the motor vehicle received a
6 Uniform Traffic Citation from a police officer at the time of
7 the violation, the motor vehicle owner is subject to a civil
8 penalty not exceeding \$150 for a first time violation or \$500
9 for a second or subsequent violation, plus an additional
10 penalty of not more than \$100 for failure to pay the original
11 penalty in a timely manner, if the motor vehicle is recorded by
12 an automated traffic law enforcement system. A violation for
13 which a civil penalty is imposed under this Section is not a
14 violation of a traffic regulation governing the movement of
15 vehicles and may not be recorded on the driving record of the
16 owner of the vehicle, but may be recorded by the municipality
17 or county for the purpose of determining if a person is subject
18 to the higher fine for a second or subsequent offense.

19 (l) A school bus equipped with an automated traffic law
20 enforcement system must be posted with a sign indicating that
21 the school bus is being monitored by an automated traffic law
22 enforcement system.

23 (m) A municipality or county that has one or more school
24 buses equipped with an automated traffic law enforcement
25 system must provide notice to drivers by posting a list of
26 school districts using school buses equipped with an automated

1 traffic law enforcement system on the municipality or county
2 website. School districts that have one or more school buses
3 equipped with an automated traffic law enforcement system must
4 provide notice to drivers by posting that information on their
5 websites.

6 (n) A municipality or county operating an automated
7 traffic law enforcement system shall conduct a statistical
8 analysis to assess the safety impact in each school district
9 using school buses equipped with an automated traffic law
10 enforcement system following installation of the system. The
11 statistical analysis shall be based upon the best available
12 crash, traffic, and other data, and shall cover a period of
13 time before and after installation of the system sufficient to
14 provide a statistically valid comparison of safety impact. The
15 statistical analysis shall be consistent with professional
16 judgment and acceptable industry practice. The statistical
17 analysis also shall be consistent with the data required for
18 valid comparisons of before and after conditions and shall be
19 conducted within a reasonable period following the
20 installation of the automated traffic law enforcement system.
21 The statistical analysis required by this subsection shall be
22 made available to the public and shall be published on the
23 website of the municipality or county. If the statistical
24 analysis for the 36-month period following installation of the
25 system indicates that there has been an increase in the rate of
26 accidents at the approach to school buses monitored by the

1 system, the municipality or county shall undertake additional
2 studies to determine the cause and severity of the accidents,
3 and may take any action that it determines is necessary or
4 appropriate to reduce the number or severity of the accidents
5 involving school buses equipped with an automated traffic law
6 enforcement system.

7 (o) The compensation paid for an automated traffic law
8 enforcement system must be based on the value of the equipment
9 or the services provided and may not be based on the number of
10 traffic citations issued or the revenue generated by the
11 system.

12 (p) No person who is the lessor of a motor vehicle pursuant
13 to a written lease agreement shall be liable for an automated
14 speed or traffic law enforcement system violation involving
15 such motor vehicle during the period of the lease; provided
16 that upon the request of the appropriate authority received
17 within 120 days after the violation occurred, the lessor
18 provides within 60 days after such receipt the name and
19 address of the lessee.

20 Upon the provision of information by the lessor pursuant
21 to this subsection, the county or municipality may issue the
22 violation to the lessee of the vehicle in the same manner as it
23 would issue a violation to a registered owner of a vehicle
24 pursuant to this Section, and the lessee may be held liable for
25 the violation.

26 (q) (Blank).

1 (r) After a municipality or county enacts an ordinance
2 providing for automated traffic law enforcement systems under
3 this Section, each school district within that municipality or
4 county's jurisdiction may implement an automated traffic law
5 enforcement system under this Section. The elected school
6 board for that district must approve the implementation of an
7 automated traffic law enforcement system. The school district
8 shall be responsible for entering into a contract, approved by
9 the elected school board of that district, with vendors for
10 the installation, maintenance, and operation of the automated
11 traffic law enforcement system. The school district must enter
12 into an intergovernmental agreement, approved by the elected
13 school board of that district, with the municipality or county
14 with jurisdiction over that school district for the
15 administration of the automated traffic law enforcement
16 system. The proceeds from a school district's automated
17 traffic law enforcement system's fines shall be divided
18 equally between the school district and the municipality or
19 county administering the automated traffic law enforcement
20 system.

21 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
22 102-905, eff. 1-1-23.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 11-208.9. Automated traffic law enforcement system;
25 approaching, overtaking, and passing a school bus.

1 (a) As used in this Section, "automated traffic law
2 enforcement system" means a device with one or more motor
3 vehicle sensors working in conjunction with the visual signals
4 on a school bus, as specified in Sections 12-803 and 12-805 of
5 this Code, to produce recorded images of motor vehicles that
6 fail to stop before meeting or overtaking, from either
7 direction, any school bus stopped at any location for the
8 purpose of receiving or discharging pupils in violation of
9 Section 11-1414 of this Code or a similar provision of a local
10 ordinance.

11 An automated traffic law enforcement system is a system,
12 in a municipality or county operated by a governmental agency,
13 that produces a recorded image of a motor vehicle's violation
14 of a provision of this Code or a local ordinance and is
15 designed to obtain a clear recorded image of the vehicle and
16 the vehicle's license plate. The recorded image must also
17 display the time, date, and location of the violation.

18 (b) As used in this Section, "recorded images" means
19 images recorded by an automated traffic law enforcement system
20 on:

21 (1) 2 or more photographs;

22 (2) 2 or more microphotographs;

23 (3) 2 or more electronic images; or

24 (4) a video recording showing the motor vehicle and,
25 on at least one image or portion of the recording, clearly
26 identifying the registration plate or digital registration

1 plate number of the motor vehicle.

2 (c) A municipality or county that produces a recorded
3 image of a motor vehicle's violation of a provision of this
4 Code or a local ordinance must make the recorded images of a
5 violation accessible to the alleged violator by providing the
6 alleged violator with a website address, accessible through
7 the Internet.

8 (d) For each violation of a provision of this Code or a
9 local ordinance recorded by an automated traffic law
10 enforcement system, the county or municipality having
11 jurisdiction shall issue a written notice of the violation to
12 the registered owner of the vehicle as the alleged violator.
13 The notice shall be delivered to the registered owner of the
14 vehicle, by mail, within 30 days after the Secretary of State
15 notifies the municipality or county of the identity of the
16 owner of the vehicle, but in no event later than 90 days after
17 the violation.

18 (e) The notice required under subsection (d) shall
19 include:

20 (1) the name and address of the registered owner of
21 the vehicle;

22 (2) the registration number of the motor vehicle
23 involved in the violation;

24 (3) the violation charged;

25 (4) the location where the violation occurred;

26 (5) the date and time of the violation;

- 1 (6) a copy of the recorded images;
- 2 (7) the amount of the civil penalty imposed and the
3 date by which the civil penalty should be paid;
- 4 (8) a statement that recorded images are evidence of a
5 violation of overtaking or passing a school bus stopped
6 for the purpose of receiving or discharging pupils;
- 7 (9) a warning that failure to pay the civil penalty or
8 to contest liability in a timely manner is an admission of
9 liability;
- 10 (10) a statement that the person may elect to proceed
11 by:
- 12 (A) paying the fine; or
- 13 (B) challenging the charge in court, by mail, or
14 by administrative hearing; and
- 15 (11) a website address, accessible through the
16 Internet, where the person may view the recorded images of
17 the violation.
- 18 (f) (Blank).
- 19 (g) Based on inspection of recorded images produced by an
20 automated traffic law enforcement system, a notice alleging
21 that the violation occurred shall be evidence of the facts
22 contained in the notice and admissible in any proceeding
23 alleging a violation under this Section.
- 24 (h) Recorded images made by an automated traffic law
25 enforcement system are confidential and shall be made
26 available only to the alleged violator and governmental and

1 law enforcement agencies for purposes of adjudicating a
2 violation of this Section, for statistical purposes, or for
3 other governmental purposes. Any recorded image evidencing a
4 violation of this Section, however, may be admissible in any
5 proceeding resulting from the issuance of the citation.

6 (i) The court or hearing officer may consider in defense
7 of a violation:

8 (1) that the motor vehicle or registration plates or
9 digital registration plates of the motor vehicle were
10 stolen before the violation occurred and not under the
11 control of or in the possession of the owner or lessee at
12 the time of the violation;

13 (1.5) that the motor vehicle was hijacked before the
14 violation occurred and not under the control of or in the
15 possession of the owner or lessee at the time of the
16 violation;

17 (2) that the driver of the motor vehicle received a
18 Uniform Traffic Citation from a police officer for a
19 violation of Section 11-1414 of this Code within
20 one-eighth of a mile and 15 minutes of the violation that
21 was recorded by the system;

22 (3) that the visual signals required by Sections
23 12-803 and 12-805 of this Code were damaged, not
24 activated, not present in violation of Sections 12-803 and
25 12-805, or inoperable; and

26 (4) any other evidence or issues provided by municipal

1 or county ordinance.

2 (j) To demonstrate that the motor vehicle was hijacked or
3 the motor vehicle or registration plates or digital
4 registration plates were stolen before the violation occurred
5 and were not under the control or possession of the owner or
6 lessee at the time of the violation, the owner or lessee must
7 submit proof that a report concerning the motor vehicle or
8 registration plates was filed with a law enforcement agency in
9 a timely manner.

10 (k) Unless the driver of the motor vehicle received a
11 Uniform Traffic Citation from a police officer at the time of
12 the violation, the motor vehicle owner is subject to a civil
13 penalty not exceeding \$150 for a first time violation or \$500
14 for a second or subsequent violation, plus an additional
15 penalty of not more than \$100 for failure to pay the original
16 penalty in a timely manner, if the motor vehicle is recorded by
17 an automated traffic law enforcement system. A violation for
18 which a civil penalty is imposed under this Section is not a
19 violation of a traffic regulation governing the movement of
20 vehicles and may not be recorded on the driving record of the
21 owner of the vehicle, but may be recorded by the municipality
22 or county for the purpose of determining if a person is subject
23 to the higher fine for a second or subsequent offense.

24 (l) A school bus equipped with an automated traffic law
25 enforcement system must be posted with a sign indicating that
26 the school bus is being monitored by an automated traffic law

1 enforcement system.

2 (m) A municipality or county that has one or more school
3 buses equipped with an automated traffic law enforcement
4 system must provide notice to drivers by posting a list of
5 school districts using school buses equipped with an automated
6 traffic law enforcement system on the municipality or county
7 website. School districts that have one or more school buses
8 equipped with an automated traffic law enforcement system must
9 provide notice to drivers by posting that information on their
10 websites.

11 (n) A municipality or county operating an automated
12 traffic law enforcement system shall conduct a statistical
13 analysis to assess the safety impact in each school district
14 using school buses equipped with an automated traffic law
15 enforcement system following installation of the system. The
16 statistical analysis shall be based upon the best available
17 crash, traffic, and other data, and shall cover a period of
18 time before and after installation of the system sufficient to
19 provide a statistically valid comparison of safety impact. The
20 statistical analysis shall be consistent with professional
21 judgment and acceptable industry practice. The statistical
22 analysis also shall be consistent with the data required for
23 valid comparisons of before and after conditions and shall be
24 conducted within a reasonable period following the
25 installation of the automated traffic law enforcement system.
26 The statistical analysis required by this subsection shall be

1 made available to the public and shall be published on the
2 website of the municipality or county. If the statistical
3 analysis for the 36-month period following installation of the
4 system indicates that there has been an increase in the rate of
5 crashes at the approach to school buses monitored by the
6 system, the municipality or county shall undertake additional
7 studies to determine the cause and severity of the crashes,
8 and may take any action that it determines is necessary or
9 appropriate to reduce the number or severity of the crashes
10 involving school buses equipped with an automated traffic law
11 enforcement system.

12 (o) The compensation paid for an automated traffic law
13 enforcement system must be based on the value of the equipment
14 or the services provided and may not be based on the number of
15 traffic citations issued or the revenue generated by the
16 system.

17 (p) No person who is the lessor of a motor vehicle pursuant
18 to a written lease agreement shall be liable for an automated
19 speed or traffic law enforcement system violation involving
20 such motor vehicle during the period of the lease; provided
21 that upon the request of the appropriate authority received
22 within 120 days after the violation occurred, the lessor
23 provides within 60 days after such receipt the name and
24 address of the lessee.

25 Upon the provision of information by the lessor pursuant
26 to this subsection, the county or municipality may issue the

1 violation to the lessee of the vehicle in the same manner as it
2 would issue a violation to a registered owner of a vehicle
3 pursuant to this Section, and the lessee may be held liable for
4 the violation.

5 (q) (Blank).

6 (r) After a municipality or county enacts an ordinance
7 providing for automated traffic law enforcement systems under
8 this Section, each school district within that municipality or
9 county's jurisdiction may implement an automated traffic law
10 enforcement system under this Section. The elected school
11 board for that district must approve the implementation of an
12 automated traffic law enforcement system. The school district
13 shall be responsible for entering into a contract, approved by
14 the elected school board of that district, with vendors for
15 the installation, maintenance, and operation of the automated
16 traffic law enforcement system. The school district must enter
17 into an intergovernmental agreement, approved by the elected
18 school board of that district, with the municipality or county
19 with jurisdiction over that school district for the
20 administration of the automated traffic law enforcement
21 system. The proceeds from a school district's automated
22 traffic law enforcement system's fines shall be divided
23 equally between the school district and the municipality or
24 county administering the automated traffic law enforcement
25 system.

26 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;

1 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

2 (625 ILCS 5/11-506)

3 (Text of Section before amendment by P.A. 102-982)

4 Sec. 11-506. Street racing; aggravated street racing;
5 street sideshows.

6 (a) No person shall engage in street racing on any street
7 or highway of this State.

8 (a-5) No person shall engage in a street sideshow on any
9 street or highway of this State.

10 (b) No owner of any vehicle shall acquiesce in or permit
11 his or her vehicle to be used by another for the purpose of
12 street racing or a street sideshow.

13 (b-5) A person may not knowingly interfere with or cause
14 the movement of traffic to slow or stop for the purpose of
15 facilitating street racing or a street sideshow.

16 (c) For the purposes of this Section:

17 "Acquiesce" or "permit" means actual knowledge that the
18 motor vehicle was to be used for the purpose of street racing.

19 "Motor vehicle stunt" includes, but is not limited to,
20 operating a vehicle in a manner that causes the vehicle to
21 slide or spin, driving within the proximity of a gathering of
22 persons, performing maneuvers to demonstrate the performance
23 capability of the motor vehicle, or maneuvering the vehicle in
24 an attempt to elicit a reaction from a gathering of persons.

25 "Street racing" means:

1 (1) The operation of 2 or more vehicles from a point
2 side by side at accelerating speeds in a competitive
3 attempt to outdistance each other; or

4 (2) The operation of one or more vehicles over a
5 common selected course, each starting at the same point,
6 for the purpose of comparing the relative speeds or power
7 of acceleration of such vehicle or vehicles within a
8 certain distance or time limit; or

9 (3) The use of one or more vehicles in an attempt to
10 outgain or outdistance another vehicle; or

11 (4) The use of one or more vehicles to prevent another
12 vehicle from passing; or

13 (5) The use of one or more vehicles to arrive at a
14 given destination ahead of another vehicle or vehicles; or

15 (6) The use of one or more vehicles to test the
16 physical stamina or endurance of drivers over
17 long-distance driving routes.

18 "Street sideshow" means an event in which one or more
19 vehicles block or impede traffic on a street or highway, for
20 the purpose of performing unauthorized motor vehicle stunts,
21 motor vehicle speed contests, or motor vehicle exhibitions of
22 speed.

23 (d) Penalties.

24 (1) Any person who is convicted of a violation of
25 subsection (a), (a-5), or (b-5) shall be guilty of a Class
26 A misdemeanor for the first offense and shall be subject

1 to a minimum fine of \$250. Any person convicted of a
2 violation of subsection (a), (a-5), or (b-5) a second or
3 subsequent time shall be guilty of a Class 4 felony and
4 shall be subject to a minimum fine of \$500. The driver's
5 license of any person convicted of subsection (a) shall be
6 revoked in the manner provided by Section 6-205 of this
7 Code.

8 (2) Any person who is convicted of a violation of
9 subsection (b) shall be guilty of a Class B misdemeanor.
10 Any person who is convicted of subsection (b) for a second
11 or subsequent time shall be guilty of a Class A
12 misdemeanor.

13 (3) Every person convicted of committing a violation
14 of subsection (a) of this Section shall be guilty of
15 aggravated street racing if the person, in committing a
16 violation of subsection (a) was involved in a motor
17 vehicle accident that resulted in great bodily harm or
18 permanent disability or disfigurement to another, where
19 the violation was a proximate cause of the injury.
20 Aggravated street racing is a Class 4 felony for which the
21 defendant, if sentenced to a term of imprisonment, shall
22 be sentenced to not less than one year nor more than 12
23 years.

24 (Source: P.A. 102-733, eff. 1-1-23; revised 12-14-22.)

25 (Text of Section after amendment by P.A. 102-982)

1 Sec. 11-506. Street racing; aggravated street racing;
2 street sideshows.

3 (a) No person shall engage in street racing on any street
4 or highway of this State.

5 (a-5) No person shall engage in a street sideshow on any
6 street or highway of this State.

7 (b) No owner of any vehicle shall acquiesce in or permit
8 his or her vehicle to be used by another for the purpose of
9 street racing or a street sideshow.

10 (b-5) A person may not knowingly interfere with or cause
11 the movement of traffic to slow or stop for the purpose of
12 facilitating street racing or a street sideshow.

13 (c) For the purposes of this Section:

14 "Acquiesce" or "permit" means actual knowledge that the
15 motor vehicle was to be used for the purpose of street racing.

16 "Motor vehicle stunt" includes, but is not limited to,
17 operating a vehicle in a manner that causes the vehicle to
18 slide or spin, driving within the proximity of a gathering of
19 persons, performing maneuvers to demonstrate the performance
20 capability of the motor vehicle, or maneuvering the vehicle in
21 an attempt to elicit a reaction from a gathering of persons.

22 "Street racing" means:

23 (1) The operation of 2 or more vehicles from a point
24 side by side at accelerating speeds in a competitive
25 attempt to outdistance each other; or

26 (2) The operation of one or more vehicles over a

1 common selected course, each starting at the same point,
2 for the purpose of comparing the relative speeds or power
3 of acceleration of such vehicle or vehicles within a
4 certain distance or time limit; or

5 (3) The use of one or more vehicles in an attempt to
6 outgain or outdistance another vehicle; or

7 (4) The use of one or more vehicles to prevent another
8 vehicle from passing; or

9 (5) The use of one or more vehicles to arrive at a
10 given destination ahead of another vehicle or vehicles; or

11 (6) The use of one or more vehicles to test the
12 physical stamina or endurance of drivers over
13 long-distance driving routes.

14 "Street sideshow" means an event in which one or more
15 vehicles block or impede traffic on a street or highway, for
16 the purpose of performing unauthorized motor vehicle stunts,
17 motor vehicle speed contests, or motor vehicle exhibitions of
18 speed.

19 (d) Penalties.

20 (1) Any person who is convicted of a violation of
21 subsection (a), (a-5), or (b-5) shall be guilty of a Class
22 A misdemeanor for the first offense and shall be subject
23 to a minimum fine of \$250. Any person convicted of a
24 violation of subsection (a), (a-5), or (b-5) a second or
25 subsequent time shall be guilty of a Class 4 felony and
26 shall be subject to a minimum fine of \$500. The driver's

1 license of any person convicted of subsection (a) shall be
2 revoked in the manner provided by Section 6-205 of this
3 Code.

4 (2) Any person who is convicted of a violation of
5 subsection (b) shall be guilty of a Class B misdemeanor.
6 Any person who is convicted of subsection (b) for a second
7 or subsequent time shall be guilty of a Class A
8 misdemeanor.

9 (3) Every person convicted of committing a violation
10 of subsection (a) of this Section shall be guilty of
11 aggravated street racing if the person, in committing a
12 violation of subsection (a) was involved in a motor
13 vehicle crash ~~crashes~~ that resulted in great bodily harm
14 or permanent disability or disfigurement to another, where
15 the violation was a proximate cause of the injury.
16 Aggravated street racing is a Class 4 felony for which the
17 defendant, if sentenced to a term of imprisonment, shall
18 be sentenced to not less than one year nor more than 12
19 years.

20 (Source: P.A. 102-733, eff. 1-1-23; 102-982, eff. 7-1-23;
21 revised 12-14-22.)

22 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)
23 Sec. 11-605. Special speed limit while passing schools.

24 (a) For the purpose of this Section, "school" means the
25 following entities:

1 (1) A public or private primary or secondary school.

2 (2) A primary or secondary school operated by a
3 religious institution.

4 (3) A public, private, or religious nursery school.

5 On a school day when school children are present and so
6 close thereto that a potential hazard exists because of the
7 close proximity of the motorized traffic, no person shall
8 drive a motor vehicle at a speed in excess of 20 miles per hour
9 while passing a school zone or while traveling on a local,
10 county, or State roadway on public school property or upon any
11 public thoroughfare where children pass going to and from
12 school.

13 For the purpose of this Section, a school day begins at
14 6:30 a.m. and concludes at 4 p.m.

15 This Section shall not be applicable unless appropriate
16 signs are posted upon streets and highways under their
17 respective jurisdiction and maintained by the Department,
18 township, county, park district, city, village or incorporated
19 town wherein the school zone is located. With regard to the
20 special speed limit while passing schools, such signs shall
21 give proper due warning that a school zone is being approached
22 and shall indicate the school zone and the maximum speed limit
23 in effect during school days when school children are present.

24 (b) (Blank).

25 (c) Nothing in this Chapter shall prohibit the use of
26 electronic speed-detecting devices within 500 feet of signs

1 within a special school speed zone indicating such zone, as
2 defined in this Section, nor shall evidence obtained thereby
3 be inadmissible in any prosecution for speeding provided the
4 use of such device shall apply only to the enforcement of the
5 speed limit in such special school speed zone.

6 (d) (Blank).

7 (e) Except as provided in subsection (e-5), a person who
8 violates this Section is guilty of a petty offense. Violations
9 of this Section are punishable with a minimum fine of \$150 for
10 the first violation, a minimum fine of \$300 for the second or
11 subsequent violation, and community service in an amount
12 determined by the court.

13 (e-5) A person committing a violation of this Section is
14 guilty of aggravated special speed limit while passing schools
15 when he or she drives a motor vehicle at a speed that is:

16 (1) 26 miles per hour or more but less than 35 miles
17 per hour in excess of the applicable special speed limit
18 established under this Section or a similar provision of a
19 local ordinance and is guilty of a Class B misdemeanor; or

20 (2) 35 miles per hour or more in excess of the
21 applicable special speed limit established under this
22 Section or a similar provision of a local ordinance and is
23 guilty of a Class A misdemeanor.

24 (f) (Blank).

25 (g) (Blank).

26 (h) (Blank).

1 (Source: P.A. 102-58, eff. 7-9-21; 102-859, eff. 1-1-23;
2 102-978, eff. 1-1-23; revised 12-14-22.)

3 (625 ILCS 5/12-215)

4 (Text of Section before amendment by P.A. 102-982)

5 Sec. 12-215. Oscillating, rotating_L or flashing lights on
6 motor vehicles. Except as otherwise provided in this Code:

7 (a) The use of red or white oscillating, rotating_L or
8 flashing lights, whether lighted or unlighted, is prohibited
9 except on:

10 1. Law enforcement vehicles of State, federal, ~~Federal~~
11 or local authorities;

12 2. A vehicle operated by a police officer or county
13 coroner and designated or authorized by local authorities,
14 in writing, as a law enforcement vehicle; however, such
15 designation or authorization must be carried in the
16 vehicle;

17 2.1. A vehicle operated by a fire chief, deputy fire
18 chief, or assistant fire chief who has completed an
19 emergency vehicle operation training course approved by
20 the Office of the State Fire Marshal and designated or
21 authorized by local authorities, fire departments, or fire
22 protection districts, in writing, as a fire department,
23 fire protection district, or township fire department
24 vehicle; however, the designation or authorization must be
25 carried in the vehicle, and the lights may be visible or

1 activated only when responding to a bona fide emergency;

2 3. Vehicles of local fire departments and State or
3 federal firefighting vehicles;

4 4. Vehicles which are designed and used exclusively as
5 ambulances or rescue vehicles; furthermore, such lights
6 shall not be lighted except when responding to an
7 emergency call for and while actually conveying the sick
8 or injured;

9 4.5. Vehicles which are occasionally used as rescue
10 vehicles that have been authorized for use as rescue
11 vehicles by a volunteer EMS provider, provided that the
12 operator of the vehicle has successfully completed an
13 emergency vehicle operation training course recognized by
14 the Department of Public Health; furthermore, the lights
15 shall not be lighted except when responding to an
16 emergency call for the sick or injured;

17 5. Tow trucks licensed in a state that requires such
18 lights; furthermore, such lights shall not be lighted on
19 any such tow truck while the tow truck is operating in the
20 State of Illinois;

21 6. Vehicles of the Illinois Emergency Management
22 Agency, vehicles of the Office of the Illinois State Fire
23 Marshal, vehicles of the Illinois Department of Public
24 Health, vehicles of the Illinois Department of
25 Corrections, and vehicles of the Illinois Department of
26 Juvenile Justice;

1 7. Vehicles operated by a local or county emergency
2 management services agency as defined in the Illinois
3 Emergency Management Agency Act;

4 8. School buses operating alternately flashing head
5 lamps as permitted under Section 12-805 of this Code;

6 9. Vehicles that are equipped and used exclusively as
7 organ transplant vehicles when used in combination with
8 blue oscillating, rotating, or flashing lights;
9 furthermore, these lights shall be lighted only when the
10 transportation is declared an emergency by a member of the
11 transplant team or a representative of the organ
12 procurement organization;

13 10. Vehicles of the Illinois Department of Natural
14 Resources that are used for mine rescue and explosives
15 emergency response;

16 11. Vehicles of the Illinois Department of
17 Transportation identified as Emergency Traffic Patrol; the
18 lights shall not be lighted except when responding to an
19 emergency call or when parked or stationary while engaged
20 in motor vehicle assistance or at the scene of the
21 emergency; and

22 12. Vehicles of the Illinois State Toll Highway
23 Authority with a gross vehicle weight rating of 9,000
24 pounds or more and those identified as Highway Emergency
25 Lane Patrol; the lights shall not be lighted except when
26 responding to an emergency call or when parked or

1 stationary while engaged in motor vehicle assistance or at
2 the scene of the emergency.

3 (b) The use of amber oscillating, rotating, or flashing
4 lights, whether lighted or unlighted, is prohibited except on:

5 1. Second division vehicles designed and used for
6 towing or hoisting vehicles; furthermore, such lights
7 shall not be lighted except as required in this paragraph
8 1; such lights shall be lighted when such vehicles are
9 actually being used at the scene of an accident or
10 disablement; if the towing vehicle is equipped with a flat
11 bed that supports all wheels of the vehicle being
12 transported, the lights shall not be lighted while the
13 vehicle is engaged in towing on a highway; if the towing
14 vehicle is not equipped with a flat bed that supports all
15 wheels of a vehicle being transported, the lights shall be
16 lighted while the towing vehicle is engaged in towing on a
17 highway during all times when the use of headlights is
18 required under Section 12-201 of this Code; in addition,
19 these vehicles may use white oscillating, rotating, or
20 flashing lights in combination with amber oscillating,
21 rotating, or flashing lights as provided in this
22 paragraph;

23 2. Motor vehicles or equipment of the State of
24 Illinois, the Illinois State Toll Highway Authority, local
25 authorities, and contractors; furthermore, such lights
26 shall not be lighted except while such vehicles are

1 engaged in maintenance or construction operations within
2 the limits of construction projects;

3 3. Vehicles or equipment used by engineering or survey
4 crews; furthermore, such lights shall not be lighted
5 except while such vehicles are actually engaged in work on
6 a highway;

7 4. Vehicles of public utilities, municipalities, or
8 other construction, maintenance, or automotive service
9 vehicles except that such lights shall be lighted only as
10 a means for indicating the presence of a vehicular traffic
11 hazard requiring unusual care in approaching, overtaking,
12 or passing while such vehicles are engaged in maintenance,
13 service, or construction on a highway;

14 5. Oversized vehicle or load; however, such lights
15 shall only be lighted when moving under permit issued by
16 the Department under Section 15-301 of this Code;

17 6. The front and rear of motorized equipment owned and
18 operated by the State of Illinois or any political
19 subdivision thereof, which is designed and used for
20 removal of snow and ice from highways;

21 6.1. The front and rear of motorized equipment or
22 vehicles that (i) are not owned by the State of Illinois or
23 any political subdivision of the State, (ii) are designed
24 and used for removal of snow and ice from highways and
25 parking lots, and (iii) are equipped with a snow plow that
26 is 12 feet in width; these lights may not be lighted except

1 when the motorized equipment or vehicle is actually being
2 used for those purposes on behalf of a unit of government;

3 7. Fleet safety vehicles registered in another state,
4 furthermore, such lights shall not be lighted except as
5 provided for in Section 12-212 of this Code;

6 8. Such other vehicles as may be authorized by local
7 authorities;

8 9. Law enforcement vehicles of State or local
9 authorities when used in combination with red oscillating,
10 rotating, or flashing lights;

11 9.5. Propane delivery trucks;

12 10. Vehicles used for collecting or delivering mail
13 for the United States Postal Service provided that such
14 lights shall not be lighted except when such vehicles are
15 actually being used for such purposes;

16 10.5. Vehicles of the Office of the Illinois State
17 Fire Marshal, provided that such lights shall not be
18 lighted except for when such vehicles are engaged in work
19 for the Office of the Illinois State Fire Marshal;

20 11. Any vehicle displaying a slow-moving vehicle
21 emblem as provided in Section 12-205.1;

22 12. All trucks equipped with self-compactors or
23 roll-off hoists and roll-on containers for garbage,
24 recycling, or refuse hauling. Such lights shall not be
25 lighted except when such vehicles are actually being used
26 for such purposes;

1 13. Vehicles used by a security company, alarm
2 responder, control agency, or the Illinois Department of
3 Corrections;

4 14. Security vehicles of the Department of Human
5 Services; however, the lights shall not be lighted except
6 when being used for security related purposes under the
7 direction of the superintendent of the facility where the
8 vehicle is located; and

9 15. Vehicles of union representatives, except that the
10 lights shall be lighted only while the vehicle is within
11 the limits of a construction project.

12 (c) The use of blue oscillating, rotating, or flashing
13 lights, whether lighted or unlighted, is prohibited except on:

14 1. Rescue squad vehicles not owned by a fire
15 department or fire protection district and vehicles owned
16 or operated by a:

17 voluntary firefighter;

18 paid firefighter;

19 part-paid firefighter;

20 call firefighter;

21 member of the board of trustees of a fire
22 protection district;

23 paid or unpaid member of a rescue squad;

24 paid or unpaid member of a voluntary ambulance
25 unit; or

26 paid or unpaid members of a local or county

1 emergency management services agency as defined in the
2 Illinois Emergency Management Agency Act, designated
3 or authorized by local authorities, in writing, and
4 carrying that designation or authorization in the
5 vehicle.

6 However, such lights are not to be lighted except when
7 responding to a bona fide emergency or when parked or
8 stationary at the scene of a fire, rescue call, ambulance
9 call, or motor vehicle accident.

10 Any person using these lights in accordance with this
11 subdivision (c)1 must carry on his or her person an
12 identification card or letter identifying the bona fide
13 member of a fire department, fire protection district,
14 rescue squad, ambulance unit, or emergency management
15 services agency that owns or operates that vehicle. The
16 card or letter must include:

17 (A) the name of the fire department, fire
18 protection district, rescue squad, ambulance unit, or
19 emergency management services agency;

20 (B) the member's position within the fire
21 department, fire protection district, rescue squad,
22 ambulance unit, or emergency management services
23 agency;

24 (C) the member's term of service; and

25 (D) the name of a person within the fire
26 department, fire protection district, rescue squad,

1 ambulance unit, or emergency management services
2 agency to contact to verify the information provided.

3 2. Police department vehicles in cities having a
4 population of 500,000 or more inhabitants.

5 3. Law enforcement vehicles of State or local
6 authorities when used in combination with red oscillating,
7 rotating, or flashing lights.

8 4. Vehicles of local fire departments and State or
9 federal firefighting vehicles when used in combination
10 with red oscillating, rotating, or flashing lights.

11 5. Vehicles which are designed and used exclusively as
12 ambulances or rescue vehicles when used in combination
13 with red oscillating, rotating, or flashing lights;
14 furthermore, such lights shall not be lighted except when
15 responding to an emergency call.

16 6. Vehicles that are equipped and used exclusively as
17 organ transport vehicles when used in combination with red
18 oscillating, rotating, or flashing lights; furthermore,
19 these lights shall only be lighted when the transportation
20 is declared an emergency by a member of the transplant
21 team or a representative of the organ procurement
22 organization.

23 7. Vehicles of the Illinois Emergency Management
24 Agency, vehicles of the Office of the Illinois State Fire
25 Marshal, vehicles of the Illinois Department of Public
26 Health, vehicles of the Illinois Department of

1 Corrections, and vehicles of the Illinois Department of
2 Juvenile Justice, when used in combination with red
3 oscillating, rotating, or flashing lights.

4 8. Vehicles operated by a local or county emergency
5 management services agency as defined in the Illinois
6 Emergency Management Agency Act, when used in combination
7 with red oscillating, rotating, or flashing lights.

8 9. Vehicles of the Illinois Department of Natural
9 Resources that are used for mine rescue and explosives
10 emergency response, when used in combination with red
11 oscillating, rotating, or flashing lights.

12 (c-1) In addition to the blue oscillating, rotating, or
13 flashing lights permitted under subsection (c), and
14 notwithstanding subsection (a), a vehicle operated by a
15 voluntary firefighter, a voluntary member of a rescue squad,
16 or a member of a voluntary ambulance unit may be equipped with
17 flashing white headlights and blue grill lights, which may be
18 used only in responding to an emergency call or when parked or
19 stationary at the scene of a fire, rescue call, ambulance
20 call, or motor vehicle accident.

21 (c-2) In addition to the blue oscillating, rotating, or
22 flashing lights permitted under subsection (c), and
23 notwithstanding subsection (a), a vehicle operated by a paid
24 or unpaid member of a local or county emergency management
25 services agency as defined in the Illinois Emergency
26 Management Agency Act, may be equipped with white oscillating,

1 rotating, or flashing lights to be used in combination with
2 blue oscillating, rotating, or flashing lights, if
3 authorization by local authorities is in writing and carried
4 in the vehicle.

5 (d) The use of a combination of amber and white
6 oscillating, rotating, or flashing lights, whether lighted or
7 unlighted, is prohibited except on second division vehicles
8 designed and used for towing or hoisting vehicles or motor
9 vehicles or equipment of the State of Illinois, local
10 authorities, contractors, and union representatives;
11 furthermore, such lights shall not be lighted on second
12 division vehicles designed and used for towing or hoisting
13 vehicles or vehicles of the State of Illinois, local
14 authorities, and contractors except while such vehicles are
15 engaged in a tow operation, highway maintenance, or
16 construction operations within the limits of highway
17 construction projects, and shall not be lighted on the
18 vehicles of union representatives except when those vehicles
19 are within the limits of a construction project.

20 (e) All oscillating, rotating, or flashing lights referred
21 to in this Section shall be of sufficient intensity, when
22 illuminated, to be visible at 500 feet in normal sunlight.

23 (f) Nothing in this Section shall prohibit a manufacturer
24 of oscillating, rotating, or flashing lights or his
25 representative or authorized vendor from temporarily mounting
26 such lights on a vehicle for demonstration purposes only. If

1 the lights are not covered while the vehicle is operated upon a
2 highway, the vehicle shall display signage indicating that the
3 vehicle is out of service or not an emergency vehicle. The
4 signage shall be displayed on all sides of the vehicle in
5 letters at least 2 inches tall and one-half inch wide. A
6 vehicle authorized to have oscillating, rotating, or flashing
7 lights mounted for demonstration purposes may not activate the
8 lights while the vehicle is operated upon a highway.

9 (g) Any person violating the provisions of subsection
10 ~~subsections~~ (a), (b), (c), or (d) of this Section who without
11 lawful authority stops or detains or attempts to stop or
12 detain another person shall be guilty of a Class 2 felony.

13 (h) Except as provided in subsection (g) above, any person
14 violating the provisions of subsection ~~subsections~~ (a) or (c)
15 of this Section shall be guilty of a Class A misdemeanor.

16 (Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23;
17 revised 12-14-22.)

18 (Text of Section after amendment by P.A. 102-982)

19 Sec. 12-215. Oscillating, rotating, or flashing lights on
20 motor vehicles. Except as otherwise provided in this Code:

21 (a) The use of red or white oscillating, rotating, or
22 flashing lights, whether lighted or unlighted, is prohibited
23 except on:

24 1. Law enforcement vehicles of State, federal, ~~Federal~~
25 or local authorities;

1 2. A vehicle operated by a police officer or county
2 coroner and designated or authorized by local authorities,
3 in writing, as a law enforcement vehicle; however, such
4 designation or authorization must be carried in the
5 vehicle;

6 2.1. A vehicle operated by a fire chief, deputy fire
7 chief, or assistant fire chief who has completed an
8 emergency vehicle operation training course approved by
9 the Office of the State Fire Marshal and designated or
10 authorized by local authorities, fire departments, or fire
11 protection districts, in writing, as a fire department,
12 fire protection district, or township fire department
13 vehicle; however, the designation or authorization must be
14 carried in the vehicle, and the lights may be visible or
15 activated only when responding to a bona fide emergency;

16 3. Vehicles of local fire departments and State or
17 federal firefighting vehicles;

18 4. Vehicles which are designed and used exclusively as
19 ambulances or rescue vehicles; furthermore, such lights
20 shall not be lighted except when responding to an
21 emergency call for and while actually conveying the sick
22 or injured;

23 4.5. Vehicles which are occasionally used as rescue
24 vehicles that have been authorized for use as rescue
25 vehicles by a volunteer EMS provider, provided that the
26 operator of the vehicle has successfully completed an

1 emergency vehicle operation training course recognized by
2 the Department of Public Health; furthermore, the lights
3 shall not be lighted except when responding to an
4 emergency call for the sick or injured;

5 5. Tow trucks licensed in a state that requires such
6 lights; furthermore, such lights shall not be lighted on
7 any such tow truck while the tow truck is operating in the
8 State of Illinois;

9 6. Vehicles of the Illinois Emergency Management
10 Agency, vehicles of the Office of the Illinois State Fire
11 Marshal, vehicles of the Illinois Department of Public
12 Health, vehicles of the Illinois Department of
13 Corrections, and vehicles of the Illinois Department of
14 Juvenile Justice;

15 7. Vehicles operated by a local or county emergency
16 management services agency as defined in the Illinois
17 Emergency Management Agency Act;

18 8. School buses operating alternately flashing head
19 lamps as permitted under Section 12-805 of this Code;

20 9. Vehicles that are equipped and used exclusively as
21 organ transplant vehicles when used in combination with
22 blue oscillating, rotating, or flashing lights;
23 furthermore, these lights shall be lighted only when the
24 transportation is declared an emergency by a member of the
25 transplant team or a representative of the organ
26 procurement organization;

1 10. Vehicles of the Illinois Department of Natural
2 Resources that are used for mine rescue and explosives
3 emergency response;

4 11. Vehicles of the Illinois Department of
5 Transportation identified as Emergency Traffic Patrol; the
6 lights shall not be lighted except when responding to an
7 emergency call or when parked or stationary while engaged
8 in motor vehicle assistance or at the scene of the
9 emergency; and

10 12. Vehicles of the Illinois State Toll Highway
11 Authority with a gross vehicle weight rating of 9,000
12 pounds or more and those identified as Highway Emergency
13 Lane Patrol; the lights shall not be lighted except when
14 responding to an emergency call or when parked or
15 stationary while engaged in motor vehicle assistance or at
16 the scene of the emergency.

17 (b) The use of amber oscillating, rotating, or flashing
18 lights, whether lighted or unlighted, is prohibited except on:

19 1. Second division vehicles designed and used for
20 towing or hoisting vehicles; furthermore, such lights
21 shall not be lighted except as required in this paragraph
22 1; such lights shall be lighted when such vehicles are
23 actually being used at the scene of a crash or
24 disablement; if the towing vehicle is equipped with a flat
25 bed that supports all wheels of the vehicle being
26 transported, the lights shall not be lighted while the

1 vehicle is engaged in towing on a highway; if the towing
2 vehicle is not equipped with a flat bed that supports all
3 wheels of a vehicle being transported, the lights shall be
4 lighted while the towing vehicle is engaged in towing on a
5 highway during all times when the use of headlights is
6 required under Section 12-201 of this Code; in addition,
7 these vehicles may use white oscillating, rotating, or
8 flashing lights in combination with amber oscillating,
9 rotating, or flashing lights as provided in this
10 paragraph;

11 2. Motor vehicles or equipment of the State of
12 Illinois, the Illinois State Toll Highway Authority, local
13 authorities, and contractors; furthermore, such lights
14 shall not be lighted except while such vehicles are
15 engaged in maintenance or construction operations within
16 the limits of construction projects;

17 3. Vehicles or equipment used by engineering or survey
18 crews; furthermore, such lights shall not be lighted
19 except while such vehicles are actually engaged in work on
20 a highway;

21 4. Vehicles of public utilities, municipalities, or
22 other construction, maintenance, or automotive service
23 vehicles except that such lights shall be lighted only as
24 a means for indicating the presence of a vehicular traffic
25 hazard requiring unusual care in approaching, overtaking,
26 or passing while such vehicles are engaged in maintenance,

1 service, or construction on a highway;

2 5. Oversized vehicle or load; however, such lights
3 shall only be lighted when moving under permit issued by
4 the Department under Section 15-301 of this Code;

5 6. The front and rear of motorized equipment owned and
6 operated by the State of Illinois or any political
7 subdivision thereof, which is designed and used for
8 removal of snow and ice from highways;

9 6.1. The front and rear of motorized equipment or
10 vehicles that (i) are not owned by the State of Illinois or
11 any political subdivision of the State, (ii) are designed
12 and used for removal of snow and ice from highways and
13 parking lots, and (iii) are equipped with a snow plow that
14 is 12 feet in width; these lights may not be lighted except
15 when the motorized equipment or vehicle is actually being
16 used for those purposes on behalf of a unit of government;

17 7. Fleet safety vehicles registered in another state,
18 furthermore, such lights shall not be lighted except as
19 provided for in Section 12-212 of this Code;

20 8. Such other vehicles as may be authorized by local
21 authorities;

22 9. Law enforcement vehicles of State or local
23 authorities when used in combination with red oscillating,
24 rotating, or flashing lights;

25 9.5. Propane delivery trucks;

26 10. Vehicles used for collecting or delivering mail

1 for the United States Postal Service provided that such
2 lights shall not be lighted except when such vehicles are
3 actually being used for such purposes;

4 10.5. Vehicles of the Office of the Illinois State
5 Fire Marshal, provided that such lights shall not be
6 lighted except for when such vehicles are engaged in work
7 for the Office of the Illinois State Fire Marshal;

8 11. Any vehicle displaying a slow-moving vehicle
9 emblem as provided in Section 12-205.1;

10 12. All trucks equipped with self-compactors or
11 roll-off hoists and roll-on containers for garbage,
12 recycling, or refuse hauling. Such lights shall not be
13 lighted except when such vehicles are actually being used
14 for such purposes;

15 13. Vehicles used by a security company, alarm
16 responder, control agency, or the Illinois Department of
17 Corrections;

18 14. Security vehicles of the Department of Human
19 Services; however, the lights shall not be lighted except
20 when being used for security related purposes under the
21 direction of the superintendent of the facility where the
22 vehicle is located; and

23 15. Vehicles of union representatives, except that the
24 lights shall be lighted only while the vehicle is within
25 the limits of a construction project.

26 (c) The use of blue oscillating, rotating, or flashing

1 lights, whether lighted or unlighted, is prohibited except on:

2 1. Rescue squad vehicles not owned by a fire
3 department or fire protection district and vehicles owned
4 or operated by a:

5 voluntary firefighter;

6 paid firefighter;

7 part-paid firefighter;

8 call firefighter;

9 member of the board of trustees of a fire
10 protection district;

11 paid or unpaid member of a rescue squad;

12 paid or unpaid member of a voluntary ambulance
13 unit; or

14 paid or unpaid members of a local or county
15 emergency management services agency as defined in the
16 Illinois Emergency Management Agency Act, designated
17 or authorized by local authorities, in writing, and
18 carrying that designation or authorization in the
19 vehicle.

20 However, such lights are not to be lighted except when
21 responding to a bona fide emergency or when parked or
22 stationary at the scene of a fire, rescue call, ambulance
23 call, or motor vehicle crash.

24 Any person using these lights in accordance with this
25 subdivision (c)1 must carry on his or her person an
26 identification card or letter identifying the bona fide

1 member of a fire department, fire protection district,
2 rescue squad, ambulance unit, or emergency management
3 services agency that owns or operates that vehicle. The
4 card or letter must include:

5 (A) the name of the fire department, fire
6 protection district, rescue squad, ambulance unit, or
7 emergency management services agency;

8 (B) the member's position within the fire
9 department, fire protection district, rescue squad,
10 ambulance unit, or emergency management services
11 agency;

12 (C) the member's term of service; and

13 (D) the name of a person within the fire
14 department, fire protection district, rescue squad,
15 ambulance unit, or emergency management services
16 agency to contact to verify the information provided.

17 2. Police department vehicles in cities having a
18 population of 500,000 or more inhabitants.

19 3. Law enforcement vehicles of State or local
20 authorities when used in combination with red oscillating,
21 rotating, or flashing lights.

22 4. Vehicles of local fire departments and State or
23 federal firefighting vehicles when used in combination
24 with red oscillating, rotating, or flashing lights.

25 5. Vehicles which are designed and used exclusively as
26 ambulances or rescue vehicles when used in combination

1 with red oscillating, rotating, or flashing lights;
2 furthermore, such lights shall not be lighted except when
3 responding to an emergency call.

4 6. Vehicles that are equipped and used exclusively as
5 organ transport vehicles when used in combination with red
6 oscillating, rotating, or flashing lights; furthermore,
7 these lights shall only be lighted when the transportation
8 is declared an emergency by a member of the transplant
9 team or a representative of the organ procurement
10 organization.

11 7. Vehicles of the Illinois Emergency Management
12 Agency, vehicles of the Office of the Illinois State Fire
13 Marshal, vehicles of the Illinois Department of Public
14 Health, vehicles of the Illinois Department of
15 Corrections, and vehicles of the Illinois Department of
16 Juvenile Justice, when used in combination with red
17 oscillating, rotating, or flashing lights.

18 8. Vehicles operated by a local or county emergency
19 management services agency as defined in the Illinois
20 Emergency Management Agency Act, when used in combination
21 with red oscillating, rotating, or flashing lights.

22 9. Vehicles of the Illinois Department of Natural
23 Resources that are used for mine rescue and explosives
24 emergency response, when used in combination with red
25 oscillating, rotating, or flashing lights.

26 (c-1) In addition to the blue oscillating, rotating, or

1 flashing lights permitted under subsection (c), and
2 notwithstanding subsection (a), a vehicle operated by a
3 voluntary firefighter, a voluntary member of a rescue squad,
4 or a member of a voluntary ambulance unit may be equipped with
5 flashing white headlights and blue grill lights, which may be
6 used only in responding to an emergency call or when parked or
7 stationary at the scene of a fire, rescue call, ambulance
8 call, or motor vehicle crash.

9 (c-2) In addition to the blue oscillating, rotating, or
10 flashing lights permitted under subsection (c), and
11 notwithstanding subsection (a), a vehicle operated by a paid
12 or unpaid member of a local or county emergency management
13 services agency as defined in the Illinois Emergency
14 Management Agency Act, may be equipped with white oscillating,
15 rotating, or flashing lights to be used in combination with
16 blue oscillating, rotating, or flashing lights, if
17 authorization by local authorities is in writing and carried
18 in the vehicle.

19 (d) The use of a combination of amber and white
20 oscillating, rotating, or flashing lights, whether lighted or
21 unlighted, is prohibited except on second division vehicles
22 designed and used for towing or hoisting vehicles or motor
23 vehicles or equipment of the State of Illinois, local
24 authorities, contractors, and union representatives;
25 furthermore, such lights shall not be lighted on second
26 division vehicles designed and used for towing or hoisting

1 vehicles or vehicles of the State of Illinois, local
2 authorities, and contractors except while such vehicles are
3 engaged in a tow operation, highway maintenance, or
4 construction operations within the limits of highway
5 construction projects, and shall not be lighted on the
6 vehicles of union representatives except when those vehicles
7 are within the limits of a construction project.

8 (e) All oscillating, rotating, l or flashing lights referred
9 to in this Section shall be of sufficient intensity, when
10 illuminated, to be visible at 500 feet in normal sunlight.

11 (f) Nothing in this Section shall prohibit a manufacturer
12 of oscillating, rotating, l or flashing lights or his
13 representative or authorized vendor from temporarily mounting
14 such lights on a vehicle for demonstration purposes only. If
15 the lights are not covered while the vehicle is operated upon a
16 highway, the vehicle shall display signage indicating that the
17 vehicle is out of service or not an emergency vehicle. The
18 signage shall be displayed on all sides of the vehicle in
19 letters at least 2 inches tall and one-half inch wide. A
20 vehicle authorized to have oscillating, rotating, or flashing
21 lights mounted for demonstration purposes may not activate the
22 lights while the vehicle is operated upon a highway.

23 (g) Any person violating the provisions of subsection
24 ~~subsections~~ (a), (b), (c), l or (d) of this Section who without
25 lawful authority stops or detains or attempts to stop or
26 detain another person shall be guilty of a Class 2 felony.

1 (h) Except as provided in subsection (g) above, any person
2 violating the provisions of subsection ~~subsections~~ (a) or (c)
3 of this Section shall be guilty of a Class A misdemeanor.

4 (Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23;
5 102-982, eff. 7-1-23; revised 8-1-22.)

6 Section 670. The Innovations for Transportation
7 Infrastructure Act is amended by changing Sections 15 and 20
8 as follows:

9 (630 ILCS 10/15)

10 (Section scheduled to be repealed on July 1, 2032)

11 Sec. 15. Authorization of project delivery methods.

12 (a) Notwithstanding any other law, and as authority
13 supplemental to its existing powers, except as otherwise
14 provided for in this Act, the Transportation Agency, in
15 accordance with this Act, may use the design-build project
16 delivery method for transportation facilities if the capital
17 costs for transportation facilities delivered utilizing the
18 design-build project delivery method or Construction
19 Manager/General Contractor project delivery method or
20 Alternative Technical Concepts in a design-bid-build project
21 delivery method do not: (i) for transportation facilities
22 delivered by the Department, exceed \$400 million of contracts
23 awarded during the Department's multi-year highway improvement
24 program for any 5-year period; or (ii) for transportation

1 facilities delivered by the Authority, exceed 20% of the
2 Authority's annual improvement program. The Transportation
3 Agency shall make this calculation before commencing the
4 procurement. Notwithstanding any other law, and as authority
5 supplemental to its existing powers, the Department, in
6 accordance with this Act, may use the Construction
7 Manager/General Contractor project delivery method for up to 2
8 transportation facilities per year. Before commencing a
9 procurement under this Act for either a design-build contract
10 or a Construction Manager/General Contractor contract, the
11 Transportation Agency shall first undertake an analysis and
12 make a written determination that it is in the best interests
13 of this State to use the selected delivery method for that
14 transportation facility. The analysis and determination shall
15 discuss the design-build project delivery method or
16 Construction Manager/General Contractor project delivery
17 method's impact on the anticipated schedule, completion date,
18 and project costs. The best interests of the State analysis
19 shall be made available to the public.

20 (b) The Transportation Agency shall report to the General
21 Assembly annually for the first 5 years after June 15, 2022
22 (the effective date of this Act) on the progress of
23 procurements and transportation facilities procured under this
24 Act.

25 (c) A contract entered into pursuant to the provisions of
26 this Act ~~is~~ are excepted from the Public Contract Fraud Act.

1 (Source: P.A. 102-1094, eff. 6-15-22; revised 8-19-22.)

2 (630 ILCS 10/20)

3 (Section scheduled to be repealed on July 1, 2032)

4 Sec. 20. Preconditions to commencement of procurement. If
5 the Transportation Agency determines to use the design-build
6 project delivery method or the Construction Manager/General
7 Contractor project delivery method for a particular
8 transportation facility, the Transportation Agency may not
9 commence a procurement for the transportation facility until
10 the Transportation Agency has satisfied the following
11 requirements:

12 (1) the Transportation Agency does one of the following:

13 (A) the Transportation Agency includes the
14 transportation facility in the Transportation Agency's
15 respective multi-year highway improvement program and
16 designates it as a design-build project delivery method
17 project or Construction Manager/General Contractor
18 project;

19 (B) the Transportation Agency issues a notice of
20 intent to receive qualifications, that includes a
21 description of the proposed procurement and transportation
22 facility, at least 28 days before the issuance of the
23 request for qualifications, and for a Department-issued
24 notice of intent publishes the notice in the Illinois
25 Transportation Procurement Bulletin and for an

1 Authority-issued notice of intent publishes the notice in
2 the Illinois Procurement Bulletin; or

3 (C) for a single-phase procurement authorized under
4 subsection (a) of Section 25 of this Act, the
5 Transportation Agency issues a notice of intent to receive
6 proposals, that includes a description of the proposed
7 procurement and transportation facility, at least 14 days
8 before the issuance of the request for proposals, and for
9 a Department-issued notice of intent publishes the notice
10 in the Illinois Transportation Procurement Bulletin and
11 for an Authority-issued notice of intent publishes the
12 notice in the Illinois Procurement Bulletin; and

13 (2) the Transportation Agency uses its best efforts to
14 ensure that the transportation facility is consistent with the
15 regional plan in existence at the time of any metropolitan
16 planning organization in which the boundaries of the
17 transportation facility is located, or any other publicly
18 approved ~~publicly approved~~ plan.

19 (Source: P.A. 102-1094, eff. 6-15-22; revised 8-19-22.)

20 Section 675. The Juvenile Court Act of 1987 is amended by
21 changing Sections 2-28 and 5-915 as follows:

22 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

23 Sec. 2-28. Court review.

24 (1) The court may require any legal custodian or guardian

1 of the person appointed under this Act to report periodically
2 to the court or may cite him into court and require him or his
3 agency, to make a full and accurate report of his or its doings
4 in behalf of the minor. The custodian or guardian, within 10
5 days after such citation, or earlier if the court determines
6 it to be necessary to protect the health, safety, or welfare of
7 the minor, shall make the report, either in writing verified
8 by affidavit or orally under oath in open court, or otherwise
9 as the court directs. Upon the hearing of the report the court
10 may remove the custodian or guardian and appoint another in
11 his stead or restore the minor to the custody of his parents or
12 former guardian or custodian. However, custody of the minor
13 shall not be restored to any parent, guardian, or legal
14 custodian in any case in which the minor is found to be
15 neglected or abused under Section 2-3 or dependent under
16 Section 2-4 of this Act, unless the minor can be cared for at
17 home without endangering the minor's health or safety and it
18 is in the best interests of the minor, and if such neglect,
19 abuse, or dependency is found by the court under paragraph (1)
20 of Section 2-21 of this Act to have come about due to the acts
21 or omissions or both of such parent, guardian, or legal
22 custodian, until such time as an investigation is made as
23 provided in paragraph (5) and a hearing is held on the issue of
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.

2 (1.5) The public agency that is the custodian or guardian
3 of the minor shall file a written report with the court no
4 later than 15 days after a minor in the agency's care remains:

5 (1) in a shelter placement beyond 30 days;

6 (2) in a psychiatric hospital past the time when the
7 minor is clinically ready for discharge or beyond medical
8 necessity for the minor's health; or

9 (3) in a detention center or Department of Juvenile
10 Justice facility solely because the public agency cannot
11 find an appropriate placement for the minor.

12 The report shall explain the steps the agency is taking to
13 ensure the minor is placed appropriately, how the minor's
14 needs are being met in the minor's shelter placement, and if a
15 future placement has been identified by the Department, why
16 the anticipated placement is appropriate for the needs of the
17 minor and the anticipated placement date.

18 (1.6) Within 35 days after placing a child in its care in a
19 qualified residential treatment program, as defined by the
20 federal Social Security Act, the Department of Children and
21 Family Services shall file a written report with the court and
22 send copies of the report to all parties. Within 20 days of the
23 filing of the report, the court shall hold a hearing to
24 consider the Department's report and determine whether
25 placement of the child in a qualified residential treatment
26 program provides the most effective and appropriate level of

1 care for the child in the least restrictive environment and if
2 the placement is consistent with the short-term and long-term
3 goals for the child, as specified in the permanency plan for
4 the child. The court shall approve or disapprove the
5 placement. If applicable, the requirements of Sections 2-27.1
6 and 2-27.2 must also be met. The Department's written report
7 and the court's written determination shall be included in and
8 made part of the case plan for the child. If the child remains
9 placed in a qualified residential treatment program, the
10 Department shall submit evidence at each status and permanency
11 hearing:

12 (1) demonstrating that on-going assessment of the
13 strengths and needs of the child continues to support the
14 determination that the child's needs cannot be met through
15 placement in a foster family home, that the placement
16 provides the most effective and appropriate level of care
17 for the child in the least restrictive, appropriate
18 environment, and that the placement is consistent with the
19 short-term and long-term permanency goal for the child, as
20 specified in the permanency plan for the child;

21 (2) documenting the specific treatment or service
22 needs that should be met for the child in the placement and
23 the length of time the child is expected to need the
24 treatment or services; and

25 (3) the efforts made by the agency to prepare the
26 child to return home or to be placed with a fit and willing

1 relative, a legal guardian, or an adoptive parent, or in a
2 foster family home.

3 (2) The first permanency hearing shall be conducted by the
4 judge. Subsequent permanency hearings may be heard by a judge
5 or by hearing officers appointed or approved by the court in
6 the manner set forth in Section 2-28.1 of this Act. The initial
7 hearing shall be held (a) within 12 months from the date
8 temporary custody was taken, regardless of whether an
9 adjudication or dispositional hearing has been completed
10 within that time frame, (b) if the parental rights of both
11 parents have been terminated in accordance with the procedure
12 described in subsection (5) of Section 2-21, within 30 days of
13 the order for termination of parental rights and appointment
14 of a guardian with power to consent to adoption, or (c) in
15 accordance with subsection (2) of Section 2-13.1. Subsequent
16 permanency hearings shall be held every 6 months or more
17 frequently if necessary in the court's determination following
18 the initial permanency hearing, in accordance with the
19 standards set forth in this Section, until the court
20 determines that the plan and goal have been achieved. Once the
21 plan and goal have been achieved, if the minor remains in
22 substitute care, the case shall be reviewed at least every 6
23 months thereafter, subject to the provisions of this Section,
24 unless the minor is placed in the guardianship of a suitable
25 relative or other person and the court determines that further
26 monitoring by the court does not further the health, safety, and

1 or best interest of the child and that this is a stable
2 permanent placement. The permanency hearings must occur within
3 the time frames set forth in this subsection and may not be
4 delayed in anticipation of a report from any source or due to
5 the agency's failure to timely file its written report (this
6 written report means the one required under the next paragraph
7 and does not mean the service plan also referred to in that
8 paragraph).

9 The public agency that is the custodian or guardian of the
10 minor, or another agency responsible for the minor's care,
11 shall ensure that all parties to the permanency hearings are
12 provided a copy of the most recent service plan prepared
13 within the prior 6 months at least 14 days in advance of the
14 hearing. If not contained in the agency's service plan, the
15 agency shall also include a report setting forth (i) any
16 special physical, psychological, educational, medical,
17 emotional, or other needs of the minor or his or her family
18 that are relevant to a permanency or placement determination
19 and (ii) for any minor age 16 or over, a written description of
20 the programs and services that will enable the minor to
21 prepare for independent living. If not contained in the
22 agency's service plan, the agency's report shall specify if a
23 minor is placed in a licensed child care facility under a
24 corrective plan by the Department due to concerns impacting
25 the minor's safety and well-being. The report shall explain
26 the steps the Department is taking to ensure the safety and

1 well-being of the minor and that the minor's needs are met in
2 the facility. The agency's written report must detail what
3 progress or lack of progress the parent has made in correcting
4 the conditions requiring the child to be in care; whether the
5 child can be returned home without jeopardizing the child's
6 health, safety, and welfare, and if not, what permanency goal
7 is recommended to be in the best interests of the child, and
8 why the other permanency goals are not appropriate. The
9 caseworker must appear and testify at the permanency hearing.
10 If a permanency hearing has not previously been scheduled by
11 the court, the moving party shall move for the setting of a
12 permanency hearing and the entry of an order within the time
13 frames set forth in this subsection.

14 At the permanency hearing, the court shall determine the
15 future status of the child. The court shall set one of the
16 following permanency goals:

17 (A) The minor will be returned home by a specific date
18 within 5 months.

19 (B) The minor will be in short-term care with a
20 continued goal to return home within a period not to
21 exceed one year, where the progress of the parent or
22 parents is substantial giving particular consideration to
23 the age and individual needs of the minor.

24 (B-1) The minor will be in short-term care with a
25 continued goal to return home pending a status hearing.
26 When the court finds that a parent has not made reasonable

1 efforts or reasonable progress to date, the court shall
2 identify what actions the parent and the Department must
3 take in order to justify a finding of reasonable efforts
4 or reasonable progress and shall set a status hearing to
5 be held not earlier than 9 months from the date of
6 adjudication nor later than 11 months from the date of
7 adjudication during which the parent's progress will again
8 be reviewed.

9 (C) The minor will be in substitute care pending court
10 determination on termination of parental rights.

11 (D) Adoption, provided that parental rights have been
12 terminated or relinquished.

13 (E) The guardianship of the minor will be transferred
14 to an individual or couple on a permanent basis provided
15 that goals (A) through (D) have been deemed inappropriate
16 and not in the child's best interests. The court shall
17 confirm that the Department has discussed adoption, if
18 appropriate, and guardianship with the caregiver prior to
19 changing a goal to guardianship.

20 (F) The minor over age 15 will be in substitute care
21 pending independence. In selecting this permanency goal,
22 the Department of Children and Family Services may provide
23 services to enable reunification and to strengthen the
24 minor's connections with family, fictive kin, and other
25 responsible adults, provided the services are in the
26 minor's best interest. The services shall be documented in

1 the service plan.

2 (G) The minor will be in substitute care because he or
3 she cannot be provided for in a home environment due to
4 developmental disabilities or mental illness or because he
5 or she is a danger to self or others, provided that goals
6 (A) through (D) have been deemed inappropriate and not in
7 the child's best interests.

8 In selecting any permanency goal, the court shall indicate
9 in writing the reasons the goal was selected and why the
10 preceding goals were deemed inappropriate and not in the
11 child's best interest. Where the court has selected a
12 permanency goal other than (A), (B), or (B-1), the Department
13 of Children and Family Services shall not provide further
14 reunification services, except as provided in paragraph (F) of
15 this subsection (2), but shall provide services consistent
16 with the goal selected.

17 (H) Notwithstanding any other provision in this
18 Section, the court may select the goal of continuing
19 foster care as a permanency goal if:

20 (1) The Department of Children and Family Services
21 has custody and guardianship of the minor;

22 (2) The court has deemed all other permanency
23 goals inappropriate based on the child's best
24 interest;

25 (3) The court has found compelling reasons, based
26 on written documentation reviewed by the court, to

1 place the minor in continuing foster care. Compelling
2 reasons include:

3 (a) the child does not wish to be adopted or to
4 be placed in the guardianship of his or her
5 relative or foster care placement;

6 (b) the child exhibits an extreme level of
7 need such that the removal of the child from his or
8 her placement would be detrimental to the child;
9 or

10 (c) the child who is the subject of the
11 permanency hearing has existing close and strong
12 bonds with a sibling, and achievement of another
13 permanency goal would substantially interfere with
14 the subject child's sibling relationship, taking
15 into consideration the nature and extent of the
16 relationship, and whether ongoing contact is in
17 the subject child's best interest, including
18 long-term emotional interest, as compared with the
19 legal and emotional benefit of permanence;

20 (4) The child has lived with the relative or
21 foster parent for at least one year; and

22 (5) The relative or foster parent currently caring
23 for the child is willing and capable of providing the
24 child with a stable and permanent environment.

25 The court shall set a permanency goal that is in the best
26 interest of the child. In determining that goal, the court

1 shall consult with the minor in an age-appropriate manner
2 regarding the proposed permanency or transition plan for the
3 minor. The court's determination shall include the following
4 factors:

5 (1) Age of the child.

6 (2) Options available for permanence, including both
7 out-of-state and in-state placement options.

8 (3) Current placement of the child and the intent of
9 the family regarding adoption.

10 (4) Emotional, physical, and mental status or
11 condition of the child.

12 (5) Types of services previously offered and whether
13 or not the services were successful and, if not
14 successful, the reasons the services failed.

15 (6) Availability of services currently needed and
16 whether the services exist.

17 (7) Status of siblings of the minor.

18 The court shall consider (i) the permanency goal contained
19 in the service plan, (ii) the appropriateness of the services
20 contained in the plan and whether those services have been
21 provided, (iii) whether reasonable efforts have been made by
22 all the parties to the service plan to achieve the goal, and
23 (iv) whether the plan and goal have been achieved. All
24 evidence relevant to determining these questions, including
25 oral and written reports, may be admitted and may be relied on
26 to the extent of their probative value.

1 The court shall make findings as to whether, in violation
2 of Section 8.2 of the Abused and Neglected Child Reporting
3 Act, any portion of the service plan compels a child or parent
4 to engage in any activity or refrain from any activity that is
5 not reasonably related to remedying a condition or conditions
6 that gave rise or which could give rise to any finding of child
7 abuse or neglect. The services contained in the service plan
8 shall include services reasonably related to remedy the
9 conditions that gave rise to removal of the child from the home
10 of his or her parents, guardian, or legal custodian or that the
11 court has found must be remedied prior to returning the child
12 home. Any tasks the court requires of the parents, guardian,
13 or legal custodian or child prior to returning the child home⁷
14 must be reasonably related to remedying a condition or
15 conditions that gave rise to or which could give rise to any
16 finding of child abuse or neglect.

17 If the permanency goal is to return home, the court shall
18 make findings that identify any problems that are causing
19 continued placement of the children away from the home and
20 identify what outcomes would be considered a resolution to
21 these problems. The court shall explain to the parents that
22 these findings are based on the information that the court has
23 at that time and may be revised, should additional evidence be
24 presented to the court.

25 The court shall review the Sibling Contact Support Plan
26 developed or modified under subsection (f) of Section 7.4 of

1 the Children and Family Services Act, if applicable. If the
2 Department has not convened a meeting to develop or modify a
3 Sibling Contact Support Plan, or if the court finds that the
4 existing Plan is not in the child's best interest, the court
5 may enter an order requiring the Department to develop,
6 modify, or implement a Sibling Contact Support Plan, or order
7 mediation.

8 If the goal has been achieved, the court shall enter
9 orders that are necessary to conform the minor's legal custody
10 and status to those findings.

11 If, after receiving evidence, the court determines that
12 the services contained in the plan are not reasonably
13 calculated to facilitate achievement of the permanency goal,
14 the court shall put in writing the factual basis supporting
15 the determination and enter specific findings based on the
16 evidence. The court also shall enter an order for the
17 Department to develop and implement a new service plan or to
18 implement changes to the current service plan consistent with
19 the court's findings. The new service plan shall be filed with
20 the court and served on all parties within 45 days of the date
21 of the order. The court shall continue the matter until the new
22 service plan is filed. Except as authorized by subsection
23 (2.5) of this Section and as otherwise specifically authorized
24 by law, the court is not empowered under this Section to order
25 specific placements, specific services, or specific service
26 providers to be included in the service plan.

1 A guardian or custodian appointed by the court pursuant to
2 this Act shall file updated case plans with the court every 6
3 months.

4 Rights of wards of the court under this Act are
5 enforceable against any public agency by complaints for relief
6 by mandamus filed in any proceedings brought under this Act.

7 (2.5) If, after reviewing the evidence, including evidence
8 from the Department, the court determines that the minor's
9 current or planned placement is not necessary or appropriate
10 to facilitate achievement of the permanency goal, the court
11 shall put in writing the factual basis supporting its
12 determination and enter specific findings based on the
13 evidence. If the court finds that the minor's current or
14 planned placement is not necessary or appropriate, the court
15 may enter an order directing the Department to implement a
16 recommendation by the minor's treating clinician or a
17 clinician contracted by the Department to evaluate the minor
18 or a recommendation made by the Department. If the Department
19 places a minor in a placement under an order entered under this
20 subsection (2.5), the Department has the authority to remove
21 the minor from that placement when a change in circumstances
22 necessitates the removal to protect the minor's health,
23 safety, and best interest. If the Department determines
24 removal is necessary, the Department shall notify the parties
25 of the planned placement change in writing no later than 10
26 days prior to the implementation of its determination unless

1 remaining in the placement poses an imminent risk of harm to
2 the minor, in which case the Department shall notify the
3 parties of the placement change in writing immediately
4 following the implementation of its decision. The Department
5 shall notify others of the decision to change the minor's
6 placement as required by Department rule.

7 (3) Following the permanency hearing, the court shall
8 enter a written order that includes the determinations
9 required under subsection (2) of this Section and sets forth
10 the following:

11 (a) The future status of the minor, including the
12 permanency goal, and any order necessary to conform the
13 minor's legal custody and status to such determination; or

14 (b) If the permanency goal of the minor cannot be
15 achieved immediately, the specific reasons for continuing
16 the minor in the care of the Department of Children and
17 Family Services or other agency for short-term ~~short-term~~
18 placement, and the following determinations:

19 (i) (Blank).

20 (ii) Whether the services required by the court
21 and by any service plan prepared within the prior 6
22 months have been provided and (A) if so, whether the
23 services were reasonably calculated to facilitate the
24 achievement of the permanency goal or (B) if not
25 provided, why the services were not provided.

26 (iii) Whether the minor's current or planned

1 placement is necessary, and appropriate to the plan
2 and goal, recognizing the right of minors to the least
3 restrictive (most family-like) setting available and
4 in close proximity to the parents' home consistent
5 with the health, safety, best interest, and special
6 needs of the minor and, if the minor is placed
7 out-of-state, whether the out-of-state placement
8 continues to be appropriate and consistent with the
9 health, safety, and best interest of the minor.

10 (iv) (Blank).

11 (v) (Blank).

12 (4) The minor or any person interested in the minor may
13 apply to the court for a change in custody of the minor and the
14 appointment of a new custodian or guardian of the person or for
15 the restoration of the minor to the custody of his parents or
16 former guardian or custodian.

17 When return home is not selected as the permanency goal:

18 (a) The Department, the minor, or the current foster
19 parent or relative caregiver seeking private guardianship
20 may file a motion for private guardianship of the minor.
21 Appointment of a guardian under this Section requires
22 approval of the court.

23 (b) The State's Attorney may file a motion to
24 terminate parental rights of any parent who has failed to
25 make reasonable efforts to correct the conditions which
26 led to the removal of the child or reasonable progress

1 toward the return of the child, as defined in subdivision
2 (D)(m) of Section 1 of the Adoption Act or for whom any
3 other unfitness ground for terminating parental rights as
4 defined in subdivision (D) of Section 1 of the Adoption
5 Act exists.

6 When parental rights have been terminated for a
7 minimum of 3 years and the child who is the subject of the
8 permanency hearing is 13 years old or older and is not
9 currently placed in a placement likely to achieve
10 permanency, the Department of Children and Family Services
11 shall make reasonable efforts to locate parents whose
12 rights have been terminated, except when the Court
13 determines that those efforts would be futile or
14 inconsistent with the subject child's best interests. The
15 Department of Children and Family Services shall assess
16 the appropriateness of the parent whose rights have been
17 terminated, and shall, as appropriate, foster and support
18 connections between the parent whose rights have been
19 terminated and the youth. The Department of Children and
20 Family Services shall document its determinations and
21 efforts to foster connections in the child's case plan.

22 Custody of the minor shall not be restored to any parent,
23 guardian, or legal custodian in any case in which the minor is
24 found to be neglected or abused under Section 2-3 or dependent
25 under Section 2-4 of this Act, unless the minor can be cared
26 for at home without endangering his or her health or safety and

1 it is in the best interest of the minor, and if such neglect,
2 abuse, or dependency is found by the court under paragraph (1)
3 of Section 2-21 of this Act to have come about due to the acts
4 or omissions or both of such parent, guardian, or legal
5 custodian, until such time as an investigation is made as
6 provided in paragraph (5) and a hearing is held on the issue of
7 the health, safety, and best interest of the minor and the
8 fitness of such parent, guardian, or legal custodian to care
9 for the minor and the court enters an order that such parent,
10 guardian, or legal custodian is fit to care for the minor. If a
11 motion is filed to modify or vacate a private guardianship
12 order and return the child to a parent, guardian, or legal
13 custodian, the court may order the Department of Children and
14 Family Services to assess the minor's current and proposed
15 living arrangements and to provide ongoing monitoring of the
16 health, safety, and best interest of the minor during the
17 pendency of the motion to assist the court in making that
18 determination. In the event that the minor has attained 18
19 years of age and the guardian or custodian petitions the court
20 for an order terminating his guardianship or custody,
21 guardianship or custody shall terminate automatically 30 days
22 after the receipt of the petition unless the court orders
23 otherwise. No legal custodian or guardian of the person may be
24 removed without his consent until given notice and an
25 opportunity to be heard by the court.

26 When the court orders a child restored to the custody of

1 the parent or parents, the court shall order the parent or
2 parents to cooperate with the Department of Children and
3 Family Services and comply with the terms of an after-care
4 plan, or risk the loss of custody of the child and possible
5 termination of their parental rights. The court may also enter
6 an order of protective supervision in accordance with Section
7 2-24.

8 If the minor is being restored to the custody of a parent,
9 legal custodian, or guardian who lives outside of Illinois,
10 and an Interstate Compact has been requested and refused, the
11 court may order the Department of Children and Family Services
12 to arrange for an assessment of the minor's proposed living
13 arrangement and for ongoing monitoring of the health, safety,
14 and best interest of the minor and compliance with any order of
15 protective supervision entered in accordance with Section
16 2-24.

17 (5) Whenever a parent, guardian, or legal custodian files
18 a motion for restoration of custody of the minor, and the minor
19 was adjudicated neglected, abused, or dependent as a result of
20 physical abuse, the court shall cause to be made an
21 investigation as to whether the movant has ever been charged
22 with or convicted of any criminal offense which would indicate
23 the likelihood of any further physical abuse to the minor.
24 Evidence of such criminal convictions shall be taken into
25 account in determining whether the minor can be cared for at
26 home without endangering his or her health or safety and

1 fitness of the parent, guardian, or legal custodian.

2 (a) Any agency of this State or any subdivision
3 thereof shall cooperate with the agent of the court in
4 providing any information sought in the investigation.

5 (b) The information derived from the investigation and
6 any conclusions or recommendations derived from the
7 information shall be provided to the parent, guardian, or
8 legal custodian seeking restoration of custody prior to
9 the hearing on fitness and the movant shall have an
10 opportunity at the hearing to refute the information or
11 contest its significance.

12 (c) All information obtained from any investigation
13 shall be confidential as provided in Section 5-150 of this
14 Act.

15 (Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21;
16 102-489, eff. 8-20-21; 102-813, eff. 5-13-22; revised
17 8-23-22.)

18 (705 ILCS 405/5-915)

19 Sec. 5-915. Expungement of juvenile law enforcement and
20 juvenile court records.

21 (0.05) (Blank).

22 (0.1) (a) The Illinois State Police and all law
23 enforcement agencies within the State shall automatically
24 expunge, on or before January 1 of each year, except as
25 described in paragraph (c) of subsection (0.1), all juvenile

1 law enforcement records relating to events occurring before an
2 individual's 18th birthday if:

3 (1) one year or more has elapsed since the date of the
4 arrest or law enforcement interaction documented in the
5 records;

6 (2) no petition for delinquency or criminal charges
7 were filed with the clerk of the circuit court relating to
8 the arrest or law enforcement interaction documented in
9 the records; and

10 (3) 6 months have elapsed since the date of the arrest
11 without an additional subsequent arrest or filing of a
12 petition for delinquency or criminal charges whether
13 related or not to the arrest or law enforcement
14 interaction documented in the records.

15 (b) If the law enforcement agency is unable to verify
16 satisfaction of conditions (2) and (3) of this subsection
17 (0.1), records that satisfy condition (1) of this subsection
18 (0.1) shall be automatically expunged if the records relate to
19 an offense that if committed by an adult would not be an
20 offense classified as a Class 2 felony or higher, an offense
21 under Article 11 of the Criminal Code of 1961 or Criminal Code
22 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961.

24 (c) If the juvenile law enforcement record was received
25 through a public submission to a statewide student
26 confidential reporting system administered by the Illinois

1 State Police, the record will be maintained for a period of 5
2 years according to all other provisions in subsection (0.1).

3 (0.15) If a juvenile law enforcement record meets
4 paragraph (a) of subsection (0.1) of this Section, a juvenile
5 law enforcement record created:

6 (1) prior to January 1, 2018, but on or after January
7 1, 2013 shall be automatically expunged prior to January
8 1, 2020;

9 (2) prior to January 1, 2013, but on or after January
10 1, 2000, shall be automatically expunged prior to January
11 1, 2023; and

12 (3) prior to January 1, 2000 shall not be subject to
13 the automatic expungement provisions of this Act.

14 Nothing in this subsection (0.15) shall be construed to
15 restrict or modify an individual's right to have his or her
16 juvenile law enforcement records expunged except as otherwise
17 may be provided in this Act.

18 (0.2) (a) Upon dismissal of a petition alleging
19 delinquency or upon a finding of not delinquent, the
20 successful termination of an order of supervision, or the
21 successful termination of an adjudication for an offense which
22 would be a Class B misdemeanor, Class C misdemeanor, or a petty
23 or business offense if committed by an adult, the court shall
24 automatically order the expungement of the juvenile court
25 records and juvenile law enforcement records. The clerk shall
26 deliver a certified copy of the expungement order to the

1 Illinois State Police and the arresting agency. Upon request,
2 the State's Attorney shall furnish the name of the arresting
3 agency. The expungement shall be completed within 60 business
4 days after the receipt of the expungement order.

5 (b) If the chief law enforcement officer of the agency, or
6 his or her designee, certifies in writing that certain
7 information is needed for a pending investigation involving
8 the commission of a felony, that information, and information
9 identifying the juvenile, may be retained until the statute of
10 limitations for the felony has run. If the chief law
11 enforcement officer of the agency, or his or her designee,
12 certifies in writing that certain information is needed with
13 respect to an internal investigation of any law enforcement
14 office, that information and information identifying the
15 juvenile may be retained within an intelligence file until the
16 investigation is terminated or the disciplinary action,
17 including appeals, has been completed, whichever is later.
18 Retention of a portion of a juvenile's law enforcement record
19 does not disqualify the remainder of his or her record from
20 immediate automatic expungement.

21 (0.3) (a) Upon an adjudication of delinquency based on any
22 offense except a disqualified offense, the juvenile court
23 shall automatically order the expungement of the juvenile
24 court and law enforcement records 2 years after the juvenile's
25 case was closed if no delinquency or criminal proceeding is
26 pending and the person has had no subsequent delinquency

1 adjudication or criminal conviction. The clerk shall deliver a
2 certified copy of the expungement order to the Illinois State
3 Police and the arresting agency. Upon request, the State's
4 Attorney shall furnish the name of the arresting agency. The
5 expungement shall be completed within 60 business days after
6 the receipt of the expungement order. In this subsection
7 (0.3), "disqualified offense" means any of the following
8 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
9 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
10 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
11 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
12 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
13 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
14 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
15 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
16 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
17 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
18 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
19 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
20 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
21 paragraph (1) of subsection (a) of Section 12-9, subparagraph
22 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
23 paragraph (1) of subsection (a) of Section 25-1, or subsection
24 (a-7) of Section 31-1 of the Criminal Code of 2012.

25 (b) If the chief law enforcement officer of the agency, or
26 his or her designee, certifies in writing that certain

1 information is needed for a pending investigation involving
2 the commission of a felony, that information, and information
3 identifying the juvenile, may be retained in an intelligence
4 file until the investigation is terminated or for one
5 additional year, whichever is sooner. Retention of a portion
6 of a juvenile's juvenile law enforcement record does not
7 disqualify the remainder of his or her record from immediate
8 automatic expungement.

9 (0.4) Automatic expungement for the purposes of this
10 Section shall not require law enforcement agencies to
11 obliterate or otherwise destroy juvenile law enforcement
12 records that would otherwise need to be automatically expunged
13 under this Act, except after 2 years following the subject
14 arrest for purposes of use in civil litigation against a
15 governmental entity or its law enforcement agency or personnel
16 which created, maintained, or used the records. However, these
17 juvenile law enforcement records shall be considered expunged
18 for all other purposes during this period and the offense,
19 which the records or files concern, shall be treated as if it
20 never occurred as required under Section 5-923.

21 (0.5) Subsection (0.1) or (0.2) of this Section does not
22 apply to violations of traffic, boating, fish and game laws,
23 or county or municipal ordinances.

24 (0.6) Juvenile law enforcement records of a plaintiff who
25 has filed civil litigation against the governmental entity or
26 its law enforcement agency or personnel that created,

1 maintained, or used the records, or juvenile law enforcement
2 records that contain information related to the allegations
3 set forth in the civil litigation may not be expunged until
4 after 2 years have elapsed after the conclusion of the
5 lawsuit, including any appeal.

6 (0.7) Officer-worn body camera recordings shall not be
7 automatically expunged except as otherwise authorized by the
8 Law Enforcement Officer-Worn Body Camera Act.

9 (1) Whenever a person has been arrested, charged, or
10 adjudicated delinquent for an incident occurring before his or
11 her 18th birthday that if committed by an adult would be an
12 offense, and that person's juvenile law enforcement and
13 juvenile court records are not eligible for automatic
14 expungement under subsection (0.1), (0.2), or (0.3), the
15 person may petition the court at any time for expungement of
16 juvenile law enforcement records and juvenile court records
17 relating to the incident and, upon termination of all juvenile
18 court proceedings relating to that incident, the court shall
19 order the expungement of all records in the possession of the
20 Illinois State Police, the clerk of the circuit court, and law
21 enforcement agencies relating to the incident, but only in any
22 of the following circumstances:

23 (a) the minor was arrested and no petition for
24 delinquency was filed with the clerk of the circuit court;

25 (a-5) the minor was charged with an offense and the
26 petition or petitions were dismissed without a finding of

1 delinquency;

2 (b) the minor was charged with an offense and was
3 found not delinquent of that offense;

4 (c) the minor was placed under supervision under
5 Section 5-615, and the order of supervision has since been
6 successfully terminated; or

7 (d) the minor was adjudicated for an offense which
8 would be a Class B misdemeanor, Class C misdemeanor, or a
9 petty or business offense if committed by an adult.

10 (1.5) The Illinois State Police shall allow a person to
11 use the Access and Review process, established in the Illinois
12 State Police, for verifying that his or her juvenile law
13 enforcement records relating to incidents occurring before his
14 or her 18th birthday eligible under this Act have been
15 expunged.

16 (1.6) (Blank).

17 (1.7) (Blank).

18 (1.8) (Blank).

19 (2) Any person whose delinquency adjudications are not
20 eligible for automatic expungement under subsection (0.3) of
21 this Section may petition the court to expunge all juvenile
22 law enforcement records relating to any incidents occurring
23 before his or her 18th birthday which did not result in
24 proceedings in criminal court and all juvenile court records
25 with respect to any adjudications except those based upon
26 first degree murder or an offense under Article 11 of the

1 Criminal Code of 2012 if the person is required to register
2 under the Sex Offender Registration Act at the time he or she
3 petitions the court for expungement; provided that 2 years
4 have elapsed since all juvenile court proceedings relating to
5 him or her have been terminated and his or her commitment to
6 the Department of Juvenile Justice under this Act has been
7 terminated.

8 (2.5) If a minor is arrested and no petition for
9 delinquency is filed with the clerk of the circuit court at the
10 time the minor is released from custody, the youth officer, if
11 applicable, or other designated person from the arresting
12 agency, shall notify verbally and in writing to the minor or
13 the minor's parents or guardians that the minor shall have an
14 arrest record and shall provide the minor and the minor's
15 parents or guardians with an expungement information packet,
16 information regarding this State's expungement laws including
17 a petition to expunge juvenile law enforcement and juvenile
18 court records obtained from the clerk of the circuit court.

19 (2.6) If a minor is referred to court, then, at the time of
20 sentencing, dismissal of the case, or successful completion of
21 supervision, the judge shall inform the delinquent minor of
22 his or her rights regarding expungement and the clerk of the
23 circuit court shall provide an expungement information packet
24 to the minor, written in plain language, including information
25 regarding this State's expungement laws and a petition for
26 expungement, a sample of a completed petition, expungement

1 instructions that shall include information informing the
2 minor that (i) once the case is expunged, it shall be treated
3 as if it never occurred, (ii) he or she may apply to have
4 petition fees waived, (iii) once he or she obtains an
5 expungement, he or she may not be required to disclose that he
6 or she had a juvenile law enforcement or juvenile court
7 record, and (iv) if petitioning he or she may file the petition
8 on his or her own or with the assistance of an attorney. The
9 failure of the judge to inform the delinquent minor of his or
10 her right to petition for expungement as provided by law does
11 not create a substantive right, nor is that failure grounds
12 for: (i) a reversal of an adjudication of delinquency; (ii) a
13 new trial; or (iii) an appeal.

14 (2.7) (Blank).

15 (2.8) (Blank).

16 (3) (Blank).

17 (3.1) (Blank).

18 (3.2) (Blank).

19 (3.3) (Blank).

20 (4) (Blank).

21 (5) (Blank).

22 (5.5) Whether or not expunged, records eligible for
23 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
24 (0.3)(a) may be treated as expunged by the individual subject
25 to the records.

26 (6) (Blank).

1 (6.5) The Illinois State Police or any employee of the
2 Illinois State Police shall be immune from civil or criminal
3 liability for failure to expunge any records of arrest that
4 are subject to expungement under this Section because of
5 inability to verify a record. Nothing in this Section shall
6 create Illinois State Police liability or responsibility for
7 the expungement of juvenile law enforcement records it does
8 not possess.

9 (7) (Blank).

10 (7.5) (Blank).

11 (8) The expungement of juvenile law enforcement or
12 juvenile court records under subsection (0.1), (0.2), or (0.3)
13 of this Section shall be funded by appropriation by the
14 General Assembly for that purpose.

15 (9) (Blank).

16 (10) (Blank).

17 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
18 102-752, eff. 1-1-23; revised 8-23-22.)

19 Section 680. The Criminal Code of 2012 is amended by
20 changing Sections 11-35 and 24-2 as follows:

21 (720 ILCS 5/11-35) (was 720 ILCS 5/11-7)

22 Sec. 11-35. Adultery.

23 (a) A person commits adultery when he or she has sexual
24 intercourse with another not his or her spouse, if the

1 behavior is open and notorious, and:

2 (1) the ~~The~~ person is married and knows the other
3 person involved in such intercourse is not his spouse; or

4 (2) the ~~The~~ person is not married and knows that the
5 other person involved in such intercourse is married.

6 A person shall be exempt from prosecution under this
7 Section if his liability is based solely on evidence he has
8 given in order to comply with the requirements of Section
9 4-1.7 of the ~~"The Illinois Public Aid Code", approved April~~
10 ~~11, 1967, as amended.~~

11 (b) Sentence.

12 Adultery is a Class A misdemeanor.

13 (Source: P.A. 96-1551, eff. 7-1-11; revised 3-16-22.)

14 (720 ILCS 5/24-2)

15 Sec. 24-2. Exemptions.

16 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
17 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
18 the following:

19 (1) Peace officers, and any person summoned by a peace
20 officer to assist in making arrests or preserving the
21 peace, while actually engaged in assisting such officer.

22 (2) Wardens, superintendents and keepers of prisons,
23 penitentiaries, jails and other institutions for the
24 detention of persons accused or convicted of an offense,
25 while in the performance of their official duty, or while

1 commuting between their homes and places of employment.

2 (3) Members of the Armed Services or Reserve Forces of
3 the United States or the Illinois National Guard or the
4 Reserve Officers Training Corps, while in the performance
5 of their official duty.

6 (4) Special agents employed by a railroad or a public
7 utility to perform police functions, and guards of armored
8 car companies, while actually engaged in the performance
9 of the duties of their employment or commuting between
10 their homes and places of employment; and watchmen while
11 actually engaged in the performance of the duties of their
12 employment.

13 (5) Persons licensed as private security contractors,
14 private detectives, or private alarm contractors, or
15 employed by a private security contractor, private
16 detective, or private alarm contractor agency licensed by
17 the Department of Financial and Professional Regulation,
18 if their duties include the carrying of a weapon under the
19 provisions of the Private Detective, Private Alarm,
20 Private Security, Fingerprint Vendor, and Locksmith Act of
21 2004, while actually engaged in the performance of the
22 duties of their employment or commuting between their
23 homes and places of employment. A person shall be
24 considered eligible for this exemption if he or she has
25 completed the required 20 hours of training for a private
26 security contractor, private detective, or private alarm

1 contractor, or employee of a licensed private security
2 contractor, private detective, or private alarm contractor
3 agency and 28 hours of required firearm training, and has
4 been issued a firearm control card by the Department of
5 Financial and Professional Regulation. Conditions for the
6 renewal of firearm control cards issued under the
7 provisions of this Section shall be the same as for those
8 cards issued under the provisions of the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004. The firearm control
11 card shall be carried by the private security contractor,
12 private detective, or private alarm contractor, or
13 employee of the licensed private security contractor,
14 private detective, or private alarm contractor agency at
15 all times when he or she is in possession of a concealable
16 weapon permitted by his or her firearm control card.

17 (6) Any person regularly employed in a commercial or
18 industrial operation as a security guard for the
19 protection of persons employed and private property
20 related to such commercial or industrial operation, while
21 actually engaged in the performance of his or her duty or
22 traveling between sites or properties belonging to the
23 employer, and who, as a security guard, is a member of a
24 security force registered with the Department of Financial
25 and Professional Regulation; provided that such security
26 guard has successfully completed a course of study,

1 approved by and supervised by the Department of Financial
2 and Professional Regulation, consisting of not less than
3 48 hours of training that includes the theory of law
4 enforcement, liability for acts, and the handling of
5 weapons. A person shall be considered eligible for this
6 exemption if he or she has completed the required 20 hours
7 of training for a security officer and 28 hours of
8 required firearm training, and has been issued a firearm
9 control card by the Department of Financial and
10 Professional Regulation. Conditions for the renewal of
11 firearm control cards issued under the provisions of this
12 Section shall be the same as for those cards issued under
13 the provisions of the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Act of
15 2004. The firearm control card shall be carried by the
16 security guard at all times when he or she is in possession
17 of a concealable weapon permitted by his or her firearm
18 control card.

19 (7) Agents and investigators of the Illinois
20 Legislative Investigating Commission authorized by the
21 Commission to carry the weapons specified in subsections
22 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
23 any investigation for the Commission.

24 (8) Persons employed by a financial institution as a
25 security guard for the protection of other employees and
26 property related to such financial institution, while

1 actually engaged in the performance of their duties,
2 commuting between their homes and places of employment, or
3 traveling between sites or properties owned or operated by
4 such financial institution, and who, as a security guard,
5 is a member of a security force registered with the
6 Department; provided that any person so employed has
7 successfully completed a course of study, approved by and
8 supervised by the Department of Financial and Professional
9 Regulation, consisting of not less than 48 hours of
10 training which includes theory of law enforcement,
11 liability for acts, and the handling of weapons. A person
12 shall be considered to be eligible for this exemption if
13 he or she has completed the required 20 hours of training
14 for a security officer and 28 hours of required firearm
15 training, and has been issued a firearm control card by
16 the Department of Financial and Professional Regulation.
17 Conditions for renewal of firearm control cards issued
18 under the provisions of this Section shall be the same as
19 for those issued under the provisions of the Private
20 Detective, Private Alarm, Private Security, Fingerprint
21 Vendor, and Locksmith Act of 2004. The firearm control
22 card shall be carried by the security guard at all times
23 when he or she is in possession of a concealable weapon
24 permitted by his or her firearm control card. For purposes
25 of this subsection, "financial institution" means a bank,
26 savings and loan association, credit union or company

1 providing armored car services.

2 (9) Any person employed by an armored car company to
3 drive an armored car, while actually engaged in the
4 performance of his duties.

5 (10) Persons who have been classified as peace
6 officers pursuant to the Peace Officer Fire Investigation
7 Act.

8 (11) Investigators of the Office of the State's
9 Attorneys Appellate Prosecutor authorized by the board of
10 governors of the Office of the State's Attorneys Appellate
11 Prosecutor to carry weapons pursuant to Section 7.06 of
12 the State's Attorneys Appellate Prosecutor's Act.

13 (12) Special investigators appointed by a State's
14 Attorney under Section 3-9005 of the Counties Code.

15 (12.5) Probation officers while in the performance of
16 their duties, or while commuting between their homes,
17 places of employment or specific locations that are part
18 of their assigned duties, with the consent of the chief
19 judge of the circuit for which they are employed, if they
20 have received weapons training according to requirements
21 of the Peace Officer and Probation Officer Firearm
22 Training Act.

23 (13) Court Security Officers while in the performance
24 of their official duties, or while commuting between their
25 homes and places of employment, with the consent of the
26 Sheriff.

1 (13.5) A person employed as an armed security guard at
2 a nuclear energy, storage, weapons or development site or
3 facility regulated by the Nuclear Regulatory Commission
4 who has completed the background screening and training
5 mandated by the rules and regulations of the Nuclear
6 Regulatory Commission.

7 (14) Manufacture, transportation, or sale of weapons
8 to persons authorized under subdivisions (1) through
9 (13.5) of this subsection to possess those weapons.

10 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
11 to or affect any person carrying a concealed pistol, revolver,
12 or handgun and the person has been issued a currently valid
13 license under the Firearm Concealed Carry Act at the time of
14 the commission of the offense.

15 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
16 to or affect a qualified current or retired law enforcement
17 officer or a current or retired deputy, county correctional
18 officer, or correctional officer of the Department of
19 Corrections qualified under the laws of this State or under
20 the federal Law Enforcement Officers Safety Act.

21 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 do not apply to or affect any of the following:

23 (1) Members of any club or organization organized for
24 the purpose of practicing shooting at targets upon
25 established target ranges, whether public or private, and
26 patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations
3 while parading, with the special permission of the
4 Governor.

5 (3) Hunters, trappers, or fishermen while engaged in
6 lawful hunting, trapping, or fishing under the provisions
7 of the Wildlife Code or the Fish and Aquatic Life Code.

8 (4) Transportation of weapons that are broken down in
9 a non-functioning state or are not immediately accessible.

10 (5) Carrying or possessing any pistol, revolver, stun
11 gun or taser or other firearm on the land or in the legal
12 dwelling of another person as an invitee with that
13 person's permission.

14 (c) Subsection 24-1(a)(7) does not apply to or affect any
15 of the following:

16 (1) Peace officers while in performance of their
17 official duties.

18 (2) Wardens, superintendents and keepers of prisons,
19 penitentiaries, jails and other institutions for the
20 detention of persons accused or convicted of an offense.

21 (3) Members of the Armed Services or Reserve Forces of
22 the United States or the Illinois National Guard, while in
23 the performance of their official duty.

24 (4) Manufacture, transportation, or sale of machine
25 guns to persons authorized under subdivisions (1) through
26 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or
2 are not immediately accessible.

3 (5) Persons licensed under federal law to manufacture
4 any weapon from which 8 or more shots or bullets can be
5 discharged by a single function of the firing device, or
6 ammunition for such weapons, and actually engaged in the
7 business of manufacturing such weapons or ammunition, but
8 only with respect to activities which are within the
9 lawful scope of such business, such as the manufacture,
10 transportation, or testing of such weapons or ammunition.
11 This exemption does not authorize the general private
12 possession of any weapon from which 8 or more shots or
13 bullets can be discharged by a single function of the
14 firing device, but only such possession and activities as
15 are within the lawful scope of a licensed manufacturing
16 business described in this paragraph.

17 During transportation, such weapons shall be broken
18 down in a non-functioning state or not immediately
19 accessible.

20 (6) The manufacture, transport, testing, delivery,
21 transfer or sale, and all lawful commercial or
22 experimental activities necessary thereto, of rifles,
23 shotguns, and weapons made from rifles or shotguns, or
24 ammunition for such rifles, shotguns or weapons, where
25 engaged in by a person operating as a contractor or
26 subcontractor pursuant to a contract or subcontract for

1 the development and supply of such rifles, shotguns,
2 weapons or ammunition to the United States government or
3 any branch of the Armed Forces of the United States, when
4 such activities are necessary and incident to fulfilling
5 the terms of such contract.

6 The exemption granted under this subdivision (c)(6)
7 shall also apply to any authorized agent of any such
8 contractor or subcontractor who is operating within the
9 scope of his employment, where such activities involving
10 such weapon, weapons or ammunition are necessary and
11 incident to fulfilling the terms of such contract.

12 (7) A person possessing a rifle with a barrel or
13 barrels less than 16 inches in length if: (A) the person
14 has been issued a Curios and Relics license from the U.S.
15 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
16 (B) the person is an active member of a bona fide,
17 nationally recognized military re-enacting group and the
18 modification is required and necessary to accurately
19 portray the weapon for historical re-enactment purposes;
20 the re-enactor is in possession of a valid and current
21 re-enacting group membership credential; and the overall
22 length of the weapon as modified is not less than 26
23 inches.

24 (d) Subsection 24-1(a)(1) does not apply to the purchase,
25 possession or carrying of a black-jack or slung-shot by a
26 peace officer.

1 (e) Subsection 24-1(a)(8) does not apply to any owner,
2 manager or authorized employee of any place specified in that
3 subsection nor to any law enforcement officer.

4 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
5 Section 24-1.6 do not apply to members of any club or
6 organization organized for the purpose of practicing shooting
7 at targets upon established target ranges, whether public or
8 private, while using their firearms on those target ranges.

9 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
10 to:

11 (1) Members of the Armed Services or Reserve Forces of
12 the United States or the Illinois National Guard, while in
13 the performance of their official duty.

14 (2) Bonafide collectors of antique or surplus military
15 ordnance.

16 (3) Laboratories having a department of forensic
17 ballistics, or specializing in the development of
18 ammunition or explosive ordnance.

19 (4) Commerce, preparation, assembly or possession of
20 explosive bullets by manufacturers of ammunition licensed
21 by the federal government, in connection with the supply
22 of those organizations and persons exempted by subdivision
23 (g)(1) of this Section, or like organizations and persons
24 outside this State, or the transportation of explosive
25 bullets to any organization or person exempted in this
26 Section by a common carrier or by a vehicle owned or leased

1 by an exempted manufacturer.

2 (g-5) Subsection 24-1(a)(6) does not apply to or affect
3 persons licensed under federal law to manufacture any device
4 or attachment of any kind designed, used, or intended for use
5 in silencing the report of any firearm, firearms, or
6 ammunition for those firearms equipped with those devices, and
7 actually engaged in the business of manufacturing those
8 devices, firearms, or ammunition, but only with respect to
9 activities that are within the lawful scope of that business,
10 such as the manufacture, transportation, or testing of those
11 devices, firearms, or ammunition. This exemption does not
12 authorize the general private possession of any device or
13 attachment of any kind designed, used, or intended for use in
14 silencing the report of any firearm, but only such possession
15 and activities as are within the lawful scope of a licensed
16 manufacturing business described in this subsection (g-5).
17 During transportation, these devices shall be detached from
18 any weapon or not immediately accessible.

19 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 do not apply to or affect any parole agent or parole
21 supervisor who meets the qualifications and conditions
22 prescribed in Section 3-14-1.5 of the Unified Code of
23 Corrections.

24 (g-7) Subsection 24-1(a)(6) does not apply to a peace
25 officer while serving as a member of a tactical response team
26 or special operations team. A peace officer may not personally

1 own or apply for ownership of a device or attachment of any
2 kind designed, used, or intended for use in silencing the
3 report of any firearm. These devices shall be owned and
4 maintained by lawfully recognized units of government whose
5 duties include the investigation of criminal acts.

6 (g-10) (Blank).

7 (h) An information or indictment based upon a violation of
8 any subsection of this Article need not negative any
9 exemptions contained in this Article. The defendant shall have
10 the burden of proving such an exemption.

11 (i) Nothing in this Article shall prohibit, apply to, or
12 affect the transportation, carrying, or possession, of any
13 pistol or revolver, stun gun, taser, or other firearm
14 consigned to a common carrier operating under license of the
15 State of Illinois or the federal government, where such
16 transportation, carrying, or possession is incident to the
17 lawful transportation in which such common carrier is engaged;
18 and nothing in this Article shall prohibit, apply to, or
19 affect the transportation, carrying, or possession of any
20 pistol, revolver, stun gun, taser, or other firearm, not the
21 subject of and regulated by subsection 24-1(a)(7) or
22 subsection 24-2(c) of this Article, which is unloaded and
23 enclosed in a case, firearm carrying box, shipping box, or
24 other container, by the possessor of a valid Firearm Owners
25 Identification Card.

26 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;

1 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised
2 12-14-22.)

3 Section 685. The Illinois Controlled Substances Act is
4 amended by changing Section 312 as follows:

5 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

6 Sec. 312. Requirements for dispensing controlled
7 substances.

8 (a) A practitioner, in good faith, may dispense a Schedule
9 II controlled substance, which is a narcotic drug listed in
10 Section 206 of this Act; or which contains any quantity of
11 amphetamine or methamphetamine, their salts, optical isomers
12 or salts of optical isomers; phenmetrazine and its salts; or
13 pentazocine; and Schedule III, IV, or V controlled substances
14 to any person upon a written or electronic prescription of any
15 prescriber, dated and signed by the person prescribing (or
16 electronically validated in compliance with Section 311.5) on
17 the day when issued and bearing the name and address of the
18 patient for whom, or the owner of the animal for which the
19 controlled substance is dispensed, and the full name, address
20 and registry number under the laws of the United States
21 relating to controlled substances of the prescriber, if he or
22 she is required by those laws to be registered. If the
23 prescription is for an animal it shall state the species of
24 animal for which it is ordered. The practitioner filling the

1 prescription shall, unless otherwise permitted, write the date
2 of filling and his or her own signature on the face of the
3 written prescription or, alternatively, shall indicate such
4 filling using a unique identifier as defined in paragraph (v)
5 of Section 3 of the Pharmacy Practice Act. The written
6 prescription shall be retained on file by the practitioner who
7 filled it or pharmacy in which the prescription was filled for
8 a period of 2 years, so as to be readily accessible for
9 inspection or removal by any officer or employee engaged in
10 the enforcement of this Act. Whenever the practitioner's or
11 pharmacy's copy of any prescription is removed by an officer
12 or employee engaged in the enforcement of this Act, for the
13 purpose of investigation or as evidence, such officer or
14 employee shall give to the practitioner or pharmacy a receipt
15 in lieu thereof. If the specific prescription is machine or
16 computer generated and printed at the prescriber's office, the
17 date does not need to be handwritten. A prescription for a
18 Schedule II controlled substance shall not be issued for more
19 than a 30 day supply, except as provided in subsection (a-5),
20 and shall be valid for up to 90 days after the date of
21 issuance. A written prescription for Schedule III, IV or V
22 controlled substances shall not be filled or refilled more
23 than 6 months after the date thereof or refilled more than 5
24 times unless renewed, in writing, by the prescriber. A
25 pharmacy shall maintain a policy regarding the type of
26 identification necessary, if any, to receive a prescription in

1 accordance with State and federal law. The pharmacy must post
2 such information where prescriptions are filled.

3 (a-5) Physicians may issue multiple prescriptions (3
4 sequential 30-day supplies) for the same Schedule II
5 controlled substance, authorizing up to a 90-day supply.
6 Before authorizing a 90-day supply of a Schedule II controlled
7 substance, the physician must meet the following conditions:

8 (1) Each separate prescription must be issued for a
9 legitimate medical purpose by an individual physician
10 acting in the usual course of professional practice.

11 (2) The individual physician must provide written
12 instructions on each prescription (other than the first
13 prescription, if the prescribing physician intends for the
14 prescription to be filled immediately) indicating the
15 earliest date on which a pharmacy may fill that
16 prescription.

17 (3) The physician shall document in the medical record
18 of a patient the medical necessity for the amount and
19 duration of the 3 sequential 30-day prescriptions for
20 Schedule II narcotics.

21 (a-10) Prescribers who issue a prescription for an opioid
22 shall inform the patient that opioids are addictive and that
23 opioid antagonists are available by prescription or from a
24 pharmacy.

25 (b) In lieu of a written prescription required by this
26 Section, a pharmacist, in good faith, may dispense Schedule

1 III, IV, or V substances to any person either upon receiving a
2 facsimile of a written, signed prescription transmitted by the
3 prescriber or the prescriber's agent or upon a lawful oral
4 prescription of a prescriber which oral prescription shall be
5 reduced promptly to writing by the pharmacist and such written
6 memorandum thereof shall be dated on the day when such oral
7 prescription is received by the pharmacist and shall bear the
8 full name and address of the ultimate user for whom, or of the
9 owner of the animal for which the controlled substance is
10 dispensed, and the full name, address, and registry number
11 under the law of the United States relating to controlled
12 substances of the prescriber prescribing if he or she is
13 required by those laws to be so registered, and the pharmacist
14 filling such oral prescription shall write the date of filling
15 and his or her own signature on the face of such written
16 memorandum thereof. The facsimile copy of the prescription or
17 written memorandum of the oral prescription shall be retained
18 on file by the proprietor of the pharmacy in which it is filled
19 for a period of not less than two years, so as to be readily
20 accessible for inspection by any officer or employee engaged
21 in the enforcement of this Act in the same manner as a written
22 prescription. The facsimile copy of the prescription or oral
23 prescription and the written memorandum thereof shall not be
24 filled or refilled more than 6 months after the date thereof or
25 be refilled more than 5 times, unless renewed, in writing, by
26 the prescriber.

1 (c) Except for any non-prescription targeted
2 methamphetamine precursor regulated by the Methamphetamine
3 Precursor Control Act, a controlled substance included in
4 Schedule V shall not be distributed or dispensed other than
5 for a medical purpose and not for the purpose of evading this
6 Act, and then:

7 (1) only personally by a person registered to dispense
8 a Schedule V controlled substance and then only to his or
9 her patients, or

10 (2) only personally by a pharmacist, and then only to
11 a person over 21 years of age who has identified himself or
12 herself to the pharmacist by means of 2 positive documents
13 of identification.

14 The ~~(3) the~~ dispenser shall record the name and address of
15 the purchaser, the name and quantity of the product, the date
16 and time of the sale, and the dispenser's signature.

17 No ~~(4) no~~ person shall purchase or be dispensed more than
18 120 milliliters or more than 120 grams of any Schedule V
19 substance which contains codeine, dihydrocodeine, or any salts
20 thereof, or ethylmorphine, or any salts thereof, in any
21 96-hour ~~96-hour~~ period. The purchaser shall sign a form,
22 approved by the Department of Financial and Professional
23 Regulation, attesting that he or she has not purchased any
24 Schedule V controlled substances within the immediately
25 preceding 96 hours.

26 ~~(5) (Blank).~~

1 All ~~(6) all~~ records of purchases and sales shall be
2 maintained for not less than 2 years.

3 No ~~(7) no~~ person shall obtain or attempt to obtain within
4 any consecutive 96-hour ~~96-hour~~ period any Schedule V
5 substances of more than 120 milliliters or more than 120 grams
6 containing codeine, dihydrocodeine or any of its salts, or
7 ethylmorphine or any of its salts. Any person obtaining any
8 such preparations or combination of preparations in excess of
9 this limitation shall be in unlawful possession of such
10 controlled substance.

11 A ~~(8) a~~ person qualified to dispense controlled substances
12 under this Act and registered thereunder shall at no time
13 maintain or keep in stock a quantity of Schedule V controlled
14 substances in excess of 4.5 liters for each substance; a
15 pharmacy shall at no time maintain or keep in stock a quantity
16 of Schedule V controlled substances as defined in excess of
17 4.5 liters for each substance, plus the additional quantity of
18 controlled substances necessary to fill the largest number of
19 prescription orders filled by that pharmacy for such
20 controlled substances in any one week in the previous year.
21 These limitations shall not apply to Schedule V controlled
22 substances which Federal law prohibits from being dispensed
23 without a prescription.

24 No ~~(9) no~~ person shall distribute or dispense butyl
25 nitrite for inhalation or other introduction into the human
26 body for euphoric or physical effect.

1 (d) Every practitioner shall keep a record or log of
2 controlled substances received by him or her and a record of
3 all such controlled substances administered, dispensed or
4 professionally used by him or her otherwise than by
5 prescription. It shall, however, be sufficient compliance with
6 this paragraph if any practitioner utilizing controlled
7 substances listed in Schedules III, IV and V shall keep a
8 record of all those substances dispensed and distributed by
9 him or her other than those controlled substances which are
10 administered by the direct application of a controlled
11 substance, whether by injection, inhalation, ingestion, or any
12 other means to the body of a patient or research subject. A
13 practitioner who dispenses, other than by administering, a
14 controlled substance in Schedule II, which is a narcotic drug
15 listed in Section 206 of this Act, or which contains any
16 quantity of amphetamine or methamphetamine, their salts,
17 optical isomers or salts of optical isomers, pentazocine, or
18 methaqualone shall do so only upon the issuance of a written
19 prescription blank or electronic prescription issued by a
20 prescriber.

21 (e) Whenever a manufacturer distributes a controlled
22 substance in a package prepared by him or her, and whenever a
23 wholesale distributor distributes a controlled substance in a
24 package prepared by him or her or the manufacturer, he or she
25 shall securely affix to each package in which that substance
26 is contained a label showing in legible English the name and

1 address of the manufacturer, the distributor and the quantity,
2 kind and form of controlled substance contained therein. No
3 person except a pharmacist and only for the purposes of
4 filling a prescription under this Act, shall alter, deface or
5 remove any label so affixed.

6 (f) Whenever a practitioner dispenses any controlled
7 substance except a non-prescription Schedule V product or a
8 non-prescription targeted methamphetamine precursor regulated
9 by the Methamphetamine Precursor Control Act, he or she shall
10 affix to the container in which such substance is sold or
11 dispensed, a label indicating the date of initial filling, the
12 practitioner's name and address, the name of the patient, the
13 name of the prescriber, the directions for use and cautionary
14 statements, if any, contained in any prescription or required
15 by law, the proprietary name or names or the established name
16 of the controlled substance, and the dosage and quantity,
17 except as otherwise authorized by regulation by the Department
18 of Financial and Professional Regulation. No person shall
19 alter, deface or remove any label so affixed as long as the
20 specific medication remains in the container.

21 (g) A person to whom or for whose use any controlled
22 substance has been prescribed or dispensed by a practitioner,
23 or other persons authorized under this Act, and the owner of
24 any animal for which such substance has been prescribed or
25 dispensed by a veterinarian, may lawfully possess such
26 substance only in the container in which it was delivered to

1 him or her by the person dispensing such substance.

2 (h) The responsibility for the proper prescribing or
3 dispensing of controlled substances that are under the
4 prescriber's direct control is upon the prescriber. The
5 responsibility for the proper filling of a prescription for
6 controlled substance drugs rests with the pharmacist. An order
7 purporting to be a prescription issued to any individual,
8 which is not in the regular course of professional treatment
9 nor part of an authorized methadone maintenance program, nor
10 in legitimate and authorized research instituted by any
11 accredited hospital, educational institution, charitable
12 foundation, or federal, state or local governmental agency,
13 and which is intended to provide that individual with
14 controlled substances sufficient to maintain that individual's
15 or any other individual's physical or psychological addiction,
16 habitual or customary use, dependence, or diversion of that
17 controlled substance is not a prescription within the meaning
18 and intent of this Act; and the person issuing it, shall be
19 subject to the penalties provided for violations of the law
20 relating to controlled substances.

21 (i) A prescriber shall not pre-print or cause to be
22 pre-printed a prescription for any controlled substance; nor
23 shall any practitioner issue, fill or cause to be issued or
24 filled, a pre-printed prescription for any controlled
25 substance.

26 (i-5) A prescriber may use a machine or electronic device

1 to individually generate a printed prescription, but the
2 prescriber is still required to affix his or her manual
3 signature.

4 (j) No person shall manufacture, dispense, deliver,
5 possess with intent to deliver, prescribe, or administer or
6 cause to be administered under his or her direction any
7 anabolic steroid, for any use in humans other than the
8 treatment of disease in accordance with the order of a
9 physician licensed to practice medicine in all its branches
10 for a valid medical purpose in the course of professional
11 practice. The use of anabolic steroids for the purpose of
12 hormonal manipulation that is intended to increase muscle
13 mass, strength or weight without a medical necessity to do so,
14 or for the intended purpose of improving physical appearance
15 or performance in any form of exercise, sport, or game, is not
16 a valid medical purpose or in the course of professional
17 practice.

18 (k) Controlled substances may be mailed if all of the
19 following conditions are met:

20 (1) The controlled substances are not outwardly
21 dangerous and are not likely, of their own force, to cause
22 injury to a person's life or health.

23 (2) The inner container of a parcel containing
24 controlled substances must be marked and sealed as
25 required under this Act and its rules, and be placed in a
26 plain outer container or securely wrapped in plain paper.

1 (3) If the controlled substances consist of
2 prescription medicines, the inner container must be
3 labeled to show the name and address of the pharmacy or
4 practitioner dispensing the prescription.

5 (4) The outside wrapper or container must be free of
6 markings that would indicate the nature of the contents.

7 (1) Notwithstanding any other provision of this Act to the
8 contrary, emergency medical services personnel may administer
9 Schedule II, III, IV, or V controlled substances to a person in
10 the scope of their employment without a written, electronic,
11 or oral prescription of a prescriber.

12 (Source: P.A. 102-1040, eff. 1-1-23; revised 12-30-22.)

13 Section 690. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 110-1, 112A-5.5, and 115-11 as
15 follows:

16 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

17 Sec. 110-1. Definitions. As used in this Article:

18 (a) (Blank).

19 (b) "Sureties" encompasses the nonmonetary requirements
20 set by the court as conditions for release either before or
21 after conviction.

22 (c) The phrase "for which a sentence of imprisonment,
23 without conditional and revocable release, shall be imposed by
24 law as a consequence of conviction" means an offense for which

1 a sentence of imprisonment in the Department of Corrections,
2 without probation, periodic imprisonment or conditional
3 discharge, is required by law upon conviction.

4 (d) (Blank).

5 (e) "Protective order" means any order of protection
6 issued under Section 112A-14 of this Code or the Illinois
7 Domestic Violence Act of 1986, a stalking no contact order
8 issued under Section 80 of the Stalking No Contact Order Act,
9 or a civil no contact order issued under Section 213 of the
10 Civil No Contact Order Act.

11 (f) "Willful flight" means intentional conduct with a
12 purpose to thwart the judicial process to avoid prosecution.
13 Isolated instances of nonappearance in court alone are not
14 evidence of the risk of willful flight. Reoccurrence and
15 patterns of intentional conduct to evade prosecution, along
16 with any affirmative steps to communicate or remedy any such
17 missed court date, may be considered as factors in assessing
18 future intent to evade prosecution.

19 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
20 102-1104, eff. 1-1-23; revised 12-13-22.)

21 (725 ILCS 5/112A-5.5)

22 Sec. 112A-5.5. Time for filing petition; service on
23 respondent, hearing on petition, and default orders.

24 (a) A petition for a protective order may be filed at any
25 time, in person ~~in person~~ or online, after a criminal charge

1 or delinquency petition is filed and before the charge or
2 delinquency petition is dismissed, the defendant or juvenile
3 is acquitted, or the defendant or juvenile completes service
4 of his or her sentence.

5 (b) The request for an ex parte protective order may be
6 considered without notice to the respondent under Section
7 112A-17.5 of this Code.

8 (c) A summons shall be issued and served for a protective
9 order. The summons may be served by delivery to the respondent
10 personally in open court in the criminal or juvenile
11 delinquency proceeding, in the form prescribed by subsection
12 (d) of Supreme Court Rule 101, except that it shall require the
13 respondent to answer or appear within 7 days. Attachments to
14 the summons shall include the petition for protective order,
15 supporting affidavits, if any, and any ex parte protective
16 order that has been issued.

17 (d) The summons shall be served by the sheriff or other law
18 enforcement officer at the earliest time available and shall
19 take precedence over any other summons, except those of a
20 similar emergency nature. Attachments to the summons shall
21 include the petition for protective order, supporting
22 affidavits, if any, and any ex parte protective order that has
23 been issued. Special process servers may be appointed at any
24 time and their designation shall not affect the
25 responsibilities and authority of the sheriff or other
26 official process servers. In a county with a population over

1 3,000,000, a special process server may not be appointed if
2 the protective order grants the surrender of a child, the
3 surrender of a firearm or Firearm Owner's Identification Card,
4 or the exclusive possession of a shared residence.

5 (e) If the respondent is not served within 30 days of the
6 filing of the petition, the court shall schedule a court
7 proceeding on the issue of service. Either the petitioner, the
8 petitioner's counsel, or the State's Attorney shall appear and
9 the court shall either order continued attempts at personal
10 service or shall order service by publication, in accordance
11 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
12 Procedure.

13 (f) The request for a final protective order can be
14 considered at any court proceeding in the delinquency or
15 criminal case after service of the petition. If the petitioner
16 has not been provided notice of the court proceeding at least
17 10 days in advance of the proceeding, the court shall schedule
18 a hearing on the petition and provide notice to the
19 petitioner.

20 (f-5) A court in a county with a population above 250,000
21 shall offer the option of a remote hearing to a petitioner for
22 a protective order. The court has the discretion to grant or
23 deny the request for a remote hearing. Each court shall
24 determine the procedure for a remote hearing. The petitioner
25 and respondent may appear remotely or in person ~~in person~~.

26 The court shall issue and publish a court order, standing

1 order, or local rule detailing information about the process
2 for requesting and participating in a remote court appearance.
3 The court order, standing order, or local rule shall be
4 published on the court's website and posted on signs
5 throughout the courthouse, including in the clerk's office.
6 The sign shall be written in plain language and include
7 information about the availability of remote court appearances
8 and the process for requesting a remote hearing.

9 (g) Default orders.

10 (1) A final domestic violence order of protection may
11 be entered by default:

12 (A) for any of the remedies sought in the
13 petition, if the respondent has been served with
14 documents under subsection (b) or (c) of this Section
15 and if the respondent fails to appear on the specified
16 return date or any subsequent hearing date agreed to
17 by the petitioner and respondent or set by the court;
18 or

19 (B) for any of the remedies provided under
20 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
21 (10), (11), (14), (15), (17), or (18) of subsection
22 (b) of Section 112A-14 of this Code, or if the
23 respondent fails to answer or appear in accordance
24 with the date set in the publication notice or the
25 return date indicated on the service of a household
26 member.

1 (2) A final civil no contact order may be entered by
2 default for any of the remedies provided in Section
3 112A-14.5 of this Code, if the respondent has been served
4 with documents under subsection (b) or (c) of this
5 Section, and if the respondent fails to answer or appear
6 in accordance with the date set in the publication notice
7 or the return date indicated on the service of a household
8 member.

9 (3) A final stalking no contact order may be entered
10 by default for any of the remedies provided by Section
11 112A-14.7 of this Code, if the respondent has been served
12 with documents under subsection (b) or (c) of this Section
13 and if the respondent fails to answer or appear in
14 accordance with the date set in the publication notice or
15 the return date indicated on the service of a household
16 member.

17 (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

18 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

19 Sec. 115-11. In a prosecution for a criminal offense
20 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,
21 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
22 the Criminal Code of 1961 or the Criminal Code of 2012, when
23 the alleged victim of the offense was a minor under 18 years of
24 age at the time of the offense, the court may exclude from the
25 proceedings while the victim is testifying, regardless of the

1 alleged victim's age at the time of the victim's courtroom
2 testimony, all persons, who, in the opinion of the court, do
3 not have a direct interest in the case, except the media. When
4 the court publishes to the trier of fact videos, photographs,
5 or any depiction of a minor under 18 years of age engaged in a
6 sex act, the court may exclude from the proceedings all
7 persons, who, in the opinion of the court, do not have a direct
8 interest in the case, except the media. The court shall enter
9 its finding that particular parties are disinterested and the
10 basis for that finding into the record.

11 (Source: P.A. 102-994, eff. 5-27-22; revised 8-19-22.)

12 Section 695. The Unified Code of Corrections is amended by
13 changing Sections 3-5-1, 3-6-3, 3-6-7.3, and 3-7-2 as follows:

14 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

15 Sec. 3-5-1. Master Record File.

16 (a) The Department of Corrections and the Department of
17 Juvenile Justice shall maintain a master record file on each
18 person committed to it, which shall contain the following
19 information:

20 (1) all information from the committing court;

21 (1.5) ethnic and racial background data collected in
22 accordance with Section 4.5 of the Criminal Identification
23 Act;

24 (2) reception summary;

1 (3) evaluation and assignment reports and
2 recommendations;

3 (4) reports as to program assignment and progress;

4 (5) reports of disciplinary infractions and
5 disposition, including tickets and Administrative Review
6 Board action;

7 (6) any parole or aftercare release plan;

8 (7) any parole or aftercare release reports;

9 (8) the date and circumstances of final discharge;

10 (9) criminal history;

11 (10) current and past gang affiliations and ranks;

12 (11) information regarding associations and family
13 relationships;

14 (12) any grievances filed and responses to those
15 grievances; and

16 (13) other information that the respective Department
17 determines is relevant to the secure confinement and
18 rehabilitation of the committed person.

19 (b) All files shall be confidential and access shall be
20 limited to authorized personnel of the respective Department
21 or by disclosure in accordance with a court order or subpoena.
22 Personnel of other correctional, welfare or law enforcement
23 agencies may have access to files under rules and regulations
24 of the respective Department. The respective Department shall
25 keep a record of all outside personnel who have access to
26 files, the files reviewed, any file material copied, and the

1 purpose of access. If the respective Department or the
2 Prisoner Review Board makes a determination under this Code
3 which affects the length of the period of confinement or
4 commitment, the committed person and his counsel shall be
5 advised of factual information relied upon by the respective
6 Department or Board to make the determination, provided that
7 the Department or Board shall not be required to advise a
8 person committed to the Department of Juvenile Justice any
9 such information which in the opinion of the Department of
10 Juvenile Justice or Board would be detrimental to his
11 treatment or rehabilitation.

12 (c) The master file shall be maintained at a place
13 convenient to its use by personnel of the respective
14 Department in charge of the person. When custody of a person is
15 transferred from the Department to another department or
16 agency, a summary of the file shall be forwarded to the
17 receiving agency with such other information required by law
18 or requested by the agency under rules and regulations of the
19 respective Department.

20 (d) The master file of a person no longer in the custody of
21 the respective Department shall be placed on inactive status
22 and its use shall be restricted subject to rules and
23 regulations of the Department.

24 (e) All public agencies may make available to the
25 respective Department on request any factual data not
26 otherwise privileged as a matter of law in their possession in

1 respect to individuals committed to the respective Department.

2 (f) A committed person may request a summary of the
3 committed person's master record file once per year and the
4 committed person's attorney may request one summary of the
5 committed person's master record file once per year. The
6 Department shall create a form for requesting this summary,
7 and shall make that form available to committed persons and to
8 the public on its website. Upon receipt of the request form,
9 the Department shall provide the summary within 15 days. The
10 summary must contain, unless otherwise prohibited by law:

11 (1) the person's name, ethnic, racial, and other
12 identifying information;

13 (2) all digitally available information from the
14 committing court;

15 (3) all information in the Offender 360 system on the
16 person's criminal history;

17 (4) the person's complete assignment history in the
18 Department of Corrections;

19 (5) the person's disciplinary card;

20 (6) additional records about up to 3 specific
21 disciplinary incidents as identified by the requester;

22 (7) any available records about up to 5 specific
23 grievances filed by the person, as identified by the
24 requester; and

25 (8) the records of all grievances filed on or after
26 January 1, 2023.

1 Notwithstanding any provision of this subsection (f) to
2 the contrary, a committed person's master record file is not
3 subject to disclosure and copying under the Freedom of
4 Information Act.

5 (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;
6 revised 12-14-22.)

7 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

8 Sec. 3-6-3. Rules and regulations for sentence credit.

9 (a) (1) The Department of Corrections shall prescribe rules
10 and regulations for awarding and revoking sentence credit for
11 persons committed to the Department of Corrections and the
12 Department of Juvenile Justice shall prescribe rules and
13 regulations for awarding and revoking sentence credit for
14 persons committed to the Department of Juvenile Justice under
15 Section 5-8-6 of the Unified Code of Corrections, which shall
16 be subject to review by the Prisoner Review Board.

17 (1.5) As otherwise provided by law, sentence credit may be
18 awarded for the following:

19 (A) successful completion of programming while in
20 custody of the Department of Corrections or the Department
21 of Juvenile Justice or while in custody prior to
22 sentencing;

23 (B) compliance with the rules and regulations of the
24 Department; or

25 (C) service to the institution, service to a

1 community, or service to the State.

2 (2) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations on sentence credit
4 shall provide, with respect to offenses listed in clause (i),
5 (ii), or (iii) of this paragraph (2) committed on or after June
6 19, 1998 or with respect to the offense listed in clause (iv)
7 of this paragraph (2) committed on or after June 23, 2005 (the
8 effective date of Public Act 94-71) or with respect to offense
9 listed in clause (vi) committed on or after June 1, 2008 (the
10 effective date of Public Act 95-625) or with respect to the
11 offense of being an armed habitual criminal committed on or
12 after August 2, 2005 (the effective date of Public Act 94-398)
13 or with respect to the offenses listed in clause (v) of this
14 paragraph (2) committed on or after August 13, 2007 (the
15 effective date of Public Act 95-134) or with respect to the
16 offense of aggravated domestic battery committed on or after
17 July 23, 2010 (the effective date of Public Act 96-1224) or
18 with respect to the offense of attempt to commit terrorism
19 committed on or after January 1, 2013 (the effective date of
20 Public Act 97-990), the following:

21 (i) that a prisoner who is serving a term of
22 imprisonment for first degree murder or for the offense of
23 terrorism shall receive no sentence credit and shall serve
24 the entire sentence imposed by the court;

25 (ii) that a prisoner serving a sentence for attempt to
26 commit terrorism, attempt to commit first degree murder,

1 solicitation of murder, solicitation of murder for hire,
2 intentional homicide of an unborn child, predatory
3 criminal sexual assault of a child, aggravated criminal
4 sexual assault, criminal sexual assault, aggravated
5 kidnapping, aggravated battery with a firearm as described
6 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
7 or (e) (4) of Section 12-3.05, heinous battery as described
8 in Section 12-4.1 or subdivision (a) (2) of Section
9 12-3.05, being an armed habitual criminal, aggravated
10 battery of a senior citizen as described in Section 12-4.6
11 or subdivision (a) (4) of Section 12-3.05, or aggravated
12 battery of a child as described in Section 12-4.3 or
13 subdivision (b) (1) of Section 12-3.05 shall receive no
14 more than 4.5 days of sentence credit for each month of his
15 or her sentence of imprisonment;

16 (iii) that a prisoner serving a sentence for home
17 invasion, armed robbery, aggravated vehicular hijacking,
18 aggravated discharge of a firearm, or armed violence with
19 a category I weapon or category II weapon, when the court
20 has made and entered a finding, pursuant to subsection
21 (c-1) of Section 5-4-1 of this Code, that the conduct
22 leading to conviction for the enumerated offense resulted
23 in great bodily harm to a victim, shall receive no more
24 than 4.5 days of sentence credit for each month of his or
25 her sentence of imprisonment;

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading
2 to conviction for the offense resulted in great bodily
3 harm to the victim, shall receive no more than 4.5 days of
4 sentence credit for each month of his or her sentence of
5 imprisonment;

6 (v) that a person serving a sentence for gunrunning,
7 narcotics racketeering, controlled substance trafficking,
8 methamphetamine trafficking, drug-induced homicide,
9 aggravated methamphetamine-related child endangerment,
10 money laundering pursuant to clause (c) (4) or (5) of
11 Section 29B-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, or a Class X felony conviction for delivery
13 of a controlled substance, possession of a controlled
14 substance with intent to manufacture or deliver,
15 calculated criminal drug conspiracy, criminal drug
16 conspiracy, street gang criminal drug conspiracy,
17 participation in methamphetamine manufacturing,
18 aggravated participation in methamphetamine
19 manufacturing, delivery of methamphetamine, possession
20 with intent to deliver methamphetamine, aggravated
21 delivery of methamphetamine, aggravated possession with
22 intent to deliver methamphetamine, methamphetamine
23 conspiracy when the substance containing the controlled
24 substance or methamphetamine is 100 grams or more shall
25 receive no more than 7.5 days sentence credit for each
26 month of his or her sentence of imprisonment;

1 (vi) that a prisoner serving a sentence for a second
2 or subsequent offense of luring a minor shall receive no
3 more than 4.5 days of sentence credit for each month of his
4 or her sentence of imprisonment; and

5 (vii) that a prisoner serving a sentence for
6 aggravated domestic battery shall receive no more than 4.5
7 days of sentence credit for each month of his or her
8 sentence of imprisonment.

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
12 June 23, 2005 (the effective date of Public Act 94-71) or
13 subdivision (a)(2)(v) committed on or after August 13, 2007
14 (the effective date of Public Act 95-134) or subdivision
15 (a)(2)(vi) committed on or after June 1, 2008 (the effective
16 date of Public Act 95-625) or subdivision (a)(2)(vii)
17 committed on or after July 23, 2010 (the effective date of
18 Public Act 96-1224), and other than the offense of aggravated
19 driving under the influence of alcohol, other drug or drugs,
20 or intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
23 and other than the offense of aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds, or any combination thereof as defined
26 in subparagraph (C) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code committed on or
2 after January 1, 2011 (the effective date of Public Act
3 96-1230), the rules and regulations shall provide that a
4 prisoner who is serving a term of imprisonment shall receive
5 one day of sentence credit for each day of his or her sentence
6 of imprisonment or recommitment under Section 3-3-9. Each day
7 of sentence credit shall reduce by one day the prisoner's
8 period of imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life
10 imprisonment or a prisoner who has been sentenced to death
11 shall receive no sentence credit.

12 (2.3) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof as defined in subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code, shall receive no more than 4.5 days of
20 sentence credit for each month of his or her sentence of
21 imprisonment.

22 (2.4) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations on sentence credit
24 shall provide with respect to the offenses of aggravated
25 battery with a machine gun or a firearm equipped with any
26 device or attachment designed or used for silencing the report

1 of a firearm or aggravated discharge of a machine gun or a
2 firearm equipped with any device or attachment designed or
3 used for silencing the report of a firearm, committed on or
4 after July 15, 1999 (the effective date of Public Act 91-121),
5 that a prisoner serving a sentence for any of these offenses
6 shall receive no more than 4.5 days of sentence credit for each
7 month of his or her sentence of imprisonment.

8 (2.5) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated arson committed on or after July 27, 2001 (the
12 effective date of Public Act 92-176) shall receive no more
13 than 4.5 days of sentence credit for each month of his or her
14 sentence of imprisonment.

15 (2.6) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other drug
19 or drugs, or intoxicating compound or compounds or any
20 combination thereof as defined in subparagraph (C) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code committed on or after January 1, 2011
23 (the effective date of Public Act 96-1230) shall receive no
24 more than 4.5 days of sentence credit for each month of his or
25 her sentence of imprisonment.

26 (3) In addition to the sentence credits earned under

1 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
2 subsection (a), the rules and regulations shall also provide
3 that the Director of Corrections or the Director of Juvenile
4 Justice may award up to 180 days of earned sentence credit for
5 prisoners serving a sentence of incarceration of less than 5
6 years, and up to 365 days of earned sentence credit for
7 prisoners serving a sentence of 5 years or longer. The
8 Director may grant this credit for good conduct in specific
9 instances as either Director deems proper for eligible persons
10 in the custody of each Director's respective Department. The
11 good conduct may include, but is not limited to, compliance
12 with the rules and regulations of the Department, service to
13 the Department, service to a community, or service to the
14 State.

15 Eligible inmates for an award of earned sentence credit
16 under this paragraph (3) may be selected to receive the credit
17 at either Director's or his or her designee's sole discretion.
18 Eligibility for the additional earned sentence credit under
19 this paragraph (3) may be based on, but is not limited to,
20 participation in programming offered by the Department as
21 appropriate for the prisoner based on the results of any
22 available risk/needs assessment or other relevant assessments
23 or evaluations administered by the Department using a
24 validated instrument, the circumstances of the crime,
25 demonstrated commitment to rehabilitation by a prisoner with a
26 history of conviction for a forcible felony enumerated in

1 Section 2-8 of the Criminal Code of 2012, the inmate's
2 behavior and improvements in disciplinary history while
3 incarcerated, and the inmate's commitment to rehabilitation,
4 including participation in programming offered by the
5 Department.

6 The Director of Corrections or the Director of Juvenile
7 Justice shall not award sentence credit under this paragraph
8 (3) to an inmate unless the inmate has served a minimum of 60
9 days of the sentence; except nothing in this paragraph shall
10 be construed to permit either Director to extend an inmate's
11 sentence beyond that which was imposed by the court. Prior to
12 awarding credit under this paragraph (3), each Director shall
13 make a written determination that the inmate:

14 (A) is eligible for the earned sentence credit;

15 (B) has served a minimum of 60 days, or as close to 60
16 days as the sentence will allow;

17 (B-1) has received a risk/needs assessment or other
18 relevant evaluation or assessment administered by the
19 Department using a validated instrument; and

20 (C) has met the eligibility criteria established by
21 rule for earned sentence credit.

22 The Director of Corrections or the Director of Juvenile
23 Justice shall determine the form and content of the written
24 determination required in this subsection.

25 (3.5) The Department shall provide annual written reports
26 to the Governor and the General Assembly on the award of earned

1 sentence credit no later than February 1 of each year. The
2 Department must publish both reports on its website within 48
3 hours of transmitting the reports to the Governor and the
4 General Assembly. The reports must include:

5 (A) the number of inmates awarded earned sentence
6 credit;

7 (B) the average amount of earned sentence credit
8 awarded;

9 (C) the holding offenses of inmates awarded earned
10 sentence credit; and

11 (D) the number of earned sentence credit revocations.

12 (4) (A) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations shall also provide
14 that any prisoner who is engaged full-time in substance abuse
15 programs, correctional industry assignments, educational
16 programs, work-release programs or activities in accordance
17 with Article 13 of Chapter III of this Code, behavior
18 modification programs, life skills courses, or re-entry
19 planning provided by the Department under this paragraph (4)
20 and satisfactorily completes the assigned program as
21 determined by the standards of the Department, shall receive
22 one day of sentence credit for each day in which that prisoner
23 is engaged in the activities described in this paragraph. The
24 rules and regulations shall also provide that sentence credit
25 may be provided to an inmate who was held in pre-trial
26 detention prior to his or her current commitment to the

1 Department of Corrections and successfully completed a
2 full-time, 60-day or longer substance abuse program,
3 educational program, behavior modification program, life
4 skills course, or re-entry planning provided by the county
5 department of corrections or county jail. Calculation of this
6 county program credit shall be done at sentencing as provided
7 in Section 5-4.5-100 of this Code and shall be included in the
8 sentencing order. The rules and regulations shall also provide
9 that sentence credit may be provided to an inmate who is in
10 compliance with programming requirements in an adult
11 transition center.

12 (B) The Department shall award sentence credit under this
13 paragraph (4) accumulated prior to January 1, 2020 (the
14 effective date of Public Act 101-440) in an amount specified
15 in subparagraph (C) of this paragraph (4) to an inmate serving
16 a sentence for an offense committed prior to June 19, 1998, if
17 the Department determines that the inmate is entitled to this
18 sentence credit, based upon:

19 (i) documentation provided by the Department that the
20 inmate engaged in any full-time substance abuse programs,
21 correctional industry assignments, educational programs,
22 behavior modification programs, life skills courses, or
23 re-entry planning provided by the Department under this
24 paragraph (4) and satisfactorily completed the assigned
25 program as determined by the standards of the Department
26 during the inmate's current term of incarceration; or

1 (ii) the inmate's own testimony in the form of an
2 affidavit or documentation, or a third party's
3 documentation or testimony in the form of an affidavit
4 that the inmate likely engaged in any full-time substance
5 abuse programs, correctional industry assignments,
6 educational programs, behavior modification programs, life
7 skills courses, or re-entry planning provided by the
8 Department under paragraph (4) and satisfactorily
9 completed the assigned program as determined by the
10 standards of the Department during the inmate's current
11 term of incarceration.

12 (C) If the inmate can provide documentation that he or she
13 is entitled to sentence credit under subparagraph (B) in
14 excess of 45 days of participation in those programs, the
15 inmate shall receive 90 days of sentence credit. If the inmate
16 cannot provide documentation of more than 45 days of
17 participation in those programs, the inmate shall receive 45
18 days of sentence credit. In the event of a disagreement
19 between the Department and the inmate as to the amount of
20 credit accumulated under subparagraph (B), if the Department
21 provides documented proof of a lesser amount of days of
22 participation in those programs, that proof shall control. If
23 the Department provides no documentary proof, the inmate's
24 proof as set forth in clause (ii) of subparagraph (B) shall
25 control as to the amount of sentence credit provided.

26 (D) If the inmate has been convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act,
2 sentencing credits under subparagraph (B) of this paragraph
3 (4) shall be awarded by the Department only if the conditions
4 set forth in paragraph (4.6) of subsection (a) are satisfied.
5 No inmate serving a term of natural life imprisonment shall
6 receive sentence credit under subparagraph (B) of this
7 paragraph (4).

8 Educational, vocational, substance abuse, behavior
9 modification programs, life skills courses, re-entry planning,
10 and correctional industry programs under which sentence credit
11 may be earned under this paragraph (4) and paragraph (4.1) of
12 this subsection (a) shall be evaluated by the Department on
13 the basis of documented standards. The Department shall report
14 the results of these evaluations to the Governor and the
15 General Assembly by September 30th of each year. The reports
16 shall include data relating to the recidivism rate among
17 program participants.

18 Availability of these programs shall be subject to the
19 limits of fiscal resources appropriated by the General
20 Assembly for these purposes. Eligible inmates who are denied
21 immediate admission shall be placed on a waiting list under
22 criteria established by the Department. The rules and
23 regulations shall provide that a prisoner who has been placed
24 on a waiting list but is transferred for non-disciplinary
25 reasons before beginning a program shall receive priority
26 placement on the waitlist for appropriate programs at the new

1 facility. The inability of any inmate to become engaged in any
2 such programs by reason of insufficient program resources or
3 for any other reason established under the rules and
4 regulations of the Department shall not be deemed a cause of
5 action under which the Department or any employee or agent of
6 the Department shall be liable for damages to the inmate. The
7 rules and regulations shall provide that a prisoner who begins
8 an educational, vocational, substance abuse, work-release
9 programs or activities in accordance with Article 13 of
10 Chapter III of this Code, behavior modification program, life
11 skills course, re-entry planning, or correctional industry
12 programs but is unable to complete the program due to illness,
13 disability, transfer, lockdown, or another reason outside of
14 the prisoner's control shall receive prorated sentence credits
15 for the days in which the prisoner did participate.

16 (4.1) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations shall also provide
18 that an additional 90 days of sentence credit shall be awarded
19 to any prisoner who passes high school equivalency testing
20 while the prisoner is committed to the Department of
21 Corrections. The sentence credit awarded under this paragraph
22 (4.1) shall be in addition to, and shall not affect, the award
23 of sentence credit under any other paragraph of this Section,
24 but shall also be pursuant to the guidelines and restrictions
25 set forth in paragraph (4) of subsection (a) of this Section.
26 The sentence credit provided for in this paragraph shall be

1 available only to those prisoners who have not previously
2 earned a high school diploma or a State of Illinois High School
3 Diploma. If, after an award of the high school equivalency
4 testing sentence credit has been made, the Department
5 determines that the prisoner was not eligible, then the award
6 shall be revoked. The Department may also award 90 days of
7 sentence credit to any committed person who passed high school
8 equivalency testing while he or she was held in pre-trial
9 detention prior to the current commitment to the Department of
10 Corrections. Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations shall provide that
12 an additional 120 days of sentence credit shall be awarded to
13 any prisoner who obtains an associate degree while the
14 prisoner is committed to the Department of Corrections,
15 regardless of the date that the associate degree was obtained,
16 including if prior to July 1, 2021 (the effective date of
17 Public Act 101-652). The sentence credit awarded under this
18 paragraph (4.1) shall be in addition to, and shall not affect,
19 the award of sentence credit under any other paragraph of this
20 Section, but shall also be under the guidelines and
21 restrictions set forth in paragraph (4) of subsection (a) of
22 this Section. The sentence credit provided for in this
23 paragraph (4.1) shall be available only to those prisoners who
24 have not previously earned an associate degree prior to the
25 current commitment to the Department of Corrections. If, after
26 an award of the associate degree sentence credit has been made

1 and the Department determines that the prisoner was not
2 eligible, then the award shall be revoked. The Department may
3 also award 120 days of sentence credit to any committed person
4 who earned an associate degree while he or she was held in
5 pre-trial detention prior to the current commitment to the
6 Department of Corrections.

7 Except as provided in paragraph (4.7) of this subsection
8 (a), the rules and regulations shall provide that an
9 additional 180 days of sentence credit shall be awarded to any
10 prisoner who obtains a bachelor's degree while the prisoner is
11 committed to the Department of Corrections. The sentence
12 credit awarded under this paragraph (4.1) shall be in addition
13 to, and shall not affect, the award of sentence credit under
14 any other paragraph of this Section, but shall also be under
15 the guidelines and restrictions set forth in paragraph (4) of
16 this subsection (a). The sentence credit provided for in this
17 paragraph shall be available only to those prisoners who have
18 not earned a bachelor's degree prior to the current commitment
19 to the Department of Corrections. If, after an award of the
20 bachelor's degree sentence credit has been made, the
21 Department determines that the prisoner was not eligible, then
22 the award shall be revoked. The Department may also award 180
23 days of sentence credit to any committed person who earned a
24 bachelor's degree while he or she was held in pre-trial
25 detention prior to the current commitment to the Department of
26 Corrections.

1 Except as provided in paragraph (4.7) of this subsection
2 (a), the rules and regulations shall provide that an
3 additional 180 days of sentence credit shall be awarded to any
4 prisoner who obtains a master's or professional degree while
5 the prisoner is committed to the Department of Corrections.
6 The sentence credit awarded under this paragraph (4.1) shall
7 be in addition to, and shall not affect, the award of sentence
8 credit under any other paragraph of this Section, but shall
9 also be under the guidelines and restrictions set forth in
10 paragraph (4) of this subsection (a). The sentence credit
11 provided for in this paragraph shall be available only to
12 those prisoners who have not previously earned a master's or
13 professional degree prior to the current commitment to the
14 Department of Corrections. If, after an award of the master's
15 or professional degree sentence credit has been made, the
16 Department determines that the prisoner was not eligible, then
17 the award shall be revoked. The Department may also award 180
18 days of sentence credit to any committed person who earned a
19 master's or professional degree while he or she was held in
20 pre-trial detention prior to the current commitment to the
21 Department of Corrections.

22 (4.2) The rules and regulations shall also provide that
23 any prisoner engaged in self-improvement programs, volunteer
24 work, or work assignments that are not otherwise eligible
25 activities under paragraph (4), shall receive up to 0.5 days
26 of sentence credit for each day in which the prisoner is

1 engaged in activities described in this paragraph.

2 (4.5) The rules and regulations on sentence credit shall
3 also provide that when the court's sentencing order recommends
4 a prisoner for substance abuse treatment and the crime was
5 committed on or after September 1, 2003 (the effective date of
6 Public Act 93-354), the prisoner shall receive no sentence
7 credit awarded under clause (3) of this subsection (a) unless
8 he or she participates in and completes a substance abuse
9 treatment program. The Director of Corrections may waive the
10 requirement to participate in or complete a substance abuse
11 treatment program in specific instances if the prisoner is not
12 a good candidate for a substance abuse treatment program for
13 medical, programming, or operational reasons. Availability of
14 substance abuse treatment shall be subject to the limits of
15 fiscal resources appropriated by the General Assembly for
16 these purposes. If treatment is not available and the
17 requirement to participate and complete the treatment has not
18 been waived by the Director, the prisoner shall be placed on a
19 waiting list under criteria established by the Department. The
20 Director may allow a prisoner placed on a waiting list to
21 participate in and complete a substance abuse education class
22 or attend substance abuse self-help meetings in lieu of a
23 substance abuse treatment program. A prisoner on a waiting
24 list who is not placed in a substance abuse program prior to
25 release may be eligible for a waiver and receive sentence
26 credit under clause (3) of this subsection (a) at the

1 discretion of the Director.

2 (4.6) The rules and regulations on sentence credit shall
3 also provide that a prisoner who has been convicted of a sex
4 offense as defined in Section 2 of the Sex Offender
5 Registration Act shall receive no sentence credit unless he or
6 she either has successfully completed or is participating in
7 sex offender treatment as defined by the Sex Offender
8 Management Board. However, prisoners who are waiting to
9 receive treatment, but who are unable to do so due solely to
10 the lack of resources on the part of the Department, may, at
11 either Director's sole discretion, be awarded sentence credit
12 at a rate as the Director shall determine.

13 (4.7) On or after January 1, 2018 (the effective date of
14 Public Act 100-3), sentence credit under paragraph (3), (4),
15 or (4.1) of this subsection (a) may be awarded to a prisoner
16 who is serving a sentence for an offense described in
17 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
18 on or after January 1, 2018 (the effective date of Public Act
19 100-3); provided, the award of the credits under this
20 paragraph (4.7) shall not reduce the sentence of the prisoner
21 to less than the following amounts:

22 (i) 85% of his or her sentence if the prisoner is
23 required to serve 85% of his or her sentence; or

24 (ii) 60% of his or her sentence if the prisoner is
25 required to serve 75% of his or her sentence, except if the
26 prisoner is serving a sentence for gunrunning his or her

1 sentence shall not be reduced to less than 75%.

2 (iii) 100% of his or her sentence if the prisoner is
3 required to serve 100% of his or her sentence.

4 (5) Whenever the Department is to release any inmate
5 earlier than it otherwise would because of a grant of earned
6 sentence credit under paragraph (3) of subsection (a) of this
7 Section given at any time during the term, the Department
8 shall give reasonable notice of the impending release not less
9 than 14 days prior to the date of the release to the State's
10 Attorney of the county where the prosecution of the inmate
11 took place, and if applicable, the State's Attorney of the
12 county into which the inmate will be released. The Department
13 must also make identification information and a recent photo
14 of the inmate being released accessible on the Internet by
15 means of a hyperlink labeled "Community Notification of Inmate
16 Early Release" on the Department's World Wide Web homepage.
17 The identification information shall include the inmate's:
18 name, any known alias, date of birth, physical
19 characteristics, commitment offense, and county where
20 conviction was imposed. The identification information shall
21 be placed on the website within 3 days of the inmate's release
22 and the information may not be removed until either:
23 completion of the first year of mandatory supervised release
24 or return of the inmate to custody of the Department.

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of sentence credit.

3 (c) (1) The Department shall prescribe rules and
4 regulations for revoking sentence credit, including revoking
5 sentence credit awarded under paragraph (3) of subsection (a)
6 of this Section. The Department shall prescribe rules and
7 regulations establishing and requiring the use of a sanctions
8 matrix for revoking sentence credit. The Department shall
9 prescribe rules and regulations for suspending or reducing the
10 rate of accumulation of sentence credit for specific rule
11 violations, during imprisonment. These rules and regulations
12 shall provide that no inmate may be penalized more than one
13 year of sentence credit for any one infraction.

14 (2) When the Department seeks to revoke, suspend, or
15 reduce the rate of accumulation of any sentence credits for an
16 alleged infraction of its rules, it shall bring charges
17 therefor against the prisoner sought to be so deprived of
18 sentence credits before the Prisoner Review Board as provided
19 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days, whether from one
21 infraction or cumulatively from multiple infractions arising
22 out of a single event, or when, during any 12-month period, the
23 cumulative amount of credit revoked exceeds 30 days except
24 where the infraction is committed or discovered within 60 days
25 of scheduled release. In those cases, the Department of
26 Corrections may revoke up to 30 days of sentence credit. The

1 Board may subsequently approve the revocation of additional
2 sentence credit, if the Department seeks to revoke sentence
3 credit in excess of 30 days. However, the Board shall not be
4 empowered to review the Department's decision with respect to
5 the loss of 30 days of sentence credit within any calendar year
6 for any prisoner or to increase any penalty beyond the length
7 requested by the Department.

8 (3) The Director of Corrections or the Director of
9 Juvenile Justice, in appropriate cases, may restore sentence
10 credits which have been revoked, suspended, or reduced. The
11 Department shall prescribe rules and regulations governing the
12 restoration of sentence credits. These rules and regulations
13 shall provide for the automatic restoration of sentence
14 credits following a period in which the prisoner maintains a
15 record without a disciplinary violation.

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of sentence credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of
23 Corrections, or the Prisoner Review Board, or against any of
24 their officers or employees, and the court makes a specific
25 finding that a pleading, motion, or other paper filed by the
26 prisoner is frivolous, the Department of Corrections shall

1 conduct a hearing to revoke up to 180 days of sentence credit
2 by bringing charges against the prisoner sought to be deprived
3 of the sentence credits before the Prisoner Review Board as
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
5 If the prisoner has not accumulated 180 days of sentence
6 credit at the time of the finding, then the Prisoner Review
7 Board may revoke all sentence credit accumulated by the
8 prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or
11 other filing which purports to be a legal document filed
12 by a prisoner in his or her lawsuit meets any or all of the
13 following criteria:

14 (A) it lacks an arguable basis either in law or in
15 fact;

16 (B) it is being presented for any improper
17 purpose, such as to harass or to cause unnecessary
18 delay or needless increase in the cost of litigation;

19 (C) the claims, defenses, and other legal
20 contentions therein are not warranted by existing law
21 or by a nonfrivolous argument for the extension,
22 modification, or reversal of existing law or the
23 establishment of new law;

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

3 (E) the denials of factual contentions are not
4 warranted on the evidence, or if specifically so
5 identified, are not reasonably based on a lack of
6 information or belief.

7 (2) "Lawsuit" means a motion pursuant to Section 116-3
8 of the Code of Criminal Procedure of 1963, a habeas corpus
9 action under Article X of the Code of Civil Procedure or
10 under federal law (28 U.S.C. 2254), a petition for claim
11 under the Court of Claims Act, an action under the federal
12 Civil Rights Act (42 U.S.C. 1983), or a second or
13 subsequent petition for post-conviction relief under
14 Article 122 of the Code of Criminal Procedure of 1963
15 whether filed with or without leave of court or a second or
16 subsequent petition for relief from judgment under Section
17 2-1401 of the Code of Civil Procedure.

18 (e) Nothing in Public Act 90-592 or 90-593 affects the
19 validity of Public Act 89-404.

20 (f) Whenever the Department is to release any inmate who
21 has been convicted of a violation of an order of protection
22 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, earlier than it otherwise would
24 because of a grant of sentence credit, the Department, as a
25 condition of release, shall require that the person, upon
26 release, be placed under electronic surveillance as provided

1 in Section 5-8A-7 of this Code.

2 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
3 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
4 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

5 (730 ILCS 5/3-6-7.3)

6 Sec. 3-6-7.3. Committed person post-partum recovery
7 requirements. The Department shall ensure that, for a period
8 of 72 hours after the birth of an infant by a ~~an~~ committed
9 person:

10 (1) the infant is allowed to remain with the committed
11 person, unless a medical professional determines doing so
12 would pose a health or safety risk to the committed person
13 or infant based on information only available to the
14 Department. The mental health professional shall make any
15 such determination on an individualized basis and in
16 consultation with the birthing team of the pregnant person
17 and the Chief of the Women's Division. The birthing team
18 shall include the committed person's perinatal care
19 providers and doula, if available; and

20 (2) the committed person has access to any nutritional
21 or hygiene-related products necessary to care for the
22 infant, including diapers.

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
24 revised 2-28-22.)

1 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

2 (Text of Section before amendment by P.A. 102-1111)

3 Sec. 3-7-2. Facilities.

4 (a) All institutions and facilities of the Department
5 shall provide every committed person with access to toilet
6 facilities, barber facilities, bathing facilities at least
7 once each week, a library of legal materials and published
8 materials including newspapers and magazines approved by the
9 Director. A committed person may not receive any materials
10 that the Director deems pornographic.

11 (b) (Blank).

12 (c) All institutions and facilities of the Department
13 shall provide facilities for every committed person to leave
14 his cell for at least one hour each day unless the chief
15 administrative officer determines that it would be harmful or
16 dangerous to the security or safety of the institution or
17 facility.

18 (d) All institutions and facilities of the Department
19 shall provide every committed person with a wholesome and
20 nutritional diet at regularly scheduled hours, drinking water,
21 clothing adequate for the season, bedding, soap and towels and
22 medical and dental care.

23 (e) All institutions and facilities of the Department
24 shall permit every committed person to send and receive an
25 unlimited number of uncensored letters, provided, however,
26 that the Director may order that mail be inspected and read for

1 reasons of the security, safety or morale of the institution
2 or facility.

3 (f) All of the institutions and facilities of the
4 Department shall permit every committed person to receive
5 in-person visitors and video contact, if available, except in
6 case of abuse of the visiting privilege or when the chief
7 administrative officer determines that such visiting would be
8 harmful or dangerous to the security, safety or morale of the
9 institution or facility. Each committed person is entitled to
10 7 visits per month. Every committed person may submit a list of
11 at least 30 persons to the Department that are authorized to
12 visit the committed person. The list shall be kept in an
13 electronic format by the Department beginning on August 1,
14 2019, as well as available in paper form for Department
15 employees. The chief administrative officer shall have the
16 right to restrict visitation to non-contact visits, video, or
17 other forms of non-contact visits for reasons of safety,
18 security, and order, including, but not limited to,
19 restricting contact visits for committed persons engaged in
20 gang activity. No committed person in a super maximum security
21 facility or on disciplinary segregation is allowed contact
22 visits. Any committed person found in possession of illegal
23 drugs or who fails a drug test shall not be permitted contact
24 visits for a period of at least 6 months. Any committed person
25 involved in gang activities or found guilty of assault
26 committed against a Department employee shall not be permitted

1 contact visits for a period of at least 6 months. The
2 Department shall offer every visitor appropriate written
3 information concerning HIV and AIDS, including information
4 concerning how to contact the Illinois Department of Public
5 Health for counseling information. The Department shall
6 develop the written materials in consultation with the
7 Department of Public Health. The Department shall ensure that
8 all such information and materials are culturally sensitive
9 and reflect cultural diversity as appropriate. Implementation
10 of the changes made to this Section by Public Act 94-629 is
11 subject to appropriation. The Department shall seek the lowest
12 possible cost to provide video calling and shall charge to the
13 extent of recovering any demonstrated costs of providing video
14 calling. The Department shall not make a commission or profit
15 from video calling services. Nothing in this Section shall be
16 construed to permit video calling instead of in-person
17 visitation.

18 (f-5) (Blank).

19 (f-10) The Department may not restrict or limit in-person
20 visits to committed persons due to the availability of
21 interactive video conferences.

22 (f-15) (1) The Department shall issue a standard written
23 policy for each institution and facility of the Department
24 that provides for:

25 (A) the number of in-person visits each committed
26 person is entitled to per week and per month including the

1 requirements of subsection (f) of this Section;

2 (B) the hours of in-person visits;

3 (C) the type of identification required for visitors
4 at least 18 years of age; and

5 (D) the type of identification, if any, required for
6 visitors under 18 years of age.

7 (2) This policy shall be posted on the Department website
8 and at each facility.

9 (3) The Department shall post on its website daily any
10 restrictions or denials of visitation for that day and the
11 succeeding 5 calendar days, including those based on a
12 lockdown of the facility, to inform family members and other
13 visitors.

14 (g) All institutions and facilities of the Department
15 shall permit religious ministrations and sacraments to be
16 available to every committed person, but attendance at
17 religious services shall not be required.

18 (h) Within 90 days after December 31, 1996, the Department
19 shall prohibit the use of curtains, cell-coverings, or any
20 other matter or object that obstructs or otherwise impairs the
21 line of vision into a committed person's cell.

22 (i) A point of contact person appointed under subsection
23 (u-6) of Section 3-2-2 of this Code shall promptly and
24 efficiently review suggestions, complaints, and other requests
25 made by visitors to institutions and facilities of the
26 Department and by other members of the public. Based on the

1 nature of the submission, the point of contact person shall
2 communicate with the appropriate division of the Department,
3 disseminate the concern or complaint, and act as liaison
4 between the parties to reach a resolution.

5 (1) The point of contact person shall maintain
6 information about the subject matter of each
7 correspondence, including, but not limited to, information
8 about the following subjects:

9 (A) the parties making the submission;

10 (B) any commissary-related concerns;

11 (C) any concerns about the institution or
12 facility's COVID protocols and mitigations;

13 (D) any concerns about mail, video, or electronic
14 messages or other communications with incarcerated
15 persons;

16 (E) any concerns about the institution or
17 facility;

18 (F) any discipline-related concerns;

19 (G) any concerns about earned sentencing credits;

20 (H) any concerns about educational opportunities
21 for incarcerated persons;

22 (I) any concerns about health-related matters;

23 (J) any mental health concerns;

24 (K) any concerns about personal property;

25 (L) any concerns about the records of the
26 incarcerated person;

1 (M) any concerns about recreational opportunities
2 for incarcerated persons;

3 (N) any staffing-related concerns;

4 (O) any concerns about the transfer of individuals
5 in custody;

6 (P) any concerns about visitation; and

7 (Q) any concerns about work opportunities for
8 incarcerated persons.

9 The information shall be maintained in accordance with
10 standards set by the Department of Corrections, and shall
11 be made available to the Department's Planning and
12 Research Division. The point of contact person shall
13 provide a summary of the results of the review, including
14 any resolution or recommendations made as a result of
15 correspondence with the Planning and Research Division of
16 the Department.

17 (2) The Department shall provide an annual written
18 report to the General Assembly and the Governor, with the
19 first report due no later than January 1, 2023, and
20 publish the report on its website within 48 hours after
21 the report is transmitted to the Governor and the General
22 Assembly. The report shall include a summary of activities
23 undertaken and completed as a result of submissions to the
24 point of contact person. The Department of Corrections
25 shall collect and report the following aggregated and
26 disaggregated data for each institution and facility and

1 describe:

2 (A) the work of the point of contact person;

3 (B) the general nature of suggestions, complaints,
4 and other requests submitted to the point of contact
5 person;

6 (C) the volume of emails, calls, letters, and
7 other correspondence received by the point of contact
8 person;

9 (D) the resolutions reached or recommendations
10 made as a result of the point of contact person's
11 review;

12 (E) whether, if an investigation is recommended, a
13 report of the complaint was forwarded to the Chief
14 Inspector of the Department or other Department
15 employee, and the resolution of the complaint, and if
16 the investigation has not concluded, a detailed status
17 report on the complaint; and

18 (F) any recommendations that the point of contact
19 person has relating to systemic issues in the
20 Department of Corrections, and any other matters for
21 consideration by the General Assembly and the
22 Governor.

23 The name, address, or other personally identifiable
24 information of a person who files a complaint, suggestion,
25 or other request with the point of contact person, and
26 confidential records shall be redacted from the annual

1 report and are not subject to disclosure under the Freedom
2 of Information Act. The Department shall disclose the
3 records only if required by a court order on a showing of
4 good cause.

5 (3) The Department must post in a conspicuous place in
6 the waiting area of every facility or institution a sign
7 that contains in bold, black type the following:

8 (A) a short statement notifying visitors of the
9 point of contact person and that person's duty to
10 receive suggestions, complaints, or other requests;
11 and

12 (B) information on how to submit suggestions,
13 complaints, or other requests to the point of contact
14 person.

15 (Source: P.A. 102-1082, eff. 6-10-22.)

16 (Text of Section after amendment by P.A. 102-1111)
17 Sec. 3-7-2. Facilities.

18 (a) All institutions and facilities of the Department
19 shall provide every committed person with access to toilet
20 facilities, barber facilities, bathing facilities at least
21 once each week, a library of legal materials and published
22 materials including newspapers and magazines approved by the
23 Director. A committed person may not receive any materials
24 that the Director deems pornographic.

25 (b) (Blank).

1 (c) All institutions and facilities of the Department
2 shall provide facilities for every committed person to leave
3 his cell for at least one hour each day unless the chief
4 administrative officer determines that it would be harmful or
5 dangerous to the security or safety of the institution or
6 facility.

7 (d) All institutions and facilities of the Department
8 shall provide every committed person with a wholesome and
9 nutritional diet at regularly scheduled hours, drinking water,
10 clothing adequate for the season, including underwear,
11 bedding, soap and towels and medical and dental care.
12 Underwear provided to each committed person in all
13 institutions and facilities of the Department shall be free of
14 charge and shall be provided at any time upon request,
15 including multiple requests, of the committed person or as
16 needed by the committed person.

17 (e) All institutions and facilities of the Department
18 shall permit every committed person to send and receive an
19 unlimited number of uncensored letters, provided, however,
20 that the Director may order that mail be inspected and read for
21 reasons of the security, safety or morale of the institution
22 or facility.

23 (f) All of the institutions and facilities of the
24 Department shall permit every committed person to receive
25 in-person visitors and video contact, if available, except in
26 case of abuse of the visiting privilege or when the chief

1 administrative officer determines that such visiting would be
2 harmful or dangerous to the security, safety or morale of the
3 institution or facility. Each committed person is entitled to
4 7 visits per month. Every committed person may submit a list of
5 at least 30 persons to the Department that are authorized to
6 visit the committed person. The list shall be kept in an
7 electronic format by the Department beginning on August 1,
8 2019, as well as available in paper form for Department
9 employees. The chief administrative officer shall have the
10 right to restrict visitation to non-contact visits, video, or
11 other forms of non-contact visits for reasons of safety,
12 security, and order, including, but not limited to,
13 restricting contact visits for committed persons engaged in
14 gang activity. No committed person in a super maximum security
15 facility or on disciplinary segregation is allowed contact
16 visits. Any committed person found in possession of illegal
17 drugs or who fails a drug test shall not be permitted contact
18 visits for a period of at least 6 months. Any committed person
19 involved in gang activities or found guilty of assault
20 committed against a Department employee shall not be permitted
21 contact visits for a period of at least 6 months. The
22 Department shall offer every visitor appropriate written
23 information concerning HIV and AIDS, including information
24 concerning how to contact the Illinois Department of Public
25 Health for counseling information. The Department shall
26 develop the written materials in consultation with the

1 Department of Public Health. The Department shall ensure that
2 all such information and materials are culturally sensitive
3 and reflect cultural diversity as appropriate. Implementation
4 of the changes made to this Section by Public Act 94-629 is
5 subject to appropriation. The Department shall seek the lowest
6 possible cost to provide video calling and shall charge to the
7 extent of recovering any demonstrated costs of providing video
8 calling. The Department shall not make a commission or profit
9 from video calling services. Nothing in this Section shall be
10 construed to permit video calling instead of in-person
11 visitation.

12 (f-5) (Blank).

13 (f-10) The Department may not restrict or limit in-person
14 visits to committed persons due to the availability of
15 interactive video conferences.

16 (f-15)(1) The Department shall issue a standard written
17 policy for each institution and facility of the Department
18 that provides for:

19 (A) the number of in-person visits each committed
20 person is entitled to per week and per month including the
21 requirements of subsection (f) of this Section;

22 (B) the hours of in-person visits;

23 (C) the type of identification required for visitors
24 at least 18 years of age; and

25 (D) the type of identification, if any, required for
26 visitors under 18 years of age.

1 (2) This policy shall be posted on the Department website
2 and at each facility.

3 (3) The Department shall post on its website daily any
4 restrictions or denials of visitation for that day and the
5 succeeding 5 calendar days, including those based on a
6 lockdown of the facility, to inform family members and other
7 visitors.

8 (g) All institutions and facilities of the Department
9 shall permit religious ministrations and sacraments to be
10 available to every committed person, but attendance at
11 religious services shall not be required.

12 (h) Within 90 days after December 31, 1996, the Department
13 shall prohibit the use of curtains, cell-coverings, or any
14 other matter or object that obstructs or otherwise impairs the
15 line of vision into a committed person's cell.

16 (i) A point of contact person appointed under subsection
17 (u-6) of Section 3-2-2 of this Code shall promptly and
18 efficiently review suggestions, complaints, and other requests
19 made by visitors to institutions and facilities of the
20 Department and by other members of the public. Based on the
21 nature of the submission, the point of contact person shall
22 communicate with the appropriate division of the Department,
23 disseminate the concern or complaint, and act as liaison
24 between the parties to reach a resolution.

25 (1) The point of contact person shall maintain
26 information about the subject matter of each

1 correspondence, including, but not limited to, information
2 about the following subjects:

3 (A) the parties making the submission;

4 (B) any commissary-related concerns;

5 (C) any concerns about the institution or
6 facility's COVID protocols and mitigations;

7 (D) any concerns about mail, video, or electronic
8 messages or other communications with incarcerated
9 persons;

10 (E) any concerns about the institution or
11 facility;

12 (F) any discipline-related concerns;

13 (G) any concerns about earned sentencing credits;

14 (H) any concerns about educational opportunities
15 for incarcerated persons;

16 (I) any concerns about health-related matters;

17 (J) any mental health concerns;

18 (K) any concerns about personal property;

19 (L) any concerns about the records of the
20 incarcerated person;

21 (M) any concerns about recreational opportunities
22 for incarcerated persons;

23 (N) any staffing-related concerns;

24 (O) any concerns about the transfer of individuals
25 in custody;

26 (P) any concerns about visitation; and

1 (Q) any concerns about work opportunities for
2 incarcerated persons.

3 The information shall be maintained in accordance with
4 standards set by the Department of Corrections, and shall
5 be made available to the Department's Planning and
6 Research Division. The point of contact person shall
7 provide a summary of the results of the review, including
8 any resolution or recommendations made as a result of
9 correspondence with the Planning and Research Division of
10 the Department.

11 (2) The Department shall provide an annual written
12 report to the General Assembly and the Governor, with the
13 first report due no later than January 1, 2023, and
14 publish the report on its website within 48 hours after
15 the report is transmitted to the Governor and the General
16 Assembly. The report shall include a summary of activities
17 undertaken and completed as a result of submissions to the
18 point of contact person. The Department of Corrections
19 shall collect and report the following aggregated and
20 disaggregated data for each institution and facility and
21 describe:

22 (A) the work of the point of contact person;

23 (B) the general nature of suggestions, complaints,
24 and other requests submitted to the point of contact
25 person;

26 (C) the volume of emails, calls, letters, and

1 other correspondence received by the point of contact
2 person;

3 (D) the resolutions reached or recommendations
4 made as a result of the point of contact person's
5 review;

6 (E) whether, if an investigation is recommended, a
7 report of the complaint was forwarded to the Chief
8 Inspector of the Department or other Department
9 employee, and the resolution of the complaint, and if
10 the investigation has not concluded, a detailed status
11 report on the complaint; and

12 (F) any recommendations that the point of contact
13 person has relating to systemic issues in the
14 Department of Corrections, and any other matters for
15 consideration by the General Assembly and the
16 Governor.

17 The name, address, or other personally identifiable
18 information of a person who files a complaint, suggestion,
19 or other request with the point of contact person, and
20 confidential records shall be redacted from the annual
21 report and are not subject to disclosure under the Freedom
22 of Information Act. The Department shall disclose the
23 records only if required by a court order on a showing of
24 good cause.

25 (3) The Department must post in a conspicuous place in
26 the waiting area of every facility or institution a sign

1 that contains in bold, black type the following:

2 (A) a short statement notifying visitors of the
3 point of contact person and that person's duty to
4 receive suggestions, complaints, or other requests;
5 and

6 (B) information on how to submit suggestions,
7 complaints, or other requests to the point of contact
8 person.

9 (j) ~~(i)~~ Menstrual hygiene products shall be available, as
10 needed, free of charge, at all institutions and facilities of
11 the Department for all committed persons who menstruate. In
12 this subsection (j) ~~(i)~~, "menstrual hygiene products" means
13 tampons and sanitary napkins for use in connection with the
14 menstrual cycle.

15 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
16 revised 1-8-23.)

17 Section 700. The Illinois Substance Abuse Treatment
18 Program is amended by changing Section 1 as follows:

19 (730 ILCS 145/1) (from Ch. 38, par. 1531)

20 Sec. 1. Short Title. This Act shall be known and may be
21 cited as the Illinois Substance Abuse Treatment Program Act.

22 (Source: P.A. 86-1320; revised 2-28-22.)

23 Section 705. The Veterans and Servicemembers Court

1 Treatment Act is amended by changing Section 20 as follows:

2 (730 ILCS 167/20)

3 Sec. 20. Eligibility. Veterans and servicemembers are
4 eligible for veterans and servicemembers courts, provided the
5 following:

6 (a) A defendant may be admitted into a veterans and
7 servicemembers court program only upon the consent of the
8 defendant and with the approval of the court. A defendant
9 agrees to be admitted when a written consent to
10 participate is provided to the court in open court and the
11 defendant acknowledges understanding of its contents.

12 (a-5) Each veterans and servicemembers court shall
13 have a target population defined in its written policies
14 and procedures. The policies and procedures shall define
15 that court's eligibility and exclusionary criteria.

16 (b) A defendant shall be excluded from a veterans
17 ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~
18 program if any of one of the following applies:

19 (1) The crime is a crime of violence as set forth
20 in paragraph (3) of this subsection (b).

21 (2) The defendant does not demonstrate a
22 willingness to participate in a treatment program.

23 (3) The defendant has been convicted of a crime of
24 violence within the past 5 years excluding
25 incarceration time, parole, and periods of mandatory

1 supervised release. As used in this paragraph, "crime
2 of violence" means: first degree murder, second degree
3 murder, predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, criminal sexual
5 assault, armed robbery, aggravated arson, arson,
6 aggravated kidnapping and kidnapping, aggravated
7 battery resulting in great bodily harm or permanent
8 disability, aggravated domestic battery resulting in
9 great bodily harm or permanent disability, aggravated
10 criminal sexual abuse by a person in a position of
11 trust or authority over a child, stalking, aggravated
12 stalking, home invasion, aggravated vehicular
13 hijacking, or any offense involving the discharge of a
14 firearm.

15 (4) The defendant is charged with a violation of
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code in which
18 an individual is charged with aggravated driving under
19 the influence that resulted in the death of another
20 person or when the violation was a proximate cause of
21 the death, unless, pursuant to subparagraph (G) of
22 paragraph (1) of subsection (d) of Section 11-501 of
23 the Illinois Vehicle Code, the court determines that
24 extraordinary circumstances exist and require
25 probation.

26 (5) (Blank).

1 (6) (Blank).

2 (c) Notwithstanding subsection (a), the defendant may
3 be admitted into a veterans and servicemembers court
4 program only upon the agreement of the prosecutor if the
5 defendant is charged with a Class 2 or greater felony
6 violation of:

7 (1) Section 401, 401.1, 405, or 405.2 of the
8 Illinois Controlled Substances Act;

9 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
10 Act; or

11 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,
12 or 65 of the Methamphetamine Control and Community
13 Protection Act.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22;
15 revised 8-19-22.)

16 Section 710. The Eminent Domain Act is amended by changing
17 Sections 15-5-35 and 15-5-48 as follows:

18 (735 ILCS 30/15-5-35)

19 Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605
20 through 630 ~~625~~. The following provisions of law may include
21 express grants of the power to acquire property by
22 condemnation or eminent domain:

23 (605 ILCS 5/4-501); Illinois Highway Code; Department of

1 Transportation and counties; for highway purposes.

2 (605 ILCS 5/4-502); Illinois Highway Code; Department of
3 Transportation; for ditches and drains.

4 (605 ILCS 5/4-505); Illinois Highway Code; Department of
5 Transportation; for replacement of railroad and public
6 utility property taken for highway purposes.

7 (605 ILCS 5/4-509); Illinois Highway Code; Department of
8 Transportation; for replacement of property taken for
9 highway purposes.

10 (605 ILCS 5/4-510); Illinois Highway Code; Department of
11 Transportation; for rights-of-way for future highway
12 purposes.

13 (605 ILCS 5/4-511); Illinois Highway Code; Department of
14 Transportation; for relocation of structures taken for
15 highway purposes.

16 (605 ILCS 5/5-107); Illinois Highway Code; counties; for
17 county highway relocation.

18 (605 ILCS 5/5-801); Illinois Highway Code; counties; for
19 highway purposes.

20 (605 ILCS 5/5-802); Illinois Highway Code; counties; for
21 ditches and drains.

22 (605 ILCS 5/6-309); Illinois Highway Code; highway
23 commissioners or county superintendents; for township or
24 road district roads.

25 (605 ILCS 5/6-801); Illinois Highway Code; highway
26 commissioners; for road district or township roads.

1 (605 ILCS 5/6-802); Illinois Highway Code; highway
2 commissioners; for ditches and drains.

3 (605 ILCS 5/8-102); Illinois Highway Code; Department of
4 Transportation, counties, and municipalities; for limiting
5 freeway access.

6 (605 ILCS 5/8-103); Illinois Highway Code; Department of
7 Transportation, counties, and municipalities; for freeway
8 purposes.

9 (605 ILCS 5/8-106); Illinois Highway Code; Department of
10 Transportation and counties; for relocation of existing
11 crossings for freeway purposes.

12 (605 ILCS 5/9-113); Illinois Highway Code; highway
13 authorities; for utility and other uses in rights-of-ways.

14 (605 ILCS 5/10-302); Illinois Highway Code; counties; for
15 bridge purposes.

16 (605 ILCS 5/10-602); Illinois Highway Code; municipalities;
17 for ferry and bridge purposes.

18 (605 ILCS 5/10-702); Illinois Highway Code; municipalities;
19 for bridge purposes.

20 (605 ILCS 5/10-901); Illinois Highway Code; Department of
21 Transportation; for ferry property.

22 (605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway
23 Authority; for toll highway purposes.

24 (605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll
25 Highway Authority; for its authorized purposes.

26 (605 ILCS 10/10); Toll Highway Act; Illinois State Toll

1 Highway Authority; for property of a municipality or
2 political subdivision for toll highway purposes.

3 (605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge
4 purposes.

5 (605 ILCS 115/15); Toll Bridge Act; counties; for the purpose
6 of taking a toll bridge to make it a free bridge.

7 (605 ILCS 130/80); Public Private Agreements for the Illiana
8 Expressway Act; Department of Transportation; for the
9 Illiana Expressway project.

10 (610 ILCS 5/17); Railroad Incorporation Act; railroad
11 corporation; for real estate for railroad purposes.

12 (610 ILCS 5/18); Railroad Incorporation Act; railroad
13 corporations; for materials for railways.

14 (610 ILCS 5/19); Railroad Incorporation Act; railways; for
15 land along highways.

16 (610 ILCS 70/1); Railroad Powers Act; purchasers and lessees
17 of railroad companies; for railroad purposes.

18 (610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act;
19 street railroad companies; for street railroad purposes.

20 (615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of
21 Natural Resources; for land along public waters for
22 pleasure, recreation, or sport purposes.

23 (615 ILCS 10/7.8); Illinois Waterway Act; Department of
24 Natural Resources; for waterways and appurtenances.

25 (615 ILCS 15/7); Flood Control Act of 1945; Department of
26 Natural Resources; for the purposes of the Act.

1 (615 ILCS 30/9); Illinois and Michigan Canal Management Act;
2 Department of Natural Resources; for dams, locks, and
3 improvements.

4 (615 ILCS 45/10); Illinois and Michigan Canal Development Act;
5 Department of Natural Resources; for development and
6 management of the canal.

7 (620 ILCS 5/72); Illinois Aeronautics Act; Division of
8 Aeronautics of the Department of Transportation; for
9 airport purposes.

10 (620 ILCS 5/73); Illinois Aeronautics Act; Division of
11 Aeronautics of the Department of Transportation; for
12 removal of airport hazards.

13 (620 ILCS 5/74); Illinois Aeronautics Act; Division of
14 Aeronautics of the Department of Transportation; for
15 airport purposes.

16 (620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics
17 of the Department of Transportation; for air rights.

18 (620 ILCS 40/2 and 40/3); General County Airport and Landing
19 Field Act; counties; for airport purposes.

20 (620 ILCS 40/5); General County Airport and Landing Field Act;
21 counties; for removing hazards.

22 (620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of
23 directors of airports and landing fields; for airport and
24 landing field purposes.

25 (620 ILCS 50/22 and 50/31); County Airports Act; counties; for
26 airport purposes.

1 (620 ILCS 50/24); County Airports Act; counties; for removal
2 of airport hazards.

3 (620 ILCS 50/26); County Airports Act; counties; for
4 acquisition of airport protection privileges.

5 (620 ILCS 52/15); County Air Corridor Protection Act;
6 counties; for airport zones.

7 (620 ILCS 55/1); East St. Louis Airport Act; Department of
8 Transportation; for airport in East St. Louis metropolitan
9 area.

10 (620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the
11 O'Hare modernization program, including quick-take power.

12 (620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for
13 the South Suburban Airport Act; Department of
14 Transportation; for South Suburban Airport purposes.

15 (625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State;
16 for general purposes.

17 (625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers;
18 for railroad purposes, including quick-take power.

19 (630 ILCS 10/60); Innovations for Transportation
20 Infrastructure Act; for the purposes of constructing a
21 transportation facility under the Act.

22 (Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff.
23 7-25-13; 98-756, eff. 7-16-14; revised 9-12-22.)

24 (735 ILCS 30/15-5-48)

25 Sec. 15-5-48. Eminent domain powers in new Acts. The

1 following provisions of law may include express grants of the
2 power to acquire property by condemnation or eminent domain:

3 (Reserved). ~~The Innovations for Transportation~~
4 ~~Infrastructure Act; for the purposes of constructing a~~
5 ~~transportation facility under the Act.~~

6 (Source: P.A. 102-1094, eff. 6-15-22; revised 9-12-22.)

7 Section 715. The Stalking No Contact Order Act is amended
8 by changing Sections 20 and 70 as follows:

9 (740 ILCS 21/20)

10 Sec. 20. Commencement of action; filing fees.

11 (a) An action for a stalking no contact order is
12 commenced:

13 (1) independently, by filing a petition for a stalking
14 no contact order in any civil court, unless specific
15 courts are designated by local rule or order; or

16 (2) in conjunction with a delinquency petition or a
17 criminal prosecution as provided in Article 112A of the
18 Code of Criminal Procedure of 1963.

19 (a-1) A petition for a stalking no contact order may be
20 filed in person ~~in person~~ or online.

21 (a-5) When a petition for an emergency stalking no contact
22 order is filed, the petition and file shall not be public and
23 shall only be accessible to the court, law enforcement,
24 petitioner, victim advocate, counsel of record for either

1 party, and ~~the~~ State's Attorney for the county until the
2 petition is served on the respondent.

3 (b) Withdrawal or dismissal of any petition for a stalking
4 no contact order prior to adjudication where the petitioner is
5 represented by the State shall operate as a dismissal without
6 prejudice. No action for a stalking no contact order shall be
7 dismissed because the respondent is being prosecuted for a
8 crime against the petitioner. For any action commenced under
9 item (2) of subsection (a) of this Section, dismissal of the
10 conjoined case (or a finding of not guilty) shall not require
11 dismissal of the action for a stalking no contact order;
12 instead, it may be treated as an independent action and, if
13 necessary and appropriate, transferred to a different court or
14 division.

15 (c) No fee shall be charged by the clerk of the court for
16 filing petitions or modifying or certifying orders. No fee
17 shall be charged by the sheriff for service by the sheriff of a
18 petition, rule, motion, or order in an action commenced under
19 this Section.

20 (d) The court shall provide, through the office of the
21 clerk of the court, simplified forms for filing of a petition
22 under this Section by any person not represented by counsel.

23 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22;
24 102-853, eff. 1-1-23; revised 12-14-22.)

1 Sec. 70. Hearings.

2 (a) A petition for a stalking no contact order shall be
3 treated as an expedited proceeding, and no court may transfer
4 or otherwise decline to decide all or part of such petition.
5 Nothing in this Section shall prevent the court from reserving
6 issues if jurisdiction or notice requirements are not met.

7 (b) A court in a county with a population above 250,000
8 shall offer the option of a remote hearing to a petitioner for
9 a stalking no contact order. The court has the discretion to
10 grant or deny the request for a remote hearing. Each court
11 shall determine the procedure for a remote hearing. The
12 petitioner and respondent may appear remotely or in person
13 ~~in person~~.

14 The court shall issue and publish a court order, standing
15 order, or local rule detailing information about the process
16 for requesting and participating in a remote court appearance.
17 The court order, standing order, or local rule shall be
18 published on the court's website and posted on signs
19 throughout the courthouse, including in the clerk's office.
20 The sign shall be written in plain language and include
21 information about the availability of remote court appearances
22 and the process for requesting a remote hearing.

23 (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

24 Section 720. The Civil No Contact Order Act is amended by
25 changing Sections 202 and 210 as follows:

1 (740 ILCS 22/202)

2 Sec. 202. Commencement of action; filing fees.

3 (a) An action for a civil no contact order is commenced:

4 (1) independently, by filing a petition for a civil no
5 contact order in any civil court, unless specific courts
6 are designated by local rule or order; or

7 (2) in conjunction with a delinquency petition or a
8 criminal prosecution as provided in Article 112A of the
9 Code of Criminal Procedure of 1963.

10 (a-1) A petition for a civil no contact order may be filed
11 in person ~~in person~~ or online.

12 (a-5) When a petition for an emergency civil no contact
13 order is filed, the petition and file shall not be public and
14 shall only be accessible to the court, law enforcement,
15 petitioner, rape crisis advocate, counsel of record for either
16 party, and ~~the~~ State's Attorney for the county until the
17 petition is served on the respondent.

18 (b) Withdrawal or dismissal of any petition for a civil no
19 contact order prior to adjudication where the petitioner is
20 represented by the State shall operate as a dismissal without
21 prejudice. No action for a civil no contact order shall be
22 dismissed because the respondent is being prosecuted for a
23 crime against the petitioner. For any action commenced under
24 item (2) of subsection (a) of this Section, dismissal of the
25 conjoined case (or a finding of not guilty) shall not require

1 dismissal of the action for a civil no contact order; instead,
2 it may be treated as an independent action and, if necessary
3 and appropriate, transferred to a different court or division.

4 (c) No fee shall be charged by the clerk of the court for
5 filing petitions or modifying or certifying orders. No fee
6 shall be charged by the sheriff for service by the sheriff of a
7 petition, rule, motion, or order in an action commenced under
8 this Section.

9 (d) The court shall provide, through the office of the
10 clerk of the court, simplified forms for filing of a petition
11 under this Section by any person not represented by counsel.

12 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22;
13 102-853, eff. 1-1-23; revised 12-14-22.)

14 (740 ILCS 22/210)

15 Sec. 210. Hearings.

16 (a) A petition for a civil no contact order shall be
17 treated as an expedited proceeding, and no court may transfer
18 or otherwise decline to decide all or part of such petition.
19 Nothing in this Section shall prevent the court from reserving
20 issues if jurisdiction or notice requirements are not met.

21 (b) A court in a county with a population above 250,000
22 shall offer the option of a remote hearing to a petitioner for
23 a civil no contact order. The court has the discretion to grant
24 or deny the request for a remote hearing. Each court shall
25 determine the procedure for a remote hearing. The petitioner

1 and respondent may appear remotely or in person ~~in person~~.

2 The court shall issue and publish a court order, standing
3 order, or local rule detailing information about the process
4 for requesting and participating in a remote court appearance.
5 The court order, standing order, or local rule shall be
6 published on the court's website and posted on signs
7 throughout the courthouse, including in the clerk's office.
8 The sign shall be written in plain language and include
9 information about the availability of remote court appearances
10 and the process for requesting a remote hearing.

11 (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

12 Section 725. The Crime Victims Compensation Act is amended
13 by changing Section 2 as follows:

14 (740 ILCS 45/2)

15 (Text of Section before amendment by P.A. 102-982)

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

18 (a) "Applicant" means any person who applies for
19 compensation under this Act or any person the Court of Claims
20 or the Attorney General finds is entitled to compensation,
21 including the guardian of a minor or of a person under legal
22 disability. It includes any person who was a dependent of a
23 deceased victim of a crime of violence for his or her support
24 at the time of the death of that victim.

1 The changes made to this subsection by Public Act 101-652
2 ~~this amendatory Act of the 101st General Assembly~~ apply to
3 actions commenced or pending on or after January 1, 2022.

4 (b) "Court of Claims" means the Court of Claims created by
5 the Court of Claims Act.

6 (c) "Crime of violence" means and includes any offense
7 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
8 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
9 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
10 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
11 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
12 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
13 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
14 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
15 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
16 the Cemetery Protection Act, Section 125 of the Stalking No
17 Contact Order Act, Section 219 of the Civil No Contact Order
18 Act, driving under the influence as defined in Section 11-501
19 of the Illinois Vehicle Code, a violation of Section 11-401 of
20 the Illinois Vehicle Code, provided the victim was a
21 pedestrian or was operating a vehicle moved solely by human
22 power or a mobility device at the time of contact, and a
23 violation of Section 11-204.1 of the Illinois Vehicle Code; so
24 long as the offense did not occur during a civil riot,
25 insurrection or rebellion. "Crime of violence" does not
26 include any other offense or accident involving a motor

1 vehicle except those vehicle offenses specifically provided
2 for in this paragraph. "Crime of violence" does include all of
3 the offenses specifically provided for in this paragraph that
4 occur within this State but are subject to federal
5 jurisdiction and crimes involving terrorism as defined in 18
6 U.S.C. 2331.

7 (d) "Victim" means (1) a person killed or injured in this
8 State as a result of a crime of violence perpetrated or
9 attempted against him or her, (2) the spouse, parent, or child
10 of a person killed or injured in this State as a result of a
11 crime of violence perpetrated or attempted against the person,
12 or anyone living in the household of a person killed or injured
13 in a relationship that is substantially similar to that of a
14 parent, spouse, or child, (3) a person killed or injured in
15 this State while attempting to assist a person against whom a
16 crime of violence is being perpetrated or attempted, if that
17 attempt of assistance would be expected of a reasonable person
18 under the circumstances, (4) a person killed or injured in
19 this State while assisting a law enforcement official
20 apprehend a person who has perpetrated a crime of violence or
21 prevent the perpetration of any such crime if that assistance
22 was in response to the express request of the law enforcement
23 official, (5) a person who personally witnessed a violent
24 crime, (5.05) a person who will be called as a witness by the
25 prosecution to establish a necessary nexus between the
26 offender and the violent crime, (5.1) solely for the purpose

1 of compensating for pecuniary loss incurred for psychological
2 treatment of a mental or emotional condition caused or
3 aggravated by the crime, any other person under the age of 18
4 who is the brother, sister, half brother, or half sister of a
5 person killed or injured in this State as a result of a crime
6 of violence, (6) an Illinois resident who is a victim of a
7 "crime of violence" as defined in this Act except, if the crime
8 occurred outside this State, the resident has the same rights
9 under this Act as if the crime had occurred in this State upon
10 a showing that the state, territory, country, or political
11 subdivision of a country in which the crime occurred does not
12 have a compensation of victims of crimes law for which that
13 Illinois resident is eligible, (7) a deceased person whose
14 body is dismembered or whose remains are desecrated as the
15 result of a crime of violence, or (8) solely for the purpose of
16 compensating for pecuniary loss incurred for psychological
17 treatment of a mental or emotional condition caused or
18 aggravated by the crime, any parent, spouse, or child under
19 the age of 18 of a deceased person whose body is dismembered or
20 whose remains are desecrated as the result of a crime of
21 violence.

22 (e) "Dependent" means a relative of a deceased victim who
23 was wholly or partially dependent upon the victim's income at
24 the time of his or her death and shall include the child of a
25 victim born after his or her death.

26 (f) "Relative" means a spouse, parent, grandparent,

1 stepfather, stepmother, child, grandchild, brother,
2 brother-in-law, sister, sister-in-law, half brother, half
3 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
4 living in the household of a person killed or injured in a
5 relationship that is substantially similar to that of a
6 parent, spouse, or child.

7 (g) "Child" means a son or daughter and includes a
8 stepchild, an adopted child or a child born out of wedlock.

9 (h) "Pecuniary loss" means, in the case of injury,
10 appropriate medical expenses and hospital expenses including
11 expenses of medical examinations, rehabilitation, medically
12 required nursing care expenses, appropriate psychiatric care
13 or psychiatric counseling expenses, appropriate expenses for
14 care or counseling by a licensed clinical psychologist,
15 licensed clinical social worker, licensed professional
16 counselor, or licensed clinical professional counselor and
17 expenses for treatment by Christian Science practitioners and
18 nursing care appropriate thereto; transportation expenses to
19 and from medical and counseling treatment facilities;
20 prosthetic appliances, eyeglasses, and hearing aids necessary
21 or damaged as a result of the crime; expenses incurred for the
22 towing and storage of a victim's vehicle in connection with a
23 crime of violence, to a maximum of \$1,000; costs associated
24 with trafficking tattoo removal by a person authorized or
25 licensed to perform the specific removal procedure;
26 replacement costs for clothing and bedding used as evidence;

1 costs associated with temporary lodging or relocation
2 necessary as a result of the crime, including, but not limited
3 to, the first month's rent and security deposit of the
4 dwelling that the claimant relocated to and other reasonable
5 relocation expenses incurred as a result of the violent crime;
6 locks or windows necessary or damaged as a result of the crime;
7 the purchase, lease, or rental of equipment necessary to
8 create usability of and accessibility to the victim's real and
9 personal property, or the real and personal property which is
10 used by the victim, necessary as a result of the crime; the
11 costs of appropriate crime scene clean-up; replacement
12 services loss, to a maximum of \$1,250 per month; dependents
13 replacement services loss, to a maximum of \$1,250 per month;
14 loss of tuition paid to attend grammar school or high school
15 when the victim had been enrolled as a student prior to the
16 injury, or college or graduate school when the victim had been
17 enrolled as a day or night student prior to the injury when the
18 victim becomes unable to continue attendance at school as a
19 result of the crime of violence perpetrated against him or
20 her; loss of earnings, loss of future earnings because of
21 disability resulting from the injury, and, in addition, in the
22 case of death, expenses for funeral, burial, and travel and
23 transport for survivors of homicide victims to secure bodies
24 of deceased victims and to transport bodies for burial all of
25 which may be awarded up to a maximum of \$10,000 and loss of
26 support of the dependents of the victim; in the case of

1 dismemberment or desecration of a body, expenses for funeral
2 and burial, all of which may be awarded up to a maximum of
3 \$10,000. Loss of future earnings shall be reduced by any
4 income from substitute work actually performed by the victim
5 or by income he or she would have earned in available
6 appropriate substitute work he or she was capable of
7 performing but unreasonably failed to undertake. Loss of
8 earnings, loss of future earnings and loss of support shall be
9 determined on the basis of the victim's average net monthly
10 earnings for the 6 months immediately preceding the date of
11 the injury or on \$2,400 per month, whichever is less or, in
12 cases where the absences commenced more than 3 years from the
13 date of the crime, on the basis of the net monthly earnings for
14 the 6 months immediately preceding the date of the first
15 absence, not to exceed \$2,400 per month. If a divorced or
16 legally separated applicant is claiming loss of support for a
17 minor child of the deceased, the amount of support for each
18 child shall be based either on the amount of support pursuant
19 to the judgment prior to the date of the deceased victim's
20 injury or death, or, if the subject of pending litigation
21 filed by or on behalf of the divorced or legally separated
22 applicant prior to the injury or death, on the result of that
23 litigation. Real and personal property includes, but is not
24 limited to, vehicles, houses, apartments, town houses, or
25 condominiums. Pecuniary loss does not include pain and
26 suffering or property loss or damage.

1 The changes made to this subsection by Public Act 101-652
2 ~~this amendatory Act of the 101st General Assembly~~ apply to
3 actions commenced or pending on or after January 1, 2022.

4 (i) "Replacement services loss" means expenses reasonably
5 incurred in obtaining ordinary and necessary services in lieu
6 of those the injured person would have performed, not for
7 income, but for the benefit of himself or herself or his or her
8 family, if he or she had not been injured.

9 (j) "Dependents replacement services loss" means loss
10 reasonably incurred by dependents or private legal guardians
11 of minor dependents after a victim's death in obtaining
12 ordinary and necessary services in lieu of those the victim
13 would have performed, not for income, but for their benefit,
14 if he or she had not been fatally injured.

15 (k) "Survivor" means immediate family including a parent,
16 stepfather, stepmother, child, brother, sister, or spouse.

17 (l) "Parent" means a natural parent, adopted parent,
18 stepparent, or permanent legal guardian of another person.

19 (m) "Trafficking tattoo" is a tattoo which is applied to a
20 victim in connection with the commission of a violation of
21 Section 10-9 of the Criminal Code of 2012.

22 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
23 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; revised 12-14-22.)

24 (Text of Section after amendment by P.A. 102-982)

25 Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Applicant" means any person who applies for
3 compensation under this Act or any person the Court of Claims
4 or the Attorney General finds is entitled to compensation,
5 including the guardian of a minor or of a person under legal
6 disability. It includes any person who was a dependent of a
7 deceased victim of a crime of violence for his or her support
8 at the time of the death of that victim.

9 The changes made to this subsection by Public Act 101-652
10 ~~this amendatory Act of the 101st General Assembly~~ apply to
11 actions commenced or pending on or after January 1, 2022.

12 (b) "Court of Claims" means the Court of Claims created by
13 the Court of Claims Act.

14 (c) "Crime of violence" means and includes any offense
15 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
16 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
17 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
18 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
19 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
20 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
21 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
22 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
23 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
24 the Cemetery Protection Act, Section 125 of the Stalking No
25 Contact Order Act, Section 219 of the Civil No Contact Order
26 Act, driving under the influence as defined in Section 11-501

1 of the Illinois Vehicle Code, a violation of Section 11-401 of
2 the Illinois Vehicle Code, provided the victim was a
3 pedestrian or was operating a vehicle moved solely by human
4 power or a mobility device at the time of contact, and a
5 violation of Section 11-204.1 of the Illinois Vehicle Code; so
6 long as the offense did not occur during a civil riot,
7 insurrection or rebellion. "Crime of violence" does not
8 include any other offense or crash involving a motor vehicle
9 except those vehicle offenses specifically provided for in
10 this paragraph. "Crime of violence" does include all of the
11 offenses specifically provided for in this paragraph that
12 occur within this State but are subject to federal
13 jurisdiction and crimes involving terrorism as defined in 18
14 U.S.C. 2331.

15 (d) "Victim" means (1) a person killed or injured in this
16 State as a result of a crime of violence perpetrated or
17 attempted against him or her, (2) the spouse, parent, or child
18 of a person killed or injured in this State as a result of a
19 crime of violence perpetrated or attempted against the person,
20 or anyone living in the household of a person killed or injured
21 in a relationship that is substantially similar to that of a
22 parent, spouse, or child, (3) a person killed or injured in
23 this State while attempting to assist a person against whom a
24 crime of violence is being perpetrated or attempted, if that
25 attempt of assistance would be expected of a reasonable person
26 under the circumstances, (4) a person killed or injured in

1 this State while assisting a law enforcement official
2 apprehend a person who has perpetrated a crime of violence or
3 prevent the perpetration of any such crime if that assistance
4 was in response to the express request of the law enforcement
5 official, (5) a person who personally witnessed a violent
6 crime, (5.05) a person who will be called as a witness by the
7 prosecution to establish a necessary nexus between the
8 offender and the violent crime, (5.1) solely for the purpose
9 of compensating for pecuniary loss incurred for psychological
10 treatment of a mental or emotional condition caused or
11 aggravated by the crime, any other person under the age of 18
12 who is the brother, sister, half brother, or half sister of a
13 person killed or injured in this State as a result of a crime
14 of violence, (6) an Illinois resident who is a victim of a
15 "crime of violence" as defined in this Act except, if the crime
16 occurred outside this State, the resident has the same rights
17 under this Act as if the crime had occurred in this State upon
18 a showing that the state, territory, country, or political
19 subdivision of a country in which the crime occurred does not
20 have a compensation of victims of crimes law for which that
21 Illinois resident is eligible, (7) a deceased person whose
22 body is dismembered or whose remains are desecrated as the
23 result of a crime of violence, or (8) solely for the purpose of
24 compensating for pecuniary loss incurred for psychological
25 treatment of a mental or emotional condition caused or
26 aggravated by the crime, any parent, spouse, or child under

1 the age of 18 of a deceased person whose body is dismembered or
2 whose remains are desecrated as the result of a crime of
3 violence.

4 (e) "Dependent" means a relative of a deceased victim who
5 was wholly or partially dependent upon the victim's income at
6 the time of his or her death and shall include the child of a
7 victim born after his or her death.

8 (f) "Relative" means a spouse, parent, grandparent,
9 stepfather, stepmother, child, grandchild, brother,
10 brother-in-law, sister, sister-in-law, half brother, half
11 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
12 living in the household of a person killed or injured in a
13 relationship that is substantially similar to that of a
14 parent, spouse, or child.

15 (g) "Child" means a son or daughter and includes a
16 stepchild, an adopted child or a child born out of wedlock.

17 (h) "Pecuniary loss" means, in the case of injury,
18 appropriate medical expenses and hospital expenses including
19 expenses of medical examinations, rehabilitation, medically
20 required nursing care expenses, appropriate psychiatric care
21 or psychiatric counseling expenses, appropriate expenses for
22 care or counseling by a licensed clinical psychologist,
23 licensed clinical social worker, licensed professional
24 counselor, or licensed clinical professional counselor and
25 expenses for treatment by Christian Science practitioners and
26 nursing care appropriate thereto; transportation expenses to

1 and from medical and counseling treatment facilities;
2 prosthetic appliances, eyeglasses, and hearing aids necessary
3 or damaged as a result of the crime; expenses incurred for the
4 towing and storage of a victim's vehicle in connection with a
5 crime of violence, to a maximum of \$1,000; costs associated
6 with trafficking tattoo removal by a person authorized or
7 licensed to perform the specific removal procedure;
8 replacement costs for clothing and bedding used as evidence;
9 costs associated with temporary lodging or relocation
10 necessary as a result of the crime, including, but not limited
11 to, the first month's rent and security deposit of the
12 dwelling that the claimant relocated to and other reasonable
13 relocation expenses incurred as a result of the violent crime;
14 locks or windows necessary or damaged as a result of the crime;
15 the purchase, lease, or rental of equipment necessary to
16 create usability of and accessibility to the victim's real and
17 personal property, or the real and personal property which is
18 used by the victim, necessary as a result of the crime; the
19 costs of appropriate crime scene clean-up; replacement
20 services loss, to a maximum of \$1,250 per month; dependents
21 replacement services loss, to a maximum of \$1,250 per month;
22 loss of tuition paid to attend grammar school or high school
23 when the victim had been enrolled as a student prior to the
24 injury, or college or graduate school when the victim had been
25 enrolled as a day or night student prior to the injury when the
26 victim becomes unable to continue attendance at school as a

1 result of the crime of violence perpetrated against him or
2 her; loss of earnings, loss of future earnings because of
3 disability resulting from the injury, and, in addition, in the
4 case of death, expenses for funeral, burial, and travel and
5 transport for survivors of homicide victims to secure bodies
6 of deceased victims and to transport bodies for burial all of
7 which may be awarded up to a maximum of \$10,000 and loss of
8 support of the dependents of the victim; in the case of
9 dismemberment or desecration of a body, expenses for funeral
10 and burial, all of which may be awarded up to a maximum of
11 \$10,000. Loss of future earnings shall be reduced by any
12 income from substitute work actually performed by the victim
13 or by income he or she would have earned in available
14 appropriate substitute work he or she was capable of
15 performing but unreasonably failed to undertake. Loss of
16 earnings, loss of future earnings and loss of support shall be
17 determined on the basis of the victim's average net monthly
18 earnings for the 6 months immediately preceding the date of
19 the injury or on \$2,400 per month, whichever is less or, in
20 cases where the absences commenced more than 3 years from the
21 date of the crime, on the basis of the net monthly earnings for
22 the 6 months immediately preceding the date of the first
23 absence, not to exceed \$2,400 per month. If a divorced or
24 legally separated applicant is claiming loss of support for a
25 minor child of the deceased, the amount of support for each
26 child shall be based either on the amount of support pursuant

1 to the judgment prior to the date of the deceased victim's
2 injury or death, or, if the subject of pending litigation
3 filed by or on behalf of the divorced or legally separated
4 applicant prior to the injury or death, on the result of that
5 litigation. Real and personal property includes, but is not
6 limited to, vehicles, houses, apartments, town houses, or
7 condominiums. Pecuniary loss does not include pain and
8 suffering or property loss or damage.

9 The changes made to this subsection by Public Act 101-652
10 ~~this amendatory Act of the 101st General Assembly~~ apply to
11 actions commenced or pending on or after January 1, 2022.

12 (i) "Replacement services loss" means expenses reasonably
13 incurred in obtaining ordinary and necessary services in lieu
14 of those the injured person would have performed, not for
15 income, but for the benefit of himself or herself or his or her
16 family, if he or she had not been injured.

17 (j) "Dependents replacement services loss" means loss
18 reasonably incurred by dependents or private legal guardians
19 of minor dependents after a victim's death in obtaining
20 ordinary and necessary services in lieu of those the victim
21 would have performed, not for income, but for their benefit,
22 if he or she had not been fatally injured.

23 (k) "Survivor" means immediate family including a parent,
24 stepfather, stepmother, child, brother, sister, or spouse.

25 (l) "Parent" means a natural parent, adopted parent,
26 stepparent, or permanent legal guardian of another person.

1 (m) "Trafficking tattoo" is a tattoo which is applied to a
2 victim in connection with the commission of a violation of
3 Section 10-9 of the Criminal Code of 2012.

4 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
5 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff.
6 7-1-23; revised 12-14-22.)

7 Section 730. The Illinois Domestic Violence Act of 1986 is
8 amended by changing Sections 202, 212, and 217 as follows:

9 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

10 Sec. 202. Commencement of action; filing fees; dismissal.

11 (a) How to commence action. Actions for orders of
12 protection are commenced:

13 (1) Independently: By filing a petition for an order
14 of protection in any civil court, unless specific courts
15 are designated by local rule or order.

16 (2) In conjunction with another civil proceeding: By
17 filing a petition for an order of protection under the
18 same case number as another civil proceeding involving the
19 parties, including, but not limited to: (i) any proceeding
20 under the Illinois Marriage and Dissolution of Marriage
21 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
22 and Children Act, or Revised Uniform Reciprocal
23 Enforcement of Support Act or an action for nonsupport
24 brought under Article X of the Illinois Public Aid Code,

1 provided that a petitioner and the respondent are a party
2 to or the subject of that proceeding or (ii) a
3 guardianship proceeding under the Probate Act of 1975, or
4 a proceeding for involuntary commitment under the Mental
5 Health and Developmental Disabilities Code, or any
6 proceeding, other than a delinquency petition, under the
7 Juvenile Court Act of 1987, provided that a petitioner or
8 the respondent is a party to or the subject of such
9 proceeding.

10 (3) In conjunction with a delinquency petition or a
11 criminal prosecution as provided in Section 112A-20 of the
12 Code of Criminal Procedure of 1963.

13 (a-1) A petition for an order of protection may be filed in
14 person ~~in person~~ or online.

15 (a-5) When a petition for an emergency order of protection
16 is filed, the petition shall not be publicly available until
17 the petition is served on the respondent.

18 (b) Filing, certification, and service fees. No fee shall
19 be charged by the clerk for filing, amending, vacating,
20 certifying, or photocopying petitions or orders; or for
21 issuing alias summons; or for any related filing service. No
22 fee shall be charged by the sheriff for service by the sheriff
23 of a petition, rule, motion, or order in an action commenced
24 under this Section.

25 (c) Dismissal and consolidation. Withdrawal or dismissal
26 of any petition for an order of protection prior to

1 adjudication where the petitioner is represented by the State
2 shall operate as a dismissal without prejudice. No action for
3 an order of protection shall be dismissed because the
4 respondent is being prosecuted for a crime against the
5 petitioner. An independent action may be consolidated with
6 another civil proceeding, as provided by paragraph (2) of
7 subsection (a) of this Section. For any action commenced under
8 paragraph (2) or (3) of subsection (a) of this Section,
9 dismissal of the conjoined case (or a finding of not guilty)
10 shall not require dismissal of the action for the order of
11 protection; instead, it may be treated as an independent
12 action and, if necessary and appropriate, transferred to a
13 different court or division. Dismissal of any conjoined case
14 shall not affect the validity of any previously issued order
15 of protection, and thereafter subsections (b) (1) and (b) (2) of
16 Section 220 shall be inapplicable to such order.

17 (d) Pro se petitions. The court shall provide, through the
18 office of the clerk of the court, simplified forms and
19 clerical assistance to help with the writing and filing of a
20 petition under this Section by any person not represented by
21 counsel. In addition, that assistance may be provided by the
22 State's Attorney ~~state's attorney~~.

23 (e) As provided in this subsection, the administrative
24 director of the Administrative Office of the Illinois Courts,
25 with the approval of the administrative board of the courts,
26 may adopt rules to establish and implement a pilot program to

1 allow the electronic filing of petitions for temporary orders
2 of protection and the issuance of such orders by audio-visual
3 means to accommodate litigants for whom attendance in court to
4 file for and obtain emergency relief would constitute an undue
5 hardship or would constitute a risk of harm to the litigant.

6 (1) As used in this subsection:

7 (A) "Electronic means" means any method of
8 transmission of information between computers or other
9 machines designed for the purpose of sending or
10 receiving electronic transmission and that allows for
11 the recipient of information to reproduce the
12 information received in a tangible medium of
13 expression.

14 (B) "Independent audio-visual system" means an
15 electronic system for the transmission and receiving
16 of audio and visual signals, including those with the
17 means to preclude the unauthorized reception and
18 decoding of the signals by commercially available
19 television receivers, channel converters, or other
20 available receiving devices.

21 (C) "Electronic appearance" means an appearance in
22 which one or more of the parties are not present in the
23 court, but in which, by means of an independent
24 audio-visual system, all of the participants are
25 simultaneously able to see and hear reproductions of
26 the voices and images of the judge, counsel, parties,

1 witnesses, and any other participants.

2 (2) Any pilot program under this subsection (e) shall
3 be developed by the administrative director or his or her
4 delegate in consultation with at least one local
5 organization providing assistance to domestic violence
6 victims. The program plan shall include, but not be
7 limited to:

8 (A) identification of agencies equipped with or
9 that have access to an independent audio-visual system
10 and electronic means for filing documents; and

11 (B) identification of one or more organizations
12 who are trained and available to assist petitioners in
13 preparing and filing petitions for temporary orders of
14 protection and in their electronic appearances before
15 the court to obtain such orders; and

16 (C) identification of the existing resources
17 available in local family courts for the
18 implementation and oversight of the pilot program; and

19 (D) procedures for filing petitions and documents
20 by electronic means, swearing in the petitioners and
21 witnesses, preparation of a transcript of testimony
22 and evidence presented, and a prompt transmission of
23 any orders issued to the parties; and

24 (E) a timeline for implementation and a plan for
25 informing the public about the availability of the
26 program; and

1 (F) a description of the data to be collected in
2 order to evaluate and make recommendations for
3 improvements to the pilot program.

4 (3) In conjunction with an electronic appearance, any
5 petitioner for an ex parte temporary order of protection
6 may, using the assistance of a trained advocate if
7 necessary, commence the proceedings by filing a petition
8 by electronic means.

9 (A) A petitioner who is seeking an ex parte
10 temporary order of protection using an electronic
11 appearance must file a petition in advance of the
12 appearance and may do so electronically.

13 (B) The petitioner must show that traveling to or
14 appearing in court would constitute an undue hardship
15 or create a risk of harm to the petitioner. In granting
16 or denying any relief sought by the petitioner, the
17 court shall state the names of all participants and
18 whether it is granting or denying an appearance by
19 electronic means and the basis for such a
20 determination. A party is not required to file a
21 petition or other document by electronic means or to
22 testify by means of an electronic appearance.

23 (C) Nothing in this subsection (e) affects or
24 changes any existing laws governing the service of
25 process, including requirements for personal service
26 or the sealing and confidentiality of court records in

1 court proceedings or access to court records by the
2 parties to the proceedings.

3 (4) Appearances.

4 (A) All electronic appearances by a petitioner
5 seeking an ex parte temporary order of protection
6 under this subsection (e) are strictly voluntary and
7 the court shall obtain the consent of the petitioner
8 on the record at the commencement of each appearance.

9 (B) Electronic appearances under this subsection
10 (e) shall be recorded and preserved for transcription.
11 Documentary evidence, if any, referred to by a party
12 or witness or the court may be transmitted and
13 submitted and introduced by electronic means.

14 (Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23;
15 revised 12-13-22.)

16 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

17 Sec. 212. Hearings.

18 (a) A petition for an order of protection shall be treated
19 as an expedited proceeding, and no court shall transfer or
20 otherwise decline to decide all or part of such petition
21 except as otherwise provided herein. Nothing in this Section
22 shall prevent the court from reserving issues when
23 jurisdiction or notice requirements are not met.

24 (b) Any court or a division thereof which ordinarily does
25 not decide matters of child custody and family support may

1 decline to decide contested issues of physical care, custody,
2 visitation, or family support unless a decision on one or more
3 of those contested issues is necessary to avoid the risk of
4 abuse, neglect, removal from the State ~~state~~ or concealment
5 within the State ~~state~~ of the child or of separation of the
6 child from the primary caretaker. If the court or division
7 thereof has declined to decide any or all of these issues, then
8 it shall transfer all undecided issues to the appropriate
9 court or division. In the event of such a transfer, a
10 government attorney involved in the criminal prosecution may,
11 but need not, continue to offer counsel to the petitioner on
12 transferred matters.

13 (c) If the court transfers or otherwise declines to decide
14 any issue, judgment on that issue shall be expressly reserved
15 and ruling on other issues shall not be delayed or declined.

16 (d) A court in a county with a population above 250,000
17 shall offer the option of a remote hearing to a petitioner for
18 an order of protection. The court has the discretion to grant
19 or deny the request for a remote hearing. Each court shall
20 determine the procedure for a remote hearing. The petitioner
21 and respondent may appear remotely or in person ~~in-person~~.

22 The court shall issue and publish a court order, standing
23 order, or local rule detailing information about the process
24 for requesting and participating in a remote court appearance.
25 The court order, standing order, or local rule shall be
26 published on the court's website and posted on signs

1 throughout the courthouse, including in the clerk's office.
2 The sign shall be written in plain language and include
3 information about the availability of remote court appearances
4 and the process for requesting a remote hearing.

5 (Source: P.A. 102-853, eff. 1-1-23; revised 12-13-22.)

6 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

7 Sec. 217. Emergency order of protection.

8 (a) Prerequisites. An emergency order of protection shall
9 issue if petitioner satisfies the requirements of this
10 subsection for one or more of the requested remedies. For each
11 remedy requested, the petitioner shall establish that:

12 (1) The court has jurisdiction under Section 208;

13 (2) The requirements of Section 214 are satisfied; and

14 (3) There is good cause to grant the remedy,
15 regardless of prior service of process or of notice upon
16 the respondent, because:

17 (i) For the remedies of "prohibition of abuse"
18 described in Section 214(b)(1), "stay away order and
19 additional prohibitions" described in Section
20 214(b)(3), "removal or concealment of minor child"
21 described in Section 214(b)(8), "order to appear"
22 described in Section 214(b)(9), "physical care and
23 possession of the minor child" described in Section
24 214(b)(5), "protection of property" described in
25 Section 214(b)(11), "prohibition of entry" described

1 in Section 214(b)(14), "prohibition of firearm
2 possession" described in Section 214(b)(14.5),
3 "prohibition of access to records" described in
4 Section 214(b)(15), and "injunctive relief" described
5 in Section 214(b)(16), the harm which that remedy is
6 intended to prevent would be likely to occur if the
7 respondent were given any prior notice, or greater
8 notice than was actually given, of the petitioner's
9 efforts to obtain judicial relief;

10 (ii) For the remedy of "grant of exclusive
11 possession of residence" described in Section
12 214(b)(2), the immediate danger of further abuse of
13 the petitioner by the respondent, if the petitioner
14 chooses or had chosen to remain in the residence or
15 household while the respondent was given any prior
16 notice or greater notice than was actually given of
17 the petitioner's efforts to obtain judicial relief,
18 outweighs the hardships to the respondent of an
19 emergency order granting the petitioner exclusive
20 possession of the residence or household. This remedy
21 shall not be denied because the petitioner has or
22 could obtain temporary shelter elsewhere while prior
23 notice is given to the respondent, unless the
24 hardships to respondent from exclusion from the home
25 substantially outweigh those to the petitioner;

26 (iii) For the remedy of "possession of personal

1 property" described in Section 214(b)(10), improper
2 disposition of the personal property would be likely
3 to occur if the respondent were given any prior
4 notice, or greater notice than was actually given, of
5 the petitioner's efforts to obtain judicial relief, or
6 the petitioner has an immediate and pressing need for
7 possession of that property.

8 An emergency order may not include the counseling, legal
9 custody, payment of support, or monetary compensation
10 remedies.

11 (a-5) When a petition for an emergency order of protection
12 is granted, the order and file shall not be public and shall
13 only be accessible to the court, the petitioner, law
14 enforcement, a domestic violence advocate or counselor, the
15 counsel of record for either party, and the State's Attorney
16 for the county until the order is served on the respondent.

17 (b) Appearance by respondent. If the respondent appears in
18 court for this hearing for an emergency order, he or she may
19 elect to file a general appearance and testify. Any resulting
20 order may be an emergency order, governed by this Section.
21 Notwithstanding the requirements of this Section, if all
22 requirements of Section 218 have been met, the court may issue
23 a 30-day interim order.

24 (c) Emergency orders: court holidays and evenings.

25 (1) Prerequisites. When the court is unavailable at
26 the close of business, the petitioner may file a petition

1 for a 21-day emergency order before any available circuit
2 judge or associate judge who may grant relief under this
3 Act. If the judge finds that there is an immediate and
4 present danger of abuse to the petitioner and that the
5 petitioner has satisfied the prerequisites set forth in
6 subsection (a) of Section 217, that judge may issue an
7 emergency order of protection.

8 (1.5) Issuance of order. The chief judge of the
9 circuit court may designate for each county in the circuit
10 at least one judge to be reasonably available to issue
11 orally, by telephone, by facsimile, or otherwise, an
12 emergency order of protection at all times, whether or not
13 the court is in session.

14 (2) Certification and transfer. The judge who issued
15 the order under this Section shall promptly communicate or
16 convey the order to the sheriff to facilitate the entry of
17 the order into the Law Enforcement Agencies Data System by
18 the Illinois State Police pursuant to Section 302. Any
19 order issued under this Section and any documentation in
20 support thereof shall be certified on the next court day
21 to the appropriate court. The clerk of that court shall
22 immediately assign a case number, file the petition, order
23 and other documents with the court, and enter the order of
24 record and file it with the sheriff for service, in
25 accordance with Section 222. Filing the petition shall
26 commence proceedings for further relief under Section 202.

1 Failure to comply with the requirements of this subsection
2 shall not affect the validity of the order.

3 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;
4 102-831, eff. 5-13-22; revised 7-29-22.)

5 Section 735. The Trusts for Employees Act is amended by
6 changing the title of the Act and Sections 1 and 2 as follows:

7 (760 ILCS 40/Act title)

8 An Act concerning trusts for employees ~~employes~~, including
9 their beneficiaries.

10 (760 ILCS 40/1) (from Ch. 48, par. 39t)

11 Sec. 1. A trust created as a part of a plan for the benefit
12 of some or all of the employees ~~employes~~ of one or more
13 employers, including, but without limitation, a stock bonus,
14 pension, disability, death benefit, profit sharing,
15 unemployment benefit or other plan, for the purpose of
16 distributing for the benefit of the employees ~~employes~~,
17 including their beneficiaries, the earnings or the principal,
18 or both earnings and principal, of the fund held in trust, may
19 continue in perpetuity or for such time as may be necessary to
20 accomplish the purpose for which it is created, and shall not
21 be invalid as violating any rule of law against perpetuities
22 or suspension of the power of alienation of the title to
23 property.

1 (Source: Laws 1957, p. 305; revised 8-23-22.)

2 (760 ILCS 40/2) (from Ch. 48, par. 39u)

3 Sec. 2. No rule of law against perpetuities or suspension
4 of the power of alienation of the title to property shall
5 operate to invalidate any trust heretofore created or
6 attempted to be created by an employer as part of a stock
7 bonus, pension, disability, death benefit, or profit sharing
8 plan for the benefit of some or all of his employees ~~employees~~
9 to which contributions are made by the employer or employees
10 ~~employees~~ or both, for the purpose of distributing to the
11 employees ~~employees~~ earnings or principal or both earnings and
12 principal of the fund held in trust, unless the trust is
13 terminated by a court of competent jurisdiction in a suit
14 instituted within three years after the effective date of this
15 Act.

16 (Source: Laws 1945, p. 761; revised 8-23-22.)

17 Section 740. The Property Owned By Noncitizens Act is
18 amended by changing Section 8 as follows:

19 (765 ILCS 60/8) (from Ch. 6, par. 8)

20 Sec. 8. An act in regard to aliens ~~noncitizens~~ and to
21 restrict their right to acquire and hold real and personal
22 estate and to provide for the disposition of the lands now
23 owned by non-resident aliens ~~noncitizens~~, approved June 16,

1 1887, and in force July 1, 1887, and all other acts and parts
2 of acts in conflict with this act, are hereby repealed.

3 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-23-22.)

4 Section 745. The Illinois Human Rights Act is amended by
5 changing Section 1-103 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

7 Sec. 1-103. General definitions. When used in this Act,
8 unless the context requires otherwise, the term:

9 (A) Age. "Age" means the chronological age of a person who
10 is at least 40 years old, except with regard to any practice
11 described in Section 2-102, insofar as that practice concerns
12 training or apprenticeship programs. In the case of training
13 or apprenticeship programs, for the purposes of Section 2-102,
14 "age" means the chronological age of a person who is 18 but not
15 yet 40 years old.

16 (B) Aggrieved party. "Aggrieved party" means a person who
17 is alleged or proved to have been injured by a civil rights
18 violation or believes he or she will be injured by a civil
19 rights violation under Article 3 that is about to occur.

20 (B-5) Arrest record. "Arrest record" means:

21 (1) an arrest not leading to a conviction;

22 (2) a juvenile record; or

23 (3) criminal history record information ordered
24 expunged, sealed, or impounded under Section 5.2 of the

1 Criminal Identification Act.

2 (C) Charge. "Charge" means an allegation filed with the
3 Department by an aggrieved party or initiated by the
4 Department under its authority.

5 (D) Civil rights violation. "Civil rights violation"
6 includes and shall be limited to only those specific acts set
7 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
8 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
9 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

10 (E) Commission. "Commission" means the Human Rights
11 Commission created by this Act.

12 (F) Complaint. "Complaint" means the formal pleading filed
13 by the Department with the Commission following an
14 investigation and finding of substantial evidence of a civil
15 rights violation.

16 (G) Complainant. "Complainant" means a person including
17 the Department who files a charge of civil rights violation
18 with the Department or the Commission.

19 (G-5) Conviction record. "Conviction record" means
20 information indicating that a person has been convicted of a
21 felony, misdemeanor or other criminal offense, placed on
22 probation, fined, imprisoned, or paroled pursuant to any law
23 enforcement or military authority.

24 (H) Department. "Department" means the Department of Human
25 Rights created by this Act.

26 (I) Disability.

1 (1) "Disability" means a determinable physical or mental
2 characteristic of a person, including, but not limited to, a
3 determinable physical characteristic which necessitates the
4 person's use of a guide, hearing or support dog, the history of
5 such characteristic, or the perception of such characteristic
6 by the person complained against, which may result from
7 disease, injury, congenital condition of birth or functional
8 disorder and which characteristic:

9 (a) For purposes of Article 2, is unrelated to the
10 person's ability to perform the duties of a particular job
11 or position and, pursuant to Section 2-104 of this Act, a
12 person's illegal use of drugs or alcohol is not a
13 disability;

14 (b) For purposes of Article 3, is unrelated to the
15 person's ability to acquire, rent, or maintain a housing
16 accommodation;

17 (c) For purposes of Article 4, is unrelated to a
18 person's ability to repay;

19 (d) For purposes of Article 5, is unrelated to a
20 person's ability to utilize and benefit from a place of
21 public accommodation;

22 (e) For purposes of Article 5, also includes any
23 mental, psychological, or developmental disability,
24 including autism spectrum disorders.

25 (2) Discrimination based on disability includes unlawful
26 discrimination against an individual because of the

1 individual's association with a person with a disability.

2 (J) Marital status. "Marital status" means the legal
3 status of being married, single, separated, divorced, or
4 widowed.

5 (J-1) Military status. "Military status" means a person's
6 status on active duty in or status as a veteran of the armed
7 forces of the United States, status as a current member or
8 veteran of any reserve component of the armed forces of the
9 United States, including the United States Army Reserve,
10 United States Marine Corps Reserve, United States Navy
11 Reserve, United States Air Force Reserve, and United States
12 Coast Guard Reserve, or status as a current member or veteran
13 of the Illinois Army National Guard or Illinois Air National
14 Guard.

15 (K) National origin. "National origin" means the place in
16 which a person or one of his or her ancestors was born.

17 (K-5) "Order of protection status" means a person's status
18 as being a person protected under an order of protection
19 issued pursuant to the Illinois Domestic Violence Act of 1986,
20 Article 112A of the Code of Criminal Procedure of 1963, the
21 Stalking No Contact Order Act, or the Civil No Contact Order
22 Act, or an order of protection issued by a court of another
23 state.

24 (L) Person. "Person" includes one or more individuals,
25 partnerships, associations or organizations, labor
26 organizations, labor unions, joint apprenticeship committees,

1 or union labor associations, corporations, the State of
2 Illinois and its instrumentalities, political subdivisions,
3 units of local government, legal representatives, trustees in
4 bankruptcy or receivers.

5 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
6 or medical or common conditions related to pregnancy or
7 childbirth.

8 (M) Public contract. "Public contract" includes every
9 contract to which the State, any of its political
10 subdivisions, or any municipal corporation is a party.

11 (M-5) Race. "Race" includes traits associated with race,
12 including, but not limited to, hair texture and protective
13 hairstyles such as braids, locks, and twists.

14 (N) Religion. "Religion" includes all aspects of religious
15 observance and practice, as well as belief, except that with
16 respect to employers, for the purposes of Article 2,
17 "religion" has the meaning ascribed to it in paragraph (F) of
18 Section 2-101.

19 (O) Sex. "Sex" means the status of being male or female.

20 (O-1) Sexual orientation. "Sexual orientation" means
21 actual or perceived heterosexuality, homosexuality,
22 bisexuality, or gender-related identity, whether or not
23 traditionally associated with the person's designated sex at
24 birth. "Sexual orientation" does not include a physical or
25 sexual attraction to a minor by an adult.

26 (O-5) Source of income. "Source of income" means the

1 lawful manner by which an individual supports himself or
2 herself and his or her dependents.

3 (P) Unfavorable military discharge. "Unfavorable military
4 discharge" includes discharges from the Armed Forces of the
5 United States, their Reserve components, or any National Guard
6 or Naval Militia which are classified as RE-3 or the
7 equivalent thereof, but does not include those characterized
8 as RE-4 or "Dishonorable".

9 (Q) Unlawful discrimination. "Unlawful discrimination"
10 means discrimination against a person because of his or her
11 actual or perceived: race, color, religion, national origin,
12 ancestry, age, sex, marital status, order of protection
13 status, disability, military status, sexual orientation,
14 pregnancy, or unfavorable discharge from military service as
15 those terms are defined in this Section.

16 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;
17 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.
18 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813,
19 eff. 5-13-22; 102-896, eff. 1-1-23; 102-1102, eff. 1-1-23;
20 revised 12-14-22.)

21 Section 750. The Illinois Integrity, Notification, and
22 Fairness in Online Retail Marketplaces for Consumers (INFORM
23 Consumers) Act is amended by changing Section 1-10 as follows:

24 (815 ILCS 356/1-10)

1 Sec. 1-10. Online marketplace verification.

2 (a) Online marketplaces shall require that any high-volume
3 third-party seller on the online marketplace's platform
4 provide the online marketplace with the following information
5 no later than 10 days after qualifying as a high-volume
6 third-party seller on the platform:

7 (1) A bank account number, or, if the high-volume
8 third-party seller does not have a bank account, the name
9 of the payee for payments issued by the online marketplace
10 to the high-volume third-party seller. The bank account or
11 payee information required may be provided by the seller
12 to the online marketplace or other third parties
13 contracted by the online marketplace to maintain the
14 information, so long as the online marketplace ensures
15 that it can obtain the information on demand from the
16 other third parties.

17 (2) The contact information for the high-volume
18 third-party seller. If the high-volume third-party seller
19 is an individual, the individual's name shall be provided.
20 If the high-volume third-party seller is not an
21 individual, a copy of a valid government-issued
22 identification for an individual acting on behalf of the
23 seller that includes the individual's name or a copy of a
24 valid government-issued record or tax document that
25 includes the business name and physical address of the
26 seller shall be provided.

1 (3) A business tax identification number or, if the
2 high-volume third-party seller does not have a business
3 tax identification number, a taxpayer identification
4 number.

5 (4) A current working email address and phone number
6 for the high-volume third-party seller.

7 (b) An online marketplace shall periodically, but not less
8 than annually, notify any high-volume third-party seller on
9 the online marketplace's platform of the requirement to keep
10 any information collected under subsection (a) current and
11 require any high-volume third-party seller on the online
12 marketplace's platform to, not later than 10 days after
13 receiving the notice, electronically certify that:

14 (1) the high-volume third-party seller has provided
15 any changes to the information to the online marketplace,
16 if such changes have occurred;

17 (2) there have been no changes to the high-volume
18 third-party seller's information; or

19 (3) the high-volume third-party seller has provided
20 any changes to such information to the online marketplace.

21 (c) If a high-volume third-party seller does not provide
22 the information or certification required under this Section,
23 the online marketplace, after providing the seller with
24 written or electronic notice and an opportunity to provide the
25 information or certification not later than 10 days after the
26 issuance of the notice, shall suspend any future sales

1 activity of the seller until the seller provides the
2 information or certification.

3 (d) An online marketplace shall verify the information
4 collected under subsection (a) no later than 10 days after the
5 collection and shall verify any change to the information not
6 later than 10 days after being notified of the change by a
7 high-volume third-party seller under subsection (b). If a
8 high-volume third-party seller provides a copy of a valid
9 government-issued tax document, any information contained in
10 the document shall be presumed to be verified as of the date of
11 issuance of the document.

12 (e) An online marketplace shall require any high-volume
13 third-party seller with an aggregate total of \$20,000 or more
14 in annual gross revenues on the online marketplace, and that
15 uses the online marketplace's platform, to provide information
16 to the online marketplace that includes the identity of the
17 high-volume third-party seller, including:

18 (1) the full name of the seller or seller's company
19 name, or the name by which the seller or company operates
20 on the online marketplace;

21 (2) the physical address of the seller;

22 (3) the contact information of the seller including a
23 current working phone number; a current working email
24 address for the seller; or other means of direct
25 electronic messaging that may be provided to the
26 high-volume third-party seller by the online marketplace

1 to allow for the direct, unhindered communication with
2 high-volume third-party sellers by users of the online
3 marketplace; and

4 (4) whether the high-volume third-party seller used a
5 different seller to supply consumer products to consumers
6 upon purchase, and, upon the request of a consumer, the
7 information described in paragraph (1) of this subsection
8 (e) relating to any such seller that supplied the consumer
9 product to the consumer, if the seller is different from
10 the high-volume third-party seller listed on the product
11 listing prior to purchase.

12 (f) An online marketplace shall provide to consumers the
13 information in subsection (e) in a conspicuous manner: (i) in
14 the order confirmation message or other document or
15 communication made to a consumer after a purchase is
16 finalized; and (ii) in the consumer's account transaction
17 history.

18 (g) Upon the request of a high-volume third-party seller,
19 an online marketplace may provide for partial disclosure of
20 the identity information required under subsection (e) as
21 follows:

22 (1) If the high-volume third-party seller certifies to
23 the online marketplace that the seller does not have a
24 business address and only has a residential street
25 address, or has a combined business and residential
26 address, the online marketplace may disclose only the

1 country and, if applicable, the state in which the
2 high-volume third-party seller resides; and inform
3 consumers that there is no business address available for
4 the seller and that consumer inquiries should be submitted
5 to the seller by phone, email, or other means of
6 electronic messaging provided to the seller by the online
7 marketplace.

8 (2) If the high-volume third-party seller certifies to
9 the online marketplace that the seller is a business that
10 has a physical address for product returns, the online
11 marketplace may disclose the seller's physical address for
12 product returns.

13 (3) If a high-volume third-party seller certifies to
14 the online marketplace that the seller does not have a
15 phone number other than a personal phone number, the
16 online marketplace shall inform consumers that there is no
17 phone number available for the seller and that consumer
18 inquiries should be submitted to the seller's email
19 address or other means of electronic messaging provided to
20 the seller by the online marketplace.

21 (h) If an online marketplace becomes aware that a
22 high-volume third-party seller has made a false representation
23 to the online marketplace in order to justify the provision of
24 a partial disclosure under subsection (g) or that a
25 high-volume third-party seller who has requested and received
26 a provision for a partial disclosure under subsection (g) has

1 not provided responsive answers within a reasonable time to
2 consumer inquiries submitted to the seller by phone, email, or
3 other means of electronic messaging provided to the seller by
4 the online marketplace, the online marketplace shall, after
5 providing the seller with written or electronic notice and an
6 opportunity to respond not later than 10 days after the
7 issuance of the notice, suspend any future sales activity of
8 the seller unless the seller consents to the disclosure of the
9 identity information required under subsection (e).

10 (i) If a high-volume third-party seller does not comply
11 with the requirements to provide and disclose information
12 under this Section, the online marketplace, after providing
13 the seller with written or electronic notice and an
14 opportunity to provide or disclose the information not later
15 than 10 days after the issuance of the notice, shall suspend
16 any future sales activity of the seller until the seller
17 complies with the requirements.

18 (j) An online marketplace shall disclose to consumers in a
19 clear and conspicuous manner on the product listing of any
20 high-volume third-party seller a reporting mechanism that
21 allows for electronic and telephonic reporting of suspicious
22 marketplace activity to the online marketplace.

23 (k) Information collected solely to comply with the
24 requirements of this Section may not be used for any other
25 purpose unless required by law. An online marketplace shall
26 implement and maintain reasonable security procedures and

1 practices, including administrative, physical, and technical
2 safeguards, appropriate to the nature of the data and the
3 purposes for which the data will be used, to protect the data
4 collected under this Section from unauthorized use,
5 disclosure, access, destruction, or modification.
6 Notwithstanding anything to the contrary in this subsection,
7 the Attorney General may request, by subpoena or otherwise,
8 and use any information collected to comply with the
9 requirements of this Section to enforce the provisions of this
10 Act as set forth in subsection (1).

11 (1) If the Attorney General has reason to believe that any
12 person has violated this Act, the Attorney General may bring
13 an action in the name of the People of the State against the
14 person to restrain by preliminary or permanent injunction the
15 use of such a method, act, or practice. The court, in its
16 discretion, may exercise all powers necessary, including, but
17 not limited to: injunction; revocation, forfeiture, or
18 suspension of any license, charter, franchise, certificate, or
19 other evidence of authority of any person to do business in
20 this State; appointment of a receiver; dissolution of domestic
21 corporations or associations or suspension or termination of
22 the right of foreign corporations or associations to do
23 business in this State; and restitution. In the administration
24 of this Section, the Attorney General may accept an Assurance
25 of Voluntary Compliance with respect to any method, act, or
26 practice deemed to be violative of this Act from any person who

1 has engaged in, is engaging in, or was about ~~ab~~ to engage in
2 such a method, act, or practice. Evidence of a violation of an
3 Assurance of Voluntary Compliance shall be prima facie
4 evidence of a violation of this Act in any subsequent
5 proceeding brought by the Attorney General against the alleged
6 violator. The Attorney General shall be empowered to issue
7 subpoenas to or examine under oath any person alleged to have
8 participated in or to have knowledge of the alleged method,
9 act, or practice in violation of this Act. Nothing in this Act
10 creates or is intended to create a private right of action
11 against any high-volume third-party seller, online marketplace
12 seller, or third-party seller based upon compliance or
13 noncompliance with its provisions.

14 (m) To the extent that a substantially similar federal law
15 or regulation conflicts with this Act, the federal law or
16 regulation controls.

17 (Source: P.A. 102-757, eff. 1-1-23; revised 12-19-22.)

18 Section 755. The Animal Parts and Products Ban Act is
19 amended by changing the title of the Act as follows:

20 (815 ILCS 357/Act title)

21 An Act concerning animal parts and products ~~ivory~~.

22 Section 760. The Consumer Fraud and Deceptive Business
23 Practices Act is amended by changing Sections 2AA and 2EE as

1 follows:

2 (815 ILCS 505/2AA)

3 Sec. 2AA. Immigration services.

4 (a) "Immigration matter" means any proceeding, filing, or
5 action affecting the nonimmigrant, immigrant or citizenship
6 status of any person that arises under immigration and
7 naturalization law, executive order or presidential
8 proclamation of the United States or any foreign country, or
9 that arises under action of the United States Citizenship and
10 Immigration Services, the United States Department of Labor,
11 or the United States Department of State.

12 "Immigration assistance service" means any information or
13 action provided or offered to customers or prospective
14 customers related to immigration matters, excluding legal
15 advice, recommending a specific course of legal action, or
16 providing any other assistance that requires legal analysis,
17 legal judgment, or interpretation of the law.

18 "Compensation" means money, property, services, promise of
19 payment, or anything else of value.

20 "Employed by" means that a person is on the payroll of the
21 employer and the employer deducts from the employee's paycheck
22 social security and withholding taxes, or receives
23 compensation from the employer on a commission basis or as an
24 independent contractor.

25 "Reasonable costs" means actual costs or, if actual costs

1 cannot be calculated, reasonably estimated costs of such
2 things as photocopying, telephone calls, document requests,
3 and filing fees for immigration forms, and other nominal costs
4 incidental to assistance in an immigration matter.

5 (a-1) The General Assembly finds and declares that private
6 individuals who assist persons with immigration matters have a
7 significant impact on the ability of their clients to reside
8 and work within the United States and to establish and
9 maintain stable families and business relationships. The
10 General Assembly further finds that that assistance and its
11 impact also have a significant effect on the cultural, social,
12 and economic life of the State of Illinois and thereby
13 substantially affect the public interest. It is the intent of
14 the General Assembly to establish rules of practice and
15 conduct for those individuals to promote honesty and fair
16 dealing with residents and to preserve public confidence.

17 (a-5) The following persons are exempt from this Section,
18 provided they prove the exemption by a preponderance of the
19 evidence:

20 (1) An attorney licensed to practice law in any state
21 or territory of the United States, or of any foreign
22 country when authorized by the Illinois Supreme Court, to
23 the extent the attorney renders immigration assistance
24 service in the course of his or her practice as an
25 attorney.

26 (2) A legal intern, as described by the rules of the

1 Illinois Supreme Court, employed by and under the direct
2 supervision of a licensed attorney and rendering
3 immigration assistance service in the course of the
4 intern's employment.

5 (3) A not-for-profit organization recognized by the
6 Board of Immigration Appeals under 8 CFR 292.2(a) and
7 employees of those organizations accredited under 8 CFR
8 292.2(d).

9 (4) Any organization employing or desiring to employ a
10 documented or undocumented immigrant or nonimmigrant,
11 where the organization, its employees or its agents
12 provide advice or assistance in immigration matters to
13 documented or undocumented immigrant or nonimmigrant
14 employees or potential employees without compensation from
15 the individuals to whom such advice or assistance is
16 provided.

17 Nothing in this Section shall regulate any business to the
18 extent that such regulation is prohibited or preempted by
19 State or federal law.

20 All other persons providing or offering to provide
21 immigration assistance service shall be subject to this
22 Section.

23 (b) Any person who provides or offers to provide
24 immigration assistance service may perform only the following
25 services:

26 (1) Completing a government agency form, requested by

1 the customer and appropriate to the customer's needs, only
2 if the completion of that form does not involve a legal
3 judgment for that particular matter.

4 (2) Transcribing responses to a government agency form
5 which is related to an immigration matter, but not
6 advising a customer as to his or her answers on those
7 forms.

8 (3) Translating information on forms to a customer and
9 translating the customer's answers to questions posed on
10 those forms.

11 (4) Securing for the customer supporting documents
12 currently in existence, such as birth and marriage
13 certificates, which may be needed to be submitted with
14 government agency forms.

15 (5) Translating documents from a foreign language into
16 English.

17 (6) Notarizing signatures on government agency forms,
18 if the person performing the service is a notary public of
19 the State of Illinois.

20 (7) Making referrals, without fee, to attorneys who
21 could undertake legal representation for a person in an
22 immigration matter.

23 (8) Preparing or arranging for the preparation of
24 photographs and fingerprints.

25 (9) Arranging for the performance of medical testing
26 (including X-rays and AIDS tests) and the obtaining of

1 reports of such test results.

2 (10) Conducting English language and civics courses.

3 (11) Other services that the Attorney General
4 determines by rule may be appropriately performed by such
5 persons in light of the purposes of this Section.

6 Fees for a notary public, agency, or any other person who
7 is not an attorney or an accredited representative filling out
8 immigration forms shall be limited to the maximum fees set
9 forth in subsections (a) and (b) of Section 3-104 of the
10 Illinois Notary Public Act ~~(5 ILCS 312/3-104)~~. The maximum fee
11 schedule set forth in subsections (a) and (b) of Section 3-104
12 of the Illinois Notary Public Act shall apply to any person
13 that provides or offers to provide immigration assistance
14 service performing the services described therein. The
15 Attorney General may promulgate rules establishing maximum
16 fees that may be charged for any services not described in that
17 subsection. The maximum fees must be reasonable in light of
18 the costs of providing those services and the degree of
19 professional skill required to provide the services.

20 No person subject to this Act shall charge fees directly
21 or indirectly for referring an individual to an attorney or
22 for any immigration matter not authorized by this Article,
23 provided that a person may charge a fee for notarizing
24 documents as permitted by the Illinois Notary Public Act.

25 (c) Any person performing such services shall register
26 with the Illinois Attorney General and submit verification of

1 malpractice insurance or of a surety bond.

2 (d) Except as provided otherwise in this subsection,
3 before providing any assistance in an immigration matter a
4 person shall provide the customer with a written contract that
5 includes the following:

6 (1) An explanation of the services to be performed.

7 (2) Identification of all compensation and costs to be
8 charged to the customer for the services to be performed.

9 (3) A statement that documents submitted in support of
10 an application for nonimmigrant, immigrant, or
11 naturalization status may not be retained by the person
12 for any purpose, including payment of compensation or
13 costs.

14 This subsection does not apply to a not-for-profit
15 organization that provides advice or assistance in immigration
16 matters to clients without charge beyond a reasonable fee to
17 reimburse the organization's or clinic's reasonable costs
18 relating to providing immigration services to that client.

19 (e) Any person who provides or offers immigration
20 assistance service and is not exempted from this Section,
21 shall post signs at his or her place of business, setting forth
22 information in English and in every other language in which
23 the person provides or offers to provide immigration
24 assistance service. Each language shall be on a separate sign.
25 Signs shall be posted in a location where the signs will be
26 visible to customers. Each sign shall be at least 11 inches by

1 17 inches, and shall contain the following:

2 (1) The statement "I AM NOT AN ATTORNEY LICENSED TO
3 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES
4 FOR LEGAL ADVICE."

5 (2) The statement "I AM NOT ACCREDITED TO REPRESENT
6 YOU BEFORE THE UNITED STATES IMMIGRATION AND
7 NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF
8 APPEALS."

9 (3) The fee schedule.

10 (4) The statement that "You may cancel any contract
11 within 3 working days and get your money back for services
12 not performed."

13 (5) Additional information the Attorney General may
14 require by rule.

15 Every person engaged in immigration assistance service who
16 is not an attorney who advertises immigration assistance
17 service in a language other than English, whether by radio,
18 television, signs, pamphlets, newspapers, or other written
19 communication, with the exception of a single desk plaque,
20 shall include in the document, advertisement, stationery,
21 letterhead, business card, or other comparable written
22 material the following notice in English and the language in
23 which the written communication appears. This notice shall be
24 of a conspicuous size, if in writing, and shall state: "I AM
25 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY
26 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.". If

1 such advertisement is by radio or television, the statement
2 may be modified but must include substantially the same
3 message.

4 Any person who provides or offers immigration assistance
5 service and is not exempted from this Section shall not, in any
6 document, advertisement, stationery, letterhead, business
7 card, or other comparable written material, literally
8 translate from English into another language terms or titles
9 including, but not limited to, notary public, notary,
10 licensed, attorney, lawyer, or any other term that implies the
11 person is an attorney. To illustrate, the words "notario" and
12 "poder notarial" are prohibited under this provision.

13 If not subject to penalties under subsection (a) of
14 Section 3-103 of the Illinois Notary Public Act ~~(5 ILCS~~
15 ~~312/3-103)~~, violations of this subsection shall result in a
16 fine of \$1,000. Violations shall not preempt or preclude
17 additional appropriate civil or criminal penalties.

18 (f) The written contract shall be in both English and in
19 the language of the customer.

20 (g) A copy of the contract shall be provided to the
21 customer upon the customer's execution of the contract.

22 (h) A customer has the right to rescind a contract within
23 72 hours after his or her signing of the contract.

24 (i) Any documents identified in paragraph (3) of
25 subsection (c) shall be returned upon demand of the customer.

26 (j) No person engaged in providing immigration services

1 who is not exempted under this Section shall do any of the
2 following:

3 (1) Make any statement that the person can or will
4 obtain special favors from or has special influence with
5 the United States Immigration and Naturalization Service
6 or any other government agency.

7 (2) Retain any compensation for service not performed.

8 (2.5) Accept payment in exchange for providing legal
9 advice or any other assistance that requires legal
10 analysis, legal judgment, or interpretation of the law.

11 (3) Refuse to return documents supplied by, prepared
12 on behalf of, or paid for by the customer upon the request
13 of the customer. These documents must be returned upon
14 request even if there is a fee dispute between the
15 immigration assistant and the customer.

16 (4) Represent or advertise, in connection with the
17 provision of assistance in immigration matters, other
18 titles of credentials, including, but not limited to
19 "notary public" or "immigration consultant," that could
20 cause a customer to believe that the person possesses
21 special professional skills or is authorized to provide
22 advice on an immigration matter; provided that a notary
23 public appointed by the Illinois Secretary of State may
24 use the term "notary public" if the use is accompanied by
25 the statement that the person is not an attorney; the term
26 "notary public" may not be translated to another language;

1 for example "notario" is prohibited.

2 (5) Provide legal advice, recommend a specific course
3 of legal action, or provide any other assistance that
4 requires legal analysis, legal judgment, or interpretation
5 of the law.

6 (6) Make any misrepresentation or ~~of~~ false statement,
7 directly or indirectly, to influence, persuade, or induce
8 patronage.

9 (k) (Blank).

10 (l) (Blank).

11 (m) Any person who violates any provision of this Section,
12 or the rules and regulations issued under this Section, shall
13 be guilty of a Class A misdemeanor for a first offense and a
14 Class 3 felony for a second or subsequent offense committed
15 within 5 years of a previous conviction for the same offense.

16 Upon his own information or upon the complaint of any
17 person, the Attorney General or any State's Attorney, or a
18 municipality with a population of more than 1,000,000, may
19 maintain an action for injunctive relief and also seek a civil
20 penalty not exceeding \$50,000 in the circuit court against any
21 person who violates any provision of this Section. These
22 remedies are in addition to, and not in substitution for,
23 other available remedies.

24 If the Attorney General or any State's Attorney or a
25 municipality with a population of more than 1,000,000 fails to
26 bring an action as provided under this Section any person may

1 file a civil action to enforce the provisions of this Article
2 and maintain an action for injunctive relief, for compensatory
3 damages to recover prohibited fees, or for such additional
4 relief as may be appropriate to deter, prevent, or compensate
5 for the violation. In order to deter violations of this
6 Section, courts shall not require a showing of the traditional
7 elements for equitable relief. A prevailing plaintiff may be
8 awarded 3 times the prohibited fees or a minimum of \$1,000 in
9 punitive damages, attorney's fees, and costs of bringing an
10 action under this Section. It is the express intention of the
11 General Assembly that remedies for violation of this Section
12 be cumulative.

13 (n) No unit of local government, including any home rule
14 unit, shall have the authority to regulate immigration
15 assistance services unless such regulations are at least as
16 stringent as those contained in Public Act 87-1211. It is
17 declared to be the law of this State, pursuant to paragraph (i)
18 of Section 6 of Article VII of the Illinois Constitution of
19 1970, that Public Act 87-1211 is a limitation on the authority
20 of a home rule unit to exercise powers concurrently with the
21 State. The limitations of this Section do not apply to a home
22 rule unit that has, prior to January 1, 1993 (the effective
23 date of Public Act 87-1211), adopted an ordinance regulating
24 immigration assistance services.

25 (o) This Section is severable under Section 1.31 of the
26 Statute on Statutes.

1 (p) The Attorney General shall issue rules not
2 inconsistent with this Section for the implementation,
3 administration, and enforcement of this Section. The rules may
4 provide for the following:

5 (1) The content, print size, and print style of the
6 signs required under subsection (e). Print sizes and
7 styles may vary from language to language.

8 (2) Standard forms for use in the administration of
9 this Section.

10 (3) Any additional requirements deemed necessary.

11 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-19-22.)

12 (815 ILCS 505/2EE)

13 Sec. 2EE. Alternative retail electric supplier selection.

14 (a) An alternative retail electric supplier shall not
15 submit or execute a change in a consumer's selection of a
16 provider of electric service unless and until:

17 (i) the alternative retail electric supplier first
18 discloses all material terms and conditions of the offer
19 to the consumer;

20 (ii) if the consumer is a small commercial retail
21 customer as that term is defined in subsection (c) of this
22 Section or a residential consumer, the alternative retail
23 electric supplier discloses the utility electric supply
24 price to compare, which shall be the sum of the electric
25 supply charge and the transmission services charge, and

1 shall not include the purchased electricity adjustment,
2 applicable at the time the offer is made to the consumer;

3 (iii) if the consumer is a small commercial retail
4 customer as that term is defined in subsection (c) of this
5 Section or a residential consumer, the alternative retail
6 electric provider discloses the following statement:

7 "(Name of the alternative retail electric
8 supplier) is not the same entity as your electric
9 delivery company. You are not required to enroll with
10 (name of alternative retail electric supplier). As of
11 (effective date), the electric supply price to compare
12 is currently (price in cents per kilowatt hour). The
13 electric utility electric supply price will expire on
14 (expiration date). The utility electric supply price
15 to compare does not include the purchased electricity
16 adjustment factor. For more information go to the
17 Illinois Commerce Commission's free website at
18 www.pluginillinois.org".

19 If applicable, the statement shall include the
20 following statement:

21 "The purchased electricity adjustment factor may
22 range between +.5 cents and -.5 cents per kilowatt
23 hour.";

24 (iv) the alternative retail electric supplier has
25 obtained the consumer's express agreement to accept the
26 offer after the disclosure of all material terms and

1 conditions of the offer; and

2 (v) the alternative retail electric supplier has
3 confirmed the request for a change in accordance with one
4 of the following procedures:

5 (A) The new alternative retail electric supplier
6 has obtained the consumer's written or electronically
7 signed authorization in a form that meets the
8 following requirements:

9 (1) An alternative retail electric supplier
10 shall obtain any necessary written or
11 electronically signed authorization from a
12 consumer for a change in electric service by using
13 a letter of agency as specified in this Section.
14 Any letter of agency that does not conform with
15 this Section is invalid.

16 (2) The letter of agency shall be a separate
17 document (an easily separable document containing
18 only the authorization language described in
19 subparagraph (5)) whose sole purpose is to
20 authorize an electric service provider change. The
21 letter of agency must be signed and dated by the
22 consumer requesting the electric service provider
23 change.

24 (3) The letter of agency shall not be combined
25 with inducements of any kind on the same document.

26 (4) Notwithstanding subparagraphs (1) and (2),

1 the letter of agency may be combined with checks
2 that contain only the required letter of agency
3 language prescribed in subparagraph (5) and the
4 necessary information to make the check a
5 negotiable instrument. The letter of agency check
6 shall not contain any promotional language or
7 material. The letter of agency check shall contain
8 in easily readable, bold-face type on the face of
9 the check, a notice that the consumer is
10 authorizing an electric service provider change by
11 signing the check. The letter of agency language
12 also shall be placed near the signature line on
13 the back of the check.

14 (5) At a minimum, the letter of agency must be
15 printed with a print of sufficient size to be
16 clearly legible, and must contain clear and
17 unambiguous language that confirms:

18 (i) The consumer's billing name and
19 address;

20 (ii) The decision to change the electric
21 service provider from the current provider to
22 the prospective provider;

23 (iii) The terms, conditions, and nature of
24 the service to be provided to the consumer
25 must be clearly and conspicuously disclosed,
26 in writing, and an alternative retail electric

1 supplier must directly establish the rates for
2 the service contracted for by the consumer;
3 and

4 (iv) That the consumer understand that any
5 alternative retail electric supplier selection
6 the consumer chooses may involve a charge to
7 the consumer for changing the consumer's
8 electric service provider.

9 (6) Letters of agency shall not suggest or
10 require that a consumer take some action in order
11 to retain the consumer's current electric service
12 provider.

13 (7) If any portion of a letter of agency is
14 translated into another language, then all
15 portions of the letter of agency must be
16 translated into that language.

17 (B) An appropriately qualified independent third
18 party has obtained, in accordance with the procedures
19 set forth in this subsection (b), the consumer's oral
20 authorization to change electric suppliers that
21 confirms and includes appropriate verification data.
22 The independent third party (i) must not be owned,
23 managed, controlled, or directed by the supplier or
24 the supplier's marketing agent; (ii) must not have any
25 financial incentive to confirm supplier change
26 requests for the supplier or the supplier's marketing

1 agent; and (iii) must operate in a location physically
2 separate from the supplier or the supplier's marketing
3 agent.

4 Automated third-party verification systems and
5 3-way conference calls may be used for verification
6 purposes so long as the other requirements of this
7 subsection (b) are satisfied.

8 A supplier or supplier's sales representative
9 initiating a 3-way conference call or a call through
10 an automated verification system must drop off the
11 call once the 3-way connection has been established.

12 All third-party verification methods shall elicit,
13 at a minimum, the following information: (i) the
14 identity of the consumer; (ii) confirmation that the
15 person on the call is the account holder, has been
16 specifically and explicitly authorized by the account
17 holder, or possesses lawful authority to make the
18 supplier change; (iii) confirmation that the person on
19 the call wants to make the supplier change; (iv) the
20 names of the suppliers affected by the change; (v) the
21 service address of the supply to be switched; and (vi)
22 the price of the service to be supplied and the
23 material terms and conditions of the service being
24 offered, including whether any early termination fees
25 apply. Third-party verifiers may not market the
26 supplier's services by providing additional

1 information, including information regarding
2 procedures to block or otherwise freeze an account
3 against further changes.

4 All third-party verifications shall be conducted
5 in the same language that was used in the underlying
6 sales transaction and shall be recorded in their
7 entirety. Submitting suppliers shall maintain and
8 preserve audio records of verification of subscriber
9 authorization for a minimum period of 2 years after
10 obtaining the verification. Automated systems must
11 provide consumers with an option to speak with a live
12 person at any time during the call. Each disclosure
13 made during the third-party verification must be made
14 individually to obtain clear acknowledgment of each
15 disclosure. The alternative retail electric supplier
16 must be in a location where he or she cannot hear the
17 customer while the third-party verification is
18 conducted. The alternative retail electric supplier
19 shall not contact the customer after the third-party
20 verification for a period of 24 hours unless the
21 customer initiates the contact.

22 (C) When a consumer initiates the call to the
23 prospective alternative retail electric supplier, in
24 order to enroll the consumer as a customer, the
25 prospective alternative retail electric supplier must,
26 with the consent of the customer, make a date-stamped,

1 time-stamped audio recording that elicits, at a
2 minimum, the following information:

3 (1) the identity of the customer;

4 (2) confirmation that the person on the call
5 is authorized to make the supplier change;

6 (3) confirmation that the person on the call
7 wants to make the supplier change;

8 (4) the names of the suppliers affected by the
9 change;

10 (5) the service address of the supply to be
11 switched; and

12 (6) the price of the service to be supplied
13 and the material terms and conditions of the
14 service being offered, including whether any early
15 termination fees apply.

16 Submitting suppliers shall maintain and preserve
17 the audio records containing the information set forth
18 above for a minimum period of 2 years.

19 (b) (1) An alternative retail electric supplier shall not
20 utilize the name of a public utility in any manner that is
21 deceptive or misleading, including, but not limited to,
22 implying or otherwise leading a consumer to believe that an
23 alternative retail electric supplier is soliciting on behalf
24 of or is an agent of a utility. An alternative retail electric
25 supplier shall not utilize the name, or any other identifying
26 insignia, graphics, or wording that has been used at any time

1 to represent a public utility company or its services, to
2 identify, label, or define any of its electric power and
3 energy service offers. An alternative retail electric supplier
4 may state the name of a public electric utility in order to
5 accurately describe the electric utility service territories
6 in which the supplier is currently offering an electric power
7 and energy service. An alternative retail electric supplier
8 that is the affiliate of an Illinois public utility and that
9 was doing business in Illinois providing alternative retail
10 electric service on January 1, 2016 may continue to use that
11 public utility's name, logo, identifying insignia, graphics,
12 or wording in its business operations occurring outside the
13 service territory of the public utility with which it is
14 affiliated.

15 (2) An alternative retail electric supplier shall not
16 state or otherwise imply that the alternative retail electric
17 supplier is employed by, representing, endorsed by, or acting
18 on behalf of a utility or utility program, a consumer group or
19 consumer group program, or a governmental body, unless the
20 alternative retail electric supplier has entered into a
21 contractual arrangement with the governmental body and has
22 been authorized by the governmental body to make the
23 statements.

24 (c) An alternative retail electric supplier shall not
25 submit or execute a change in a consumer's selection of a
26 provider of electric service unless the alternative retail

1 electric supplier complies with the following requirements of
2 this subsection (c). It is a violation of this Section for an
3 alternative retail electric supplier to fail to comply with
4 this subsection (c). The requirements of this subsection (c)
5 shall only apply to residential and small commercial retail
6 customers. For purposes of this subsection (c) only, "small
7 commercial retail customer" has the meaning given to that term
8 in Section 16-102 of the Public Utilities Act.

9 (1) During a solicitation an alternative retail
10 electric supplier shall state that he or represents an
11 independent seller of electric power and energy service
12 certified by the Illinois Commerce Commission and that he
13 or she is not employed by, representing, endorsed by, or
14 acting on behalf of, a utility, or a utility program, a
15 consumer group or consumer group program, or a
16 governmental body, unless the alternative retail electric
17 supplier has entered into a contractual arrangement with
18 the governmental body and has been authorized with the
19 governmental body to make the statements.

20 (2) Alternative retail electric suppliers who engage
21 in in-person solicitation for the purpose of selling
22 electric power and energy service offered by the
23 alternative retail electric supplier shall display
24 identification on an outer garment. This identification
25 shall be visible at all times and prominently display the
26 following: (i) the alternative retail electric supplier

1 agent's full name in reasonable size font; (ii) an agent
2 identification number; (iii) a photograph of the
3 alternative retail electric supplier agent; and (iv) the
4 trade name and logo of the alternative retail electric
5 supplier the agent is representing. If the agent is
6 selling electric power and energy services from multiple
7 alternative retail electric suppliers to the consumer, the
8 identification shall display the trade name and logo of
9 the agent, broker, or consultant entity as that entity is
10 defined in Section 16-115C of the Public Utilities Act. An
11 alternative retail electric supplier shall leave the
12 premises at the consumer's, owner's, or occupant's
13 request. A copy of the Uniform Disclosure Statement
14 described in 83 Ill. Adm. Code 412.115 and 412.Appendix A
15 is to be left with the consumer, at the conclusion of the
16 visit unless the consumer refuses to accept a copy. An
17 alternative retail electric supplier may provide the
18 Uniform Disclosure Statement electronically instead of in
19 paper form to a consumer upon that customer's request. The
20 alternative retail electric supplier shall also offer to
21 the consumer, at the time of the initiation of the
22 solicitation, a business card or other material that lists
23 the agent's name, identification number and title, and the
24 alternative retail electric supplier's name and contact
25 information, including phone number. The alternative
26 retail electric supplier shall not conduct any in-person

1 solicitations of consumers at any building or premises
2 where any sign, notice, or declaration of any description
3 whatsoever is posted that prohibits sales, marketing, or
4 solicitations. The alternative retail electric supplier
5 shall obtain consent to enter multi-unit residential
6 dwellings. Consent obtained to enter a multi-unit dwelling
7 from one prospective customer or occupant of the dwelling
8 shall not constitute consent to market to any other
9 prospective consumers without separate consent.

10 (3) An alternative retail electric supplier who
11 contacts consumers by telephone for the purpose of selling
12 electric power and energy service shall provide the
13 agent's name and identification number. Any telemarketing
14 solicitations that lead to a telephone enrollment of a
15 consumer must be recorded and retained for a minimum of 2
16 years. All telemarketing calls of consumers that do not
17 lead to a telephone enrollment, but last at least 2
18 minutes, shall be recorded and retained for a minimum of 6
19 months.

20 (4) During an inbound enrollment call, an alternative
21 retail electric supplier shall state that he or she
22 represents an independent seller of electric power and
23 energy service certified by the Illinois Commerce
24 Commission. All inbound enrollment calls that lead to an
25 enrollment shall be recorded, and the recordings shall be
26 retained for a minimum of 2 years. An inbound enrollment

1 call that does not lead to an enrollment, but lasts at
2 least 2 minutes, shall be retained for a minimum of 6
3 months. The alternative retail electric supplier shall
4 send the Uniform Disclosure Statement and contract to the
5 customer within 3 business days after the electric
6 utility's confirmation to the alternative retail electric
7 supplier of an accepted enrollment.

8 (5) If a direct mail solicitation to a consumer
9 includes a written letter of agency, it shall include the
10 Uniform Disclosure Statement described in 83 Ill. Adm.
11 Code 412.115 and 412.Appendix A. The Uniform Disclosure
12 Statement shall be provided on a separate page from the
13 other marketing materials included in the direct mail
14 solicitation. If a written letter of agency is being used
15 to authorize a consumer's enrollment, the written letter
16 of agency shall comply with this Section. A copy of the
17 contract must be sent to the consumer within 3 business
18 days after the electric utility's confirmation to the
19 alternative retail electric supplier of an accepted
20 enrollment.

21 (6) Online Solicitation.

22 (A) Each alternative retail electric supplier
23 offering electric power and energy service to
24 consumers online shall clearly and conspicuously make
25 all disclosures for any services offered through
26 online enrollment before requiring the consumer to

1 enter any personal information other than zip code,
2 electric utility service territory, or type of service
3 sought.

4 (B) Notwithstanding any requirements in this
5 Section to the contrary, an alternative retail
6 electric supplier may secure consent from the consumer
7 to obtain customer-specific billing and usage
8 information for the sole purpose of determining and
9 pricing a product through a letter of agency or method
10 approved through an Illinois Commerce Commission
11 docket before making all disclosure for services
12 offered through online enrollment. It is a violation
13 of this Act for an alternative retail electric
14 supplier to use a consumer's utility account number to
15 execute or change a consumer's enrollment unless the
16 consumer expressly consents to that enrollment as
17 required by law.

18 (C) The enrollment website of the alternative
19 retail electric supplier shall, at a minimum, include:
20 (i) disclosure of all material terms and conditions of
21 the offer; (ii) a statement that electronic acceptance
22 of the terms and conditions is an agreement to
23 initiate service and begin enrollment; (iii) a
24 statement that the consumer shall review the contract
25 or contact the current supplier to learn if any early
26 termination fees are applicable; and (iv) an email

1 address and toll-free phone number of the alternative
2 retail electric supplier where the customer can
3 express a decision to rescind the contract.

4 (7) (A) Beginning January 1, 2020, an alternative
5 retail electric supplier shall not sell or offer to sell
6 any products or services to a consumer pursuant to a
7 contract in which the contract automatically renews,
8 unless an alternative retail electric supplier provides to
9 the consumer at the outset of the offer, in addition to
10 other disclosures required by law, a separate written
11 statement titled "Automatic Contract Renewal" that clearly
12 and conspicuously discloses in bold lettering in at least
13 12-point font the terms and conditions of the automatic
14 contract renewal provision, including: (i) the estimated
15 bill cycle on which the initial contract term expires and
16 a statement that it could be later based on when the
17 utility accepts the initial enrollment; (ii) the estimated
18 bill cycle on which the new contract term begins and a
19 statement that it will immediately follow the last billing
20 cycle of the current term; (iii) the procedure to
21 terminate the contract before the new contract term
22 applies; and (iv) the cancellation procedure. If the
23 alternative retail electric supplier sells or offers to
24 sell the products or services to a consumer during an
25 in-person solicitation or telemarketing solicitation, the
26 disclosures described in this subparagraph (A) shall also

1 be made to the consumer verbally during the solicitation.
2 Nothing in this subparagraph (A) shall be construed to
3 apply to contracts entered into before January 1, 2020.

4 (B) At least 30 days before, but not more than 60
5 days prior, to the end of the initial contract term, in
6 any and all contracts that automatically renew after
7 the initial term, the alternative retail electric
8 supplier shall send, in addition to other disclosures
9 required by law, a separate written notice of the
10 contract renewal to the consumer that clearly and
11 conspicuously discloses the following:

12 (i) a statement printed or visible from the
13 outside of the envelope or in the subject line of
14 the email, if the customer has agreed to receive
15 official documents by email, that states "Contract
16 Renewal Notice";

17 (ii) a statement in bold lettering, in at
18 least 12-point font, that the contract will
19 automatically renew unless the customer cancels
20 it;

21 (iii) the billing cycle in which service under
22 the current term will expire;

23 (iv) the billing cycle in which service under
24 the new term will begin;

25 (v) the process and options available to the
26 consumer to reject the new contract terms;

1 (vi) the cancellation process if the
2 consumer's contract automatically renews before
3 the consumer rejects the new contract terms;

4 (vii) the terms and conditions of the new
5 contract term;

6 (viii) for a fixed rate contract, a
7 side-by-side comparison of the current price and
8 the new price; for a variable rate contract or
9 time-of-use product in which the first month's
10 renewal price can be determined, a side-by-side
11 comparison of the current price and the price for
12 the first month of the new variable or time-of-use
13 price; or for a variable or time-of-use contract
14 based on a publicly available index, a
15 side-by-side comparison of the current formula and
16 the new formula; and

17 (ix) the phone number and Internet address to
18 submit a consumer inquiry or complaint to the
19 Illinois Commerce Commission and the Office of the
20 Attorney General.

21 (C) An alternative retail electric supplier shall
22 not automatically renew a consumer's enrollment after
23 the current term of the contract expires when the
24 current term of the contract provides that the
25 consumer will be charged a fixed rate and the renewed
26 contract provides that the consumer will be charged a

1 variable rate, unless: (i) the alternative retail
2 electric supplier complies with subparagraphs (A) and
3 (B); and (ii) the customer expressly consents to the
4 contract renewal in writing or by electronic signature
5 at least 30 days, but no more than 60 days, before the
6 contract expires.

7 (D) This paragraph (7) does not apply to customers
8 enrolled in a municipal aggregation program pursuant
9 to Section 1-92 of the Illinois Power Agency Act.

10 (8) All in-person and telephone solicitations shall be
11 conducted in, translated into, and provided in a language
12 in which the consumer subject to the marketing or
13 solicitation is able to understand and communicate. An
14 alternative retail electric supplier shall terminate a
15 solicitation if the consumer subject to the marketing or
16 communication is unable to understand and communicate in
17 the language in which the marketing or solicitation is
18 being conducted. An alternative retail electric supplier
19 shall comply with Section 2N of this Act.

20 (9) Beginning January 1, 2020, consumers shall have
21 the right to terminate their contract with the alternative
22 retail electric supplier at any time without any
23 termination fees or penalties.

24 (10) An alternative retail electric supplier shall not
25 submit a change to a customer's electric service provider
26 in violation of Section 16-115E of the Public Utilities

1 Act.

2 (d) Complaints may be filed with the Illinois Commerce
3 Commission under this Section by a consumer whose electric
4 service has been provided by an alternative retail electric
5 supplier in a manner not in compliance with this Section or by
6 the Illinois Commerce Commission on its own motion when it
7 appears to the Commission that an alternative retail electric
8 supplier has provided service in a manner not in compliance
9 with this Section. If, after notice and hearing, the
10 Commission finds that an alternative retail electric supplier
11 has violated this Section, the Commission may in its
12 discretion do any one or more of the following:

13 (1) Require the violating alternative retail electric
14 supplier to refund to the consumer charges collected in
15 excess of those that would have been charged by the
16 consumer's authorized electric service provider.

17 (2) Require the violating alternative retail electric
18 supplier to pay to the consumer's authorized electric
19 service provider the amount the authorized electric
20 service provider would have collected for the electric
21 service. The Commission is authorized to reduce this
22 payment by any amount already paid by the violating
23 alternative retail electric supplier to the consumer's
24 authorized provider for electric service.

25 (3) Require the violating alternative retail electric
26 supplier to pay a fine of up to \$10,000 into the Public

1 Utility Fund for each violation of this Section.

2 (4) Issue a cease and desist order.

3 (5) For a pattern of violation of this Section or for
4 violations that continue after a cease and desist order,
5 revoke the violating alternative retail electric
6 supplier's certificate of service authority.

7 (e) For purposes of this Section:

8 "Electric service provider" shall have the meaning given
9 that phrase in Section 6.5 of the Attorney General Act.

10 "Alternative retail electric supplier" has the meaning
11 given to that term in Section 16-102 of the Public Utilities
12 Act.

13 (Source: P.A. 101-590, eff. 1-1-20; 102-958, eff. 1-1-23;
14 revised 12-13-22.)

15 Section 765. The Employee Arbitration Act is amended by
16 changing Sections 2, 3, 5, 5a, 5b, 6, and 6a as follows:

17 (820 ILCS 35/2) (from Ch. 10, par. 20)

18 Sec. 2. When any controversy or difference not involving
19 questions which may be the subject of a civil action, exists
20 between an employer, whether an individual, copartnership or
21 corporation, employing not less than 25 persons, and his
22 employees ~~employes~~ in this State, the Department of Labor
23 shall upon application as herein provided, and as soon as
24 practicable thereafter, visit the locality of the dispute and

1 make a careful inquiry into the cause thereof, hear all
2 persons interested therein who may come before it, advise the
3 respective parties what, if anything ought to be done or
4 submitted to by both to adjust the dispute, and make a written
5 decision thereof. This decision shall at once be made public,
6 shall be recorded upon proper books of record kept by the
7 Department of Labor, and a short statement thereof published
8 in the annual report hereinafter provided for, and the
9 Department shall cause a copy thereof to be filed with the
10 clerk of the city, town or village where said business is
11 carried on.

12 (Source: P.A. 76-1403; revised 8-19-22.)

13 (820 ILCS 35/3) (from Ch. 10, par. 21)

14 Sec. 3. The application shall be signed by the employer or
15 by a majority of his or her employees ~~employee~~ in the
16 department of the business in which the controversy or
17 difference exists, or by both parties, and shall contain a
18 concise statement of the grievances complained of, and a
19 promise to continue on in business or at work without any
20 lockout or strike until the decision of said Department, if it
21 shall be made within 3 weeks of the date of filing said
22 application. As soon as may be after the receipt of the
23 application the Department shall cause public notice to be
24 given of the time and place of the hearing thereon; but public
25 notice need not be given when both parties to the controversy

1 join in the application and present therewith a written
2 request that no public notice be given. When such request is
3 made, notice shall be given to the parties interested in such
4 manner as the Department may order, and the Department may, at
5 any stage of the proceedings, cause public notice to be given,
6 notwithstanding such request. The Department may in all cases
7 summon as witnesses any operative or expert in the department
8 of business affected, and any person who keeps the records of
9 wages earned in those departments, or any other person, and
10 examine them under oath, and require the production of books
11 containing the records of wages paid, and such other books and
12 papers as may be deemed necessary to a full and fair
13 investigation of the matter in controversy. The Department may
14 issue subpoenas, and oath may be administered by the Director
15 of the Department or by any authorized officer or employee
16 thereof. If any person, having been served with a subpoena or
17 other process issued by the Department, shall willfully fail
18 or refuse to obey the same, or to answer such questions as may
19 be propounded touching the subject-matter of the inquiry or
20 investigation, the circuit court of the county in which the
21 hearing is being conducted, upon application by the
22 Department, duly attested by the Director thereof, shall issue
23 an attachment for such witness and compel him to appear before
24 the Department and give his or her testimony, or to produce
25 such books and papers as may be lawfully required by the
26 Department; and the court may punish for contempt, as in other

1 cases of refusal to obey the process and order of such court.

2 (Source: P.A. 83-334; revised 8-19-22.)

3 (820 ILCS 35/5) (from Ch. 10, par. 23)

4 Sec. 5. Said decision shall be binding upon the parties
5 who join in said application for six months or until either
6 party has given the other notice in writing of his or their
7 intention not to be bound by the same at the expiration of
8 sixty days therefrom. Said notice may be given to said
9 employees ~~employes~~ by posting in three conspicuous places in
10 the shop or factory where they work.

11 (Source: Laws 1895, p. 5; revised 8-19-22.)

12 (820 ILCS 35/5a) (from Ch. 10, par. 24)

13 Sec. 5a. In the event of a failure to abide by the
14 decisions of the Department of Labor in any case in which both
15 employer and employees ~~employes~~ shall have joined in the
16 application, any person or persons aggrieved thereby may file
17 with the clerk of the circuit court of the county in which the
18 offending party resides, or in the case of an employer in the
19 county in which the place of employment is located, a duly
20 authenticated copy of such decision, accompanied by a verified
21 petition reciting the fact that such decision has not been
22 complied with and stating by whom and in what respects it has
23 been disregarded. Thereupon the circuit court shall grant a
24 rule against the party or parties so charged to show cause

1 within 10 days why such decision has not been complied with,
2 which shall be served by the sheriff as other process. Upon
3 return made to the rule, the court shall hear and determine the
4 questions presented, and to secure a compliance with such
5 decision, may punish the offending party or parties for
6 contempt, but such punishment shall in no case extend to
7 imprisonment.

8 (Source: P.A. 83-334; revised 8-19-22.)

9 (820 ILCS 35/5b) (from Ch. 10, par. 25)

10 Sec. 5b. Whenever two or more employers engaged in the
11 same general line of business, employing in the aggregate not
12 less than twenty-five persons, and having a common difference
13 with their employees ~~employee~~, shall, co-operating together,
14 make application for arbitration, or whenever such application
15 shall be made by the employees ~~employee~~ of two or more
16 employers engaged in the same general line of business, such
17 employees ~~employee~~ being not less than twenty-five in number,
18 and having a common difference with their employers, or
19 whenever the application shall be made jointly by the
20 employers and employees ~~employee~~ in such case, the Department
21 of Labor shall have the same powers and proceed in the same
22 manner as if the application had been made by one employer, or
23 by the employees ~~employee~~ of one employer, or by both.

24 (Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

1 (820 ILCS 35/6) (from Ch. 10, par. 26)

2 Sec. 6. Whenever it shall come to the knowledge of the
3 Department of Labor that a strike or lockout is seriously
4 threatened in the State involving an employer and his
5 employees ~~employee~~, if he is employing not less than
6 twenty-five persons, the Department shall communicate as soon
7 as may be with such employer or employees ~~employee~~, and
8 endeavor by mediation to effect an amicable settlement, or
9 persuade them to submit the matters in dispute to the
10 Department.

11 (Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

12 (820 ILCS 35/6a) (from Ch. 10, par. 27)

13 Sec. 6a. The Mayor of every City, and the President of
14 every incorporated town or village, whenever a strike or
15 lockout involving more than twenty-five employees ~~employee~~
16 shall be threatened or has actually occurred within or near
17 such City, incorporated town or village shall immediately
18 communicate the fact to the Department of Labor, stating the
19 name or names of the employer or employers and of one or more
20 employees ~~employee~~, with their post-office addresses, the
21 nature of the controversy or difference existing, the number
22 of employees ~~employee~~ involved and such other information as
23 may be required by the Department. The president or chief
24 executive officer of every labor organization, in case of a
25 strike or lockout, actual or threatened, involving the members

1 of the organization of which he is an officer, shall
2 immediately communicate the fact of such strike or lockout to
3 the Department, with such information as he may possess,
4 touching the difference or controversy, and the number of
5 employees ~~employees~~ involved.

6 (Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

7 Section 770. The Equal Pay Act of 2003 is amended by
8 changing Section 90 as follows:

9 (820 ILCS 112/90)

10 Sec. 90. Severability. The provisions of this Act are
11 severable under Section 1.31 ~~of the~~ of the Statute on
12 Statutes.

13 (Source: P.A. 93-6, eff. 1-1-04; revised 2-28-22.)

14 Section 775. The One Day Rest In Seven Act is amended by
15 changing Section 2 as follows:

16 (820 ILCS 140/2) (from Ch. 48, par. 8b)

17 Sec. 2. Hours and days of rest in every consecutive
18 seven-day period ~~calendar week~~.

19 (a) Every employer shall allow every employee except those
20 specified in this Section at least twenty-four consecutive
21 hours of rest in every consecutive seven-day period in
22 addition to the regular period of rest allowed at the close of

1 each working day.

2 A person employed as a domestic worker, as defined in
3 Section 10 of the Domestic Workers' Bill of Rights Act, shall
4 be allowed at least 24 consecutive hours of rest in every
5 consecutive seven-day period. This subsection (a) does not
6 prohibit a domestic worker from voluntarily agreeing to work
7 on such day of rest required by this subsection (a) if the
8 worker is compensated at the overtime rate for all hours
9 worked on such day of rest. The day of rest authorized under
10 this subsection (a) should, whenever possible, coincide with
11 the traditional day reserved by the domestic worker for
12 religious worship.

13 (b) Subsection (a) does not apply to the following:

14 (1) Part-time employees whose total work hours for one
15 employer during a calendar week do not exceed 20; and

16 (2) Employees needed in case of breakdown of machinery
17 or equipment or other emergency requiring the immediate
18 services of experienced and competent labor to prevent
19 injury to person, damage to property, or suspension of
20 necessary operation; and

21 (3) Employees employed in agriculture or coal mining;
22 and

23 (4) Employees engaged in the occupation of canning and
24 processing perishable agricultural products, if such
25 employees are employed by an employer in such occupation
26 on a seasonal basis and for not more than 20 weeks during

1 any calendar year or 12 month period; and

2 (5) Employees employed as watchmen or security guards;

3 and

4 (6) Employees who are employed in a bonafide
5 executive, administrative, or professional capacity or in
6 the capacity of an outside salesman, as defined in Section
7 12(a)(1) of the federal Fair Labor Standards Act, as
8 amended, and those employed as supervisors as defined in
9 Section 2(11) of the National Labor Relations Act, as
10 amended; and

11 (7) Employees who are employed as crew members of any
12 uninspected towing vessel, as defined by Section 2101(40)
13 of Title 46 of the United States Code, operating in any
14 navigable waters in or along the boundaries of the State
15 of Illinois; and

16 (8) Employees for whom work hours, days of work, and
17 rest periods are established through the collective
18 bargaining process.

19 (Source: P.A. 102-828, eff. 1-1-23; 102-1012, eff. 1-1-23;
20 revised 12-14-22.)

21 Section 780. The Occupational Safety and Health Act is
22 amended by changing Section 100 as follows:

23 (820 ILCS 219/100)

24 Sec. 100. Hearing.

1 (a) If a public employer or the employer's representative
2 notifies the Director that the employer intends to contest a
3 citation and notice of penalty or if, within 15 business days
4 after the issuance of the citation, an employee or
5 representative of employees files a notice with the Director
6 alleging that the period of time fixed in the citation for the
7 abatement of the violation is unreasonable, the Director shall
8 afford an opportunity for a hearing before an Administrative
9 Law Judge designated by the Director.

10 (b) At the hearing, the employer or employee shall state
11 his or her objections to the citation and provide evidence why
12 the citation should not stand as issued. The Director or his or
13 her representative shall be given the opportunity to state his
14 or her reasons for issuing the citation. Affected employees
15 shall be provided an opportunity to participate as parties to
16 hearings under the rules of procedure prescribed by the
17 Director (56 Ill. ~~Adm. Admin.~~ Code, Part 120).

18 (c) The Director, or the Administrative Law Judge on
19 behalf of the Director, has the power to do the following:

20 (1) Issue subpoenas for and compel the attendance of
21 witnesses.

22 (2) Hear testimony and receive evidence.

23 (3) Order testimony of a witness residing within or
24 without this State to be taken by deposition in the manner
25 prescribed by law for depositions in civil cases in the
26 circuit court in any proceeding pending before him or her

1 at any stage of such proceeding.

2 (d) Subpoenas and commissions to take testimony shall be
3 issued by the Director. Service of subpoenas may be made by a
4 sheriff or any other person.

5 (e) The circuit court for the county where any hearing is
6 pending may compel the attendance of witnesses, the production
7 of pertinent books, papers, records, or documents, and the
8 giving of testimony before the Director or an Administrative
9 Law Judge by an attachment proceeding, as for contempt, in the
10 same manner as the production of evidence may be compelled
11 before the court.

12 (f) The Administrative Law Judge on behalf of the
13 Director, after considering the evidence presented at the
14 formal hearing, in accordance with the Director's rules, shall
15 enter a final decision and order within a reasonable time
16 affirming, modifying, or vacating the citation or proposed
17 assessment of a civil penalty, or directing other appropriate
18 relief.

19 (Source: P.A. 102-705, eff. 1-1-23; revised 12-13-22.)

20 Section 785. The Employee Washroom Act is amended by
21 changing the title of the Act as follows:

22 (820 ILCS 230/Act title)

23 An Act to provide for washrooms with toilet facilities in
24 certain employments to protect the health of employees

1 ~~employees~~ and secure public comfort.

2 Section 995. No acceleration or delay. Where this Act
3 makes changes in a statute that is represented in this Act by
4 text that is not yet or no longer in effect (for example, a
5 Section represented by multiple versions), the use of that
6 text does not accelerate or delay the taking effect of (i) the
7 changes made by this Act or (ii) provisions derived from any
8 other Public Act.

9 Section 996. No revival or extension. This Act does not
10 revive or extend any Section or Act otherwise repealed.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.

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