

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 2007 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change  
9 in the law. It reconciles conflicts that have arisen from  
10 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 In certain cases in which a repealed Act or Section  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16 incorporate amendments to the repealed Act or Section into the  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 92-520 through 94-1068 were considered in  
5 the preparation of the combining revisories included in this  
6 Act. Many of these combining revisories contain no striking or  
7 underscoring because no additional changes are being made in  
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing  
10 Sections 4.17, 4.22, 4.23, 4.24, 4.26, and 4.27 as follows:

11 (5 ILCS 80/4.17)

12 Sec. 4.17. Acts repealed on January 1, 2007. The following  
13 are repealed on January 1, 2007:

14 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC,  
15 XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois  
16 Insurance Code.

17 The Medical Practice Act of 1987.

18 The Environmental Health Practitioner Licensing Act.

19 (Source: P.A. 94-754, eff. 5-10-06; 94-787, eff. 5-19-06;  
20 94-870, eff. 6-16-06; 94-956, eff. 6-27-06; revised 8-3-06.)

21 (5 ILCS 80/4.22)

22 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The  
23 following Acts are ~~Act is~~ repealed on January 1, 2012:

1           The Detection of Deception Examiners Act.  
2           The Home Inspector License Act.  
3           The Interior Design Title Act.  
4           The Massage Licensing Act.  
5           The Petroleum Equipment Contractors Licensing Act.  
6           The Professional Boxing Act.  
7           The Real Estate Appraiser Licensing Act of 2002.  
8           The Water Well and Pump Installation Contractor's License  
9 Act.

10          (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;  
11          92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02;  
12          92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651, eff.  
13          7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

14           (5 ILCS 80/4.23)

15           Sec. 4.23. Acts and Sections ~~Act Section~~ repealed on  
16 January 1, 2013. The following Acts and Sections of Acts are  
17 ~~Act Section is~~ repealed on January 1, 2013:

18           The Dietetic and Nutrition Services Practice Act.  
19           The Elevator Safety and Regulation Act.  
20           The Funeral Directors and Embalmers Licensing Code.  
21           The Naprapathic Practice Act.  
22           The Professional Counselor and Clinical Professional  
23 Counselor Licensing Act.  
24           The Wholesale Drug Distribution Licensing Act.  
25           Section 2.5 of the Illinois Plumbing License Law.

1 (Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02;  
2 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff.  
3 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised  
4 1-18-03.)

5 (5 ILCS 80/4.24)

6 Sec. 4.24. Acts repealed on January 1, 2014. The following  
7 Acts are repealed on January 1, 2014:

8 The Electrologist Licensing Act.

9 The Illinois Certified Shorthand Reporters Act of 1984.

10 The Illinois Occupational Therapy Practice Act.

11 The Illinois Public Accounting Act.

12 The Private Detective, Private Alarm, Private Security,  
13 and Locksmith Act of 2004.

14 The Registered Surgical Assistant and Registered Surgical  
15 Technologist Title Protection Act.

16 The Veterinary Medicine and Surgery Practice Act of 2004.

17 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;  
18 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.  
19 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised  
20 10-29-04.)

21 (5 ILCS 80/4.26)

22 Sec. 4.26. Acts ~~Act~~ repealed on January 1, 2016. The  
23 following Acts ~~Act is~~ repealed on January 1, 2016:

24 The Illinois Athletic Trainers Practice Act.

1 The Illinois Roofing Industry Licensing Act.

2 The Illinois Dental Practice Act.

3 The Collection Agency Act.

4 The Barber, Cosmetology, Esthetics, and Nail Technology  
5 Act of 1985.

6 The Respiratory Care Practice Act.

7 The Hearing Instrument Consumer Protection Act.

8 The Illinois Physical Therapy Act.

9 The Professional Geologist Licensing Act.

10 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;  
11 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.  
12 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,  
13 eff. 1-1-06; 94-708, eff. 12-5-05; revised 12-8-05.)

14 (5 ILCS 80/4.27)

15 Sec. 4.27. Acts ~~Act~~ repealed on January 1, 2017. The  
16 following Acts ~~are Act~~ is repealed on January 1, 2017:

17 The Illinois Optometric Practice Act of 1987.

18 The Clinical Psychologist Licensing Act.

19 The Boiler and Pressure Vessel Repairer Regulation Act.

20 (Source: P.A. 94-787, eff. 5-19-06; 94-870, eff. 6-16-06;  
21 94-956, eff. 6-27-06; revised 8-3-06.)

22 (5 ILCS 80/4.13 rep.)

23 (5 ILCS 80/4.14 rep.)

24 (5 ILCS 80/4.16 rep.)

1 (5 ILCS 80/4.19a rep.)

2 Section 7. The Regulatory Sunset Act is amended by  
3 repealing Sections 4.13, 4.14, 4.16, and 4.19a.

4 Section 10. The Illinois Administrative Procedure Act is  
5 amended by changing Sections 1-5, 1-20, 5-45, and 10-65 as  
6 follows:

7 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

8 Sec. 1-5. Applicability.

9 (a) This Act applies to every agency as defined in this  
10 Act. Beginning January 1, 1978, in case of conflict between the  
11 provisions of this Act and the Act creating or conferring power  
12 on an agency, this Act shall control. If, however, an agency  
13 (or its predecessor in the case of an agency that has been  
14 consolidated or reorganized) has existing procedures on July 1,  
15 1977, specifically for contested cases or licensing, those  
16 existing provisions control, except that this exception  
17 respecting contested cases and licensing does not apply if the  
18 Act creating or conferring power on the agency adopts by  
19 express reference the provisions of this Act. Where the Act  
20 creating or conferring power on an agency establishes  
21 administrative procedures not covered by this Act, those  
22 procedures shall remain in effect.

23 (b) The provisions of this Act do not apply to (i)  
24 preliminary hearings, investigations, or practices where no

1 final determinations affecting State funding are made by the  
2 State Board of Education, (ii) legal opinions issued under  
3 Section 2-3.7 of the School Code, (iii) as to State colleges  
4 and universities, their disciplinary and grievance  
5 proceedings, academic irregularity and capricious grading  
6 proceedings, and admission standards and procedures, and (iv)  
7 the class specifications for positions and individual position  
8 descriptions prepared and maintained under the Personnel Code.  
9 Those class specifications shall, however, be made reasonably  
10 available to the public for inspection and copying. The  
11 provisions of this Act do not apply to hearings under Section  
12 20 of the Uniform Disposition of Unclaimed Property Act.

13 (c) Section 5-35 of this Act relating to procedures for  
14 rulemaking does not apply to the following:

15 (1) Rules adopted by the Pollution Control Board that,  
16 in accordance with Section 7.2 of the Environmental  
17 Protection Act, are identical in substance to federal  
18 regulations or amendments to those regulations  
19 implementing the following: Sections 3001, 3002, 3003,  
20 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
21 Section 105 of the Comprehensive Environmental Response,  
22 Compensation, and Liability Act of 1980; Sections 307(b),  
23 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
24 Water Pollution Control Act; and Sections 1412(b),  
25 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking  
26 Water Act.

1           (2) Rules adopted by the Pollution Control Board that  
2           establish or amend standards for the emission of  
3           hydrocarbons and carbon monoxide from gasoline powered  
4           motor vehicles subject to inspection under Section 13A-105  
5           of the Vehicle Emissions Inspection Law and rules adopted  
6           under Section 13B-20 of the Vehicle Emissions Inspection  
7           Law of 1995.

8           (3) Procedural rules adopted by the Pollution Control  
9           Board governing requests for exceptions under Section 14.2  
10          of the Environmental Protection Act.

11          (4) The Pollution Control Board's grant, pursuant to an  
12          adjudicatory determination, of an adjusted standard for  
13          persons who can justify an adjustment consistent with  
14          subsection (a) of Section 27 of the Environmental  
15          Protection Act.

16          (5) Rules adopted by the Pollution Control Board that  
17          are identical in substance to the regulations adopted by  
18          the Office of the State Fire Marshal under clause (ii) of  
19          paragraph (b) of subsection (3) of Section 2 of the  
20          Gasoline Storage Act.

21          (d) Pay rates established under Section 8a of the Personnel  
22          Code shall be amended or repealed pursuant to the process set  
23          forth in Section 5-50 within 30 days after it becomes necessary  
24          to do so due to a conflict between the rates and the terms of a  
25          collective bargaining agreement covering the compensation of  
26          an employee subject to that Code.



1 (e) Section 10-45 of this Act shall not apply to any  
2 hearing, proceeding, or investigation conducted under Section  
3 13-515 of the Public Utilities Act.

4 (f) Article 10 of this Act does not apply to any hearing,  
5 proceeding, or investigation conducted by the State Council for  
6 the State of Illinois created under Section 3-3-11.05 of the  
7 Unified Code of Corrections or by the Interstate Commission  
8 ~~Commission~~ for Adult Offender Supervision created under the  
9 Interstate Compact for Adult Offender Supervision.

10 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

11 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

12 Sec. 1-20. "Agency" means each officer, board, commission,  
13 and agency created by the Constitution, whether in the  
14 executive, legislative, or judicial branch of State  
15 government, but other than the circuit court; each officer,  
16 department, board, commission, agency, institution, authority,  
17 university, and body politic and corporate of the State; each  
18 administrative unit or corporate outgrowth of the State  
19 government that is created by or pursuant to statute, other  
20 than units of local government and their officers, school  
21 districts, and boards of election commissioners; and each  
22 administrative unit or corporate outgrowth of the above and as  
23 may be created by executive order of the Governor. "Agency",  
24 however, does not include the following:

25 (1) The House of Representatives and Senate and their

1           respective standing and service committees, including  
2           without limitation the Board of the Office of the Architect  
3           of the Capitol and the Architect of the Capitol established  
4           under the Legislative Commission Reorganization Act of  
5           1984.

6           (2) The Governor.

7           (3) The justices and judges of the Supreme and  
8           Appellate Courts.

9           (4) The Legislative Ethics Commission.

10          (Source: P.A. 93-617, eff. 12-9-03; 93-632, eff. 2-1-04;  
11          revised 1-9-04.)

12          (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

13          Sec. 5-45. Emergency rulemaking.

14          (a) "Emergency" means the existence of any situation that  
15          any agency finds reasonably constitutes a threat to the public  
16          interest, safety, or welfare.

17          (b) If any agency finds that an emergency exists that  
18          requires adoption of a rule upon fewer days than is required by  
19          Section 5-40 and states in writing its reasons for that  
20          finding, the agency may adopt an emergency rule without prior  
21          notice or hearing upon filing a notice of emergency rulemaking  
22          with the Secretary of State under Section 5-70. The notice  
23          shall include the text of the emergency rule and shall be  
24          published in the Illinois Register. Consent orders or other  
25          court orders adopting settlements negotiated by an agency may

1 be adopted under this Section. Subject to applicable  
2 constitutional or statutory provisions, an emergency rule  
3 becomes effective immediately upon filing under Section 5-65 or  
4 at a stated date less than 10 days thereafter. The agency's  
5 finding and a statement of the specific reasons for the finding  
6 shall be filed with the rule. The agency shall take reasonable  
7 and appropriate measures to make emergency rules known to the  
8 persons who may be affected by them.

9 (c) An emergency rule may be effective for a period of not  
10 longer than 150 days, but the agency's authority to adopt an  
11 identical rule under Section 5-40 is not precluded. No  
12 emergency rule may be adopted more than once in any 24 month  
13 period, except that this limitation on the number of emergency  
14 rules that may be adopted in a 24 month period does not apply  
15 to (i) emergency rules that make additions to and deletions  
16 from the Drug Manual under Section 5-5.16 of the Illinois  
17 Public Aid Code or the generic drug formulary under Section  
18 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
19 emergency rules adopted by the Pollution Control Board before  
20 July 1, 1997 to implement portions of the Livestock Management  
21 Facilities Act, or (iii) emergency rules adopted by the  
22 Illinois Department of Public Health under subsections (a)  
23 through (i) of Section 2 of the Department of Public Health Act  
24 when necessary to protect the public's health. Two or more  
25 emergency rules having substantially the same purpose and  
26 effect shall be deemed to be a single rule for purposes of this

1 Section.

2 (d) In order to provide for the expeditious and timely  
3 implementation of the State's fiscal year 1999 budget,  
4 emergency rules to implement any provision of Public Act 90-587  
5 or 90-588 or any other budget initiative for fiscal year 1999  
6 may be adopted in accordance with this Section by the agency  
7 charged with administering that provision or initiative,  
8 except that the 24-month limitation on the adoption of  
9 emergency rules and the provisions of Sections 5-115 and 5-125  
10 do not apply to rules adopted under this subsection (d). The  
11 adoption of emergency rules authorized by this subsection (d)  
12 shall be deemed to be necessary for the public interest,  
13 safety, and welfare.

14 (e) In order to provide for the expeditious and timely  
15 implementation of the State's fiscal year 2000 budget,  
16 emergency rules to implement any provision of this amendatory  
17 Act of the 91st General Assembly or any other budget initiative  
18 for fiscal year 2000 may be adopted in accordance with this  
19 Section by the agency charged with administering that provision  
20 or initiative, except that the 24-month limitation on the  
21 adoption of emergency rules and the provisions of Sections  
22 5-115 and 5-125 do not apply to rules adopted under this  
23 subsection (e). The adoption of emergency rules authorized by  
24 this subsection (e) shall be deemed to be necessary for the  
25 public interest, safety, and welfare.

26 (f) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2001 budget,  
2 emergency rules to implement any provision of this amendatory  
3 Act of the 91st General Assembly or any other budget initiative  
4 for fiscal year 2001 may be adopted in accordance with this  
5 Section by the agency charged with administering that provision  
6 or initiative, except that the 24-month limitation on the  
7 adoption of emergency rules and the provisions of Sections  
8 5-115 and 5-125 do not apply to rules adopted under this  
9 subsection (f). The adoption of emergency rules authorized by  
10 this subsection (f) shall be deemed to be necessary for the  
11 public interest, safety, and welfare.

12 (g) In order to provide for the expeditious and timely  
13 implementation of the State's fiscal year 2002 budget,  
14 emergency rules to implement any provision of this amendatory  
15 Act of the 92nd General Assembly or any other budget initiative  
16 for fiscal year 2002 may be adopted in accordance with this  
17 Section by the agency charged with administering that provision  
18 or initiative, except that the 24-month limitation on the  
19 adoption of emergency rules and the provisions of Sections  
20 5-115 and 5-125 do not apply to rules adopted under this  
21 subsection (g). The adoption of emergency rules authorized by  
22 this subsection (g) shall be deemed to be necessary for the  
23 public interest, safety, and welfare.

24 (h) In order to provide for the expeditious and timely  
25 implementation of the State's fiscal year 2003 budget,  
26 emergency rules to implement any provision of this amendatory

1 Act of the 92nd General Assembly or any other budget initiative  
2 for fiscal year 2003 may be adopted in accordance with this  
3 Section by the agency charged with administering that provision  
4 or initiative, except that the 24-month limitation on the  
5 adoption of emergency rules and the provisions of Sections  
6 5-115 and 5-125 do not apply to rules adopted under this  
7 subsection (h). The adoption of emergency rules authorized by  
8 this subsection (h) shall be deemed to be necessary for the  
9 public interest, safety, and welfare.

10 (i) In order to provide for the expeditious and timely  
11 implementation of the State's fiscal year 2004 budget,  
12 emergency rules to implement any provision of this amendatory  
13 Act of the 93rd General Assembly or any other budget initiative  
14 for fiscal year 2004 may be adopted in accordance with this  
15 Section by the agency charged with administering that provision  
16 or initiative, except that the 24-month limitation on the  
17 adoption of emergency rules and the provisions of Sections  
18 5-115 and 5-125 do not apply to rules adopted under this  
19 subsection (i). The adoption of emergency rules authorized by  
20 this subsection (i) shall be deemed to be necessary for the  
21 public interest, safety, and welfare.

22 (j) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2005 budget as provided under the Fiscal Year 2005 Budget  
25 Implementation (Human Services) Act, emergency rules to  
26 implement any provision of the Fiscal Year 2005 Budget

1 Implementation (Human Services) Act may be adopted in  
2 accordance with this Section by the agency charged with  
3 administering that provision, except that the 24-month  
4 limitation on the adoption of emergency rules and the  
5 provisions of Sections 5-115 and 5-125 do not apply to rules  
6 adopted under this subsection (j). The Department of Public Aid  
7 may also adopt rules under this subsection (j) necessary to  
8 administer the Illinois Public Aid Code and the Children's  
9 Health Insurance Program Act. The adoption of emergency rules  
10 authorized by this subsection (j) shall be deemed to be  
11 necessary for the public interest, safety, and welfare.

12 (k) In order to provide for the expeditious and timely  
13 implementation of the provisions of the State's fiscal year  
14 2006 budget, emergency rules to implement any provision of this  
15 amendatory Act of the 94th General Assembly or any other budget  
16 initiative for fiscal year 2006 may be adopted in accordance  
17 with this Section by the agency charged with administering that  
18 provision or initiative, except that the 24-month limitation on  
19 the adoption of emergency rules and the provisions of Sections  
20 5-115 and 5-125 do not apply to rules adopted under this  
21 subsection (k). The Department of Healthcare and Family  
22 Services may also adopt rules under this subsection (k)  
23 necessary to administer the Illinois Public Aid Code, the  
24 Senior Citizens and Disabled Persons Property Tax Relief and  
25 Pharmaceutical Assistance Act, the Senior Citizens and  
26 Disabled Persons Prescription Drug Discount Program Act (now

1 the Illinois Prescription Drug Discount Program Act), and the  
2 Children's Health Insurance Program Act. The adoption of  
3 emergency rules authorized by this subsection (k) shall be  
4 deemed to be necessary for the public interest, safety, and  
5 welfare.

6 (l) In order to provide for the expeditious and timely  
7 implementation of the provisions of the State's fiscal year  
8 2007 budget, the Department of Healthcare and Family Services  
9 may adopt emergency rules during fiscal year 2007, including  
10 rules effective July 1, 2007, in accordance with this  
11 subsection to the extent necessary to administer the  
12 Department's responsibilities with respect to amendments to  
13 the State plans and Illinois waivers approved by the federal  
14 Centers for Medicare and Medicaid Services necessitated by the  
15 requirements of Title XIX and Title XXI of the federal Social  
16 Security Act. The adoption of emergency rules authorized by  
17 this subsection (l) shall be deemed to be necessary for the  
18 public interest, safety, and welfare.

19 (Source: P.A. 93-20, eff. 6-20-03; 93-829, eff. 7-28-04;  
20 93-841, eff. 7-30-04; 94-48, eff. 7-1-05; 94-838, eff. 6-6-06;  
21 revised 10-19-06.)

22 (5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)

23 Sec. 10-65. Licenses.

24 (a) When any licensing is required by law to be preceded by  
25 notice and an opportunity for a hearing, the provisions of this



1 Act concerning contested cases shall apply.

2 (b) When a licensee has made timely and sufficient  
3 application for the renewal of a license or a new license with  
4 reference to any activity of a continuing nature, the existing  
5 license shall continue in full force and effect until the final  
6 agency decision on the application has been made unless a later  
7 date is fixed by order of a reviewing court.

8 (c) Except as provided in Section 1-27 of the Department of  
9 Natural Resources Act, an application for the renewal of a  
10 license or a new license shall include the applicant's social  
11 security number. Each agency shall require the licensee to  
12 certify on the application form, under penalty of perjury, that  
13 he or she is not more than 30 days delinquent in complying with  
14 a child support order. Every application shall state that  
15 failure to so certify shall result in disciplinary action, and  
16 that making a false statement may subject the licensee to  
17 contempt of court. The agency shall notify each applicant or  
18 licensee who acknowledges a delinquency or who, contrary to his  
19 or her certification, is found to be delinquent or who after  
20 receiving notice, fails to comply with a subpoena or warrant  
21 relating to a paternity or a child support proceeding, that the  
22 agency intends to take disciplinary action. Accordingly, the  
23 agency shall provide written notice of the facts or conduct  
24 upon which the agency will rely to support its proposed action  
25 and the applicant or licensee shall be given an opportunity for  
26 a hearing in accordance with the provisions of the Act

1 concerning contested cases. Any delinquency in complying with a  
2 child support order can be remedied by arranging for payment of  
3 past due and current support. Any failure to comply with a  
4 subpoena or warrant relating to a paternity or child support  
5 proceeding can be remedied by complying with the subpoena or  
6 warrant. Upon a final finding of delinquency or failure to  
7 comply with a subpoena or warrant, the agency shall suspend,  
8 revoke, or refuse to issue or renew the license. In cases in  
9 which the Department of Healthcare and Family Services  
10 (formerly Department of Public Aid) has previously determined  
11 that an applicant or a licensee is more than 30 days delinquent  
12 in the payment of child support and has subsequently certified  
13 the delinquency to the licensing agency, and in cases in which  
14 a court has previously determined that an applicant or licensee  
15 has been in violation of the Non-Support Punishment Act for  
16 more than 60 days, the licensing agency shall refuse to issue  
17 or renew or shall revoke or suspend that person's license based  
18 solely upon the certification of delinquency made by the  
19 Department of Healthcare and Family Services (formerly  
20 Department of Public Aid) or the certification of violation  
21 made by the court. Further process, hearings, or  
22 redetermination of the delinquency or violation by the  
23 licensing agency shall not be required. The licensing agency  
24 may issue or renew a license if the licensee has arranged for  
25 payment of past and current child support obligations in a  
26 manner satisfactory to the Department of Healthcare and Family

1 Services (formerly Department of Public Aid) or the court. The  
2 licensing agency may impose conditions, restrictions, or  
3 disciplinary action upon that license.

4 (d) Except as provided in subsection (c), no agency shall  
5 revoke, suspend, annul, withdraw, amend materially, or refuse  
6 to renew any valid license without first giving written notice  
7 to the licensee of the facts or conduct upon which the agency  
8 will rely to support its proposed action and an opportunity for  
9 a hearing in accordance with the provisions of this Act  
10 concerning contested cases. At the hearing, the licensee shall  
11 have the right to show compliance with all lawful requirements  
12 for the retention, continuation, or renewal of the license. If,  
13 however, the agency finds that the public interest, safety, or  
14 welfare imperatively requires emergency action, and if the  
15 agency incorporates a finding to that effect in its order,  
16 summary suspension of a license may be ordered pending  
17 proceedings for revocation or other action. Those proceedings  
18 shall be promptly instituted and determined.

19 (e) Any application for renewal of a license that contains  
20 required and relevant information, data, material, or  
21 circumstances that were not contained in an application for the  
22 existing license shall be subject to the provisions of  
23 subsection (a).

24 (Source: P.A. 94-40, eff. 1-1-06; revised 12-15-05.)

25 Section 15. The Freedom of Information Act is amended by

1 changing Sections 7 and 7.1 as follows:

2 (5 ILCS 140/7) (from Ch. 116, par. 207)

3 Sec. 7. Exemptions.

4 (1) The following shall be exempt from inspection and  
5 copying:

6 (a) Information specifically prohibited from  
7 disclosure by federal or State law or rules and regulations  
8 adopted under federal or State law.

9 (b) Information that, if disclosed, would constitute a  
10 clearly unwarranted invasion of personal privacy, unless  
11 the disclosure is consented to in writing by the individual  
12 subjects of the information. The disclosure of information  
13 that bears on the public duties of public employees and  
14 officials shall not be considered an invasion of personal  
15 privacy. Information exempted under this subsection (b)  
16 shall include but is not limited to:

17 (i) files and personal information maintained with  
18 respect to clients, patients, residents, students or  
19 other individuals receiving social, medical,  
20 educational, vocational, financial, supervisory or  
21 custodial care or services directly or indirectly from  
22 federal agencies or public bodies;

23 (ii) personnel files and personal information  
24 maintained with respect to employees, appointees or  
25 elected officials of any public body or applicants for

1           those positions;

2           (iii) files and personal information maintained  
3           with respect to any applicant, registrant or licensee  
4           by any public body cooperating with or engaged in  
5           professional or occupational registration, licensure  
6           or discipline;

7           (iv) information required of any taxpayer in  
8           connection with the assessment or collection of any tax  
9           unless disclosure is otherwise required by State  
10          statute;

11          (v) information revealing the identity of persons  
12          who file complaints with or provide information to  
13          administrative, investigative, law enforcement or  
14          penal agencies; provided, however, that identification  
15          of witnesses to traffic accidents, traffic accident  
16          reports, and rescue reports may be provided by agencies  
17          of local government, except in a case for which a  
18          criminal investigation is ongoing, without  
19          constituting a clearly unwarranted per se invasion of  
20          personal privacy under this subsection; and

21          (vi) the names, addresses, or other personal  
22          information of participants and registrants in park  
23          district, forest preserve district, and conservation  
24          district programs.

25          (c) Records compiled by any public body for  
26          administrative enforcement proceedings and any law

1 enforcement or correctional agency for law enforcement  
2 purposes or for internal matters of a public body, but only  
3 to the extent that disclosure would:

4 (i) interfere with pending or actually and  
5 reasonably contemplated law enforcement proceedings  
6 conducted by any law enforcement or correctional  
7 agency;

8 (ii) interfere with pending administrative  
9 enforcement proceedings conducted by any public body;

10 (iii) deprive a person of a fair trial or an  
11 impartial hearing;

12 (iv) unavoidably disclose the identity of a  
13 confidential source or confidential information  
14 furnished only by the confidential source;

15 (v) disclose unique or specialized investigative  
16 techniques other than those generally used and known or  
17 disclose internal documents of correctional agencies  
18 related to detection, observation or investigation of  
19 incidents of crime or misconduct;

20 (vi) constitute an invasion of personal privacy  
21 under subsection (b) of this Section;

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

24 (viii) obstruct an ongoing criminal investigation.

25 (d) Criminal history record information maintained by  
26 State or local criminal justice agencies, except the

1 following which shall be open for public inspection and  
2 copying:

3 (i) chronologically maintained arrest information,  
4 such as traditional arrest logs or blotters;

5 (ii) the name of a person in the custody of a law  
6 enforcement agency and the charges for which that  
7 person is being held;

8 (iii) court records that are public;

9 (iv) records that are otherwise available under  
10 State or local law; or

11 (v) records in which the requesting party is the  
12 individual identified, except as provided under part  
13 (vii) of paragraph (c) of subsection (1) of this  
14 Section.

15 "Criminal history record information" means data  
16 identifiable to an individual and consisting of  
17 descriptions or notations of arrests, detentions,  
18 indictments, informations, pre-trial proceedings, trials,  
19 or other formal events in the criminal justice system or  
20 descriptions or notations of criminal charges (including  
21 criminal violations of local municipal ordinances) and the  
22 nature of any disposition arising therefrom, including  
23 sentencing, court or correctional supervision,  
24 rehabilitation and release. The term does not apply to  
25 statistical records and reports in which individuals are  
26 not identified and from which their identities are not

1 ascertainable, or to information that is for criminal  
2 investigative or intelligence purposes.

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

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

14 (g) Trade secrets and commercial or financial  
15 information obtained from a person or business where the  
16 trade secrets or information are proprietary, privileged  
17 or confidential, or where disclosure of the trade secrets  
18 or information may cause competitive harm, including:

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

22 (ii) All trade secrets and commercial or financial  
23 information obtained by a public body, including a  
24 public pension fund, from a private equity fund or a  
25 privately held company within the investment portfolio  
26 of a private equity fund as a result of either



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

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

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

21 (i) Valuable formulae, computer geographic systems,  
22 designs, drawings and research data obtained or produced by  
23 any public body when disclosure could reasonably be  
24 expected to produce private gain or public loss. The  
25 exemption for "computer geographic systems" provided in  
26 this paragraph (i) does not extend to requests made by news

1 media as defined in Section 2 of this Act when the  
2 requested information is not otherwise exempt and the only  
3 purpose of the request is to access and disseminate  
4 information regarding the health, safety, welfare, or  
5 legal rights of the general public.

6 (j) Test questions, scoring keys and other examination  
7 data used to administer an academic examination or  
8 determined the qualifications of an applicant for a license  
9 or employment.

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

20 (l) Library circulation and order records identifying  
21 library users with specific materials.

22 (m) Minutes of meetings of public bodies closed to the  
23 public as provided in the Open Meetings Act until the  
24 public body makes the minutes available to the public under  
25 Section 2.06 of the Open Meetings Act.

26 (n) Communications between a public body and an

1 attorney or auditor representing the public body that would  
2 not be subject to discovery in litigation, and materials  
3 prepared or compiled by or for a public body in  
4 anticipation of a criminal, civil or administrative  
5 proceeding upon the request of an attorney advising the  
6 public body, and materials prepared or compiled with  
7 respect to internal audits of public bodies.

8 (o) Information received by a primary or secondary  
9 school, college or university under its procedures for the  
10 evaluation of faculty members by their academic peers.

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

21 (q) Documents or materials relating to collective  
22 negotiating matters between public bodies and their  
23 employees or representatives, except that any final  
24 contract or agreement shall be subject to inspection and  
25 copying.

26 (r) Drafts, notes, recommendations and memoranda

1           pertaining to the financing and marketing transactions of  
2           the public body. The records of ownership, registration,  
3           transfer, and exchange of municipal debt obligations, and  
4           of persons to whom payment with respect to these  
5           obligations is made.

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

16          (t) Any and all proprietary information and records  
17          related to the operation of an intergovernmental risk  
18          management association or self-insurance pool or jointly  
19          self-administered health and accident cooperative or pool.

20          (u) Information concerning a university's adjudication  
21          of student or employee grievance or disciplinary cases, to  
22          the extent that disclosure would reveal the identity of the  
23          student or employee and information concerning any public  
24          body's adjudication of student or employee grievances or  
25          disciplinary cases, except for the final outcome of the  
26          cases.

1           (v) Course materials or research materials used by  
2 faculty members.

3           (w) Information related solely to the internal  
4 personnel rules and practices of a public body.

5           (x) 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 or insurance companies, unless disclosure is  
10 otherwise required by State law.

11           (y) Information the disclosure of which is restricted  
12 under Section 5-108 of the Public Utilities Act.

13           (z) Manuals or instruction to staff that relate to  
14 establishment or collection of liability for any State tax  
15 or that relate to investigations by a public body to  
16 determine violation of any criminal law.

17           (aa) Applications, related documents, and medical  
18 records received by the Experimental Organ Transplantation  
19 Procedures Board and any and all documents or other records  
20 prepared by the Experimental Organ Transplantation  
21 Procedures Board or its staff relating to applications it  
22 has received.

23           (bb) Insurance or self insurance (including any  
24 intergovernmental risk management association or self  
25 insurance pool) claims, loss or risk management  
26 information, records, data, advice or communications.

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

7           (dd) Information the disclosure of which is exempted  
8           under Section 30 of the Radon Industry Licensing Act.

9           (ee) Firm performance evaluations under Section 55 of  
10          the Architectural, Engineering, and Land Surveying  
11          Qualifications Based Selection Act.

12          (ff) Security portions of system safety program plans,  
13          investigation reports, surveys, schedules, lists, data, or  
14          information compiled, collected, or prepared by or for the  
15          Regional Transportation Authority under Section 2.11 of  
16          the Regional Transportation Authority Act or the St. Clair  
17          County Transit District under the Bi-State Transit Safety  
18          Act.

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

22          (hh) Information the disclosure of which is exempted  
23          under the State Officials and Employees Ethics Act.

24          (ii) Beginning July 1, 1999, information that would  
25          disclose or might lead to the disclosure of secret or  
26          confidential information, codes, algorithms, programs, or

1 private keys intended to be used to create electronic or  
2 digital signatures under the Electronic Commerce Security  
3 Act.

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

8 (kk) Information and data concerning the distribution  
9 of surcharge moneys collected and remitted by wireless  
10 carriers under the Wireless Emergency Telephone Safety  
11 Act.

12 (ll) Vulnerability assessments, security measures, and  
13 response policies or plans that are designed to identify,  
14 prevent, or respond to potential attacks upon a community's  
15 population or systems, facilities, or installations, the  
16 destruction or contamination of which would constitute a  
17 clear and present danger to the health or safety of the  
18 community, but only to the extent that disclosure could  
19 reasonably be expected to jeopardize the effectiveness of  
20 the measures or the safety of the personnel who implement  
21 them or the public. Information exempt under this item may  
22 include such things as details pertaining to the  
23 mobilization or deployment of personnel or equipment, to  
24 the operation of communication systems or protocols, or to  
25 tactical operations.

26 (mm) Maps and other records regarding the location or

1 security of a utility's generation, transmission,  
2 distribution, storage, gathering, treatment, or switching  
3 facilities.

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

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

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

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

24 (2) This Section does not authorize withholding of  
25 information or limit the availability of records to the public,  
26 except as stated in this Section or otherwise provided in this



1 Act.

2 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,  
3 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;  
4 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.  
5 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.  
6 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised  
7 8-3-06.)

8 (5 ILCS 140/7.1) (from Ch. 116, par. 207.1)

9 Sec. 7.1. Nothing in this Act shall be construed to  
10 prohibit publication and dissemination by the Department of  
11 Healthcare and Family Services ~~Public Aid~~ or the Department of  
12 Human Services of the names and addresses of entities which  
13 have had receipt of benefits or payments under the Illinois  
14 Public Aid Code suspended or terminated or future receipt  
15 barred, pursuant to Section 11-26 of that Code.

16 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

17 Section 20. The State Records Act is amended by changing  
18 Section 7 as follows:

19 (5 ILCS 160/7) (from Ch. 116, par. 43.10)

20 Sec. 7. Powers and duties of the Secretary.➤

21 (1) The Secretary, whenever it appears to him to be in the  
22 public interest, may accept for deposit in the State Archives  
23 the records of any agency or of the Legislative or Judicial

1 branches of the State government that are determined by him to  
2 have sufficient historical or other value to warrant the  
3 permanent preservation of such records by the State of  
4 Illinois.

5 (2) The Secretary may accept for deposit in the State  
6 Archives official papers, photographs, microfilm, electronic  
7 and digital records, drawings, maps, writings, and records of  
8 every description of counties, municipal corporations,  
9 political subdivisions and courts of this State, and records of  
10 the federal government pertaining to Illinois, when such  
11 materials are deemed by the Secretary to have sufficient  
12 historical or other value to warrant their continued  
13 preservation by the State of Illinois.

14 (3) The Secretary, whenever he deems it in the public  
15 interest, may accept for deposit in the State Archives motion  
16 picture films, still pictures, and sound recordings that are  
17 appropriate for preservation by the State government as  
18 evidence of its organization, functions and policies.

19 (4) The Secretary shall be responsible for the custody,  
20 use, servicing and withdrawal of records transferred for  
21 deposit in the State Archives. The Secretary shall observe any  
22 rights, limitations, or restrictions imposed by law relating to  
23 the use of records, including the provisions of the Mental  
24 Health and Developmental Disabilities Confidentiality Act  
25 which limit access to certain records or which permit access to  
26 certain records only after the removal of all personally

1 identifiable data. Access to restricted records shall be at the  
2 direction of the depositing State agency or, in the case of  
3 records deposited by the legislative or judicial branches of  
4 State government at the direction of the branch which deposited  
5 them, but no limitation on access to such records shall extend  
6 more than 75 years after the creation of the records, except as  
7 provided in the Mental Health and Developmental Disabilities  
8 Confidentiality Act. The Secretary shall not impose  
9 restrictions on the use of records that are defined by law as  
10 public records or as records open to public inspection.†

11 (5) The Secretary shall make provision for the  
12 preservation, arrangement, repair, and rehabilitation,  
13 duplication and reproduction, description, and exhibition of  
14 records deposited in the State Archives as may be needed or  
15 appropriate.†

16 (6) The Secretary shall make or reproduce and furnish upon  
17 demand authenticated or unauthenticated copies of any of the  
18 documents, photographic material or other records deposited in  
19 the State Archives, the public examination of which is not  
20 prohibited by statutory limitations or restrictions or  
21 protected by copyright. The Secretary shall charge a fee  
22 therefor in accordance with the schedule of fees in Section 5.5  
23 of the Secretary of State Act 10 of "An Act concerning fees and  
24 salaries, and to classify the several counties of this state  
25 with reference thereto," approved March 29, 1872, as amended,  
26 except that there shall be no charge for making or

1 authentication of such copies or reproductions furnished to any  
2 department or agency of the State for official use. When any  
3 such copy or reproduction is authenticated by the Great Seal of  
4 the State of Illinois and is certified by the Secretary, or in  
5 his name by his authorized representative, such copy or  
6 reproduction shall be admitted in evidence as if it were the  
7 original.

8 (7) Any official of the State of Illinois may turn over to  
9 the Secretary of State, with his consent, for permanent  
10 preservation in the State Archives, any official books,  
11 records, documents, original papers, or files, not in current  
12 use in his office, taking a receipt therefor.

13 (8) (Blank).

14 (9) The Secretary may cooperate with the Illinois State  
15 Genealogical Society, or its successor organization, for the  
16 mutual benefit of the Society and the Illinois State Archives,  
17 with the State Archives furnishing necessary space for the  
18 society to carry on its functions and keep its records, to  
19 receive publications of the Illinois State Genealogical  
20 Society, to use members of the Illinois State Genealogical  
21 Society as volunteers in various archival projects and to store  
22 the Illinois State Genealogical Society's film collections.

23 (Source: P.A. 92-866, eff. 1-3-03; revised 1-20-03.)

24 Section 25. The Intergovernmental Cooperation Act is  
25 amended by changing Section 3 as follows:

1 (5 ILCS 220/3) (from Ch. 127, par. 743)

2 Sec. 3. Intergovernmental cooperation. Any power or  
3 powers, privileges, functions, or authority exercised or which  
4 may be exercised by a public agency of this State may be  
5 exercised, combined, transferred, and enjoyed jointly with any  
6 other public agency of this State and jointly with any public  
7 agency of any other state or of the United States to the extent  
8 that laws of such other state or of the United States do not  
9 prohibit joint exercise or enjoyment and except where  
10 specifically and expressly prohibited by law. This includes,  
11 but is not limited to, (i) arrangements between the Illinois  
12 Student Assistance Commission and agencies in other states  
13 which issue professional licenses and (ii) agreements between  
14 the Department of Healthcare and Family Services (formerly  
15 Illinois Department of Public Aid) and public agencies for the  
16 establishment and enforcement of child support orders and for  
17 the exchange of information that may be necessary for the  
18 enforcement of those child support orders.

19 (Source: P.A. 90-18, eff. 7-1-97; 91-298, eff. 7-29-99; revised  
20 12-15-05.)

21 Section 30. The Illinois Public Labor Relations Act is  
22 amended by changing Sections 3, 9, and 15 as follows:

23 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

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

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

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

20           (e) "Essential services employees" means those public  
21 employees performing functions so essential that the  
22 interruption or termination of the function will constitute a  
23 clear and present danger to the health and safety of the  
24 persons in the affected community.

25           (f) "Exclusive representative", except with respect to  
26 non-State fire fighters and paramedics employed by fire

1 departments and fire protection districts, non-State peace  
2 officers, and peace officers in the Department of State Police,  
3 means the labor organization that has been (i) designated by  
4 the Board as the representative of a majority of public  
5 employees in an appropriate bargaining unit in accordance with  
6 the procedures contained in this Act, (ii) historically  
7 recognized by the State of Illinois or any political  
8 subdivision of the State before July 1, 1984 (the effective  
9 date of this Act) as the exclusive representative of the  
10 employees in an appropriate bargaining unit, (iii) after July  
11 1, 1984 (the effective date of this Act) recognized by an  
12 employer upon evidence, acceptable to the Board, that the labor  
13 organization has been designated as the exclusive  
14 representative by a majority of the employees in an appropriate  
15 bargaining unit; (iv) recognized as the exclusive  
16 representative of personal care attendants or personal  
17 assistants under Executive Order 2003-8 prior to the effective  
18 date of this amendatory Act of the 93rd General Assembly, and  
19 the organization shall be considered to be the exclusive  
20 representative of the personal care attendants or personal  
21 assistants as defined in this Section; or (v) recognized as the  
22 exclusive representative of child and day care home providers,  
23 including licensed and license exempt providers, pursuant to an  
24 election held under Executive Order 2005-1 prior to the  
25 effective date of this amendatory Act of the 94th General  
26 Assembly, and the organization shall be considered to be the

1 exclusive representative of the child and day care home  
2 providers as defined in this Section.

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

21 (g) "Fair share agreement" means an agreement between the  
22 employer and an employee organization under which all or any of  
23 the employees in a collective bargaining unit are required to  
24 pay their proportionate share of the costs of the collective  
25 bargaining process, contract administration, and pursuing  
26 matters affecting wages, hours, and other conditions of



1 employment, but not to exceed the amount of dues uniformly  
2 required of members. The amount certified by the exclusive  
3 representative shall not include any fees for contributions  
4 related to the election or support of any candidate for  
5 political office. Nothing in this subsection (g) shall preclude  
6 an employee from making voluntary political contributions in  
7 conjunction with his or her fair share payment.

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

19 (g-2) "General Assembly of the State of Illinois" means the  
20 legislative branch of the government of the State of Illinois,  
21 as provided for under Article IV of the Constitution of the  
22 State of Illinois, and includes but is not limited to the House  
23 of Representatives, the Senate, the Speaker of the House of  
24 Representatives, the Minority Leader of the House of  
25 Representatives, the President of the Senate, the Minority  
26 Leader of the Senate, the Joint Committee on Legislative

1 Support Services and any legislative support services agency  
2 listed in the Legislative Commission Reorganization Act of  
3 1984.

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

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

17 (j) "Managerial employee" means an individual who is  
18 engaged predominantly in executive and management functions  
19 and is charged with the responsibility of directing the  
20 effectuation of management policies and practices.

21 (k) "Peace officer" means, for the purposes of this Act  
22 only, any persons who have been or are hereafter appointed to a  
23 police force, department, or agency and sworn or commissioned  
24 to perform police duties, except that the following persons are  
25 not included: part-time police officers, special police  
26 officers, auxiliary police as defined by Section 3.1-30-20 of

1 the Illinois Municipal Code, night watchmen, "merchant  
2 police", court security officers as defined by Section 3-6012.1  
3 of the Counties Code, temporary employees, traffic guards or  
4 wardens, civilian parking meter and parking facilities  
5 personnel or other individuals specially appointed to aid or  
6 direct traffic at or near schools or public functions or to aid  
7 in civil defense or disaster, parking enforcement employees who  
8 are not commissioned as peace officers and who are not armed  
9 and who are not routinely expected to effect arrests, parking  
10 lot attendants, clerks and dispatchers or other civilian  
11 employees of a police department who are not routinely expected  
12 to effect arrests, or elected officials.

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

21 (m) "Professional employee" means any employee engaged in  
22 work predominantly intellectual and varied in character rather  
23 than routine mental, manual, mechanical or physical work;  
24 involving the consistent exercise of discretion and adjustment  
25 in its performance; of such a character that the output  
26 produced or the result accomplished cannot be standardized in

1 relation to a given period of time; and requiring advanced  
2 knowledge in a field of science or learning customarily  
3 acquired by a prolonged course of specialized intellectual  
4 instruction and study in an institution of higher learning or a  
5 hospital, as distinguished from a general academic education or  
6 from apprenticeship or from training in the performance of  
7 routine mental, manual, or physical processes; or any employee  
8 who has completed the courses of specialized intellectual  
9 instruction and study prescribed in this subsection (m) and is  
10 performing related work under the supervision of a professional  
11 person to qualify to become a professional employee as defined  
12 in this subsection (m).

13 (n) "Public employee" or "employee", for the purposes of  
14 this Act, means any individual employed by a public employer,  
15 including (i) interns and residents at public hospitals, (ii)  
16 as of the effective date of this amendatory Act of the 93rd  
17 General Assembly, but not before, personal care attendants and  
18 personal assistants working under the Home Services Program  
19 under Section 3 of the Disabled Persons Rehabilitation Act,  
20 subject to the limitations set forth in this Act and in the  
21 Disabled Persons Rehabilitation Act, and (iii) as of the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly, but not before, child and day care home providers  
24 participating in the child care assistance program under  
25 Section 9A-11 of the Illinois Public Aid Code, subject to the  
26 limitations set forth in this Act and in Section 9A-11 of the

1 Illinois Public Aid Code, but excluding all of the following:  
2 employees of the General Assembly of the State of Illinois;  
3 elected officials; executive heads of a department; members of  
4 boards or commissions; the Executive Inspectors General; any  
5 special Executive Inspectors General; employees of each Office  
6 of an Executive Inspector General; commissioners and employees  
7 of the Executive Ethics Commission; the Auditor General's  
8 Inspector General; employees of the Office of the Auditor  
9 General's Inspector General; the Legislative Inspector  
10 General; any special Legislative Inspectors General; employees  
11 of the Office of the Legislative Inspector General;  
12 commissioners and employees of the Legislative Ethics  
13 Commission; employees of any agency, board or commission  
14 created by this Act; employees appointed to State positions of  
15 a temporary or emergency nature; all employees of school  
16 districts and higher education institutions except  
17 firefighters and peace officers employed by a state university;  
18 managerial employees; short-term employees; confidential  
19 employees; independent contractors; and supervisors except as  
20 provided in this Act.

21 Personal care attendants and personal assistants shall not  
22 be considered public employees for any purposes not  
23 specifically provided for in the amendatory Act of the 93rd  
24 General Assembly, including but not limited to, purposes of  
25 vicarious liability in tort and purposes of statutory  
26 retirement or health insurance benefits. Personal care

1 attendants and personal assistants shall not be covered by the  
2 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

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

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

14 (o) Except as otherwise in subsection (o-5), "public  
15 employer" or "employer" means the State of Illinois; any  
16 political subdivision of the State, unit of local government or  
17 school district; authorities including departments, divisions,  
18 bureaus, boards, commissions, or other agencies of the  
19 foregoing entities; and any person acting within the scope of  
20 his or her authority, express or implied, on behalf of those  
21 entities in dealing with its employees. As of the effective  
22 date of the amendatory Act of the 93rd General Assembly, but  
23 not before, the State of Illinois shall be considered the  
24 employer of the personal care attendants and personal  
25 assistants working under the Home Services Program under  
26 Section 3 of the Disabled Persons Rehabilitation Act, subject

1 to the limitations set forth in this Act and in the Disabled  
2 Persons Rehabilitation Act. The State shall not be considered  
3 to be the employer of personal care attendants and personal  
4 assistants for any purposes not specifically provided for in  
5 this amendatory Act of the 93rd General Assembly, including but  
6 not limited to, purposes of vicarious liability in tort and  
7 purposes of statutory retirement or health insurance benefits.  
8 Personal care attendants and personal assistants shall not be  
9 covered by the State Employees Group Insurance Act of 1971 (5  
10 ILCS 375/). As of the effective date of this amendatory Act of  
11 the 94th General Assembly but not before, the State of Illinois  
12 shall be considered the employer of the day and child care home  
13 providers participating in the child care assistance program  
14 under Section 9A-11 of the Illinois Public Aid Code, subject to  
15 the limitations set forth in this Act and in Section 9A-11 of  
16 the Illinois Public Aid Code. The State shall not be considered  
17 to be the employer of child and day care home providers for any  
18 purposes not specifically provided for in this amendatory Act  
19 of the 94th General Assembly, including but not limited to,  
20 purposes of vicarious liability in tort and purposes of  
21 statutory retirement or health insurance benefits. Child and  
22 day care home providers shall not be covered by the State  
23 Employees Group Insurance Act of 1971.

24 "Public employer" or "employer" as used in this Act,  
25 however, does not mean and shall not include the General  
26 Assembly of the State of Illinois, the Executive Ethics

1 Commission, the Offices of the Executive Inspectors General,  
2 the Legislative Ethics Commission, the Office of the  
3 Legislative Inspector General, the Office of the Auditor  
4 General's Inspector General, and educational employers or  
5 employers as defined in the Illinois Educational Labor  
6 Relations Act, except with respect to a state university in its  
7 employment of firefighters and peace officers. County boards  
8 and county sheriffs shall be designated as joint or  
9 co-employers of county peace officers appointed under the  
10 authority of a county sheriff. Nothing in this subsection (o)  
11 shall be construed to prevent the State Panel or the Local  
12 Panel from determining that employers are joint or  
13 co-employers.

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

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

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



1 employer and employer representative.

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

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

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

17 (r) "Supervisor" is an employee whose principal work is  
18 substantially different from that of his or her subordinates  
19 and who has authority, in the interest of the employer, to  
20 hire, transfer, suspend, lay off, recall, promote, discharge,  
21 direct, reward, or discipline employees, to adjust their  
22 grievances, or to effectively recommend any of those actions,  
23 if the exercise of that authority is not of a merely routine or  
24 clerical nature, but requires the consistent use of independent  
25 judgment. Except with respect to police employment, the term  
26 "supervisor" includes only those individuals who devote a

1 preponderance of their employment time to exercising that  
2 authority, State supervisors notwithstanding. In addition, in  
3 determining supervisory status in police employment, rank  
4 shall not be determinative. The Board shall consider, as  
5 evidence of bargaining unit inclusion or exclusion, the common  
6 law enforcement policies and relationships between police  
7 officer ranks and certification under applicable civil service  
8 law, ordinances, personnel codes, or Division 2.1 of Article 10  
9 of the Illinois Municipal Code, but these factors shall not be  
10 the sole or predominant factors considered by the Board in  
11 determining police supervisory status.

12 Notwithstanding the provisions of the preceding paragraph,  
13 in determining supervisory status in fire fighter employment,  
14 no fire fighter shall be excluded as a supervisor who has  
15 established representation rights under Section 9 of this Act.  
16 Further, in new fire fighter units, employees shall consist of  
17 fire fighters of the rank of company officer and below. If a  
18 company officer otherwise qualifies as a supervisor under the  
19 preceding paragraph, however, he or she shall not be included  
20 in the fire fighter unit. If there is no rank between that of  
21 chief and the highest company officer, the employer may  
22 designate a position on each shift as a Shift Commander, and  
23 the persons occupying those positions shall be supervisors. All  
24 other ranks above that of company officer shall be supervisors.

25 (s) (1) "Unit" means a class of jobs or positions that are  
26 held by employees whose collective interests may suitably

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

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

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

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

21 (Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03;  
22 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; revised 8-19-05.)

23 (5 ILCS 315/9) (from Ch. 48, par. 1609)

24 Sec. 9. Elections; recognition.

25 (a) Whenever in accordance with such regulations as may be

1 prescribed by the Board a petition has been filed:

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

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

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

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

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

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

1 provides to the Board, before the designation of a  
2 representative, clear and convincing evidence that the dues  
3 deduction authorizations, and other evidence upon which the  
4 Board would otherwise rely to ascertain the employees' choice  
5 of representative, are fraudulent or were obtained through  
6 coercion, the Board shall promptly thereafter conduct an  
7 election. The Board shall also investigate and consider a  
8 party's allegations that the dues deduction authorizations and  
9 other evidence submitted in support of a designation of  
10 representative without an election were subsequently changed,  
11 altered, withdrawn, or withheld as a result of employer fraud,  
12 coercion, or any other unfair labor practice by the employer.  
13 If the Board determines that a labor organization would have  
14 had a majority interest but for an employer's fraud, coercion,  
15 or unfair labor practice, it shall designate the labor  
16 organization as an exclusive representative without conducting  
17 an election.

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



1 employees involved; and the desires of the employees. For  
2 purposes of this subsection, fragmentation shall not be the  
3 sole or predominant factor used by the Board in determining an  
4 appropriate bargaining unit. Except with respect to non-State  
5 fire fighters and paramedics employed by fire departments and  
6 fire protection districts, non-State peace officers and peace  
7 officers in the State Department of State Police, a single  
8 bargaining unit determined by the Board may not include both  
9 supervisors and nonsupervisors, except for bargaining units in  
10 existence on the effective date of this Act. With respect to  
11 non-State fire fighters and paramedics employed by fire  
12 departments and fire protection districts, non-State peace  
13 officers and peace officers in the State Department of State  
14 Police, a single bargaining unit determined by the Board may  
15 not include both supervisors and nonsupervisors, except for  
16 bargaining units in existence on the effective date of this  
17 amendatory Act of 1985.

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

24 Notwithstanding the above factors, where the majority of  
25 public employees of a craft so decide, the Board shall  
26 designate such craft as a unit appropriate for the purposes of

1 collective bargaining.

2 The Board shall not decide that any unit is appropriate if  
3 such unit includes both professional and nonprofessional  
4 employees, unless a majority of each group votes for inclusion  
5 in such unit.

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

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

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

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

1 votes cast in an election shall be certified by the Board as  
2 exclusive representative of all public employees in the unit.

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

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

24 (h) No election shall be directed by the Board in any  
25 bargaining unit where there is in force a valid collective  
26 bargaining agreement. The Board, however, may process an

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

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

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

4 (Source: P.A. 93-427, eff. 8-5-03; 93-444, eff. 8-5-03; revised  
5 9-10-03.)

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

7 Sec. 15. Act Takes Precedence.

8 (a) In case of any conflict between the provisions of this  
9 Act and any other law (other than Section 5 of the State  
10 Employees Group Insurance Act of 1971), executive order or  
11 administrative regulation relating to wages, hours and  
12 conditions of employment and employment relations, the  
13 provisions of this Act or any collective bargaining agreement  
14 negotiated thereunder shall prevail and control. Nothing in  
15 this Act shall be construed to replace or diminish the rights  
16 of employees established by Sections 28 and 28a of the  
17 Metropolitan Transit Authority Act, Sections 2.15 through 2.19  
18 of the Regional Transportation Authority Act. The provisions of  
19 this Act are subject to Section 5 of the State Employees Group  
20 Insurance Act of 1971. Nothing in this Act shall be construed  
21 to replace the necessity of complaints against a sworn peace  
22 officer, as defined in Section 2(a) of the Uniform Peace  
23 Officer Disciplinary Act, from having a complaint supported by  
24 a sworn affidavit.

25 (b) Except as provided in subsection (a) above, any

1 collective bargaining contract between a public employer and a  
2 labor organization executed pursuant to this Act shall  
3 supersede any contrary statutes, charters, ordinances, rules  
4 or regulations relating to wages, hours and conditions of  
5 employment and employment relations adopted by the public  
6 employer or its agents. Any collective bargaining agreement  
7 entered into prior to the effective date of this Act shall  
8 remain in full force during its duration.

9 (c) It is the public policy of this State, pursuant to  
10 paragraphs (h) and (i) of Section 6 of Article VII of the  
11 Illinois Constitution, that the provisions of this Act are the  
12 exclusive exercise by the State of powers and functions which  
13 might otherwise be exercised by home rule units. Such powers  
14 and functions may not be exercised concurrently, either  
15 directly or indirectly, by any unit of local government,  
16 including any home rule unit, except as otherwise authorized by  
17 this Act.

18 (Source: P.A. 93-839, eff. 7-30-04; 93-1006, eff. 8-24-04;  
19 revised 10-25-04.)

20 Section 35. The Military Leave of Absence Act is amended by  
21 changing Sections 1 and 1.1 as follows:

22 (5 ILCS 325/1) (from Ch. 129, par. 501)

23 Sec. 1. Leave of absence.

24 (a) Any full-time employee of the State of Illinois, a unit

1 of local government, or a school district, other than an  
2 independent contractor, who is a member of any reserve  
3 component of the United States Armed Forces or of any reserve  
4 component of the Illinois State Militia, shall be granted leave  
5 from his or her public employment for any period actively spent  
6 in military service, including:

7 (1) basic training;

8 (2) special or advanced training, whether or not within the  
9 State, and whether or not voluntary; and

10 (3) annual training.

11 During these leaves, the employee's seniority and other  
12 benefits shall continue to accrue.

13 During leaves for annual training, the employee shall  
14 continue to receive his or her regular compensation as a public  
15 employee. During leaves for basic training and up to 60 days of  
16 special or advanced training, if the employee's compensation  
17 for military activities is less than his or her compensation as  
18 a public employee, he or she shall receive his or her regular  
19 compensation as a public employee minus the amount of his or  
20 her base pay for military activities.

21 (b) Any full-time employee of the State of Illinois, other  
22 than an independent contractor, who is a member of the Illinois  
23 National Guard or a reserve component of the United States  
24 Armed Forces or the Illinois State Militia and who is mobilized  
25 to active duty shall continue during the period of active duty  
26 to receive his or her benefits and regular compensation as a



1 State employee, minus an amount equal to his or her military  
2 active duty base pay. The Department of Central Management  
3 Services and the State Comptroller shall coordinate in the  
4 development of procedures for the implementation of this  
5 Section.

6 (Source: P.A. 93-409, eff. 8-4-03; 93-537, eff. 1-1-04; revised  
7 9-11-03.)

8 (5 ILCS 325/1.1)

9 Sec. 1.1. Home rule. A home rule unit may not regulate its  
10 employees in a manner that is inconsistent with this Act. This  
11 Section is a limitation under subsection (i) of Section 6~~7~~ of  
12 Article VII of the Illinois Constitution on the concurrent  
13 exercise by home rule units of powers and functions exercised  
14 by the State.

15 (Source: P.A. 93-409, eff. 8-4-03; revised 10-9-03.)

16 Section 40. The State Employees Group Insurance Act of 1971  
17 is amended by changing Sections 3, 8, and 10 as follows:

18 (5 ILCS 375/3) (from Ch. 127, par. 523)

19 Sec. 3. Definitions. Unless the context otherwise  
20 requires, the following words and phrases as used in this Act  
21 shall have the following meanings. The Department may define  
22 these and other words and phrases separately for the purpose of  
23 implementing specific programs providing benefits under this

1 Act.

2 (a) "Administrative service organization" means any  
3 person, firm or corporation experienced in the handling of  
4 claims which is fully qualified, financially sound and capable  
5 of meeting the service requirements of a contract of  
6 administration executed with the Department.

7 (b) "Annuitant" means (1) an employee who retires, or has  
8 retired, on or after January 1, 1966 on an immediate annuity  
9 under the provisions of Articles 2, 14 (including an employee  
10 who has elected to receive an alternative retirement  
11 cancellation payment under Section 14-108.5 of the Illinois  
12 Pension Code in lieu of an annuity), 15 (including an employee  
13 who has retired under the optional retirement program  
14 established under Section 15-158.2), paragraphs (2), (3), or  
15 (5) of Section 16-106, or Article 18 of the Illinois Pension  
16 Code; (2) any person who was receiving group insurance coverage  
17 under this Act as of March 31, 1978 by reason of his status as  
18 an annuitant, even though the annuity in relation to which such  
19 coverage was provided is a proportional annuity based on less  
20 than the minimum period of service required for a retirement  
21 annuity in the system involved; (3) any person not otherwise  
22 covered by this Act who has retired as a participating member  
23 under Article 2 of the Illinois Pension Code but is ineligible  
24 for the retirement annuity under Section 2-119 of the Illinois  
25 Pension Code; (4) the spouse of any person who is receiving a  
26 retirement annuity under Article 18 of the Illinois Pension

1 Code and who is covered under a group health insurance program  
2 sponsored by a governmental employer other than the State of  
3 Illinois and who has irrevocably elected to waive his or her  
4 coverage under this Act and to have his or her spouse  
5 considered as the "annuitant" under this Act and not as a  
6 "dependent"; or (5) an employee who retires, or has retired,  
7 from a qualified position, as determined according to rules  
8 promulgated by the Director, under a qualified local  
9 government, a qualified rehabilitation facility, a qualified  
10 domestic violence shelter or service, or a qualified child  
11 advocacy center. (For definition of "retired employee", see (p)  
12 post).

13 (b-5) "New SERS annuitant" means a person who, on or after  
14 January 1, 1998, becomes an annuitant, as defined in subsection  
15 (b), by virtue of beginning to receive a retirement annuity  
16 under Article 14 of the Illinois Pension Code (including an  
17 employee who has elected to receive an alternative retirement  
18 cancellation payment under Section 14-108.5 of that Code in  
19 lieu of an annuity), and is eligible to participate in the  
20 basic program of group health benefits provided for annuitants  
21 under this Act.

22 (b-6) "New SURS annuitant" means a person who (1) on or  
23 after January 1, 1998, becomes an annuitant, as defined in  
24 subsection (b), by virtue of beginning to receive a retirement  
25 annuity under Article 15 of the Illinois Pension Code, (2) has  
26 not made the election authorized under Section 15-135.1 of the

1 Illinois Pension Code, and (3) is eligible to participate in  
2 the basic program of group health benefits provided for  
3 annuitants under this Act.

4 (b-7) "New TRS State annuitant" means a person who, on or  
5 after July 1, 1998, becomes an annuitant, as defined in  
6 subsection (b), by virtue of beginning to receive a retirement  
7 annuity under Article 16 of the Illinois Pension Code based on  
8 service as a teacher as defined in paragraph (2), (3), or (5)  
9 of Section 16-106 of that Code, and is eligible to participate  
10 in the basic program of group health benefits provided for  
11 annuitants under this Act.

12 (c) "Carrier" means (1) an insurance company, a corporation  
13 organized under the Limited Health Service Organization Act or  
14 the Voluntary Health Services Plan Act, a partnership, or other  
15 nongovernmental organization, which is authorized to do group  
16 life or group health insurance business in Illinois, or (2) the  
17 State of Illinois as a self-insurer.

18 (d) "Compensation" means salary or wages payable on a  
19 regular payroll by the State Treasurer on a warrant of the  
20 State Comptroller out of any State, trust or federal fund, or  
21 by the Governor of the State through a disbursing officer of  
22 the State out of a trust or out of federal funds, or by any  
23 Department out of State, trust, federal or other funds held by  
24 the State Treasurer or the Department, to any person for  
25 personal services currently performed, and ordinary or  
26 accidental disability benefits under Articles 2, 14, 15

1 (including ordinary or accidental disability benefits under  
2 the optional retirement program established under Section  
3 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or  
4 Article 18 of the Illinois Pension Code, for disability  
5 incurred after January 1, 1966, or benefits payable under the  
6 Workers' Compensation or Occupational Diseases Act or benefits  
7 payable under a sick pay plan established in accordance with  
8 Section 36 of the State Finance Act. "Compensation" also means  
9 salary or wages paid to an employee of any qualified local  
10 government, qualified rehabilitation facility, qualified  
11 domestic violence shelter or service, or qualified child  
12 advocacy center.

13 (e) "Commission" means the State Employees Group Insurance  
14 Advisory Commission authorized by this Act. Commencing July 1,  
15 1984, "Commission" as used in this Act means the Commission on  
16 Government Forecasting and Accountability as established by  
17 the Legislative Commission Reorganization Act of 1984.

18 (f) "Contributory", when referred to as contributory  
19 coverage, shall mean optional coverages or benefits elected by  
20 the member toward the cost of which such member makes  
21 contribution, or which are funded in whole or in part through  
22 the acceptance of a reduction in earnings or the foregoing of  
23 an increase in earnings by an employee, as distinguished from  
24 noncontributory coverage or benefits which are paid entirely by  
25 the State of Illinois without reduction of the member's salary.

26 (g) "Department" means any department, institution, board,

1 commission, officer, court or any agency of the State  
2 government receiving appropriations and having power to  
3 certify payrolls to the Comptroller authorizing payments of  
4 salary and wages against such appropriations as are made by the  
5 General Assembly from any State fund, or against trust funds  
6 held by the State Treasurer and includes boards of trustees of  
7 the retirement systems created by Articles 2, 14, 15, 16 and 18  
8 of the Illinois Pension Code. "Department" also includes the  
9 Illinois Comprehensive Health Insurance Board, the Board of  
10 Examiners established under the Illinois Public Accounting  
11 Act, and the Illinois Finance Authority.

12 (h) "Dependent", when the term is used in the context of  
13 the health and life plan, means a member's spouse and any  
14 unmarried child (1) from birth to age 19 including an adopted  
15 child, a child who lives with the member from the time of the  
16 filing of a petition for adoption until entry of an order of  
17 adoption, a stepchild or recognized child who lives with the  
18 member in a parent-child relationship, or a child who lives  
19 with the member if such member is a court appointed guardian of  
20 the child, or (2) age 19 to 23 enrolled as a full-time student  
21 in any accredited school, financially dependent upon the  
22 member, and eligible to be claimed as a dependent for income  
23 tax purposes, or (3) age 19 or over who is mentally or  
24 physically handicapped. For the purposes of item (2), an  
25 unmarried child age 19 to 23 who is a member of the United  
26 States Armed Services, including the Illinois National Guard,

1 and is mobilized to active duty shall qualify as a dependent  
2 beyond the age of 23 and until the age of 25 and while a  
3 full-time student for the amount of time spent on active duty  
4 between the ages of 19 and 23. The individual attempting to  
5 qualify for this additional time must submit written  
6 documentation of active duty service to the Director. The  
7 changes made by this amendatory Act of the 94th General  
8 Assembly apply only to individuals mobilized to active duty in  
9 the United States Armed Services, including the Illinois  
10 National Guard, on or after January 1, 2002. For the health  
11 plan only, the term "dependent" also includes any person  
12 enrolled prior to the effective date of this Section who is  
13 dependent upon the member to the extent that the member may  
14 claim such person as a dependent for income tax deduction  
15 purposes; no other such person may be enrolled. For the health  
16 plan only, the term "dependent" also includes any person who  
17 has received after June 30, 2000 an organ transplant and who is  
18 financially dependent upon the member and eligible to be  
19 claimed as a dependent for income tax purposes.

20 (i) "Director" means the Director of the Illinois  
21 Department of Central Management Services.

22 (j) "Eligibility period" means the period of time a member  
23 has to elect enrollment in programs or to select benefits  
24 without regard to age, sex or health.

25 (k) "Employee" means and includes each officer or employee  
26 in the service of a department who (1) receives his

1 compensation for service rendered to the department on a  
2 warrant issued pursuant to a payroll certified by a department  
3 or on a warrant or check issued and drawn by a department upon  
4 a trust, federal or other fund or on a warrant issued pursuant  
5 to a payroll certified by an elected or duly appointed officer  
6 of the State or who receives payment of the performance of  
7 personal services on a warrant issued pursuant to a payroll  
8 certified by a Department and drawn by the Comptroller upon the  
9 State Treasurer against appropriations made by the General  
10 Assembly from any fund or against trust funds held by the State  
11 Treasurer, and (2) is employed full-time or part-time in a  
12 position normally requiring actual performance of duty during  
13 not less than 1/2 of a normal work period, as established by  
14 the Director in cooperation with each department, except that  
15 persons elected by popular vote will be considered employees  
16 during the entire term for which they are elected regardless of  
17 hours devoted to the service of the State, and (3) except that  
18 "employee" does not include any person who is not eligible by  
19 reason of such person's employment to participate in one of the  
20 State retirement systems under Articles 2, 14, 15 (either the  
21 regular Article 15 system or the optional retirement program  
22 established under Section 15-158.2) or 18, or under paragraph  
23 (2), (3), or (5) of Section 16-106, of the Illinois Pension  
24 Code, but such term does include persons who are employed  
25 during the 6 month qualifying period under Article 14 of the  
26 Illinois Pension Code. Such term also includes any person who



1 (1) after January 1, 1966, is receiving ordinary or accidental  
2 disability benefits under Articles 2, 14, 15 (including  
3 ordinary or accidental disability benefits under the optional  
4 retirement program established under Section 15-158.2),  
5 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of  
6 the Illinois Pension Code, for disability incurred after  
7 January 1, 1966, (2) receives total permanent or total  
8 temporary disability under the Workers' Compensation Act or  
9 Occupational Disease Act as a result of injuries sustained or  
10 illness contracted in the course of employment with the State  
11 of Illinois, or (3) is not otherwise covered under this Act and  
12 has retired as a participating member under Article 2 of the  
13 Illinois Pension Code but is ineligible for the retirement  
14 annuity under Section 2-119 of the Illinois Pension Code.  
15 However, a person who satisfies the criteria of the foregoing  
16 definition of "employee" except that such person is made  
17 ineligible to participate in the State Universities Retirement  
18 System by clause (4) of subsection (a) of Section 15-107 of the  
19 Illinois Pension Code is also an "employee" for the purposes of  
20 this Act. "Employee" also includes any person receiving or  
21 eligible for benefits under a sick pay plan established in  
22 accordance with Section 36 of the State Finance Act. "Employee"  
23 also includes (i) each officer or employee in the service of a  
24 qualified local government, including persons appointed as  
25 trustees of sanitary districts regardless of hours devoted to  
26 the service of the sanitary district, (ii) each employee in the

1 service of a qualified rehabilitation facility, (iii) each  
2 full-time employee in the service of a qualified domestic  
3 violence shelter or service, and (iv) each full-time employee  
4 in the service of a qualified child advocacy center, as  
5 determined according to rules promulgated by the Director.

6 (l) "Member" means an employee, annuitant, retired  
7 employee or survivor.

8 (m) "Optional coverages or benefits" means those coverages  
9 or benefits available to the member on his or her voluntary  
10 election, and at his or her own expense.

11 (n) "Program" means the group life insurance, health  
12 benefits and other employee benefits designed and contracted  
13 for by the Director under this Act.

14 (o) "Health plan" means a health benefits program offered  
15 by the State of Illinois for persons eligible for the plan.

16 (p) "Retired employee" means any person who would be an  
17 annuitant as that term is defined herein but for the fact that  
18 such person retired prior to January 1, 1966. Such term also  
19 includes any person formerly employed by the University of  
20 Illinois in the Cooperative Extension Service who would be an  
21 annuitant but for the fact that such person was made ineligible  
22 to participate in the State Universities Retirement System by  
23 clause (4) of subsection (a) of Section 15-107 of the Illinois  
24 Pension Code.

25 (q) "Survivor" means a person receiving an annuity as a  
26 survivor of an employee or of an annuitant. "Survivor" also

1 includes: (1) the surviving dependent of a person who satisfies  
2 the definition of "employee" except that such person is made  
3 ineligible to participate in the State Universities Retirement  
4 System by clause (4) of subsection (a) of Section 15-107 of the  
5 Illinois Pension Code; (2) the surviving dependent of any  
6 person formerly employed by the University of Illinois in the  
7 Cooperative Extension Service who would be an annuitant except  
8 for the fact that such person was made ineligible to  
9 participate in the State Universities Retirement System by  
10 clause (4) of subsection (a) of Section 15-107 of the Illinois  
11 Pension Code; and (3) the surviving dependent of a person who  
12 was an annuitant under this Act by virtue of receiving an  
13 alternative retirement cancellation payment under Section  
14 14-108.5 of the Illinois Pension Code.

15 (q-2) "SERS" means the State Employees' Retirement System  
16 of Illinois, created under Article 14 of the Illinois Pension  
17 Code.

18 (q-3) "SURS" means the State Universities Retirement  
19 System, created under Article 15 of the Illinois Pension Code.

20 (q-4) "TRS" means the Teachers' Retirement System of the  
21 State of Illinois, created under Article 16 of the Illinois  
22 Pension Code.

23 (q-5) "New SERS survivor" means a survivor, as defined in  
24 subsection (q), whose annuity is paid under Article 14 of the  
25 Illinois Pension Code and is based on the death of (i) an  
26 employee whose death occurs on or after January 1, 1998, or

1 (ii) a new SERS annuitant as defined in subsection (b-5). "New  
2 SERS survivor" includes the surviving dependent of a person who  
3 was an annuitant under this Act by virtue of receiving an  
4 alternative retirement cancellation payment under Section  
5 14-108.5 of the Illinois Pension Code.

6 (q-6) "New SERS survivor" means a survivor, as defined in  
7 subsection (q), whose annuity is paid under Article 15 of the  
8 Illinois Pension Code and is based on the death of (i) an  
9 employee whose death occurs on or after January 1, 1998, or  
10 (ii) a new SERS annuitant as defined in subsection (b-6).

11 (q-7) "New TRS State survivor" means a survivor, as defined  
12 in subsection (q), whose annuity is paid under Article 16 of  
13 the Illinois Pension Code and is based on the death of (i) an  
14 employee who is a teacher as defined in paragraph (2), (3), or  
15 (5) of Section 16-106 of that Code and whose death occurs on or  
16 after July 1, 1998, or (ii) a new TRS State annuitant as  
17 defined in subsection (b-7).

18 (r) "Medical services" means the services provided within  
19 the scope of their licenses by practitioners in all categories  
20 licensed under the Medical Practice Act of 1987.

21 (s) "Unit of local government" means any county,  
22 municipality, township, school district (including a  
23 combination of school districts under the Intergovernmental  
24 Cooperation Act), special district or other unit, designated as  
25 a unit of local government by law, which exercises limited  
26 governmental powers or powers in respect to limited

1 governmental subjects, any not-for-profit association with a  
2 membership that primarily includes townships and township  
3 officials, that has duties that include provision of research  
4 service, dissemination of information, and other acts for the  
5 purpose of improving township government, and that is funded  
6 wholly or partly in accordance with Section 85-15 of the  
7 Township Code; any not-for-profit corporation or association,  
8 with a membership consisting primarily of municipalities, that  
9 operates its own utility system, and provides research,  
10 training, dissemination of information, or other acts to  
11 promote cooperation between and among municipalities that  
12 provide utility services and for the advancement of the goals  
13 and purposes of its membership; the Southern Illinois  
14 Collegiate Common Market, which is a consortium of higher  
15 education institutions in Southern Illinois; the Illinois  
16 Association of Park Districts; and any hospital provider that  
17 is owned by a county that has 100 or fewer hospital beds and  
18 has not already joined the program. "Qualified local  
19 government" means a unit of local government approved by the  
20 Director and participating in a program created under  
21 subsection (i) of Section 10 of this Act.

22 (t) "Qualified rehabilitation facility" means any  
23 not-for-profit organization that is accredited by the  
24 Commission on Accreditation of Rehabilitation Facilities or  
25 certified by the Department of Human Services (as successor to  
26 the Department of Mental Health and Developmental

1 Disabilities) to provide services to persons with disabilities  
2 and which receives funds from the State of Illinois for  
3 providing those services, approved by the Director and  
4 participating in a program created under subsection (j) of  
5 Section 10 of this Act.

6 (u) "Qualified domestic violence shelter or service" means  
7 any Illinois domestic violence shelter or service and its  
8 administrative offices funded by the Department of Human  
9 Services (as successor to the Illinois Department of Public  
10 Aid), approved by the Director and participating in a program  
11 created under subsection (k) of Section 10.

12 (v) "TRS benefit recipient" means a person who:

13 (1) is not a "member" as defined in this Section; and

14 (2) is receiving a monthly benefit or retirement  
15 annuity under Article 16 of the Illinois Pension Code; and

16 (3) either (i) has at least 8 years of creditable  
17 service under Article 16 of the Illinois Pension Code, or  
18 (ii) was enrolled in the health insurance program offered  
19 under that Article on January 1, 1996, or (iii) is the  
20 survivor of a benefit recipient who had at least 8 years of  
21 creditable service under Article 16 of the Illinois Pension  
22 Code or was enrolled in the health insurance program  
23 offered under that Article on the effective date of this  
24 amendatory Act of 1995, or (iv) is a recipient or survivor  
25 of a recipient of a disability benefit under Article 16 of  
26 the Illinois Pension Code.

1 (w) "TRS dependent beneficiary" means a person who:

2 (1) is not a "member" or "dependent" as defined in this  
3 Section; and

4 (2) is a TRS benefit recipient's: (A) spouse, (B)  
5 dependent parent who is receiving at least half of his or  
6 her support from the TRS benefit recipient, or (C)  
7 unmarried natural or adopted child who is (i) under age 19,  
8 or (ii) enrolled as a full-time student in an accredited  
9 school, financially dependent upon the TRS benefit  
10 recipient, eligible to be claimed as a dependent for income  
11 tax purposes, and either is under age 24 or was, on January  
12 1, 1996, participating as a dependent beneficiary in the  
13 health insurance program offered under Article 16 of the  
14 Illinois Pension Code, or (iii) age 19 or over who is  
15 mentally or physically handicapped.

16 (x) "Military leave with pay and benefits" refers to  
17 individuals in basic training for reserves, special/advanced  
18 training, annual training, emergency call up, or activation by  
19 the President of the United States with approved pay and  
20 benefits.

21 (y) "Military leave without pay and benefits" refers to  
22 individuals who enlist for active duty in a regular component  
23 of the U.S. Armed Forces or other duty not specified or  
24 authorized under military leave with pay and benefits.

25 (z) "Community college benefit recipient" means a person  
26 who:

1 (1) is not a "member" as defined in this Section; and

2 (2) is receiving a monthly survivor's annuity or  
3 retirement annuity under Article 15 of the Illinois Pension  
4 Code; and

5 (3) either (i) was a full-time employee of a community  
6 college district or an association of community college  
7 boards created under the Public Community College Act  
8 (other than an employee whose last employer under Article  
9 15 of the Illinois Pension Code was a community college  
10 district subject to Article VII of the Public Community  
11 College Act) and was eligible to participate in a group  
12 health benefit plan as an employee during the time of  
13 employment with a community college district (other than a  
14 community college district subject to Article VII of the  
15 Public Community College Act) or an association of  
16 community college boards, or (ii) is the survivor of a  
17 person described in item (i).

18 (aa) "Community college dependent beneficiary" means a  
19 person who:

20 (1) is not a "member" or "dependent" as defined in this  
21 Section; and

22 (2) is a community college benefit recipient's: (A)  
23 spouse, (B) dependent parent who is receiving at least half  
24 of his or her support from the community college benefit  
25 recipient, or (C) unmarried natural or adopted child who is  
26 (i) under age 19, or (ii) enrolled as a full-time student



1 in an accredited school, financially dependent upon the  
2 community college benefit recipient, eligible to be  
3 claimed as a dependent for income tax purposes and under  
4 age 23, or (iii) age 19 or over and mentally or physically  
5 handicapped.

6 (bb) "Qualified child advocacy center" means any Illinois  
7 child advocacy center and its administrative offices funded by  
8 the Department of Children and Family Services, as defined by  
9 the Children's Advocacy Center Act (55 ILCS 80/), approved by  
10 the Director and participating in a program created under  
11 subsection (n) of Section 10.

12 (Source: P.A. 93-205, eff. 1-1-04; 93-839, eff. 7-30-04;  
13 93-1067, eff. 1-15-05; 94-32, eff. 6-15-05; 94-82, eff. 1-1-06;  
14 94-860, eff. 6-16-06; revised 8-3-06.)

15 (5 ILCS 375/8) (from Ch. 127, par. 528)

16 Sec. 8. Eligibility.

17 (a) Each member eligible under the provisions of this Act  
18 and any rules and regulations promulgated and adopted hereunder  
19 by the Director shall become immediately eligible and covered  
20 for all benefits available under the programs. Members electing  
21 coverage for eligible dependents shall have the coverage  
22 effective immediately, provided that the election is properly  
23 filed in accordance with required filing dates and procedures  
24 specified by the Director.

25 (1) Every member originally eligible to elect

1 dependent coverage, but not electing it during the original  
2 eligibility period, may subsequently obtain dependent  
3 coverage only in the event of a qualifying change in  
4 status, special enrollment, special circumstance as  
5 defined by the Director, or during the annual Benefit  
6 Choice Period.

7 (2) Members described above being transferred from  
8 previous coverage towards which the State has been  
9 contributing shall be transferred regardless of  
10 preexisting conditions, waiting periods, or other  
11 requirements that might jeopardize claim payments to which  
12 they would otherwise have been entitled.

13 (3) Eligible and covered members that are eligible for  
14 coverage as dependents except for the fact of being members  
15 shall be transferred to, and covered under, dependent  
16 status regardless of preexisting conditions, waiting  
17 periods, or other requirements that might jeopardize claim  
18 payments to which they would otherwise have been entitled  
19 upon cessation of member status and the election of  
20 dependent coverage by a member eligible to elect that  
21 coverage.

22 (b) New employees shall be immediately insured for the  
23 basic group life insurance and covered by the program of health  
24 benefits on the first day of active State service. Optional  
25 life insurance coverage one to 4 times the basic amount, if  
26 elected during the relevant eligibility period, will become

1 effective on the date of employment. Optional life insurance  
2 coverage exceeding 4 times the basic amount and all life  
3 insurance amounts applied for after the eligibility period will  
4 be effective, subject to satisfactory evidence of insurability  
5 when applicable, or other necessary qualifications, pursuant  
6 to the requirements of the applicable benefit program, unless  
7 there is a change in status that would confer new eligibility  
8 for change of enrollment under rules established supplementing  
9 this Act, in which event application must be made within the  
10 new eligibility period.

11 (c) As to the group health benefits program contracted to  
12 begin or continue after June 30, 1973, each retired employee  
13 shall become immediately eligible and covered for all benefits  
14 available under that program. Retired employees may elect  
15 coverage for eligible dependents and shall have the coverage  
16 effective immediately, provided that the election is properly  
17 filed in accordance with required filing dates and procedures  
18 specified by the Director.

19 Except as otherwise provided in this Act, where husband and  
20 wife are both eligible members, each shall be enrolled as a  
21 member and coverage on their eligible dependent children, if  
22 any, may be under the enrollment and election of either.

23 Regardless of other provisions herein regarding late  
24 enrollment or other qualifications, as appropriate, the  
25 Director may periodically authorize open enrollment periods  
26 for each of the benefit programs at which time each member may

1 elect enrollment or change of enrollment without regard to age,  
2 sex, health, or other qualification under the conditions as may  
3 be prescribed in rules and regulations supplementing this Act.  
4 Special open enrollment periods may be declared by the Director  
5 for certain members only when special circumstances occur that  
6 affect only those members.

7 (d) Beginning with fiscal year 2003 and for all subsequent  
8 years, eligible members may elect not to participate in the  
9 program of health benefits as defined in this Act. The election  
10 must be made during the annual benefit choice period, subject  
11 to the conditions in this subsection.

12 (1) Members must furnish proof of health benefit  
13 coverage, either comprehensive major medical coverage or  
14 comprehensive managed care plan, from a source other than  
15 the Department of Central Management Services in order to  
16 elect not to participate in the program.

17 (2) Members may re-enroll in the Department of Central  
18 Management Services program of health benefits upon  
19 showing a qualifying change in status, as defined in the  
20 U.S. Internal Revenue Code, without evidence of  
21 insurability and with no limitations on coverage for  
22 pre-existing conditions, provided that there was not a  
23 break in coverage of more than 63 days.

24 (3) Members may also re-enroll in the program of health  
25 benefits during any annual benefit choice period, without  
26 evidence of insurability.

1           (4) Members who elect not to participate in the program  
2           of health benefits shall be furnished a written explanation  
3           of the requirements and limitations for the election not to  
4           participate in the program and for re-enrolling in the  
5           program. The explanation shall also be included in the  
6           annual benefit choice options booklets furnished to  
7           members.

8           (d-5) Beginning July 1, 2005, the Director may establish a  
9           program of financial incentives to encourage annuitants  
10          receiving a retirement annuity from the State Employees  
11          Retirement System, but who are not eligible for benefits under  
12          the federal Medicare health insurance program (Title XVIII of  
13          the Social Security Act, as added by Public Law 89-97) to elect  
14          not to participate in the program of health benefits provided  
15          under this Act. The election by an annuitant not to participate  
16          under this program must be made in accordance with the  
17          requirements set forth under subsection (d). The financial  
18          incentives provided to these annuitants under the program may  
19          not exceed \$150 per month for each annuitant electing not to  
20          participate in the program of health benefits provided under  
21          this Act.

22          (e) Notwithstanding any other provision of this Act or the  
23          rules adopted under this Act, if a person participating in the  
24          program of health benefits as the dependent spouse of an  
25          eligible member becomes an annuitant, the person may elect, at  
26          the time of becoming an annuitant or during any subsequent

1 annual benefit choice period, to continue participation as a  
2 dependent rather than as an eligible member for as long as the  
3 person continues to be an eligible dependent.

4 An eligible member who has elected to participate as a  
5 dependent may re-enroll in the program of health benefits as an  
6 eligible member (i) during any subsequent annual benefit choice  
7 period or (ii) upon showing a qualifying change in status, as  
8 defined in the U.S. Internal Revenue Code, without evidence of  
9 insurability and with no limitations on coverage for  
10 pre-existing conditions.

11 A person who elects to participate in the program of health  
12 benefits as a dependent rather than as an eligible member shall  
13 be furnished a written explanation of the consequences of  
14 electing to participate as a dependent and the conditions and  
15 procedures for re-enrolling as an eligible member. The  
16 explanation shall also be included in the annual benefit choice  
17 options booklet furnished to members.

18 (Source: P.A. 93-553, eff. 8-20-03; 94-95, eff. 7-1-05; 94-109,  
19 eff. 7-1-05; revised 8-9-05.)

20 (5 ILCS 375/10) (from Ch. 127, par. 530)

21 Sec. 10. Payments by State; premiums.

22 (a) The State shall pay the cost of basic non-contributory  
23 group life insurance and, subject to member paid contributions  
24 set by the Department or required by this Section, the basic  
25 program of group health benefits on each eligible member,

1 except a member, not otherwise covered by this Act, who has  
2 retired as a participating member under Article 2 of the  
3 Illinois Pension Code but is ineligible for the retirement  
4 annuity under Section 2-119 of the Illinois Pension Code, and  
5 part of each eligible member's and retired member's premiums  
6 for health insurance coverage for enrolled dependents as  
7 provided by Section 9. The State shall pay the cost of the  
8 basic program of group health benefits only after benefits are  
9 reduced by the amount of benefits covered by Medicare for all  
10 members and dependents who are eligible for benefits under  
11 Social Security or the Railroad Retirement system or who had  
12 sufficient Medicare-covered government employment, except that  
13 such reduction in benefits shall apply only to those members  
14 and dependents who (1) first become eligible for such Medicare  
15 coverage on or after July 1, 1992; or (2) are Medicare-eligible  
16 members or dependents of a local government unit which began  
17 participation in the program on or after July 1, 1992; or (3)  
18 remain eligible for, but no longer receive Medicare coverage  
19 which they had been receiving on or after July 1, 1992. The  
20 Department may determine the aggregate level of the State's  
21 contribution on the basis of actual cost of medical services  
22 adjusted for age, sex or geographic or other demographic  
23 characteristics which affect the costs of such programs.

24 The cost of participation in the basic program of group  
25 health benefits for the dependent or survivor of a living or  
26 deceased retired employee who was formerly employed by the

1 University of Illinois in the Cooperative Extension Service and  
2 would be an annuitant but for the fact that he or she was made  
3 ineligible to participate in the State Universities Retirement  
4 System by clause (4) of subsection (a) of Section 15-107 of the  
5 Illinois Pension Code shall not be greater than the cost of  
6 participation that would otherwise apply to that dependent or  
7 survivor if he or she were the dependent or survivor of an  
8 annuitant under the State Universities Retirement System.

9 (a-1) Beginning January 1, 1998, for each person who  
10 becomes a new SERS annuitant and participates in the basic  
11 program of group health benefits, the State shall contribute  
12 toward the cost of the annuitant's coverage under the basic  
13 program of group health benefits an amount equal to 5% of that  
14 cost for each full year of creditable service upon which the  
15 annuitant's retirement annuity is based, up to a maximum of  
16 100% for an annuitant with 20 or more years of creditable  
17 service. The remainder of the cost of a new SERS annuitant's  
18 coverage under the basic program of group health benefits shall  
19 be the responsibility of the annuitant. In the case of a new  
20 SERS annuitant who has elected to receive an alternative  
21 retirement cancellation payment under Section 14-108.5 of the  
22 Illinois Pension Code in lieu of an annuity, for the purposes  
23 of this subsection the annuitant shall be deemed to be  
24 receiving a retirement annuity based on the number of years of  
25 creditable service that the annuitant had established at the  
26 time of his or her termination of service under SERS.



1           (a-2) Beginning January 1, 1998, for each person who  
2 becomes a new SERS survivor and participates in the basic  
3 program of group health benefits, the State shall contribute  
4 toward the cost of the survivor's coverage under the basic  
5 program of group health benefits an amount equal to 5% of that  
6 cost for each full year of the deceased employee's or deceased  
7 annuitant's creditable service in the State Employees'  
8 Retirement System of Illinois on the date of death, up to a  
9 maximum of 100% for a survivor of an employee or annuitant with  
10 20 or more years of creditable service. The remainder of the  
11 cost of the new SERS survivor's coverage under the basic  
12 program of group health benefits shall be the responsibility of  
13 the survivor. In the case of a new SERS survivor who was the  
14 dependent of an annuitant who elected to receive an alternative  
15 retirement cancellation payment under Section 14-108.5 of the  
16 Illinois Pension Code in lieu of an annuity, for the purposes  
17 of this subsection the deceased annuitant's creditable service  
18 shall be determined as of the date of termination of service  
19 rather than the date of death.

20           (a-3) Beginning January 1, 1998, for each person who  
21 becomes a new SURS annuitant and participates in the basic  
22 program of group health benefits, the State shall contribute  
23 toward the cost of the annuitant's coverage under the basic  
24 program of group health benefits an amount equal to 5% of that  
25 cost for each full year of creditable service upon which the  
26 annuitant's retirement annuity is based, up to a maximum of

1 100% for an annuitant with 20 or more years of creditable  
2 service. The remainder of the cost of a new SURS annuitant's  
3 coverage under the basic program of group health benefits shall  
4 be the responsibility of the annuitant.

5 (a-4) (Blank).

6 (a-5) Beginning January 1, 1998, for each person who  
7 becomes a new SURS survivor and participates in the basic  
8 program of group health benefits, the State shall contribute  
9 toward the cost of the survivor's coverage under the basic  
10 program of group health benefits an amount equal to 5% of that  
11 cost for each full year of the deceased employee's or deceased  
12 annuitant's creditable service in the State Universities  
13 Retirement System on the date of death, up to a maximum of 100%  
14 for a survivor of an employee or annuitant with 20 or more  
15 years of creditable service. The remainder of the cost of the  
16 new SURS survivor's coverage under the basic program of group  
17 health benefits shall be the responsibility of the survivor.

18 (a-6) Beginning July 1, 1998, for each person who becomes a  
19 new TRS State annuitant and participates in the basic program  
20 of group health benefits, the State shall contribute toward the  
21 cost of the annuitant's coverage under the basic program of  
22 group health benefits an amount equal to 5% of that cost for  
23 each full year of creditable service as a teacher as defined in  
24 paragraph (2), (3), or (5) of Section 16-106 of the Illinois  
25 Pension Code upon which the annuitant's retirement annuity is  
26 based, up to a maximum of 100%; except that the State

1 contribution shall be 12.5% per year (rather than 5%) for each  
2 full year of creditable service as a regional superintendent or  
3 assistant regional superintendent of schools. The remainder of  
4 the cost of a new TRS State annuitant's coverage under the  
5 basic program of group health benefits shall be the  
6 responsibility of the annuitant.

7 (a-7) Beginning July 1, 1998, for each person who becomes a  
8 new TRS State survivor and participates in the basic program of  
9 group health benefits, the State shall contribute toward the  
10 cost of the survivor's coverage under the basic program of  
11 group health benefits an amount equal to 5% of that cost for  
12 each full year of the deceased employee's or deceased  
13 annuitant's creditable service as a teacher as defined in  
14 paragraph (2), (3), or (5) of Section 16-106 of the Illinois  
15 Pension Code on the date of death, up to a maximum of 100%;  
16 except that the State contribution shall be 12.5% per year  
17 (rather than 5%) for each full year of the deceased employee's  
18 or deceased annuitant's creditable service as a regional  
19 superintendent or assistant regional superintendent of  
20 schools. The remainder of the cost of the new TRS State  
21 survivor's coverage under the basic program of group health  
22 benefits shall be the responsibility of the survivor.

23 (a-8) A new SERS annuitant, new SERS survivor, new SURS  
24 annuitant, new SURS survivor, new TRS State annuitant, or new  
25 TRS State survivor may waive or terminate coverage in the  
26 program of group health benefits. Any such annuitant or

1 survivor who has waived or terminated coverage may enroll or  
2 re-enroll in the program of group health benefits only during  
3 the annual benefit choice period, as determined by the  
4 Director; except that in the event of termination of coverage  
5 due to nonpayment of premiums, the annuitant or survivor may  
6 not re-enroll in the program.

7 (a-9) No later than May 1 of each calendar year, the  
8 Director of Central Management Services shall certify in  
9 writing to the Executive Secretary of the State Employees'  
10 Retirement System of Illinois the amounts of the Medicare  
11 supplement health care premiums and the amounts of the health  
12 care premiums for all other retirees who are not Medicare  
13 eligible.

14 A separate calculation of the premiums based upon the  
15 actual cost of each health care plan shall be so certified.

16 The Director of Central Management Services shall provide  
17 to the Executive Secretary of the State Employees' Retirement  
18 System of Illinois such information, statistics, and other data  
19 as he or she may require to review the premium amounts  
20 certified by the Director of Central Management Services.

21 (b) State employees who become eligible for this program on  
22 or after January 1, 1980 in positions normally requiring actual  
23 performance of duty not less than 1/2 of a normal work period  
24 but not equal to that of a normal work period, shall be given  
25 the option of participating in the available program. If the  
26 employee elects coverage, the State shall contribute on behalf

1 of such employee to the cost of the employee's benefit and any  
2 applicable dependent supplement, that sum which bears the same  
3 percentage as that percentage of time the employee regularly  
4 works when compared to normal work period.

5 (c) The basic non-contributory coverage from the basic  
6 program of group health benefits shall be continued for each  
7 employee not in pay status or on active service by reason of  
8 (1) leave of absence due to illness or injury, (2) authorized  
9 educational leave of absence or sabbatical leave, or (3)  
10 military leave with pay and benefits. This coverage shall  
11 continue until expiration of authorized leave and return to  
12 active service, but not to exceed 24 months for leaves under  
13 item (1) or (2). This 24-month limitation and the requirement  
14 of returning to active service shall not apply to persons  
15 receiving ordinary or accidental disability benefits or  
16 retirement benefits through the appropriate State retirement  
17 system or benefits under the Workers' Compensation or  
18 Occupational Disease Act.

19 (d) The basic group life insurance coverage shall continue,  
20 with full State contribution, where such person is (1) absent  
21 from active service by reason of disability arising from any  
22 cause other than self-inflicted, (2) on authorized educational  
23 leave of absence or sabbatical leave, or (3) on military leave  
24 with pay and benefits.

25 (e) Where the person is in non-pay status for a period in  
26 excess of 30 days or on leave of absence, other than by reason

1 of disability, educational or sabbatical leave, or military  
2 leave with pay and benefits, such person may continue coverage  
3 only by making personal payment equal to the amount normally  
4 contributed by the State on such person's behalf. Such payments  
5 and coverage may be continued: (1) until such time as the  
6 person returns to a status eligible for coverage at State  
7 expense, but not to exceed 24 months, (2) until such person's  
8 employment or annuitant status with the State is terminated, or  
9 (3) for a maximum period of 4 years for members on military  
10 leave with pay and benefits and military leave without pay and  
11 benefits (exclusive of any additional service imposed pursuant  
12 to law).

13 (f) The Department shall establish by rule the extent to  
14 which other employee benefits will continue for persons in  
15 non-pay status or who are not in active service.

16 (g) The State shall not pay the cost of the basic  
17 non-contributory group life insurance, program of health  
18 benefits and other employee benefits for members who are  
19 survivors as defined by paragraphs (1) and (2) of subsection  
20 (q) of Section 3 of this Act. The costs of benefits for these  
21 survivors shall be paid by the survivors or by the University  
22 of Illinois Cooperative Extension Service, or any combination  
23 thereof. However, the State shall pay the amount of the  
24 reduction in the cost of participation, if any, resulting from  
25 the amendment to subsection (a) made by this amendatory Act of  
26 the 91st General Assembly.

1           (h) Those persons occupying positions with any department  
2 as a result of emergency appointments pursuant to Section 8b.8  
3 of the Personnel Code who are not considered employees under  
4 this Act shall be given the option of participating in the  
5 programs of group life insurance, health benefits and other  
6 employee benefits. Such persons electing coverage may  
7 participate only by making payment equal to the amount normally  
8 contributed by the State for similarly situated employees. Such  
9 amounts shall be determined by the Director. Such payments and  
10 coverage may be continued until such time as the person becomes  
11 an employee pursuant to this Act or such person's appointment  
12 is terminated.

13           (i) Any unit of local government within the State of  
14 Illinois may apply to the Director to have its employees,  
15 annuitants, and their dependents provided group health  
16 coverage under this Act on a non-insured basis. To participate,  
17 a unit of local government must agree to enroll all of its  
18 employees, who may select coverage under either the State group  
19 health benefits plan or a health maintenance organization that  
20 has contracted with the State to be available as a health care  
21 provider for employees as defined in this Act. A unit of local  
22 government must remit the entire cost of providing coverage  
23 under the State group health benefits plan or, for coverage  
24 under a health maintenance organization, an amount determined  
25 by the Director based on an analysis of the sex, age,  
26 geographic location, or other relevant demographic variables

1 for its employees, except that the unit of local government  
2 shall not be required to enroll those of its employees who are  
3 covered spouses or dependents under this plan or another group  
4 policy or plan providing health benefits as long as (1) an  
5 appropriate official from the unit of local government attests  
6 that each employee not enrolled is a covered spouse or  
7 dependent under this plan or another group policy or plan, and  
8 (2) at least 85% of the employees are enrolled and the unit of  
9 local government remits the entire cost of providing coverage  
10 to those employees, except that a participating school district  
11 must have enrolled at least 85% of its full-time employees who  
12 have not waived coverage under the district's group health plan  
13 by participating in a component of the district's cafeteria  
14 plan. A participating school district is not required to enroll  
15 a full-time employee who has waived coverage under the  
16 district's health plan, provided that an appropriate official  
17 from the participating school district attests that the  
18 full-time employee has waived coverage by participating in a  
19 component of the district's cafeteria plan. For the purposes of  
20 this subsection, "participating school district" includes a  
21 unit of local government whose primary purpose is education as  
22 defined by the Department's rules.

23 Employees of a participating unit of local government who  
24 are not enrolled due to coverage under another group health  
25 policy or plan may enroll in the event of a qualifying change  
26 in status, special enrollment, special circumstance as defined



1 by the Director, or during the annual Benefit Choice Period. A  
2 participating unit of local government may also elect to cover  
3 its annuitants. Dependent coverage shall be offered on an  
4 optional basis, with the costs paid by the unit of local  
5 government, its employees, or some combination of the two as  
6 determined by the unit of local government. The unit of local  
7 government shall be responsible for timely collection and  
8 transmission of dependent premiums.

9 The Director shall annually determine monthly rates of  
10 payment, subject to the following constraints:

11 (1) In the first year of coverage, the rates shall be  
12 equal to the amount normally charged to State employees for  
13 elected optional coverages or for enrolled dependents  
14 coverages or other contributory coverages, or contributed  
15 by the State for basic insurance coverages on behalf of its  
16 employees, adjusted for differences between State  
17 employees and employees of the local government in age,  
18 sex, geographic location or other relevant demographic  
19 variables, plus an amount sufficient to pay for the  
20 additional administrative costs of providing coverage to  
21 employees of the unit of local government and their  
22 dependents.

23 (2) In subsequent years, a further adjustment shall be  
24 made to reflect the actual prior years' claims experience  
25 of the employees of the unit of local government.

26 In the case of coverage of local government employees under

1 a health maintenance organization, the Director shall annually  
2 determine for each participating unit of local government the  
3 maximum monthly amount the unit may contribute toward that  
4 coverage, based on an analysis of (i) the age, sex, geographic  
5 location, and other relevant demographic variables of the  
6 unit's employees and (ii) the cost to cover those employees  
7 under the State group health benefits plan. The Director may  
8 similarly determine the maximum monthly amount each unit of  
9 local government may contribute toward coverage of its  
10 employees' dependents under a health maintenance organization.

11 Monthly payments by the unit of local government or its  
12 employees for group health benefits plan or health maintenance  
13 organization coverage shall be deposited in the Local  
14 Government Health Insurance Reserve Fund.

15 The Local Government Health Insurance Reserve Fund shall be  
16 a continuing fund not subject to fiscal year limitations. All  
17 revenues arising from the administration of the health benefits  
18 program established under this Section shall be deposited into  
19 the Local Government Health Insurance Reserve Fund. All  
20 expenditures from this Fund shall be used for payments for  
21 health care benefits for local government and rehabilitation  
22 facility employees, annuitants, and dependents, and to  
23 reimburse the Department or its administrative service  
24 organization for all expenses incurred in the administration of  
25 benefits. No other State funds may be used for these purposes.

26 A local government employer's participation or desire to

1 participate in a program created under this subsection shall  
2 not limit that employer's duty to bargain with the  
3 representative of any collective bargaining unit of its  
4 employees.

5 (j) Any rehabilitation facility within the State of  
6 Illinois may apply to the Director to have its employees,  
7 annuitants, and their eligible dependents provided group  
8 health coverage under this Act on a non-insured basis. To  
9 participate, a rehabilitation facility must agree to enroll all  
10 of its employees and remit the entire cost of providing such  
11 coverage for its employees, except that the rehabilitation  
12 facility shall not be required to enroll those of its employees  
13 who are covered spouses or dependents under this plan or  
14 another group policy or plan providing health benefits as long  
15 as (1) an appropriate official from the rehabilitation facility  
16 attests that each employee not enrolled is a covered spouse or  
17 dependent under this plan or another group policy or plan, and  
18 (2) at least 85% of the employees are enrolled and the  
19 rehabilitation facility remits the entire cost of providing  
20 coverage to those employees. Employees of a participating  
21 rehabilitation facility who are not enrolled due to coverage  
22 under another group health policy or plan may enroll in the  
23 event of a qualifying change in status, special enrollment,  
24 special circumstance as defined by the Director, or during the  
25 annual Benefit Choice Period. A participating rehabilitation  
26 facility may also elect to cover its annuitants. Dependent

1 coverage shall be offered on an optional basis, with the costs  
2 paid by the rehabilitation facility, its employees, or some  
3 combination of the 2 as determined by the rehabilitation  
4 facility. The rehabilitation facility shall be responsible for  
5 timely collection and transmission of dependent premiums.

6 The Director shall annually determine quarterly rates of  
7 payment, subject to the following constraints:

8 (1) In the first year of coverage, the rates shall be  
9 equal to the amount normally charged to State employees for  
10 elected optional coverages or for enrolled dependents  
11 coverages or other contributory coverages on behalf of its  
12 employees, adjusted for differences between State  
13 employees and employees of the rehabilitation facility in  
14 age, sex, geographic location or other relevant  
15 demographic variables, plus an amount sufficient to pay for  
16 the additional administrative costs of providing coverage  
17 to employees of the rehabilitation facility and their  
18 dependents.

19 (2) In subsequent years, a further adjustment shall be  
20 made to reflect the actual prior years' claims experience  
21 of the employees of the rehabilitation facility.

22 Monthly payments by the rehabilitation facility or its  
23 employees for group health benefits shall be deposited in the  
24 Local Government Health Insurance Reserve Fund.

25 (k) Any domestic violence shelter or service within the  
26 State of Illinois may apply to the Director to have its

1 employees, annuitants, and their dependents provided group  
2 health coverage under this Act on a non-insured basis. To  
3 participate, a domestic violence shelter or service must agree  
4 to enroll all of its employees and pay the entire cost of  
5 providing such coverage for its employees. A participating  
6 domestic violence shelter may also elect to cover its  
7 annuitants. Dependent coverage shall be offered on an optional  
8 basis, with employees, or some combination of the 2 as  
9 determined by the domestic violence shelter or service. The  
10 domestic violence shelter or service shall be responsible for  
11 timely collection and transmission of dependent premiums.

12 The Director shall annually determine rates of payment,  
13 subject to the following constraints:

14 (1) In the first year of coverage, the rates shall be  
15 equal to the amount normally charged to State employees for  
16 elected optional coverages or for enrolled dependents  
17 coverages or other contributory coverages on behalf of its  
18 employees, adjusted for differences between State  
19 employees and employees of the domestic violence shelter or  
20 service in age, sex, geographic location or other relevant  
21 demographic variables, plus an amount sufficient to pay for  
22 the additional administrative costs of providing coverage  
23 to employees of the domestic violence shelter or service  
24 and their dependents.

25 (2) In subsequent years, a further adjustment shall be  
26 made to reflect the actual prior years' claims experience

1 of the employees of the domestic violence shelter or  
2 service.

3 Monthly payments by the domestic violence shelter or  
4 service or its employees for group health insurance shall be  
5 deposited in the Local Government Health Insurance Reserve  
6 Fund.

7 (1) A public community college or entity organized pursuant  
8 to the Public Community College Act may apply to the Director  
9 initially to have only annuitants not covered prior to July 1,  
10 1992 by the district's health plan provided health coverage  
11 under this Act on a non-insured basis. The community college  
12 must execute a 2-year contract to participate in the Local  
13 Government Health Plan. Any annuitant may enroll in the event  
14 of a qualifying change in status, special enrollment, special  
15 circumstance as defined by the Director, or during the annual  
16 Benefit Choice Period.

17 The Director shall annually determine monthly rates of  
18 payment subject to the following constraints: for those  
19 community colleges with annuitants only enrolled, first year  
20 rates shall be equal to the average cost to cover claims for a  
21 State member adjusted for demographics, Medicare  
22 participation, and other factors; and in the second year, a  
23 further adjustment of rates shall be made to reflect the actual  
24 first year's claims experience of the covered annuitants.

25 (1-5) The provisions of subsection (1) become inoperative  
26 on July 1, 1999.

1 (m) The Director shall adopt any rules deemed necessary for  
2 implementation of this amendatory Act of 1989 (Public Act  
3 86-978).

4 (n) Any child advocacy center within the State of Illinois  
5 may apply to the Director to have its employees, annuitants,  
6 and their dependants provided group health coverage under this  
7 Act on a non-insured basis. To participate, a child advocacy  
8 center must agree to enroll all of its employees and pay the  
9 entire cost of providing coverage for its employees. A  
10 participating child advocacy center may also elect to cover its  
11 annuitants. Dependent coverage shall be offered on an optional  
12 basis, with the costs paid by the child advocacy center, its  
13 employees, or some combination of the 2 as determined by the  
14 child advocacy center. The child advocacy center shall be  
15 responsible for timely collection and transmission of  
16 dependent premiums.

17 The Director shall annually determine rates of payment,  
18 subject to the following constraints:

19 (1) In the first year of coverage, the rates shall be  
20 equal to the amount normally charged to State employees for  
21 elected optional coverages or for enrolled dependents  
22 coverages or other contributory coverages on behalf of its  
23 employees, adjusted for differences between State  
24 employees and employees of the child advocacy center in  
25 age, sex, geographic location, or other relevant  
26 demographic variables, plus an amount sufficient to pay for

1 the additional administrative costs of providing coverage  
2 to employees of the child advocacy center and their  
3 dependents.

4 (2) In subsequent years, a further adjustment shall be  
5 made to reflect the actual prior years' claims experience  
6 of the employees of the child advocacy center.

7 Monthly payments by the child advocacy center or its  
8 employees for group health insurance shall be deposited into  
9 the Local Government Health Insurance Reserve Fund.

10 (Source: P.A. 93-839, eff. 7-30-04; 94-839, eff. 6-6-06;  
11 94-860, eff. 6-16-06; revised 8-3-06.)

12 Section 45. The State Officials and Employees Ethics Act is  
13 amended by changing Section 5-50 and by adding Section 99-10 as  
14 follows:

15 (5 ILCS 430/5-50)

16 Sec. 5-50. Ex parte communications; special government  
17 agents.

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

20 (b) "Ex parte communication" means any written or oral  
21 communication by any person that imparts or requests material  
22 information or makes a material argument regarding potential  
23 action concerning regulatory, quasi-adjudicatory, investment,  
24 or licensing matters pending before or under consideration by



1 the agency. "Ex parte communication" does not include the  
2 following: (i) statements by a person publicly made in a public  
3 forum; (ii) statements regarding matters of procedure and  
4 practice, such as format, the number of copies required, the  
5 manner of filing, and the status of a matter; and (iii)  
6 statements made by a State employee of the agency to the agency  
7 head or other employees of that agency.

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

12 (c) An ex parte communication received by any agency,  
13 agency head, or other agency employee, other than an ex parte  
14 communication described in subsection (b-5), shall immediately  
15 be reported to that agency's ethics officer by the recipient of  
16 the communication and by any other employee of that agency who  
17 responds to the communication. The ethics officer shall require  
18 that the ex parte communication be promptly made a part of the  
19 record. The ethics officer shall promptly file the ex parte  
20 communication with the Executive Ethics Commission, including  
21 all written communications, all written responses to the  
22 communications, and a memorandum prepared by the ethics officer  
23 stating the nature and substance of all oral communications,  
24 the identity and job title of the person to whom each  
25 communication was made, all responses made, the identity and  
26 job title of the person making each response, the identity of

1 each person from whom the written or oral ex parte  
2 communication was received, the individual or entity  
3 represented by that person, any action the person requested or  
4 recommended, and any other pertinent information. The  
5 disclosure shall also contain the date of any ex parte  
6 communication.

7 (d) "Interested party" means a person or entity whose  
8 rights, privileges, or interests are the subject of or are  
9 directly affected by a regulatory, quasi-adjudicatory,  
10 investment, or licensing matter.

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

12 Executive Ethics Commission

13 Illinois Commerce Commission

14 Educational Labor Relations Board

15 State Board of Elections

16 Illinois Gaming Board

17 Health Facilities Planning Board

18 Illinois Workers' Compensation Commission

19 ~~Industrial Commission~~

20 Illinois Labor Relations Board

21 Illinois Liquor Control Commission

22 Pollution Control Board

23 Property Tax Appeal Board

24 Illinois Racing Board

25 Illinois Purchased Care Review Board

26 Department of State Police Merit Board

1 Motor Vehicle Review Board  
2 Prisoner Review Board  
3 Civil Service Commission  
4 Personnel Review Board for the Treasurer  
5 Merit Commission for the Secretary of State  
6 Merit Commission for the Office of the Comptroller  
7 Court of Claims  
8 Board of Review of the Department of Employment Security  
9 Department of Insurance  
10 Department of Professional Regulation and licensing boards  
11 under the Department  
12 Department of Public Health and licensing boards under the  
13 Department  
14 Office of Banks and Real Estate and licensing boards under  
15 the Office  
16 State Employees Retirement System Board of Trustees  
17 Judges Retirement System Board of Trustees  
18 General Assembly Retirement System Board of Trustees  
19 Illinois Board of Investment  
20 State Universities Retirement System Board of Trustees  
21 Teachers Retirement System Officers Board of Trustees  
22 (f) Any person who fails to (i) report an ex parte  
23 communication to an ethics officer, (ii) make information part  
24 of the record, or (iii) make a filing with the Executive Ethics  
25 Commission as required by this Section or as required by  
26 Section 5-165 of the Illinois Administrative Procedure Act

1 violates this Act.

2 (Source: P.A. 93-617, eff. 12-9-03; revised 10-11-05.)

3 (5 ILCS 430/99-10) (was Sec. 995 of PA 93-617)

4 (This Section was enacted as Section 995 of P.A. 93-617; it  
5 is being added to the State Officials and Employees Ethics Act,  
6 amended, and renumbered for codification purposes.)

7 Sec. 99-10. 995. Closed sessions; vote requirement. Public  
8 Act 93-617 ~~This Act~~ authorizes the ethics commissions of the  
9 executive branch and legislative branch to conduct closed  
10 sessions, hearings, and meetings in certain circumstances. In  
11 order to meet the requirements of subsection (c) of Section 5  
12 of Article IV of the Illinois Constitution, the General  
13 Assembly determines that closed sessions, hearings, and  
14 meetings of the ethics commissions, including the ethics  
15 commission for the legislative branch, are required by the  
16 public interest. Thus, Public Act 93-617 ~~was this Act~~ is  
17 enacted by the affirmative vote of two-thirds of the members  
18 elected to each house of the General Assembly.

19 (P.A. 93-617, eff. 12-9-03; revised 1-10-04.)

20 Section 50. The Fort Sheridan Retrocession Law of 1992 is  
21 amended by changing Section 20-20 as follows:

22 (5 ILCS 541/20-20) (from Ch. 1, par. 7220)

23 Sec. 20-20. Exclusive jurisdiction. The exclusive

1 jurisdiction hereby retroceded and the concurrent jurisdiction  
2 hereby ceded with the State of Illinois shall continue no  
3 longer than the United States ~~State~~ of America owns the land  
4 described in Section 20-5.

5 (Source: P.A. 87-866; revised 10-11-05.)

6 Section 55. The Savanna Army Depot Retrocession Law is  
7 amended by changing Section 5 as follows:

8 (5 ILCS 571/5)

9 Sec. 5. Authorization to accept retrocession.

10 (a) Under the provisions of Section 2683 of Title 10 of the  
11 United States Code, the State of Illinois authorizes acceptance  
12 of retrocession by the United States of America of concurrent  
13 legislative jurisdiction over lands consisting of the U.S. Army  
14 Depot Activity Savanna Military Reservation, Jo Daviess County  
15 and Carroll County, Illinois, being more particularly  
16 described as follows:

17 Situate in the State of Illinois, Jo Daviess County and  
18 Carroll County, in sections 1, 2, 3, 4, 5, 10, 11, and 12  
19 of Township 25 north, Range 2 east and sections 18, 19, 20,  
20 28, 29, 30, 31, 32, 33, and 34 of Township 26 north, Range  
21 2 east and Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15,  
22 16, 21, 22, 23, 24, 25, 26, 27, 35, and 36 of Township 26  
23 north, Range 1 east, and section 6 of Township 25 north,  
24 Range 3 east, all of the Fourth Principal Meridian, and

1 more particularly described as follows.

2 Beginning at a concrete monument at the intersection of the  
3 east bank of the Mississippi River and the north line of  
4 section 5, Township 26 north, Range 1 east; thence with  
5 said north line

6 Easterly 3,141 feet to a buggy axle at the northeast corner  
7 of section 5; thence with the north line of section 4

8 Easterly 2,640 feet to a 2 inch shafting at the north  
9 quarter corner of Section 4; thence

10 Easterly 1,002 feet to a monument on the westerly  
11 right-of-way line of the Burlington Northern Santa Fe  
12 Railroad; thence crossing section 4 with said right-of-way  
13 line as it generally follows a southeasterly direction

14 Southeasterly 2,335 feet, more or less, to point on the  
15 west line of Section 3, said point being located South  
16 1,588 feet from the northwest corner of section 3; thence  
17 crossing a portion of section 3

18 Southeasterly 2,845 feet, more or less, to a monument on  
19 the boundary of the village of Blanding; thence with the  
20 common boundary of the U.S. Army Depot Activity Savanna and  
21 village of Blanding

22 South 43° 50' West 372 feet to a monument

23 South 46° 10' East 131 feet to a monument

24 North 60° 30' East 387 feet to a monument on said westerly  
25 railroad right-of-way line; thence crossing section 3 with  
26 said right-of-way line as it generally follows a

1 southeasterly direction

2 Southeasterly 2,430 feet, more or less to a point on the  
3 north line of Section 10, said point being located West  
4 1,332 feet from a monument at the northeast corner of  
5 Section 10; thence crossing Section 10 and a portion of  
6 Section 11

7 Southeasterly 5,010 feet, more or less, to a monument on  
8 the north and south quarter line through Section 11, said  
9 point being located North 3,102 feet from a stone on the  
10 south line of Section 11; thence crossing Section 11

11 Southeasterly 3,000 feet, more or less, to a monument on  
12 the east line of Section 11, said monument being located  
13 North 2,277 feet from the southeast corner of said Section  
14 11; thence crossing Section 12

15 Southeasterly 3,880 feet, more or less, to a point on the  
16 north line of Section 13, said point being located East 393  
17 feet from a stone at the north quarter corner of Section  
18 13; thence crossing Section 13 and a portion of Section 18

19 Southeasterly 3,950 feet, more or less, to a monument on  
20 the east and west quarter line in Section 18, Township 26  
21 north, Range 2 east, said monument being located East 452  
22 feet from a stone at the west quarter corner of Section 18;  
23 thence crossing Section 18

24 Southeasterly 3,585 feet, more or less, to a monument on  
25 the north line of Section 19, said monument being located  
26 West 2 feet from the north quarter corner of Section 19;

1           thence crossing Section 19  
2           Southeasterly 4,320 feet, more or less, to a monument on  
3           the west line of Section 20; thence crossing Section 20  
4           Southeasterly 2,787 feet, more or less, to a monument on  
5           the north line of Section 29; thence crossing Sections 29  
6           and 28  
7           Southeasterly 7,180 feet, more or less, to a point on the  
8           north line of Section 33, said point being located North  
9           86° 45' East 731.3 feet from a stone at the northwest  
10          corner of Section 33; thence crossing a portion of Section  
11          33  
12          Southeasterly 4,170 feet, more or less, to a point on the  
13          east and west quarter line through said Section 33, said  
14          point being located East 1,141 feet from the center of said  
15          Section 33; thence crossing Sections 33 and 34  
16          Southeasterly 4,740 feet, more or less, to a point on the  
17          north line of Section 3, Township 25 north, Range 2 east;  
18          thence crossing said right-of-way with said north line of  
19          Section 3  
20          Easterly 305 feet to a monument on the north quarter corner  
21          of Section 3; thence continuing with said north line of  
22          Section 3  
23          Easterly 2,678 feet to the northwest corner of Section 2;  
24          thence with the north line of Section 2  
25          Easterly 2,181.5 feet to a monument on the westerly bank of  
26          the Apple River; thence with said westerly bank



1 Southerly to a point 100 feet north of and parallel to the  
2 east and west quarter line of Section 2; thence with a line  
3 100 feet north of and parallel to the east and west quarter  
4 line of Section 2

5 Easterly 80 feet, more or less, to a point on the  
6 centerline of the Apple River, said point being the  
7 northwest corner of U.S. Tract No. S-10; thence with the  
8 north boundary of U.S. Tract No. S-10 (north line of the  
9 access road to the U.S. Army Depot Activity Savanna)

10 Easterly 824.7 feet, more or less, to a point on the west  
11 line of Section 1; thence crossing Section 1 with a line  
12 100 feet north of and parallel to the east and west quarter  
13 line of Section one

14 Easterly along a line comprising the northern boundaries of  
15 U.S. Tract Nos. S-7, S-6, S-5, S-4, S-3, and S-2,  
16 respectively, passing the east line of Section 1, to the  
17 southwest right-of-way line Illinois Highway No. 84;  
18 thence with said right-of-way line

19 Southeasterly 115 feet, more or less, to a point on the  
20 extended east and west quarter line of Section 1, Township  
21 25 north, Range 2 east; thence with said extended line

22 Westerly to the east quarter corner of Section 1, Township  
23 25 north, Range 2 east; thence along the east and west  
24 quarter line of said Section 1

25 Westerly to a point at the center of Section 1; thence  
26 continuing along the said east and west quarter line

1           Westerly 1,942.1 feet (passing a point at 1925.4 feet on  
2           the centerline of the old access road, hereafter referred  
3           to as Point "A") to a point on the west right-of-way line  
4           of the old access road to the U.S. Army Depot Activity  
5           Savanna; thence with said west right-of-way  
6           Southwesterly to a point 20 feet south of and parallel to  
7           the east and west quarter line of Section 1, said point  
8           also being the southeast corner of U.S. Tract No. S-9A;  
9           thence along the south boundary of said U.S. Tract No. S-9A  
10          Westerly to a point on the west line of Section 1, thence  
11          along a line 20.0 south of and parallel to the east and  
12          west quarter line of Section 2, Township 25 north, Range 2  
13          east  
14          Westerly 855 feet, more or less, to a point on the westerly  
15          bank of the Apple River; thence along the westerly bank of  
16          the Apple River  
17          Southeasterly to the Mississippi River; thence along the  
18          meanders of the Mississippi River  
19          Northwesterly to the Southeast corner of a tract of land  
20          transferred to Mississippi Lock and Dam No.12; thence with  
21          the common boundary of Lock and Dam No.12 and said Army  
22          Depot  
23          North 73° 05' East 1,251.4 feet, more or less, to a point;  
24          thence  
25          North 61° 58' East 5,524.0 feet, to a point on the south  
26          line of Section 4, Township 26 north, Range 1 east; thence

1 with said south line  
2 North 88° 53' East 333.3 feet to the southwest corner of  
3 Section 3; thence with the south line of Section 3  
4 South 88° 40' East 780.6 feet; thence  
5 North 28° 29' West 1,466.1 feet to a point on the north  
6 line of the southwest quarter of the southwest quarter of  
7 said Section 3; thence along said north line  
8 North 88° 21' West 75.0 feet to the northwest corner of the  
9 southwest quarter of the southwest quarter of said Section  
10 3; thence  
11 South 46° 48' West 839.1 feet  
12 South 61° 58' West 5,541.0 feet  
13 South 73° 05' West 1287.6 feet, more or less, to the  
14 Mississippi River; thence with the meanders of the  
15 Mississippi River  
16 Northwesterly to the point of beginning, inclusive of Apple  
17 River island in Section 10 and 11, sand bars in Sections 3,  
18 4, and 5, all in Township 25 north, Range 2 east, Island  
19 No. 9 in Section 31, Township 26 north, Range 2 east, and  
20 in Section 25, Township 26 north, Range 1 east, Island No.  
21 7 in Sections 25 and 26, Township 26 north, Range 1 east,  
22 and Section 31, Township 26 North, Range 2 east, Island No.  
23 4 in Section 22 and 27; Island No. 2 in Section 8, 9 and 16;  
24 and Island No. 1, in Section 5; all in Township 26 north,  
25 Range 1 east, excepting that portion of the railroad  
26 right-of-way in Sections 2, 3, and 11, Township 25 north,

1 Range 2 east, and also the following, lying 15 feet on both  
2 sides of the following described centerline:

3 Beginning at the aforesaid Point "A" said point being on  
4 the centerline of a strip of land 30 feet in width, thence  
5 with said centerline and an angle of  $116^{\circ} 07'$  to the right  
6 with said east and west quarter line of Section 1

7 Southwesterly 387.8 feet; thence with a deflection angle to  
8 the right of  $04^{\circ}$

9 Southwesterly 190 feet; thence with a deflection angle to  
10 the right of  $37^{\circ}$

11 Southwesterly 145 feet; thence with a deflection angle to  
12 the right of  $20^{\circ} 47'$

13 Westerly 371.6 feet, more or less, to a point on the east  
14 line of Section 2, Township 25 north, Range 2 east, being  
15 located South 591 feet from the west quarter corner of said  
16 Section 2; thence with an angle to the left of  $94^{\circ} 33'$  with  
17 said west line of Section 2

18 Westerly 578.4 feet to a point on the centerline of a strip  
19 of land 100 feet in width, lying 50 feet on both sides of  
20 the following described centerline; thence with a  
21 deflection angle to the right of  $12^{\circ} 34'$

22 Westerly 499.3 feet to the east bank of the Apple River,  
23 containing a total of 13,060.94 acres, more or less, for  
24 all of the above described lands.

25 Further, the State of Illinois accepts retrocession of and  
26 authorizes acceptance of retrocession of concurrent

1 legislative jurisdiction over all those lands owned by the  
2 United States that may subsequently be identified by the  
3 Department of the Army as part of the U.S. Army Depot Activity  
4 Savanna Military Reservation, Jo Daviness ~~Davies~~ County and  
5 Carroll County, Illinois, although not included within the  
6 legal description contained in this subsection, to the extent  
7 concurrent jurisdiction has not previously been retroceded to  
8 the State of Illinois. Any additional land over which the State  
9 accepts retrocession of concurrent jurisdiction shall be  
10 identified in a notice filed by the Governor as provided in  
11 subsection (d).

12 (b) Pursuant to concurrent legislative jurisdiction, both  
13 State and federal laws are applicable. Since most major crimes  
14 violate both federal and State laws, both may punish an  
15 offender for an offense committed in the area. The State of  
16 Illinois, subject to the exemption of the federal government,  
17 has the right to tax. The regulatory powers of the State of  
18 Illinois may be exercised in the area, but not in such a manner  
19 as to interfere with federal functions. Persons residing on the  
20 area under concurrent legislative jurisdiction are ensured  
21 important rights and privileges of citizenship, such as the  
22 right to vote and access to the Illinois courts.

23 (c) Subject to subsection (b), the State of Illinois  
24 accepts cession of concurrent legislative jurisdiction from  
25 the United States.

26 (d) The Governor of the State of Illinois is authorized to

1 accept the retrocession of concurrent legislative jurisdiction  
2 over the subject lands by filing a notice of acceptance with  
3 the Illinois Secretary of State.

4 (e) Upon transfer by deed of the subject lands, or any  
5 portion thereof, by the United States of America, the  
6 concurrent jurisdiction retained by the United States shall  
7 expire as to the particular property transferred.

8 (Source: P.A. 92-150, eff. 7-24-01; revised 10-11-05.)

9 Section 60. The Election Code is amended by changing  
10 Sections 1A-15, 1A-16, 1A-17, 1A-25, 4-6.2, 5-16.2, 6-50.2,  
11 7-56, 22-1, 22-8, 22-9, 22-15, 22-17, 24A-2, and 24B-9.1 as  
12 follows:

13 (10 ILCS 5/1A-15) (from Ch. 46, par. 1A-15)

14 Sec. 1A-15. On the request of the Department of Healthcare  
15 and Family Services ~~Illinois Department of Public Aid~~, the  
16 State Board of Elections shall provide the Department with  
17 tapes, discs, other electronic data or compilations thereof  
18 which only provide the name, address and, when available, the  
19 Social Security number of registered voters for the purpose of  
20 tracing absent parents and the collection of child support.  
21 Such information shall be provided at reasonable cost, which  
22 shall include the cost of duplication plus 15% for  
23 administration. The confidentiality of all information  
24 contained on such tapes, discs and other electronic data or

1 combination thereof shall be protected as provided in Section  
2 11-9 of "The Illinois Public Aid Code".

3 (Source: P.A. 85-114; revised 12-15-05.)

4 (10 ILCS 5/1A-16)

5 Sec. 1A-16. Voter registration information; internet  
6 posting; processing of voter registration forms; content of  
7 such forms. Notwithstanding any law to the contrary, the  
8 following provisions shall apply to voter registration under  
9 this Code.

10 (a) Voter registration information; Internet posting of  
11 voter registration form. Within 90 days after the effective  
12 date of this amendatory Act of the 93rd General Assembly, the  
13 State Board of Elections shall post on its World Wide Web site  
14 the following information:

15 (1) A comprehensive list of the names, addresses, phone  
16 numbers, and websites, if applicable, of all county clerks  
17 and boards of election commissioners in Illinois.

18 (2) A schedule of upcoming elections and the deadline  
19 for voter registration.

20 (3) A downloadable, printable voter registration form,  
21 in at least English and in Spanish versions, that a person  
22 may complete and mail or submit to the State Board of  
23 Elections or the appropriate county clerk or board of  
24 election commissioners.

25 Any forms described under paragraph (3) must state the

1 following:

2 If you do not have a driver's license or social  
3 security number, and this form is submitted by mail, and  
4 you have never registered to vote in the jurisdiction you  
5 are now registering in, then you must send, with this  
6 application, either (i) a copy of a current and valid photo  
7 identification, or (ii) a copy of a current utility bill,  
8 bank statement, government check, paycheck, or other  
9 government document that shows the name and address of the  
10 voter. If you do not provide the information required  
11 above, then you will be required to provide election  
12 officials with either (i) or (ii) described above the first  
13 time you vote at a voting place or by absentee ballot.

14 (b) Acceptance of registration forms by the State Board of  
15 Elections and county clerks and board of election  
16 commissioners. The State Board of Elections, county clerks, and  
17 board of election commissioners shall accept all completed  
18 voter registration forms described in subsection (a) (3) of this  
19 Section and ~~Sections~~ ~~Section~~ 1A-17 and ~~Section~~ 1A-30 that are:

20 (1) postmarked on or before the day that voter  
21 registration is closed under the Election Code;

22 (2) not postmarked, but arrives no later than 5 days  
23 after the close of registration;

24 (3) submitted in person by a person using the form on  
25 or before the day that voter registration is closed under  
26 the Election Code; or



1           (4) submitted in person by a person who submits one or  
2           more forms on behalf of one or more persons who used the  
3           form on or before the day that voter registration is closed  
4           under the Election Code.

5           Upon the receipt of a registration form, the State Board of  
6           Elections shall mark the date on which the form was received  
7           and send the form via first class mail to the appropriate  
8           county clerk or board of election commissioners, as the case  
9           may be, within 2 business days based upon the home address of  
10          the person submitting the registration form. The county clerk  
11          and board of election commissioners shall accept and process  
12          any form received from the State Board of Elections.

13          (c) Processing of registration forms by county clerks and  
14          boards of election commissioners. The county clerk or board of  
15          election commissioners shall promulgate procedures for  
16          processing the voter registration form.

17          (d) Contents of the voter registration form. The State  
18          Board shall create a voter registration form, which must  
19          contain the following content:

20                 (1) Instructions for completing the form.

21                 (2) A summary of the qualifications to register to vote  
22                 in Illinois.

23                 (3) Instructions for mailing in or submitting the form  
24                 in person.

25                 (4) The phone number for the State Board of Elections  
26                 should a person submitting the form have questions.

1           (5) A box for the person to check that explains one of  
2           3 reasons for submitting the form:

- 3                   (a) new registration;  
4                   (b) change of address; or  
5                   (c) change of name.

6           (6) a box for the person to check yes or no that asks,  
7           "Are you a citizen of the United States?", a box for the  
8           person to check yes or no that asks, "Will you be 18 years  
9           of age on or before election day?", and a statement of "If  
10           you checked 'no' in response to either of these questions,  
11           then do not complete this form."

12           (7) A space for the person to fill in his or her home  
13           telephone number.

14           (8) Spaces for the person to fill in his or her first,  
15           middle, and last names, street address (principal place of  
16           residence), county, city, state, and zip code.

17           (9) Spaces for the person to fill in his or her mailing  
18           address, city, state, and zip code if different from his or  
19           her principal place of residence.

20           (10) A space for the person to fill in his or her  
21           Illinois driver's license number if the person has a  
22           driver's license.

23           (11) A space for a person without a driver's license to  
24           fill in the last four digits of his or her social security  
25           number if the person has a social security number.

26           (12) A space for a person without an Illinois driver's

1 license to fill in his or her identification number from  
2 his or her State Identification card issued by the  
3 Secretary of State.

4 (13) A space for the person to fill the name appearing  
5 on his or her last voter registration, the street address  
6 of his or her last registration, including the city,  
7 county, state, and zip code.

8 (14) A space where the person swears or affirms the  
9 following under penalty of perjury with his or her  
10 signature:

11 (a) "I am a citizen of the United States.";

12 (b) "I will be at least 18 years old on or before  
13 the next election.";

14 (c) "I will have lived in the State of Illinois and  
15 in my election precinct at least 30 days as of the date  
16 of the next election."; and

17 "The information I have provided is true to the  
18 best of my knowledge under penalty of perjury. If I  
19 have provided false information, then I may be fined,  
20 imprisoned, or if I am not a U.S. citizen, deported  
21 from or refused entry into the United States."

22 (d-5) ~~(d)~~ Compliance with federal law; rulemaking  
23 authority. The voter registration form described in this  
24 Section shall be consistent with the form prescribed by the  
25 Federal Election Commission under the National Voter  
26 Registration Act of 1993, P.L. 103-31, as amended from time to

1 time, and the Help America Vote Act of 2002, P.L. 107-252, in  
2 all relevant respects. The State Board of Elections shall  
3 periodically update the form based on changes to federal or  
4 State law. The State Board of Elections shall promulgate any  
5 rules necessary for the implementation of this Section;  
6 provided that the rules comport with the letter and spirit of  
7 the National Voter Registration Act of 1993 and Help America  
8 Vote Act of 2002 and maximize the opportunity for a person to  
9 register to vote.

10 (e) Forms available in paper form. The State Board of  
11 Elections shall make the voter registration form available in  
12 regular paper stock and form in sufficient quantities for the  
13 general public. The State Board of Elections may provide the  
14 voter registration form to the Secretary of State, county  
15 clerks, boards of election commissioners, designated agencies  
16 of the State of Illinois, and any other person or entity  
17 designated to have these forms by the Election Code in regular  
18 paper stock and form or some other format deemed suitable by  
19 the Board. Each county clerk or board of election commissioners  
20 has the authority to design and print its own voter  
21 registration form so long as the form complies with the  
22 requirements of this Section. The State Board of Elections,  
23 county clerks, boards of election commissioners, or other  
24 designated agencies of the State of Illinois required to have  
25 these forms under the Election Code shall provide a member of  
26 the public with any reasonable number of forms that he or she

1 may request. Nothing in this Section shall permit the State  
2 Board of Elections, county clerk, board of election  
3 commissioners, or other appropriate election official who may  
4 accept a voter registration form to refuse to accept a voter  
5 registration form because the form is printed on photocopier or  
6 regular paper stock and form.

7 (f) Internet voter registration study. The State Board of  
8 Elections shall investigate the feasibility of offering voter  
9 registration on its website and consider voter registration  
10 methods of other states in an effort to maximize the  
11 opportunity for all Illinois citizens to register to vote. The  
12 State Board of Elections shall assemble its findings in a  
13 report and submit it to the General Assembly no later than  
14 January 1, 2006. The report shall contain legislative  
15 recommendations to the General Assembly on improving voter  
16 registration in Illinois.

17 (Source: P.A. 93-574, eff. 8-21-03; 94-492, eff. 1-1-06;  
18 94-645, eff. 8-22-05; revised 8-29-05.)

19 (10 ILCS 5/1A-17)

20 Sec. 1A-17. Voter registration outreach.

21 (a) The Secretary of State, the Department of Human  
22 Services, the Department of Children and Family Services, the  
23 Department of Public Aid, the Department of Employment  
24 Security, and each public institution of higher learning in  
25 Illinois must make available on its World Wide Web site a

1       downloadable, printable voter registration form that complies  
2       with the requirements in subsection (d) of Section 1A-16 for  
3       the State Board of Elections' voter registration form.

4       (b) Each public institution of higher learning in Illinois  
5       must include voter registration information and a voter  
6       registration form supplied by the State Board of Elections  
7       under subsection (e) of Section 1A-16 in any mailing of student  
8       registration materials to an address located in Illinois. Each  
9       public institution of higher learning must provide voter  
10      registration information and a voter registration form  
11      supplied by the State Board of Elections under subsection (e)  
12      of Section 1A-16 to each person with whom the institution  
13      conducts in-person student registration.

14      (c) As used in this Section, a public institution of higher  
15      learning means a public university, college, or community  
16      college in Illinois.

17      (Source: P.A. 94-645, eff. 8-22-05; incorporates P.A. 94-492,  
18      eff. 1-1-06.)

19           (10 ILCS 5/1A-25)

20           Sec. 1A-25. Centralized statewide voter registration list.  
21      The centralized statewide voter registration list required by  
22      Title III, Subtitle A, Section 303 of the Help America Vote Act  
23      of 2002 shall be created and maintained by the State Board of  
24      Elections as provided in this Section.

25           (1) The centralized statewide voter registration list

1 shall be compiled from the voter registration data bases of  
2 each election authority in this State.

3 (2) All new voter registration forms and applications  
4 to register to vote, including those reviewed by the  
5 Secretary of State at a driver services facility, shall be  
6 transmitted only to the appropriate election authority as  
7 required by Articles 4, 5, and 6 of this Code and not to  
8 the State Board of Elections. The election authority shall  
9 process and verify each voter registration form and  
10 electronically enter verified registrations on an  
11 expedited basis onto the statewide voter registration  
12 list. All original registration cards shall remain  
13 permanently in the office of the election authority as  
14 required by this Code.

15 (3) The centralized statewide voter registration list  
16 shall:

17 (i) Be designed to allow election authorities to  
18 utilize the registration data on the statewide voter  
19 registration list pertinent to voters registered in  
20 their election jurisdiction on locally maintained  
21 software programs that are unique to each  
22 jurisdiction.

23 (ii) Allow each election authority to perform  
24 essential election management functions, including but  
25 not limited to production of voter lists, processing of  
26 absentee voters, production of individual, pre-printed

1 applications to vote, administration of election  
2 judges, and polling place administration, but shall  
3 not prevent any election authority from using  
4 information from that election authority's own  
5 systems.

6 (4) The registration information maintained by each  
7 election authority shall be synchronized with that  
8 authority's information on the statewide list at least once  
9 every 24 hours.

10 To protect the privacy and confidentiality of voter  
11 registration information, the disclosure of any portion of the  
12 centralized statewide voter registration list to any person or  
13 entity other than to a State or local political committee and  
14 other than to a governmental entity for a governmental purpose  
15 is specifically prohibited except as follows: subject to  
16 security measures adopted by the State Board of Elections  
17 which, at a minimum, shall include the keeping of a catalog or  
18 database, available for public view, including the name,  
19 address, and telephone number of the person viewing the list as  
20 well as the time of that viewing, any person may view the list  
21 on a computer screen at the Springfield office of the State  
22 Board of Elections, during normal business hours other than  
23 during the 27 days before an election, but the person viewing  
24 the list under this exception may not print, duplicate,  
25 transmit, or alter the list.

26 (Source: P.A. 93-1071, eff. 1-18-05; 94-136, eff. 7-7-05;



1 94-645, eff. 8-22-05; revised 8-29-05.)

2 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

3 Sec. 4-6.2. (a) The county clerk shall appoint all  
4 municipal and township or road district clerks or their duly  
5 authorized deputies as deputy registrars who may accept the  
6 registration of all qualified residents of the State.

7 The county clerk shall appoint all precinct  
8 committeepersons in the county as deputy registrars who may  
9 accept the registration of any qualified resident of the State,  
10 except during the 27 days preceding an election.

11 The election authority shall appoint as deputy registrars a  
12 reasonable number of employees of the Secretary of State  
13 located at driver's license examination stations and  
14 designated to the election authority by the Secretary of State  
15 who may accept the registration of any qualified residents of  
16 the State at any such driver's license examination stations.  
17 The appointment of employees of the Secretary of State as  
18 deputy registrars shall be made in the manner provided in  
19 Section 2-105 of the Illinois Vehicle Code.

20 The county clerk shall appoint each of the following named  
21 persons as deputy registrars upon the written request of such  
22 persons:

23 1. The chief librarian, or a qualified person  
24 designated by the chief librarian, of any public library  
25 situated within the election jurisdiction, who may accept

1 the registrations of any qualified resident of the State,  
2 at such library.

3 2. The principal, or a qualified person designated by  
4 the principal, of any high school, elementary school, or  
5 vocational school situated within the election  
6 jurisdiction, who may accept the registrations of any  
7 qualified resident of the State, at such school. The county  
8 clerk shall notify every principal and vice-principal of  
9 each high school, elementary school, and vocational school  
10 situated within the election jurisdiction of their  
11 eligibility to serve as deputy registrars and offer  
12 training courses for service as deputy registrars at  
13 conveniently located facilities at least 4 months prior to  
14 every election.

15 3. The president, or a qualified person designated by  
16 the president, of any university, college, community  
17 college, academy or other institution of learning situated  
18 within the election jurisdiction, who may accept the  
19 registrations of any resident of the State, at such  
20 university, college, community college, academy or  
21 institution.

22 4. A duly elected or appointed official of a bona fide  
23 labor organization, or a reasonable number of qualified  
24 members designated by such official, who may accept the  
25 registrations of any qualified resident of the State.

26 5. A duly elected or appointed official of a bonafide

1 State civic organization, as defined and determined by rule  
2 of the State Board of Elections, or qualified members  
3 designated by such official, who may accept the  
4 registration of any qualified resident of the State. In  
5 determining the number of deputy registrars that shall be  
6 appointed, the county clerk shall consider the population  
7 of the jurisdiction, the size of the organization, the  
8 geographic size of the jurisdiction, convenience for the  
9 public, the existing number of deputy registrars in the  
10 jurisdiction and their location, the registration  
11 activities of the organization and the need to appoint  
12 deputy registrars to assist and facilitate the  
13 registration of non-English speaking individuals. In no  
14 event shall a county clerk fix an arbitrary number  
15 applicable to every civic organization requesting  
16 appointment of its members as deputy registrars. The State  
17 Board of Elections shall by rule provide for certification  
18 of bonafide State civic organizations. Such appointments  
19 shall be made for a period not to exceed 2 years,  
20 terminating on the first business day of the month  
21 following the month of the general election, and shall be  
22 valid for all periods of voter registration as provided by  
23 this Code during the terms of such appointments.

24 6. The Director of Healthcare and Family Services ~~the~~  
25 ~~Illinois Department of Public Aid~~, or a reasonable number  
26 of employees designated by the Director and located at

1 public aid offices, who may accept the registration of any  
2 qualified resident of the county at any such public aid  
3 office.

4 7. The Director of the Illinois Department of  
5 Employment Security, or a reasonable number of employees  
6 designated by the Director and located at unemployment  
7 offices, who may accept the registration of any qualified  
8 resident of the county at any such unemployment office.

9 8. The president of any corporation as defined by the  
10 Business Corporation Act of 1983, or a reasonable number of  
11 employees designated by such president, who may accept the  
12 registrations of any qualified resident of the State.

13 If the request to be appointed as deputy registrar is  
14 denied, the county clerk shall, within 10 days after the date  
15 the request is submitted, provide the affected individual or  
16 organization with written notice setting forth the specific  
17 reasons or criteria relied upon to deny the request to be  
18 appointed as deputy registrar.

19 The county clerk may appoint as many additional deputy  
20 registrars as he considers necessary. The county clerk shall  
21 appoint such additional deputy registrars in such manner that  
22 the convenience of the public is served, giving due  
23 consideration to both population concentration and area. Some  
24 of the additional deputy registrars shall be selected so that  
25 there are an equal number from each of the 2 major political  
26 parties in the election jurisdiction. The county clerk, in

1 appointing an additional deputy registrar, shall make the  
 2 appointment from a list of applicants submitted by the Chairman  
 3 of the County Central Committee of the applicant's political  
 4 party. A Chairman of a County Central Committee shall submit a  
 5 list of applicants to the county clerk by November 30 of each  
 6 year. The county clerk may require a Chairman of a County  
 7 Central Committee to furnish a supplemental list of applicants.

8 Deputy registrars may accept registrations at any time  
 9 other than the 27 day period preceding an election. All persons  
 10 appointed as deputy registrars shall be registered voters  
 11 within the county and shall take and subscribe to the following  
 12 oath or affirmation:

13 "I do solemnly swear (or affirm, as the case may be) that I  
 14 will support the Constitution of the United States, and the  
 15 Constitution of the State of Illinois, and that I will  
 16 faithfully discharge the duties of the office of deputy  
 17 registrar to the best of my ability and that I will register no  
 18 person nor cause the registration of any person except upon his  
 19 personal application before me.

20 .....

21 (Signature Deputy Registrar)"

22 This oath shall be administered by the county clerk, or by  
 23 one of his deputies, or by any person qualified to take  
 24 acknowledgement of deeds and shall immediately thereafter be  
 25 filed with the county clerk.

26 Appointments of deputy registrars under this Section,

1 except precinct committeemen, shall be for 2-year terms,  
2 commencing on December 1 following the general election of each  
3 even-numbered year; except that the terms of the initial  
4 appointments shall be until December 1st following the next  
5 general election. Appointments of precinct committeemen shall  
6 be for 2-year terms commencing on the date of the county  
7 convention following the general primary at which they were  
8 elected. The county clerk shall issue a certificate of  
9 appointment to each deputy registrar, and shall maintain in his  
10 office for public inspection a list of the names of all  
11 appointees.

12 (b) The county clerk shall be responsible for training all  
13 deputy registrars appointed pursuant to subsection (a), at  
14 times and locations reasonably convenient for both the county  
15 clerk and such appointees. The county clerk shall be  
16 responsible for certifying and supervising all deputy  
17 registrars appointed pursuant to subsection (a). Deputy  
18 registrars appointed under subsection (a) shall be subject to  
19 removal for cause.

20 (c) Completed registration materials under the control of  
21 deputy registrars, appointed pursuant to subsection (a), shall  
22 be returned to the appointing election authority within 7 days,  
23 except that completed registration materials received by the  
24 deputy registrars during the period between the 35th and 28th  
25 day preceding an election shall be returned by the deputy  
26 registrars to the appointing election authority within 48 hours

1 after receipt thereof. The completed registration materials  
2 received by the deputy registrars on the 28th day preceding an  
3 election shall be returned by the deputy registrars within 24  
4 hours after receipt thereof. Unused materials shall be returned  
5 by deputy registrars appointed pursuant to paragraph 4 of  
6 subsection (a), not later than the next working day following  
7 the close of registration.

8 (d) The county clerk or board of election commissioners, as  
9 the case may be, must provide any additional forms requested by  
10 any deputy registrar regardless of the number of unaccounted  
11 registration forms the deputy registrar may have in his or her  
12 possession.

13 (e) No deputy registrar shall engage in any electioneering  
14 or the promotion of any cause during the performance of his or  
15 her duties.

16 (f) The county clerk shall not be criminally or civilly  
17 liable for the acts or omissions of any deputy registrar. Such  
18 deputy registrars shall not be deemed to be employees of the  
19 county clerk.

20 (g) Completed registration materials returned by deputy  
21 registrars for persons residing outside the county shall be  
22 transmitted by the county clerk within 2 days after receipt to  
23 the election authority of the person's election jurisdiction of  
24 residence.

25 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
26 revised 12-15-05.)

1 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

2 Sec. 5-16.2. (a) The county clerk shall appoint all  
3 municipal and township clerks or their duly authorized deputies  
4 as deputy registrars who may accept the registration of all  
5 qualified residents of the State.

6 The county clerk shall appoint all precinct  
7 committeepersons in the county as deputy registrars who may  
8 accept the registration of any qualified resident of the State,  
9 except during the 27 days preceding an election.

10 The election authority shall appoint as deputy registrars a  
11 reasonable number of employees of the Secretary of State  
12 located at driver's license examination stations and  
13 designated to the election authority by the Secretary of State  
14 who may accept the registration of any qualified residents of  
15 the State at any such driver's license examination stations.  
16 The appointment of employees of the Secretary of State as  
17 deputy registrars shall be made in the manner provided in  
18 Section 2-105 of the Illinois Vehicle Code.

19 The county clerk shall appoint each of the following named  
20 persons as deputy registrars upon the written request of such  
21 persons:

22 1. The chief librarian, or a qualified person  
23 designated by the chief librarian, of any public library  
24 situated within the election jurisdiction, who may accept  
25 the registrations of any qualified resident of the State,



1 at such library.

2 2. The principal, or a qualified person designated by  
3 the principal, of any high school, elementary school, or  
4 vocational school situated within the election  
5 jurisdiction, who may accept the registrations of any  
6 resident of the State, at such school. The county clerk  
7 shall notify every principal and vice-principal of each  
8 high school, elementary school, and vocational school  
9 situated within the election jurisdiction of their  
10 eligibility to serve as deputy registrars and offer  
11 training courses for service as deputy registrars at  
12 conveniently located facilities at least 4 months prior to  
13 every election.

14 3. The president, or a qualified person designated by  
15 the president, of any university, college, community  
16 college, academy or other institution of learning situated  
17 within the election jurisdiction, who may accept the  
18 registrations of any resident of the State, at such  
19 university, college, community college, academy or  
20 institution.

21 4. A duly elected or appointed official of a bona fide  
22 labor organization, or a reasonable number of qualified  
23 members designated by such official, who may accept the  
24 registrations of any qualified resident of the State.

25 5. A duly elected or appointed official of a bona fide  
26 State civic organization, as defined and determined by rule

1 of the State Board of Elections, or qualified members  
2 designated by such official, who may accept the  
3 registration of any qualified resident of the State. In  
4 determining the number of deputy registrars that shall be  
5 appointed, the county clerk shall consider the population  
6 of the jurisdiction, the size of the organization, the  
7 geographic size of the jurisdiction, convenience for the  
8 public, the existing number of deputy registrars in the  
9 jurisdiction and their location, the registration  
10 activities of the organization and the need to appoint  
11 deputy registrars to assist and facilitate the  
12 registration of non-English speaking individuals. In no  
13 event shall a county clerk fix an arbitrary number  
14 applicable to every civic organization requesting  
15 appointment of its members as deputy registrars. The State  
16 Board of Elections shall by rule provide for certification  
17 of bona fide State civic organizations. Such appointments  
18 shall be made for a period not to exceed 2 years,  
19 terminating on the first business day of the month  
20 following the month of the general election, and shall be  
21 valid for all periods of voter registration as provided by  
22 this Code during the terms of such appointments.

23 6. The Director of Healthcare and Family Services ~~the~~  
24 ~~Illinois Department of Public Aid~~, or a reasonable number  
25 of employees designated by the Director and located at  
26 public aid offices, who may accept the registration of any

1 qualified resident of the county at any such public aid  
2 office.

3 7. The Director of the Illinois Department of  
4 Employment Security, or a reasonable number of employees  
5 designated by the Director and located at unemployment  
6 offices, who may accept the registration of any qualified  
7 resident of the county at any such unemployment office.

8 8. The president of any corporation as defined by the  
9 Business Corporation Act of 1983, or a reasonable number of  
10 employees designated by such president, who may accept the  
11 registrations of any qualified resident of the State.

12 If the request to be appointed as deputy registrar is  
13 denied, the county clerk shall, within 10 days after the date  
14 the request is submitted, provide the affected individual or  
15 organization with written notice setting forth the specific  
16 reasons or criteria relied upon to deny the request to be  
17 appointed as deputy registrar.

18 The county clerk may appoint as many additional deputy  
19 registrars as he considers necessary. The county clerk shall  
20 appoint such additional deputy registrars in such manner that  
21 the convenience of the public is served, giving due  
22 consideration to both population concentration and area. Some  
23 of the additional deputy registrars shall be selected so that  
24 there are an equal number from each of the 2 major political  
25 parties in the election jurisdiction. The county clerk, in  
26 appointing an additional deputy registrar, shall make the

1 appointment from a list of applicants submitted by the Chairman  
 2 of the County Central Committee of the applicant's political  
 3 party. A Chairman of a County Central Committee shall submit a  
 4 list of applicants to the county clerk by November 30 of each  
 5 year. The county clerk may require a Chairman of a County  
 6 Central Committee to furnish a supplemental list of applicants.

7 Deputy registrars may accept registrations at any time  
 8 other than the 27 day period preceding an election. All persons  
 9 appointed as deputy registrars shall be registered voters  
 10 within the county and shall take and subscribe to the following  
 11 oath or affirmation:

12 "I do solemnly swear (or affirm, as the case may be) that I  
 13 will support the Constitution of the United States, and the  
 14 Constitution of the State of Illinois, and that I will  
 15 faithfully discharge the duties of the office of deputy  
 16 registrar to the best of my ability and that I will register no  
 17 person nor cause the registration of any person except upon his  
 18 personal application before me.

19 .....  
 20 (Signature of Deputy Registrar)"

21 This oath shall be administered by the county clerk, or by  
 22 one of his deputies, or by any person qualified to take  
 23 acknowledgement of deeds and shall immediately thereafter be  
 24 filed with the county clerk.

25 Appointments of deputy registrars under this Section,  
 26 except precinct committeemen, shall be for 2-year terms,

1 commencing on December 1 following the general election of each  
2 even-numbered year, except that the terms of the initial  
3 appointments shall be until December 1st following the next  
4 general election. Appointments of precinct committeemen shall  
5 be for 2-year terms commencing on the date of the county  
6 convention following the general primary at which they were  
7 elected. The county clerk shall issue a certificate of  
8 appointment to each deputy registrar, and shall maintain in his  
9 office for public inspection a list of the names of all  
10 appointees.

11 (b) The county clerk shall be responsible for training all  
12 deputy registrars appointed pursuant to subsection (a), at  
13 times and locations reasonably convenient for both the county  
14 clerk and such appointees. The county clerk shall be  
15 responsible for certifying and supervising all deputy  
16 registrars appointed pursuant to subsection (a). Deputy  
17 registrars appointed under subsection (a) shall be subject to  
18 removal for cause.

19 (c) Completed registration materials under the control of  
20 deputy registrars, appointed pursuant to subsection (a), shall  
21 be returned to the appointing election authority within 7 days,  
22 except that completed registration materials received by the  
23 deputy registrars during the period between the 35th and 28th  
24 day preceding an election shall be returned by the deputy  
25 registrars to the appointing election authority within 48 hours  
26 after receipt thereof. The completed registration materials

1 received by the deputy registrars on the 28th day preceding an  
2 election shall be returned by the deputy registrars within 24  
3 hours after receipt thereof. Unused materials shall be returned  
4 by deputy registrars appointed pursuant to paragraph 4 of  
5 subsection (a), not later than the next working day following  
6 the close of registration.

7 (d) The county clerk or board of election commissioners, as  
8 the case may be, must provide any additional forms requested by  
9 any deputy registrar regardless of the number of unaccounted  
10 registration forms the deputy registrar may have in his or her  
11 possession.

12 (e) No deputy registrar shall engage in any electioneering  
13 or the promotion of any cause during the performance of his or  
14 her duties.

15 (f) The county clerk shall not be criminally or civilly  
16 liable for the acts or omissions of any deputy registrar. Such  
17 deputy registers shall not be deemed to be employees of the  
18 county clerk.

19 (g) Completed registration materials returned by deputy  
20 registrars for persons residing outside the county shall be  
21 transmitted by the county clerk within 2 days after receipt to  
22 the election authority of the person's election jurisdiction of  
23 residence.

24 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
25 revised 12-15-05.)

1 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

2 Sec. 6-50.2. (a) The board of election commissioners shall  
3 appoint all precinct committeepersons in the election  
4 jurisdiction as deputy registrars who may accept the  
5 registration of any qualified resident of the State, except  
6 during the 27 days preceding an election.

7 The election authority shall appoint as deputy registrars a  
8 reasonable number of employees of the Secretary of State  
9 located at driver's license examination stations and  
10 designated to the election authority by the Secretary of State  
11 who may accept the registration of any qualified residents of  
12 the State at any such driver's license examination stations.  
13 The appointment of employees of the Secretary of State as  
14 deputy registrars shall be made in the manner provided in  
15 Section 2-105 of the Illinois Vehicle Code.

16 The board of election commissioners shall appoint each of  
17 the following named persons as deputy registrars upon the  
18 written request of such persons:

19 1. The chief librarian, or a qualified person  
20 designated by the chief librarian, of any public library  
21 situated within the election jurisdiction, who may accept  
22 the registrations of any qualified resident of the State,  
23 at such library.

24 2. The principal, or a qualified person designated by  
25 the principal, of any high school, elementary school, or  
26 vocational school situated within the election

1 jurisdiction, who may accept the registrations of any  
2 resident of the State, at such school. The board of  
3 election commissioners shall notify every principal and  
4 vice-principal of each high school, elementary school, and  
5 vocational school situated in the election jurisdiction of  
6 their eligibility to serve as deputy registrars and offer  
7 training courses for service as deputy registrars at  
8 conveniently located facilities at least 4 months prior to  
9 every election.

10 3. The president, or a qualified person designated by  
11 the president, of any university, college, community  
12 college, academy or other institution of learning situated  
13 within the State, who may accept the registrations of any  
14 resident of the election jurisdiction, at such university,  
15 college, community college, academy or institution.

16 4. A duly elected or appointed official of a bona fide  
17 labor organization, or a reasonable number of qualified  
18 members designated by such official, who may accept the  
19 registrations of any qualified resident of the State.

20 5. A duly elected or appointed official of a bona fide  
21 State civic organization, as defined and determined by rule  
22 of the State Board of Elections, or qualified members  
23 designated by such official, who may accept the  
24 registration of any qualified resident of the State. In  
25 determining the number of deputy registrars that shall be  
26 appointed, the board of election commissioners shall



1 consider the population of the jurisdiction, the size of  
2 the organization, the geographic size of the jurisdiction,  
3 convenience for the public, the existing number of deputy  
4 registrars in the jurisdiction and their location, the  
5 registration activities of the organization and the need to  
6 appoint deputy registrars to assist and facilitate the  
7 registration of non-English speaking individuals. In no  
8 event shall a board of election commissioners fix an  
9 arbitrary number applicable to every civic organization  
10 requesting appointment of its members as deputy  
11 registrars. The State Board of Elections shall by rule  
12 provide for certification of bona fide State civic  
13 organizations. Such appointments shall be made for a period  
14 not to exceed 2 years, terminating on the first business  
15 day of the month following the month of the general  
16 election, and shall be valid for all periods of voter  
17 registration as provided by this Code during the terms of  
18 such appointments.

19 6. The Director of Healthcare and Family Services ~~the~~  
20 ~~Illinois Department of Public Aid~~, or a reasonable number  
21 of employees designated by the Director and located at  
22 public aid offices, who may accept the registration of any  
23 qualified resident of the election jurisdiction at any such  
24 public aid office.

25 7. The Director of the Illinois Department of  
26 Employment Security, or a reasonable number of employees

1 designated by the Director and located at unemployment  
2 offices, who may accept the registration of any qualified  
3 resident of the election jurisdiction at any such  
4 unemployment office. If the request to be appointed as  
5 deputy registrar is denied, the board of election  
6 commissioners shall, within 10 days after the date the  
7 request is submitted, provide the affected individual or  
8 organization with written notice setting forth the  
9 specific reasons or criteria relied upon to deny the  
10 request to be appointed as deputy registrar.

11 8. The president of any corporation, as defined by the  
12 Business Corporation Act of 1983, or a reasonable number of  
13 employees designated by such president, who may accept the  
14 registrations of any qualified resident of the State.

15 The board of election commissioners may appoint as many  
16 additional deputy registrars as it considers necessary. The  
17 board of election commissioners shall appoint such additional  
18 deputy registrars in such manner that the convenience of the  
19 public is served, giving due consideration to both population  
20 concentration and area. Some of the additional deputy  
21 registrars shall be selected so that there are an equal number  
22 from each of the 2 major political parties in the election  
23 jurisdiction. The board of election commissioners, in  
24 appointing an additional deputy registrar, shall make the  
25 appointment from a list of applicants submitted by the Chairman  
26 of the County Central Committee of the applicant's political

1 party. A Chairman of a County Central Committee shall submit a  
 2 list of applicants to the board by November 30 of each year.  
 3 The board may require a Chairman of a County Central Committee  
 4 to furnish a supplemental list of applicants.

5 Deputy registrars may accept registrations at any time  
 6 other than the 27 day period preceding an election. All persons  
 7 appointed as deputy registrars shall be registered voters  
 8 within the election jurisdiction and shall take and subscribe  
 9 to the following oath or affirmation:

10 "I do solemnly swear (or affirm, as the case may be) that I  
 11 will support the Constitution of the United States, and the  
 12 Constitution of the State of Illinois, and that I will  
 13 faithfully discharge the duties of the office of registration  
 14 officer to the best of my ability and that I will register no  
 15 person nor cause the registration of any person except upon his  
 16 personal application before me.

17 .....

18 (Signature of Registration Officer)"

19 This oath shall be administered and certified to by one of  
 20 the commissioners or by the executive director or by some  
 21 person designated by the board of election commissioners, and  
 22 shall immediately thereafter be filed with the board of  
 23 election commissioners. The members of the board of election  
 24 commissioners and all persons authorized by them under the  
 25 provisions of this Article to take registrations, after  
 26 themselves taking and subscribing to the above oath, are

1 authorized to take or administer such oaths and execute such  
2 affidavits as are required by this Article.

3 Appointments of deputy registrars under this Section,  
4 except precinct committeemen, shall be for 2-year terms,  
5 commencing on December 1 following the general election of each  
6 even-numbered year, except that the terms of the initial  
7 appointments shall be until December 1st following the next  
8 general election. Appointments of precinct committeemen shall  
9 be for 2-year terms commencing on the date of the county  
10 convention following the general primary at which they were  
11 elected. The county clerk shall issue a certificate of  
12 appointment to each deputy registrar, and shall maintain in his  
13 office for public inspection a list of the names of all  
14 appointees.

15 (b) The board of election commissioners shall be  
16 responsible for training all deputy registrars appointed  
17 pursuant to subsection (a), at times and locations reasonably  
18 convenient for both the board of election commissioners and  
19 such appointees. The board of election commissioners shall be  
20 responsible for certifying and supervising all deputy  
21 registrars appointed pursuant to subsection (a). Deputy  
22 registrars appointed under subsection (a) shall be subject to  
23 removal for cause.

24 (c) Completed registration materials under the control of  
25 deputy registrars appointed pursuant to subsection (a) shall be  
26 returned to the appointing election authority within 7 days,

1 except that completed registration materials received by the  
2 deputy registrars during the period between the 35th and 28th  
3 day preceding an election shall be returned by the deputy  
4 registrars to the appointing election authority within 48 hours  
5 after receipt thereof. The completed registration materials  
6 received by the deputy registrars on the 28th day preceding an  
7 election shall be returned by the deputy registrars within 24  
8 hours after receipt thereof. Unused materials shall be returned  
9 by deputy registrars appointed pursuant to paragraph 4 of  
10 subsection (a), not later than the next working day following  
11 the close of registration.

12 (d) The county clerk or board of election commissioners, as  
13 the case may be, must provide any additional forms requested by  
14 any deputy registrar regardless of the number of unaccounted  
15 registration forms the deputy registrar may have in his or her  
16 possession.

17 (e) No deputy registrar shall engage in any electioneering  
18 or the promotion of any cause during the performance of his or  
19 her duties.

20 (f) The board of election commissioners shall not be  
21 criminally or civilly liable for the acts or omissions of any  
22 deputy registrar. Such deputy registrars shall not be deemed to  
23 be employees of the board of election commissioners.

24 (g) Completed registration materials returned by deputy  
25 registrars for persons residing outside the election  
26 jurisdiction shall be transmitted by the board of election

1 commissioners within 2 days after receipt to the election  
2 authority of the person's election jurisdiction of residence.  
3 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
4 revised 12-15-05.)

5 (10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

6 Sec. 7-56. As soon as complete returns are delivered to the  
7 proper election authority, the returns shall be canvassed for  
8 all primary elections as follows. The election authority acting  
9 as the canvassing board pursuant to Section 1-8 of this Code  
10 shall also open and canvass the returns of a primary. Upon the  
11 completion of the canvass of the returns by the election  
12 authority, the election authority shall make a tabulated  
13 statement of the returns for each political party separately,  
14 stating in appropriate columns and under proper headings, the  
15 total number of votes cast in said county for each candidate  
16 for nomination or election by said party, including candidates  
17 for President of the United States and for State central  
18 committeemen, and for delegates and alternate delegates to  
19 National nominating conventions, and for precinct  
20 committeemen, township committeemen, and for ward  
21 committeemen. Within 2 days after the completion of said  
22 canvass by the election authority, the county clerk shall mail  
23 to the State Board of Elections a certified copy of such  
24 tabulated statement of returns. The election authority ~~said~~  
25 ~~officers~~ shall also determine and set down as to each precinct

1 the number of ballots voted by the primary electors of each  
2 party at the primary.

3 In the case of the nomination or election of candidates for  
4 offices, including President of the United States and the State  
5 central committeemen, and delegates and alternate delegates to  
6 National nominating conventions, certified tabulated statement  
7 of returns for which are filed with the State Board of  
8 Elections, said returns shall be canvassed by the election  
9 authority. And, provided, further, that within 5 days after  
10 said returns shall be canvassed by the said Board, the Board  
11 shall cause to be published in one daily newspaper of general  
12 circulation at the seat of the State government in Springfield  
13 a certified statement of the returns filed in its office,  
14 showing the total vote cast in the State for each candidate of  
15 each political party for President of the United States, and  
16 showing the total vote for each candidate of each political  
17 party for President of the United States, cast in each of the  
18 several congressional districts in the State.

19 Within 48 hours of conducting a canvass, as required by  
20 this Code, of the consolidated primary, the election authority  
21 shall deliver an original certificate of results to each local  
22 election official, with respect to whose political  
23 subdivisions nominations were made at such primary, for each  
24 precinct in his jurisdiction in which such nominations were on  
25 the ballot. Such original certificate of results need not  
26 include any offices or nominations for any other political

1 subdivisions. ~~21~~

2 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;  
3 revised 8-29-05.)

4 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

5 Sec. 22-1. Abstracts of votes. Within 21 days after the  
6 close of the election at which candidates for offices  
7 hereinafter named in this Section are voted upon, the election  
8 authorities of the respective counties shall open the returns  
9 and make abstracts of the votes on a separate sheet for each of  
10 the following:

11 A. For Governor and Lieutenant Governor;

12 B. For State officers;

13 C. For presidential electors;

14 D. For United States Senators and Representatives to  
15 Congress;

16 E. For judges of the Supreme Court;

17 F. For judges of the Appellate Court;

18 G. For judges of the circuit court;

19 H. For Senators and Representatives to the General  
20 Assembly;

21 I. For State's Attorneys elected from 2 or more counties;

22 J. For amendments to the Constitution, and for other  
23 propositions submitted to the electors of the entire State;

24 K. For county officers and for propositions submitted to  
25 the electors of the county only;



- 1 L. For Regional Superintendent of Schools;  
2 M. For trustees of Sanitary Districts; and  
3 N. For Trustee of a Regional Board of School Trustees.

4 Each sheet shall report the returns by precinct or ward.

5 Multiple originals of each of the sheets shall be prepared  
6 and one of each shall be turned over to the chairman of the  
7 county central committee of each of the then existing  
8 established political parties, as defined in Section 10-2, or  
9 his duly authorized representative immediately after the  
10 completion of the entries on the sheets and before the totals  
11 have been compiled.

12 The foregoing abstracts shall be preserved by the election  
13 authority in its office.

14 Whenever any county clerk is unable to canvass the vote,  
15 the deputy county clerk or a designee of the county clerk shall  
16 serve in his or her place.

17 The powers and duties of the election authority canvassing  
18 the votes are limited to those specified in this Section.

19 No person who is shown by the election authority's  
20 ~~canvassing board's~~ proclamation to have been elected at the  
21 consolidated election or general election as a write-in  
22 candidate shall take office unless that person has first filed  
23 with the certifying office or board a statement of candidacy  
24 pursuant to Section 7-10 or Section 10-5, a statement pursuant  
25 to Section 7-10.1, and a receipt for filing a statement of  
26 economic interests in relation to the unit of government to

1 which he or she has been elected. For officers elected at the  
2 consolidated election, the certifying officer shall notify the  
3 election authority of the receipt of those documents, and the  
4 county clerk shall issue the certification of election under  
5 the provisions of Section 22-18.

6 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;  
7 94-647, eff. 1-1-06; revised 10-4-05.)

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

9 Sec. 22-8. In municipalities operating under Article 6 of  
10 this Act, within 21 days after the close of such election, the  
11 board of election commissioners shall open all returns and  
12 shall make abstracts or statements of the votes for all offices  
13 and questions voted on at the election.

14 Each abstract or statement ~~sheet~~ shall report the returns  
15 by precinct or ward.

16 Multiple originals of each of the abstracts or statements  
17 shall be prepared and one of each shall be turned over to the  
18 chairman of the county central committee of each of the then  
19 existing established political parties, as defined in Section  
20 10-2.

21 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;  
22 94-647, eff. 1-1-06; revised 10-4-05.)

23 (10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

24 Sec. 22-9. It shall be the duty of the election authority

1 to canvass and add up and declare the result of every election  
2 hereafter held within the boundaries of such city, village or  
3 incorporated town operating under Article 6 of this Act. The  
4 election authority shall file ~~by precinct or ward~~ a certified  
5 copy of the record with the County Clerk of the county; and  
6 such abstracts or results shall be treated, by the County Clerk  
7 in all respects, as if made by the election authority now  
8 provided by the foregoing sections of this law, and he shall  
9 transmit the same, by facsimile, e-mail, or other electronic  
10 means, to the State Board of Elections, or other proper  
11 officer, as required hereinabove. The county clerk or board of  
12 election commissioners, as the case may be, shall also send the  
13 abstract by precinct or ward and result in a sealed envelope  
14 addressed to the State Board of Elections via overnight mail so  
15 it arrives at the address the following calendar day. And such  
16 abstracts or results so declared, and a certified copy thereof,  
17 shall be treated everywhere within the state, and by all public  
18 officers, with the same binding force and effect as the  
19 abstract of votes now authorized by the foregoing provisions of  
20 this Act.

21 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
22 94-647, eff. 1-1-06; revised 9-15-06.)

23 (10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

24 Sec. 22-15. The election authority shall, upon request, and  
25 by mail if so requested, furnish free of charge to any

1 candidate for any office, whose name appeared upon the ballot  
2 within the jurisdiction of the election authority, a copy of  
3 the abstract of votes by precinct or ward for all candidates  
4 for the office for which such person was a candidate. Such  
5 abstract shall be furnished no later than 2 days after the  
6 receipt of the request or 8 days after the completing of the  
7 canvass, whichever is later.

8 Within one calendar day following the canvass and  
9 proclamation of each general primary election and general  
10 election, each election authority shall transmit to the  
11 principal office of the State Board of Elections copies of the  
12 abstracts of votes by precinct or ward for the offices of ward,  
13 township, and precinct committeeman via overnight mail so that  
14 the abstract of votes arrives at the address the following  
15 calendar day. Each election authority shall also transmit to  
16 the principal office of the State Board of Elections copies of  
17 current precinct poll lists.

18 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
19 94-647, eff. 1-1-06; revised 8-29-05.)

20 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

21 Sec. 22-17. (a) Except as provided in subsection (b), the  
22 canvass of votes cast at the consolidated election shall be  
23 conducted by the election authority within 21 days after the  
24 close of such elections.

25 (b) The board of election commissioners as provided in

1 Section 22-8 shall canvass the votes cast at the consolidated  
2 election for offices of any political subdivision entirely  
3 within the jurisdiction of a municipal board of election  
4 commissioners.

5 (c) The canvass of votes cast upon any public questions  
6 submitted to the voters of any political subdivision, or any  
7 precinct or combination of precincts within a political  
8 subdivision, at any regular election or at any emergency  
9 referendum election, including votes cast by voters outside of  
10 the political subdivision where the question is for annexation  
11 thereto, shall be canvassed by the same election authority as  
12 for the canvass of votes of the officers of such political  
13 subdivision. However, referenda conducted throughout a county  
14 and referenda of sanitary districts whose officers are elected  
15 at general elections shall be canvassed by the county clerk.  
16 The votes cast on a public question for the formation of a  
17 political subdivision shall be canvassed by the relevant  
18 election authority and filed with the circuit court that  
19 ordered the question submitted.

20 (c-5) No person who is shown by the election authority's  
21 ~~canvassing board's~~ proclamation to have been elected at the  
22 consolidated election or general election as a write-in  
23 candidate shall take office unless that person has first filed  
24 with the certifying office or board a statement of candidacy  
25 pursuant to Section 7-10 or Section 10-5, a statement pursuant  
26 to Section 7-10.1, and a receipt for filing a statement of

1 economic interests in relation to the unit of government to  
2 which he or she has been elected. For officers elected at the  
3 consolidated election, the certifying officer shall notify the  
4 election authority of the receipt of those documents, and the  
5 county clerk shall issue the certification of election under  
6 the provisions of Section 22-18.

7 (d) The canvass of votes for offices of political  
8 subdivisions cast at special elections to fill vacancies held  
9 on the day of any regular election shall be conducted by the  
10 election authority which is responsible for canvassing the  
11 votes at the regularly scheduled election for such office.

12 (e) Abstracts of votes prepared pursuant to canvasses under  
13 this Section shall report returns by precinct or ward.

14 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;  
15 94-647, eff. 1-1-06; revised 10-4-05.)

16 (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)

17 Sec. 24A-2. As used in this Article: "Computer", "Automatic  
18 tabulating equipment" or "equipment" includes apparatus  
19 necessary to automatically examine and count votes as  
20 designated on ballots, and data processing machines which can  
21 be used for counting ballots and tabulating results.

22 "Ballot card" means a ballot which is voted by the process  
23 of punching.

24 "Ballot configuration" means the particular combination of  
25 political subdivision ballots including, for each political

1 subdivision, the particular combination of offices, candidate  
2 names and ballot position numbers for each candidate and  
3 question as it appears for each group of voters who may cast  
4 the same ballot.

5 "Ballot labels" means the cards, papers, booklet, pages or  
6 other material containing the names of officers and candidates  
7 and statements of measures to be voted on.

8 "Ballot sheet" means a paper ballot printed on one or both  
9 sides which is (1) designed and prepared so that the voter may  
10 indicate his or her votes in designated areas, which must be  
11 enclosed areas clearly printed or otherwise delineated for such  
12 purpose, and (2) capable of having votes marked in the  
13 designated areas automatically examined, counted, and  
14 tabulated by an electronic scanning process.

15 "Ballot" may include ballot cards, ballot labels and paper  
16 ballots.

17 "Separate ballot", with respect to ballot sheets, means a  
18 separate portion of the ballot sheet in which the color of the  
19 ink used in printing that portion of the ballot sheet is  
20 distinct from the color of the ink used in printing any other  
21 portion of the ballot sheet.

22 "Column" in an electronic voting system which utilizes a  
23 ballot card means a space on a ballot card for punching the  
24 voter's vote arranged in a row running lengthwise on the ballot  
25 card.

26 "Central Counting" means the counting of ballots in one or

1 more locations selected by the election authority for the  
2 processing or counting, or both, of ballots. A location for  
3 central counting shall be within the territorial jurisdiction  
4 of such election authority unless there is no suitable  
5 tabulating equipment available within his territorial  
6 jurisdiction. However, in any event a counting location shall  
7 be within this State.

8 "In-precinct counting" means the counting of ballots on  
9 automatic tabulating equipment provided by the election  
10 authority in the same precinct polling place in which those  
11 ballots have been cast.

12 "Computer operator" means any person or persons designated  
13 by the election authority to operate the automatic tabulating  
14 equipment during any portion of the vote tallying process in an  
15 election, but shall not include judges of election operating  
16 vote tabulating equipment in the precinct.

17 "Computer program" or "program" means the set of operating  
18 instructions for the automatic tabulating equipment by which it  
19 examines, counts, tabulates, canvasses and prints votes  
20 recorded by a voter on a ballot card or other medium.

21 "Edit listing" means a computer generated listing of the  
22 names and ballot position numbers for each candidate and  
23 proposition as they appear in the program for each precinct.

24 "Voting System" or "Electronic Voting System" means that  
25 combination of equipment and programs used in the casting,  
26 examination and tabulation of ballots and the cumulation and



1 reporting of results by electronic means.

2 "Header card" means a data processing card which is coded  
3 to indicate to the computer the precinct identity of the ballot  
4 cards that will follow immediately and may indicate to the  
5 computer how such ballot cards are to be tabulated.

6 "Marking device" means either an apparatus in which ballots  
7 or ballot cards are inserted and used in connection with a  
8 punch apparatus for the piercing of ballots by the voter, or  
9 any approved device for marking a paper ballot with ink or  
10 other substance which will enable the ballot to be tabulated by  
11 means of automatic tabulating equipment or by an electronic  
12 scanning process.

13 "Redundant count" means a verification of the original  
14 computer count by another count using compatible equipment or  
15 by hand as part of a discovery recount.

16 "Security punch" means a punch placed on a ballot card to  
17 identify to the computer program the offices and propositions  
18 for which votes may be cast and to indicate the manner in which  
19 votes cast should be tabulated while negating any inadmissible  
20 ~~inadmissible~~ votes.

21 (Source: P.A. 86-867; revised 10-12-05.)

22 (10 ILCS 5/24B-9.1)

23 Sec. 24B-9.1. Examination of Votes by Electronic Precinct  
24 Tabulation Optical Scan Technology Scanning Process or other  
25 authorized electronic process; definition of a vote.

1           (a) Examination of Votes by Electronic Precinct Tabulation  
2           Optical Scan Technology Scanning Process. Whenever a Precinct  
3           Tabulation Optical Scan Technology process is used to  
4           automatically examine and count the votes on ballot sheets, the  
5           provisions of this Section shall apply. A voter shall cast a  
6           proper vote on a ballot sheet by making a mark, or causing a  
7           mark to be made, in the designated area for the casting of a  
8           vote for any party or candidate or for or against any  
9           proposition. For this purpose, a mark is an intentional  
10          darkening of the designated area on the ballot, and not an  
11          identifying mark.

12          (b) For any ballot sheet that does not register a vote for  
13          one or more ballot positions on the ballot sheet on a  
14          Electronic Precinct Tabulation Optical Scan Technology  
15          Scanning Process, the following shall constitute a vote on the  
16          ballot sheet:

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

20               (2) the designated area for casting a vote for a  
21               particular ballot position on the ballot sheet is partially  
22               darkened or shaded in;

23               (3) the designated area for casting a vote for a  
24               particular ballot position on the ballot sheet contains a  
25               dot or ".", a check, or a plus or "+"; ~~or~~

26               (4) the designated area for casting a vote for a

1 particular ballot position on the ballot sheet contains  
2 some other type of mark that indicates the clearly  
3 ascertainable intent of the voter to vote based on the  
4 totality of the circumstances, including but not limited to  
5 any pattern or frequency of marks on other ballot positions  
6 from the same ballot sheet; or-

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

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

1 proceeding. An electronic voting system that uses a computer as  
2 the marking device to mark a ballot sheet shall be capable of  
3 producing a ballot sheet that contains all numerical ballot  
4 positions selected by the voter, and provides a place for the  
5 voter to cast a write-in vote for a candidate for a particular  
6 numerical ballot position.

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

12 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

13 (10 ILCS 5/1A-30 rep.)

14 Section 62. The Election Code is amended by repealing  
15 Section 1A-30.

16 Section 65. The Attorney General Act is amended by changing  
17 Section 4a as follows:

18 (15 ILCS 205/4a) (from Ch. 14, par. 4a)

19 Sec. 4a. Attorneys and investigators appointed by the  
20 attorney general, and on his payroll, when authorized by the  
21 attorney general or his designee, may expend such sums as the  
22 attorney general or his designee deems necessary for the  
23 purchase of items for evidence, the advancement of fees in

1 cases before United States ~~State~~ courts or other State courts,  
2 and in the payment of witness or subpoena fees.

3 Funds for making expenditures authorized in this Section  
4 shall be advanced from funds appropriated or made available by  
5 law for the support or use of the office of attorney general or  
6 vouchers therefor signed by the attorney general or his  
7 designee. Sums so advanced may be paid to the attorney or  
8 investigator authorized to receive the advancement, or may be  
9 made payable to the ultimate recipient. Any expenditures under  
10 this Section shall be audited by the auditor general as part of  
11 any mandated audit conducted in compliance with Section 3-2 of  
12 the Illinois State Auditing Act.

13 (Source: P.A. 84-438; revised 10-11-05.)

14 Section 70. The Secretary of State Act is amended by  
15 changing Section 10 as follows:

16 (15 ILCS 305/10) (from Ch. 124, par. 10)

17 Sec. 10. Whenever any bill which has passed both houses of  
18 the General Assembly, and is not approved, or vetoed and  
19 returned by the Governor, or filed with his objection in the  
20 office of the Secretary of State, as required by Section 9, of  
21 Article IV, of the Constitution, it shall be the duty of the  
22 Secretary of State to authenticate the same by a certificate  
23 thereon, to the following effect, as the case may be:

24 "This bill having remained with the Governor 60

1 calendar days after it was presented to him, the General  
2 Assembly being in session, ~~for~~ the Governor having failed  
3 to return this bill to the General Assembly during its  
4 session, and having failed to file it in my office, with  
5 his objections, within such 60 calendar days, it has  
6 thereby become a law.

7 Dated ..... 19

8 Signature ....., Secretary of State".

9 (Source: P.A. 84-550; revised 9-24-03.)

10 Section 75. The Secretary of State Merit Employment Code is  
11 amended by changing Section 10b.1 as follows:

12 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

13 Sec. 10b.1. ~~(a)~~ Competitive examinations.

14 (a) For open competitive examinations to test the relative  
15 fitness of applicants for the respective positions. Tests shall  
16 be designed to eliminate those who are not qualified for  
17 entrance into the Office of the Secretary of State and to  
18 discover the relative fitness of those who are qualified. The  
19 Director may use any one of or any combination of the following  
20 examination methods which in his judgment best serves this end:  
21 investigation of education and experience; test of cultural  
22 knowledge; test of capacity; test of knowledge; test of manual  
23 skill; test of linguistic ability; test of character; test of  
24 physical skill; test of psychological fitness. No person with a

1 record of misdemeanor convictions except those under Sections  
2 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2,  
3 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
4 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and  
5 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
6 1961, or arrested for any cause but not convicted thereon shall  
7 be disqualified from taking such examinations or subsequent  
8 appointment unless the person is attempting to qualify for a  
9 position which would give him the powers of a peace officer, in  
10 which case the person's conviction or arrest record may be  
11 considered as a factor in determining the person's fitness for  
12 the position. All examinations shall be announced publicly at  
13 least 2 weeks in advance of the date of examinations and may be  
14 advertised through the press, radio or other media.

15 The Director may, at his discretion, accept the results of  
16 competitive examinations conducted by any merit system  
17 established by Federal law or by the law of any State, and may  
18 compile eligible lists therefrom or may add the names of  
19 successful candidates in examinations conducted by those merit  
20 systems to existing eligible lists in accordance with their  
21 respective ratings. No person who is a non-resident of the  
22 State of Illinois may be appointed from those eligible lists,  
23 however, unless the requirement that applicants be residents of  
24 the State of Illinois is waived by the Director of Personnel  
25 and unless there are less than 3 Illinois residents available  
26 for appointment from the appropriate eligible list. The results

1 of the examinations conducted by other merit systems may not be  
2 used unless they are comparable in difficulty and  
3 comprehensiveness to examinations conducted by the Department  
4 of Personnel for similar positions. Special linguistic options  
5 may also be established where deemed appropriate.

6 (b) The Director of Personnel may require that each person  
7 seeking employment with the Secretary of State, as part of the  
8 application process, authorize an investigation to determine  
9 if the applicant has ever been convicted of a crime and if so,  
10 the disposition of those convictions; this authorization shall  
11 indicate the scope of the inquiry and the agencies which may be  
12 contacted. Upon this authorization, the Director of Personnel  
13 may request and receive information and assistance from any  
14 federal, state or local governmental agency as part of the  
15 authorized investigation. The investigation shall be  
16 undertaken after the fingerprinting of an applicant in the form  
17 and manner prescribed by the Department of State Police. The  
18 investigation shall consist of a criminal history records check  
19 performed by the Department of State Police and the Federal  
20 Bureau of Investigation, or some other entity that has the  
21 ability to check the applicant's fingerprints against the  
22 fingerprint records now and hereafter filed in the Department  
23 of State Police and Federal Bureau of Investigation criminal  
24 history records databases. If the Department of State Police  
25 and the Federal Bureau of Investigation conduct an  
26 investigation directly for the Secretary of State's Office,



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

1 these shall be returned to the applicant or prospective  
2 employee upon request to the Director of Personnel, after the  
3 investigation has been completed and no copy of these materials  
4 may be kept by the Director of Personnel or any agency to which  
5 such identity materials were transmitted. Only information and  
6 standards which bear a reasonable and rational relation to the  
7 performance of an employee shall be used by the Director of  
8 Personnel. The Secretary of State shall adopt rules and  
9 regulations for the administration of this Section. Any  
10 employee of the Secretary of State who gives or causes to be  
11 given away any confidential information concerning any  
12 criminal convictions and their disposition of an applicant or  
13 prospective employee shall be guilty of a Class A misdemeanor  
14 unless release of such information is authorized by this  
15 Section.

16 (Source: P.A. 93-418, eff. 1-1-04; revised 10-9-03.)

17 Section 80. The State Comptroller Act is amended by  
18 changing Section 10.05a as follows:

19 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)

20 Sec. 10.05a. Deductions from Warrants and Payments for  
21 Satisfaction of Past Due Child Support. At the direction of the  
22 Department of Healthcare and Family Services ~~Public Aid~~, the  
23 Comptroller shall deduct from a warrant or other payment  
24 described in Section 10.05 of this Act, in accordance with the

1 procedures provided therein, and pay over to the Department or  
2 the State Disbursement Unit established under Section 10-26 of  
3 the Illinois Public Aid Code, at the direction of the  
4 Department, that amount certified as necessary to satisfy, in  
5 whole or in part, past due support owed by a person on account  
6 of support action being taken by the Department under Article X  
7 of the Illinois Public Aid Code, whether or not such support is  
8 owed to the State. Such deduction shall have priority over any  
9 garnishment except that for payment of state or federal taxes.  
10 In the case of joint payees, the Comptroller shall deduct and  
11 pay over to the Department or the State Disbursement Unit, as  
12 directed by the Department, the entire amount certified. The  
13 Comptroller shall provide the Department with the address to  
14 which the warrant or other payment was to be mailed and the  
15 social security number of each person from whom a deduction is  
16 made pursuant to this Section.

17 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00;  
18 revised 12-15-05.)

19 Section 85. The Deposit of State Moneys Act is amended by  
20 changing Section 11 as follows:

21 (15 ILCS 520/11) (from Ch. 130, par. 30)

22 Sec. 11. Protection of public deposits; eligible  
23 collateral.

24 (a) For deposits not insured by an agency of the federal

1 government, the State Treasurer, in his or her discretion, may  
2 accept as collateral any of the following classes of  
3 securities, provided there has been no default in the payment  
4 of principal or interest thereon:

5 (1) Bonds, notes, or other securities constituting  
6 direct and general obligations of the United States, the  
7 bonds, notes, or other securities constituting the direct  
8 and general obligation of any agency or instrumentality of  
9 the United States, the interest and principal of which is  
10 unconditionally guaranteed by the United States, and  
11 bonds, notes, or other securities or evidence of  
12 indebtedness constituting the obligation of a U.S. agency  
13 or instrumentality.

14 (2) Direct and general obligation bonds of the State of  
15 Illinois or of any other state of the United States.

16 (3) Revenue bonds of this State or any authority,  
17 board, commission, or similar agency thereof.

18 (4) Direct and general obligation bonds of any city,  
19 town, county, school district, or other taxing body of any  
20 state, the debt service of which is payable from general ad  
21 valorem taxes.

22 (5) Revenue bonds of any city, town, county, or school  
23 district of the State of Illinois.

24 (6) Obligations issued, assumed, or guaranteed by the  
25 International Finance Corporation, the principal of which  
26 is not amortized during the life of the obligation, but no

1 such obligation shall be accepted at more than 90% of its  
2 market value.

3 (7) Illinois Affordable Housing Program Trust Fund  
4 Bonds or Notes as defined in and issued pursuant to the  
5 Illinois Housing Development Act.

6 (8) In an amount equal to at least market value of that  
7 amount of funds deposited exceeding the insurance  
8 limitation provided by the Federal Deposit Insurance  
9 Corporation or the National Credit Union Administration or  
10 other approved share insurer: (i) securities, (ii)  
11 mortgages, (iii) letters of credit issued by a Federal Home  
12 Loan Bank, or (iv) loans covered by a State Guarantee  
13 ~~Guaranty~~ under the Illinois Farm Development Act, if that  
14 guarantee has been assumed by the Illinois Finance  
15 Authority under Section 845-75 of the Illinois Finance  
16 Authority Act, and loans covered by a State Guarantee under  
17 Article 830 of the Illinois Finance Authority Act.

18 (b) The State Treasurer may establish a system to aggregate  
19 permissible securities received as collateral from financial  
20 institutions in a collateral pool to secure State deposits of  
21 the institutions that have pledged securities to the pool.

22 (c) The Treasurer may at any time declare any particular  
23 security ineligible to qualify as collateral when, in the  
24 Treasurer's judgment, it is deemed desirable to do so.

25 (d) Notwithstanding any other provision of this Section, as  
26 security the State Treasurer may, in his discretion, accept a

1 bond, executed by a company authorized to transact the kinds of  
2 business described in clause (g) of Section 4 of the Illinois  
3 Insurance Code, in an amount not less than the amount of the  
4 deposits required by this Section to be secured, payable to the  
5 State Treasurer for the benefit of the People of the State of  
6 Illinois, in a form that is acceptable to the State Treasurer.

7 (Source: P.A. 93-561, eff. 1-1-04; revised 10-17-03.)

8 Section 90. The Civil Administrative Code of Illinois is  
9 amended by changing Sections 1-5, 5-15, 5-20, 5-165, 5-230, and  
10 5-395 as follows:

11 (20 ILCS 5/1-5)

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

14 Article 1. General Provisions (20 ILCS 5/1-1 and  
15 following).

16 Article 5. Departments of State Government Law (20 ILCS  
17 5/5-1 and following).

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

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

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

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

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

24 Article 405. Department of Central Management Services Law

1 (20 ILCS 405/).

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

4 Article 605. Department of Commerce and Economic  
5 Opportunity Law (20 ILCS 605/).

6 Article 805. Department of Natural Resources  
7 (Conservation) Law (20 ILCS 805/).

8 Article 1005. Department of Employment Security Law (20  
9 ILCS 1005/).

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

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

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

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

16 Article 2005. Department of Nuclear Safety Law (20 ILCS  
17 2005/).

18 Article 2105. Department of Professional Regulation Law  
19 (20 ILCS 2105/).

20 Article 2205. Department of Healthcare and Family Services  
21 ~~Public Aid~~ Law (20 ILCS 2205/).

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

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

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

26 Article 2605. Department of State Police Law (20 ILCS

1 2605/).

2 Article 2705. Department of Transportation Law (20 ILCS  
3 2705/).

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

6 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 93-25,  
7 eff. 6-20-03; revised 12-15-05.)

8 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

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

11 The Department on Aging.

12 The Department of Agriculture.

13 The Department of Central Management Services.

14 The Department of Children and Family Services.

15 The Department of Commerce and Economic Opportunity.

16 The Department of Corrections.

17 The Department of Employment Security.

18 The Emergency Management Agency.

19 The Department of Financial Institutions.

20 The Department of Healthcare and Family Services.

21 The Department of Human Rights.

22 The Department of Human Services.

23 The Department of Insurance.

24 The Department of Juvenile Justice.

25 The Department of Labor.



1           The Department of the Lottery.  
2           The Department of Natural Resources.  
3           The Department of Professional Regulation.  
4           ~~The Department of Public Aid.~~  
5           The Department of Public Health.  
6           The Department of Revenue.  
7           The Department of State Police.  
8           The Department of Transportation.  
9           The Department of Veterans' Affairs.

10          (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;  
11          94-696, eff. 6-1-06; revised 9-14-06.)

12           (20 ILCS 5/5-20) (was 20 ILCS 5/4)

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

19           The following officers are hereby created:

20           Director of Aging, for the Department on Aging.

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

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

25           Director of Children and Family Services, for the

1 Department of Children and Family Services.

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

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

6 Director of Emergency Management Agency, for the Emergency  
7 Management Agency.

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

10 Director of Financial Institutions, for the Department of  
11 Financial Institutions.

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

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

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

18 Director of Insurance, for the Department of Insurance.

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

21 Director of Labor, for the Department of Labor.

22 Director of the Lottery, for the Department of the Lottery.

23 Director of Natural Resources, for the Department of  
24 Natural Resources.

25 Director of Professional Regulation, for the Department of  
26 Professional Regulation.

1 ~~Director of Public Aid, for the Department of Public Aid.~~

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

4 Director of Revenue, for the Department of Revenue.

5 Director of State Police, for the Department of State  
6 Police.

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

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

11 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;  
12 94-696, eff. 6-1-06; revised 9-14-06.)

13 (20 ILCS 5/5-165) (was 20 ILCS 5/5.13c)

14 Sec. 5-165. In the Department of Healthcare and Family  
15 Services ~~Public Aid~~. Assistant Director of Healthcare and  
16 Family Services ~~Public Aid~~.

17 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

18 (20 ILCS 5/5-230) (was 20 ILCS 5/7.09)

19 Sec. 5-230. Director and Assistant Director of Healthcare  
20 and Family Services ~~Public Aid~~. The Director of Healthcare and  
21 Family Services ~~Public Aid~~ shall (1) have substantial  
22 experience in responsible positions requiring skill in  
23 administration and fiscal management and (2) be actively  
24 interested in the development of effective programs for the

1 alleviation of poverty and the reduction of dependency and  
2 social maladjustment.

3 The Assistant Director of Healthcare and Family Services  
4 ~~Public Aid~~ shall have the same general qualifications as those  
5 set forth for the Director of Healthcare and Family Services  
6 ~~Public Aid~~ in clauses (1) and (2) of the preceding paragraph.

7 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

8 (20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

9 Sec. 5-395. In the Department of Healthcare and Family  
10 Services ~~Public Aid~~. The Director of Healthcare and Family  
11 Services ~~Public Aid~~ shall receive an annual salary as set by  
12 the Governor from time to time or as set by the Compensation  
13 Review Board, whichever is greater.

14 The Assistant Director of Healthcare and Family Services  
15 ~~Public Aid~~ shall receive an annual salary as set by the  
16 Governor from time to time or as set by the Compensation Review  
17 Board, whichever is greater.

18 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,  
19 eff. 6-28-01; revised 12-15-05.)

20 Section 95. The Illinois Welfare and Rehabilitation  
21 Services Planning Act is amended by changing Section 4 as  
22 follows:

23 (20 ILCS 10/4) (from Ch. 127, par. 954)

1           Sec. 4. (a) Plans required by Section 3 shall be prepared  
2 by and submitted on behalf of the following State agencies, and  
3 may be prepared and submitted by another State Agency  
4 designated by the Governor:

5           (1) the Department of Children and Family Services;

6           (2) the Department of Healthcare and Family Services ~~Public~~  
7 ~~Aid~~;

8           (3) the Department of Corrections;

9           (4) the Department of Human Services;

10          (5) (blank);

11          (6) the Department on ~~of~~ Aging;

12          (7) the Department of Public Health;

13          (8) the Department of Employment Security.

14          (b) The plans required by Section 3 of this Act shall be  
15 co-ordinated with the plan adopted by the Department of Human  
16 Services under Sections 48 through 52 of the Mental Health and  
17 Developmental Disabilities Administrative Act and any plan  
18 adopted, re-adopted or amended by the Department of Human  
19 Services under those Sections shall be coordinated with plans  
20 required under Section 3 of this Act.

21          (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

22                Section 100. The Illinois Act on the Aging is amended by  
23 changing Sections 4.04a and 4.06 and by setting forth and  
24 renumbering multiple versions of Section 4.12 as follows:

1 (20 ILCS 105/4.04a)

2 Sec. 4.04a. Illinois Long-Term Care Council.

3 (a) Purpose. The purpose of this Section is to ensure that  
4 consumers over the age of 60 residing in facilities licensed or  
5 regulated under the Nursing Home Care Act, Skilled Nursing and  
6 Intermediate Care Facilities Code, Sheltered Care Facilities  
7 Code, and the Illinois Veterans' Homes Code receive high  
8 quality long-term care through an effective Illinois Long-Term  
9 Care Council.

10 (b) Maintenance and operation of the Illinois Long-Term  
11 Care Council.

12 (1) The Department shall develop a fair and impartial  
13 process for recruiting and receiving nominations for  
14 members for the Illinois Long-Term Care Council from the  
15 State Long-Term Care Ombudsman, the area agencies on aging,  
16 regional ombudsman programs, provider agencies, and other  
17 public agencies, using a nomination form provided by the  
18 Department.

19 (2) The Department shall appoint members to the  
20 Illinois Long-Term Care Council in a timely manner.

21 (3) The Department shall consider and act in good faith  
22 regarding the Illinois Long-Term Care Council's annual  
23 report and its recommendations.

24 (4) The Director shall appoint to the Illinois  
25 Long-Term Care Council at least 18 but not more than 25  
26 members.

1           (c) Responsibilities of the State Long-Term Care  
2 Ombudsman, area agencies on aging, regional long-term care  
3 ombudsman programs, and provider agencies. The State Long-Term  
4 Care Ombudsman and each area agency on aging, regional  
5 long-term care ombudsman program, and provider agency shall  
6 solicit names and recommend members to the Department for  
7 appointment to the Illinois Long-Term Care Council.

8           (d) Powers and duties. The Illinois Long-Term Care Council  
9 shall do the following:

10           (1) Make recommendations and comment on issues  
11 pertaining to long-term care and the State Long-Term Care  
12 Ombudsman Program to the Department.

13           (2) Advise the Department on matters pertaining to the  
14 quality of life and quality of care in the continuum of  
15 long-term care.

16           (3) Evaluate, comment on reports regarding, and make  
17 recommendations on, the quality of life and quality of care  
18 in long-term care facilities and on the duties and  
19 responsibilities of the State Long-Term Care Ombudsman  
20 Program.

21           (4) Prepare and circulate an annual report to the  
22 Governor, the General Assembly, and other interested  
23 parties concerning the duties and accomplishments of the  
24 Illinois Long-Term Care Council and all other related  
25 matters pertaining to long-term care and the protection of  
26 residents' rights.

1           (5) Provide an opportunity for public input at each  
2           scheduled meeting.

3           (6) Make recommendations to the Director, upon his or  
4           her request, as to individuals who are capable of serving  
5           as the State Long-Term Care Ombudsman and who should make  
6           appropriate application for that position should it become  
7           vacant.

8           (e) Composition and operation. The Illinois Long-Term Care  
9           Council shall be composed of at least 18 but not more than 25  
10          members concerned about the quality of life in long-term care  
11          facilities and protecting the rights of residents, including  
12          members from long-term care facilities. The State Long-Term  
13          Care Ombudsman shall be a permanent member of the Long-Term  
14          Care Council. Members shall be appointed for a 4-year term with  
15          initial appointments staggered with 2-year, 3-year, and 4-year  
16          terms. A lottery will determine the terms of office for the  
17          members of the first term. Members may be reappointed to a term  
18          but no member may be reappointed to more than 2 consecutive  
19          terms. The Illinois Long-Term Care Council shall meet a minimum  
20          of 3 times per calendar year.

21          (f) Member requirements. All members shall be individuals  
22          who have demonstrated concern about the quality of life in  
23          long-term care facilities. A minimum of 3 members must be  
24          current or former residents of long-term care facilities or the  
25          family member of a current or former resident of a long-term  
26          care facility. A minimum of 2 members shall represent current



1 or former long-term care facility resident councils or family  
2 councils. A minimum of 4 members shall be selected from  
3 recommendations by organizations whose members consist of  
4 long-term care facilities. A representative of long-term care  
5 facility employees must also be included as a member. A minimum  
6 of 2 members shall be selected from recommendations of  
7 membership-based senior advocacy groups or consumer  
8 organizations that engage solely in legal representation on  
9 behalf of residents and immediate families. There shall be  
10 non-voting State agency members on the Long-Term Care Council  
11 from the following agencies: (i) the Department of Veterans'  
12 Affairs; (ii) the Department of Human Services; (iii) the  
13 Department of Public Health; (iv) the Department on Aging; (v)  
14 the Department of Healthcare and Family Services ~~Public Aid~~;  
15 (vi) the Illinois State Police Medicaid Fraud Control Unit; and  
16 (vii) others as appropriate.  
17 (Source: P.A. 93-498, eff. 8-11-03; revised 12-15-05.)

18 (20 ILCS 105/4.06)

19 Sec. 4.06. Minority Senior Citizen Program. The Department  
20 shall develop a program to identify the special needs and  
21 problems of minority senior citizens and evaluate the adequacy  
22 and accessibility of existing programs and information for  
23 minority senior citizens. The Department shall coordinate  
24 services for minority senior citizens through the Department of  
25 Public Health, the Department of Healthcare and Family Services

1 ~~Public Aid~~, and the Department of Human Services.

2 The Department shall develop procedures to enhance and  
3 identify availability of services and shall promulgate  
4 administrative rules to establish the responsibilities of the  
5 Department.

6 The Department on Aging, the Department of Public Health,  
7 the Department of Healthcare and Family Services ~~Public Aid~~,  
8 and the Department of Human Services shall cooperate in the  
9 development and submission of an annual report on programs and  
10 services provided under this Section. The joint report shall be  
11 filed with the Governor and the General Assembly on or before  
12 September 30 of each year.

13 (Source: P.A. 88-254; 89-507, eff. 7-1-97; revised 12-15-05.)

14 (20 ILCS 105/4.12)

15 Sec. 4.12. Assistance to nursing home residents.

16 (a) The Department on Aging shall assist eligible nursing  
17 home residents and their families to select long-term care  
18 options that meet their needs and reflect their preferences. At  
19 any time during the process, the resident or his or her  
20 representative may decline further assistance.

21 (b) To provide assistance, the Department shall develop a  
22 program of transition services with follow-up in selected areas  
23 of the State, to be expanded statewide as funding becomes  
24 available. The program shall be developed in consultation with  
25 nursing homes, case managers, Area Agencies on Aging, and

1 others interested in the well-being of frail elderly Illinois  
2 residents. The Department shall establish administrative rules  
3 pursuant to the Illinois Administrative Procedure Act with  
4 respect to resident eligibility, assessment of the resident's  
5 health, cognitive, social, and financial needs, development of  
6 comprehensive service transition plans, and the level of  
7 services that must be available prior to transition of a  
8 resident into the community.

9 (Source: P.A. 93-902, eff. 8-10-04.)

10 (20 ILCS 105/4.13)

11 Sec. 4.13 ~~4.12~~. Older Adult Services Act. The Department  
12 shall implement the Older Adult Services Act.

13 (Source: P.A. 93-1031, eff. 8-27-04; revised 11-03-04.)

14 Section 105. The State Fair Act is amended by changing  
15 Section 7 as follows:

16 (20 ILCS 210/7) (from Ch. 127, par. 1707)

17 Sec. 7. During the period when each State Fairgrounds is  
18 not used for the annual State Fair, the Department shall make  
19 all efforts to promote its use by the public for purposes that  
20 the facilities can accommodate. The Department may charge and  
21 collect for the use of each State Fairgrounds and its  
22 facilities. The Department may negotiate and enter into  
23 contracts for activities and use of facilities. The criteria

1 for such contracts shall be established by rule.

2 The Department also shall have the authority to arrange,  
3 organize, and hold events on each State Fairgrounds and in any  
4 facilities on each State Fairgrounds for any purpose that the  
5 facilities and State Fairgrounds can accommodate ~~accomodate~~.  
6 The Department may charge and collect fees associated with the  
7 events.

8 (Source: P.A. 93-267, eff. 7-22-03; revised 10-11-05.)

9 Section 110. The Rural Rehabilitation Corporation Act is  
10 amended by changing Section 1 as follows:

11 (20 ILCS 220/1) (from Ch. 127, par. 42a3)

12 Sec. 1. The Director of Agriculture of the State of  
13 Illinois is hereby designated as the state official of Illinois  
14 to make application to and receive from the Secretary of  
15 Agriculture of the United States ~~Sates~~ or any other proper  
16 federal official, pursuant and subject to the provisions of  
17 Public Law 499, 81st Congress, approved May 3, 1950, the trust  
18 assets, either funds or property, held by the United States as  
19 trustee in behalf of the Illinois Rural Rehabilitation  
20 Corporation.

21 (Source: Laws 1951, p. 25; revised 9-15-06.)

22 Section 115. The Alcoholism and Other Drug Abuse and  
23 Dependency Act is amended by changing Sections 5-10 and 10-45

1 as follows:

2 (20 ILCS 301/5-10)

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

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

7 (1) Design, coordinate and fund a comprehensive and  
8 coordinated community-based and culturally and  
9 gender-appropriate array of services throughout the State  
10 for the prevention, intervention, treatment and  
11 rehabilitation of alcohol and other drug abuse and  
12 dependency that is accessible and addresses the needs of  
13 at-risk or addicted individuals and their families.

14 (2) Act as the exclusive State agency to accept,  
15 receive and expend, pursuant to appropriation, any public  
16 or private monies, grants or services, including those  
17 received from the federal government or from other State  
18 agencies, for the purpose of providing an array of services  
19 for the prevention, intervention, treatment and  
20 rehabilitation of alcoholism or other drug abuse or  
21 dependency. Monies received by the Department shall be  
22 deposited into appropriate funds as may be created by State  
23 law or administrative action.

24 (3) Coordinate a statewide strategy among State  
25 agencies for the prevention, intervention, treatment and

1 rehabilitation of alcohol and other drug abuse and  
2 dependency. This strategy shall include the development of  
3 an annual comprehensive State plan for the provision of an  
4 array of services for education, prevention, intervention,  
5 treatment, relapse prevention and other services and  
6 activities to alleviate alcoholism and other drug abuse and  
7 dependency. The plan shall be based on local  
8 community-based needs and upon data including, but not  
9 limited to, that which defines the prevalence of and costs  
10 associated with the abuse of and dependency upon alcohol  
11 and other drugs. This comprehensive State plan shall  
12 include identification of problems, needs, priorities,  
13 services and other pertinent information, including the  
14 needs of minorities and other specific populations in the  
15 State, and shall describe how the identified problems and  
16 needs will be addressed. For purposes of this paragraph,  
17 the term "minorities and other specific populations" may  
18 include, but shall not be limited to, groups such as women,  
19 children, intravenous drug users, persons with AIDS or who  
20 are HIV infected, African-Americans, Puerto Ricans,  
21 Hispanics, Asian Americans, the elderly, persons in the  
22 criminal justice system, persons who are clients of  
23 services provided by other State agencies, persons with  
24 disabilities and such other specific populations as the  
25 Department may from time to time identify. In developing  
26 the plan, the Department shall seek input from providers,

1 parent groups, associations and interested citizens.

2 Beginning with State fiscal year 1996, the annual  
3 comprehensive State plan developed under this Section  
4 shall include an explanation of the rationale to be used in  
5 ensuring that funding shall be based upon local community  
6 needs, including, but not limited to, the incidence and  
7 prevalence of, and costs associated with, the abuse of and  
8 dependency upon alcohol and other drugs, as well as upon  
9 demonstrated program performance.

10 The annual comprehensive State plan developed under  
11 this Section shall contain a report detailing the  
12 activities of and progress made by the programs for the  
13 care and treatment of addicted pregnant women, addicted  
14 mothers and their children established under subsection  
15 (j) of Section 35-5 of this Act.

16 Each State agency which provides or funds alcohol or  
17 drug prevention, intervention and treatment services shall  
18 annually prepare an agency plan for providing such  
19 services, and these shall be used by the Department in  
20 preparing the annual comprehensive statewide plan. Each  
21 agency's annual plan for alcohol and drug abuse services  
22 shall contain a report on the activities and progress of  
23 such services in the prior year. The Department may provide  
24 technical assistance to other State agencies, as required,  
25 in the development of their agency plans.

26 (4) Lead, foster and develop cooperation, coordination

1 and agreements among federal and State governmental  
2 agencies and local providers that provide assistance,  
3 services, funding or other functions, peripheral or  
4 direct, in the prevention, intervention, treatment or  
5 rehabilitation of alcoholism and other drug abuse and  
6 dependency. This shall include, but shall not be limited  
7 to, the following:

8 (A) Cooperate with and assist the Department of  
9 Corrections and the Department on Aging in  
10 establishing and conducting programs relating to  
11 alcoholism and other drug abuse and dependency among  
12 those populations which they respectively serve.

13 (B) Cooperate with and assist the Illinois  
14 Department of Public Health in the establishment,  
15 funding and support of programs and services for the  
16 promotion of maternal and child health and the  
17 prevention and treatment of infectious diseases,  
18 including but not limited to HIV infection, especially  
19 with respect to those persons who may abuse drugs by  
20 intravenous injection, or may have been sexual  
21 partners of drug abusers, or may have abused substances  
22 so that their immune systems are impaired, causing them  
23 to be at high risk.

24 (C) Supply to the Department of Public Health and  
25 prenatal care providers a list of all alcohol and other  
26 drug abuse service providers for addicted pregnant



1 women in this State.

2 (D) Assist in the placement of child abuse or  
3 neglect perpetrators (identified by the Illinois  
4 Department of Children and Family Services) who have  
5 been determined to be in need of alcohol or other drug  
6 abuse services pursuant to Section 8.2 of the Abused  
7 and Neglected Child Reporting Act.

8 (E) Cooperate with and assist the Illinois  
9 Department of Children and Family Services in carrying  
10 out its mandates to:

11 (i) identify alcohol and other drug abuse  
12 issues among its clients and their families; and

13 (ii) develop programs and services to deal  
14 with such problems.

15 These programs and services may include, but shall not  
16 be limited to, programs to prevent the abuse of alcohol  
17 or other drugs by DCFS clients and their families,  
18 rehabilitation services, identifying child care needs  
19 within the array of alcohol and other drug abuse  
20 services, and assistance with other issues as  
21 required.

22 (F) Cooperate with and assist the Illinois  
23 Criminal Justice Information Authority with respect to  
24 statistical and other information concerning drug  
25 abuse incidence and prevalence.

26 (G) Cooperate with and assist the State

1 Superintendent of Education, boards of education,  
2 schools, police departments, the Illinois Department  
3 of State Police, courts and other public and private  
4 agencies and individuals in establishing prevention  
5 programs statewide and preparing curriculum materials  
6 for use at all levels of education. An agreement shall  
7 be entered into with the State Superintendent of  
8 Education to assist in the establishment of such  
9 programs.

10 (H) Cooperate with and assist the Illinois  
11 Department of Healthcare and Family Services ~~Public~~  
12 ~~Aid~~ in the development and provision of services  
13 offered to recipients of public assistance for the  
14 treatment and prevention of alcoholism and other drug  
15 abuse and dependency.

16 (I) Provide training recommendations to other  
17 State agencies funding alcohol or other drug abuse  
18 prevention, intervention, treatment or rehabilitation  
19 services.

20 (5) From monies appropriated to the Department from the  
21 Drunk and Drugged Driving Prevention Fund, make grants to  
22 reimburse DUI evaluation and remedial education programs  
23 licensed by the Department for the costs of providing  
24 indigent persons with free or reduced-cost services  
25 relating to a charge of driving under the influence of  
26 alcohol or other drugs.

1           (6) Promulgate regulations to provide appropriate  
2 standards for publicly and privately funded programs as  
3 well as for levels of payment to government funded programs  
4 which provide an array of services for prevention,  
5 intervention, treatment and rehabilitation for alcoholism  
6 and other drug abuse or dependency.

7           (7) In consultation with local service providers,  
8 specify a uniform statistical methodology for use by  
9 agencies, organizations, individuals and the Department  
10 for collection and dissemination of statistical  
11 information regarding services related to alcoholism and  
12 other drug use and abuse. This shall include prevention  
13 services delivered, the number of persons treated,  
14 frequency of admission and readmission, and duration of  
15 treatment.

16           (8) Receive data and assistance from federal, State and  
17 local governmental agencies, and obtain copies of  
18 identification and arrest data from all federal, State and  
19 local law enforcement agencies for use in carrying out the  
20 purposes and functions of the Department.

21           (9) Designate and license providers to conduct  
22 screening, assessment, referral and tracking of clients  
23 identified by the criminal justice system as having  
24 indications of alcoholism or other drug abuse or dependency  
25 and being eligible to make an election for treatment under  
26 Section 40-5 of this Act, and assist in the placement of

1 individuals who are under court order to participate in  
2 treatment.

3 (10) Designate medical examination and other programs  
4 for determining alcoholism and other drug abuse and  
5 dependency.

6 (11) Encourage service providers who receive financial  
7 assistance in any form from the State to assess and collect  
8 fees for services rendered.

9 (12) Make grants with funds appropriated from the Drug  
10 Treatment Fund in accordance with Section 7 of the  
11 Controlled Substance and Cannabis Nuisance Act, or in  
12 accordance with Section 80 of the Methamphetamine Control  
13 and Community Protection Act, or in accordance with  
14 subsections (h) and (i) of Section 411.2 of the Illinois  
15 Controlled Substances Act.

16 (13) Encourage all health and disability insurance  
17 programs to include alcoholism and other drug abuse and  
18 dependency as a covered illness.

19 (14) Make such agreements, grants-in-aid and  
20 purchase-care arrangements with any other department,  
21 authority or commission of this State, or any other state  
22 or the federal government or with any public or private  
23 agency, including the disbursement of funds and furnishing  
24 of staff, to effectuate the purposes of this Act.

25 (15) Conduct a public information campaign to inform  
26 the State's Hispanic residents regarding the prevention

1 and treatment of alcoholism.

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

6 (1) Require all programs funded by the Department to  
7 include an education component to inform participants  
8 regarding the causes and means of transmission and methods  
9 of reducing the risk of acquiring or transmitting HIV  
10 infection, and to include funding for such education  
11 component in its support of the program.

12 (2) Review all State agency applications for federal  
13 funds which include provisions relating to the prevention,  
14 early intervention and treatment of alcoholism and other  
15 drug abuse and dependency in order to ensure consistency  
16 with the comprehensive statewide plan developed pursuant  
17 to this Act.

18 (3) Prepare, publish, evaluate, disseminate and serve  
19 as a central repository for educational materials dealing  
20 with the nature and effects of alcoholism and other drug  
21 abuse and dependency. Such materials may deal with the  
22 educational needs of the citizens of Illinois, and may  
23 include at least pamphlets which describe the causes and  
24 effects of fetal alcohol syndrome, which the Department may  
25 distribute free of charge to each county clerk in  
26 sufficient quantities that the county clerk may provide a

1 pamphlet to the recipients of all marriage licenses issued  
2 in the county.

3 (4) Develop and coordinate, with regional and local  
4 agencies, education and training programs for persons  
5 engaged in providing the array of services for persons  
6 having alcoholism or other drug abuse and dependency  
7 problems, which programs may include specific HIV  
8 education and training for program personnel.

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

12 (6) Utilize the support and assistance of interested  
13 persons in the community, including recovering addicts and  
14 alcoholics, to assist individuals and communities in  
15 understanding the dynamics of addiction, and to encourage  
16 individuals with alcohol or other drug abuse or dependency  
17 problems to voluntarily undergo treatment.

18 (7) Promote, conduct, assist or sponsor basic  
19 clinical, epidemiological and statistical research into  
20 alcoholism and other drug abuse and dependency, and  
21 research into the prevention of those problems either  
22 solely or in conjunction with any public or private agency.

23 (8) Cooperate with public and private agencies,  
24 organizations and individuals in the development of  
25 programs, and to provide technical assistance and  
26 consultation services for this purpose.

1           (9) Publish or provide for the publishing of a manual  
2           to assist medical and social service providers in  
3           identifying alcoholism and other drug abuse and dependency  
4           and coordinating the multidisciplinary delivery of  
5           services to addicted pregnant women, addicted mothers and  
6           their children. The manual may be used only to provide  
7           information and may not be used by the Department to  
8           establish practice standards. The Department may not  
9           require recipients to use specific providers nor may they  
10          require providers to refer recipients to specific  
11          providers. The manual may include, but need not be limited  
12          to, the following:

13                 (A) Information concerning risk assessments of  
14                 women seeking prenatal, natal, and postnatal medical  
15                 care.

16                 (B) Information concerning risk assessments of  
17                 infants who may be substance-affected.

18                 (C) Protocols that have been adopted by the  
19                 Illinois Department of Children and Family Services  
20                 for the reporting and investigation of allegations of  
21                 child abuse or neglect under the Abused and Neglected  
22                 Child Reporting Act.

23                 (D) Summary of procedures utilized in juvenile  
24                 court in cases of children alleged or found to be  
25                 abused or neglected as a result of being born to  
26                 addicted women.

1           (E) Information concerning referral of addicted  
2 pregnant women, addicted mothers and their children by  
3 medical, social service, and substance abuse treatment  
4 providers, by the Departments of Children and Family  
5 Services, Public Aid, Public Health, and Human  
6 Services.

7           (F) Effects of substance abuse on infants and  
8 guidelines on the symptoms, care, and comfort of  
9 drug-withdrawing infants.

10           (G) Responsibilities of the Illinois Department of  
11 Public Health to maintain statistics on the number of  
12 children in Illinois addicted at birth.

13           (10) To the extent permitted by federal law or  
14 regulation, establish and maintain a clearinghouse and  
15 central repository for the development and maintenance of a  
16 centralized data collection and dissemination system and a  
17 management information system for all alcoholism and other  
18 drug abuse prevention, early intervention and treatment  
19 services.

20           (11) Fund, promote or assist programs, services,  
21 demonstrations or research dealing with addictive or  
22 habituating behaviors detrimental to the health of  
23 Illinois citizens.

24           (12) With monies appropriated from the Group Home Loan  
25 Revolving Fund, make loans, directly or through  
26 subcontract, to assist in underwriting the costs of housing



1 in which individuals recovering from alcohol or other drug  
2 abuse or dependency may reside in groups of not less than 6  
3 persons, pursuant to Section 50-40 of this Act.

4 (13) Promulgate such regulations as may be necessary  
5 for the administration of grants or to otherwise carry out  
6 the purposes and enforce the provisions of this Act.

7 (14) Fund programs to help parents be effective in  
8 preventing substance abuse by building an awareness of  
9 drugs and alcohol and the family's role in preventing abuse  
10 through adjusting expectations, developing new skills, and  
11 setting positive family goals. The programs shall include,  
12 but not be limited to, the following subjects: healthy  
13 family communication; establishing rules and limits; how  
14 to reduce family conflict; how to build self-esteem,  
15 competency, and responsibility in children; how to improve  
16 motivation and achievement; effective discipline; problem  
17 solving techniques; and how to talk about drugs and  
18 alcohol. The programs shall be open to all parents.

19 (Source: P.A. 94-556, eff. 9-11-05; revised 12-15-05.)

20 (20 ILCS 301/10-45)

21 (Section scheduled to be repealed on July 1, 2007)

22 Sec. 10-45. Membership. The Board shall consist of 15 ~~16~~  
23 members:

24 (a) The Director of Aging.

25 (b) The State Superintendent of Education.

- 1 (c) The Director of Corrections.
- 2 (d) The Director of State Police.
- 3 (e) The Secretary of Financial and Professional  
4 Regulation ~~Director of Professional Regulation~~.
- 5 (f) (Blank).
- 6 (g) The Director of Children and Family Services.
- 7 (h) (Blank).
- 8 (i) The Director of Healthcare and Family Services  
9 ~~Public Aid~~.
- 10 (j) The Director of Public Health.
- 11 (k) The Secretary of State.
- 12 (l) The Secretary of Transportation.
- 13 (m) (Blank). ~~The Director of Insurance~~.
- 14 (n) The Director of the Administrative Office of the  
15 Illinois Courts.
- 16 (o) The Chairman of the Board of Higher Education.
- 17 (p) The Director of Revenue.
- 18 (q) The Executive Director of the Criminal Justice  
19 Information Authority.
- 20 (r) A chairman who shall be appointed by the Governor  
21 for a term of 3 years.

22 Each member may designate a representative to serve in his or  
23 her place by written notice to the Department.

24 (Source: P.A. 92-16, eff. 6-28-01. Repealed by P.A. 94-1033,  
25 eff. 7-1-07; revised 8-21-06.)

1           Section 120. The Department of Central Management Services  
2 Law of the Civil Administrative Code of Illinois is amended by  
3 changing Section 405-270 as follows:

4           (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

5           Sec. 405-270. Communications services. To provide for and  
6 co-ordinate communications services for State agencies and,  
7 when requested and when in the best interests of the State, for  
8 units of federal or local governments and public and  
9 not-for-profit institutions of primary, secondary, and higher  
10 education. The Department may make use of its satellite uplink  
11 available to interested parties not associated with State  
12 government provided that State government usage shall have  
13 first priority. For this purpose the Department shall have the  
14 power and duty to do all of the following:

15           (1) Provide for and control the procurement,  
16 retention, installation, and maintenance of communications  
17 equipment or services used by State agencies in the  
18 interest of efficiency and economy.

19           (2) Establish standards by January 1, 1989 for  
20 communications services for State agencies which shall  
21 include a minimum of one telecommunication device for the  
22 deaf installed and operational within each State agency, to  
23 provide public access to agency information for those  
24 persons who are hearing or speech impaired. The Department  
25 shall consult the Department of Human Services to develop

1 standards and implementation for this equipment.

2 (3) Establish charges (i) for communication services  
3 for State agencies and, when requested, for units of  
4 federal or local government and public and not-for-profit  
5 institutions of primary, secondary, or higher education  
6 and (ii) for use of the Department's satellite uplink by  
7 parties not associated with State government. Entities  
8 charged for these services shall reimburse the Department.

9 (4) Instruct all State agencies to report their usage  
10 of communication services regularly to the Department in  
11 the manner the Director may prescribe.

12 (5) Analyze the present and future aims and needs of  
13 all State agencies in the area of communications services  
14 and plan to serve those aims and needs in the most  
15 effective and efficient manner.

16 (6) Provide services, including, but not limited to,  
17 telecommunications, video recording, satellite uplink,  
18 public information, and other communications services.

19 (7) Establish the administrative organization within  
20 the Department that is required to accomplish the purpose  
21 of this Section.

22 The Department is authorized to conduct a study for the  
23 purpose of determining technical, engineering, and management  
24 specifications for the networking, compatible connection, or  
25 shared use of existing and future public and private owned  
26 television broadcast and reception facilities, including but

1 not limited to terrestrial microwave, fiber optic, and  
2 satellite, for broadcast and reception of educational,  
3 governmental, and business programs, and to implement those  
4 specifications.

5 However, the Department may not control or interfere with  
6 the input of content into the telecommunications systems by the  
7 several State agencies or units of federal or local government,  
8 or public or not-for-profit institutions of primary,  
9 secondary, and higher education, or users of the Department's  
10 satellite uplink.

11 As used in this Section, the term "State agencies" means  
12 all departments, officers, commissions, boards, institutions,  
13 and bodies politic and corporate of the State except (i) the  
14 judicial branch, including, without limitation, the several  
15 courts of the State, the offices of the clerk of the supreme  
16 court and the clerks of the appellate court, and the  
17 Administrative Office of the Illinois Courts and (ii) the  
18 General Assembly, legislative service agencies, and all  
19 officers of the General Assembly.

20 (Source: P.A. 94-91, eff. 7-1-05; 94-295, eff. 7-21-05; revised  
21 8-19-05.)

22 Section 125. The Personnel Code is amended by changing  
23 Sections 8a, 8b.1, and 10 as follows:

24 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

1           Sec. 8a. Jurisdiction A - Classification and pay. For  
2 positions in the State service subject to the jurisdiction of  
3 the Department of Central Management Services with respect to  
4 the classification and pay:

5           (1) For the preparation, maintenance, and revision by  
6 the Director, subject to approval by the Commission, of a  
7 position classification plan for all positions subject to  
8 this Act, based upon similarity of duties performed,  
9 responsibilities assigned, and conditions of employment so  
10 that the same schedule of pay may be equitably applied to  
11 all positions in the same class. However, the pay of an  
12 employee whose position is reduced in rank or grade by  
13 reallocation because of a loss of duties or  
14 responsibilities after his appointment to such position  
15 shall not be required to be lowered for a period of one  
16 year after the reallocation of his position. Conditions of  
17 employment shall not be used as a factor in the  
18 classification of any position heretofore paid under the  
19 provisions of Section 1.22 of "An Act to standardize  
20 position titles and salary rates", approved June 30, 1943,  
21 as amended. Unless the Commission disapproves such  
22 classification plan within 60 days, or any revision thereof  
23 within 30 days, the Director shall allocate every such  
24 position to one of the classes in the plan. Any employee  
25 affected by the allocation of a position to a class shall,  
26 after filing with the Director of Central Management

1 Services a written request for reconsideration thereof in  
2 such manner and form as the Director may prescribe, be  
3 given a reasonable opportunity to be heard by the Director.  
4 If the employee does not accept the allocation of the  
5 position, he shall then have the right of appeal to the  
6 Civil Service Commission.

7 (2) For a pay plan to be prepared by the Director for  
8 all employees subject to this Act after consultation with  
9 operating agency heads and the Director of the Governor's  
10 Office of Management and Budget. Such pay plan may include  
11 provisions for uniformity of starting pay, an increment  
12 plan, area differentials, a delay not to exceed one year  
13 prior to the reduction of the pay of employees whose  
14 positions are reduced in rank or grade by reallocation  
15 because of a loss of duties or responsibilities after their  
16 appointments to such positions, prevailing rates of wages  
17 in those classifications in which employers are now paying  
18 or may hereafter pay such rates of wage and other  
19 provisions. Such pay plan shall become effective only after  
20 it has been approved by the Governor. Amendments to the pay  
21 plan shall be made in the same manner. Such pay plan shall  
22 provide that each employee shall be paid at one of the  
23 rates set forth in the pay plan for the class of position  
24 in which he is employed, subject to delay in the reduction  
25 of pay of employees whose positions are reduced in rank or  
26 grade by allocation as above set forth in this Section.

1           Such pay plan shall provide for a fair and reasonable  
2           compensation for services rendered.

3           This Section is inapplicable to the position of Assistant  
4           Director of Healthcare and Family Services ~~Public Aid~~ in the  
5           Department of Healthcare and Family Services ~~Public Aid~~. The  
6           salary for this position shall be as established in "The Civil  
7           Administrative Code of Illinois", approved March 7, 1917, as  
8           amended.

9           (Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

10           (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

11           Sec. 8b.1. For open competitive examinations to test the  
12           relative fitness of applicants for the respective positions.

13           Tests shall be designed to eliminate those who are not  
14           qualified for entrance into or promotion within the service,  
15           and to discover the relative fitness of those who are  
16           qualified. The Director may use any one of or any combination  
17           of the following examination methods which in his judgment best  
18           serves this end: investigation of education; investigation of  
19           experience; test of cultural knowledge; test of capacity; test  
20           of knowledge; test of manual skill; test of linguistic ability;  
21           test of character; test of physical fitness; test of  
22           psychological fitness. No person with a record of misdemeanor  
23           convictions except those under Sections 11-6, 11-7, 11-9,  
24           11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,  
25           16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,



1 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of  
2 Section 24-1 of the Criminal Code of 1961 or arrested for any  
3 cause but not convicted thereon shall be disqualified from  
4 taking such examinations or subsequent appointment, unless the  
5 person is attempting to qualify for a position which would give  
6 him the powers of a peace officer, in which case the person's  
7 conviction or arrest record may be considered as a factor in  
8 determining the person's fitness for the position. The  
9 eligibility conditions specified for the position of Assistant  
10 Director of Healthcare and Family Services ~~Public Aid~~ in the  
11 Department of Healthcare and Family Services ~~Public Aid~~ in  
12 Section 5-230 of the Departments of State Government Law (20  
13 ILCS 5/5-230) shall be applied to that position in addition to  
14 other standards, tests or criteria established by the Director.  
15 All examinations shall be announced publicly at least 2 weeks  
16 in advance of the date of the examinations and may be  
17 advertised through the press, radio and other media. The  
18 Director may, however, in his discretion, continue to receive  
19 applications and examine candidates long enough to assure a  
20 sufficient number of eligibles to meet the needs of the service  
21 and may add the names of successful candidates to existing  
22 eligible lists in accordance with their respective ratings.

23 The Director may, in his discretion, accept the results of  
24 competitive examinations conducted by any merit system  
25 established by federal law or by the law of any State, and may  
26 compile eligible lists therefrom or may add the names of

1 successful candidates in examinations conducted by those merit  
2 systems to existing eligible lists in accordance with their  
3 respective ratings. No person who is a non-resident of the  
4 State of Illinois may be appointed from those eligible lists,  
5 however, unless the requirement that applicants be residents of  
6 the State of Illinois is waived by the Director of Central  
7 Management Services and unless there are less than 3 Illinois  
8 residents available for appointment from the appropriate  
9 eligible list. The results of the examinations conducted by  
10 other merit systems may not be used unless they are comparable  
11 in difficulty and comprehensiveness to examinations conducted  
12 by the Department of Central Management Services for similar  
13 positions. Special linguistic options may also be established  
14 where deemed appropriate.

15 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

16 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

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

19 (1) Upon written recommendations by the Director of the  
20 Department of Central Management Services to exempt from  
21 jurisdiction B of this Act positions which, in the judgment of  
22 the Commission, involve either principal administrative  
23 responsibility for the determination of policy or principal  
24 administrative responsibility for the way in which policies are  
25 carried out. This authority may not be exercised, however, with

1 respect to the position of Assistant Director of Healthcare and  
2 Family Services ~~Public Aid~~ in the Department of Healthcare and  
3 Family Services ~~Public Aid~~.

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

6 (3) To disapprove original rules or any part thereof within  
7 90 days and any amendment thereof within 30 days after the  
8 submission of such rules to the Civil Service Commission by the  
9 Director, and to disapprove any amendments thereto in the same  
10 manner.

11 (4) To approve or disapprove within 60 days from date of  
12 submission the position classification P.A. submitted by the  
13 Director as provided in the rules, and any revisions thereof  
14 within 30 days from the date of submission.

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

18 (6) To hear and determine written charges filed seeking the  
19 discharge, demotion of employees and suspension totaling more  
20 than thirty days in any 12-month period, as provided in Section  
21 11 hereof, and appeals from transfers from one geographical  
22 area in the State to another, and in connection therewith to  
23 administer oaths, subpoena witnesses, and compel the  
24 production of books and papers.

25 (7) The fees of subpoenaed witnesses under this Act for  
26 attendance and travel shall be the same as fees of witnesses

1 before the circuit courts of the State, such fees to be paid  
2 when the witness is excused from further attendance. Whenever a  
3 subpoena is issued the Commission may require that the cost of  
4 service and the fee of the witness shall be borne by the party  
5 at whose insistence the witness is summoned. The Commission has  
6 the power, at its discretion, to require a deposit from such  
7 party to cover the cost of service and witness fees and the  
8 payment of the legal witness fee and mileage to the witness  
9 served with the subpoena. A subpoena issued under this Act  
10 shall be served in the same manner as a subpoena issued out of  
11 a court.

12 Upon the failure or refusal to obey a subpoena, a petition  
13 shall be prepared by the party serving the subpoena for  
14 enforcement in the circuit court of the county in which the  
15 person to whom the subpoena was directed either resides or has  
16 his or her principal place of business.

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

20 Following a hearing on the petition, the circuit court  
21 shall have jurisdiction to enforce subpoenas issued pursuant to  
22 this Section.

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

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

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

3           (10) To appoint a full-time executive secretary and such  
4 other employees, experts, and special assistants as may be  
5 necessary to carry out the powers and duties of the Commission  
6 under this Act and employees, experts, and special assistants  
7 so appointed by the Commission shall be subject to the  
8 provisions of jurisdictions A, B and C of this Act. These  
9 powers and duties supersede any contrary provisions herein  
10 contained.

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

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

22           All hearings shall be public. A decision shall be rendered  
23 within 60 days after receipt of the transcript of the  
24 proceedings. The Commission shall order the reinstatement of  
25 the employee if it is proven that the provisions of the  
26 Personnel Code or of the Rules of the Department of Central

1 Management Services relating to layoff have been violated or  
2 have not been complied with. In connection therewith the  
3 Commission may administer oaths, subpoena witnesses, and  
4 compel the production of books and papers.

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

15 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

16 Section 130. The Children and Family Services Act is  
17 amended by changing Sections 9.1, 23, and 35.3 as follows:

18 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

19 Sec. 9.1. The parents or guardians of the estates of  
20 children accepted for care and training under the Juvenile  
21 Court Act or the Juvenile Court Act of 1987, or through a  
22 voluntary placement agreement with the parents or guardians  
23 shall be liable for the payment to the Department, or to a  
24 licensed or approved child care facility designated by the

1 Department of sums representing charges for the care and  
2 training of those children at a rate to be determined by the  
3 Department. The Department shall establish a standard by which  
4 shall be measured the ability of parents or guardians to pay  
5 for the care and training of their children, and shall  
6 implement the standard by rules governing its application. The  
7 standard and the rules shall take into account ability to pay  
8 as measured by annual income and family size. Medical or other  
9 treatment provided on behalf of the family may also be taken  
10 into account in determining ability to pay if the Department  
11 concludes that such treatment is appropriate.

12 In addition, the Department may provide by rule for  
13 referral of Title IV-E foster care maintenance cases to the  
14 Department of Healthcare and Family Services ~~Public Aid~~ for  
15 child support enforcement services under Title IV-D of the  
16 Social Security Act. The Department shall consider "good cause"  
17 as defined in regulations promulgated under Title IV-A of the  
18 Social Security Act, among other criteria, when determining  
19 whether to refer a case and, upon referral, the parent or  
20 guardian of the estate of a child who is receiving Title IV-E  
21 foster care maintenance payments shall be deemed to have made  
22 an assignment to the Department of any and all rights, title  
23 and interest in any support obligation on behalf of a child.  
24 The rights to support assigned to the Department shall  
25 constitute an obligation owed the State by the person who is  
26 responsible for providing the support, and shall be collectible

1 under all applicable processes.

2 The acceptance of children for services or care shall not  
3 be limited or conditioned in any manner on the financial status  
4 or ability of parents or guardians to make such payments.

5 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

6 (20 ILCS 505/23) (from Ch. 23, par. 5023)

7 Sec. 23. To make agreements with any other department,  
8 authority or commission of this State, any State university or  
9 public or private agency, to make and receive payment for  
10 services provided to or by such bodies, and with written  
11 approval by the Governor to make agreements with other states.

12 The Department may enter into agreements with any public or  
13 private agency determined appropriate and qualified by the  
14 Department that will participate in the cost and operation of  
15 programs, in at least 4 different communities, that provide a  
16 comprehensive array of child and family services, including but  
17 not limited to prenatal care to pregnant women, parenting  
18 education, and early childhood education services, nutrition  
19 services, and basic health services to children of preschool  
20 age and their parents who reside in service areas of the State  
21 identified by the Illinois Department of Public Health as  
22 having the highest rates of infant mortality under the Infant  
23 Mortality Reduction Act (now repealed). The Department may  
24 assume primary or full financial and administrative  
25 responsibility for any such program that has demonstrated



1 effectiveness.

2 (Source: P.A. 85-502; revised 11-21-05.)

3 (20 ILCS 505/35.3)

4 Sec. 35.3. Confidentiality of foster parent identifying  
5 information.

6 (a) Because foster parents accept placements into their  
7 residences, it is the policy of the State of Illinois to  
8 protect foster parents' addresses and telephone numbers from  
9 disclosure. The Department shall adopt rules to effectuate this  
10 policy and provide sufficient prior notice of any authorized  
11 disclosure for foster parents to seek an order of protection  
12 under Section 2-25 of the Juvenile Court Act of 1987.

13 (b) A person to whom disclosure of a foster parent's name,  
14 address, or telephone number is made under this Section shall  
15 not redisclose that information except as provided in this Act  
16 or the Juvenile Court Act of 1987. Any person who knowingly and  
17 willfully rediscloses a foster parent's name, address, or  
18 telephone number in violation of this Section is guilty of a  
19 Class A misdemeanor.

20 (c) The Department shall provide written notice of the  
21 provisions of subsection (b), including the penalty for a Class  
22 A misdemeanor, to anyone to whom the Department discloses a  
23 foster parent's name, address, or telephone number.

24 (Source: P.A. 90-15, eff. 6-13-97; 90-629, eff. 7-24-98;  
25 revised 9-25-06.)

1           Section 135. The Department of Commerce and Economic  
2 Opportunity Law of the Civil Administrative Code of Illinois is  
3 amended by setting forth and renumbering multiple versions of  
4 Section 605-430 as follows:

5           (20 ILCS 605/605-430)

6           Sec. 605-430. Funding; study. To ensure the availability of  
7 a quality health care workforce to meet present and future  
8 health care needs within the State, the Department of Commerce  
9 and Economic Opportunity may, subject to appropriation,  
10 conduct a study of the current and projected academic training  
11 capacity in the State of Illinois specific to the nursing  
12 profession. The study shall address the current supply and  
13 demand for masters-prepared nurses as nursing school faculty  
14 and set specific goals for recruiting and training new nursing  
15 faculty throughout the region. The study shall also determine  
16 the feasibility of the State engaging in the following  
17 activities: (i) the establishment of scholarship funds and  
18 work-study programs to help recruit potential new nursing  
19 school faculty, (ii) the creation of a system to regularly  
20 review and increase nurse faculty salary and benefits to make  
21 academic practice competitive with clinical practice, and  
22 (iii) the development of career track programs for academia  
23 that offer advancement and rewards for nursing school faculty  
24 comparable to those in clinical management. The study shall

1 include the collaborative input of hospital and other health  
2 care provider associations and public and private educational  
3 institutions from throughout the State.

4 Subject to the availability of State funds, the Department  
5 of Commerce and Economic Opportunity shall complete the study  
6 by July 1, 2007 and shall present its findings to the General  
7 Assembly for consideration.

8 (Source: P.A. 94-970, eff. 6-30-06.)

9 (20 ILCS 605/605-435)

10 Sec. 605-435 ~~605-430~~. Lifelong learning accounts; pilot  
11 program.

12 (a) The Department may establish and maintain a pilot  
13 program to provide for and test the use of lifelong learning  
14 accounts for workers in the State's healthcare sector. For the  
15 purposes of this Section, "lifelong learning account" means an  
16 individual asset account held by a trustee, custodian, or  
17 fiduciary approved by the Department on behalf of a healthcare  
18 employee, the moneys in which may be used only to pay education  
19 expenses incurred by or on behalf of the account owner.

20 (b) The Department, if administering a program under this  
21 Section:

22 (1) may serve up to 500 healthcare workers;

23 (2) must encourage the participation, in the program,  
24 of lower-income and lower-skilled healthcare workers;

25 (3) must implement the program in diverse geographic

1 and economic areas and include healthcare workers in urban,  
2 suburban, and rural areas of the State;

3 (4) must include, in the program, healthcare employers  
4 of different sizes that choose to participate in the  
5 program;

6 (5) must provide matching grants in an amount, not to  
7 exceed \$500 annually for each grant, equal to 50% of the  
8 annual aggregate contribution made by an employer and  
9 employee to the employee's lifelong learning account;

10 (6) must make technical assistance available to  
11 companies and educational and career advising available to  
12 individual participants.

13 (c) The establishment of program under this Section is  
14 discretionary on the part of the Department and is subject to  
15 appropriation.

16 (d) The Department may adopt any rules necessary to  
17 administer the provisions of this Section.

18 (Source: P.A. 94-1006, eff. 7-3-06; revised 8-29-06.)

19 Section 140. The Illinois Renewable Fuels Development  
20 Program Act is amended by renumbering Section 905 as follows:

21 (20 ILCS 689/95) (was 20 ILCS 689/905)

22 Sec. 95. ~~905.~~ (Amendatory provisions; text omitted).

23 (Source: P.A. 93-15, eff. 6-11-03; text omitted; revised  
24 8-1-03.)

1           Section 145. The Rural Diversification Act is amended by  
2 changing Section 2 as follows:

3           (20 ILCS 690/2) (from Ch. 5, par. 2252)

4           Sec. 2. Findings and declaration of policy. The General  
5 Assembly hereby finds, determines and declares:

6           (a) That Illinois is a state of diversified economic  
7 strength and that an important economic strength in Illinois is  
8 derived from rural business production and the agribusiness  
9 industry;

10          (b) That the Illinois rural economy is in a state of  
11 transition, which presents a unique opportunity for the State  
12 to act on its growth and development;

13          (c) That full and continued growth and development of  
14 Illinois' rural economy, especially in the small towns and farm  
15 communities, is vital for Illinois;

16          (d) That by encouraging the development of diversified  
17 rural business and agricultural production, nonproduction and  
18 processing activities in Illinois, the State creates a  
19 beneficial climate for new and improved job opportunities for  
20 its citizens and expands jobs and job training opportunities;

21          (e) That in order to cultivate strong rural economic growth  
22 and development in Illinois, it is necessary to proceed with a  
23 plan which encourages Illinois rural businesses and  
24 agribusinesses to expand business employment opportunities

1 through diversification of business and industries, offers  
2 managerial, technical and financial assistance to or on behalf  
3 of rural businesses and agribusiness, and works in a  
4 cooperative venture and spirit with Illinois' business, labor,  
5 local government, educational and scientific communities;

6 (f) That dedication of State resources over a multi-year  
7 period targeted to promoting the growth and development of one  
8 or more classes of diversified rural products, particularly new  
9 agricultural products, is an effective use of State funds;

10 (g) That the United States Congress, having identified  
11 similar needs and purposes has enacted legislation creating the  
12 United States Department of Agriculture/Farmers Home  
13 Administration Non-profit National Finance Corporations Loan  
14 and Grant Program and made funding available to the states  
15 consistent with the purposes of this Act.

16 (h) That the Illinois General Assembly has enacted "Rural  
17 Revival" and a series of "Harvest the Heartland" initiatives  
18 which create within the Illinois Finance Authority a "Seed  
19 Capital Fund" to provide venture capital for emerging new  
20 agribusinesses, and to help coordinate cooperative research  
21 and development on new agriculture technologies in conjunction  
22 with the Agricultural Research and Development Consortium in  
23 Peoria, the United States ~~State~~ Department of Agriculture  
24 Northern Regional Research Laboratory in Peoria, the  
25 institutions of higher learning in Illinois, and the  
26 agribusiness community of this State, identify the need for

1 enhanced efforts by the State to promote the use of fuels  
2 utilizing ethanol made from Illinois grain, and promote  
3 forestry development in this State; and

4 (i) That there is a need to coordinate the many programs  
5 offered by the State of Illinois Departments of Agriculture,  
6 Commerce and Economic Opportunity ~~Community Affairs~~, and  
7 Natural Resources, and the Illinois Finance Authority that are  
8 targeted to agriculture and the rural community with those  
9 offered by the federal government. Therefore it is desirable  
10 that the fullest measure of coordination and integration of the  
11 programs offered by the various state agencies and the federal  
12 government be achieved.

13 (Source: P.A. 93-205, eff. 1-1-04; revised 10-11-05.)

14 Section 150. The Department of Natural Resources Act is  
15 amended by setting forth and renumbering multiple versions of  
16 Section 1-30 as follows:

17 (20 ILCS 801/1-30)

18 Sec. 1-30. Badges. The Director must authorize to each  
19 Conservation Police Officer and to any other employee of the  
20 Department exercising the powers of a peace officer a distinct  
21 badge that, on its face, (i) clearly states that the badge is  
22 authorized by the Department and (ii) contains a unique  
23 identifying number. No other badge shall be authorized by the  
24 Department. Nothing in this Section prohibits the Director from

1 issuing shields or other distinctive identification to  
2 employees not exercising the powers of a peace officer if the  
3 Director determines that a shield or distinctive  
4 identification is needed by the employee to carry out his or  
5 her responsibilities.

6 (Source: P.A. 93-423, eff. 8-5-03.)

7 (20 ILCS 801/1-35)

8 Sec. 1-35. ~~1-30.~~ Aquifer study. The Department shall  
9 conduct a study to (i) develop an understanding of the geology  
10 of each aquifer in the State; (ii) determine the groundwater  
11 flow through the geologic units and the interaction of the  
12 groundwater with surface waters; (iii) analyze current  
13 groundwater withdrawals; and (iv) determine the chemistry of  
14 the geologic units and the groundwater in those units. Based  
15 upon information obtained from the study, the Department shall  
16 develop geologic and groundwater flow models for each  
17 underground aquifer in the State showing the impact of adding  
18 future wells or of future groundwater withdrawals.

19 (Source: P.A. 93-608, eff. 11-20-03; revised 1-10-04.)

20 Section 155. The Department of Natural Resources  
21 (Conservation) Law of the Civil Administrative Code of Illinois  
22 is amended by changing Section 805-265 as follows:

23 (20 ILCS 805/805-265) (was 20 ILCS 805/63a39)



1           Sec. 805-265. Public utility easement on Tunnel Hill  
2 Bicycle Trail. The Department has the power to grant a public  
3 utility easement in the Saline Valley Conservancy ~~Conservance~~  
4 District on the Tunnel Hill Bicycle Trail for construction and  
5 maintenance of a waterline, subject to terms and conditions  
6 determined by the Department.

7           (Source: P.A. 91-239, eff. 1-1-00; revised 10-11-05.)

8           Section 160. The Department of Employment Security Law of  
9 the Civil Administrative Code of Illinois is amended by  
10 changing Section 1005-130 as follows:

11           (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

12           Sec. 1005-130. Exchange of information for child support  
13 enforcement.

14           (a) The Department has the power to exchange with the  
15 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
16 ~~Aid~~ information that may be necessary for the enforcement of  
17 child support orders entered pursuant to the Illinois Public  
18 Aid Code, the Illinois Marriage and Dissolution of Marriage  
19 Act, the Non-Support of Spouse and Children Act, the  
20 Non-Support Punishment Act, the Revised Uniform Reciprocal  
21 Enforcement of Support Act, the Uniform Interstate Family  
22 Support Act, or the Illinois Parentage Act of 1984.

23           (b) Notwithstanding any provisions in the Civil  
24 Administrative Code of Illinois to the contrary, the Department

1 of Employment Security shall not be liable to any person for  
2 any disclosure of information to the Department of Healthcare  
3 and Family Services (formerly Illinois Department of Public  
4 Aid) under subsection (a) or for any other action taken in good  
5 faith to comply with the requirements of subsection (a).

6 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
7 eff. 6-28-01; revised 12-15-05.)

8 Section 165. The New Hire Reporting Act is amended by  
9 changing Section 35 as follows:

10 (20 ILCS 1020/35)

11 Sec. 35. Department of Healthcare and Family Services  
12 ~~Public Aid~~ duties. The Department of Healthcare and Family  
13 Services ~~Public Aid~~ shall establish a community advisory  
14 committee for oversight of the implementation process,  
15 toll-free telephone lines for employers with child support  
16 questions, an expedited hearing process for non-custodial  
17 parents who contest an employer's execution of an order for  
18 withholding and brochures and public service announcements  
19 that inform the general public about the New Hire Directory and  
20 how to utilize it, within the federal and State confidentiality  
21 laws, in pursuit of child support.

22 (Source: P.A. 90-425, eff. 8-15-97; revised 12-15-05.)

23 Section 170. The Energy Conservation and Coal Development

1 Act is amended by changing Section 15 as follows:

2 (20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

3 Sec. 15. (a) The Department, in cooperation with the  
4 Illinois Finance Authority, shall establish a program to assist  
5 units of local government, as defined in the Illinois Finance  
6 Authority Act, to identify and arrange financing for energy  
7 conservation projects for buildings and facilities owned or  
8 leased by those units of local government.

9 (b) The Department, in cooperation with the Illinois  
10 Finance Authority, shall establish a program to assist health  
11 facilities to identify and arrange financing for energy  
12 conservation projects for buildings and facilities owned or  
13 leased by those health facilities.

14 (Source: P.A. 93-205 (Sections 890-4 and 890-39), eff. 1-1-04;  
15 revised 9-23-03.)

16 Section 175. The Department of Human Services Act is  
17 amended by setting forth and renumbering multiple versions of  
18 Sections 10-8 and 10-35 as follows:

19 (20 ILCS 1305/10-8)

20 Sec. 10-8. The Autism Research Fund; grants; scientific  
21 review committee. The Autism Research Fund is created as a  
22 special fund in the State treasury. From appropriations to the  
23 Department from the Fund, the Department must make grants to

1 public or private entities in Illinois for the purpose of  
2 funding research concerning the disorder of autism. For  
3 purposes of this Section, the term "research" includes, without  
4 limitation, expenditures to develop and advance the  
5 understanding, techniques, and modalities effective in the  
6 detection, prevention, screening, and treatment of autism and  
7 may include clinical trials. No more than 20% of the grant  
8 funds may be used for institutional overhead costs, indirect  
9 costs, other organizational levies, or costs of  
10 community-based support services.

11 Moneys received for the purposes of this Section,  
12 including, without limitation, income tax checkoff receipts  
13 and gifts, grants, and awards from any public or private  
14 entity, must be deposited into the Fund. Any interest earned on  
15 moneys in the Fund must be deposited into the Fund.

16 Each year, grantees of the grants provided under this  
17 Section must submit a written report to the Department that  
18 sets forth the types of research that is conducted with the  
19 grant moneys and the status of that research.

20 The Department shall promulgate rules for the creation of a  
21 scientific review committee to review and assess applications  
22 for the grants authorized under this Section. The Committee  
23 shall serve without compensation.

24 (Source: P.A. 94-442, eff. 8-4-05.)

1           Sec. 10-9 ~~10-8~~. The Diabetes Research Checkoff Fund;  
2 grants. The Diabetes Research Checkoff Fund is created as a  
3 special fund in the State treasury. From appropriations to the  
4 Department from the Fund, the Department must make grants to  
5 public or private entities in Illinois for the purpose of  
6 funding research concerning the disease of diabetes. At least  
7 50% of the grants made from the Fund by the Department must be  
8 made to entities that conduct research for juvenile diabetes.  
9 For purposes of this Section, the term "research" includes,  
10 without limitation, expenditures to develop and advance the  
11 understanding, techniques, and modalities effective in the  
12 detection, prevention, screening, and treatment of diabetes  
13 and may include clinical trials.

14           Moneys received for the purposes of this Section,  
15 including, without limitation, income tax checkoff receipts  
16 and gifts, grants, and awards from any public or private  
17 entity, must be deposited into the Fund. Any interest earned on  
18 moneys in the Fund must be deposited into the Fund.

19           (Source: P.A. 94-107, eff. 7-1-05; revised 9-27-05.)

20           (20 ILCS 1305/10-35)

21           Sec. 10-35. Folic acid; public information campaign. The  
22 Department, in consultation with the Department of Public  
23 Health, shall conduct a public information campaign to (i)  
24 educate women about the benefits of consuming folic acid before  
25 and during pregnancy to improve their chances of having a

1 healthy baby and (ii) increase the consumption of folic acid by  
2 women of child-bearing age. The campaign must include  
3 information about the sources of folic acid.

4 (Source: P.A. 93-84, eff. 1-1-04.)

5 (20 ILCS 1305/10-40)

6 Sec. 10-40 ~~10-35~~. Recreational programs; handicapped;  
7 grants. The Department of Human Services, subject to  
8 appropriation, may make grants to special recreation  
9 associations for the operation of recreational programs for the  
10 handicapped, including both physically and mentally  
11 handicapped, and transportation to and from those programs. The  
12 grants should target unserved or underserved populations, such  
13 as persons with brain injuries, persons who are medically  
14 fragile, and adults who have acquired disabling conditions. The  
15 Department must adopt rules to implement the grant program.

16 (Source: P.A. 93-107, eff. 7-8-03; revised 9-24-03.)

17 (20 ILCS 1305/10-45)

18 Sec. 10-45 ~~10-35~~. Hispanic/Latino Teen Pregnancy  
19 Prevention and Intervention Initiative.

20 (a) The Department is authorized to establish a  
21 Hispanic/Latino Teen Pregnancy Prevention and Intervention  
22 Initiative program.

23 (b) As a part of the program established under subsection  
24 (a), the Department is authorized to award a grant to a

1 qualified entity for the purpose of conducting research,  
2 education, and prevention activities to reduce pregnancy among  
3 Hispanic teenagers.

4 (Source: P.A. 93-515, eff. 1-1-04; revised 9-24-03.)

5 Section 180. The Illinois Lottery Law is amended by  
6 changing Sections 2, 13, 20, and 21.6 as follows:

7 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

8 Sec. 2. This Act is enacted to implement and establish  
9 within the State a lottery to be operated by the State, the  
10 entire net proceeds of which are to be used for the support of  
11 the State's Common School Fund, except as provided in Sections  
12 21.2, ~~and~~ 21.5, and 21.6.

13 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;  
14 revised 8-23-05.)

15 (20 ILCS 1605/13) (from Ch. 120, par. 1163)

16 Sec. 13. Except as otherwise provided in Section 13.1, no  
17 prize, nor any portion of a prize, nor any right of any person  
18 to a prize awarded shall be assignable. Any prize, or portion  
19 thereof remaining unpaid at the death of a prize winner, may be  
20 paid to the estate of such deceased prize winner, or to the  
21 trustee under a revocable living trust established by the  
22 deceased prize winner as settlor, provided that a copy of such  
23 a trust has been filed with the Department along with a

1 notarized letter of direction from the settlor and no written  
2 notice of revocation has been received by the Division prior to  
3 the settlor's death. Following such a settlor's death and prior  
4 to any payment to such a successor trustee, the Superintendent  
5 shall obtain from the trustee a written agreement to indemnify  
6 and hold the Department and the Division harmless with respect  
7 to any claims that may be asserted against the Department or  
8 the Division arising from payment to or through the trust.  
9 Notwithstanding any other provision of this Section, any person  
10 pursuant to an appropriate judicial order may be paid the prize  
11 to which a winner is entitled, and all or part of any prize  
12 otherwise payable by State warrant under this Section shall be  
13 withheld upon certification to the State Comptroller from the  
14 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
15 ~~Aid~~ as provided in Section 10-17.5 of The Illinois Public Aid  
16 Code. The Director and the Superintendent shall be discharged  
17 of all further liability upon payment of a prize pursuant to  
18 this Section.

19 (Source: P.A. 93-465, eff. 1-1-04; 94-776, eff. 5-19-06;  
20 revised 8-21-06.)

21 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

22 Sec. 20. State Lottery Fund.

23 (a) There is created in the State Treasury a special fund  
24 to be known as the "State Lottery Fund". Such fund shall  
25 consist of all revenues received from (1) the sale of lottery



1 tickets or shares, (net of commissions, fees representing those  
2 expenses that are directly proportionate to the sale of tickets  
3 or shares at the agent location, and prizes of less than \$600  
4 which have been validly paid at the agent level), (2)  
5 application fees, and (3) all other sources including moneys  
6 credited or transferred thereto from any other fund or source  
7 pursuant to law. Interest earnings of the State Lottery Fund  
8 shall be credited to the Common School Fund.

9 (b) The receipt and distribution of moneys under Section  
10 21.5 of this Act shall be in accordance with Section 21.5.

11 (c) ~~(b)~~ The receipt and distribution of moneys under  
12 Section 21.6 of this Act shall be in accordance with Section  
13 21.6.

14 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;  
15 revised 8-19-05.)

16 (20 ILCS 1605/21.6)

17 Sec. 21.6. Scratch-off for Illinois veterans.

18 (a) The Department shall offer a special instant  
19 scratch-off game for the benefit of Illinois veterans. The game  
20 shall commence on January 1, 2006 or as soon thereafter, at the  
21 discretion of the Director, as is reasonably practical. The  
22 operation of the game shall be governed by this Act and any  
23 rules adopted by the Department. If any provision of this  
24 Section is inconsistent with any other provision of this Act,  
25 then this Section governs.

1           (b) The Illinois Veterans Assistance Fund is created as a  
2 special fund in the State treasury. The net revenue from the  
3 Illinois veterans scratch-off game shall be deposited into the  
4 Fund for appropriation by the General Assembly solely to the  
5 Department of Veterans Affairs for making grants, funding  
6 additional services, or conducting additional research  
7 projects relating to:

8           (i) veterans' post traumatic stress disorder;

9           (ii) veterans' homelessness;

10           (iii) the health insurance costs of veterans;

11           (iv) veterans' disability benefits, including but not  
12 limited to, disability benefits provided by veterans  
13 service organizations and veterans assistance commissions  
14 or centers; and

15           (v) the long-term care of veterans.

16           Moneys collected from the special instant scratch-off game  
17 shall be used only as a supplemental financial resource and  
18 shall not supplant existing moneys that the Department of  
19 Veterans Affairs may currently expend for the purposes set  
20 forth in items (i) through (v) ~~(i-v)~~.

21           Moneys received for the purposes of this Section,  
22 including, without limitation, net revenue from the special  
23 instant scratch-off game and from gifts, grants, and awards  
24 from any public or private entity, must be deposited into the  
25 Fund. Any interest earned on moneys in the Fund must be  
26 deposited into the Fund.

1 For purposes of this subsection, "net revenue" means the  
2 total amount for which tickets have been sold less the sum of  
3 the amount paid out in the prizes and the actual administrative  
4 expenses of the Department solely related to the scratch-off  
5 game under this Section.

6 (c) During the time that tickets are sold for the Illinois  
7 veterans scratch-off game, the Department shall not  
8 unreasonably diminish the efforts devoted to marketing any  
9 other instant scratch-off lottery game.

10 (d) The Department may adopt any rules necessary to  
11 implement and administer the provisions of this Section.

12 (Source: P.A. 94-585, eff. 8-15-05; revised 9-6-05.)

13 Section 185. The Mental Health and Developmental  
14 Disabilities Administrative Act is amended by changing  
15 Sections 15.2, 15.3, 18, 33.3, and 57 as follows:

16 (20 ILCS 1705/15.2) (from Ch. 91 1/2, par. 100-15.2)

17 Sec. 15.2. Quality Assurance for Adult Developmental  
18 Training Services. Whenever the Department of Healthcare and  
19 Family Services ~~Public Aid~~ or the Department of Human Services  
20 pays the cost, directly or indirectly, in whole or part, for  
21 adult developmental training day services for persons with  
22 developmental disabilities, the provider of such services  
23 shall meet minimum standards established by the Department.  
24 Such minimum standards shall become effective July 1, 1986.

1 Interim program guidelines, established by the Department,  
2 shall be utilized for programs operational prior to July 1,  
3 1985.

4 The Department shall annually certify that adult  
5 developmental training day services providers meet minimum  
6 standards. The Department may determine that providers  
7 accredited under nationally recognized accreditation programs  
8 are deemed to have met the standards established by the  
9 Department under this Section. The Department shall, at least  
10 quarterly, review the services being provided to assure  
11 compliance with the standards. The Department may suspend,  
12 refuse to renew or deny certification to any provider who fails  
13 to meet any or all such standards, as provided by rule.

14 For purposes of this Section, "adult developmental  
15 training day service" means services designed to help persons  
16 with developmental disabilities to develop functional skills  
17 for living in such areas as motoric development, dressing and  
18 grooming, toileting, eating, language, reading and writing,  
19 quantitative skills development, independent living and  
20 reduction of maladaptive behavior. Such programs may include  
21 services designed to improve an individual's ability to engage  
22 in productive work as defined for work activity centers in the  
23 federal Fair Labor Standards Act, as amended.

24 For purposes of this Section, "providers of adult  
25 developmental training day services" means any person, agency  
26 or organization that provides such services for persons with

1 developmental disabilities as defined by the Mental Health and  
2 Developmental Disabilities Code.

3 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

4 (20 ILCS 1705/15.3) (from Ch. 91 1/2, par. 100-15.3)

5 Sec. 15.3. Quality assurance for community mental health  
6 services. Whenever the Department of Healthcare and Family  
7 Services ~~Public Aid~~ or the Department of Human Services pays  
8 the cost, directly or indirectly, in whole or part, for  
9 community mental health services and programs provided under  
10 the Medicaid Clinic Option authorized by Title XIX of the  
11 Social Security Act, the provider of such services shall meet  
12 minimum standards established by the Department.

13 The Department shall annually certify that providers of  
14 community mental health services under the Medicaid Clinic  
15 Option meet minimum standards. The Department may suspend,  
16 refuse to renew or deny certification to any provider who fails  
17 to meet any or all such standards, as provided by rule.

18 For purposes of this Section, "community mental health  
19 services and programs" means services designed to help persons  
20 with mental illness develop skills for living, including but  
21 not limited to the following:

- 22 (1) Mental health assessment;
- 23 (2) Psychological evaluation;
- 24 (3) Interdisciplinary treatment planning;
- 25 (4) Medication monitoring and training;

- 1 (5) Individual therapy;
- 2 (6) Group therapy;
- 3 (7) Family therapy;
- 4 (8) Crisis intervention;
- 5 (9) Case management;
- 6 (10) Intensive stabilization; and
- 7 (11) Extended treatment and rehabilitation.

8 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

9 (20 ILCS 1705/18) (from Ch. 91 1/2, par. 100-18)

10 Sec. 18. To receive, hold, distribute and use for indicated  
11 purposes and the benefit of recipients, monies and materials  
12 made available by the federal government or other agency. The  
13 Department specifically may claim federal reimbursement  
14 through the ~~Illinois~~ Department of Healthcare and Family  
15 Services ~~Public Aid~~ under the "Medicaid Waiver" provisions of  
16 Section 1915(c) of the Social Security Act, as amended, for  
17 providing community services to recipients of medical  
18 assistance under Article V of the Illinois Public Aid Code. The  
19 Department shall maintain a separate line item in its budget,  
20 entitled "Developmental Disability Community Initiative", to  
21 account for the expenditure of such monies.

22 (Source: P.A. 85-1209; revised 12-5-05.)

23 (20 ILCS 1705/33.3) (from Ch. 91 1/2, par. 100-33.3)

24 Sec. 33.3. (a) The Department may develop an annual plan

1 for staff training. The plan shall establish minimum training  
2 objectives and time frames and shall be based on the assessment  
3 of needs of direct treatment staff. The plan shall be developed  
4 using comments from employee representative organizations and  
5 State and national professional and advocacy groups. The  
6 training plan shall be available for public review and comment.

7 (b) A centralized pre-service training curriculum shall be  
8 developed for classifications of employees of State-operated  
9 facilities who have responsibility for direct patient care and  
10 whose professional training and experience does not  
11 substantially include the minimum training required under this  
12 Section, as determined by the Department. The plan shall  
13 address, at a minimum, the following areas:

14 (1) Crisis intervention;

15 (2) Communication (interpersonal theory, active  
16 listening and observing);

17 (3) Group process and group dynamics;

18 (4) Diagnosis, management, treatment and discharge  
19 planning;

20 (5) Psychotherapeutic and psychopharmacological  
21 psychosocial approaches;

22 (6) Community resources;

23 (7) Specialized skills for: long-term treatment,  
24 teaching activities of daily living skills (e.g.,  
25 grooming), psychosocial rehabilitation, and schizophrenia  
26 and the aged, dual-diagnosed, young, and chronic;

1           (8) The Mental Health and Developmental Disabilities  
2 Code;

3           (9) The Mental Health and Developmental Disabilities  
4 Confidentiality Act;

5           (10) Physical intervention techniques;

6           (11) Aggression management;

7           (12) Cardiopulmonary resuscitation;

8           (13) Social assessment training;

9           (14) Suicide prevention and intervention;

10          (15) Tardive dyskinesia ~~dyskensia~~;

11          (16) Fire safety;

12          (17) Acquired immunodeficiency syndrome (AIDS);

13          (18) Toxic substances;

14          (19) The detection and reporting of suspected  
15 recipient abuse and neglect; and

16          (20) Methods of avoiding or reducing injuries in  
17 connection with delivery of services.

18          (c) Each program shall establish a unit-specific  
19 orientation which details the types of patients served, rules,  
20 treatment strategies, response to medical emergencies,  
21 policies and procedures, seclusion, restraint for special need  
22 recipients, and community resources.

23          (d) The plan shall provide for in-service and any other  
24 necessary training for direct service staff and shall include a  
25 system for verification of completion. Pre-service training  
26 shall be completed within 6 months after beginning employment,



1 as a condition of continued employment and as a prerequisite to  
2 contact with recipients of services, except in the course of  
3 supervised on-the-job training that may be a component of the  
4 training plan. The plan may also require additional training in  
5 relation to changes in employee work assignments and job  
6 classifications of professional and direct service staff.

7 Direct care staff shall be trained in methods of  
8 communicating with recipients who are not verbal, including  
9 discerning signs of discomfort or medical problems experienced  
10 by a recipient. Facility administrators also shall receive such  
11 training, to ensure that facility operations are adapted to the  
12 needs of mentally disabled recipients.

13 (e) To facilitate training, the Department may develop at  
14 least 2 training offices, one serving State-operated  
15 facilities located in the Chicago metropolitan area and the  
16 second serving other facilities operated by the Department.  
17 These offices shall develop and conduct the pre-service and  
18 in-service training programs required by this Section and  
19 coordinate other training required by the Department.

20 (Source: P.A. 86-1013; revised 10-11-05.)

21 (20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

22 Sec. 57. The Department of Human Services shall  
23 periodically convene a special task force of representatives of  
24 the various State agencies with related programs and services  
25 together with other interested parties and stakeholders to

1 study and assess service needs of persons with autism. The  
2 Secretary of Human Services shall submit a report of the task  
3 force's findings and recommendations and the Secretary's  
4 priorities to the Governor and the General Assembly by  
5 September 1, 2005. The Secretary shall provide annual progress  
6 reports to the Governor and the General Assembly by January 1  
7 of each year, beginning on January 1, 2006. The reports shall  
8 include an analysis of progress made in the following areas:

9 a. Early intervention services for children with autism and  
10 their parents;

11 b. Enhancement of family support mechanisms to enable  
12 persons with autism to remain in a home-based or community  
13 environment in the least-restrictive setting possible,  
14 including progress on the implementation of plans to provide  
15 assistance to individuals and families; the plan shall include,  
16 but not be limited to, (i) identification of the services  
17 required, (ii) the availability of services, especially those  
18 within the home community of the person with autism, (iii) the  
19 number of persons requiring the services, (iv) the cost of the  
20 services, (v) the capacity of the person with autism and his or  
21 her family to independently provide the services and the extent  
22 to which the State may support the individual and family  
23 effort, (vi) the extent of existing and planned State support,  
24 (vii) the availability and utilization of federal financial  
25 participation in the cost of services, and (viii) the outcomes  
26 and impact of services being provided;

1 c. Services for adequate transition for people with autism  
2 from public school programs to adult work and day programs; and

3 d. Plans, programs, and services under the Disabilities  
4 Services Act of 2003.

5 The Department of Human Services and the Department of  
6 Healthcare and Family Services ~~Public Aid~~ shall determine the  
7 availability of federal financial participation in the cost of  
8 developing a family support program, which would include  
9 medical assistance coverage for children diagnosed with autism  
10 who would otherwise qualify for medical assistance under the  
11 Illinois Public Aid Code except for family income. The program  
12 would include services to support persons with autism in their  
13 homes and communities that are not provided through local  
14 school systems, early intervention programs, or the medical  
15 assistance program under the Illinois Public Aid Code. The  
16 departments shall determine the feasibility of obtaining  
17 federal financial participation and may apply for any  
18 applicable waiver under Section 1915(c) of the federal Social  
19 Security Act.

20 For the purpose of this service needs review, autism means  
21 a severely incapacitating life-long developmental disability  
22 which:

23 a. may be manifested before a person is 30 months of age,

24 b. may be caused by physical disorders of the brain, and

25 c. is characterized by uneven intellectual development and  
26 a combination of disturbances in the rates and sequences of

1 cognitive, affective, psychomotor, language and speech  
2 development. This syndrome is further evidenced by abnormal  
3 responses to sensory stimuli, problems in developing social  
4 relationships, and ritualistic and compulsive behavior.  
5 (Source: P.A. 93-773, eff. 7-21-04; revised 12-15-05.)

6 Section 190. The Military Code of Illinois is amended by  
7 changing Section 28.6 as follows:

8 (20 ILCS 1805/28.6)

9 Sec. 28.6. Policy.

10 (a) A member of the Army National Guard or the Air National  
11 Guard may be ordered to funeral honors duty in accordance with  
12 this Article. That member shall receive an allowance of \$100  
13 for any day on which a minimum of 2 hours of funeral honors  
14 duty is performed. Members of the Illinois National Guard  
15 ordered to funeral honors duty in accordance with this Article  
16 are considered to be in the active service of the State for all  
17 purposes except for pay, and the provisions of Sections 52, 53,  
18 54, 55, and 56 of the Military Code of Illinois apply if a  
19 member of the Illinois National Guard is injured or disabled in  
20 the course of those duties.

21 (b) The Adjutant General may provide support for other  
22 authorized providers who volunteer to participate in a funeral  
23 honors detail conducted on behalf of the Governor. This support  
24 is limited to transportation, reimbursement for

1 transportation, expenses, materials, and training.

2 (c) On or after July 1, 2006, if the Adjutant General  
3 determines that Illinois National Guard personnel are not  
4 available to perform military funeral honors in accordance with  
5 this Article, the Adjutant General may authorize another  
6 appropriate organization to provide one or more of its members  
7 to perform those honors and, subject to appropriations for that  
8 purpose, shall authorize the payment of a \$100 stipend to the  
9 organization.

10 (Source: P.A. 94-251, eff. 1-1-06; 94-359, eff. 7-1-06; revised  
11 9-14-06.)

12 Section 195. The Department of Professional Regulation Law  
13 of the Civil Administrative Code of Illinois is amended by  
14 changing Sections 2105-15 and 2105-155 as follows:

15 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

16 Sec. 2105-15. General powers and duties.

17 (a) The Department has, subject to the provisions of the  
18 Civil Administrative Code of Illinois, the following powers and  
19 duties:

20 (1) To authorize examinations in English to ascertain  
21 the qualifications and fitness of applicants to exercise  
22 the profession, trade, or occupation for which the  
23 examination is held.

24 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to  
2 exercise the respective professions, trades, or  
3 occupations.

4 (3) To pass upon the qualifications of applicants for  
5 licenses, certificates, and authorities, whether by  
6 examination, by reciprocity, or by endorsement.

7 (4) To prescribe rules and regulations defining, for  
8 the respective professions, trades, and occupations, what  
9 shall constitute a school, college, or university, or  
10 department of a university, or other institution,  
11 reputable and in good standing, and to determine the  
12 reputability and good standing of a school, college, or  
13 university, or department of a university, or other  
14 institution, reputable and in good standing, by reference  
15 to a compliance with those rules and regulations; provided,  
16 that no school, college, or university, or department of a  
17 university, or other institution that refuses admittance  
18 to applicants solely on account of race, color, creed, sex,  
19 or national origin shall be considered reputable and in  
20 good standing.

21 (5) To conduct hearings on proceedings to revoke,  
22 suspend, refuse to renew, place on probationary status, or  
23 take other disciplinary action as authorized in any  
24 licensing Act administered by the Department with regard to  
25 licenses, certificates, or authorities of persons  
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place  
2 on probationary status, or take other disciplinary action  
3 as authorized in any licensing Act administered by the  
4 Department with regard to those licenses, certificates, or  
5 authorities. The Department shall issue a monthly  
6 disciplinary report. The Department shall deny any license  
7 or renewal authorized by the Civil Administrative Code of  
8 Illinois to any person who has defaulted on an educational  
9 loan or scholarship provided by or guaranteed by the  
10 Illinois Student Assistance Commission or any governmental  
11 agency of this State; however, the Department may issue a  
12 license or renewal if the aforementioned persons have  
13 established a satisfactory repayment record as determined  
14 by the Illinois Student Assistance Commission or other  
15 appropriate governmental agency of this State.  
16 Additionally, beginning June 1, 1996, any license issued by  
17 the Department may be suspended or revoked if the  
18 Department, after the opportunity for a hearing under the  
19 appropriate licensing Act, finds that the licensee has  
20 failed to make satisfactory repayment to the Illinois  
21 Student Assistance Commission for a delinquent or  
22 defaulted loan. For the purposes of this Section,  
23 "satisfactory repayment record" shall be defined by rule.  
24 The Department shall refuse to issue or renew a license to,  
25 or shall suspend or revoke a license of, any person who,  
26 after receiving notice, fails to comply with a subpoena or

1 warrant relating to a paternity or child support  
2 proceeding. However, the Department may issue a license or  
3 renewal upon compliance with the subpoena or warrant.

4 The Department, without further process or hearings,  
5 shall revoke, suspend, or deny any license or renewal  
6 authorized by the Civil Administrative Code of Illinois to  
7 a person who is certified by the Department of Healthcare  
8 and Family Services (formerly Illinois Department of  
9 Public Aid) as being more than 30 days delinquent in  
10 complying with a child support order or who is certified by  
11 a court as being in violation of the Non-Support Punishment  
12 Act for more than 60 days. The Department may, however,  
13 issue a license or renewal if the person has established a  
14 satisfactory repayment record as determined by the  
15 Department of Healthcare and Family Services (formerly  
16 Illinois Department of Public Aid) or if the person is  
17 determined by the court to be in compliance with the  
18 Non-Support Punishment Act. The Department may implement  
19 this paragraph as added by Public Act 89-6 through the use  
20 of emergency rules in accordance with Section 5-45 of the  
21 Illinois Administrative Procedure Act. For purposes of the  
22 Illinois Administrative Procedure Act, the adoption of  
23 rules to implement this paragraph shall be considered an  
24 emergency and necessary for the public interest, safety,  
25 and welfare.

26 (6) To transfer jurisdiction of any realty under the



1 control of the Department to any other department of the  
2 State Government or to acquire or accept federal lands when  
3 the transfer, acquisition, or acceptance is advantageous  
4 to the State and is approved in writing by the Governor.

5 (7) To formulate rules and regulations necessary for  
6 the enforcement of any Act administered by the Department.

7 (8) To exchange with the ~~Illinois~~ Department of  
8 Healthcare and Family Services ~~Public Aid~~ information that  
9 may be necessary for the enforcement of child support  
10 orders entered pursuant to the Illinois Public Aid Code,  
11 the Illinois Marriage and Dissolution of Marriage Act, the  
12 Non-Support of Spouse and Children Act, the Non-Support  
13 Punishment Act, the Revised Uniform Reciprocal Enforcement  
14 of Support Act, the Uniform Interstate Family Support Act,  
15 or the Illinois Parentage Act of 1984. Notwithstanding any  
16 provisions in this Code to the contrary, the Department of  
17 Professional Regulation shall not be liable under any  
18 federal or State law to any person for any disclosure of  
19 information to the Department of Healthcare and Family  
20 Services (formerly Illinois Department of Public Aid)  
21 under this paragraph (8) or for any other action taken in  
22 good faith to comply with the requirements of this  
23 paragraph (8).

24 (9) To perform other duties prescribed by law.

25 (b) The Department may, when a fee is payable to the  
26 Department for a wall certificate of registration provided by

1 the Department of Central Management Services, require that  
2 portion of the payment for printing and distribution costs be  
3 made directly or through the Department to the Department of  
4 Central Management Services for deposit into the Paper and  
5 Printing Revolving Fund. The remainder shall be deposited into  
6 the General Revenue Fund.

7 (c) For the purpose of securing and preparing evidence, and  
8 for the purchase of controlled substances, professional  
9 services, and equipment necessary for enforcement activities,  
10 recoupment of investigative costs, and other activities  
11 directed at suppressing the misuse and abuse of controlled  
12 substances, including those activities set forth in Sections  
13 504 and 508 of the Illinois Controlled Substances Act, the  
14 Director and agents appointed and authorized by the Director  
15 may expend sums from the Professional Regulation Evidence Fund  
16 that the Director deems necessary from the amounts appropriated  
17 for that purpose. Those sums may be advanced to the agent when  
18 the Director deems that procedure to be in the public interest.  
19 Sums for the purchase of controlled substances, professional  
20 services, and equipment necessary for enforcement activities  
21 and other activities as set forth in this Section shall be  
22 advanced to the agent who is to make the purchase from the  
23 Professional Regulation Evidence Fund on vouchers signed by the  
24 Director. The Director and those agents are authorized to  
25 maintain one or more commercial checking accounts with any  
26 State banking corporation or corporations organized under or

1 subject to the Illinois Banking Act for the deposit and  
2 withdrawal of moneys to be used for the purposes set forth in  
3 this Section; provided, that no check may be written nor any  
4 withdrawal made from any such account except upon the written  
5 signatures of 2 persons designated by the Director to write  
6 those checks and make those withdrawals. Vouchers for those  
7 expenditures must be signed by the Director. All such  
8 expenditures shall be audited by the Director, and the audit  
9 shall be submitted to the Department of Central Management  
10 Services for approval.

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

20 (e) The provisions of this Section do not apply to private  
21 business and vocational schools as defined by Section 1 of the  
22 Private Business and Vocational Schools Act.

23 (f) Beginning July 1, 1995, this Section does not apply to  
24 those professions, trades, and occupations licensed under the  
25 Real Estate License Act of 2000, nor does it apply to any  
26 permits, certificates, or other authorizations to do business

1 provided for in the Land Sales Registration Act of 1989 or the  
2 Illinois Real Estate Time-Share Act.

3 (g) Notwithstanding anything that may appear in any  
4 individual licensing statute or administrative rule, the  
5 Department shall deny any license application or renewal  
6 authorized under any licensing Act administered by the  
7 Department to any person who has failed to file a return, or to  
8 pay the tax, penalty, or interest shown in a filed return, or  
9 to pay any final assessment of tax, penalty, or interest, as  
10 required by any tax Act administered by the Illinois Department  
11 of Revenue, until such time as the requirement of any such tax  
12 Act are satisfied; however, the Department may issue a license  
13 or renewal if the person has established a satisfactory  
14 repayment record as determined by the Illinois Department of  
15 Revenue. For the purpose of this Section, "satisfactory  
16 repayment record" shall be defined by rule.

17 In addition, a complaint filed with the Department by the  
18 Illinois Department of Revenue that includes a certification,  
19 signed by its Director or designee, attesting to the amount of  
20 the unpaid tax liability or the years for which a return was  
21 not filed, or both, is prima facia evidence of the licensee's  
22 failure to comply with the tax laws administered by the  
23 Illinois Department of Revenue. Upon receipt of that  
24 certification, the Department shall, without a hearing,  
25 immediately suspend all licenses held by the licensee.  
26 Enforcement of the Department's order shall be stayed for 60

1 days. The Department shall provide notice of the suspension to  
2 the licensee by mailing a copy of the Department's order by  
3 certified and regular mail to the licensee's last known address  
4 as registered with the Department. The notice shall advise the  
5 licensee that the suspension shall be effective 60 days after  
6 the issuance of the Department's order unless the Department  
7 receives, from the licensee, a request for a hearing before the  
8 Department to dispute the matters contained in the order.

9 Any suspension imposed under this subsection (g) shall be  
10 terminated by the Department upon notification from the  
11 Illinois Department of Revenue that the licensee is in  
12 compliance with all tax laws administered by the Illinois  
13 Department of Revenue.

14 The Department shall promulgate rules for the  
15 administration of this subsection (g).

16 (h) ~~(g)~~ The Department may grant the title "Retired", to be  
17 used immediately adjacent to the title of a profession  
18 regulated by the Department, to eligible retirees. The use of  
19 the title "Retired" shall not constitute representation of  
20 current licensure, registration, or certification. Any person  
21 without an active license, registration, or certificate in a  
22 profession that requires licensure, registration, or  
23 certification shall not be permitted to practice that  
24 profession.

25 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; revised  
26 12-15-05.)

1           (20 ILCS 2105/2105-155) (was 20 ILCS 2105/60n)  
2           Sec. 2105-155. Suspension or termination of medical  
3 services provider under the Public Aid Code. When the  
4 Department receives notice from the Department of Healthcare  
5 and Family Services ~~Public Aid~~, as required by Section 2205-10  
6 of the Department of Healthcare and Family Services ~~Public Aid~~  
7 Law (20 ILCS 2205/2205-10), that the authorization to provide  
8 medical services under Article V of the Illinois Public Aid  
9 Code has been suspended or terminated with respect to any  
10 person, firm, corporation, association, agency, institution,  
11 or other legal entity licensed under any Act administered by  
12 the Department of Professional Regulation, the Department of  
13 Professional Regulation shall determine whether there are  
14 reasonable grounds to investigate the circumstances that  
15 resulted in the suspension or termination. If reasonable  
16 grounds are found, the Department of Professional Regulation  
17 shall conduct an investigation and take the disciplinary action  
18 against the licensee that the Department determines to be  
19 required under the appropriate licensing Act.  
20 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

21           Section 200. The Department of Public Aid Law of the Civil  
22 Administrative Code of Illinois is amended by changing the  
23 heading of Article 2205 and Sections 2205-1, 2205-5, and  
24 2205-10 as follows:

1 (20 ILCS 2205/Art. 2205 heading)

2 ARTICLE 2205. DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

3 ~~PUBLIC AID~~

4 (20 ILCS 2205/2205-1)

5 Sec. 2205-1. Article short title. This Article 2205 of the  
6 Civil Administrative Code of Illinois may be cited as the  
7 Department of Healthcare and Family Services ~~Public Aid~~ Law.

8 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

9 (20 ILCS 2205/2205-5) (was 20 ILCS 2205/48a)

10 Sec. 2205-5. Public Aid Code. The Department of Healthcare  
11 and Family Services ~~Public Aid~~ shall administer the Illinois  
12 Public Aid Code as provided in that Code.

13 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

14 (20 ILCS 2205/2205-10) (was 20 ILCS 2205/48b)

15 Sec. 2205-10. Suspension or termination of authorization  
16 to provide medical services. Whenever the Department of  
17 Healthcare and Family Services (formerly Department of Public  
18 Aid) suspends or terminates the authorization of any person,  
19 firm, corporation, association, agency, institution, or other  
20 legal entity to provide medical services under Article V of the  
21 Illinois Public Aid Code and the practice of providing those  
22 services or the maintenance of facilities for those services is

1 licensed under a licensing Act administered by the Department  
2 of Public Health or the Department of Professional Regulation,  
3 the Department of Healthcare and Family Services ~~Public Aid~~  
4 shall, within 30 days of the suspension or termination, give  
5 written notice of the suspension or termination and transmit a  
6 record of the evidence and specify the grounds on which the  
7 suspension or termination is based to the Department that  
8 administers the licensing Act under which that person, firm,  
9 corporation, association, agency, institution, or other legal  
10 entity is licensed, subject to any confidentiality  
11 requirements imposed by applicable federal or State law. The  
12 cost of any such record shall be borne by the Department to  
13 which it is transmitted.

14 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

15 Section 205. The Illinois Health Finance Reform Act is  
16 amended by changing Section 5-1 as follows:

17 (20 ILCS 2215/5-1) (from Ch. 111 1/2, par. 6505-1)

18 Sec. 5-1. Mandatory Utilization Review.

19 (a) Except as prohibited by Federal law or regulations, any  
20 third party payor shall have the option to require utilization  
21 review for hospital admissions and continued hospital stays,  
22 except for the ~~Illinois~~ Department of Healthcare and Family  
23 Services ~~Public Aid~~ for payment of hospital services for  
24 recipients of assistance under Articles V, VI, and VII of the



1 Illinois Public Aid Code. The payor shall have the option to  
2 contract with a medical peer review organization, provided that  
3 the organization is at minimum, composed of 10% of area  
4 physicians, or the hospital to perform utilization review or to  
5 conduct its own utilization review. A medical peer review  
6 organization, as defined, may also contract with hospitals to  
7 perform reviews on a delegated basis. The utilization review  
8 process shall provide for the timely notification of patients  
9 by the third party payor or review organization that further  
10 services are deemed inappropriate or medically unnecessary.  
11 Such notification shall inform the patient that his third party  
12 payor will cease coverage after a stated period from the date  
13 of the notification. No third party payor shall be liable for  
14 charges for health care services rendered by a hospital  
15 subsequent to the end of the notification period.

16 Nothing in this Section shall be construed as authorizing  
17 any person or third party payor, other than through the use of  
18 physicians licensed to practice medicine in all of its branches  
19 or other licensed health care professionals under the  
20 supervision of said physicians, to conduct utilization review.

21 (b) All costs associated with utilization review under this  
22 section shall be billed to and paid by the third party payor  
23 ordering the review.

24 (c) Any third party payor for hospital services may  
25 contract with a hospital for a program of utilization review  
26 different than that required by this subsection, which contract

1 may provide for the withholding and denial of payment for  
2 hospital services to a beneficiary, when such treatment is  
3 found in the course of utilization review to have been  
4 inappropriate and unwarranted in the case of that beneficiary.

5 (d) All records and reports arising as a result of this  
6 subsection shall be strictly privileged and confidential, as  
7 provided under Part 21 of Article VIII of the Code of Civil  
8 Procedure.

9 (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

10 Section 210. The Department of Public Health Powers and  
11 Duties Law of the Civil Administrative Code of Illinois is  
12 amended by changing Sections 2310-135, 2310-215, 2310-330,  
13 2310-338, 2310-345, 2310-353, 2310-395, and 2310-445, by  
14 renumbering Section 371, and by setting forth and renumbering  
15 multiple versions of Section 2310-610 as follows:

16 (20 ILCS 2310/2310-135) (was 20 ILCS 2310/55.37)

17 Sec. 2310-135. Notice of suspension or termination of  
18 medical services provider under Public Aid Code. When the  
19 Department receives notice from the Department of Healthcare  
20 and Family Services (formerly Department of Public Aid), as  
21 required by Section 2205-10 of the Department of Healthcare and  
22 Family Services ~~Public Aid~~ Law (20 ILCS 2205/2205-10), that the  
23 authorization to provide medical services under Article V of  
24 the Illinois Public Aid Code has been suspended or terminated

1 with respect to any person, firm, corporation, association,  
2 agency, institution, or other legal entity licensed under any  
3 Act administered by the Department of Public Health, the  
4 Department of Public Health shall determine whether there are  
5 reasonable grounds to investigate the circumstances that  
6 resulted in the suspension or termination. If such reasonable  
7 grounds are found, the Department of Public Health shall  
8 conduct an investigation and take disciplinary action against  
9 the licensee that the Department determines to be required  
10 under the appropriate licensing Act.

11 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

12 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

13 Sec. 2310-215. Center for Minority Health Services.

14 (a) The Department shall establish a Center for Minority  
15 Health Services to advise the Department on matters pertaining  
16 to the health needs of minority populations within the State.

17 (b) The Center shall have the following duties:

18 (1) To assist in the assessment of the health needs of  
19 minority populations in the State.

20 (2) To recommend treatment methods and programs that  
21 are sensitive and relevant to the unique linguistic,  
22 cultural, and ethnic characteristics of minority  
23 populations.

24 (3) To provide consultation, technical assistance,  
25 training programs, and reference materials to service

1 providers, organizations, and other agencies.

2 (4) To promote awareness of minority health concerns,  
3 and encourage, promote, and aid in the establishment of  
4 minority services.

5 (5) To disseminate information on available minority  
6 services.

7 (6) To provide adequate and effective opportunities  
8 for minority populations to express their views on  
9 Departmental policy development and program  
10 implementation.

11 (7) To coordinate with the Department on Aging and the  
12 Department of Healthcare and Family Services ~~Public Aid~~ to  
13 coordinate services designed to meet the needs of minority  
14 senior citizens.

15 (8) To promote awareness of the incidence of  
16 Alzheimer's disease and related dementias among minority  
17 populations and to encourage, promote, and aid in the  
18 establishment of prevention and treatment programs and  
19 services relating to this health problem.

20 (c) For the purpose of this Section, "minority" shall mean  
21 and include any person or group of persons who are:

22 (1) African-American (a person having origins in any of  
23 the black racial groups in Africa);

24 (2) Hispanic (a person of Spanish or Portuguese culture  
25 with origins in Mexico, South or Central America, or the  
26 Caribbean Islands, regardless of race);

1           (3) Asian American (a person having origins in any of  
2           the original peoples of the Far East, Southeast Asia, the  
3           Indian Subcontinent or the Pacific Islands); or

4           (4) American Indian or Alaskan Native (a person having  
5           origins in any of the original peoples of North America).

6           (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

7           (20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)

8           Sec. 2310-330. Sperm and tissue bank registry; AIDS test  
9           for donors; penalties.

10          (a) The Department shall establish a registry of all sperm  
11          banks and tissue banks operating in this State. All sperm banks  
12          and tissue banks operating in this State shall register with  
13          the Department by May 1 of each year. Any person, hospital,  
14          clinic, corporation, partnership, or other legal entity that  
15          operates a sperm bank or tissue bank in this State and fails to  
16          register with the Department pursuant to this Section commits a  
17          business offense and shall be subject to a fine of \$5000.

18          (b) All donors of semen for purposes of artificial  
19          insemination, or donors of corneas, bones, organs, or other  
20          human tissue for the purpose of injecting, transfusing, or  
21          transplanting any of them in the human body, shall be tested  
22          for evidence of exposure to human immunodeficiency virus (HIV)  
23          and any other identified causative agent of acquired  
24          immunodeficiency syndrome (AIDS) at the time of or after the  
25          donation but prior to the semen, corneas, bones, organs, or

1 other human tissue being made available for that use. However,  
2 when in the opinion of the attending physician the life of a  
3 recipient of a bone, organ, or other human tissue donation  
4 would be jeopardized by delays caused by testing for evidence  
5 of exposure to HIV and any other causative agent of AIDS,  
6 testing shall not be required.

7 (c) Except as otherwise provided in subsection (c-5), no  
8 person may intentionally, knowingly, recklessly, or  
9 negligently use the semen, corneas, bones, organs, or other  
10 human tissue of a donor unless the requirements of subsection  
11 (b) have been met. Except as otherwise provided in subsection  
12 (c-5), no person may intentionally, knowingly, recklessly, or  
13 negligently use the semen, corneas, bones, organs, or other  
14 human tissue of a donor who has tested positive for exposure to  
15 HIV or any other identified causative agent of AIDS. Violation  
16 of this subsection (c) shall be a Class 4 felony.

17 (c-5) It is not a violation of this Section for a person to  
18 perform a solid organ transplant of an organ from an HIV  
19 infected donor to a person who has tested positive for exposure  
20 to HIV or any other identified causative agent of AIDS and who  
21 is in immediate threat of death unless the transplant is  
22 performed. A tissue bank that provides an organ from an HIV  
23 infected donor under this subsection (c-5) may not be  
24 criminally or civilly liable for the furnishing of that organ  
25 under this subsection (c-5).

26 (d) For the purposes of this Section:

1 "Human tissue" shall not be construed to mean organs or  
2 whole blood or its component parts.

3 "Tissue bank" has the same meaning as set forth in the  
4 Illinois Anatomical Gift Act.

5 "Solid organ transplant" means the surgical  
6 transplantation of internal organs including, but not limited  
7 to, the liver, kidney, pancreas, lungs, or heart. "Solid organ  
8 transplant" does not mean a bone marrow based transplant or a  
9 blood transfusion.

10 "HIV infected donor" means a deceased donor who was  
11 infected with HIV or a living donor known to be infected with  
12 HIV and who is willing to donate a part or all of one or more of  
13 his or her organs. A determination of the donor's HIV infection  
14 is made by the donor's medical history or by specific tests  
15 that document HIV infection, such as HIV RNA or DNA, or by  
16 antibodies to HIV.

17 (Source: P.A. 93-737, eff. 7-15-04; 93-794, eff. 7-22-04;  
18 revised 10-25-04.)

19 (20 ILCS 2310/2310-338)

20 Sec. 2310-338. Asthma prevention and control program.

21 (a) Subject to appropriations for this purpose, the  
22 Department shall establish an asthma prevention and control  
23 program to provide leadership in Illinois for and coordination  
24 of asthma prevention and intervention activities. The program  
25 may include, but need not be limited to, the following

1 features:

2 (1) Monitoring of asthma prevalence in the State.

3 (2) Education and training of health care  
4 professionals concerning the current methods of diagnosing  
5 and treating asthma.

6 (3) Patient and family education concerning the  
7 management of asthma.

8 (4) Dissemination of information on programs shown to  
9 reduce hospitalization, emergency room visits, and  
10 absenteeism due to asthma.

11 (5) Consultation with and support of community-based  
12 asthma prevention and control programs.

13 (6) Monitoring of environmental hazards or exposures,  
14 or both, that may increase the incidence of asthma.

15 (b) In implementing the program established under  
16 subsection (a), the Department shall consult with the  
17 Department of Healthcare and Family Services ~~Public Aid~~ and the  
18 State Board of Education. In addition, the Department shall  
19 seek advice from other organizations and public and private  
20 entities concerned about the prevention and treatment of  
21 asthma.

22 (c) The Department may accept federal funding and grants,  
23 and may contract for work with outside vendors or individuals,  
24 for the purpose of implementing the program established under  
25 subsection (a).

26 (Source: P.A. 93-1015, eff. 8-24-0; revised 12-15-05.)



1 (20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

2 Sec. 2310-345. Breast cancer; written summary regarding  
3 early detection and treatment.

4 (a) From funds made available for this purpose, the  
5 Department shall publish, in layman's language, a standardized  
6 written summary outlining methods for the early detection and  
7 diagnosis of breast cancer. The summary shall include  
8 recommended guidelines for screening and detection of breast  
9 cancer through the use of techniques that shall include but not  
10 be limited to self-examination and diagnostic radiology.

11 (b) The summary shall also suggest that women seek  
12 mammography services from facilities that are certified to  
13 perform mammography as required by the federal Mammography  
14 Quality Standards Act of 1992.

15 (c) The summary shall also include the medically viable  
16 alternative methods for the treatment of breast cancer,  
17 including, but not limited to, hormonal, radiological,  
18 chemotherapeutic, or surgical treatments or combinations  
19 thereof. The summary shall contain information on breast  
20 reconstructive surgery, including, but not limited to, the use  
21 of breast implants and their side effects. The summary shall  
22 inform the patient of the advantages, disadvantages, risks, and  
23 dangers of the various procedures. The summary shall include  
24 (i) a statement that mammography is the most accurate method  
25 for making an early detection of breast cancer, however, no

1 diagnostic tool is 100% effective and (ii) instructions for  
2 ~~instructions for~~ performing breast self-examination and a  
3 statement that it is important to perform a breast  
4 self-examination monthly.

5 (d) In developing the summary, the Department shall consult  
6 with the Advisory Board of Cancer Control, the Illinois State  
7 Medical Society and consumer groups. The summary shall be  
8 updated by the Department every 2 years.

9 (e) The summaries shall additionally be translated into  
10 Spanish, and the Department shall conduct a public information  
11 campaign to distribute the summaries to the Hispanic women of  
12 this State in order to inform them of the importance of early  
13 detection and mammograms.

14 (f) The Department shall distribute the summary to  
15 hospitals, public health centers, and physicians who are likely  
16 to perform or order diagnostic tests for breast disease or  
17 treat breast cancer by surgical or other medical methods. Those  
18 hospitals, public health centers, and physicians shall make the  
19 summaries available to the public. The Department shall also  
20 distribute the summaries to any person, organization, or other  
21 interested parties upon request. The summaries may be  
22 duplicated by any person, provided the copies are identical to  
23 the current summary prepared by the Department.

24 (g) The summary shall display, on the inside of its cover,  
25 printed in capital letters, in bold face type, the following  
26 paragraph:

1           "The information contained in this brochure regarding  
2 recommendations for early detection and diagnosis of breast  
3 disease and alternative breast disease treatments is only for  
4 the purpose of assisting you, the patient, in understanding the  
5 medical information and advice offered by your physician. This  
6 brochure cannot serve as a substitute for the sound  
7 professional advice of your physician. The availability of this  
8 brochure or the information contained within is not intended to  
9 alter, in any way, the existing physician-patient  
10 relationship, nor the existing professional obligations of  
11 your physician in the delivery of medical services to you, the  
12 patient."

13           (h) The summary shall be updated when necessary.

14           (Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

15           (20 ILCS 2310/2310-353)

16           Sec. 2310-353. Cervical Cancer Elimination Task Force.

17           (a) A standing Task Force on Cervical Cancer Elimination  
18 ("Task Force") is established within the Illinois Department of  
19 Public Health.

20           (b) The Task Force shall have 12 members appointed by the  
21 Director of Public Health as follows:

22                 (1) A representative of an organization relating to  
23 women and cancer.

24                 (2) A representative of an organization providing  
25 health care to women.

1 (3) A health educator.

2 (4) A representative of a national organization  
3 relating to cancer treatment who is an oncologist.

4 (5) A representative of the health insurance industry.

5 (6) A representative of a national organization of  
6 obstetricians and gynecologists.

7 (7) A representative of a national organization of  
8 family physicians.

9 (8) The State Epidemiologist.

10 (9) A member at-large with an interest in women's  
11 health.

12 (10) A social marketing expert on health issues.

13 (11) A licensed registered nurse.

14 (12) A member of the Illinois Breast and Cervical  
15 Cancer Medical Advisory Committee.

16 The directors of Public Health and Healthcare and Family  
17 Services ~~Public Aid~~, and the Secretary of Human Services, or  
18 their designees, and the Chair and Vice-Chair of the Conference  
19 of Women Legislators in Illinois, or their designees, shall be  
20 ex officio members of the Task Force. The Director of Public  
21 Health shall also consult with the Speaker of the House of  
22 Representatives, the Minority Leader of the House of  
23 Representatives, the President of the Senate, and the Minority  
24 Leader of the Senate in the designation of members of the  
25 Illinois General Assembly as ex-officio members.

26 Appointments to the Task Force should reflect the

1 composition of the Illinois population with regard to ethnic,  
2 racial, age, and religious composition.

3 (c) The Director of Public Health shall appoint a Chair  
4 from among the members of the Task Force. The Task Force shall  
5 elect a Vice-Chair from its members. Initial appointments to  
6 the Task Force shall be made not later than 30 days after the  
7 effective date of this amendatory Act of the 93rd General  
8 Assembly. A majority of the Task Force shall constitute a  
9 quorum for the transaction of its business. The Task Force  
10 shall meet at least quarterly. The Task Force Chair may  
11 establish sub-committees for the purpose of making special  
12 studies; such sub-committees may include non-Task-Force  
13 members as resource persons.

14 (d) Members of the Task Force shall be reimbursed for their  
15 necessary expenses incurred in performing their duties. The  
16 Department of Public Health shall provide staff and technical  
17 assistance to the Task Force to the extent possible within  
18 annual appropriations for its ordinary and contingent  
19 expenses.

20 (e) The Task Force shall have the following duties:

21 (1) To obtain from the Department of Public Health, if  
22 available, data and analyses regarding the prevalence and  
23 burden of cervical cancer. The Task Force may conduct or  
24 arrange for independent studies and analyses.

25 (2) To coordinate the efforts of the Task Force with  
26 existing State committees and programs providing cervical

1 cancer screening, education, and case management.

2 (3) To raise public awareness on the causes and nature  
3 of cervical cancer, personal risk factors, the value of  
4 prevention, early detection, options for testing,  
5 treatment costs, new technology, medical care  
6 reimbursement, and physician education.

7 (4) To identify priority strategies, new technologies,  
8 and newly introduced vaccines that are effective in  
9 preventing and controlling the risk of cervical cancer.

10 (5) To identify and examine the limitations of existing  
11 laws, regulations, programs, and services with regard to  
12 coverage and awareness issues for cervical cancer,  
13 including requiring insurance or other coverage for PAP  
14 smears and mammograms in accordance with the most recently  
15 published American Cancer Society guidelines.

16 (6) To develop a statewide comprehensive Cervical  
17 Cancer Prevention Plan and strategies for implementing the  
18 Plan and for promoting the Plan to the general public,  
19 State and local elected officials, and various public and  
20 private organizations, associations, businesses,  
21 industries, and agencies.

22 (7) To receive and to consider reports and testimony  
23 from individuals, local health departments,  
24 community-based organizations, voluntary health  
25 organizations, and other public and private organizations  
26 statewide to learn more about their contributions to

1 cervical cancer diagnosis, prevention, and treatment and  
2 more about their ideas for improving cervical cancer  
3 prevention, diagnosis, and treatment in Illinois.

4 (f) The Task Force shall submit a report to the Governor  
5 and the General Assembly by April 1, 2005 and by April 1 of  
6 each year thereafter. The report shall include (i) information  
7 regarding the progress being made in fulfilling the duties of  
8 the Task Force and in developing the Cervical Cancer Prevention  
9 Plan and (ii) recommended strategies or actions to reduce the  
10 occurrence of cervical cancer and the burdens from cervical  
11 cancer suffered by citizens of this State.

12 (g) The Task Force shall expire on April 1, 2009, or upon  
13 submission of the Task Force's final report to the Governor and  
14 the General Assembly, whichever occurs earlier.

15 (Source: P.A. 93-956, eff. 8-19-04; revised 12-15-05.)

16 (20 ILCS 2310/2310-371.5) (was 20 ILCS 2310/371)

17 Sec. 2310-371.5 ~~371~~. Heartsaver AED Fund; grants. Subject  
18 to appropriation, the Department of Public Health has the power  
19 to make matching grants from the Heartsaver AED Fund, a special  
20 fund created in the State treasury, to any public school,  
21 public park district, public college, or public university  
22 required to have an Automated External Defibrillator pursuant  
23 to the Physical Fitness Facility Medical Emergency  
24 Preparedness Act (Colleen O'Sullivan Law). Applicants for AED  
25 grants must demonstrate that they have funds to pay 50% of the

1 cost of the AED's for which matching grant moneys are sought.  
2 Matching grants authorized under this Section shall be limited  
3 to one AED per eligible physical fitness facility. The State  
4 Treasurer shall accept and deposit into the Fund all gifts,  
5 grants, transfers, appropriations, and other amounts from any  
6 legal source, public or private, that are designated for  
7 deposit into the Fund.

8 (Source: P.A. 93-1085, eff. 2-14-05; revised 4-9-05.)

9 (20 ILCS 2310/2310-395) (was 20 ILCS 2310/55.72)

10 Sec. 2310-395. Task Force on Organ Transplantation.

11 (a) There is established within the Department a Task Force  
12 on Organ Transplantation ("the Task Force"). The Task Force  
13 shall have the following 21 members:

14 (1) The Director, ex officio, or his or her designee.

15 (2) The Secretary of State, ex officio, or his or her  
16 designee.

17 (3) Four members, appointed one each by the President  
18 of the Senate, the Minority Leader of the Senate, the  
19 Speaker of the House of Representatives, and the Minority  
20 Leader of the House of Representatives.

21 (4) Fifteen members appointed by the Director as  
22 follows: 2 physicians (at least one of whom shall have  
23 experience in organ transplantation); one representative  
24 of medical schools; one representative of hospitals; one  
25 representative of insurers or self-insurers; one



1 representative of an organization devoted to organ  
2 donation or the coordination of organ donations; one  
3 representative of an organization that deals with tissue  
4 donation or the coordination of tissue donations; one  
5 representative from the ~~Illinois~~ Department of Healthcare  
6 and Family Services ~~Public Aid~~; one representative from the  
7 Illinois Eye Bank Community; one representative from the  
8 Illinois Hospital and Health Systems Association; one  
9 representative from the Illinois State Coroners  
10 Association; one representative from the Illinois State  
11 Medical Society; one representative from Mid-America  
12 Transplantation Services; and 2 members of the general  
13 public who are knowledgeable in areas of the Task Force's  
14 work.

15 (b) The Task Force shall conduct a comprehensive  
16 examination of the medical, legal, ethical, economic, and  
17 social issues presented by human organ procurement and  
18 transplantation.

19 (c) The Task Force shall report its findings and  
20 recommendations to the Governor and the General Assembly on or  
21 before January 1, of each year, and the Task Force's final  
22 report shall be filed on or before January 1, 1999. The report  
23 shall include, but need not be limited to, the following:

24 (1) An assessment of public and private efforts to  
25 procure human organs for transplantation and an  
26 identification of factors that diminish the number of

1 organs available for transplantation.

2 (2) An assessment of problems in coordinating the  
3 procurement of viable human organs and tissue including  
4 skin and bones.

5 (3) Recommendations for the education and training of  
6 health professionals, including physicians, nurses, and  
7 hospital and emergency care personnel, with respect to  
8 organ procurement.

9 (4) Recommendations for the education of the general  
10 public, the clergy, law enforcement officers, members of  
11 local fire departments, and other agencies and individuals  
12 that may be instrumental in affecting organ procurement.

13 (5) Recommendations for ensuring equitable access by  
14 patients to organ transplantation and for ensuring the  
15 equitable allocation of donated organs among transplant  
16 centers and among patients medically qualified for an organ  
17 transplant.

18 (6) An identification of barriers to the donation of  
19 organs to patients (with special emphasis on pediatric  
20 patients), including an assessment of each of the  
21 following:

22 (A) Barriers to the improved identification of  
23 organ donors and their families and organ recipients.

24 (B) The number of potential organ donors and their  
25 geographical distribution.

26 (C) Current health care services provided for

1 patients who need organ transplantation and organ  
2 procurement procedures, systems, and programs that  
3 affect those patients.

4 (D) Cultural factors affecting the facility with  
5 respect to the donation of the organs.

6 (E) Ethical and economic issues relating to organ  
7 transplantation needed by chronically ill patients.

8 (7) An analysis of the factors involved in insurance  
9 reimbursement for transplant procedures by private  
10 insurers and the public sector.

11 (8) An analysis of the manner in which organ  
12 transplantation technology is diffused among and adopted  
13 by qualified medical centers, including a specification of  
14 the number and geographical distribution of qualified  
15 medical centers using that technology and an assessment of  
16 whether the number of centers using that technology is  
17 sufficient or excessive and whether the public has  
18 sufficient access to medical procedures using that  
19 technology.

20 (9) Recommendations for legislative changes necessary  
21 to make organ transplants more readily available to  
22 Illinois citizens.

23 (d) The Director of Public Health shall review the progress  
24 of the Task Force to determine the need for its continuance,  
25 and the Director shall report this determination to the  
26 Governor and the General Assembly on or before January 1, 1999.

1 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

2 (20 ILCS 2310/2310-445) (was 20 ILCS 2310/55.71)

3 Sec. 2310-445. Interagency council on health care for  
4 pregnant women and infants.

5 (a) On or before January 1, 1994, the Director, in  
6 cooperation with the Director of Public Aid (now Director of  
7 Healthcare and Family Services), the Director of Children and  
8 Family Services, the Director of Alcoholism and Substance  
9 Abuse, and the Director of Insurance, shall develop and submit  
10 to the Governor a proposal for consolidating all existing  
11 health programs required by law for pregnant women and infants  
12 into one comprehensive plan to be implemented by one or several  
13 agencies. The proposal shall:

14 (1) include a time schedule for implementing the plan;

15 (2) provide a cost estimate of the plan;

16 (3) identify federal waivers necessary to implement  
17 the plan;

18 (4) examine innovative programs; and

19 (5) identify sources of funding for the plan.

20 (b) The plan developed under subsection (a) shall provide  
21 the following services statewide:

22 (1) Comprehensive prenatal services for all pregnant  
23 women who qualify for existing programs through the  
24 Department of Public Aid (now Department of Healthcare and  
25 Family Services) or the Department of Public Health or any

1 other government-funded programs.

2 (2) Comprehensive medical care for all infants under 1  
3 year of age.

4 (3) A case management system under which each family  
5 with a child under the plan is assigned a case manager and  
6 under which every reasonable effort is made to assure  
7 continuity of case management and access to other  
8 appropriate social services.

9 (4) Services regardless of and fees for services based  
10 on clients' ability to pay.

11 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

12 (20 ILCS 2310/2310-610)

13 Sec. 2310-610. Rules; public health preparedness. The  
14 Department shall adopt and implement rules, contact lists, and  
15 response plans governing public health preparedness and  
16 response.

17 (Source: P.A. 93-829, eff. 7-28-04.)

18 (20 ILCS 2310/2310-630)

19 Sec. 2310-630 ~~2310-610~~. Influenza vaccinations.

20 (a) As used in this Section, "eligible individual" means a  
21 resident of Illinois who: (1) is not entitled to receive an  
22 influenza vaccination at no cost as a benefit under a plan of  
23 health insurance, a managed care plan, or a plan provided by a  
24 health maintenance organization, a health services plan

1 corporation, or a similar entity; and (2) meets the  
2 requirements established by the Department of Public Health by  
3 rule.

4 (b) Subject to appropriation, the Department of Public  
5 Health shall establish and administer a program under which any  
6 eligible individual shall, upon the eligible individual's  
7 request, receive an influenza vaccination once each year at no  
8 cost to the eligible individual.

9 (c) The Department of Public Health shall adopt rules for  
10 the administration and operation of the program, including but  
11 not limited to: determination of the influenza vaccine  
12 formulation to be administered and the method of  
13 administration; eligibility requirements and eligibility  
14 determinations; and standards and criteria for acquisition and  
15 distribution of influenza vaccine and related supplies. The  
16 Department may enter into contracts or agreements with public  
17 or private entities for the performance of such duties under  
18 the program as the Department may deem appropriate to carry out  
19 this Section and its rules adopted under this Section.

20 (Source: P.A. 93-943, eff. 1-1-05; revised 11-5-04.)

21 Section 215. The Disabled Persons Rehabilitation Act is  
22 amended by changing Section 3 as follows:

23 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

24 Sec. 3. Powers and duties. The Department shall have the

1 powers and duties enumerated herein:

2 (a) To co-operate with the federal government in the  
3 administration of the provisions of the federal Rehabilitation  
4 Act of 1973, as amended, of the Workforce Investment Act of  
5 1998, and of the federal Social Security Act to the extent and  
6 in the manner provided in these Acts.

7 (b) To prescribe and supervise such courses of vocational  
8 training and provide such other services as may be necessary  
9 for the habilitation and rehabilitation of persons with one or  
10 more disabilities, including the administrative activities  
11 under subsection (e) of this Section, and to co-operate with  
12 State and local school authorities and other recognized  
13 agencies engaged in habilitation, rehabilitation and  
14 comprehensive rehabilitation services; and to cooperate with  
15 the Department of Children and Family Services regarding the  
16 care and education of children with one or more disabilities.

17 (c) (Blank).

18 (d) To report in writing, to the Governor, annually on or  
19 before the first day of December, and at such other times and  
20 in such manner and upon such subjects as the Governor may  
21 require. The annual report shall contain (1) a statement of the  
22 existing condition of comprehensive rehabilitation services,  
23 habilitation and rehabilitation in the State; (2) a statement  
24 of suggestions and recommendations with reference to the  
25 development of comprehensive rehabilitation services,  
26 habilitation and rehabilitation in the State; and (3) an

1 itemized statement of the amounts of money received from  
2 federal, State and other sources, and of the objects and  
3 purposes to which the respective items of these several amounts  
4 have been devoted.

5 (e) (Blank).

6 (f) To establish a program of services to prevent  
7 unnecessary institutionalization of persons with Alzheimer's  
8 disease and related disorders or persons in need of long term  
9 care who are established as blind or disabled as defined by the  
10 Social Security Act, thereby enabling them to remain in their  
11 own homes or other living arrangements. Such preventive  
12 services may include, but are not limited to, any or all of the  
13 following:

- 14 (1) home health services;
- 15 (2) home nursing services;
- 16 (3) homemaker services;
- 17 (4) chore and housekeeping services;
- 18 (5) day care services;
- 19 (6) home-delivered meals;
- 20 (7) education in self-care;
- 21 (8) personal care services;
- 22 (9) adult day health services;
- 23 (10) habilitation services;
- 24 (11) respite care; or
- 25 (12) other nonmedical social services that may enable  
26 the person to become self-supporting.



1           The Department shall establish eligibility standards for  
2 such services taking into consideration the unique economic and  
3 social needs of the population for whom they are to be  
4 provided. Such eligibility standards may be based on the  
5 recipient's ability to pay for services; provided, however,  
6 that any portion of a person's income that is equal to or less  
7 than the "protected income" level shall not be considered by  
8 the Department in determining eligibility. The "protected  
9 income" level shall be determined by the Department, shall  
10 never be less than the federal poverty standard, and shall be  
11 adjusted each year to reflect changes in the Consumer Price  
12 Index For All Urban Consumers as determined by the United  
13 States Department of Labor. The standards must provide that a  
14 person may have not more than \$10,000 in assets to be eligible  
15 for the services, and the Department may increase the asset  
16 limitation by rule. Additionally, in determining the amount and  
17 nature of services for which a person may qualify,  
18 consideration shall not be given to the value of cash, property  
19 or other assets held in the name of the person's spouse  
20 pursuant to a written agreement dividing marital property into  
21 equal but separate shares or pursuant to a transfer of the  
22 person's interest in a home to his spouse, provided that the  
23 spouse's share of the marital property is not made available to  
24 the person seeking such services.

25           The services shall be provided to eligible persons to  
26 prevent unnecessary or premature institutionalization, to the

1 extent that the cost of the services, together with the other  
2 personal maintenance expenses of the persons, are reasonably  
3 related to the standards established for care in a group  
4 facility appropriate to their condition. These  
5 non-institutional services, pilot projects or experimental  
6 facilities may be provided as part of or in addition to those  
7 authorized by federal law or those funded and administered by  
8 the Illinois Department on Aging.

9 Personal care attendants shall be paid:

10 (i) A \$5 per hour minimum rate beginning July 1, 1995.

11 (ii) A \$5.30 per hour minimum rate beginning July 1,  
12 1997.

13 (iii) A \$5.40 per hour minimum rate beginning July 1,  
14 1998.

15 Solely for the purposes of coverage under the Illinois  
16 Public Labor Relations Act (5 ILCS 315/), personal care  
17 attendants and personal assistants providing services under  
18 the Department's Home Services Program shall be considered to  
19 be public employees and the State of Illinois shall be  
20 considered to be their employer as of the effective date of  
21 this amendatory Act of the 93rd General Assembly, but not  
22 before. The State shall engage in collective bargaining with an  
23 exclusive representative of personal care attendants and  
24 personal assistants working under the Home Services Program  
25 concerning their terms and conditions of employment that are  
26 within the State's control. Nothing in this paragraph shall be

1 understood to limit the right of the persons receiving services  
2 defined in this Section to hire and fire personal care  
3 attendants and personal assistants or supervise them within the  
4 limitations set by the Home Services Program. The State shall  
5 not be considered to be the employer of personal care  
6 attendants and personal assistants for any purposes not  
7 specifically provided in this amendatory Act of the 93rd  
8 General Assembly, including but not limited to, purposes of  
9 vicarious liability in tort and purposes of statutory  
10 retirement or health insurance benefits. Personal care  
11 attendants and personal assistants shall not be covered by the  
12 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

13 The Department shall execute, relative to the nursing home  
14 prescreening project, as authorized by Section 4.03 of the  
15 Illinois Act on the Aging, written inter-agency agreements with  
16 the Department on Aging and the Department of Public Aid (now  
17 Department of Healthcare and Family Services), to effect the  
18 following: (i) intake procedures and common eligibility  
19 criteria for those persons who are receiving non-institutional  
20 services; and (ii) the establishment and development of  
21 non-institutional services in areas of the State where they are  
22 not currently available or are undeveloped. On and after July  
23 1, 1996, all nursing home prescreenings for individuals 18  
24 through 59 years of age shall be conducted by the Department.

25 The Department is authorized to establish a system of  
26 recipient cost-sharing for services provided under this

1 Section. The cost-sharing shall be based upon the recipient's  
2 ability to pay for services, but in no case shall the  
3 recipient's share exceed the actual cost of the services  
4 provided. Protected income shall not be considered by the  
5 Department in its determination of the recipient's ability to  
6 pay a share of the cost of services. The level of cost-sharing  
7 shall be adjusted each year to reflect changes in the  
8 "protected income" level. The Department shall deduct from the  
9 recipient's share of the cost of services any money expended by  
10 the recipient for disability-related expenses.

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

1 prosecution or failure of the claimant to compel administration  
2 of the estate for the purpose of payment. This paragraph shall  
3 not bar recovery from the estate of a spouse, under Sections  
4 1915 and 1924 of the Social Security Act and Section 5-4 of the  
5 Illinois Public Aid Code, who precedes a person receiving  
6 services under this Section in death. All moneys for services  
7 paid to or in behalf of the person under this Section shall be  
8 claimed for recovery from the deceased spouse's estate.  
9 "Homestead", as used in this paragraph, means the dwelling  
10 house and contiguous real estate occupied by a surviving spouse  
11 or relative, as defined by the rules and regulations of the  
12 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
13 ~~Aid~~, regardless of the value of the property.

14 The Department and the Department on Aging shall cooperate  
15 in the development and submission of an annual report on  
16 programs and services provided under this Section. Such joint  
17 report shall be filed with the Governor and the General  
18 Assembly on or before March 30 each year.

19 The requirement for reporting to the General Assembly shall  
20 be satisfied by filing copies of the report with the Speaker,  
21 the Minority Leader and the Clerk of the House of  
22 Representatives and the President, the Minority Leader and the  
23 Secretary of the Senate and the Legislative Research Unit, as  
24 required by Section 3.1 of the General Assembly Organization  
25 Act, and filing additional copies with the State Government  
26 Report Distribution Center for the General Assembly as required

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

2 (g) To establish such subdivisions of the Department as  
3 shall be desirable and assign to the various subdivisions the  
4 responsibilities and duties placed upon the Department by law.

5 (h) To cooperate and enter into any necessary agreements  
6 with the Department of Employment Security for the provision of  
7 job placement and job referral services to clients of the  
8 Department, including job service registration of such clients  
9 with Illinois Employment Security offices and making job  
10 listings maintained by the Department of Employment Security  
11 available to such clients.

12 (i) To possess all powers reasonable and necessary for the  
13 exercise and administration of the powers, duties and  
14 responsibilities of the Department which are provided for by  
15 law.

16 (j) To establish a procedure whereby new providers of  
17 personal care attendant services shall submit vouchers to the  
18 State for payment two times during their first month of  
19 employment and one time per month thereafter. In no case shall  
20 the Department pay personal care attendants an hourly wage that  
21 is less than the federal minimum wage.

22 (k) To provide adequate notice to providers of chore and  
23 housekeeping services informing them that they are entitled to  
24 an interest payment on bills which are not promptly paid  
25 pursuant to Section 3 of the State Prompt Payment Act.

26 (l) To establish, operate and maintain a Statewide Housing

1 Clearinghouse of information on available, government  
2 subsidized housing accessible to disabled persons and  
3 available privately owned housing accessible to disabled  
4 persons. The information shall include but not be limited to  
5 the location, rental requirements, access features and  
6 proximity to public transportation of available housing. The  
7 Clearinghouse shall consist of at least a computerized database  
8 for the storage and retrieval of information and a separate or  
9 shared toll free telephone number for use by those seeking  
10 information from the Clearinghouse. Department offices and  
11 personnel throughout the State shall also assist in the  
12 operation of the Statewide Housing Clearinghouse. Cooperation  
13 with local, State and federal housing managers shall be sought  
14 and extended in order to frequently and promptly update the  
15 Clearinghouse's information.

16 (m) To assure that the names and case records of persons  
17 who received or are receiving services from the Department,  
18 including persons receiving vocational rehabilitation, home  
19 services, or other services, and those attending one of the  
20 Department's schools or other supervised facility shall be  
21 confidential and not be open to the general public. Those case  
22 records and reports or the information contained in those  
23 records and reports shall be disclosed by the Director only to  
24 proper law enforcement officials, individuals authorized by a  
25 court, the General Assembly or any committee or commission of  
26 the General Assembly, and other persons and for reasons as the

1 Director designates by rule. Disclosure by the Director may be  
2 only in accordance with other applicable law.

3 (Source: P.A. 93-204, eff. 7-16-03; 94-252, eff. 1-1-06;  
4 revised 12-15-05.)

5 Section 220. The Disabilities Services Act of 2003 is  
6 amended by changing Sections 10 and 20 as follows:

7 (20 ILCS 2407/10)

8 Sec. 10. Application of Act; definitions.

9 (a) This Act applies to persons with disabilities. The  
10 disabilities included are defined for purposes of this Act as  
11 follows:

12 "Disability" means a disability as defined by the Americans  
13 with Disabilities Act of 1990 that is attributable to a  
14 developmental disability, a mental illness, or a physical  
15 disability, or combination of those.

16 "Developmental disability" means a disability that is  
17 attributable to mental retardation or a related condition. A  
18 related condition must meet all of the following conditions:

19 (1) It must be attributable to cerebral palsy,  
20 epilepsy, or any other condition (other than mental  
21 illness) found to be closely related to mental retardation  
22 because that condition results in impairment of general  
23 intellectual functioning or adaptive behavior similar to  
24 that of individuals with mental retardation, and requires



1 treatment or services similar to those required for those  
2 individuals. For purposes of this Section, autism is  
3 considered a related condition.

4 (2) It must be manifested before the individual reaches  
5 age 22.

6 (3) It must be likely to continue indefinitely.

7 (4) It must result in substantial functional  
8 limitations in 3 or more of the following areas of major  
9 life activity: self-care, language, learning, mobility,  
10 self-direction, and capacity for independent living.

11 "Mental Illness" means a mental or emotional disorder  
12 verified by a diagnosis contained in the Diagnostic and  
13 Statistical Manual of Mental Disorders-Fourth Edition,  
14 published by the American Psychiatric Association (DSM-IV), or  
15 its successor, or International Classification of Diseases,  
16 9th Revision, Clinical Modification (ICD-9-CM), or its  
17 successor, that substantially impairs a person's cognitive,  
18 emotional, or behavioral functioning, or any combination of  
19 those, excluding (i) conditions that may be the focus of  
20 clinical attention but are not of sufficient duration or  
21 severity to be categorized as a mental illness, such as  
22 parent-child relational problems, partner-relational problems,  
23 sexual abuse of a child, bereavement, academic problems,  
24 phase-of-life problems, and occupational problems  
25 (collectively, "V codes"), (ii) organic disorders such as  
26 substance intoxication dementia, substance withdrawal

1 dementia, Alzheimer's disease, vascular dementia, dementia due  
2 to HIV infection, and dementia due to Creutzfeld-Jakob disease  
3 and disorders associated with known or unknown physical  
4 conditions such as hallucinosis ~~hallucinosis~~, amnesic  
5 disorders and delirium, and psychoactive substance-induced  
6 organic disorders, and (iii) mental retardation or  
7 psychoactive substance use disorders.

8 "Mental retardation" means significantly sub-average  
9 general intellectual functioning existing concurrently with  
10 deficits in adaptive behavior and manifested before the age of  
11 22 years.

12 "Physical disability" means a disability as defined by the  
13 Americans with Disabilities Act of 1990 that meets the  
14 following criteria:

15 (1) It is attributable to a physical impairment.

16 (2) It results in a substantial functional limitation  
17 in any of the following areas of major life activity: (i)  
18 self-care, (ii) receptive and expressive language, (iii)  
19 learning, (iv) mobility, (v) self-direction, (vi) capacity  
20 for independent living, and (vii) economic sufficiency.

21 (3) It reflects the person's need for a combination and  
22 sequence of special, interdisciplinary, or general care,  
23 treatment, or other services that are of lifelong or of  
24 extended duration and must be individually planned and  
25 coordinated.

26 (b) In this Act:

1 "Chronological age-appropriate services" means services,  
2 activities, and strategies for persons with disabilities that  
3 are representative of the lifestyle activities of nondisabled  
4 peers of similar age in the community.

5 "Comprehensive evaluation" means procedures used by  
6 qualified professionals selectively with an individual to  
7 determine whether a person has a disability and the nature and  
8 extent of the services that the person with a disability needs.

9 "Department" means the Department on Aging, the Department  
10 of Human Services, the Department of Public Health, the  
11 Department of Public Aid (now Department Healthcare and Family  
12 Services), the University of Illinois Division of Specialized  
13 Care for Children, the Department of Children and Family  
14 Services, and the Illinois State Board of Education, where  
15 appropriate, as designated in the implementation plan  
16 developed under Section 20.

17 "Family" means a natural, adoptive, or foster parent or  
18 parents or other person or persons responsible for the care of  
19 an individual with a disability in a family setting.

20 "Family or individual support" means those resources and  
21 services that are necessary to maintain an individual with a  
22 disability within the family home or his or her own home. These  
23 services may include, but are not limited to, cash subsidy,  
24 respite care, and counseling services.

25 "Independent service coordination" means a social service  
26 that enables persons with developmental disabilities and their

1 families to locate, use, and coordinate resources and  
2 opportunities in their communities on the basis of individual  
3 need. Independent service coordination is independent of  
4 providers of services and funding sources and is designed to  
5 ensure accessibility, continuity of care, and accountability  
6 and to maximize the potential of persons with developmental  
7 disabilities for independence, productivity, and integration  
8 into the community. Independent service coordination includes,  
9 at a minimum: (i) outreach to identify eligible individuals;  
10 (ii) assessment and periodic reassessment to determine each  
11 individual's strengths, functional limitations, and need for  
12 specific services; (iii) participation in the development of a  
13 comprehensive individual service or treatment plan; (iv)  
14 referral to and linkage with needed services and supports; (v)  
15 monitoring to ensure the delivery of appropriate services and  
16 to determine individual progress in meeting goals and  
17 objectives; and (vi) advocacy to assist the person in obtaining  
18 all services for which he or she is eligible or entitled.

19 "Individual service or treatment plan" means a recorded  
20 assessment of the needs of a person with a disability, a  
21 description of the services recommended, the goals of each type  
22 of element of service, an anticipated timetable for the  
23 accomplishment of the goals, and a designation of the qualified  
24 professionals responsible for the implementation of the plan.

25 "Least restrictive environment" means an environment that  
26 represents the least departure from the normal patterns of

1 living and that effectively meets the needs of the person  
2 receiving the service.

3 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

4 (20 ILCS 2407/20)

5 Sec. 20. Implementation.

6 (a) The Governor shall appoint an advisory committee to  
7 assist in the development and implementation of a Disabilities  
8 Services Implementation Plan that will ensure compliance by the  
9 State of Illinois with the Americans with Disabilities Act and  
10 the decision in *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999). The  
11 advisory committee shall be known as the Illinois Disabilities  
12 Services Advisory Committee and shall be composed of no more  
13 than 33 members, including: persons who have a physical  
14 disability, a developmental disability, or a mental illness;  
15 senior citizens; advocates for persons with physical  
16 disabilities; advocates for persons with developmental  
17 disabilities; advocates for persons with mental illness;  
18 advocates for senior citizens; representatives of providers of  
19 services to persons with physical disabilities, developmental  
20 disabilities, and mental illness; representatives of providers  
21 of services to senior citizens; and representatives of  
22 organized labor.

23 In addition, the following State officials shall serve on  
24 the committee as ex-officio non-voting members: the Secretary  
25 of Human Services or his or her designee; the State

1 Superintendent of Education or his or her designee; the  
2 Director of Aging or his or her designee; the Executive  
3 Director of the Illinois Housing Development Authority or his  
4 or her designee; the Director of Public Aid (now Director of  
5 Healthcare and Family Services) or his or her designee; and the  
6 Director of Employment Security or his or her designee.

7 The advisory committee shall select officers, including a  
8 chair and a vice-chair.

9 The advisory committee shall meet at least quarterly and  
10 shall keep official meeting minutes. Committee members shall  
11 not be compensated but shall be paid for their expenses related  
12 to attendance at meetings.

13 (b) The implementation plan must include, but need not be  
14 limited to, the following:

15 (1) Establishing procedures for completing  
16 comprehensive evaluations, including provisions for  
17 Department review and approval of need determinations. The  
18 Department may utilize independent evaluators and targeted  
19 or sample reviews during this review and approval process,  
20 as it deems appropriate.

21 (2) Establishing procedures for the development of an  
22 individual service or treatment plan for each person with a  
23 disability, including provisions for Department review and  
24 authorization.

25 (3) Identifying core services to be provided by  
26 agencies of the State of Illinois or other agencies.

1           (4) Establishing minimum standards for individualized  
2 services.

3           (5) Establishing minimum standards for residential  
4 services in the least restrictive environment.

5           (6) Establishing minimum standards for vocational  
6 services.

7           (7) Establishing due process hearing procedures.

8           (8) Establishing minimum standards for family support  
9 services.

10          (9) Securing financial resources necessary to fulfill  
11 the purposes and requirements of this Act, including but  
12 not limited to obtaining approval and implementing waivers  
13 or demonstrations authorized under federal law.

14          (c) The Governor, with the assistance of the Illinois  
15 Disabilities Services Advisory Committee and the Secretary of  
16 Human Services, is responsible for the completion of the  
17 implementation plan. The Governor must submit a report to the  
18 General Assembly by November 1, 2004, which must include the  
19 following:

20           (1) The implementation plan.

21           (2) A description of current and planned programs and  
22 services necessary to meet the requirements of the  
23 individual service or treatment plans required by this Act,  
24 together with the actions to be taken by the State of  
25 Illinois to ensure that those plans will be implemented.  
26 This description shall include a report of related program

1 and service improvements or expansions implemented by the  
2 Department since the effective date of this Act.

3 (3) The estimated costs of current and planned programs  
4 and services to be provided under the implementation plan.

5 (4) A report on the number of persons with disabilities  
6 who may be eligible to receive services under this Act,  
7 together with a report on the number of persons who are  
8 currently receiving those services.

9 (5) Any proposed changes in State policies, laws, or  
10 regulations necessary to fulfill the purposes and  
11 requirements of this Act.

12 (d) The Governor, with the assistance of the Secretary of  
13 Human Services, shall annually update the implementation plan  
14 and report changes to the General Assembly by July 1 of each  
15 year. Initial implementation of the plan is required by July 1,  
16 2005. The requirement of annual updates and reports expires in  
17 2008, unless otherwise extended by the General Assembly.

18 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

19 Section 225. The Department of Revenue Law of the Civil  
20 Administrative Code of Illinois is amended by changing Sections  
21 2505-65 and 2505-650 as follows:

22 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

23 Sec. 2505-65. Exchange of information.

24 (a) The Department has the power to exchange with any



1 state, with any local subdivisions of any state, or with the  
2 federal government, except when specifically prohibited by  
3 law, any information that may be necessary to efficient tax  
4 administration and that may be acquired as a result of the  
5 administration of the laws set forth in the Sections following  
6 Section 95-10 and preceding Section 2505-60.

7 (b) The Department has the power to exchange with the  
8 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
9 ~~Aid~~ information that may be necessary for the enforcement of  
10 child support orders entered pursuant to the Illinois Public  
11 Aid Code, the Illinois Marriage and Dissolution of Marriage  
12 Act, the Non-Support of Spouse and Children Act, the  
13 Non-Support Punishment Act, the Revised Uniform Reciprocal  
14 Enforcement of Support Act, the Uniform Interstate Family  
15 Support Act, or the Illinois Parentage Act of 1984.  
16 Notwithstanding any provisions in this Code to the contrary,  
17 the Department of Revenue shall not be liable to any person for  
18 any disclosure of information to the Department of Healthcare  
19 and Family Services (formerly Illinois Department of Public  
20 Aid) under this subsection (b) or for any other action taken in  
21 good faith to comply with the requirements of this subsection  
22 (b).

23 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
24 eff. 6-28-01; revised 12-15-05.)

25 (20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)

1           Sec. 2505-650. Collection of past due support. Upon  
2 certification of past due child support amounts from the  
3 Department of Healthcare and Family Services (formerly  
4 Department of Public Aid), the Department of Revenue may  
5 collect the delinquency in any manner authorized for the  
6 collection of any tax administered by the Department of  
7 Revenue. The Department of Revenue shall notify the Department  
8 of Healthcare and Family Services ~~Public Aid~~ when the  
9 delinquency or any portion of the delinquency has been  
10 collected under this Section. Any child support delinquency  
11 collected by the Department of Revenue, including those amounts  
12 that result in overpayment of a child support delinquency,  
13 shall be deposited into the Child Support Enforcement Trust  
14 Fund or paid to the State Disbursement Unit established under  
15 Section 10-26 of the Illinois Public Aid Code, at the direction  
16 of the Department of Healthcare and Family Services ~~Public Aid~~.  
17 The Department of Revenue may implement this Section through  
18 the use of emergency rules in accordance with Section 5-45 of  
19 the Illinois Administrative Procedure Act. For purposes of the  
20 Illinois Administrative Procedure Act, the adoption of rules to  
21 implement this Section shall be considered an emergency and  
22 necessary for the public interest, safety, and welfare.

23           (Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99;  
24 91-239, eff. 1-1-00; 91-712, eff. 7-1-00; revised 12-15-05.)

25           Section 230. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing  
2 Section 2605-377 as follows:

3 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-377. Department of Healthcare and Family  
5 Services ~~Public Aid~~; LEADS access.

6 (a) The ~~Illinois~~ Department of Healthcare and Family  
7 Services ~~Public Aid~~ is an authorized entity under this Law for  
8 the purpose of exchanging information, in the form and manner  
9 required by the Department of State Police, to facilitate the  
10 location of individuals for establishing paternity, and  
11 establishing, modifying, and enforcing child support  
12 obligations, pursuant to the Illinois Public Aid Code and Title  
13 IV, Part D of the Social Security Act.

14 (b) The ~~Illinois~~ Department of Healthcare and Family  
15 Services ~~Public Aid~~ is an authorized entity under this Section  
16 for the purpose of obtaining access to various data  
17 repositories available through LEADS, to facilitate the  
18 location of individuals for establishing paternity, and  
19 establishing, modifying, and enforcing child support  
20 obligations, pursuant to the Illinois Public Aid Code and Title  
21 IV, Part D of the Social Security Act. The Department shall  
22 enter into an agreement with the ~~Illinois~~ Department of  
23 Healthcare and Family Services ~~Public Aid~~ consistent with these  
24 purposes.

25 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,

1 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,  
2 eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised  
3 12-15-05.)

4 Section 235. The State Police Act is amended by changing  
5 Section 23 as follows:

6 (20 ILCS 2610/23) (from Ch. 121, par. 307.18d)

7 Sec. 23. The Director may appoint auxiliary State policemen  
8 in such number as he deems necessary. Such auxiliary policemen  
9 shall not be regular State policemen. Such auxiliary State  
10 policemen shall not supplement members of the regular State  
11 police in the performance of their assigned and normal duties,  
12 except as otherwise provided herein. Such auxiliary State  
13 policemen shall only be assigned to perform the following  
14 duties: to aid or direct traffic, to aid in control of natural  
15 or man made disasters, or to aid in case of civil disorder as  
16 directed by the commanding officers. Identification symbols  
17 worn by such auxiliary State policemen shall be different and  
18 distinct from those used by State policemen. Such auxiliary  
19 State policemen shall at all times during the performance of  
20 their duties be subject to the direction and control of the  
21 commanding officer. Such auxiliary State policemen shall not  
22 carry firearms.

23 Auxiliary State policemen, prior to entering upon any of  
24 their duties, shall receive a course of training in such police

1 procedures as shall be appropriate in the exercise of the  
2 powers conferred upon them, which training and course of study  
3 shall be determined and provided by the Department of State  
4 Police. Prior to the appointment of any auxiliary State  
5 policeman his fingerprints shall be taken and no person shall  
6 be appointed as such auxiliary State policeman if he has been  
7 convicted of a felony or other crime involving moral turpitude.

8 All auxiliary State policemen shall be between the age of  
9 21 and 60 years, and shall serve without compensation.

10 The Line of Duty Compensation Act ~~"Law Enforcement~~  
11 ~~Officers, Civil Defense Workers, Civil Air Patrol Members,~~  
12 ~~Paramedics and Firemen Compensation Act"~~, approved September  
13 ~~30, 1969, as now or hereafter amended,~~ shall be applicable to  
14 auxiliary State policemen upon their death in the line of duty  
15 described herein.

16 (Source: P.A. 85-1042; revised 11-15-04.)

17 Section 240. The Department of Veterans Affairs Act is  
18 amended by setting forth and renumbering multiple versions of  
19 Section 2e and by changing Section 2.07 as follows:

20 (20 ILCS 2805/2e)

21 Sec. 2e. The World War II Illinois Veterans Memorial Fund.  
22 There is created in the State treasury the World War II  
23 Illinois Veterans Memorial Fund. The Department must make  
24 grants from the Fund for the construction of a World War II

1 Illinois Veterans Memorial in Springfield, Illinois.

2 (Source: P.A. 93-131, eff. 7-10-03.)

3 (20 ILCS 2805/2f)

4 Sec. 2f ~~2e~~. LaSalle Veterans Home capacity.

5 (a) The Department finds that the Illinois Veterans Home at  
6 LaSalle requires an increase in capacity to better serve the  
7 north central region of Illinois and to accommodate the  
8 increasing number of Illinois veterans eligible for care.

9 (b) Subject to appropriation, the Department shall  
10 increase by at least 80 beds the capacity of the Illinois  
11 Veterans Home at LaSalle and shall request and expend federal  
12 grants for this Veterans Home addition.

13 (Source: P.A. 93-142, eff. 7-10-03; revised 9-24-03.)

14 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

15 Sec. 2.07. The Department shall employ and maintain  
16 sufficient and qualified staff at the veterans' homes to  
17 fulfill the requirements of this Act. The Department shall  
18 report to the General Assembly, by January 1 and July 1 of each  
19 year, the number of staff employed in providing direct patient  
20 care at their veterans' homes, the compliance or noncompliance  
21 with staffing standards established by the United States  
22 Department of Veterans Affairs for such care, and in the event  
23 of noncompliance with such standards, the number of staff  
24 required for compliance. For purposes of this Section, a nurse

1 who has a license application pending with the State shall not  
2 be deemed unqualified by the Department if the nurse is in  
3 compliance with 225 ILCS 65/5-15(g) or 225 ILCS 65/5-15(i)  
4 ~~5-15(i)~~ of the Nursing and Advanced Practice Nursing Act.

5 All contracts between the State and outside contractors to  
6 provide workers to staff and service the Anna Veterans Home  
7 shall be canceled in accordance with the terms of those  
8 contracts. Upon cancellation, each worker or staff member shall  
9 be offered certified employment status under the Illinois  
10 Personnel Code with the State of Illinois. To the extent it is  
11 reasonably practicable, the position offered to each person  
12 shall be at the same facility and shall consist of the same  
13 duties and hours as previously existed under the canceled  
14 contract or contracts.

15 (Source: P.A. 93-597, eff. 8-26-03; 94-703, eff. 6-1-06;  
16 revised 9-15-06.)

17 Section 245. The Nuclear Safety Law of 2004 is amended by  
18 changing Section 5 as follows:

19 (20 ILCS 3310/5)

20 Sec. 5. Cross references. The Illinois Emergency  
21 Management Agency shall exercise, administer, and enforce all  
22 rights, powers, and duties vested in Department of Nuclear  
23 Safety by the following named Acts or Sections of those Acts:

24 (1) The Radiation Protection Act of 1990.

- 1 (2) The Radioactive Waste Storage Act.
- 2 (3) (Blank) ~~The Personnel Radiation Monitoring Act.~~
- 3 (4) The Laser System Act of 1997.
- 4 (5) The Illinois Nuclear Safety Preparedness Act.
- 5 (6) The Radioactive Waste Compact Enforcement Act.
- 6 (7) Illinois Low-Level Radioactive Waste Management
- 7 Act.
- 8 (8) Illinois Nuclear Facility Safety Act.
- 9 (9) Radioactive Waste Tracking and Permitting Act.
- 10 (10) Radon Industry Licensing Act.
- 11 (11) Uranium and Thorium Mill Tailings Control Act.
- 12 (Source: P.A. 93-1029, eff. 8-25-04; revised 11-21-05.)

13 Section 250. The Human Skeletal Remains Protection Act is  
14 amended by changing Section 2 as follows:

15 (20 ILCS 3440/2) (from Ch. 127, par. 2662)

16 Sec. 2. Legislative finding and intentions. The General  
17 Assembly finds that existing laws do not provide equal or  
18 adequate protection for all human graves. There is a real and  
19 growing threat to the safety and sanctity of unregistered and  
20 unmarked graves. Numerous incidents in Illinois have resulted  
21 in the desecration of human remains and vandalism to grave  
22 markers. Similar incidents have occurred in neighboring states  
23 and as a result those states have increased their criminal  
24 penalties for such conduct. There is a strong likelihood that



1 persons engaged for personal or financial gain in the mining of  
2 prehistoric and historic Indian, pioneer, and Civil War  
3 veteran's graves will move their operations to Illinois to  
4 avoid the increased penalties being imposed in neighboring  
5 states. There is an immediate need for legislation to protect  
6 the graves of these earlier Illinoisans ~~Illinoians~~ from such  
7 desecration. The General Assembly intends to assure with this  
8 Act that all human burials be accorded equal treatment and  
9 respect for human dignity without reference to ethnic origins,  
10 cultural backgrounds or religious affiliations.

11 The General Assembly also finds that those persons engaged  
12 in the scientific study or collecting of artifacts which have  
13 not been acquired in violation of law are engaged in legitimate  
14 and worthy scientific, educational and recreational  
15 activities. This Act is not intended to interfere with the  
16 continued legitimate collecting activities or studies of such  
17 persons; nor is it intended to interfere with the normal  
18 enjoyment of private property owners, farmers, or those engaged  
19 in the development, mining or improvement of real property.

20 (Source: P.A. 86-151; revised 10-12-05.)

21 Section 255. The Illinois Finance Authority Act is amended  
22 by changing Sections 801-1 and 815-10 as follows:

23 (20 ILCS 3501/801-1)

24 Sec. 801-1. Short Title. Articles 801 ~~80~~ through 845 of

1 this Act may be cited as the Illinois Finance Authority Act.  
2 References to "this Act" in Articles 801 through 845 are  
3 references to the Illinois Finance Authority Act.  
4 (Source: P.A. 93-205, eff. 1-1-04; revised 9-16-03.)

5 (20 ILCS 3501/815-10)

6 Sec. 815-10. Definitions. The following terms, whenever  
7 used or referred to in this Article, shall have the following  
8 meanings ascribed to them, except where the context clearly  
9 requires otherwise:

10 (a) "Property" means land, parcels or combination of  
11 parcels, structures, and all improvements, easements and  
12 franchises.~~†~~

13 (b) "Redevelopment area" means any property which is a  
14 contiguous area of at least 2 acres but less than 160 acres in  
15 the aggregate located within one and one-half miles of the  
16 corporate limits of a municipality and not included within any  
17 municipality, where, (1) if improved, a substantial proportion  
18 of the industrial, commercial and residential buildings or  
19 improvements are detrimental to the public safety, health,  
20 morals or welfare because of a combination of any of the  
21 following factors: age; physical configuration; dilapidation;  
22 structural or economic obsolescence; deterioration; illegal  
23 use of individual structures; presence of structures below  
24 minimum code standards; excessive and sustained vacancies;  
25 overcrowding of structures and community facilities;

1 inadequate ventilation, light, sewer, water, transportation  
2 and other infrastructure facilities; inadequate utilities;  
3 excessive land coverage; deleterious land use or layout;  
4 depreciation or lack of physical maintenance; and lack of  
5 community planning; or (2) if vacant, the sound utilization of  
6 land for industrial projects is impaired by a combination of 2  
7 or more of the following factors: obsolete platting of the  
8 vacant land; diversity of ownership of such land; tax and  
9 special assessment delinquencies on such land; and  
10 deterioration of structures or site improvements in  
11 neighboring areas to the vacant land, or the area immediately  
12 prior to becoming vacant qualified as a redevelopment improved  
13 area; or (3) if an improved area within the boundaries of a  
14 development project is located within the corporate limits of  
15 the municipality in which 50% or more of the structures in the  
16 area have an age of 35 years or more, such area does not  
17 qualify under clause (1) but is detrimental to the public  
18 safety, health, morals or welfare and such area may become a  
19 redevelopment area pursuant to clause (1) because of a  
20 combination of 3 or more of the factors specified in clause  
21 (1).

22 (c) "Enterprise" means an individual, corporation,  
23 partnership, joint venture, trust, estate, or unincorporated  
24 association.

25 (d) "Development plan" means the comprehensive program of  
26 the Authority and the participating entity to reduce or

1 eliminate those conditions the existence of which qualified the  
2 project area as a redevelopment area. Each development plan  
3 shall set forth in writing the program to be undertaken to  
4 accomplish such objectives and shall include, without  
5 limitation, estimated development project costs, the sources  
6 of funds to pay costs, the nature and term of any obligations  
7 to be issued, the most recent equalized assessed valuation of  
8 the project area, an estimate as to the equalized assessed  
9 valuation after development and the general land uses to apply  
10 in the project area.

11 (e) "Development project" means any project in furtherance  
12 of the objectives of a development plan, including any building  
13 or buildings or building addition or other structures to be  
14 newly constructed, renovated or improved and suitable for use  
15 by an enterprise as an industrial project, and includes the  
16 sites and other rights in the property on which such buildings  
17 or structures are located.

18 (f) "Participating entity" means a municipality, a local  
19 industrial development agency or an enterprise or any  
20 combination thereof.

21 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

22 Section 260. The Illinois African-American Family  
23 Commission Act is amended by changing Sections 15, 20, and 25  
24 as follows:

1 (20 ILCS 3903/15)

2 Sec. 15. Purpose and objectives.

3 (a) The purpose of the Illinois African-American Family  
4 Commission is to guide the efforts of and collaborate with the  
5 Department on Aging, the Department of Children and Family  
6 Services, the Department of Commerce and Economic Opportunity,  
7 the Department of Corrections, the Department of Human  
8 Services, the Department of Healthcare and Family Services  
9 ~~Public Aid~~, the Department of Public Health, the Department of  
10 Transportation, and others to improve and expand existing human  
11 services and educational and community development programs  
12 for African-Americans. This will be achieved by:

13 (1) Monitoring existing legislation and programs  
14 designed to address the needs of African-Americans in  
15 Illinois;

16 (2) Assisting State agencies in developing programs,  
17 services, public policies, and research strategies that  
18 will expand and enhance the social and economic well-being  
19 of African-American children and families; and

20 (3) Facilitating the participation of  
21 African-Americans in the development, implementation, and  
22 planning of community-based services.

23 The work of the Illinois African-American Family  
24 Commission shall include the use of existing reports, research  
25 and planning efforts, procedures, and programs.

26 (Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

1 (20 ILCS 3903/20)

2 Sec. 20. Appointment; terms. The Illinois African-American  
3 Family Commission shall be comprised of 15 members who shall be  
4 appointed by the Governor. Each member shall have a working  
5 knowledge of human services, community development, and  
6 economic public policies in Illinois. The Governor shall  
7 appoint the chairperson or chairpersons.

8 The members shall reflect regional representation to  
9 ensure that the needs of African-American families and children  
10 throughout the State of Illinois are met. The members shall be  
11 selected from a variety of disciplines. They shall be  
12 representative of a partnership and collaborative effort  
13 between public and private agencies, the business sector, and  
14 community-based human services organizations.

15 Members shall serve 3-year terms, except in the case of  
16 initial appointments. One-third of initially appointed  
17 members, as determined by lot, shall be appointed to 1-year  
18 terms; 1/3 shall be appointed to 2-year terms; and 1/3 shall be  
19 appointed to 3-year terms, so that the terms are staggered.  
20 Members will serve without compensation, but shall be  
21 reimbursed for Commission-related expenses.

22 The Department on Aging, the Department of Children and  
23 Family Services, the Department of Commerce and Economic  
24 Opportunity, the Department of Corrections, the Department of  
25 Human Services, the Department of Healthcare and Family

1 Services ~~Public Aid~~, the Department of Public Health, and the  
2 Department of Transportation shall each appoint a liaison to  
3 serve ex-officio on the Commission.

4 (Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

5 (20 ILCS 3903/25)

6 Sec. 25. Funding. The African-American Family Commission  
7 shall receive funding through appropriations available for its  
8 purposes made to the Department on Aging, the Department of  
9 Children and Family Services, the Department of Commerce and  
10 Economic Opportunity, the Department of Corrections, the  
11 Department of Human Services, the Department of Healthcare and  
12 Family Services (formerly Department of Public Aid), the  
13 Department of Public Health, and the Department of  
14 Transportation.

15 (Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

16 Section 265. The Illinois Early Learning Council Act is  
17 amended by changing Section 10 as follows:

18 (20 ILCS 3933/10)

19 Sec. 10. Membership. The Illinois Early Learning Council  
20 shall include representation from both public and private  
21 organizations, and its membership shall reflect regional,  
22 racial, and cultural diversity to ensure representation of the  
23 needs of all Illinois children. One member shall be appointed

1 by the President of the Senate, one member appointed by the  
2 Minority Leader of the Senate, one member appointed by the  
3 Speaker of the House of Representatives, one member appointed  
4 by the Minority Leader of the House of Representatives, and  
5 other members appointed by the Governor. The Governor's  
6 appointments shall include without limitation the following:

7 (1) A leader of stature from the Governor's office, to  
8 serve as co-chairperson of the Council.

9 (2) The chief administrators of the following State  
10 agencies: State Board of Education; Department of Human  
11 Services; Department of Children and Family Services;  
12 Department of Public Health; Department of Healthcare and  
13 Family Services ~~Public Aid~~; Board of Higher Education; and  
14 Illinois Community College Board.

15 (3) Local government stakeholders and nongovernment  
16 stakeholders with an interest in early childhood care and  
17 education, including representation from the following  
18 private-sector fields and constituencies: early childhood  
19 education and development; child care; child advocacy;  
20 parenting support; local community collaborations among  
21 early care and education programs and services; maternal  
22 and child health; children with special needs; business;  
23 labor; and law enforcement. The Governor shall designate  
24 one of the members who is a nongovernment stakeholder to  
25 serve as co-chairperson.

26 In addition, the Governor shall request that the Region V



1 office of the U.S. Department of Health and Human Services'  
2 Administration for Children and Families appoint a member to  
3 the Council to represent federal children's programs and  
4 services.

5 Members appointed by General Assembly members and members  
6 appointed by the Governor who are local government or  
7 nongovernment stakeholders shall serve 3-year terms, except  
8 that of the initial appointments, half of these members, as  
9 determined by lot, shall be appointed to 2-year terms so that  
10 terms are staggered. Members shall serve on a voluntary, unpaid  
11 basis.

12 (Source: P.A. 93-380, eff. 7-24-03; revised 12-15-05.)

13 Section 270. The Human Services 211 Collaboration Board Act  
14 is amended by changing Section 10 as follows:

15 (20 ILCS 3956/10)

16 Sec. 10. Human Services 211 Collaboration Board.

17 (a) The Human Services 211 Collaboration Board is  
18 established to implement a non-emergency telephone number that  
19 will provide human services information concerning the  
20 availability of governmental and non-profit services and  
21 provide referrals to human services agencies, which may include  
22 referral to an appropriate web site. The Board shall consist of  
23 9 members appointed by the Governor. The Governor shall appoint  
24 one representative of each of the following Offices and

1 Departments as a member of the Board: the Office of the  
2 Governor, the Department of Human Services, the Department of  
3 Healthcare and Family Services ~~Public Aid~~, the Department of  
4 Public Health, the Department of Children and Family Services,  
5 the Department on Aging, the Department of Employment Security,  
6 the Department of Human Rights, and the Illinois Commerce  
7 Commission. The Governor shall designate one of the members as  
8 Chairperson. Members of the Board shall serve 3-year terms and  
9 may be reappointed to serve additional terms.

10 (b) The Board shall establish standards consistent with the  
11 standards established by the National 211 Collaborative and the  
12 Alliance of Information and Referral Systems for providing  
13 information about and referrals to human services agencies to  
14 211 callers. The standards shall prescribe the technology or  
15 manner of delivering 211 calls and shall not exceed any  
16 requirements for 211 systems set by the Federal Communications  
17 Commission. The standards shall be consistent with the  
18 Americans with Disabilities Act, ensuring accessibility for  
19 users of Teletypewriters for the Deaf (TTY).

20 (Source: P.A. 93-613, eff. 11-18-03; 94-427, eff. 1-1-06;  
21 revised 12-15-05.)

22 Section 275. The Illinois Health Facilities Planning Act is  
23 amended by changing Sections 3, 4, and 4.1 as follows:

24 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

1 (Section scheduled to be repealed on April 1, 2007)

2 Sec. 3. Definitions. As used in this Act:

3 "Health care facilities" means and includes the following  
4 facilities and organizations:

5 1. An ambulatory surgical treatment center required to  
6 be licensed pursuant to the Ambulatory Surgical Treatment  
7 Center Act;

8 2. An institution, place, building, or agency required  
9 to be licensed pursuant to the Hospital Licensing Act;

10 3. Skilled and intermediate long term care facilities  
11 licensed under the Nursing Home Care Act;

12 ~~3. Skilled and intermediate long term care facilities~~  
13 ~~licensed under the Nursing Home Care Act;~~

14 4. Hospitals, nursing homes, ambulatory surgical  
15 treatment centers, or kidney disease treatment centers  
16 maintained by the State or any department or agency  
17 thereof;

18 5. Kidney disease treatment centers, including a  
19 free-standing hemodialysis unit required to be licensed  
20 under the End Stage Renal Disease Facility Act; and

21 6. An institution, place, building, or room used for  
22 the performance of outpatient surgical procedures that is  
23 leased, owned, or operated by or on behalf of an  
24 out-of-state facility.

25 No federally owned facility shall be subject to the  
26 provisions of this Act, nor facilities used solely for healing

1 by prayer or spiritual means.

2 No facility licensed under the Supportive Residences  
3 Licensing Act or the Assisted Living and Shared Housing Act  
4 shall be subject to the provisions of this Act.

5 A facility designated as a supportive living facility that  
6 is in good standing with the program established under Section  
7 5-5.01a of the Illinois Public Aid Code shall not be subject to  
8 the provisions of this Act.

9 This Act does not apply to facilities granted waivers under  
10 Section 3-102.2 of the Nursing Home Care Act. However, if a  
11 demonstration project under that Act applies for a certificate  
12 of need to convert to a nursing facility, it shall meet the  
13 licensure and certificate of need requirements in effect as of  
14 the date of application.

15 This Act does not apply to a dialysis facility that  
16 provides only dialysis training, support, and related services  
17 to individuals with end stage renal disease who have elected to  
18 receive home dialysis. This Act does not apply to a dialysis  
19 unit located in a licensed nursing home that offers or provides  
20 dialysis-related services to residents with end stage renal  
21 disease who have elected to receive home dialysis within the  
22 nursing home. The Board, however, may require these dialysis  
23 facilities and licensed nursing homes to report statistical  
24 information on a quarterly basis to the Board to be used by the  
25 Board to conduct analyses on the need for proposed kidney  
26 disease treatment centers.

1           This Act shall not apply to the closure of an entity or a  
2 portion of an entity licensed under the Nursing Home Care Act  
3 that elects to convert, in whole or in part, to an assisted  
4 living or shared housing establishment licensed under the  
5 Assisted Living and Shared Housing Act.

6           With the exception of those health care facilities  
7 specifically included in this Section, nothing in this Act  
8 shall be intended to include facilities operated as a part of  
9 the practice of a physician or other licensed health care  
10 professional, whether practicing in his individual capacity or  
11 within the legal structure of any partnership, medical or  
12 professional corporation, or unincorporated medical or  
13 professional group. Further, this Act shall not apply to  
14 physicians or other licensed health care professional's  
15 practices where such practices are carried out in a portion of  
16 a health care facility under contract with such health care  
17 facility by a physician or by other licensed health care  
18 professionals, whether practicing in his individual capacity  
19 or within the legal structure of any partnership, medical or  
20 professional corporation, or unincorporated medical or  
21 professional groups. This Act shall apply to construction or  
22 modification and to establishment by such health care facility  
23 of such contracted portion which is subject to facility  
24 licensing requirements, irrespective of the party responsible  
25 for such action or attendant financial obligation.

26           "Person" means any one or more natural persons, legal

1 entities, governmental bodies other than federal, or any  
2 combination thereof.

3 "Consumer" means any person other than a person (a) whose  
4 major occupation currently involves or whose official capacity  
5 within the last 12 months has involved the providing,  
6 administering or financing of any type of health care facility,  
7 (b) who is engaged in health research or the teaching of  
8 health, (c) who has a material financial interest in any  
9 activity which involves the providing, administering or  
10 financing of any type of health care facility, or (d) who is or  
11 ever has been a member of the immediate family of the person  
12 defined by (a), (b), or (c).

13 "State Board" means the Health Facilities Planning Board.

14 "Construction or modification" means the establishment,  
15 erection, building, alteration, reconstruction, modernization,  
16 improvement, extension, discontinuation, change of ownership,  
17 of or by a health care facility, or the purchase or acquisition  
18 by or through a health care facility of equipment or service  
19 for diagnostic or therapeutic purposes or for facility  
20 administration or operation, or any capital expenditure made by  
21 or on behalf of a health care facility which exceeds the  
22 capital expenditure minimum; however, any capital expenditure  
23 made by or on behalf of a health care facility for (i) the  
24 construction or modification of a facility licensed under the  
25 Assisted Living and Shared Housing Act or (ii) a conversion  
26 project undertaken in accordance with Section 30 of the Older

1 Adult Services Act shall be excluded from any obligations under  
2 this Act.

3 "Establish" means the construction of a health care  
4 facility or the replacement of an existing facility on another  
5 site.

6 "Major medical equipment" means medical equipment which is  
7 used for the provision of medical and other health services and  
8 which costs in excess of the capital expenditure minimum,  
9 except that such term does not include medical equipment  
10 acquired by or on behalf of a clinical laboratory to provide  
11 clinical laboratory services if the clinical laboratory is  
12 independent of a physician's office and a hospital and it has  
13 been determined under Title XVIII of the Social Security Act to  
14 meet the requirements of paragraphs (10) and (11) of Section  
15 1861(s) of such Act. In determining whether medical equipment  
16 has a value in excess of the capital expenditure minimum, the  
17 value of studies, surveys, designs, plans, working drawings,  
18 specifications, and other activities essential to the  
19 acquisition of such equipment shall be included.

20 "Capital Expenditure" means an expenditure: (A) made by or  
21 on behalf of a health care facility (as such a facility is  
22 defined in this Act); and (B) which under generally accepted  
23 accounting principles is not properly chargeable as an expense  
24 of operation and maintenance, or is made to obtain by lease or  
25 comparable arrangement any facility or part thereof or any  
26 equipment for a facility or part; and which exceeds the capital

1 expenditure minimum.

2 For the purpose of this paragraph, the cost of any studies,  
3 surveys, designs, plans, working drawings, specifications, and  
4 other activities essential to the acquisition, improvement,  
5 expansion, or replacement of any plant or equipment with  
6 respect to which an expenditure is made shall be included in  
7 determining if such expenditure exceeds the capital  
8 expenditures minimum. Donations of equipment or facilities to a  
9 health care facility which if acquired directly by such  
10 facility would be subject to review under this Act shall be  
11 considered capital expenditures, and a transfer of equipment or  
12 facilities for less than fair market value shall be considered  
13 a capital expenditure for purposes of this Act if a transfer of  
14 the equipment or facilities at fair market value would be  
15 subject to review.

16 "Capital expenditure minimum" means \$6,000,000, which  
17 shall be annually adjusted to reflect the increase in  
18 construction costs due to inflation, for major medical  
19 equipment and for all other capital expenditures; provided,  
20 however, that when a capital expenditure is for the  
21 construction or modification of a health and fitness center,  
22 "capital expenditure minimum" means the capital expenditure  
23 minimum for all other capital expenditures in effect on March  
24 1, 2000, which shall be annually adjusted to reflect the  
25 increase in construction costs due to inflation.

26 "Non-clinical service area" means an area (i) for the



1 benefit of the patients, visitors, staff, or employees of a  
2 health care facility and (ii) not directly related to the  
3 diagnosis, treatment, or rehabilitation of persons receiving  
4 services from the health care facility. "Non-clinical service  
5 areas" include, but are not limited to, chapels; gift shops;  
6 news stands; computer systems; tunnels, walkways, and  
7 elevators; telephone systems; projects to comply with life  
8 safety codes; educational facilities; student housing;  
9 patient, employee, staff, and visitor dining areas;  
10 administration and volunteer offices; modernization of  
11 structural components (such as roof replacement and masonry  
12 work); boiler repair or replacement; vehicle maintenance and  
13 storage facilities; parking facilities; mechanical systems for  
14 heating, ventilation, and air conditioning; loading docks; and  
15 repair or replacement of carpeting, tile, wall coverings,  
16 window coverings or treatments, or furniture. Solely for the  
17 purpose of this definition, "non-clinical service area" does  
18 not include health and fitness centers.

19 "Areawide" means a major area of the State delineated on a  
20 geographic, demographic, and functional basis for health  
21 planning and for health service and having within it one or  
22 more local areas for health planning and health service. The  
23 term "region", as contrasted with the term "subregion", and the  
24 word "area" may be used synonymously with the term "areawide".

25 "Local" means a subarea of a delineated major area that on  
26 a geographic, demographic, and functional basis may be

1 considered to be part of such major area. The term "subregion"  
2 may be used synonymously with the term "local".

3 "Areawide health planning organization" or "Comprehensive  
4 health planning organization" means the health systems agency  
5 designated by the Secretary, Department of Health and Human  
6 Services or any successor agency.

7 "Local health planning organization" means those local  
8 health planning organizations that are designated as such by  
9 the areawide health planning organization of the appropriate  
10 area.

11 "Physician" means a person licensed to practice in  
12 accordance with the Medical Practice Act of 1987, as amended.

13 "Licensed health care professional" means a person  
14 licensed to practice a health profession under pertinent  
15 licensing statutes of the State of Illinois.

16 "Director" means the Director of the Illinois Department of  
17 Public Health.

18 "Agency" means the Illinois Department of Public Health.

19 "Comprehensive health planning" means health planning  
20 concerned with the total population and all health and  
21 associated problems that affect the well-being of people and  
22 that encompasses health services, health manpower, and health  
23 facilities; and the coordination among these and with those  
24 social, economic, and environmental factors that affect  
25 health.

26 "Alternative health care model" means a facility or program

1 authorized under the Alternative Health Care Delivery Act.

2 "Out-of-state facility" means a person that is both (i)  
3 licensed as a hospital or as an ambulatory surgery center under  
4 the laws of another state or that qualifies as a hospital or an  
5 ambulatory surgery center under regulations adopted pursuant  
6 to the Social Security Act and (ii) not licensed under the  
7 Ambulatory Surgical Treatment Center Act, the Hospital  
8 Licensing Act, or the Nursing Home Care Act. Affiliates of  
9 out-of-state facilities shall be considered out-of-state  
10 facilities. Affiliates of Illinois licensed health care  
11 facilities 100% owned by an Illinois licensed health care  
12 facility, its parent, or Illinois physicians licensed to  
13 practice medicine in all its branches shall not be considered  
14 out-of-state facilities. Nothing in this definition shall be  
15 construed to include an office or any part of an office of a  
16 physician licensed to practice medicine in all its branches in  
17 Illinois that is not required to be licensed under the  
18 Ambulatory Surgical Treatment Center Act.

19 "Change of ownership of a health care facility" means a  
20 change in the person who has ownership or control of a health  
21 care facility's physical plant and capital assets. A change in  
22 ownership is indicated by the following transactions: sale,  
23 transfer, acquisition, lease, change of sponsorship, or other  
24 means of transferring control.

25 "Related person" means any person that: (i) is at least 50%  
26 owned, directly or indirectly, by either the health care

1 facility or a person owning, directly or indirectly, at least  
2 50% of the health care facility; or (ii) owns, directly or  
3 indirectly, at least 50% of the health care facility.

4 "Charity care" means care provided by a health care  
5 facility for which the provider does not expect to receive  
6 payment from the patient or a third-party payer.

7 (Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04;  
8 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; 94-342, eff.  
9 7-26-05; revised 8-21-06.)

10 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

11 (Section scheduled to be repealed on April 1, 2007)

12 Sec. 4. Health Facilities Planning Board; membership;  
13 appointment; term; compensation; quorum. There is created the  
14 Health Facilities Planning Board, which shall perform the  
15 functions described in this Act.

16 The State Board shall consist of 5 voting members. Each  
17 member shall have a reasonable knowledge of health planning,  
18 health finance, or health care at the time of his or her  
19 appointment. No person shall be appointed or continue to serve  
20 as a member of the State Board who is, or whose spouse, parent,  
21 or child is, a member of the Board of Directors of, has a  
22 financial interest in, or has a business relationship with a  
23 health care facility.

24 Notwithstanding any provision of this Section to the  
25 contrary, the term of office of each member of the State Board

1 is abolished on the effective date of this amendatory Act of  
2 the 93rd General Assembly and those members no longer hold  
3 office.

4 The State Board shall be appointed by the Governor, with  
5 the advice and consent of the Senate. Not more than 3 of the  
6 appointments shall be of the same political party at the time  
7 of the appointment. No person shall be appointed as a State  
8 Board member if that person has served, after the effective  
9 date of Public Act 93-41, 2 3-year terms as a State Board  
10 member, except for ex officio non-voting members.

11 The Secretary of Human Services, the Director of Healthcare  
12 and Family Services ~~Public Aid~~, and the Director of Public  
13 Health, or their designated representatives, shall serve as  
14 ex-officio, non-voting members of the State Board.

15 Of those members initially appointed by the Governor under  
16 this amendatory Act of the 93rd General Assembly, 2 shall serve  
17 for terms expiring July 1, 2005, 2 shall serve for terms  
18 expiring July 1, 2006, and 1 shall serve for a term expiring  
19 July 1, 2007. Thereafter, each appointed member shall hold  
20 office for a term of 3 years, provided that any member  
21 appointed to fill a vacancy occurring prior to the expiration  
22 of the term for which his or her predecessor was appointed  
23 shall be appointed for the remainder of such term and the term  
24 of office of each successor shall commence on July 1 of the  
25 year in which his predecessor's term expires. Each member  
26 appointed after the effective date of this amendatory Act of

1 the 93rd General Assembly shall hold office until his or her  
2 successor is appointed and qualified.

3 State Board members, while serving on business of the State  
4 Board, shall receive actual and necessary travel and  
5 subsistence expenses while so serving away from their places of  
6 residence. A member of the State Board who experiences a  
7 significant financial hardship due to the loss of income on  
8 days of attendance at meetings or while otherwise engaged in  
9 the business of the State Board may be paid a hardship  
10 allowance, as determined by and subject to the approval of the  
11 Governor's Travel Control Board.

12 The Governor shall designate one of the members to serve as  
13 Chairman and shall name as full-time Executive Secretary of the  
14 State Board, a person qualified in health care facility  
15 planning and in administration. The Agency shall provide  
16 administrative and staff support for the State Board. The State  
17 Board shall advise the Director of its budgetary and staff  
18 needs and consult with the Director on annual budget  
19 preparation.

20 The State Board shall meet at least once each quarter, or  
21 as often as the Chairman of the State Board deems necessary, or  
22 upon the request of a majority of the members.

23 Three members of the State Board shall constitute a  
24 quorum. The affirmative vote of 3 of the members of the State  
25 Board shall be necessary for any action requiring a vote to be  
26 taken by the State Board. A vacancy in the membership of the

1 State Board shall not impair the right of a quorum to exercise  
2 all the rights and perform all the duties of the State Board as  
3 provided by this Act.

4 A State Board member shall disqualify himself or herself  
5 from the consideration of any application for a permit or  
6 exemption in which the State Board member or the State Board  
7 member's spouse, parent, or child: (i) has an economic interest  
8 in the matter; or (ii) is employed by, serves as a consultant  
9 for, or is a member of the governing board of the applicant or  
10 a party opposing the application.

11 (Source: P.A. 93-41, eff. 6-27-03; 93-889, eff. 8-9-04; revised  
12 8-21-06.)

13 (20 ILCS 3960/4.1)

14 (Section scheduled to be repealed on April 1, 2007)

15 Sec. 4.1. Ethics laws.

16 (a) All State Board meetings are subject to the Open  
17 Meetings Act.

18 (b) The State Board is subject to the State Officials and  
19 Employees Ethics Act ~~State Gift Ban Act~~.

20 (Source: P.A. 91-782, eff. 6-9-00; revised 8-21-06.)

21 Section 280. The Illinois Economic Development Board Act is  
22 amended by changing Section 3 as follows:

23 (20 ILCS 3965/3) (from Ch. 127, par. 3953)

1           Sec. 3. The board shall be composed of citizens from both  
2 the private and public sectors who are actively engaged in  
3 organizations and businesses that support economic expansion,  
4 industry enhancement and job creation. The board shall be  
5 composed of the following persons:

6           (a) the Governor or his or her designee;

7           (b) four members of the General Assembly, one each  
8 appointed by the President of the Senate, the Speaker of  
9 the House of Representatives, and the minority leaders of  
10 the Senate and House of Representatives;

11           (c) 20 members appointed by the Governor including  
12 representatives of small business, minority owned  
13 companies, women owned companies, manufacturing, economic  
14 development professionals, and citizens at large.

15           (d) (blank);

16           (e) (blank);

17           (f) (blank);

18           (g) (blank);

19           (h) (blank);

20           (i) (blank);

21           (j) (blank);

22           (k) (blank);

23           (l) (blank);

24           (m) (blank).

25           The Director of Commerce and Economic Opportunity shall  
26 serve as an ex officio member of the board.



1           The Governor shall appoint the members of the board  
2 specified in subsection ~~subsections~~ (c) ~~through (m)~~ of this  
3 Section, subject to the advice and consent of the Senate,  
4 within 30 days after the effective date of this Act. The first  
5 meeting of the board shall occur within 60 days after the  
6 effective date of this Act.

7           The Governor shall appoint a chairperson and a vice  
8 chairperson of the board. Members shall serve 2-year terms. The  
9 position of a legislative member shall become vacant if the  
10 member ceases to be a member of the General Assembly. A vacancy  
11 in a board position shall be filled by the original appointing  
12 authority.

13           The board shall include representation from each of the  
14 State's geographic areas.

15           The board shall meet quarterly or at the call of the chair  
16 and shall create subcommittees as needed to deal with specific  
17 issues and concerns. Members shall serve without compensation  
18 but may be reimbursed for expenses.

19           (Source: P.A. 94-793, eff. 5-19-06; revised 8-3-06.)

20           Section 285. The Interagency Coordinating Committee on  
21 Transportation Act is amended by changing Section 15 as  
22 follows:

23           (20 ILCS 3968/15)

24           Sec. 15. Committee. The Illinois Coordinating Committee on

1 Transportation is created and shall consist of the following  
2 members:

3 (1) The Governor or his or her designee.

4 (2) The Secretary of Transportation or his or her  
5 designee.

6 (3) The Secretary of Human Services or his or her  
7 designee.

8 (4) The Director of Aging or his or her designee.

9 (5) The Director of Healthcare and Family Services  
10 ~~Public Aid~~ or his or her designee.

11 (6) The Director of Commerce and Economic Opportunity  
12 or his or her designee.

13 (7) A representative of the Illinois Rural Transit  
14 Assistance Center.

15 (8) A person who is a member of a recognized statewide  
16 organization representing older residents of Illinois.

17 (9) A representative of centers for independent  
18 living.

19 (10) A representative of the Illinois Public  
20 Transportation Association.

21 (11) A representative of an existing transportation  
22 system that coordinates and provides transit services in a  
23 multi-county area for the Department of Transportation,  
24 Department of Human Services, Department of Commerce and  
25 Economic Opportunity, or Department on Aging.

26 (12) A representative of a statewide organization of

1 rehabilitation facilities or other providers of services  
2 for persons with one or more disabilities.

3 (13) A representative of a community-based  
4 organization.

5 (14) A representative of the Department of Public  
6 Health.

7 (15) A representative of the Rural Partners.

8 (16) The Director of Employment Security or his or her  
9 designee.

10 (17) A representative of a statewide business  
11 association.

12 (18) A representative of the Illinois Council on  
13 Developmental Disabilities.

14 The Governor shall appoint the members of the Committee  
15 other than those named in paragraphs (1) through (6) and  
16 paragraph (16) of this Section. The Governor or his or her  
17 designee shall serve as chairperson of the Committee and shall  
18 convene the meetings of the Committee. The Secretary of  
19 Transportation and a representative of a community-based  
20 organization involved in transportation or their designees,  
21 shall serve as co-vice-chairpersons and shall be responsible  
22 for staff support for the committee.

23 (Source: P.A. 93-185, eff. 7-11-03; 94-793, eff. 5-19-06;  
24 revised 8-21-06.)

25 Section 290. The Interagency Coordinating Council Act is

1 amended by changing Section 2 as follows:

2 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

3 Sec. 2. Interagency Coordinating Council. There is hereby  
4 created an Interagency Coordinating Council which shall be  
5 composed of the Directors, or their designees, of the Illinois  
6 Department of Children and Family Services, Illinois  
7 Department of Commerce and Economic Opportunity, Illinois  
8 Department of Corrections, Illinois Department of Employment  
9 Security, and Illinois Department of Healthcare and Family  
10 Services ~~Public Aid~~; the Secretary of Human Services or his or  
11 her designee; the Executive Director, or a designee, of the  
12 Illinois Community College Board, the Board of Higher  
13 Education, and the Illinois Planning Council on Developmental  
14 Disabilities; the State Superintendent of Education, or a  
15 designee; and a designee representing the University of  
16 Illinois - Division of Specialized Care for Children. The  
17 Secretary of Human Services (or the member who is the designee  
18 for the Secretary of Human Services) and the State  
19 Superintendent of Education (or the member who is the designee  
20 for the State Superintendent of Education) shall be co-chairs  
21 of the Council. The co-chairs shall be responsible for ensuring  
22 that the functions described in Section 3 of this Act are  
23 carried out.

24 (Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

1           Section 295. The Illinois Council on Developmental  
2           Disabilities Law is amended by changing Section 2004.5 as  
3           follows:

4           (20 ILCS 4010/2004.5)

5           Sec. 2004.5. Council membership. The General Assembly  
6           intends that the reduction in the membership of the Council  
7           shall occur through attrition between the effective date of  
8           this amendatory Act of the 91st General Assembly and January 1,  
9           2001. In the event that the terms of 10 voting members have not  
10          expired by January 1, 2001, members of the Council serving on  
11          that date shall continue to serve until their terms expire.

12          (a) The membership of the Council must reasonably represent  
13          the diversity of this State. Not less than 60% of the Council's  
14          membership must be individuals with developmental  
15          disabilities, parents or guardians of children with  
16          developmental disabilities, or immediate relatives or  
17          guardians of adults with developmental disabilities who cannot  
18          advocate for themselves.

19          The Council must also include representatives of State  
20          agencies that administer moneys under federal laws that relate  
21          to individuals with developmental disabilities; the State  
22          University Center for Excellence in Developmental Disabilities  
23          Education, Research, and Service; the State protection and  
24          advocacy system; and representatives of local and  
25          non-governmental agencies and private non-profit groups

1 concerned with services for individuals with developmental  
2 disabilities. The members described in this paragraph must have  
3 sufficient authority to engage in policy-making, planning, and  
4 implementation on behalf of the department, agency, or program  
5 that they represent. Those members may not take part in any  
6 discussion of grants or contracts for which their departments,  
7 agencies, or programs are grantees, contractors, or applicants  
8 and must comply with any other relevant conflict of interest  
9 provisions in the Council's policies or bylaws.

10 (b) Seventeen voting members, appointed by the Governor,  
11 must be persons with developmental disabilities, parents or  
12 guardians of persons with developmental disabilities, or  
13 immediate relatives or guardians of persons with  
14 mentally-impairing developmental disabilities. None of these  
15 members may be employees of a State agency that receives funds  
16 or provides services under the federal Developmental  
17 Disabilities Assistance and Bill of Rights Act of 1996 (42  
18 U.S.C. 6000 et seq.), as now or hereafter amended, managing  
19 employees of any other entity that receives moneys or provides  
20 services under the federal Developmental Disabilities  
21 Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et  
22 seq.), as now or hereafter amended, or persons with an  
23 ownership interest in or a controlling interest in such an  
24 entity. Of the members appointed under this subsection (b):

25 (1) at least 6 must be persons with developmental  
26 disabilities;

1           (2) at least 6 must be parents, immediate relatives, or  
2           guardians of children and adults with developmental  
3           disabilities, including individuals with  
4           mentally-impairing developmental disabilities who cannot  
5           advocate for themselves; and

6           (3) 5 members must be a combination of persons  
7           described in paragraphs (1) and (2); at least one of whom  
8           must be (i) an immediate relative or guardian of an  
9           individual with a developmental disability who resides or  
10          who previously resided in an institution or (ii) an  
11          individual with a developmental disability who resides or  
12          who previously resided in an institution.

13          (c) Two voting members, appointed by the Governor, must be  
14          representatives of local and non-governmental agencies and  
15          private non-profit groups concerned with services for  
16          individuals with developmental disabilities.

17          (d) Nine voting members shall be the Director of Healthcare  
18          and Family Services ~~Public Aid~~, or his or her designee; the  
19          Director of Aging, or his or her designee; the Director of  
20          Children and Family Services, or his or her designee; a  
21          representative of the State Board of Education; a  
22          representative of the State protection and advocacy system; a  
23          representative of the State University Center for Excellence in  
24          Developmental Disabilities Education, Research, and Service;  
25          representatives of the Office of Developmental Disabilities  
26          and the Office of Community Health and Prevention of the

1 Department of Human Services (as the State's lead agency for  
2 Title V of the Social Security Act, 42 U.S.C. 701 et seq.)  
3 designated by the Secretary of Human Services; and a  
4 representative of the State entity that administers federal  
5 moneys under the federal Rehabilitation Act.

6 (e) The Director of the Governor's Office of Management and  
7 Budget, or his or her designee, shall be a non-voting member of  
8 the Council.

9 (f) The Governor must provide for the timely rotation of  
10 members.

11 Appointments to the Council shall be for terms of 3 years.  
12 Appointments to fill vacancies occurring before the expiration  
13 of a term shall be for the remainder of the term. Members shall  
14 serve until their successors are appointed.

15 The Council, at the discretion of the Governor, may  
16 coordinate and provide recommendations for new members to the  
17 Governor based upon their review of the Council's composition  
18 and on input received from other organizations and individuals  
19 representing persons with developmental disabilities,  
20 including the non-State agency members of the Council. The  
21 Council must, at least once each year, advise the Governor on  
22 the Council's membership requirements and vacancies, including  
23 rotation requirements.

24 No member may serve for more than 2 successive terms.

25 (g) Members may not receive compensation for their  
26 services, but shall be reimbursed for their reasonable expenses



1 plus up to \$50 per day for any loss of wages incurred in the  
2 performance of their duties.

3 (h) The total membership of the Council consists of the  
4 number of voting members, as defined in this Section, excluding  
5 any vacant positions. A quorum is a simple majority of the  
6 total membership and is sufficient to constitute the  
7 transaction of the business of the Council unless otherwise  
8 stipulated in the bylaws of the Council.

9 (i) The Council must meet at least quarterly.

10 (Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

11 Section 300. The Social Security Number Protection Task  
12 Force Act is amended by changing Section 10 as follows:

13 (20 ILCS 4040/10)

14 Sec. 10. Social Security Number Protection Task Force.

15 (a) The Social Security Number Protection Task Force is  
16 created. The Task Force shall consist of the following members:

17 (1) One member representing the House of  
18 Representatives, appointed by the Speaker of the House of  
19 Representatives;

20 (2) One member representing the House of  
21 Representatives, appointed by the Minority Leader of the  
22 House of Representatives;

23 (3) One member representing the Senate, appointed by  
24 the President of the Senate;

1 (4) One member representing the Senate, appointed by  
2 the Minority Leader of the Senate;

3 (5) One member representing the Office of the Attorney  
4 General, appointed by the Attorney General;

5 (6) One member representing the Office of the Secretary  
6 of State, appointed by the Secretary of State;

7 (7) One member representing the Office of the Governor,  
8 appointed by the Governor;

9 (8) One member representing the Department of Natural  
10 Resources, appointed by the Director of Natural Resources;

11 (9) One member representing the Department of  
12 Healthcare and Family Services ~~Public Aid~~, appointed by the  
13 Director of Healthcare and Family Services ~~Public Aid~~;

14 (10) One member representing the Department of  
15 Revenue, appointed by the Director of Revenue;

16 (11) One member representing the Department of State  
17 Police, appointed by the Director of State Police;

18 (12) One member representing the Department of  
19 Employment Security, appointed by the Director of  
20 Employment Security;

21 (13) One member representing the Illinois Courts,  
22 appointed by the Director of the Administrative Office of  
23 Illinois Courts; and

24 (14) One member representing the Department on Aging,  
25 appointed by the Director of the Department on Aging.

26 (b) The Task Force shall examine the procedures used by the

1 State to protect an individual against the unauthorized  
2 disclosure of his or her social security number when the State  
3 requires the individual to provide his or her social security  
4 number to an officer or agency of the State.

5 (c) The Task Force shall report its findings and  
6 recommendations to the Governor, the Attorney General, the  
7 Secretary of State, and the General Assembly no later than  
8 March 1, 2006.

9 (Source: P.A. 93-813, eff. 7-27-04; 94-611, eff. 8-18-05;  
10 revised 12-15-05.)

11 Section 305. The Health Care Justice Act is amended by  
12 changing Section 20 as follows:

13 (20 ILCS 4045/20)

14 Sec. 20. Adequate Health Care Task Force. There is created  
15 an Adequate Health Care Task Force. The Task Force shall  
16 consist of 29 voting members appointed as follows: 5 shall be  
17 appointed by the Governor; 6 shall be appointed by the  
18 President of the Senate, 6 shall be appointed by the Minority  
19 Leader of the Senate, 6 shall be appointed by the Speaker of  
20 the House of Representatives, and 6 shall be appointed by the  
21 Minority Leader of the House of Representatives. The Task Force  
22 shall have a chairman and a vice-chairman who shall be elected  
23 by the voting members at the first meeting of the Task Force.  
24 The Director of Public Health or his or her designee, the

1 Director of Aging or his or her designee, the Director of  
2 Healthcare and Family Services ~~Public Aid~~ or his or her  
3 designee, the Director of Insurance or his or her designee, and  
4 the Secretary of Human Services or his or her designee shall  
5 represent their respective departments and shall be invited to  
6 attend Task Force meetings, but shall not be members of the  
7 Task Force. The members of the Task Force shall be appointed  
8 within 30 days after the effective date of this Act. The  
9 departments of State government represented on the Task Force  
10 shall work cooperatively to provide administrative support for  
11 the Task Force; the Department of Public Health shall be the  
12 primary agency in providing that administrative support.

13 (Source: P.A. 93-973, eff. 8-20-04; revised 12-15-05.)

14 Section 310. The Illinois State Auditing Act is amended by  
15 changing Section 3-1 as follows:

16 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

17 Sec. 3-1. Jurisdiction of Auditor General. The Auditor  
18 General has jurisdiction over all State agencies to make post  
19 audits and investigations authorized by or under this Act or  
20 the Constitution.

21 The Auditor General has jurisdiction over local government  
22 agencies and private agencies only:

23 (a) to make such post audits authorized by or under  
24 this Act as are necessary and incidental to a post audit of

1 a State agency or of a program administered by a State  
2 agency involving public funds of the State, but this  
3 jurisdiction does not include any authority to review local  
4 governmental agencies in the obligation, receipt,  
5 expenditure or use of public funds of the State that are  
6 granted without limitation or condition imposed by law,  
7 other than the general limitation that such funds be used  
8 for public purposes;

9 (b) to make investigations authorized by or under this  
10 Act or the Constitution; and

11 (c) to make audits of the records of local government  
12 agencies to verify actual costs of state-mandated programs  
13 when directed to do so by the Legislative Audit Commission  
14 at the request of the State Board of Appeals under the  
15 State Mandates Act.

16 In addition to the foregoing, the Auditor General may  
17 conduct an audit of the Metropolitan Pier and Exposition  
18 Authority, the Regional Transportation Authority, the Suburban  
19 Bus Division, the Commuter Rail Division and the Chicago  
20 Transit Authority and any other subsidized carrier when  
21 authorized by the Legislative Audit Commission. Such audit may  
22 be a financial, management or program audit, or any combination  
23 thereof.

24 The audit shall determine whether they are operating in  
25 accordance with all applicable laws and regulations. Subject to  
26 the limitations of this Act, the Legislative Audit Commission

1 may by resolution specify additional determinations to be  
2 included in the scope of the audit.

3 In addition to the foregoing, the Auditor General must also  
4 conduct a financial audit of the Illinois Sports Facilities  
5 Authority's expenditures of public funds in connection with the  
6 reconstruction, renovation, remodeling, extension, or  
7 improvement of all or substantially all of any existing  
8 "facility", as that term is defined in the Illinois Sports  
9 Facilities Authority Act.

10 The Auditor General may also conduct an audit, when  
11 authorized by the Legislative Audit Commission, of any hospital  
12 which receives 10% or more of its gross revenues from payments  
13 from the State of Illinois, Department of Healthcare and Family  
14 Services (formerly Department of Public Aid), Medical  
15 Assistance Program.

16 The Auditor General is authorized to conduct financial and  
17 compliance audits of the Illinois Distance Learning Foundation  
18 and the Illinois Conservation Foundation.

19 As soon as practical after the effective date of this  
20 amendatory Act of 1995, the Auditor General shall conduct a  
21 compliance and management audit of the City of Chicago and any  
22 other entity with regard to the operation of Chicago O'Hare  
23 International Airport, Chicago Midway Airport and Merrill C.  
24 Meigs Field. The audit shall include, but not be limited to, an  
25 examination of revenues, expenses, and transfers of funds;  
26 purchasing and contracting policies and practices; staffing

1 levels; and hiring practices and procedures. When completed,  
2 the audit required by this paragraph shall be distributed in  
3 accordance with Section 3-14.

4 The Auditor General shall conduct a financial and  
5 compliance and program audit of distributions from the  
6 Municipal Economic Development Fund during the immediately  
7 preceding calendar year pursuant to Section 8-403.1 of the  
8 Public Utilities Act at no cost to the city, village, or  
9 incorporated town that received the distributions.

10 The Auditor General must conduct an audit of the Health  
11 Facilities Planning Board pursuant to Section 19.5 of the  
12 Illinois Health Facilities Planning Act.

13 The Auditor General of the State of Illinois shall annually  
14 conduct or cause to be conducted a financial and compliance  
15 audit of the books and records of any county water commission  
16 organized pursuant to the Water Commission Act of 1985 and  
17 shall file a copy of the report of that audit with the Governor  
18 and the Legislative Audit Commission. The filed audit shall be  
19 open to the public for inspection. The cost of the audit shall  
20 be charged to the county water commission in accordance with  
21 Section 6z-27 of the State Finance Act. The county water  
22 commission shall make available to the Auditor General its  
23 books and records and any other documentation, whether in the  
24 possession of its trustees or other parties, necessary to  
25 conduct the audit required. These audit requirements apply only  
26 through July 1, 2007.

1           The Auditor General must conduct audits of the Rend Lake  
2 Conservancy District as provided in Section 25.5 of the River  
3 Conservancy Districts Act.

4           The Auditor General must conduct financial audits of the  
5 Southeastern Illinois Economic Development Authority as  
6 provided in Section 70 of the Southeastern Illinois Economic  
7 Development Authority Act.

8           (Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03;  
9 93-275, eff. 7-22-03; 93-968, eff. 8-20-04; revised 12-15-05.)

10           Section 315. The State Finance Act is amended by setting  
11 forth, renumbering, and changing multiple versions of Sections  
12 5.545, 5.552, 5.567, 5.570, 5.571, 5.595, 5.596, 5.620, 5.625,  
13 5.640, 5.663, and 8h and by changing Sections 6b, 6z-24, 6z-30,  
14 6z-43, 6z-52, 6z-53, 6z-56, 6z-58, 8.42, 8.44, 8g, and 25 as  
15 follows:

16           (30 ILCS 105/5.545)

17           Sec. 5.545. The Digital Divide Elimination Fund.

18           (Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

19           (30 ILCS 105/5.552)

20           Sec. 5.552. The ICCB Adult Education Fund.

21           (Source: P.A. 92-49, eff. 7-9-01; 92-651, eff. 7-11-02.)

22           (30 ILCS 105/5.567)



1           Sec. 5.567. The Secretary of State Police Services Fund.

2           (Source: P.A. 92-501, eff. 12-19-01; 92-651, eff. 7-11-02.)

3           (30 ILCS 105/5.570)

4           Sec. 5.570. The Illinois Student Assistance Commission  
5           Contracts and Grants Fund.

6           (Source: P.A. 92-597, eff. 6-28-02.)

7           (30 ILCS 105/5.571)

8           Sec. 5.571. The Career and Technical Education Fund.

9           (Source: P.A. 92-597, eff. 6-28-02.)

10          (30 ILCS 105/5.572)

11          Sec. 5.572 ~~5.570~~. The Presidential Library and Museum  
12          Operating Fund.

13          (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

14          (30 ILCS 105/5.573)

15          Sec. 5.573 ~~5.571~~. The Family Care Fund.

16          (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

17          (30 ILCS 105/5.574)

18          Sec. 5.574 ~~5.570~~. The Transportation Safety Highway  
19          Hire-back Fund.

20          (Source: P.A. 92-619, eff. 1-1-03; revised 8-27-02.)

1 (30 ILCS 105/5.575)

2 Sec. 5.575 ~~5.570~~. The McKinley Bridge Fund.

3 (Source: P.A. 92-679, eff. 7-16-02; revised 8-27-02.)

4 (30 ILCS 105/5.576)

5 Sec. 5.576 ~~5.570~~. (Repealed).

6 (Source: P.A. 92-691, eff. 7-18-02. Repealed by P.A. 94-91,  
7 eff. 7-1-05; revised 8-15-05.)

8 (30 ILCS 105/5.577)

9 Sec. 5.577 ~~5.545~~. The Hospice Fund.

10 (Source: P.A. 92-693, eff. 1-1-03; revised 8-27-02.)

11 (30 ILCS 105/5.578)

12 Sec. 5.578 ~~5.552~~. Lewis and Clark Bicentennial Fund.

13 (Source: P.A. 92-694, eff. 1-1-03; revised 8-27-02.)

14 (30 ILCS 105/5.579)

15 Sec. 5.579 ~~5.570~~. The Public Broadcasting Fund.

16 (Source: P.A. 92-695, eff. 1-1-03; revised 8-27-02.)

17 (30 ILCS 105/5.580)

18 Sec. 5.580 ~~5.570~~. The Park District Youth Program Fund.

19 (Source: P.A. 92-697, eff. 7-19-02; revised 8-27-02.)

20 (30 ILCS 105/5.581)

1           Sec. 5.581 ~~5.570~~. The Professional Sports Teams Education  
2 Fund.

3 (Source: P.A. 92-699, eff. 1-1-03; revised 8-27-02.)

4           (30 ILCS 105/5.582)

5           Sec. 5.582 ~~5.570~~. The Illinois Pan Hellenic Trust Fund.

6 (Source: P.A. 92-702, eff. 1-1-03; revised 8-27-02.)

7           (30 ILCS 105/5.583)

8           Sec. 5.583 ~~5.567~~. The September 11th Fund.

9 (Source: P.A. 92-704, eff. 7-19-02; revised 8-27-02.)

10          (30 ILCS 105/5.584)

11          Sec. 5.584 ~~5.570~~. The Illinois Route 66 Heritage Project  
12 Fund.

13 (Source: P.A. 92-706, eff. 1-1-03; revised 8-27-02.)

14          (30 ILCS 105/5.585)

15          Sec. 5.585 ~~5.570~~. The Stop Neuroblastoma Fund.

16 (Source: P.A. 92-711, eff. 7-19-02; revised 8-27-02.)

17          (30 ILCS 105/5.586)

18          Sec. 5.586 ~~5.570~~. The Lawyers' Assistance Program Fund.

19 (Source: P.A. 92-747, eff. 7-31-02; revised 8-27-02.)

20          (30 ILCS 105/5.587)

1           Sec. 5.587 ~~5.570~~. The Local Planning Fund.

2           (Source: P.A. 92-768, eff. 8-6-02; revised 8-27-02.)

3           (30 ILCS 105/5.588)

4           Sec. 5.588 ~~5.570~~. The Multiple Sclerosis Assistance Fund.

5           (Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)

6           (30 ILCS 105/5.589)

7           Sec. 5.589 ~~5.570~~. The Innovations in Long-term Care Quality  
8 Demonstration Grants Fund.

9           (Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)

10          (30 ILCS 105/5.590)

11          Sec. 5.590 ~~5.570~~. The End Stage Renal Disease Facility  
12 Licensing Fund.

13          (Source: P.A. 92-794, eff. 7-1-03; revised 9-27-03.)

14          (30 ILCS 105/5.591)

15          Sec. 5.591 ~~5.570~~. The Restricted Call Registry Fund.

16          (Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)

17          (30 ILCS 105/5.592)

18          Sec. 5.592 ~~5.570~~. The Illinois Military Family Relief Fund.

19          (Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)

20          (30 ILCS 105/5.593)

1           Sec. 5.593 ~~5.595~~. The Illinois Medical District at  
2 Springfield Income Fund.

3 (Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)

4           (30 ILCS 105/5.594)

5           Sec. 5.594 ~~5.595~~. The Pension Contribution Fund.

6 (Source: P.A. 93-2, eff. 4-7-03; revised 4-14-03.)

7           (30 ILCS 105/5.595)

8           Sec. 5.595. The Illinois Prescription Drug Discount  
9 Program Fund.

10 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,  
11 eff. 7-1-05.)

12           (30 ILCS 105/5.596)

13           Sec. 5.596 ~~5.595~~. The Emergency Public Health Fund.

14 (Source: P.A. 93-32, eff. 6-20-03; revised 10-9-03.)

15           (30 ILCS 105/5.597)

16           Sec. 5.597 ~~5.596~~. The Illinois Clean Water Fund.

17 (Source: P.A. 93-32, eff. 7-1-03; revised 10-9-03.)

18           (30 ILCS 105/5.598)

19           Sec. 5.598 ~~5.595~~. The Fire Truck Revolving Loan Fund.

20 (Source: P.A. 93-35, eff. 6-24-03; revised 10-9-03.)

1 (30 ILCS 105/5.599)

2 Sec. 5.599 ~~5.595~~. The Lou Gehrig's Disease (ALS) Research  
3 Fund.

4 (Source: P.A. 93-36, eff. 6-24-03; revised 10-9-03.)

5 (30 ILCS 105/5.600)

6 Sec. 5.600 ~~5.595~~. The Emergency Public Health Fund.

7 (Source: P.A. 93-52, eff. 6-30-03; revised 10-9-03.)

8 (30 ILCS 105/5.601)

9 Sec. 5.601 ~~5.595~~. The Obesity Study and Prevention Fund.

10 (Source: P.A. 93-60, eff. 7-1-03; revised 10-9-03.)

11 (30 ILCS 105/5.602)

12 Sec. 5.602 ~~5.595~~. The World War II Illinois Veterans  
13 Memorial Fund.

14 (Source: P.A. 93-131, eff. 7-10-03; revised 10-9-03.)

15 (30 ILCS 105/5.603)

16 Sec. 5.603 ~~5.595~~. The Oil Spill Response Fund.

17 (Source: P.A. 93-152, eff. 7-10-03; revised 10-9-03.)

18 (30 ILCS 105/5.604)

19 Sec. 5.604 ~~5.595~~. The Community Senior Services and  
20 Resources Fund.

21 (Source: P.A. 93-246, eff. 7-22-03; revised 10-9-03.)

1 (30 ILCS 105/5.605)

2 Sec. 5.605 ~~5.595~~. The Good Samaritan Energy Trust Fund.

3 (Source: P.A. 93-285, eff. 7-22-03; revised 10-9-03.)

4 (30 ILCS 105/5.606)

5 Sec. 5.606 ~~5.595~~. The Leukemia Treatment and Education  
6 Fund.

7 (Source: P.A. 93-324, eff. 7-23-03; revised 10-9-03.)

8 (30 ILCS 105/5.607)

9 Sec. 5.607 ~~5.595~~. The State Library Fund.

10 (Source: P.A. 93-397, eff. 1-1-04; revised 10-9-03.)

11 (30 ILCS 105/5.608)

12 Sec. 5.608 ~~5.595~~. The Responsible Fatherhood Fund.

13 (Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)

14 (30 ILCS 105/5.609)

15 Sec. 5.609 ~~5.595~~. The Corporate Crime Fund.

16 (Source: P.A. 93-496, eff. 1-1-04; revised 10-9-03.)

17 (30 ILCS 105/5.610)

18 Sec. 5.610 ~~5.595~~. The TOMA Consumer Protection Fund.

19 (Source: P.A. 93-535, eff. 1-1-04; revised 10-9-03.)

1 (30 ILCS 105/5.611)

2 Sec. 5.611 ~~5.595~~. The Debt Collection Fund.

3 (Source: P.A. 93-570, eff. 8-20-03; revised 10-9-03.)

4 (30 ILCS 105/5.612)

5 Sec. 5.612 ~~5.595~~. The Help Illinois Vote Fund.

6 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

7 (30 ILCS 105/5.613)

8 Sec. 5.613 ~~5.595~~. The Secretary of State Police DUI Fund.

9 (Source: P.A. 93-584, eff. 8-22-03; revised 10-9-03.)

10 (30 ILCS 105/5.614)

11 Sec. 5.614 ~~5.595~~. The I-FLY Fund.

12 (Source: P.A. 93-585, eff. 8-22-03; revised 10-9-03.)

13 (30 ILCS 105/5.615)

14 Sec. 5.615 ~~5.596~~. The Efficiency Initiatives Revolving  
15 Fund.

16 (Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

17 (30 ILCS 105/5.616)

18 Sec. 5.616 ~~5.596~~. ICCB Federal Trust Fund.

19 (Source: P.A. 93-153, eff. 7-10-03; revised 10-9-03.)

20 (30 ILCS 105/5.617)



1           Sec. 5.617. ~~5.595.~~ The Illinois Law Enforcement Training  
2 Standards Board Costs and Attorney Fees Fund.

3 (Source: P.A. 93-605, eff. 11-19-03; revised 1-10-04.)

4 (30 ILCS 105/5.618)

5           Sec. 5.618 ~~5.595.~~ The Tax Recovery Fund.

6 (Source: P.A. 93-658, eff. 1-22-04; revised 1-22-04.)

7 (30 ILCS 105/5.619)

8           Sec. 5.619 ~~5.620.~~ The Capitol Restoration Trust Fund.

9 (Source: P.A. 93-632, eff. 2-1-04; revised 2-3-04.)

10 (30 ILCS 105/5.620)

11           Sec. 5.620. The Health Care Services Trust Fund.

12 (Source: P.A. 93-659, eff. 2-3-04.)

13 (30 ILCS 105/5.622)

14           Sec. 5.622 ~~5.625.~~ The Medicaid Provider Relief Fund.

15 (Source: P.A. 93-674, eff. 6-10-04; revised 11-8-04.)

16 (30 ILCS 105/5.623)

17           Sec. 5.623 ~~5.625.~~ The Illinois Veterans' Homes Fund.

18 (Source: P.A. 93-776, eff. 7-21-04; revised 11-8-04.)

19 (30 ILCS 105/5.624)

20           Sec. 5.624 ~~5.625.~~ The Illinois Laboratory Advisory

1 Committee Act Fund.

2 (Source: P.A. 93-784, eff. 1-1-05; revised 11-8-04.)

3 (30 ILCS 105/5.625)

4 Sec. 5.625. The Alzheimer's Disease Center Clinical Fund.

5 (Source: P.A. 93-929, eff. 8-12-04.)

6 (30 ILCS 105/5.628)

7 Sec. 5.628 ~~5.625~~. The Downtown Development and Improvement  
8 Fund.

9 (Source: P.A. 93-790, eff. 1-1-05; revised 11-8-04.)

10 (30 ILCS 105/5.629)

11 Sec. 5.629 ~~5.625~~. The Accessible Electronic Information  
12 Service Fund.

13 (Source: P.A. 93-797, eff. 7-22-04, revised 11-8-04.)

14 (30 ILCS 105/5.630)

15 Sec. 5.630 ~~5.625~~. The Reviewing Court Alternative Dispute  
16 Resolution Fund.

17 (Source: P.A. 93-801, eff. 7-22-04, revised 11-8-04.)

18 (30 ILCS 105/5.631)

19 Sec. 5.631 ~~5.625~~. The Professional Services Fund.

20 (Source: P.A. 93-839, eff. 7-30-04; revised 11-8-04.)

1 (30 ILCS 105/5.632)

2 Sec. 5.632 ~~5.625~~. The Safe Bottled Water Fund.

3 (Source: P.A. 93-866, eff. 1-1-05; revised 11-8-04.)

4 (30 ILCS 105/5.633)

5 Sec. 5.633 ~~5.625~~. The Food Animal Institute Fund.

6 (Source: P.A. 93-883, eff. 8-6-04; revised 11-8-04.)

7 (30 ILCS 105/5.634)

8 Sec. 5.634 ~~5.625~~. The Fire Sprinkler Dormitory Revolving  
9 Loan Fund.

10 (Source: P.A. 93-887, eff. 1-1-05; revised 11-8-04.)

11 (30 ILCS 105/5.635)

12 (Section scheduled to be repealed on August 31, 2007)

13 Sec. 5.635 ~~5.625~~. The Technology Immersion Pilot Project  
14 Fund. This Section is repealed on August 31, 2007.

15 (Source: P.A. 93-901, eff. 8-10-04; 93-904, eff. 8-10-04;  
16 revised 11-8-04.)

17 (30 ILCS 105/5.636)

18 Sec. 5.636 ~~5.625~~. The Physical Fitness Facility Medical  
19 Emergency Preparedness Fund.

20 (Source: P.A. 93-910, eff. 1-1-05; revised 11-8-04.)

21 (30 ILCS 105/5.637)

1           Sec. 5.637 ~~5.625~~. The Arsonist Registration Fund.

2           (Source: P.A. 93-949, eff. 1-1-05; revised 11-8-04.)

3           (30 ILCS 105/5.638)

4           Sec. 5.638 ~~5.625~~. The Mental Health Transportation Fund.

5           (Source: P.A. 93-1034, eff. 9-3-04; revised 11-8-04.)

6           (30 ILCS 105/5.639)

7           Sec. 5.639 ~~5.625~~. The Vince Demuzio Memorial Colon Cancer  
8 Fund.

9           (Source: P.A. 94-142, eff. 1-1-06; revised 8-22-05.)

10          (30 ILCS 105/5.640)

11          Sec. 5.640. The Heartsaver AED Fund.

12          (Source: P.A. 93-1085, eff. 2-14-05.)

13          (30 ILCS 105/5.641)

14          Sec. 5.641 ~~5.640~~. The Fund for Child Care for Deployed  
15 Military Personnel.

16          (Source: P.A. 94-35, eff. 6-15-05; revised 9-26-05.)

17          (30 ILCS 105/5.642)

18          Sec. 5.642 ~~5.640~~. The State Board of Education Special  
19 Purpose Trust Fund.

20          (Source: P.A. 94-69, eff. 7-1-05; revised 9-26-05.)

1 (30 ILCS 105/5.643)

2 Sec. 5.643 ~~5.640~~. The Epilepsy Treatment and Education  
3 Grants-in-Aid Fund.

4 (Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

5 (30 ILCS 105/5.644)

6 Sec. 5.644 ~~5.640~~. The Diabetes Research Checkoff Fund.

7 (Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

8 (30 ILCS 105/5.645)

9 Sec. 5.645 ~~5.640~~. The Rental Housing Support Program Fund.

10 (Source: P.A. 94-118, eff. 7-5-05; revised 9-26-05.)

11 (30 ILCS 105/5.646)

12 Sec. 5.646 ~~5.640~~. The Ticket For The Cure Fund.

13 (Source: P.A. 94-120, eff. 7-6-05; revised 9-26-05.)

14 (30 ILCS 105/5.647)

15 Sec. 5.647 ~~5.640~~. The Sarcoidosis Research Fund.

16 (Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)

17 (30 ILCS 105/5.648)

18 Sec. 5.648 ~~5.640~~. The Illinois AgrAbility Fund.

19 (Source: P.A. 94-216, eff. 7-14-05; revised 9-26-05.)

20 (30 ILCS 105/5.649)

1           Sec. 5.649 ~~5.640~~. The Computer Investment Program Fund.

2           (Source: P.A. 94-262, eff. 1-1-06; revised 9-26-05.)

3           (30 ILCS 105/5.651)

4           Sec. 5.651 ~~5.640~~. The Traffic Control Signal Preemption  
5           Devices for Ambulances Fund.

6           (Source: P.A. 94-373, eff. 1-1-06; revised 9-26-05.)

7           (30 ILCS 105/5.652)

8           Sec. 5.652 ~~5.640~~. The ICCB Instructional Development and  
9           Enhancement Applications Revolving Fund.

10          (Source: P.A. 94-436, eff. 8-2-05; revised 9-26-05.)

11          (30 ILCS 105/5.653)

12          Sec. 5.653 ~~5.640~~. The Autism Research Checkoff Fund.

13          (Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

14          (30 ILCS 105/5.654)

15          (Section scheduled to be repealed on December 31, 2010)

16          Sec. 5.654 ~~5.640~~. The Parental Participation Pilot Project  
17          Fund. This Section is repealed on December 31, 2010.

18          (Source: P.A. 94-507, eff. 8-8-05; revised 9-26-05.)

19          (30 ILCS 105/5.655)

20          Sec. 5.655 ~~5.640~~. The Intercity Passenger Rail Fund.

21          (Source: P.A. 94-535, eff. 8-10-05; revised 9-26-05.)

1 (30 ILCS 105/5.656)

2 Sec. 5.656 ~~5.640~~. The Methamphetamine Law Enforcement  
3 Fund.

4 (Source: P.A. 94-550, eff. 1-1-06; revised 9-26-05.)

5 (30 ILCS 105/5.657)

6 Sec. 5.657 ~~5.640~~. The Illinois Veterans Assistance Fund.

7 (Source: P.A. 94-585, eff. 8-15-05; revised 9-26-05.)

8 (30 ILCS 105/5.658)

9 Sec. 5.658 ~~5.640~~. The Blindness Prevention Fund.

10 (Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

11 (30 ILCS 105/5.659)

12 Sec. 5.659 ~~5.640~~. The Hospital Basic Services Preservation  
13 Fund.

14 (Source: P.A. 94-648, eff. 1-1-06; revised 9-26-05.)

15 (30 ILCS 105/5.660)

16 Sec. 5.660 ~~5.640~~. The Illinois Brain Tumor Research Fund.

17 (Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

18 (30 ILCS 105/5.661)

19 Sec. 5.661 ~~5.640~~. The Sorry Works! Fund.

20 (Source: P.A. 94-677, eff. 8-25-05; revised 9-26-05.)

1 (30 ILCS 105/5.662)

2 Sec. 5.662 ~~5.640~~. The Demutualization Trust Fund.

3 (Source: P.A. 94-686, eff. 11-2-05; revised 11-15-05.)

4 (30 ILCS 105/5.663)

5 Sec. 5.663. The Pension Stabilization Fund.

6 (Source: P.A. 94-839, eff. 6-6-06.)

7 (30 ILCS 105/5.665)

8 (This Section may contain text from a Public Act with a  
9 delayed effective date)

10 Sec. 5.665 ~~5.663~~. The Cigarette Fire Safety Standard Act  
11 Fund.

12 (Source: P.A. 94-775, eff. 1-1-08; revised 8-29-06.)

13 (30 ILCS 105/5.666)

14 (Section scheduled to be repealed on July 1, 2016)

15 Sec. 5.666 ~~5.663~~. The African-American HIV/AIDS Response  
16 Fund. This Section is repealed on July 1, 2016.

17 (Source: P.A. 94-797, eff. 1-1-07; revised 8-29-06.)

18 (30 ILCS 105/5.667)

19 Sec. 5.667 ~~5.663~~. The Ambulance Revolving Loan Fund.

20 (Source: P.A. 94-829, eff. 6-5-06; revised 8-29-06.)



1 (30 ILCS 105/5.668)

2 Sec. 5.668 ~~5.663~~. The Financial Literacy Fund.

3 (Source: P.A. 94-929, eff. 6-26-06; revised 8-29-06.)

4 (30 ILCS 105/5.669)

5 Sec. 5.669 ~~5.663~~. The Child Murderer and Violent Offender  
6 Against Youth Registration Fund.

7 (Source: P.A. 94-945, eff. 6-27-06; revised 8-29-06.)

8 (30 ILCS 105/5.670)

9 Sec. 5.670 ~~5.663~~. Law Enforcement Camera Grant Fund.

10 (Source: P.A. 94-987, eff. 6-30-06; revised 8-29-06.)

11 (30 ILCS 105/5.671)

12 Sec. 5.671 ~~5.663~~. The Prisoner Review Board Vehicle and  
13 Equipment Fund.

14 (Source: P.A. 94-1009, eff. 1-1-07; revised 8-29-06.)

15 (30 ILCS 105/5.672)

16 Sec. 5.672 ~~5.663~~. The Mid-America Medical District Income  
17 Fund.

18 (Source: P.A. 94-1036, eff. 1-1-07; revised 8-29-06.)

19 (30 ILCS 105/5.673)

20 (This Section may contain text from a Public Act with a  
21 delayed effective date)

1           Sec. 5.673 ~~5.663~~. The Tattoo and Body Piercing  
2 Establishment Registration Fund.

3 (Source: P.A. 94-1040, eff. 7-1-07; revised 8-29-06.)

4 (30 ILCS 105/5.674)

5           Sec. 5.674 ~~5.663~~. The Gaining Early Awareness and Readiness  
6 for Undergraduate Programs Fund.

7 (Source: P.A. 94-1043, eff. 7-24-06; revised 8-29-06.)

8 (30 ILCS 105/6b) (from Ch. 127, par. 142b)

9           Sec. 6b. The gross or total proceeds, receipts and income  
10 of all the several State institutions, clinics, rehabilitation  
11 centers and services, except the Illinois Veterans Home at  
12 Quincy, derived from the Veterans' Administration for the care  
13 and treatment of veterans of World War I or World War II or  
14 those who served during the national emergency between June 25,  
15 1950 and January 31, 1955, who are patients or residents in the  
16 State institutions, clinics, rehabilitation centers and  
17 services, shall be covered into the State treasury into the  
18 Mental Health Fund. Of the money in the United States Veterans'  
19 Bureau Fund on the effective date of this amendatory Act of  
20 1977, \$199,800 shall be transferred to the Quincy Veterans'  
21 Home Fund and the balance shall be transferred to the Mental  
22 Health Fund.

23           The gross receipts of the Department of Human Services  
24 relating to mental health and developmental disabilities that

1 are obtained for services, commodities, equipment and  
2 personnel provided to other agencies and branches of State  
3 government, to units of local government, to the government of  
4 other states or to the federal government shall be deposited  
5 with the State Treasurer for deposit into the Mental Health  
6 Fund.

7 The gross receipts of the Department of Human Services  
8 relating to mental health and developmental disabilities that  
9 are obtained in connection with the retention, receipt,  
10 assignment, license, sale or transfer of interests in, rights  
11 to, or income from discoveries, inventions, patents, or  
12 copyrightable works to governmental, public or private  
13 agencies or persons including units, branches, or agencies of  
14 local, State, federal and foreign governments shall be  
15 deposited with the State Treasurer for deposit into the Mental  
16 Health Fund.

17 Remittances from or on behalf of licensed long-term care  
18 facilities through Department of Healthcare and Family  
19 Services (formerly Department of Public Aid) reimbursement and  
20 monies from other funds for Day Training Programs for clients  
21 with a developmental disability shall be deposited with the  
22 State Treasurer and placed in the Mental Health Fund.

23 (Source: P.A. 88-380; 89-507, eff. 7-1-97; revised 12-15-05.)

24 (30 ILCS 105/6z-24) (from Ch. 127, par. 142z-24)

25 Sec. 6z-24. There is created in the State Treasury the

1 Special Education Medicaid Matching Fund. All monies received  
2 from the federal government due to expenditures by local  
3 education agencies for services authorized under Section 1903  
4 of the Social Security Act, as amended, and for the  
5 administrative costs related thereto shall be deposited in the  
6 Special Education Medicaid Matching Fund. All monies received  
7 from the federal government due to expenditures by local  
8 education agencies for services authorized under Section 2105  
9 of the Social Security Act, as amended, shall be deposited in  
10 the Special Education Medicaid Matching Fund.

11 The monies in the Special Education Medicaid Matching Fund  
12 shall be held subject to appropriation by the General Assembly  
13 to the State Board of Education or the ~~Illinois~~ Department of  
14 Healthcare and Family Services ~~Public Aid~~ for distribution to  
15 school districts, pursuant to an interagency agreement between  
16 the Department of Healthcare and Family Services (formerly  
17 Illinois Department of Public Aid) and the State Board of  
18 Education or intergovernmental agreements between the  
19 Department of Healthcare and Family Services (formerly  
20 Illinois Department of Public Aid) and individual local  
21 education agencies for eligible claims under Titles XIX and XXI  
22 of the Social Security Act.

23 (Source: P.A. 91-24, eff. 7-1-99; 91-266, eff. 7-23-99; 92-10,  
24 eff. 6-11-01; revised 12-15-05.)

1           Sec. 6z-30. University of Illinois Hospital Services Fund.

2           (a) The University of Illinois Hospital Services Fund is  
3 created as a special fund in the State Treasury. The following  
4 moneys shall be deposited into the Fund:

5           (1) As soon as possible after the beginning of each  
6 fiscal year (starting in fiscal year 1995), and in no event  
7 later than July 30, the State Comptroller and the State  
8 Treasurer shall automatically transfer \$44,700,000 from  
9 the General Revenue Fund to the University of Illinois  
10 Hospital Services Fund.

11           (2) All intergovernmental transfer payments to the  
12 Department of Healthcare and Family Services (formerly  
13 Illinois Department of Public Aid) by the University of  
14 Illinois made pursuant to an intergovernmental agreement  
15 under subsection (b) or (c) of Section 5A-3 of the Illinois  
16 Public Aid Code.

17           (3) All federal matching funds received by the  
18 Department of Healthcare and Family Services (formerly  
19 Illinois Department of Public Aid) as a result of  
20 expenditures made by the ~~Illinois~~ Department that are  
21 attributable to moneys that were deposited in the Fund.

22           (b) Moneys in the fund may be used by the Department of  
23 Healthcare and Family Services (formerly Illinois Department  
24 of Public Aid), subject to appropriation, to reimburse the  
25 University of Illinois Hospital for hospital and pharmacy  
26 services. The fund may also be used to make monthly transfers

1 to the General Revenue Fund as provided in subsection (c).

2 (c) The State Comptroller and State Treasurer shall  
3 automatically transfer on the last day of each month except  
4 June, beginning August 31, 1994, from the University of  
5 Illinois Hospital Services Fund to the General Revenue Fund, an  
6 amount determined and certified to the State Comptroller by the  
7 Director of Healthcare and Family Services (formerly Director  
8 of Public Aid), equal to the amount by which the balance in the  
9 Fund exceeds the amount necessary to ensure timely payments to  
10 the University of Illinois Hospital.

11 On June 30, 1995 and each June 30 thereafter, the State  
12 Comptroller and State Treasurer shall automatically transfer  
13 the entire balance in the University of Illinois Hospital  
14 Services Fund to the General Revenue Fund.

15 (Source: P.A. 93-20, eff. 6-20-03; revised 12-15-05.)

16 (30 ILCS 105/6z-43)

17 Sec. 6z-43. Tobacco Settlement Recovery Fund.

18 (a) There is created in the State Treasury a special fund  
19 to be known as the Tobacco Settlement Recovery Fund, into which  
20 shall be deposited all monies paid to the State pursuant to (1)  
21 the Master Settlement Agreement entered in the case of People  
22 of the State of Illinois v. Philip Morris, et al. (Circuit  
23 Court of Cook County, No. 96-L13146) and (2) any settlement  
24 with or judgment against any tobacco product manufacturer other  
25 than one participating in the Master Settlement Agreement in

1 satisfaction of any released claim as defined in the Master  
2 Settlement Agreement, as well as any other monies as provided  
3 by law. All earnings on Fund investments shall be deposited  
4 into the Fund. Upon the creation of the Fund, the State  
5 Comptroller shall order the State Treasurer to transfer into  
6 the Fund any monies paid to the State as described in item (1)  
7 or (2) of this Section before the creation of the Fund plus any  
8 interest earned on the investment of those monies. The  
9 Treasurer may invest the moneys in the Fund in the same manner,  
10 in the same types of investments, and subject to the same  
11 limitations provided in the Illinois Pension Code for the  
12 investment of pension funds other than those established under  
13 Article 3 or 4 of the Code.

14 (b) As soon as may be practical after June 30, 2001, upon  
15 notification from and at the direction of the Governor, the  
16 State Comptroller shall direct and the State Treasurer shall  
17 transfer the unencumbered balance in the Tobacco Settlement  
18 Recovery Fund as of June 30, 2001, as determined by the  
19 Governor, into the Budget Stabilization Fund. The Treasurer may  
20 invest the moneys in the Budget Stabilization Fund in the same  
21 manner, in the same types of investments, and subject to the  
22 same limitations provided in the Illinois Pension Code for the  
23 investment of pension funds other than those established under  
24 Article 3 or 4 of the Code.

25 (c) In addition to any other deposits authorized by law,  
26 after any delivery of any bonds as authorized by Section 7.5 of

1 the General Obligation Bond Act for deposits to the General  
2 Revenue Fund and the Budget Stabilization Fund (referred to as  
3 "tobacco securitization general obligation bonds"), the  
4 Governor shall certify, on or before June 30, 2003 and June 30  
5 of each year thereafter, to the State Comptroller and State  
6 Treasurer the total amount of principal of, interest on, and  
7 premium, if any, due on those bonds in the next fiscal year  
8 beginning with amounts due in fiscal year 2004. As soon as  
9 practical after the annual payment of tobacco settlement moneys  
10 to the Tobacco Settlement Recovery Fund as described in item  
11 (1) of subsection (a), the State Treasurer and State  
12 Comptroller shall transfer from the Tobacco Settlement  
13 Recovery Fund to the General Obligation Bond Retirement and  
14 Interest Fund the amount certified by the Governor, plus any  
15 cumulative deficiency in those transfers for prior years.

16 (d) ~~(e)~~ All federal financial participation moneys  
17 received pursuant to expenditures from the Fund shall be  
18 deposited into the Fund.

19 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;  
20 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;  
21 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

22 (30 ILCS 105/6z-52)

23 Sec. 6z-52. Drug Rebate Fund.

24 (a) There is created in the State Treasury a special fund  
25 to be known as the Drug Rebate Fund.



1           (b) The Fund is created for the purpose of receiving and  
2           disbursing moneys in accordance with this Section.  
3           Disbursements from the Fund shall be made, subject to  
4           appropriation, only as follows:

5           (1) For payments to pharmacies for reimbursement for  
6           prescription drugs provided to a recipient of aid under  
7           Article V of the Illinois Public Aid Code or the Children's  
8           Health Insurance Program Act.

9           (2) For reimbursement of moneys collected by the  
10          Department of Healthcare and Family Services (formerly  
11          Illinois Department of Public Aid) through error or  
12          mistake.

13          (3) For payments of any amounts that are reimbursable  
14          to the federal government resulting from a payment into  
15          this Fund.

16          (c) The Fund shall consist of the following:

17          (1) Upon notification from the Director of Healthcare  
18          and Family Services ~~Public Aid~~, the Comptroller shall  
19          direct and the Treasurer shall transfer the net State share  
20          of all moneys received by the Department of Healthcare and  
21          Family Services (formerly Illinois Department of Public  
22          Aid) from drug rebate agreements with pharmaceutical  
23          manufacturers pursuant to Title XIX of the federal Social  
24          Security Act, including any portion of the balance in the  
25          Public Aid Recoveries Trust Fund on July 1, 2001 that is  
26          attributable to such receipts.

1           (2) All federal matching funds received by the Illinois  
2           Department as a result of expenditures made by the  
3           Department that are attributable to moneys deposited in the  
4           Fund.

5           (3) Any premium collected by the Illinois Department  
6           from participants under a waiver approved by the federal  
7           government relating to provision of pharmaceutical  
8           services.

9           (4) All other moneys received for the Fund from any  
10          other source, including interest earned thereon.

11         (Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

12           (30 ILCS 105/6z-53)

13           Sec. 6z-53. Downstate Emergency Response Fund.

14           (a) In this Section:

15           "Downstate county" means any county with a population of  
16           less than 250,000 with a level I trauma center.

17           "Trauma center" has the same meaning as in the Emergency  
18           Medical Services (EMS) Systems Act.

19           (b) The Downstate Emergency Response Fund is created as a  
20           special fund in the State Treasury.

21           (c) The following moneys shall be deposited into the Fund:

22           (1) Moneys appropriated by the General Assembly.

23           (2) Fees or other amounts paid to the Department of  
24           Transportation for the use of an emergency helicopter for  
25           the transportation of an individual to a trauma center

1 located in a downstate county or for any other medical  
2 emergency response. The Department may adopt rules  
3 establishing reasonable fees and other amounts to be paid  
4 for the use of such helicopters and may collect those fees  
5 and other amounts.

6 (3) Gifts, grants, other appropriations, or any other  
7 moneys designated for deposit into the Fund.

8 (d) Subject to appropriation, moneys in the Fund shall be  
9 used for the following purposes:

10 (1) By the Department of Transportation to purchase,  
11 lease, maintain, and operate helicopters, including  
12 payment of any costs associated with personnel or other  
13 expenses necessary for the maintenance or operation of such  
14 helicopters, (A) for emergency response transportation of  
15 individuals to trauma centers located in downstate  
16 counties and (B) to support law enforcement, disaster  
17 response, and other medical emergency response. Moneys  
18 appropriated from the Fund for these purposes shall be in  
19 addition to any other moneys used for these purposes.

20 (2) By the Department of Healthcare and Family Services  
21 ~~Public Aid~~ for medical assistance under Article V of the  
22 Illinois Public Aid Code.

23 (Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

24 (30 ILCS 105/6z-56)

25 Sec. 6z-56. The Health Care Services Trust Fund. The Health

1 Care Services Trust Fund is hereby created as a special fund in  
2 the State treasury.

3 The Fund shall consist of moneys deposited, transferred, or  
4 appropriated into the Fund from units of local government other  
5 than a county with a population greater than 3,000,000, from  
6 the State, from federal matching funds, or from any other legal  
7 source.

8 Subject to appropriation, the moneys in the Fund shall be  
9 used by the Department of Healthcare and Family Services ~~Public~~  
10 ~~Aid~~ to make payments to providers of services covered under the  
11 Medicaid or State Children's Health Insurance programs.  
12 Payments may be made out of the Fund only to providers located  
13 within the geographic jurisdiction of units of local government  
14 that make deposits, transfers, or appropriations into the Fund.

15 The Department of Healthcare and Family Services ~~Public Aid~~  
16 shall adopt rules concerning application for and disbursement  
17 of the moneys in the Fund.

18 (Source: P.A. 93-659, eff. 2-3-04; revised 12-15-05.)

19 (30 ILCS 105/6z-58)

20 Sec. 6z-58. The Family Care Fund.

21 (a) There is created in the State treasury the Family Care  
22 Fund. Interest earned by the Fund shall be credited to the  
23 Fund.

24 (b) The Fund is created for the purposes of receiving,  
25 investing, and distributing moneys in accordance with (i) an

1 approved waiver under the Social Security Act resulting from  
2 the Family Care waiver request submitted by the Illinois  
3 Department of Public Aid on February 15, 2002 and (ii) an  
4 interagency agreement between the Department of Healthcare and  
5 Family Services (formerly Department of Public Aid) and another  
6 agency of State government. The Fund shall consist of:

7 (1) All federal financial participation moneys  
8 received pursuant to the approved waiver, except for moneys  
9 received pursuant to expenditures for medical services by  
10 the Department of Healthcare and Family Services (formerly  
11 Department of Public Aid) from any other fund; and

12 (2) All other moneys received by the Fund from any  
13 source, including interest thereon.

14 (c) Subject to appropriation, the moneys in the Fund shall  
15 be disbursed for reimbursement of medical services and other  
16 costs associated with persons receiving such services:

17 (1) under programs administered by the Department of  
18 Healthcare and Family Services (formerly Department of  
19 Public Aid); and

20 (2) pursuant to an interagency agreement, under  
21 programs administered by another agency of State  
22 government.

23 (Source: P.A. 92-600, eff. 6-28-02; 93-20, eff. 6-20-03;  
24 93-841, eff. 7-30-04; revised 12-15-05.)

1           Sec. 8.42. Interfund transfers. In order to address the  
 2           fiscal emergency resulting from shortfalls in revenue, the  
 3           following transfers are authorized from the designated funds  
 4           into the General Revenue Fund:

5	ROAD FUND .....	\$50,000,000
6	MOTOR FUEL TAX FUND .....	\$1,535,000
7	GRADE CROSSING PROTECTION FUND .....	\$6,500,000
8	ILLINOIS <u>AGRICULTURAL</u> <del>AGRICULTURAL</del> LOAN GUARANTEE	
9	FUND .....	\$2,500,000
10	ILLINOIS FARMER AND AGRIBUSINESS	
11	LOAN GUARANTEE FUND .....	\$1,500,000
12	TRANSPORTATION REGULATORY FUND .....	\$2,000,000
13	PARK AND CONSERVATION FUND .....	\$1,000,000
14	DCFS CHILDREN'S SERVICES FUND .....	\$1,000,000
15	TOBACCO SETTLEMENT RECOVERY FUND .....	\$50,000
16	AGGREGATE OPERATIONS REGULATORY FUND .....	\$10,000
17	APPRAISAL ADMINISTRATION FUND .....	\$10,000
18	AUCTION REGULATION ADMINISTRATION FUND .....	\$50,000
19	BANK AND TRUST COMPANY FUND .....	\$640,000
20	CHILD LABOR AND DAY AND TEMPORARY	
21	LABOR ENFORCEMENT FUND .....	\$15,000
22	CHILD SUPPORT ADMINISTRATIVE FUND .....	\$170,000
23	COAL MINING REGULATORY FUND .....	\$80,000
24	COMMUNITY WATER SUPPLY LABORATORY FUND .....	\$500,000
25	COMPTROLLER'S ADMINISTRATIVE FUND .....	\$50,000
26	CREDIT UNION FUND .....	\$500,000

1	CRIMINAL JUSTICE INFORMATION	
2	SYSTEMS TRUST FUND .....	\$300,000
3	DESIGN PROFESSIONALS ADMINISTRATION	
4	AND INVESTIGATION FUND .....	\$1,000,000
5	DIGITAL DIVIDE ELIMINATION	
6	INFRASTRUCTURE FUND .....	\$4,000,000
7	DRAM SHOP FUND .....	\$560,000
8	DRIVERS EDUCATION FUND .....	\$2,500,000
9	EMERGENCY PLANNING AND TRAINING FUND .....	\$50,000
10	ENERGY EFFICIENCY TRUST FUND .....	\$1,000,000
11	EXPLOSIVES REGULATORY FUND .....	\$4,000
12	FINANCIAL INSTITUTION FUND .....	\$300,000
13	FIREARM OWNER'S NOTIFICATION FUND .....	\$110,000
14	FOOD AND DRUG SAFETY FUND .....	\$500,000
15	GENERAL PROFESSIONS DEDICATED FUND .....	\$1,000,000
16	HAZARDOUS WASTE FUND .....	\$500,000
17	HORSE RACING FUND .....	\$630,000
18	ILLINOIS GAMING LAW ENFORCEMENT FUND .....	\$200,000
19	ILLINOIS HISTORIC SITES FUND .....	\$15,000
20	ILLINOIS SCHOOL ASBESTOS ABATEMENT FUND .....	\$400,000
21	ILLINOIS STANDARD BRED BREEDERS FUND .....	\$35,000
22	ILLINOIS STATE MEDICAL DISCIPLINARY FUND .....	\$1,500,000
23	ILLINOIS STATE PHARMACY DISCIPLINARY FUND .....	\$1,500,000
24	ILLINOIS TAX INCREMENT FUND .....	\$20,000
25	INSURANCE FINANCIAL REGULATION FUND .....	\$920,000
26	LANDFILL CLOSURE AND POST-CLOSURE FUND .....	\$250,000

1	MANDATORY ARBITRATION FUND .....	\$2,000,000
2	MEDICAID FRAUD AND ABUSE PREVENTION FUND .....	\$80,000
3	MENTAL HEALTH FUND .....	\$1,000,000
4	NEW TECHNOLOGY RECOVERY FUND .....	\$1,000,000
5	NUCLEAR SAFETY EMERGENCY PREPAREDNESS FUND .....	\$460,000
6	OPEN SPACE LANDS ACQUISITION	
7	AND DEVELOPMENT FUND .....	\$1,510,000
8	PLUGGING AND RESTORATION FUND .....	\$120,000
9	PLUMBING LICENSURE AND PROGRAM FUND .....	\$400,000
10	PUBLIC HEALTH WATER PERMIT FUND .....	\$90,000
11	PUBLIC UTILITY FUND .....	\$2,000,000
12	RADIATION PROTECTION FUND .....	\$240,000
13	LOW-LEVEL RADIOACTIVE WASTE FACILITY	
14	DEVELOPMENT AND OPERATION FUND .....	\$1,000,000
15	REAL ESTATE AUDIT FUND .....	\$50,000
16	REAL ESTATE LICENSE ADMINISTRATION FUND .....	\$750,000
17	REAL ESTATE RESEARCH AND EDUCATION FUND .....	\$30,000
18	REGISTERED CERTIFIED PUBLIC ACCOUNTANTS'	
19	ADMINISTRATION AND DISCIPLINARY FUND .....	\$1,000,000
20	RENEWABLE ENERGY RESOURCES TRUST FUND .....	\$3,000,000
21	SAVINGS AND RESIDENTIAL FINANCE	
22	REGULATORY FUND .....	\$850,000
23	SECURITIES AUDIT AND ENFORCEMENT FUND .....	\$2,000,000
24	STATE PARKS FUND .....	\$593,000
25	STATE POLICE VEHICLE FUND .....	\$15,000
26	TAX COMPLIANCE AND ADMINISTRATION FUND .....	\$150,000



1	TOURISM PROMOTION FUND .....	\$5,000,000
2	TRAFFIC AND CRIMINAL CONVICTION	
3	SURCHARGE FUND .....	\$250,000
4	UNDERGROUND RESOURCES CONSERVATION	
5	ENFORCEMENT FUND .....	\$100,000
6	UNDERGROUND STORAGE TANK FUND .....	\$12,100,000
7	ILLINOIS CAPITAL REVOLVING LOAN FUND .....	\$5,000,000
8	CONSERVATION 2000 FUND .....	\$15,000
9	DEATH CERTIFICATE SURCHARGE FUND .....	\$1,500,000
10	ENERGY ASSISTANCE CONTRIBUTION FUND .....	\$750,000
11	FAIR AND EXPOSITION FUND .....	\$500,000
12	HOME INSPECTOR ADMINISTRATION FUND .....	\$100,000
13	ILLINOIS AFFORDABLE HOUSING TRUST FUND .....	\$5,000,000
14	LARGE BUSINESS ATTRACTION FUND .....	\$500,000
15	SCHOOL TECHNOLOGY REVOLVING LOAN FUND .....	\$6,000,000
16	SOLID WASTE MANAGEMENT REVOLVING LOAN FUND .....	\$2,000,000
17	WIRELESS CARRIER REIMBURSEMENT FUND .....	\$2,000,000
18	EPA STATE PROJECTS TRUST FUND .....	\$150,000
19	ILLINOIS THOROUGHBRED	
20	BREEDERS FUND .....	\$160,000
21	FIRE PREVENTION FUND .....	\$2,000,000
22	MOTOR VEHICLE THEFT	
23	PREVENTION TRUST FUND .....	\$250,000
24	CAPITAL DEVELOPMENT BOARD	
25	REVOLVING FUND .....	\$500,000
26	AUDIT EXPENSE FUND .....	\$1,000,000

1	OFF-HIGHWAY VEHICLE	
2	TRAILS FUND .....	\$100,000
3	CYCLE RIDER SAFETY	
4	TRAINING FUND .....	\$1,000,000
5	GANG CRIME WITNESS PROTECTION FUND .....	\$46,000
6	MISSING AND EXPLOITED CHILDREN TRUST FUND .....	\$53,000
7	STATE POLICE VEHICLE FUND .....	\$86,000
8	SEX OFFENDER REGISTRATION FUND .....	\$21,000
9	STATE POLICE WIRELESS SERVICE	
10	EMERGENCY FUND .....	\$1,200,000
11	MEDICAID FRAUD AND ABUSE PREVENTION FUND .....	\$270,000
12	STATE CRIME LABORATORY FUND .....	\$250,000
13	LEADS MAINTENANCE FUND .....	\$180,000
14	STATE POLICE DUI FUND .....	\$100,000
15	PETROLEUM VIOLATION FUND .....	\$2,000,000

16 All such transfers shall be made on July 1, 2003, or as  
 17 soon thereafter as practical. These transfers may be made  
 18 notwithstanding any other provision of law to the contrary.

19 (Source: P.A. 93-32, eff. 6-20-03; revised 10-11-05.)

20 (30 ILCS 105/8.44)

21 Sec. 8.44. Special fund transfers.

22 (a) In order to maintain the integrity of special funds and  
 23 improve stability in the General Revenue Fund, the following  
 24 transfers are authorized from the designated funds into the  
 25 General Revenue Fund:

1	Aeronautics Fund .....	\$2,186
2	Aggregate Operations Regulatory Fund .....	\$32,750
3	Agrichemical Incident Response Trust Fund.....	\$419,830
4	Agricultural Master Fund .....	\$17,827
5	Air Transportation Revolving Fund.....	\$181,478
6	Airport Land Loan Revolving Fund .....	\$1,669,970
7	Alternate Fuels Fund .....	\$1,056,833
8	Alternative Compliance Market Account Fund .....	\$53,120
9	Appraisal Administration Fund.....	\$250,000
10	Armory Rental Fund .....	\$111,538
11	Assisted Living and Shared Housing Regulatory Fund ..	\$24,493
12	Bank and Trust Company Fund.....	\$3,800,000
13	Capital Development Board Revolving Fund .....	\$453,054
14	Care Provider Fund for Persons	
15	with a Developmental Disability.....	\$2,378,270
16	Charter Schools Revolving Loan Fund.....	\$650,721
17	Child Support Administrative Fund.....	\$1,117,266
18	Coal Mining Regulatory Fund.....	\$127,583
19	Communications Revolving Fund.....	\$12,999,839
20	Community Health Center Care Fund.....	\$104,480
21	Community Water Supply Laboratory Fund .....	\$716,232
22	Continuing Legal Education Trust Fund.....	\$23,419
23	Corporate Franchise Tax Refund Fund.....	\$500,000
24	Court of Claims Administration and Grant Fund.....	\$24,949
25	Criminal Justice Information Projects Fund .....	\$18,212
26	DCFS Special Purposes Trust Fund .....	\$77,835

1	Death Certificate Surcharge Fund .....	\$1,134,341
2	Department of Business Services	
3	Special Operations Fund.....	\$2,000,000
4	Department of Children and Family Services	
5	Training Fund.....	\$1,408,106
6	Department of Corrections	
7	Reimbursement and Education Fund .....	\$2,208,323
8	Department of Insurance State Trust Fund .....	\$18,009
9	Department of Labor Special State Trust Fund .....	\$359,895
10	Department on Aging State Projects Fund.....	\$10,059
11	Design Professionals Administration	
12	and Investigation Fund .....	\$51,701
13	DHS Recoveries Trust Fund.....	\$1,591,834
14	DHS State Projects Fund.....	\$89,917
15	Division of Corporations	
16	Registered Limited Liability Partnership Fund.....	\$150,000
17	DNR Special Projects Fund.....	\$301,649
18	Dram Shop Fund .....	\$110,554
19	Drivers Education Fund .....	\$30,152
20	Drug Rebate Fund .....	\$17,315,821
21	Drug Traffic Prevention Fund .....	\$22,123
22	Drug Treatment Fund.....	\$160,030
23	Drunk and Drugged Driving Prevention Fund.....	\$51,220
24	Drycleaner Environmental Response Trust Fund .....	\$1,137,971
25	DuQuoin State Fair Harness Racing Trust Fund .....	\$3,368
26	Early Intervention Services Revolving Fund .....	\$1,044,935

1	Economic Research and Information Fund .....	\$49,005
2	Educational Labor Relations Board	
3	Fair Share Trust Fund.....	\$40,933
4	Efficiency Initiatives Revolving Fund.....	\$6,178,298
5	Emergency Planning and Training Fund .....	\$28,845
6	Emergency Public Health Fund .....	\$139,997
7	Emergency Response Reimbursement Fund.....	\$15,873
8	EMS Assistance Fund.....	\$40,923
9	Energy Assistance Contribution Fund.....	\$89,692
10	Energy Efficiency Trust Fund .....	\$1,300,938
11	Environmental Laboratory Certification Fund.....	\$62,039
12	Environmental Protection Permit and Inspection Fund..	\$180,571
13	Environmental Protection Trust Fund.....	\$2,228,031
14	EPA Court Trust Fund .....	\$338,646
15	EPA Special State Projects Trust Fund.....	\$284,263
16	Explosives Regulatory Fund .....	\$23,125
17	Facilities Management Revolving Fund .....	\$4,803,971
18	Facility Licensing Fund.....	\$22,958
19	Family Care Fund .....	\$22,585
20	Federal Asset Forfeiture Fund.....	\$1,871
21	Feed Control Fund.....	\$478,234
22	Fertilizer Control Fund.....	\$207,398
23	Financial Institution Fund .....	\$2,448,690
24	Firearm Owner's Notification Fund.....	\$3,960
25	Food and Drug Safety Fund.....	\$421,401
26	General Professions Dedicated Fund .....	\$3,975,808

1	Good Samaritan Energy Trust Fund .....	\$7,191
2	Governor's Grant Fund.....	\$1,592
3	Group Workers' Compensation Pool Insolvency Fund ....	\$136,547
4	Guardianship and Advocacy Fund .....	\$27,289
5	Hazardous Waste Occupational Licensing Fund.....	\$14,939
6	Hazardous Waste Research Fund.....	\$125,209
7	Health Facility Plan Review Fund .....	\$165,972
8	Hearing Instrument Dispenser	
9	Examining and Disciplinary Fund.....	\$102,842
10	Home Inspector Administration Fund .....	\$244,503
11	IEMA State Projects Fund .....	\$13
12	Illinois Beach Marina Fund (now known as the Adeline Jay	
13	Geo-Karis Illinois Beach Marina Fund).....	\$177,801
14	Illinois Capital Revolving Loan Fund .....	\$4,024,106
15	Illinois Clean Water Fund.....	\$1,835,796
16	Illinois Community College Board	
17	Contracts and Grants Fund.....	\$9
18	Illinois Department of Agriculture	
19	Laboratory Services Revolving Fund .....	\$174,795
20	Illinois Equity Fund .....	\$119,193
21	Illinois Executive Mansion Trust Fund.....	\$56,154
22	Illinois Forestry Development Fund .....	\$1,389,096
23	Illinois Future Teacher Corps Scholarship Fund .....	\$4,836
24	Illinois Gaming Law Enforcement Fund .....	\$650,646
25	Illinois Habitat Endowment Trust Fund.....	\$3,641,262
26	Illinois Health Facilities Planning Fund .....	\$23,066

1	Illinois Historic Sites Fund .....	\$134,366
2	Illinois National Guard Armory Construction Fund ....	\$31,469
3	Illinois Rural Rehabilitation Fund .....	\$8,190
4	Illinois School Asbestos Abatement Fund.....	\$183,191
5	Illinois State Fair Fund .....	\$50,176
6	Illinois State Podiatric Disciplinary Fund .....	\$317,239
7	Illinois Student Assistance Commission	
8	Contracts and Grants Fund.....	\$5,589
9	Illinois Tourism Tax Fund.....	\$647,749
10	Illinois Underground Utility Facilities	
11	Damage Prevention Fund .....	\$2,175
12	Illinois Veterans' Rehabilitation Fund .....	\$218,940
13	Industrial Hygiene Regulatory and Enforcement Fund ....	\$3,564
14	Innovations in Long-Term Care	
15	Quality Demonstration Grants Fund.....	\$565,494
16	Insurance Financial Regulation Fund.....	\$800,000
17	ISAC Accounts Receivable Fund.....	\$26,374
18	ISBE GED Testing Fund.....	\$146,196
19	ISBE Teacher Certificate Institute Fund.....	\$122,117
20	J.J. Wolf Memorial for Conservation Investigation Fund	\$8,137
21	Kaskaskia Commons Permanent Fund .....	\$79,813
22	Land Reclamation Fund.....	\$30,582
23	Large Business Attraction Fund .....	\$340,777
24	Lawyers' Assistance Program Fund .....	\$198,207
25	LEADS Maintenance Fund .....	\$76,981
26	Lieutenant Governor's Grant Fund .....	\$188

1	Livestock Management Facilities Fund .....	\$47,800
2	Local Initiative Fund.....	\$1,940,646
3	Local Tourism Fund .....	\$132,876
4	Long Term Care Monitor/Receiver Fund .....	\$427,850
5	Monetary Award Program Reserve Fund.....	\$879,700
6	McCormick Place Expansion Project Fund .....	\$0
7	Medicaid Buy-In Program Revolving Fund .....	\$318,894
8	Medicaid Fraud and Abuse Prevention Fund .....	\$60,306
9	Medical Special Purposes Trust Fund.....	\$930,668
10	Military Affairs Trust Fund.....	\$68,468
11	Motor Carrier Safety Inspection Fund .....	\$147,477
12	Motor Fuel and Petroleum Standards Fund.....	\$19,673
13	Motor Vehicle Review Board Fund.....	\$250,000
14	Motor Vehicle Theft Prevention Trust Fund.....	\$1,415,361
15	Narcotics Profit Forfeiture Fund .....	\$39,379
16	Natural Heritage Endowment Trust Fund.....	\$557,264
17	Natural Heritage Fund.....	\$3,336
18	Natural Resources Information Fund .....	\$64,596
19	Natural Resources Restoration Trust Fund .....	\$63,002
20	Off-Highway Vehicle Trails Fund.....	\$244,815
21	Oil Spill Response Fund.....	\$167,547
22	Paper and Printing Revolving Fund.....	\$48,476
23	Park and Conservation Fund .....	\$3,050,154
24	Pawnbroker Regulation Fund .....	\$94,131
25	Pesticide Control Fund .....	\$420,223
26	Petroleum Resources Revolving Fund .....	\$85,540



1	Police Training Board Services Fund.....	\$1,540
2	Pollution Control Board Fund .....	\$23,004
3	Pollution Control Board Trust Fund .....	\$410,651
4	Post Transplant Maintenance and Retention Fund .....	\$75,100
5	Presidential Library and Museum Operating Fund .....	\$727,250
6	Professional Regulation Evidence Fund.....	\$2,817
7	Professional Services Fund .....	\$46,222
8	Provider Inquiry Trust Fund.....	\$207,098
9	Public Aid Recoveries Trust Fund .....	\$7,610,631
10	Public Health Laboratory Services Revolving Fund ....	\$92,276
11	Public Health Special State Projects Fund.....	\$816,202
12	Public Health Water Permit Fund.....	\$17,624
13	Public Infrastructure Construction	
14	Loan Revolving Fund.....	\$63,802
15	Public Pension Regulation Fund .....	\$222,433
16	Racing Board Fingerprint License Fund.....	\$16,835
17	Radiation Protection Fund.....	\$212,010
18	Real Estate License Administration Fund.....	\$1,500,000
19	Regulatory Evaluation and Basic Enforcement Fund ....	\$64,221
20	Regulatory Fund.....	\$55,246
21	Renewable Energy Resources Trust Fund.....	\$14,033
22	Response Contractors Indemnification Fund.....	\$126
23	Rural/Downstate Health Access Fund .....	\$4,644
24	Savings and Residential Finance Regulatory Fund....	\$5,200,000
25	School District Emergency Financial Assistance Fund	\$2,130,848
26	School Technology Revolving Loan Fund.....	\$19,158

1	Second Injury Fund .....	\$151,493
2	Secretary of State Interagency Grant Fund.....	\$40,900
3	Secretary of State Special License Plate Fund.....	\$520,200
4	Secretary of State Special Services Fund .....	\$2,500,000
5	Securities Audit and Enforcement Fund.....	\$3,400,000
6	Securities Investors Education Fund.....	\$100,000
7	Self-Insurers Administration Fund.....	\$286,964
8	Sex Offender Registration Fund .....	\$7,647
9	Sexual Assault Services Fund .....	\$12,210
10	Small Business Environmental Assistance Fund .....	\$13,686
11	Snowmobile Trail Establishment Fund.....	\$3,124
12	Solid Waste Management Fund.....	\$6,587,173
13	Sports Facilities Tax Trust Fund .....	\$1,112,590
14	State Appellate Defender Special State Projects Fund	\$23,820
15	State Asset Forfeiture Fund.....	\$71,988
16	State Boating Act Fund .....	\$401,824
17	State College and University Trust Fund.....	\$139,439
18	State Crime Laboratory Fund.....	\$44,965
19	State Fair Promotional Activities Fund .....	\$8,734
20	State Garage Revolving Fund.....	\$639,662
21	State Offender DNA Identification System Fund.....	\$81,740
22	State Off-Set Claims Fund.....	\$1,487,926
23	State Parks Fund .....	\$1,045,889
24	State Police Motor Vehicle Theft Prevention Fund ....	\$164,843
25	State Police Vehicle Fund.....	\$22,899
26	State Police Whistleblower Reward and Protection Fund	\$199,699

1	State Rail Freight Loan Repayment Fund .....	\$1,147,727
2	State Surplus Property Revolving Fund.....	\$388,284
3	State Whistleblower Reward and Protection Fund .....	\$1,592
4	State's Attorneys Appellate Prosecutor's County Fund	\$70,101
5	Statewide Grand Jury Prosecution Fund.....	\$7,645
6	Statistical Services Revolving Fund.....	\$4,847,783
7	Subtitle D Management Fund .....	\$169,744
8	Tanning Facility Permit Fund .....	\$64,571
9	Tax Compliance and Administration Fund .....	\$429,377
10	Tax Recovery Fund.....	\$113,591
11	Teacher Certificate Fee Revolving Fund .....	\$982,399
12	Toxic Pollution Prevention Fund.....	\$28,534
13	Underground Resources Conservation Enforcement Fund..	\$294,251
14	University Grant Fund.....	\$23,881
15	Used Tire Management Fund.....	\$1,918,500
16	Watershed Park Fund.....	\$19,786
17	Weights and Measures Fund.....	\$1,078,121
18	Workers' Compensation Benefit Trust Fund .....	\$266,574
19	Workers' Compensation Revolving Fund .....	\$520,285
20	Working Capital Revolving Fund .....	\$1,404,868
21	Youth Alcoholism and Substance Abuse Prevention Fund	\$29,995
22	Youth Drug Abuse Prevention Fund .....	\$4,091

23 All of these transfers shall be made in equal quarterly  
 24 installments with the first made on the effective date of this  
 25 amendatory Act of the 94th General Assembly, or as soon  
 26 thereafter as practical, and with the remaining transfers to be

1 made on October 1, January 1, and April 1, or as soon  
2 thereafter as practical. These transfers shall be made  
3 notwithstanding any other provision of State law to the  
4 contrary.

5 The Governor may direct the State Comptroller and the State  
6 Treasurer to reverse the transfers previously authorized by  
7 statute to the General Revenue Fund and retransfer from the  
8 General Revenue Fund, if applicable, all or a portion of the  
9 transfers made pursuant to this subsection (a) to the following  
10 funds:

- 11 (1) the Drycleaner Environmental Response Trust Fund;
- 12 (2) the Educational Labor Relations Board Fair Share  
13 Trust Fund;
- 14 (3) the Environmental Protection Trust Fund;
- 15 (4) the Facilities Management Revolving Fund;
- 16 (5) the Illinois Forestry Development Fund;
- 17 (6) the Illinois Habitat Endowment Trust Fund;
- 18 (7) the Innovations in Long-Term Care Quality  
19 Demonstration Grants Fund;
- 20 (8) the Kaskaskia Commons Permanent Fund;
- 21 (9) the Land Reclamation Fund;
- 22 (10) the Lawyers' Assistance Program Fund;
- 23 (11) the Local Initiative Fund;
- 24 (12) the Petroleum Resources Revolving Fund;
- 25 (13) the Sports Facilities Tax Trust Fund;
- 26 (14) the State Garage Revolving Fund;

1 (15) the State Off-Set Claims Fund; and

2 (16) the DCFS Special Purposes Trust Fund.

3 (b) On and after the effective date of this amendatory Act  
4 of the 94th General Assembly through June 30, 2006, when any of  
5 the funds listed in subsection (a) have insufficient cash from  
6 which the State Comptroller may make expenditures properly  
7 supported by appropriations from the fund, then the State  
8 Treasurer and State Comptroller shall transfer from the General  
9 Revenue Fund to the fund only such amount as is immediately  
10 necessary to satisfy outstanding expenditure obligations on a  
11 timely basis, subject to the provisions of the State Prompt  
12 Payment Act. All or a portion of the amounts transferred from  
13 the General Revenue Fund to a fund pursuant to this subsection  
14 (b) from time to time may be re-transferred by the State  
15 Comptroller and the State Treasurer from the receiving fund  
16 into the General Revenue Fund as soon as and to the extent that  
17 deposits are made into or receipts are collected by the  
18 receiving fund.

19 (c) Notwithstanding any other provision of law, on July 1,  
20 2005, or as soon thereafter as may be practical, the State  
21 Comptroller and the State Treasurer shall transfer \$5,000,000  
22 from the Communications Revolving Fund to the Hospital Basic  
23 Services Prevention Fund.

24 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 94-1042,  
25 eff. 7-24-06; revised 8-3-06.)

1 (30 ILCS 105/8g)

2 Sec. 8g. Fund transfers.

3 (a) In addition to any other transfers that may be provided  
4 for by law, as soon as may be practical after the effective  
5 date of this amendatory Act of the 91st General Assembly, the  
6 State Comptroller shall direct and the State Treasurer shall  
7 transfer the sum of \$10,000,000 from the General Revenue Fund  
8 to the Motor Vehicle License Plate Fund created by Senate Bill  
9 1028 of the 91st General Assembly.

10 (b) In addition to any other transfers that may be provided  
11 for by law, as soon as may be practical after the effective  
12 date of this amendatory Act of the 91st General Assembly, the  
13 State Comptroller shall direct and the State Treasurer shall  
14 transfer the sum of \$25,000,000 from the General Revenue Fund  
15 to the Fund for Illinois' Future created by Senate Bill 1066 of  
16 the 91st General Assembly.

17 (c) In addition to any other transfers that may be provided  
18 for by law, on August 30 of each fiscal year's license period,  
19 the Illinois Liquor Control Commission shall direct and the  
20 State Comptroller and State Treasurer shall transfer from the  
21 General Revenue Fund to the Youth Alcoholism and Substance  
22 Abuse Prevention Fund an amount equal to the number of retail  
23 liquor licenses issued for that fiscal year multiplied by \$50.

24 (d) The payments to programs required under subsection (d)  
25 of Section 28.1 of the Horse Racing Act of 1975 shall be made,  
26 pursuant to appropriation, from the special funds referred to

1 in the statutes cited in that subsection, rather than directly  
2 from the General Revenue Fund.

3 Beginning January 1, 2000, on the first day of each month,  
4 or as soon as may be practical thereafter, the State  
5 Comptroller shall direct and the State Treasurer shall transfer  
6 from the General Revenue Fund to each of the special funds from  
7 which payments are to be made under Section 28.1(d) of the  
8 Horse Racing Act of 1975 an amount equal to 1/12 of the annual  
9 amount required for those payments from that special fund,  
10 which annual amount shall not exceed the annual amount for  
11 those payments from that special fund for the calendar year  
12 1998. The special funds to which transfers shall be made under  
13 this subsection (d) include, but are not necessarily limited  
14 to, the Agricultural Premium Fund; the Metropolitan Exposition  
15 Auditorium and Office Building Fund; the Fair and Exposition  
16 Fund; the Standardbred Breeders Fund; the Thoroughbred  
17 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

18 (e) In addition to any other transfers that may be provided  
19 for by law, as soon as may be practical after the effective  
20 date of this amendatory Act of the 91st General Assembly, but  
21 in no event later than June 30, 2000, the State Comptroller  
22 shall direct and the State Treasurer shall transfer the sum of  
23 \$15,000,000 from the General Revenue Fund to the Fund for  
24 Illinois' Future.

25 (f) In addition to any other transfers that may be provided  
26 for by law, as soon as may be practical after the effective

1 date of this amendatory Act of the 91st General Assembly, but  
2 in no event later than June 30, 2000, the State Comptroller  
3 shall direct and the State Treasurer shall transfer the sum of  
4 \$70,000,000 from the General Revenue Fund to the Long-Term Care  
5 Provider Fund.

6 (f-1) In fiscal year 2002, in addition to any other  
7 transfers that may be provided for by law, at the direction of  
8 and upon notification from the Governor, the State Comptroller  
9 shall direct and the State Treasurer shall transfer amounts not  
10 exceeding a total of \$160,000,000 from the General Revenue Fund  
11 to the Long-Term Care Provider Fund.

12 (g) In addition to any other transfers that may be provided  
13 for by law, on July 1, 2001, or as soon thereafter as may be  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$1,200,000 from the General  
16 Revenue Fund to the Violence Prevention Fund.

17 (h) In each of fiscal years 2002 through 2004, but not  
18 thereafter, in addition to any other transfers that may be  
19 provided for by law, the State Comptroller shall direct and the  
20 State Treasurer shall transfer \$5,000,000 from the General  
21 Revenue Fund to the Tourism Promotion Fund.

22 (i) On or after July 1, 2001 and until May 1, 2002, in  
23 addition to any other transfers that may be provided for by  
24 law, at the direction of and upon notification from the  
25 Governor, the State Comptroller shall direct and the State  
26 Treasurer shall transfer amounts not exceeding a total of



1 \$80,000,000 from the General Revenue Fund to the Tobacco  
 2 Settlement Recovery Fund. Any amounts so transferred shall be  
 3 re-transferred by the State Comptroller and the State Treasurer  
 4 from the Tobacco Settlement Recovery Fund to the General  
 5 Revenue Fund at the direction of and upon notification from the  
 6 Governor, but in any event on or before June 30, 2002.

7 (i-1) On or after July 1, 2002 and until May 1, 2003, in  
 8 addition to any other transfers that may be provided for by  
 9 law, at the direction of and upon notification from the  
 10 Governor, the State Comptroller shall direct and the State  
 11 Treasurer shall transfer amounts not exceeding a total of  
 12 \$80,000,000 from the General Revenue Fund to the Tobacco  
 13 Settlement Recovery Fund. Any amounts so transferred shall be  
 14 re-transferred by the State Comptroller and the State Treasurer  
 15 from the Tobacco Settlement Recovery Fund to the General  
 16 Revenue Fund at the direction of and upon notification from the  
 17 Governor, but in any event on or before June 30, 2003.

18 (j) On or after July 1, 2001 and no later than June 30,  
 19 2002, in addition to any other transfers that may be provided  
 20 for by law, at the direction of and upon notification from the  
 21 Governor, the State Comptroller shall direct and the State  
 22 Treasurer shall transfer amounts not to exceed the following  
 23 sums into the Statistical Services Revolving Fund:

24	From the General Revenue Fund .....	\$8,450,000
25	From the Public Utility Fund .....	1,700,000
26	From the Transportation Regulatory Fund .....	2,650,000

1	From the Title III Social Security and	
2	Employment Fund .....	3,700,000
3	From the Professions Indirect Cost Fund .....	4,050,000
4	From the Underground Storage Tank Fund .....	550,000
5	From the Agricultural Premium Fund .....	750,000
6	From the State Pensions Fund .....	200,000
7	From the Road Fund .....	2,000,000
8	From the Health Facilities	
9	Planning Fund .....	1,000,000
10	From the Savings and Residential Finance	
11	Regulatory Fund .....	130,800
12	From the Appraisal Administration Fund .....	28,600
13	From the Pawnbroker Regulation Fund .....	3,600
14	From the Auction Regulation	
15	Administration Fund .....	35,800
16	From the Bank and Trust Company Fund.....	634,800
17	From the Real Estate License	
18	Administration Fund .....	313,600

19 (k) In addition to any other transfers that may be provided  
 20 for by law, as soon as may be practical after the effective  
 21 date of this amendatory Act of the 92nd General Assembly, the  
 22 State Comptroller shall direct and the State Treasurer shall  
 23 transfer the sum of \$2,000,000 from the General Revenue Fund to  
 24 the Teachers Health Insurance Security Fund.

25 (k-1) In addition to any other transfers that may be  
 26 provided for by law, on July 1, 2002, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and  
 2 the State Treasurer shall transfer the sum of \$2,000,000 from  
 3 the General Revenue Fund to the Teachers Health Insurance  
 4 Security Fund.

5 (k-2) In addition to any other transfers that may be  
 6 provided for by law, on July 1, 2003, or as soon as may be  
 7 practical thereafter, the State Comptroller shall direct and  
 8 the State Treasurer shall transfer the sum of \$2,000,000 from  
 9 the General Revenue Fund to the Teachers Health Insurance  
 10 Security Fund.

11 (k-3) On or after July 1, 2002 and no later than June 30,  
 12 2003, in addition to any other transfers that may be provided  
 13 for by law, at the direction of and upon notification from the  
 14 Governor, the State Comptroller shall direct and the State  
 15 Treasurer shall transfer amounts not to exceed the following  
 16 sums into the Statistical Services Revolving Fund:

17	Appraisal Administration Fund .....	\$150,000
18	General Revenue Fund .....	10,440,000
19	Savings and Residential Finance	
20	Regulatory Fund .....	200,000
21	State Pensions Fund .....	100,000
22	Bank and Trust Company Fund .....	100,000
23	Professions Indirect Cost Fund .....	3,400,000
24	Public Utility Fund .....	2,081,200
25	Real Estate License Administration Fund .....	150,000
26	Title III Social Security and	

1	Employment Fund.....	1,000,000
2	Transportation Regulatory Fund .....	3,052,100
3	Underground Storage Tank Fund .....	50,000

4 (l) In addition to any other transfers that may be provided  
5 for by law, on July 1, 2002, or as soon as may be practical  
6 thereafter, the State Comptroller shall direct and the State  
7 Treasurer shall transfer the sum of \$3,000,000 from the General  
8 Revenue Fund to the Presidential Library and Museum Operating  
9 Fund.

10 (m) In addition to any other transfers that may be provided  
11 for by law, on July 1, 2002 and on the effective date of this  
12 amendatory Act of the 93rd General Assembly, or as soon  
13 thereafter as may be practical, the State Comptroller shall  
14 direct and the State Treasurer shall transfer the sum of  
15 \$1,200,000 from the General Revenue Fund to the Violence  
16 Prevention Fund.

17 (n) In addition to any other transfers that may be provided  
18 for by law, on July 1, 2003, or as soon thereafter as may be  
19 practical, the State Comptroller shall direct and the State  
20 Treasurer shall transfer the sum of \$6,800,000 from the General  
21 Revenue Fund to the DHS Recoveries Trust Fund.

22 (o) On or after July 1, 2003, and no later than June 30,  
23 2004, in addition to any other transfers that may be provided  
24 for by law, at the direction of and upon notification from the  
25 Governor, the State Comptroller shall direct and the State  
26 Treasurer shall transfer amounts not to exceed the following

1 sums into the Vehicle Inspection Fund:

2 From the Underground Storage Tank Fund ..... \$35,000,000.

3 (p) On or after July 1, 2003 and until May 1, 2004, in  
4 addition to any other transfers that may be provided for by  
5 law, at the direction of and upon notification from the  
6 Governor, the State Comptroller shall direct and the State  
7 Treasurer shall transfer amounts not exceeding a total of  
8 \$80,000,000 from the General Revenue Fund to the Tobacco  
9 Settlement Recovery Fund. Any amounts so transferred shall be  
10 re-transferred from the Tobacco Settlement Recovery Fund to the  
11 General Revenue Fund at the direction of and upon notification  
12 from the Governor, but in any event on or before June 30, 2004.

13 (q) In addition to any other transfers that may be provided  
14 for by law, on July 1, 2003, or as soon as may be practical  
15 thereafter, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$5,000,000 from the General  
17 Revenue Fund to the Illinois Military Family Relief Fund.

18 (r) In addition to any other transfers that may be provided  
19 for by law, on July 1, 2003, or as soon as may be practical  
20 thereafter, the State Comptroller shall direct and the State  
21 Treasurer shall transfer the sum of \$1,922,000 from the General  
22 Revenue Fund to the Presidential Library and Museum Operating  
23 Fund.

24 (s) In addition to any other transfers that may be provided  
25 for by law, on or after July 1, 2003, the State Comptroller  
26 shall direct and the State Treasurer shall transfer the sum of

1 \$4,800,000 from the Statewide Economic Development Fund to the  
2 General Revenue Fund.

3 (t) In addition to any other transfers that may be provided  
4 for by law, on or after July 1, 2003, the State Comptroller  
5 shall direct and the State Treasurer shall transfer the sum of  
6 \$50,000,000 from the General Revenue Fund to the Budget  
7 Stabilization Fund.

8 (u) On or after July 1, 2004 and until May 1, 2005, in  
9 addition to any other transfers that may be provided for by  
10 law, at the direction of and upon notification from the  
11 Governor, the State Comptroller shall direct and the State  
12 Treasurer shall transfer amounts not exceeding a total of  
13 \$80,000,000 from the General Revenue Fund to the Tobacco  
14 Settlement Recovery Fund. Any amounts so transferred shall be  
15 retransferred by the State Comptroller and the State Treasurer  
16 from the Tobacco Settlement Recovery Fund to the General  
17 Revenue Fund at the direction of and upon notification from the  
18 Governor, but in any event on or before June 30, 2005.

19 (v) In addition to any other transfers that may be provided  
20 for by law, on July 1, 2004, or as soon thereafter as may be  
21 practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$1,200,000 from the General  
23 Revenue Fund to the Violence Prevention Fund.

24 (w) In addition to any other transfers that may be provided  
25 for by law, on July 1, 2004, or as soon thereafter as may be  
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$6,445,000 from the General  
2 Revenue Fund to the Presidential Library and Museum Operating  
3 Fund.

4 (x) In addition to any other transfers that may be provided  
5 for by law, on January 15, 2005, or as soon thereafter as may  
6 be practical, the State Comptroller shall direct and the State  
7 Treasurer shall transfer to the General Revenue Fund the  
8 following sums:

9 From the State Crime Laboratory Fund, \$200,000;

10 From the State Police Wireless Service Emergency Fund,  
11 \$200,000;

12 From the State Offender DNA Identification System  
13 Fund, \$800,000; and

14 From the State Police Whistleblower Reward and  
15 Protection Fund, \$500,000.

16 (y) Notwithstanding any other provision of law to the  
17 contrary, in addition to any other transfers that may be  
18 provided for by law on June 30, 2005, or as soon as may be  
19 practical thereafter, the State Comptroller shall direct and  
20 the State Treasurer shall transfer the remaining balance from  
21 the designated funds into the General Revenue Fund and any  
22 future deposits that would otherwise be made into these funds  
23 must instead be made into the General Revenue Fund:

24 (1) the Keep Illinois Beautiful Fund;

25 (2) the Metropolitan Fair and Exposition Authority  
26 Reconstruction Fund;

- 1 (3) the New Technology Recovery Fund;
- 2 (4) the Illinois Rural Bond Bank Trust Fund;
- 3 (5) the ISBE School Bus Driver Permit Fund;
- 4 (6) the Solid Waste Management Revolving Loan Fund;
- 5 (7) the State Postsecondary Review Program Fund;
- 6 (8) the Tourism Attraction Development Matching Grant  
7 Fund;
- 8 (9) the Patent and Copyright Fund;
- 9 (10) the Credit Enhancement Development Fund;
- 10 (11) the Community Mental Health and Developmental  
11 Disabilities Services Provider Participation Fee Trust  
12 Fund;
- 13 (12) the Nursing Home Grant Assistance Fund;
- 14 (13) the By-product Material Safety Fund;
- 15 (14) the Illinois Student Assistance Commission Higher  
16 EdNet Fund;
- 17 (15) the DORS State Project Fund;
- 18 (16) the School Technology Revolving Fund;
- 19 (17) the Energy Assistance Contribution Fund;
- 20 (18) the Illinois Building Commission Revolving Fund;
- 21 (19) the Illinois Aquaculture Development Fund;
- 22 (20) the Homelessness Prevention Fund;
- 23 (21) the DCFS Refugee Assistance Fund;
- 24 (22) the Illinois Century Network Special Purposes  
25 Fund; and
- 26 (23) the Build Illinois Purposes Fund.



1           (z) In addition to any other transfers that may be provided  
2 for by law, on July 1, 2005, or as soon as may be practical  
3 thereafter, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$1,200,000 from the General  
5 Revenue Fund to the Violence Prevention Fund.

6           (aa) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2005, or as soon as may be  
8 practical thereafter, the State Comptroller shall direct and  
9 the State Treasurer shall transfer the sum of \$9,000,000 from  
10 the General Revenue Fund to the Presidential Library and Museum  
11 Operating Fund.

12           (bb) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2005, or as soon as may be  
14 practical thereafter, the State Comptroller shall direct and  
15 the State Treasurer shall transfer the sum of \$6,803,600 from  
16 the General Revenue Fund to the Securities Audit and  
17 Enforcement Fund.

18           (cc) In addition to any other transfers that may be  
19 provided for by law, on or after July 1, 2005 and until May 1,  
20 2006, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts not exceeding a total of  
23 \$80,000,000 from the General Revenue Fund to the Tobacco  
24 Settlement Recovery Fund. Any amounts so transferred shall be  
25 re-transferred by the State Comptroller and the State Treasurer  
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the  
2 Governor, but in any event on or before June 30, 2006.

3 (dd) In addition to any other transfers that may be  
4 provided for by law, on April 1, 2005, or as soon thereafter as  
5 may be practical, at the direction of the Director of Public  
6 Aid (now Director of Healthcare and Family Services), the State  
7 Comptroller shall direct and the State Treasurer shall transfer  
8 from the Public Aid Recoveries Trust Fund amounts not to exceed  
9 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

10 (ee) Notwithstanding any other provision of law, on July 1,  
11 2006, or as soon thereafter as practical, the State Comptroller  
12 shall direct and the State Treasurer shall transfer the  
13 remaining balance from the Illinois Civic Center Bond Fund to  
14 the Illinois Civic Center Bond Retirement and Interest Fund.

15 (ff) In addition to any other transfers that may be  
16 provided for by law, on and after July 1, 2006 and until June  
17 30, 2007, at the direction of and upon notification from the  
18 Director of the Governor's Office of Management and Budget, the  
19 State Comptroller shall direct and the State Treasurer shall  
20 transfer amounts not exceeding a total of \$1,900,000 from the  
21 General Revenue Fund to the Illinois Capital Revolving Loan  
22 Fund.

23 (gg) In addition to any other transfers that may be  
24 provided for by law, on and after July 1, 2006 and until May 1,  
25 2007, at the direction of and upon notification from the  
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of  
 2 \$80,000,000 from the General Revenue Fund to the Tobacco  
 3 Settlement Recovery Fund. Any amounts so transferred shall be  
 4 retransferred by the State Comptroller and the State Treasurer  
 5 from the Tobacco Settlement Recovery Fund to the General  
 6 Revenue Fund at the direction of and upon notification from the  
 7 Governor, but in any event on or before June 30, 2007.

8 (hh) In addition to any other transfers that may be  
 9 provided for by law, on and after July 1, 2006 and until June  
 10 30, 2007, at the direction of and upon notification from the  
 11 Governor, the State Comptroller shall direct and the State  
 12 Treasurer shall transfer amounts from the Illinois Affordable  
 13 Housing Trust Fund to the designated funds not exceeding the  
 14 following amounts:

- 15 DCFS Children's Services Fund ..... \$2,200,000
- 16 Department of Corrections Reimbursement
- 17 and Education Fund ..... \$1,500,000
- 18 Supplemental Low-Income Energy
- 19 Assistance Fund ..... \$75,000

20 (ii) In addition to any other transfers that may be  
 21 provided for by law, on or before August 31, 2006, the Governor  
 22 and the State Comptroller may agree to transfer the surplus  
 23 cash balance from the General Revenue Fund to the Budget  
 24 Stabilization Fund and the Pension Stabilization Fund in equal  
 25 proportions. The determination of the amount of the surplus  
 26 cash balance shall be made by the Governor, with the

1 concurrence of the State Comptroller, after taking into account  
2 the June 30, 2006 balances in the general funds and the actual  
3 or estimated spending from the general funds during the lapse  
4 period. Notwithstanding the foregoing, the maximum amount that  
5 may be transferred under this subsection (ii) is \$50,000,000.

6 (jj) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2006, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$8,250,000 from the General  
10 Revenue Fund to the Presidential Library and Museum Operating  
11 Fund.

12 (kk) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2006, or as soon thereafter as  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$1,400,000 from the General  
16 Revenue Fund to the Violence Prevention Fund.

17 (ll) In addition to any other transfers that may be  
18 provided for by law, on the first day of each calendar quarter  
19 of the fiscal year beginning July 1, 2006, or as soon  
20 thereafter as practical, the State Comptroller shall direct and  
21 the State Treasurer shall transfer from the General Revenue  
22 Fund amounts equal to one-fourth of \$20,000,000 to the  
23 Renewable Energy Resources Trust Fund.

24 (mm) In addition to any other transfers that may be  
25 provided for by law, on July 1, 2006, or as soon thereafter as  
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$1,320,000 from the General  
2 Revenue Fund to the I-FLY Fund.

3 (nn) In addition to any other transfers that may be  
4 provided for by law, on July 1, 2006, or as soon thereafter as  
5 practical, the State Comptroller shall direct and the State  
6 Treasurer shall transfer the sum of \$3,000,000 from the General  
7 Revenue Fund to the African-American HIV/AIDS Response Fund.

8 (oo) In addition to any other transfers that may be  
9 provided for by law, on and after July 1, 2006 and until June  
10 30, 2007, at the direction of and upon notification from the  
11 Governor, the State Comptroller shall direct and the State  
12 Treasurer shall transfer amounts identified as net receipts  
13 from the sale of all or part of the Illinois Student Assistance  
14 Commission loan portfolio from the Student Loan Operating Fund  
15 to the General Revenue Fund. The maximum amount that may be  
16 transferred pursuant to this Section is \$38,800,000. In  
17 addition, no transfer may be made pursuant to this Section that  
18 would have the effect of reducing the available balance in the  
19 Student Loan Operating Fund to an amount less than the amount  
20 remaining unexpended and unreserved from the total  
21 appropriations from the Fund estimated to be expended for the  
22 fiscal year. The State Treasurer and Comptroller shall transfer  
23 the amounts designated under this Section as soon as may be  
24 practical after receiving the direction to transfer from the  
25 Governor.

26 (pp) ~~(ee)~~ In addition to any other transfers that may be

1 provided for by law, on July 1, 2006, or as soon thereafter as  
2 practical, the State Comptroller shall direct and the State  
3 Treasurer shall transfer the sum of \$2,000,000 from the General  
4 Revenue Fund to the Illinois Veterans Assistance Fund.

5 (Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839,  
6 eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05;  
7 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06;  
8 revised 8-3-06.)

9 (30 ILCS 105/8h)

10 Sec. 8h. Transfers to General Revenue Fund.

11 (a) Except as otherwise provided in this Section and  
12 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding  
13 any other State law to the contrary, the Governor may, through  
14 June 30, 2007, from time to time direct the State Treasurer and  
15 Comptroller to transfer a specified sum from any fund held by  
16 the State Treasurer to the General Revenue Fund in order to  
17 help defray the State's operating costs for the fiscal year.  
18 The total transfer under this Section from any fund in any  
19 fiscal year shall not exceed the lesser of (i) 8% of the  
20 revenues to be deposited into the fund during that fiscal year  
21 or (ii) an amount that leaves a remaining fund balance of 25%  
22 of the July 1 fund balance of that fiscal year. In fiscal year  
23 2005 only, prior to calculating the July 1, 2004 final  
24 balances, the Governor may calculate and direct the State  
25 Treasurer with the Comptroller to transfer additional amounts

1 determined by applying the formula authorized in Public Act  
2 93-839 to the funds balances on July 1, 2003. No transfer may  
3 be made from a fund under this Section that would have the  
4 effect of reducing the available balance in the fund to an  
5 amount less than the amount remaining unexpended and unreserved  
6 from the total appropriation from that fund estimated to be  
7 expended for that fiscal year. This Section does not apply to  
8 any funds that are restricted by federal law to a specific use,  
9 to any funds in the Motor Fuel Tax Fund, the Intercity  
10 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
11 Provider Relief Fund, the Teacher Health Insurance Security  
12 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
13 the Voters' Guide Fund, the Foreign Language Interpreter Fund,  
14 the Lawyers' Assistance Program Fund, the Supreme Court Federal  
15 Projects Fund, the Supreme Court Special State Projects Fund,  
16 the Supplemental Low-Income Energy Assistance Fund, the Good  
17 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste  
18 Facility Development and Operation Fund, the Horse Racing  
19 Equity Trust Fund, or the Hospital Basic Services Preservation  
20 Fund, or to any funds to which subsection (f) of Section 20-40  
21 of the Nursing and Advanced Practice Nursing Act applies. No  
22 transfers may be made under this Section from the Pet  
23 Population Control Fund. Notwithstanding any other provision  
24 of this Section, for fiscal year 2004, the total transfer under  
25 this Section from the Road Fund or the State Construction  
26 Account Fund shall not exceed the lesser of (i) 5% of the

1 revenues to be deposited into the fund during that fiscal year  
2 or (ii) 25% of the beginning balance in the fund. For fiscal  
3 year 2005 through fiscal year 2007, no amounts may be  
4 transferred under this Section from the Road Fund, the State  
5 Construction Account Fund, the Criminal Justice Information  
6 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
7 Mandatory Arbitration Fund.

8 In determining the available balance in a fund, the  
9 Governor may include receipts, transfers into the fund, and  
10 other resources anticipated to be available in the fund in that  
11 fiscal year.

12 The State Treasurer and Comptroller shall transfer the  
13 amounts designated under this Section as soon as may be  
14 practicable after receiving the direction to transfer from the  
15 Governor.

16 (a-5) Transfers directed to be made under this Section on  
17 or before February 28, 2006 that are still pending on May 19,  
18 2006 (the effective date of Public Act 94-774) ~~this amendatory~~  
19 ~~Act of the 94th General Assembly~~ shall be redirected as  
20 provided in Section 8n of this Act.

21 (b) This Section does not apply to: (i) the Ticket For The  
22 Cure Fund; (ii) any fund established under the Community Senior  
23 Services and Resources Act; or (iii) on or after January 1,  
24 2006 (the effective date of Public Act 94-511), the Child Labor  
25 and Day and Temporary Labor Enforcement Fund.

26 (c) This Section does not apply to the Demutualization



1 Trust Fund established under the Uniform Disposition of  
2 Unclaimed Property Act.

3 (d) This Section does not apply to moneys set aside in the  
4 Illinois State Podiatric Disciplinary Fund for podiatric  
5 scholarships and residency programs under the Podiatric  
6 Scholarship and Residency Act.

7 (e) Subsection (a) does not apply to, and no transfer may  
8 be made under this Section from, the Pension Stabilization  
9 Fund.

10 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
11 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
12 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
13 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
14 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
15 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
16 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.  
17 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,  
18 eff. 6-6-06; revised 6-19-06.)

19 (30 ILCS 105/8i)

20 Sec. 8i ~~8h~~. Transfers between the Communications Revolving  
21 Fund and the Illinois Military Family Relief Fund. The State  
22 Comptroller shall order transferred and the Treasurer shall  
23 transfer, on March 31, 2003 or as soon as practicable  
24 thereafter, the amount of \$300,000 from the Communications  
25 Revolving Fund to the Illinois Military Family Relief Fund.

1 Beginning on July 1, 2004, the State Comptroller shall order  
2 transferred and the Treasurer shall transfer, on the last day  
3 of each month, an amount equal to 50% of that day's beginning  
4 balance in the Illinois Military Family Relief Fund from the  
5 Illinois Military Family Relief Fund to the Communications  
6 Revolving Fund. These transfers shall continue until the  
7 cumulative total of transfers executed from the Illinois  
8 Military Family Relief Fund to the Communications Revolving  
9 Fund equals \$300,000.

10 (Source: P.A. 93-506, eff. 8-11-03; revised 8-21-03.)

11 (30 ILCS 105/25) (from Ch. 127, par. 161)

12 Sec. 25. Fiscal year limitations.

13 (a) All appropriations shall be available for expenditure  
14 for the fiscal year or for a lesser period if the Act making  
15 that appropriation so specifies. A deficiency or emergency  
16 appropriation shall be available for expenditure only through  
17 June 30 of the year when the Act making that appropriation is  
18 enacted unless that Act otherwise provides.

19 (b) Outstanding liabilities as of June 30, payable from  
20 appropriations which have otherwise expired, may be paid out of  
21 the expiring appropriations during the 2-month period ending at  
22 the close of business on August 31. Any service involving  
23 professional or artistic skills or any personal services by an  
24 employee whose compensation is subject to income tax  
25 withholding must be performed as of June 30 of the fiscal year

1 in order to be considered an "outstanding liability as of June  
2 30" that is thereby eligible for payment out of the expiring  
3 appropriation.

4 However, payment of tuition reimbursement claims under  
5 Section 14-7.03 or 18-3 of the School Code may be made by the  
6 State Board of Education from its appropriations for those  
7 respective purposes for any fiscal year, even though the claims  
8 reimbursed by the payment may be claims attributable to a prior  
9 fiscal year, and payments may be made at the direction of the  
10 State Superintendent of Education from the fund from which the  
11 appropriation is made without regard to any fiscal year  
12 limitations.

13 Medical payments may be made by the Department of Veterans'  
14 Affairs from its appropriations for those purposes for any  
15 fiscal year, without regard to the fact that the medical  
16 services being compensated for by such payment may have been  
17 rendered in a prior fiscal year.

18 Medical payments may be made by the Department of  
19 Healthcare and Family Services ~~Public Aid~~ and medical payments  
20 and child care payments may be made by the Department of Human  
21 Services (as successor to the Department of Public Aid) from  
22 appropriations for those purposes for any fiscal year, without  
23 regard to the fact that the medical or child care services  
24 being compensated for by such payment may have been rendered in  
25 a prior fiscal year; and payments may be made at the direction  
26 of the Department of Central Management Services from the

1 Health Insurance Reserve Fund and the Local Government Health  
2 Insurance Reserve Fund without regard to any fiscal year  
3 limitations.

4 Medical payments may be made by the Department of Human  
5 Services from its appropriations relating to substance abuse  
6 treatment services for any fiscal year, without regard to the  
7 fact that the medical services being compensated for by such  
8 payment may have been rendered in a prior fiscal year, provided  
9 the payments are made on a fee-for-service basis consistent  
10 with requirements established for Medicaid reimbursement by  
11 the Department of Healthcare and Family Services ~~Public Aid~~.

12 Additionally, payments may be made by the Department of  
13 Human Services from its appropriations, or any other State  
14 agency from its appropriations with the approval of the  
15 Department of Human Services, from the Immigration Reform and  
16 Control Fund for purposes authorized pursuant to the  
17 Immigration Reform and Control Act of 1986, without regard to  
18 any fiscal year limitations.

19 Further, with respect to costs incurred in fiscal years  
20 2002 and 2003 only, payments may be made by the State Treasurer  
21 from its appropriations from the Capital Litigation Trust Fund  
22 without regard to any fiscal year limitations.

23 Lease payments may be made by the Department of Central  
24 Management Services under the sale and leaseback provisions of  
25 Section 7.4 of the State Property Control Act with respect to  
26 the James R. Thompson Center and the Elgin Mental Health Center

1 and surrounding land from appropriations for that purpose  
2 without regard to any fiscal year limitations.

3 Lease payments may be made under the sale and leaseback  
4 provisions of Section 7.5 of the State Property Control Act  
5 with respect to the Illinois State Toll Highway Authority  
6 headquarters building and surrounding land without regard to  
7 any fiscal year limitations.

8 (c) Further, payments may be made by the Department of  
9 Public Health and the Department of Human Services (acting as  
10 successor to the Department of Public Health under the  
11 Department of Human Services Act) from their respective  
12 appropriations for grants for medical care to or on behalf of  
13 persons suffering from chronic renal disease, persons  
14 suffering from hemophilia, rape victims, and premature and  
15 high-mortality risk infants and their mothers and for grants  
16 for supplemental food supplies provided under the United States  
17 Department of Agriculture Women, Infants and Children  
18 Nutrition Program, for any fiscal year without regard to the  
19 fact that the services being compensated for by such payment  
20 may have been rendered in a prior fiscal year.

21 (d) The Department of Public Health and the Department of  
22 Human Services (acting as successor to the Department of Public  
23 Health under the Department of Human Services Act) shall each  
24 annually submit to the State Comptroller, Senate President,  
25 Senate Minority Leader, Speaker of the House, House Minority  
26 Leader, and the respective Chairmen and Minority Spokesmen of

1 the Appropriations Committees of the Senate and the House, on  
2 or before December 31, a report of fiscal year funds used to  
3 pay for services provided in any prior fiscal year. This report  
4 shall document by program or service category those  
5 expenditures from the most recently completed fiscal year used  
6 to pay for services provided in prior fiscal years.

7 (e) The Department of Healthcare and Family Services ~~Public~~  
8 ~~Aid~~, the Department of Human Services (acting as successor to  
9 the Department of Public Aid), and the Department of Human  
10 Services making fee-for-service payments relating to substance  
11 abuse treatment services provided during a previous fiscal year  
12 shall each annually submit to the State Comptroller, Senate  
13 President, Senate Minority Leader, Speaker of the House, House  
14 Minority Leader, the respective Chairmen and Minority  
15 Spokesmen of the Appropriations Committees of the Senate and  
16 the House, on or before November 30, a report that shall  
17 document by program or service category those expenditures from  
18 the most recently completed fiscal year used to pay for (i)  
19 services provided in prior fiscal years and (ii) services for  
20 which claims were received in prior fiscal years.

21 (f) The Department of Human Services (as successor to the  
22 Department of Public Aid) shall annually submit to the State  
23 Comptroller, Senate President, Senate Minority Leader, Speaker  
24 of the House, House Minority Leader, and the respective  
25 Chairmen and Minority Spokesmen of the Appropriations  
26 Committees of the Senate and the House, on or before December

1 31, a report of fiscal year funds used to pay for services  
2 (other than medical care) provided in any prior fiscal year.  
3 This report shall document by program or service category those  
4 expenditures from the most recently completed fiscal year used  
5 to pay for services provided in prior fiscal years.

6 (g) In addition, each annual report required to be  
7 submitted by the Department of Healthcare and Family Services  
8 ~~Public Aid~~ under subsection (e) shall include the following  
9 information with respect to the State's Medicaid program:

10 (1) Explanations of the exact causes of the variance  
11 between the previous year's estimated and actual  
12 liabilities.

13 (2) Factors affecting the Department of Healthcare and  
14 Family Services' ~~Public Aid's~~ liabilities, including but  
15 not limited to numbers of aid recipients, levels of medical  
16 service utilization by aid recipients, and inflation in the  
17 cost of medical services.

18 (3) The results of the Department's efforts to combat  
19 fraud and abuse.

20 (h) As provided in Section 4 of the General Assembly  
21 Compensation Act, any utility bill for service provided to a  
22 General Assembly member's district office for a period  
23 including portions of 2 consecutive fiscal years may be paid  
24 from funds appropriated for such expenditure in either fiscal  
25 year.

26 (i) An agency which administers a fund classified by the

1 Comptroller as an internal service fund may issue rules for:

2 (1) billing user agencies in advance for payments or  
3 authorized inter-fund transfers based on estimated charges  
4 for goods or services;

5 (2) issuing credits, refunding through inter-fund  
6 transfers, or reducing future inter-fund transfers during  
7 the subsequent fiscal year for all user agency payments or  
8 authorized inter-fund transfers received during the prior  
9 fiscal year which were in excess of the final amounts owed  
10 by the user agency for that period; and

11 (3) issuing catch-up billings to user agencies during  
12 the subsequent fiscal year for amounts remaining due when  
13 payments or authorized inter-fund transfers received from  
14 the user agency during the prior fiscal year were less than  
15 the total amount owed for that period.

16 User agencies are authorized to reimburse internal service  
17 funds for catch-up billings by vouchers drawn against their  
18 respective appropriations for the fiscal year in which the  
19 catch-up billing was issued or by increasing an authorized  
20 inter-fund transfer during the current fiscal year. For the  
21 purposes of this Act, "inter-fund transfers" means transfers  
22 without the use of the voucher-warrant process, as authorized  
23 by Section 9.01 of the State Comptroller Act.

24 (Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03;  
25 93-839, eff. 7-30-04; 93-841, eff. 7-30-04; revised 12-15-05.)



- 1 (30 ILCS 105/5.05 rep.)
- 2 (30 ILCS 105/5.06 rep.)
- 3 (30 ILCS 105/5.35 rep.)
- 4 (30 ILCS 105/5.37 rep.)
- 5 (30 ILCS 105/5.47 rep.)
- 6 (30 ILCS 105/5.51 rep.)
- 7 (30 ILCS 105/5.59 rep.)
- 8 (30 ILCS 105/5.60 rep.)
- 9 (30 ILCS 105/5.69 rep.)
- 10 (30 ILCS 105/5.75 rep.)
- 11 (30 ILCS 105/5.76 rep.)
- 12 (30 ILCS 105/5.90 rep.)
- 13 (30 ILCS 105/5.113 rep.)
- 14 (30 ILCS 105/5.178 rep.)
- 15 (30 ILCS 105/5.190 rep.)
- 16 (30 ILCS 105/5.191 rep.)
- 17 (30 ILCS 105/5.193 rep.)
- 18 (30 ILCS 105/5.197 rep.)
- 19 (30 ILCS 105/5.205 rep.)
- 20 (30 ILCS 105/5.210 rep.)
- 21 (30 ILCS 105/5.218 rep.)
- 22 (30 ILCS 105/5.220 rep.)
- 23 (30 ILCS 105/5.228 rep.)
- 24 (30 ILCS 105/5.245 rep.)
- 25 (30 ILCS 105/5.246 rep.)
- 26 (30 ILCS 105/5.264 rep.)

- 1 (30 ILCS 105/5.271 rep.)
- 2 (30 ILCS 105/5.283 rep.)
- 3 (30 ILCS 105/5.285 rep.)
- 4 (30 ILCS 105/5.294 rep.)
- 5 (30 ILCS 105/5.299 rep.)
- 6 (30 ILCS 105/5.300 rep.)
- 7 (30 ILCS 105/5.301 rep.)
- 8 (30 ILCS 105/5.304 rep.)
- 9 (30 ILCS 105/5.308 rep.)
- 10 (30 ILCS 105/5.309 rep.)
- 11 (30 ILCS 105/5.311 rep.)
- 12 (30 ILCS 105/5.314 rep.)
- 13 (30 ILCS 105/5.327 rep.)
- 14 (30 ILCS 105/5.330 rep.)
- 15 (30 ILCS 105/5.335 rep.)
- 16 (30 ILCS 105/5.336 rep.)
- 17 (30 ILCS 105/5.360 (from P.A. 87-1249) rep.)
- 18 (30 ILCS 105/5.361 rep.)
- 19 (30 ILCS 105/5.363 rep.)
- 20 (30 ILCS 105/5.388 rep.)
- 21 (30 ILCS 105/5.389 rep.)
- 22 (30 ILCS 105/5.390 rep.)
- 23 (30 ILCS 105/5.393 rep.)
- 24 (30 ILCS 105/5.396 rep.)
- 25 (30 ILCS 105/5.398 rep.)
- 26 (30 ILCS 105/5.399 rep.)

- 1 (30 ILCS 105/5.400 rep.)
- 2 (30 ILCS 105/5.401 rep.)
- 3 (30 ILCS 105/5.402 rep.)
- 4 (30 ILCS 105/5.403 rep.)
- 5 (30 ILCS 105/5.404 rep.)
- 6 (30 ILCS 105/5.405 rep.)
- 7 (30 ILCS 105/5.406 rep.)
- 8 (30 ILCS 105/5.407 rep.)
- 9 (30 ILCS 105/5.417 rep.)
- 10 (30 ILCS 105/5.432 rep.)
- 11 (30 ILCS 105/5.433 rep.)
- 12 (30 ILCS 105/5.434 rep.)
- 13 (30 ILCS 105/5.439 rep.)
- 14 (30 ILCS 105/5.447 rep.)
- 15 (30 ILCS 105/5.467 rep.)
- 16 (30 ILCS 105/5.483 rep.)
- 17 (30 ILCS 105/5.486 rep.)
- 18 (30 ILCS 105/5.488 rep.)
- 19 (30 ILCS 105/5.507 rep.)
- 20 (30 ILCS 105/5.519 rep.)
- 21 (30 ILCS 105/5.522 rep.)

22 Section 316. The State Finance Act is amended by repealing  
23 Sections 5.05, 5.06, 5.35, 5.37, 5.47, 5.51, 5.59, 5.60, 5.69,  
24 5.75, 5.76, 5.90, 5.113, 5.178, 5.190, 5.191, 5.193, 5.197,  
25 5.205, 5.210, 5.218, 5.220, 5.228, 5.245, 5.246, 5.264, 5.271,  
26 5.283, 5.285, 5.294, 5.299, 5.300, 5.301, 5.304, 5.308, 5.309,

1 5.311, 5.314, 5.327, 5.330, 5.335, 5.336, 5.360 as added by  
2 Public Act 87-1249, 5.361, 5.363, 5.388, 5.389, 5.390, 5.393,  
3 5.396, 5.398, 5.399, 5.400, 5.401, 5.402, 5.403, 5.404, 5.405,  
4 5.406, 5.407, 5.417, 5.432, 5.433, 5.434, 5.439, 5.447, 5.467,  
5 5.483, 5.486, 5.488, 5.507, 5.519, and 5.522.

6 (30 ILCS 105/5.230 rep.)

7 Section 317. The State Finance Act is amended by repealing  
8 Section 5.230.

9 Section 320. The Illinois State Collection Act of 1986 is  
10 amended by changing Sections 5 and 10 as follows:

11 (30 ILCS 210/5) (from Ch. 15, par. 155)

12 Sec. 5. Rules; payment plans; offsets.

13 (a) Until July 1, 2004 for the Department of Public Aid and  
14 July 1, 2005 for Universities and all other State agencies,  
15 State agencies shall adopt rules establishing formal due dates  
16 for amounts owing to the State and for the referral of  
17 seriously past due accounts to private collection agencies,  
18 unless otherwise expressly provided by law or rule, except that  
19 on and after July 1, 2005, the Department of Employment  
20 Security may continue to refer to private collection agencies  
21 past due amounts that are exempt from subsection (g). Such  
22 procedures shall be established in accord with sound business

1 practices.

2 (b) Until July 1, 2004 for the Department of Public Aid and  
3 July 1, 2005 for Universities and all other State agencies,  
4 agencies may enter deferred payment plans for debtors of the  
5 agency and documentation of this fact retained by the agency,  
6 where the deferred payment plan is likely to increase the net  
7 amount collected by the State, except that, on and after July  
8 1, 2005, the Department of Employment Security may continue to  
9 enter deferred payment plans for debts that are exempt from  
10 subsection (g).

11 (c) Until July 1, 2004 for the Department of Public Aid and  
12 July 1, 2005 for Universities and all other State agencies,  
13 State agencies may use the Comptroller's Offset System provided  
14 in Section 10.05 of the State Comptroller Act for the  
15 collection of debts owed to the agency, except that, on and  
16 after July 1, 2005, the Department of Employment Security may  
17 continue to use the Comptroller's offset system to collect  
18 amounts that are exempt from subsection (g). All debts that  
19 exceed \$1,000 and are more than 90 days past due shall be  
20 placed in the Comptroller's Offset System, unless the State  
21 agency shall have entered into a deferred payment plan or  
22 demonstrates to the Comptroller's satisfaction that referral  
23 for offset is not cost effective.

24 (d) State agencies shall develop internal procedures  
25 whereby agency initiated payments to its debtors may be offset  
26 without referral to the Comptroller's Offset System.

1 (e) State agencies or the Comptroller may remove claims  
2 from the Comptroller's Offset System, where such claims have  
3 been inactive for more than one year.

4 (f) State agencies may use the Comptroller's Offset System  
5 to determine if any State agency is attempting to collect debt  
6 from a contractor, bidder, or other proposed contracting party.

7 (g) Beginning July 1, 2004 for the Departments of Public  
8 Aid (now Healthcare and Family Services) and Employment  
9 Security and July 1, 2005 for Universities and other State  
10 agencies, State agencies shall refer to the Department of  
11 Revenue Debt Collection Bureau (the Bureau) all debt to the  
12 State, provided that the debt satisfies the requirements for  
13 referral of delinquent debt as established by rule by the  
14 Department of Revenue.

15 (h) The Department of Healthcare and Family Services ~~Public~~  
16 ~~Aid~~ shall be exempt from the requirements of this Section with  
17 regard to child support debts, the collection of which is  
18 governed by the requirements of Title IV, Part D of the federal  
19 Social Security Act. The Department of Healthcare and Family  
20 Services ~~Public Aid~~ may refer child support debts to the  
21 Bureau, provided that the debt satisfies the requirements for  
22 referral of delinquent debt as established by rule by the  
23 Department of Revenue. The Bureau shall use all legal means  
24 available to collect child support debt, including those  
25 authorizing the Department of Revenue to collect debt and those  
26 authorizing the Department of Healthcare and Family Services

1 ~~Public Aid~~ to collect debt. All such referred debt shall remain  
2 an obligation under the Department of Healthcare and Family  
3 Services' ~~Public Aid's~~ Child Support Enforcement Program  
4 subject to the requirements of Title IV, Part D of the federal  
5 Social Security Act, including the continued use of federally  
6 mandated enforcement remedies and techniques by the Department  
7 of Healthcare and Family Services ~~Public Aid~~.

8 (h-1) The Department of Employment Security is exempt from  
9 subsection (g) with regard to debts to any federal account,  
10 including but not limited to the Unemployment Trust Fund, and  
11 penalties and interest assessed under the Unemployment  
12 Insurance Act. The Department of Employment Security may refer  
13 those debts to the Bureau, provided the debt satisfies the  
14 requirements for referral of delinquent debt as established by  
15 rule by the Department of Revenue. The Bureau shall use all  
16 legal means available to collect the debts, including those  
17 authorizing the Department of Revenue to collect debt and those  
18 authorizing the Department of Employment Security to collect  
19 debt. All referred debt shall remain an obligation to the  
20 account to which it is owed.

21 (i) All debt referred to the Bureau for collection shall  
22 remain the property of the referring agency. The Bureau shall  
23 collect debt on behalf of the referring agency using all legal  
24 means available, including those authorizing the Department of  
25 Revenue to collect debt and those authorizing the referring  
26 agency to collect debt.

1           (j) No debt secured by an interest in real property granted  
2 by the debtor in exchange for the creation of the debt shall be  
3 referred to the Bureau. The Bureau shall have no obligation to  
4 collect debts secured by an interest in real property.

5           (k) Beginning July 1, 2003, each agency shall collect and  
6 provide the Bureau information regarding the nature and details  
7 of its debt in such form and manner as the Department of  
8 Revenue shall require.

9           (l) For all debt accruing after July 1, 2003, each agency  
10 shall collect and transmit such debtor identification  
11 information as the Department of Revenue shall require.

12           (Source: P.A. 92-404, eff. 7-1-02; 93-570, eff. 8-20-03;  
13 revised 12-15-05.)

14           (30 ILCS 210/10)

15           Sec. 10. Department of Revenue Debt Collection Bureau to  
16 assume collection duties.

17           (a) The Department of Revenue's Debt Collection Bureau  
18 shall serve as the primary debt collecting entity for the State  
19 and in that role shall collect debts on behalf of agencies of  
20 the State. All debts owed the State of Illinois shall be  
21 referred to the Bureau, subject to such limitations as the  
22 Department of Revenue shall by rule establish. The Bureau shall  
23 utilize the Comptroller's offset system and private collection  
24 agencies, as well as its own collections personnel. The Bureau  
25 shall collect debt using all legal authority available to the



1 Department of Revenue to collect debt and all legal authority  
2 available to the referring agency.

3 (b) The Bureau shall have the sole authority to let  
4 contracts with persons specializing in debt collection for the  
5 collection of debt referred to and accepted by the Bureau. Any  
6 contract with the debt collector shall specify that the  
7 collector's fee shall be on a contingency basis and that the  
8 debt collector shall not be entitled to collect a contingency  
9 fee for any debt collected through the efforts of any State  
10 offset system.

11 (c) The Department of Revenue shall adopt rules for the  
12 certification of debt from referring agencies and shall adopt  
13 rules for the certification of collection specialists to be  
14 employed by the Bureau.

15 (d) The Department of Revenue shall adopt rules for  
16 determining when a debt referred by an agency shall be deemed  
17 by the Bureau to be uncollectible.

18 (e) Once an agency's debt is deemed by the Bureau to be  
19 uncollectible, the Bureau shall return the debt to the  
20 referring agency which shall then write the debt off as  
21 uncollectible or return the debt to the Bureau for additional  
22 collection efforts. The Bureau shall refuse to accept debt that  
23 has been deemed uncollectible absent factual assertions from  
24 the referring agency that due to circumstances not known at the  
25 time the debt was deemed uncollectible that the debt is worthy  
26 of additional collection efforts.

1 (f) For each debt referred, the State agency shall retain  
2 all documents and records relating to or supporting the debt.  
3 In the event a debtor shall raise a reasonable doubt as to the  
4 validity of the debt, the Bureau may in its discretion refer  
5 the debt back to the referring agency for further review and  
6 recommendation.

7 (g) The Department of Healthcare and Family Services ~~Public~~  
8 ~~Aid~~ shall be exempt from the requirements of this Section with  
9 regard to child support debts, the collection of which is  
10 governed by the requirements of Title IV, Part D of the federal  
11 Social Security Act. The Department of Healthcare and Family  
12 Services ~~Public Aid~~ may refer child support debts to the  
13 Bureau, provided that the debt satisfies the requirements for  
14 referral of delinquent debt as established by rule by the  
15 Department of Revenue. The Bureau shall use all legal means  
16 available to collect child support debt, including those  
17 authorizing the Department of Revenue to collect debt and those  
18 authorizing the Department of Healthcare and Family Services  
19 ~~Public Aid~~ to collect debt. All such referred debt shall remain  
20 an obligation under the Department of Healthcare and Family  
21 Services' ~~Public Aid's~~ Child Support Enforcement Program  
22 subject to the requirements of Title IV, Part D of the federal  
23 Social Security Act, including the continued use of federally  
24 mandated enforcement remedies and techniques by the Department  
25 of Healthcare and Family Services ~~Public Aid~~.

26 (g-1) The Department of Employment Security is exempt from

1 subsection (a) with regard to debts to any federal account,  
2 including but not limited to the Unemployment Trust Fund, and  
3 penalties and interest assessed under the Unemployment  
4 Insurance Act. The Department of Employment Security may refer  
5 those debts to the Bureau, provided the debt satisfies the  
6 requirements for referral of delinquent debt as established by  
7 rule by the Department of Revenue. The Bureau shall use all  
8 legal means available to collect the debts, including those  
9 authorizing the Department of Revenue to collect debt and those  
10 authorizing the Department of Employment Security to collect  
11 debt. All referred debt shall remain an obligation to the  
12 account to which it is owed.

13 (h) The Debt Collection Fund is created as a special fund  
14 in the State treasury. Debt collection contractors under this  
15 Act shall receive a contingency fee as provided by the terms of  
16 their contracts with the Department of Revenue. Thereafter, 20%  
17 of all amounts collected by the Bureau, excluding amounts  
18 collected on behalf of the Departments of Healthcare and Family  
19 Services (formerly Public Aid) and Revenue, shall be deposited  
20 into the Debt Collection Fund. All remaining amounts collected  
21 shall be deposited into the General Revenue Fund unless the  
22 funds are owed to any State fund or funds other than the  
23 General Revenue Fund. Moneys in the Debt Collection Fund shall  
24 be appropriated only for the administrative costs of the  
25 Bureau. On the last day of each fiscal year, unappropriated  
26 moneys and moneys otherwise deemed unneeded for the next fiscal

1 year remaining in the Debt Collection Fund may be transferred  
2 into the General Revenue Fund at the Governor's reasonable  
3 discretion. The provisions of this subsection do not apply to  
4 debt that is exempt from subsection (a) pursuant to subsection  
5 (g-1) or child support debt referred to the Bureau by the  
6 Department of Healthcare and Family Services (formerly  
7 Department of Public Aid) pursuant to this amendatory Act of  
8 the 93rd General Assembly. Collections arising from referrals  
9 from the Department of Healthcare and Family Services (formerly  
10 Department of Public Aid) shall be deposited into such fund or  
11 funds as the Department of Healthcare and Family Services  
12 ~~Public Aid~~ shall direct, in accordance with the requirements of  
13 Title IV, Part D of the federal Social Security Act, applicable  
14 provisions of State law, and the rules of the Department of  
15 Healthcare and Family Services ~~Public Aid~~. Collections arising  
16 from referrals from the Department of Employment Security shall  
17 be deposited into the fund or funds that the Department of  
18 Employment Security shall direct, in accordance with the  
19 requirements of Section 3304(a)(3) of the federal Unemployment  
20 Tax Act, Section 303(a)(4) of the federal Social Security Act,  
21 and the Unemployment Insurance Act.

22 (i) The Attorney General and the State Comptroller may  
23 assist in the debt collection efforts of the Bureau, as  
24 requested by the Department of Revenue.

25 (j) The Director of Revenue shall report annually to the  
26 General Assembly and State Comptroller upon the debt collection

1 efforts of the Bureau. Each report shall include an analysis of  
2 the overdue debts owed to the State.

3 (k) The Department of Revenue shall adopt rules and  
4 procedures for the administration of this amendatory Act of the  
5 93rd General Assembly. The rules shall be adopted under the  
6 Department of Revenue's emergency rulemaking authority within  
7 90 days following the effective date of this amendatory Act of  
8 the 93rd General Assembly due to the budget crisis threatening  
9 the public interest.

10 (l) The Department of Revenue's Debt Collection Bureau's  
11 obligations under this Section 10 shall be subject to  
12 appropriation by the General Assembly.

13 (Source: P.A. 93-570, eff. 8-20-03; revised 12-15-05.)

14 Section 325. The Public Funds Investment Act is amended by  
15 changing Section 6 as follows:

16 (30 ILCS 235/6) (from Ch. 85, par. 906)

17 Sec. 6. Report of financial institutions.

18 (a) No bank shall receive any public funds unless it has  
19 furnished the corporate authorities of a public agency  
20 submitting a deposit with copies of the last two sworn  
21 statements of resources and liabilities which the bank is  
22 required to furnish to the Commissioner of Banks and Real  
23 Estate or to the Comptroller of the Currency. Each bank  
24 designated as a depository for public funds shall, while acting

1 as such depository, furnish the corporate authorities of a  
2 public agency with a copy of all statements of resources and  
3 liabilities which it is required to furnish to the Commissioner  
4 of Banks and Real Estate or to the Comptroller of the Currency;  
5 provided, that if such funds or moneys are deposited in a bank,  
6 the amount of all such deposits not collateralized or insured  
7 by an agency of the federal government shall not exceed 75% of  
8 the capital stock and surplus of such bank, and the corporate  
9 authorities of a public agency submitting a deposit shall not  
10 be discharged from responsibility for any funds or moneys  
11 deposited in any bank in excess of such limitation.

12 (b) No savings bank or savings and loan association shall  
13 receive public funds unless it has furnished the corporate  
14 authorities of a public agency submitting a deposit with copies  
15 of the last 2 sworn statements of resources and liabilities  
16 which the savings bank or savings and loan association is  
17 required to furnish to the Commissioner of Banks and Real  
18 Estate or the Federal Deposit Insurance Corporation. Each  
19 savings bank or savings and loan association designated as a  
20 depository for public funds shall, while acting as such  
21 depository, furnish the corporate authorities of a public  
22 agency with a copy of all statements of resources and  
23 liabilities which it is required to furnish to the Commissioner  
24 of Banks and Real Estate or the Federal Deposit Insurance  
25 Corporation; provided, that if such funds or moneys are  
26 deposited in a savings bank or savings and loan association,

1 the amount of all such deposits not collateralized or insured  
2 by an agency of the federal government shall not exceed 75% of  
3 the net worth of such savings bank or savings and loan  
4 association as defined by the Federal Deposit Insurance  
5 Corporation, and the corporate authorities of a public agency  
6 submitting a deposit shall not be discharged from  
7 responsibility for any funds or moneys deposited in any savings  
8 bank or savings and loan association in excess of such  
9 limitation.

10 (c) No credit union shall receive public funds unless it  
11 has furnished the corporate authorities of a public agency  
12 submitting a share deposit with copies of the last two reports  
13 of examination prepared by or submitted to the Illinois  
14 Department of Financial Institutions or the National Credit  
15 Union Administration. Each credit union designated as a  
16 depository for public funds shall, while acting as such  
17 depository, furnish the corporate authorities of a public  
18 agency with a copy of all reports of examination prepared by or  
19 furnished to the Illinois Department of Financial Institutions  
20 or the National Credit Union Administration; provided that if  
21 such funds or moneys are invested in a credit union account,  
22 the amount of all such investments not collateralized or  
23 insured by an agency of the federal government or other  
24 approved share insurer shall not exceed 50% of the unimpaired  
25 capital and surplus of such credit union, which shall include  
26 shares, reserves and undivided earnings and the corporate

1 authorities of a public agency making an investment shall not  
2 be discharged from responsibility for any funds or moneys  
3 invested in a credit union in excess of such limitation.

4 (d) Whenever a public agency deposits any public funds in a  
5 financial institution, the public agency may enter into an  
6 agreement with the financial institution requiring any funds  
7 not insured by the Federal Deposit Insurance Corporation or the  
8 National Credit Union Administration or other approved share  
9 insurer to be collateralized by any of the following classes of  
10 securities, provided there has been no default in the payment  
11 of principal or interest thereon:

12 (1) Bonds, notes, or other securities constituting  
13 direct and general obligations of the United States, the  
14 bonds, notes, or other securities constituting the direct  
15 and general obligation of any agency or instrumentality of  
16 the United States, the interest and principal of which is  
17 unconditionally guaranteed by the United States, and  
18 bonds, notes, or other securities or evidence of  
19 indebtedness constituting the obligation of a U.S. agency  
20 or instrumentality.

21 (2) Direct and general obligation bonds of the State of  
22 Illinois or of any other state of the United States.

23 (3) Revenue bonds of this State or any authority,  
24 board, commission, or similar agency thereof.

25 (4) Direct and general obligation bonds of any city,  
26 town, county, school district, or other taxing body of any



1 state, the debt service of which is payable from general ad  
2 valorem taxes.

3 (5) Revenue bonds of any city, town, county, or school  
4 district of the State of Illinois.

5 (6) Obligations issued, assumed, or guaranteed by the  
6 International Finance Corporation, the principal of which  
7 is not amortized during the life of the obligation, but no  
8 such obligation shall be accepted at more than 90% of its  
9 market value.

10 (7) Illinois Affordable Housing Program Trust Fund  
11 Bonds or Notes as defined in and issued pursuant to the  
12 Illinois Housing Development Act.

13 (8) In an amount equal to at least market value of that  
14 amount of funds deposited exceeding the insurance  
15 limitation provided by the Federal Deposit Insurance  
16 Corporation or the National Credit Union Administration or  
17 other approved share insurer: (i) securities, (ii)  
18 mortgages, (iii) letters of credit issued by a Federal Home  
19 Loan Bank, or (iv) loans covered by a State Guarantee  
20 Guaranty under the Illinois Farm Development Act, if that  
21 guarantee has been assumed by the Illinois Finance  
22 Authority under Section 845-75 of the Illinois Finance  
23 Authority Act, and loans covered by a State Guarantee under  
24 Article 830 of the Illinois Finance Authority Act.

25 (9) Certificates of deposit or share certificates  
26 issued to the depository institution pledging them as

1 security. The public agency may require security in the  
2 amount of 125% of the value of the public agency deposit.

3 Such certificate of deposit or share certificate shall:

4 (i) be fully insured by the Federal Deposit  
5 Insurance Corporation, the Federal Savings and Loan  
6 Insurance Corporation, or the National Credit Union  
7 Share Insurance Fund or issued by a depository  
8 institution which is rated within the 3 highest  
9 classifications established by at least one of the 2  
10 standard rating services;

11 (ii) be issued by a financial institution having  
12 assets of \$15,000,000 or more; and

13 (iii) be issued by either a savings and loan  
14 association having a capital to asset ratio of at least  
15 2%, by a bank having a capital to asset ratio of at  
16 least 6% or by a credit union having a capital to asset  
17 ratio of at least 4%.

18 The depository institution shall effect the assignment of  
19 the certificate of deposit or share certificate to the public  
20 agency and shall agree that, in the event the issuer of the  
21 certificate fails to maintain the capital to asset ratio  
22 required by this Section, such certificate of deposit or share  
23 certificate shall be replaced by additional suitable security.

24 (e) The public agency may accept a system established by  
25 the State Treasurer to aggregate permissible securities  
26 received as collateral from financial institutions in a

1 collateral pool to secure public deposits of the institutions  
2 that have pledged securities to the pool.

3 (f) The public agency may at any time declare any  
4 particular security ineligible to qualify as collateral when,  
5 in the public agency's judgment, it is deemed desirable to do  
6 so.

7 (g) Notwithstanding any other provision of this Section, as  
8 security a public agency may, at its discretion, accept a bond,  
9 executed by a company authorized to transact the kinds of  
10 business described in clause (g) of Section 4 of the Illinois  
11 Insurance Code, in an amount not less than the amount of the  
12 deposits required by this Section to be secured, payable to the  
13 public agency for the benefit of the People of the unit of  
14 government, in a form that is acceptable to the public agency  
15 ~~Finance Authority.~~

16 (h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of  
17 this Section do not apply to the University of Illinois,  
18 Southern Illinois University, Chicago State University,  
19 Eastern Illinois University, Governors State University,  
20 Illinois State University, Northeastern Illinois University,  
21 Northern Illinois University, Western Illinois University, the  
22 Cooperative Computer Center and public community colleges.

23 (Source: P.A. 93-205, eff. 1-1-04; 93-561, eff. 1-1-04; revised  
24 1-14-04.)

25 Section 330. The State Employee Illinois Workers'

1 Compensation Commission Awards Act is amended by changing  
2 Section 5 as follows:

3 (30 ILCS 260/5) (from Ch. 127, par. 181a)

4 Sec. 5. Federal funds for compensation of certain State  
5 employees. The State Treasurer, ex officio, may receive from  
6 the ~~State~~ Department of Healthcare and Family Services ~~Public~~  
7 ~~Aid~~ and the Department of Human Services (as successor to the  
8 Department of Public Aid) any moneys which either Department  
9 has received or shall receive from the federal government for  
10 the payment of compensation awards for injuries or death  
11 suffered by any person during the course of his or her  
12 employment by the Department of Healthcare and Family Services  
13 (formerly the State Department of Public Aid) or the County  
14 Department of Public Aid or the Department of Human Services  
15 (as successor to the Illinois Department of Public Aid) or upon  
16 any project entered into between the Department of Healthcare  
17 and Family Services (formerly the State Department of Public  
18 Aid) or the Department of Human Services (as successor to the  
19 Illinois Department of Public Aid) and any other department or  
20 agency of the State. Such moneys, or any part thereof may be  
21 paid over from time to time by the Department, to be held in  
22 trust by the Treasurer, ex officio, and disbursed by the  
23 Treasurer to the beneficiaries as directed by the Department.  
24 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

1 Section 335. The Local Government Debt Offering Act is  
2 amended by changing Section 2 as follows:

3 (30 ILCS 375/2) (from Ch. 85, par. 842)

4 Sec. 2.

5 (a) "Local government" means a county, city, village, town,  
6 township, school district, and other special-purpose district,  
7 authority, or public corporation within the state and  
8 authorized by the state to issue bonds and other long-term  
9 obligations.

10 (b) "Governing body" means the body or board charged with  
11 exercising the legislative authority of a local government.

12 (c) "Department" means the Department of Commerce and  
13 Economic Opportunity ~~Local Governmental Affairs~~.

14 (d) "Chief financial officer" means the comptroller,  
15 treasurer, director of finance or other local government  
16 official charged with managing the fiscal affairs of a local  
17 government official charged with managing the fiscal affairs of  
18 a local government.

19 (e) "Bonds" means debt payable more than one year after  
20 date of issue or incurrence, issued pursuant to the laws  
21 authorizing local government borrowing.

22 (Source: P.A. 77-1504; revised 10-11-05.)

23 Section 340. The Human Services Provider Bond Reserve  
24 Payment Act is amended by changing Section 10 as follows:

1 (30 ILCS 435/10)

2 Sec. 10. Definitions. For the purposes of this Act:

3 (a) "Service provider" means any nongovernmental entity,  
4 either for-profit or not-for-profit, that enters into a  
5 contract with a State agency under which the entity is paid or  
6 reimbursed by the State for providing human services to persons  
7 in Illinois.

8 (b) "State agency" means the Department of Healthcare and  
9 Family Services (formerly Department of Public Aid), the  
10 Department of Public Health, the Department of Children and  
11 Family Services, the Department of Human Services, and any  
12 other department or agency of State government that enters into  
13 contracts with service providers under which the provider is  
14 paid or reimbursed by the State for providing human services to  
15 persons in Illinois.

16 (c) "Covered bond issue" means revenue bonds (i) that are  
17 issued by any agency of State or local government within this  
18 State, including without limitation bonds issued by the  
19 Illinois Finance Authority, (ii) that are to be directly or  
20 indirectly paid, in whole or in part, from payments due to a  
21 service provider under a human services contract with a State  
22 agency, and (iii) for which a debt service reserve or other  
23 reserve fund has been established, under the control of a named  
24 trustee, that the service provider is required to replenish in  
25 the event that moneys from the reserve fund are used to make

1 payments of principal or interest on the bonds.

2 (Source: P.A. 93-205, eff. 1-1-04; revised 12-15-05.)

3 Section 345. The Illinois Unemployment Insurance Trust  
4 Fund Financing Act is amended by changing Section 8 as follows:

5 (30 ILCS 440/8)

6 Sec. 8. Continuing appropriation. This Act shall  
7 constitute an irrevocable and continuing appropriation of all  
8 amounts necessary in respect to use of Fund Building Receipts  
9 ~~Receipts~~ and Bond Proceeds for purposes specified in this Act,  
10 including, without limitation, for the provision for payment of  
11 principal and interest on the Bonds and other amounts due in  
12 connection with the issuance of the Bonds pursuant to this Act,  
13 to the fullest extent such appropriation is required.

14 (Source: P.A. 93-634, eff. 1-1-04; revised 10-14-05.)

15 Section 350. The Illinois Procurement Code is amended by  
16 changing Sections 35-30, 50-13, and 50-35 as follows:

17 (30 ILCS 500/35-30)

18 Sec. 35-30. Awards.

19 (a) All State contracts for professional and artistic  
20 services, except as provided in this Section, shall be awarded  
21 using the competitive request for proposal process outlined in  
22 this Section.

1           (b) For each contract offered, the chief procurement  
2 officer, State purchasing officer, or his or her designee shall  
3 use the appropriate standard solicitation forms available from  
4 the Department of Central Management Services or the higher  
5 education chief procurement officer.

6           (c) Prepared forms shall be submitted to the Department of  
7 Central Management Services or the higher education chief  
8 procurement officer, whichever is appropriate, for publication  
9 in its Illinois Procurement Bulletin and circulation to the  
10 Department of Central Management Services' or the higher  
11 education chief procurement officer's list of prequalified  
12 vendors. Notice of the offer or request for proposal shall  
13 appear at least 14 days before the response to the offer is  
14 due.

15           (d) All interested respondents shall return their  
16 responses to the Department of Central Management Services or  
17 the higher education chief procurement officer, whichever is  
18 appropriate, which shall open and record them. The Department  
19 or higher education chief procurement officer then shall  
20 forward the responses, together with any information it has  
21 available about the qualifications and other State work of the  
22 respondents.

23           (e) After evaluation, ranking, and selection, the  
24 responsible chief procurement officer, State purchasing  
25 officer, or his or her designee shall notify the Department of  
26 Central Management Services or the higher education chief



1 procurement officer, whichever is appropriate, of the  
2 successful respondent and shall forward a copy of the signed  
3 contract for the Department's or higher education chief  
4 procurement officer's file. The Department or higher education  
5 chief procurement officer shall publish the names of the  
6 responsible procurement decision-maker, the agency letting the  
7 contract, the successful respondent, a contract reference, and  
8 value of the let contract in the next appropriate volume of the  
9 Illinois Procurement Bulletin.

10 (f) For all professional and artistic contracts with  
11 annualized value that exceeds \$25,000, evaluation and ranking  
12 by price are required. Any chief procurement officer or State  
13 purchasing officer, but not their designees, may select an  
14 offeror other than the lowest bidder by price. In any case,  
15 when the contract exceeds the \$25,000 threshold ~~threshold~~ and  
16 the lowest bidder is not selected, the chief procurement  
17 officer or the State purchasing officer shall forward together  
18 with the contract notice of who the low bidder was and a  
19 written decision as to why another was selected to the  
20 Department of Central Management Services or the higher  
21 education chief procurement officer, whichever is appropriate.  
22 The Department or higher education chief procurement officer  
23 shall publish as provided in subsection (e) of Section 35-30,  
24 but shall include notice of the chief procurement officer's or  
25 State purchasing officer's written decision.

26 (g) The Department of Central Management Services and

1 higher education chief procurement officer may each refine, but  
2 not contradict, this Section by promulgating rules for  
3 submission to the Procurement Policy Board and then to the  
4 Joint Committee on Administrative Rules. Any refinement shall  
5 be based on the principles and procedures of the federal  
6 Architect-Engineer Selection Law, Public Law 92-582 Brooks  
7 Act, and the Architectural, Engineering, and Land Surveying  
8 Qualifications Based Selection Act; except that pricing shall  
9 be an integral part of the selection process.

10 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised  
11 10-19-05.)

12 (30 ILCS 500/50-13)

13 Sec. 50-13. Conflicts of interest.

14 (a) Prohibition. It is unlawful for any person holding an  
15 elective office in this State, holding a seat in the General  
16 Assembly, or appointed to or employed in any of the offices or  
17 agencies of State government and who receives compensation for  
18 such employment in excess of 60% of the salary of the Governor  
19 of the State of Illinois, or who is an officer or employee of  
20 the Capital Development Board or the Illinois Toll Highway  
21 Authority, or who is the spouse or minor child of any such  
22 person to have or acquire any contract, or any direct pecuniary  
23 interest in any contract therein, whether for stationery,  
24 printing, paper, or any services, materials, or supplies, that  
25 will be wholly or partially satisfied by the payment of funds

1 appropriated by the General Assembly of the State of Illinois  
2 or in any contract of the Capital Development Board or the  
3 Illinois Toll Highway Authority.

4 (b) Interests. It is unlawful for any firm, partnership,  
5 association, or corporation, in which any person listed in  
6 subsection (a) is entitled to receive (i) more than 7 1/2% of  
7 the total distributable income or (ii) an amount in excess of  
8 the salary of the Governor, to have or acquire any such  
9 contract or direct pecuniary interest therein.

10 (c) Combined interests. It is unlawful for any firm,  
11 partnership, association, or corporation, in which any person  
12 listed in subsection (a) together with his or her spouse or  
13 minor children is entitled to receive (i) more than 15%, in the  
14 aggregate, of the total distributable income or (ii) an amount  
15 in excess of 2 times the salary of the Governor, to have or  
16 acquire any such contract or direct pecuniary interest therein.

17 (c-5) Appointees and firms. In addition to any provisions  
18 of this Code, the interests of certain appointees and their  
19 firms are subject to Section 3A-35 of the Illinois Governmental  
20 Ethics Act.

21 (d) Securities. Nothing in this Section invalidates the  
22 provisions of any bond or other security previously offered or  
23 to be offered for sale or sold by or for the State of Illinois.

24 (e) Prior interests. This Section does not affect the  
25 validity of any contract made between the State and an officer  
26 or employee of the State or member of the General Assembly, his

1 or her spouse, minor child, or other immediate family member  
2 living in his or her residence or any combination of those  
3 persons if that contract was in existence before his or her  
4 election or employment as an officer, member, or employee. The  
5 contract is voidable, however, if it cannot be completed within  
6 365 days after the officer, member, or employee takes office or  
7 is employed.

8 (f) Exceptions.

9 (1) Public aid payments. This Section does not apply to  
10 payments made for a public aid recipient.

11 (2) Teaching. This Section does not apply to a contract  
12 for personal services as a teacher or school administrator  
13 between a member of the General Assembly or his or her  
14 spouse, or a State officer or employee or his or her  
15 spouse, and any school district, public community college  
16 district, the University of Illinois, Southern Illinois  
17 University, Illinois State University, Eastern Illinois  
18 University, Northern Illinois University, Western Illinois  
19 University, Chicago State University, Governor State  
20 University, or Northeastern Illinois University.

21 (3) Ministerial duties. This Section does not apply to  
22 a contract for personal services of a wholly ministerial  
23 character, including but not limited to services as a  
24 laborer, clerk, typist, stenographer, page, bookkeeper,  
25 receptionist, or telephone switchboard operator, made by a  
26 spouse or minor child of an elective or appointive State

1 officer or employee or of a member of the General Assembly.

2 (4) Child and family services. This Section does not  
3 apply to payments made to a member of the General Assembly,  
4 a State officer or employee, his or her spouse or minor  
5 child acting as a foster parent, homemaker, advocate, or  
6 volunteer for or in behalf of a child or family served by  
7 the Department of Children and Family Services.

8 (5) Licensed professionals. Contracts with licensed  
9 professionals, provided they are competitively bid or part  
10 of a reimbursement program for specific, customary goods  
11 and services through the Department of Children and Family  
12 Services, the Department of Human Services, the Department  
13 of Healthcare and Family Services ~~Public Aid~~, the  
14 Department of Public Health, or the Department on Aging.

15 (g) Penalty. A person convicted of a violation of this  
16 Section is guilty of a business offense and shall be fined not  
17 less than \$1,000 nor more than \$5,000.

18 (Source: P.A. 93-615, eff. 11-19-03; revised 12-15-05.)

19 (30 ILCS 500/50-35)

20 Sec. 50-35. Disclosure and potential conflicts of  
21 interest.

22 (a) All offers from responsive bidders or offerors with an  
23 annual value of more than \$10,000 shall be accompanied by  
24 disclosure of the financial interests of the contractor,  
25 bidder, or proposer. The financial disclosure of each

1 successful bidder or offeror shall become part of the publicly  
2 available contract or procurement file maintained by the  
3 appropriate chief procurement officer.

4 (b) Disclosure by the responsive bidders or offerors shall  
5 include any ownership or distributive income share that is in  
6 excess of 5%, or an amount greater than 60% of the annual  
7 salary of the Governor, of the bidding entity or its parent  
8 entity, whichever is less, unless the contractor or bidder (i)  
9 is a publicly traded entity subject to Federal 10K reporting,  
10 in which case it may submit its 10K disclosure in place of the  
11 prescribed disclosure, or (ii) is a privately held entity that  
12 is exempt from Federal 10k reporting but has more than 400  
13 shareholders, in which case it may submit the information that  
14 Federal 10k reporting companies are required to report under 17  
15 CFR 229.401 and list the names of any person or entity holding  
16 any ownership share that is in excess of 5% in place of the  
17 prescribed disclosure. The form of disclosure shall be  
18 prescribed by the applicable chief procurement officer and must  
19 include at least the names, addresses, and dollar or  
20 proportionate share of ownership of each person identified in  
21 this Section, their instrument of ownership or beneficial  
22 relationship, and notice of any potential conflict of interest  
23 resulting from the current ownership or beneficial  
24 relationship of each person identified in this Section having  
25 in addition any of the following relationships:

26 (1) State employment, currently or in the previous 3

1 years, including contractual employment of services.

2 (2) State employment of spouse, father, mother, son, or  
3 daughter, including contractual employment for services in  
4 the previous 2 years.

5 (3) Elective status; the holding of elective office of  
6 the State of Illinois, the government of the United States,  
7 any unit of local government authorized by the Constitution  
8 of the State of Illinois or the statutes of the State of  
9 Illinois currently or in the previous 3 years.

10 (4) Relationship to anyone holding elective office  
11 currently or in the previous 2 years; spouse, father,  
12 mother, son, or daughter.

13 (5) Appointive office; the holding of any appointive  
14 government office of the State of Illinois, the United  
15 States of America, or any unit of local government  
16 authorized by the Constitution of the State of Illinois or  
17 the statutes of the State of Illinois, which office  
18 entitles the holder to compensation in excess of expenses  
19 incurred in the discharge of that office currently or in  
20 the previous 3 years.

21 (6) Relationship to anyone holding appointive office  
22 currently or in the previous 2 years; spouse, father,  
23 mother, son, or daughter.

24 (7) Employment, currently or in the previous 3 years,  
25 as or by any registered lobbyist of the State government.

26 (8) Relationship to anyone who is or was a registered

1 lobbyist in the previous 2 years; spouse, father, mother,  
2 son, or daughter.

3 (9) Compensated employment, currently or in the  
4 previous 3 years, by any registered election or re-election  
5 committee registered with the Secretary of State or any  
6 county clerk in the State of Illinois, or any political  
7 action committee registered with either the Secretary of  
8 State or the Federal Board of Elections.

9 (10) Relationship to anyone; spouse, father, mother,  
10 son, or daughter; who is or was a compensated employee in  
11 the last 2 years of any registered election or re-election  
12 committee registered with the Secretary of State or any  
13 county clerk in the State of Illinois, or any political  
14 action committee registered with either the Secretary of  
15 State or the Federal Board of Elections.

16 (c) The disclosure in subsection (b) is not intended to  
17 prohibit or prevent any contract. The disclosure is meant to  
18 fully and publicly disclose any potential conflict to the chief  
19 procurement officers, State purchasing officers, their  
20 designees, and executive officers so they may adequately  
21 discharge their duty to protect the State.

22 (d) In the case of any contract for personal services in  
23 excess of \$50,000; any contract competitively bid in excess of  
24 \$250,000; any other contract in excess of \$50,000; when a  
25 potential for a conflict of interest is identified, discovered,  
26 or reasonably suspected it shall be reviewed and commented on



1 in writing by the Governor of the State of Illinois, or by an  
2 executive ethics board or commission he or she might designate.  
3 The comment shall be returned to the responsible chief  
4 procurement officer who must rule in writing whether to void or  
5 allow the contract, bid, offer, or proposal weighing the best  
6 interest of the State of Illinois. The comment and  
7 determination shall become a publicly available part of the  
8 contract, bid, or proposal file.

9 (e) These thresholds ~~thresholds~~ and disclosure do not  
10 relieve the chief procurement officer, the State purchasing  
11 officer, or their designees from reasonable care and diligence  
12 for any contract, bid, offer, or proposal. The chief  
13 procurement officer, the State purchasing officer, or their  
14 designees shall be responsible for using any reasonably known  
15 and publicly available information to discover any undisclosed  
16 potential conflict of interest and act to protect the best  
17 interest of the State of Illinois.

18 (f) Inadvertent or accidental failure to fully disclose  
19 shall render the contract, bid, proposal, or relationship  
20 voidable by the chief procurement officer if he or she deems it  
21 in the best interest of the State of Illinois and, at his or  
22 her discretion, may be cause for barring from future contracts,  
23 bids, proposals, or relationships with the State for a period  
24 of up to 2 years.

25 (g) Intentional, willful, or material failure to disclose  
26 shall render the contract, bid, proposal, or relationship

1 voidable by the chief procurement officer if he or she deems it  
2 in the best interest of the State of Illinois and shall result  
3 in debarment from future contracts, bids, proposals, or  
4 relationships for a period of not less than 2 years and not  
5 more than 10 years. Reinstatement after 2 years and before 10  
6 years must be reviewed and commented on in writing by the  
7 Governor of the State of Illinois, or by an executive ethics  
8 board or commission he or she might designate. The comment  
9 shall be returned to the responsible chief procurement officer  
10 who must rule in writing whether and when to reinstate.

11 (h) In addition, all disclosures shall note any other  
12 current or pending contracts, proposals, leases, or other  
13 ongoing procurement relationships the bidding, proposing, or  
14 offering entity has with any other unit of State government and  
15 shall clearly identify the unit and the contract, proposal,  
16 lease, or other relationship.

17 (Source: P.A. 90-572, eff. 2-6-98; 91-146, eff. 7-16-99;  
18 revised 10-19-05.)

19 Section 355. The State Property Control Act is amended by  
20 changing Section 1.02 as follows:

21 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

22 Sec. 1.02. "Property" means State owned property and  
23 includes all real estate, with the exception of rights of way  
24 for State water resource and highway improvements, traffic

1 signs and traffic signals, and with the exception of common  
2 school property; and all tangible personal property with the  
3 exception of properties specifically exempted by the  
4 administrator, provided that any property originally  
5 classified as real property which has been detached from its  
6 structure shall be classified as personal property.

7 "Property" does not include property owned by the Illinois  
8 Medical District Commission and leased or occupied by others  
9 for purposes permitted under the Illinois Medical District Act.

10 "Property" also does not include property owned and held by the  
11 Illinois Medical District Commission for redevelopment.

12 "Property" does not include property described under  
13 Section 5 of Public Act 92-371 with respect to depositing the  
14 net proceeds from the sale or exchange of the property as  
15 provided in Section 10 of that Act.

16 "Property" does not include that property described under  
17 Section 5 of Public Act 94-405 ~~this amendatory Act of the 94th~~  
18 ~~General Assembly.~~

19 (Source: P.A. 94-405, eff. 8-2-05; revised 8-31-05.)

20 Section 360. The State Facilities Closure Act is amended by  
21 changing Section 5-1 as follows:

22 (30 ILCS 608/5-1)

23 Sec. 5-1. Short title. This Article ~~Act~~ may be cited as the  
24 State Facilities Closure Act. All references in this Article to

1 "this Act" mean this Article.

2 (Source: P.A. 93-839, eff. 7-30-04; revised 11-5-04.)

3 Section 365. The Build Illinois Act is amended by changing  
4 Section 9-4.2 as follows:

5 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

6 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

7 (a) There is hereby created the Illinois Capital Revolving  
8 Loan Fund, hereafter referred to in this Article as the  
9 "Capital Fund" to be held as a separate fund within the State  
10 Treasury.

11 The purpose of the Capital Fund is to finance intermediary  
12 agreements, administration, technical assistance agreements,  
13 loans, grants, or investments in Illinois. In addition, funds  
14 may be used for a one time transfer in fiscal year 1994, not to  
15 exceed the amounts appropriated, to the Public Infrastructure  
16 Construction Loan Revolving Fund for grants and loans pursuant  
17 to the Public Infrastructure Loan and Grant Program Act.  
18 Investments, administration, grants, and financial aid shall  
19 be used for the purposes set for in this Article. Loan  
20 financing will be in the form of loan agreements pursuant to  
21 the terms and conditions set forth in this Article. All loans  
22 shall be conditioned on the project receiving financing from  
23 participating lenders or other investors. Loan proceeds shall  
24 be available for project costs, except for debt refinancing.

1 (b) There shall be deposited in the Capital Fund such  
2 amounts, including but not limited to:

3 (i) All receipts, including dividends, principal and  
4 interest payments and royalties, from any applicable loan,  
5 intermediary, or technical assistance agreement made from  
6 the Capital Fund or from direct appropriations from the  
7 Build Illinois Bond Fund or the Build Illinois Purposes  
8 Fund (now abolished) or the General Revenue Fund by the  
9 General Assembly entered into by the Department;

10 (ii) All proceeds of assets of whatever nature received  
11 by the Department as a result of default or delinquency  
12 with respect to loan agreements made from the Capital Fund  
13 or from direct appropriations by the General Assembly,  
14 including proceeds from the sale, disposal, lease or rental  
15 of real or personal property which the Department may  
16 receive as a result thereof;

17 (iii) Any appropriations, grants or gifts made to the  
18 Capital Fund;

19 (iv) Any income received from interest on investments  
20 of moneys in the Capital Fund;

21 (v) All moneys resulting from the collection of  
22 premiums, fees, charges, costs, and expenses described in  
23 subsection (e) of Section 9-3.

24 (c) The Treasurer may invest moneys in the Capital Fund in  
25 securities constituting obligations of the United States  
26 Government, or in obligations the principal of and interest on

1 which are guaranteed by the United States Government, in  
2 obligations the principal of and interest on which are  
3 guaranteed by the United States Government, or in certificates  
4 of deposit of any State or national bank which are fully  
5 secured by obligations guaranteed as to principal and interest  
6 by the United States Government.

7 (Source: P.A. 94-91, eff. 7-1-05; 94-392, eff. 8-1-05; revised  
8 8-19-05.)

9 Section 370. The Excellence in Academic Medicine Act is  
10 amended by changing Sections 65 and 74 as follows:

11 (30 ILCS 775/65)

12 Sec. 65. Reporting requirements. On or before May 1 of each  
13 year, the chief executive officer of each Qualified Academic  
14 Medical Center Hospital shall submit a report to the  
15 Comptroller regarding the effects of the programs authorized by  
16 this Act. The report shall also report the total amount of  
17 grants from and contracts with the National Institutes of  
18 Health in the preceding calendar year. It shall assess whether  
19 the programs funded are likely to be successful, require  
20 further study, or no longer appear to be promising avenues of  
21 research. It shall discuss the probable use of the  
22 developmental program in mainstream medicine including both  
23 cost impact and medical effect. The report shall address the  
24 effects the programs may have on containing Title XIX and Title

1 XXI costs in Illinois. The Comptroller shall immediately  
2 forward the report to the Director of Healthcare and Family  
3 Services ~~Public Aid~~ and the Director of Public Health who shall  
4 evaluate the contents in a letter submitted to the President of  
5 the Senate and the Speaker of the House of Representatives.

6 (Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

7 (30 ILCS 775/74)

8 Sec. 74. Reimbursement methodology. The Department of  
9 Healthcare and Family Services ~~Public Aid~~ may develop a  
10 reimbursement methodology consistent with this Act for  
11 distribution of moneys from the funds in a manner that would  
12 allow distributions from these funds to be matchable under  
13 Title XIX of the Social Security Act. The Department may  
14 promulgate rules necessary to make these distributions  
15 matchable.

16 (Source: P.A. 89-506, eff. 7-3-96; revised 12-15-05.)

17 Section 375. The State Mandates Act is amended by setting  
18 forth, renumbering, and changing multiple versions of Section  
19 8.25 and by changing Sections 8.27, 8.28, 8.29, and 8.30 as  
20 follows:

21 (30 ILCS 805/8.25)

22 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8  
23 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by Public Act 92-36,  
2 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388, 92-416,  
3 92-424, or 92-465.

4 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01; 92-52,  
5 eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff. 1-1-02; 92-281,  
6 eff. 8-7-01; 92-382, eff. 8-16-01; 92-388, eff. 1-1-02; 92-416,  
7 eff. 8-17-01; 92-424, eff. 8-17-01; 92-465, eff. 1-1-02;  
8 92-651, eff. 7-11-02.)

9 (30 ILCS 805/8.26)

10 Sec. 8.26 ~~8.25~~. Exempt mandate. Notwithstanding Sections 6  
11 and 8 of this Act, no reimbursement by the State is required  
12 for the implementation of any mandate created by Public Act  
13 92-505, 92-533, 92-599, 92-602, 92-609, 92-616, 92-631,  
14 92-705, 92-733, 92-767, 92-779, 92-844, or 92-846. ~~this~~  
15 ~~amendatory Act of the 92nd General Assembly.~~

16 (Source: P.A. 92-505, eff. 12-20-01; 92-533, eff. 3-14-02;  
17 92-599, eff. 6-28-02; 92-602, eff. 7-1-02; 92-609, eff. 7-1-02;  
18 92-616, eff. 7-8-02; 92-631, eff. 7-11-02; 92-705, eff.  
19 7-19-02; 92-733, eff. 7-25-02; 92-767, eff. 8-6-02; 92-779,  
20 eff. 8-6-02; 92-844, eff. 8-23-02; 92-846, eff. 8-23-02;  
21 revised 10-25-02.)

22 (30 ILCS 805/8.27)

23 Sec. 8.27. Exempt mandate.

24 (a) Notwithstanding Sections 6 and 8 of this Act, no



1 reimbursement by the State is required for the implementation  
2 of any mandate created by Public Act 93-3, 93-19, 93-42,  
3 93-119, 93-123, 93-146, 93-206, 93-209, 93-226, 93-282,  
4 93-314, 93-334, 93-377, 93-378, 93-409, 93-411, 93-517,  
5 93-538, 93-574, or 93-633. ~~this amendatory Act of the 93rd~~  
6 ~~General Assembly.~~

7 (b) Notwithstanding Sections 6 and 8 of this Act, no  
8 reimbursement by the State is required for the implementation  
9 of any mandate created by Section 25.5 of the River Conservancy  
10 Districts Act.

11 (c) Notwithstanding Sections 6 and 8 of this Act, no  
12 reimbursement by the State is required for the implementation  
13 of any mandate created by the Public Works Contract Change  
14 Order Act.

15 (Source: P.A. 93-3, eff. 4-16-03; 93-19, eff. 6-20-03; 93-42,  
16 eff. 7-1-03; 93-119, eff. 7-10-03; 93-123, eff. 7-10-03;  
17 93-146, eff. 7-10-03; 93-206, eff. 7-18-03; 93-209, eff.  
18 7-18-03; 93-226, eff. 7-22-03; 93-275, eff. 7-22-03; 93-282,  
19 eff. 7-22-03; 93-314, eff. 1-1-04; 93-334, eff. 7-24-03;  
20 93-377, eff. 1-1-04; 93-378, eff. 7-24-03; 93-409, eff. 8-4-03;  
21 93-411, eff. 8-4-03; 93-517, eff. 8-6-03; 93-538, eff. 1-1-04;  
22 93-574, eff. 8-21-03; 93-633; eff. 12-23-03; 93-656, eff.  
23 6-1-04; revised 1-22-04.)

24 (30 ILCS 805/8.28)

25 Sec. 8.28. Exempt mandate.

1 (a) Notwithstanding Sections 6 and 8 of this Act, no  
2 reimbursement by the State is required for the implementation  
3 of any mandate created by Public Act 93-654, 93-677, 93-679,  
4 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, 93-1038,  
5 93-1079, or 93-1090 ~~this amendatory Act of the 93rd General~~  
6 ~~Assembly.~~

7 (b) Notwithstanding Sections 6 and 8 of this Act, no  
8 reimbursement by the State is required for the implementation  
9 of any mandate created by the Senior Citizens Assessment Freeze  
10 Homestead Exemption under Section 15-172 of the Property Tax  
11 Code, the General Homestead Exemption under Section 15-175 of  
12 the Property Tax Code, the alternative General Homestead  
13 Exemption under Section 15-176 of the Property Tax Code, the  
14 Homestead Improvements Exemption under Section 15-180 of the  
15 Property Tax Code, and by Public Act 93-715 ~~this amendatory Act~~  
16 ~~of the 93rd General Assembly.~~

17 (Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04;  
18 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff.  
19 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910,  
20 eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036, eff. 9-14-04;  
21 93-1038, eff. 6-1-05; 93-1079, eff. 1-21-05; 93-1090, eff.  
22 3-11-05; revised 12-1-05.)

23 (30 ILCS 805/8.29)

24 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
25 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by Public Act 94-4,  
2 94-210, 94-234, 94-354, 94-478, 94-576, 94-600, 94-612,  
3 94-621, 94-624, 94-639, 94-645, 94-712, 94-714, 94-719, or  
4 94-724 ~~this amendatory Act of the 94th General Assembly.~~

5 (Source: P.A. 94-4, eff. 6-1-05; 94-210, eff. 7-14-05; 94-234,  
6 eff. 7-1-06; 94-354, eff. 1-1-06; 94-478, eff. 8-5-05; 94-576,  
7 eff. 8-12-05; 94-600, eff. 8-16-05; 94-612, eff. 8-18-05;  
8 94-621, eff. 8-18-05; 94-624, eff. 8-18-05; 94-639, eff.  
9 8-22-05; 94-645, eff. 8-22-05; 94-712, eff. 6-1-06; 94-714,  
10 eff. 7-1-06; 94-719, eff. 1-6-06; 94-724, eff. 1-20-06; revised  
11 1-23-06.)

12 (30 ILCS 805/8.30)

13 Sec. 8.30. Exempt mandate.

14 (a) Notwithstanding Sections 6 and 8 of this Act, no  
15 reimbursement by the State is required for the implementation  
16 of any mandate created by Public Act 94-750, 94-792, 94-794,  
17 94-806, 94-823, 94-834, 94-856, 94-875, 94-933, or 94-1055 ~~this~~  
18 ~~amendatory Act of the 94th General Assembly.~~

19 (b) Notwithstanding Sections 6 and 8 of this Act, no  
20 reimbursement by the State is required for the implementation  
21 of any mandate created by the Volunteer Emergency Worker Higher  
22 Education Protection Act.

23 (Source: P.A. 94-750, eff. 5-9-06; 94-792, eff. 5-19-06;  
24 94-794, eff. 5-22-06; 94-806, eff. 1-1-07; 94-823, eff. 1-1-07;  
25 94-834, eff. 6-6-06; 94-856, eff. 6-15-06; 94-875, eff. 7-1-06;

1 94-933, eff. 6-26-06; 94-957, eff. 7-1-06; 94-1055, eff.  
2 1-1-07; revised 8-22-06.)

3 Section 380. The Illinois Income Tax Act is amended by  
4 changing Sections 203, 205, 509, 510, and 917 and by setting  
5 forth, renumbering, and changing multiple versions of Sections  
6 507X, 507Y, and 507EE as follows:

7 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

8 Sec. 203. Base income defined.

9 (a) Individuals.

10 (1) In general. In the case of an individual, base  
11 income means an amount equal to the taxpayer's adjusted  
12 gross income for the taxable year as modified by paragraph  
13 (2).

14 (2) Modifications. The adjusted gross income referred  
15 to in paragraph (1) shall be modified by adding thereto the  
16 sum of the following amounts:

17 (A) An amount equal to all amounts paid or accrued  
18 to the taxpayer as interest or dividends during the  
19 taxable year to the extent excluded from gross income  
20 in the computation of adjusted gross income, except  
21 stock dividends of qualified public utilities  
22 described in Section 305(e) of the Internal Revenue  
23 Code;

24 (B) An amount equal to the amount of tax imposed by

1           this Act to the extent deducted from gross income in  
2           the computation of adjusted gross income for the  
3           taxable year;

4           (C) An amount equal to the amount received during  
5           the taxable year as a recovery or refund of real  
6           property taxes paid with respect to the taxpayer's  
7           principal residence under the Revenue Act of 1939 and  
8           for which a deduction was previously taken under  
9           subparagraph (L) of this paragraph (2) prior to July 1,  
10          1991, the retrospective application date of Article 4  
11          of Public Act 87-17. In the case of multi-unit or  
12          multi-use structures and farm dwellings, the taxes on  
13          the taxpayer's principal residence shall be that  
14          portion of the total taxes for the entire property  
15          which is attributable to such principal residence;

16          (D) An amount equal to the amount of the capital  
17          gain deduction allowable under the Internal Revenue  
18          Code, to the extent deducted from gross income in the  
19          computation of adjusted gross income;

20          (D-5) An amount, to the extent not included in  
21          adjusted gross income, equal to the amount of money  
22          withdrawn by the taxpayer in the taxable year from a  
23          medical care savings account and the interest earned on  
24          the account in the taxable year of a withdrawal  
25          pursuant to subsection (b) of Section 20 of the Medical  
26          Care Savings Account Act or subsection (b) of Section

1           20 of the Medical Care Savings Account Act of 2000;

2           (D-10) For taxable years ending after December 31,  
3           1997, an amount equal to any eligible remediation costs  
4           that the individual deducted in computing adjusted  
5           gross income and for which the individual claims a  
6           credit under subsection (l) of Section 201;

7           (D-15) For taxable years 2001 and thereafter, an  
8           amount equal to the bonus depreciation deduction taken  
9           on the taxpayer's federal income tax return for the  
10          taxable year under subsection (k) of Section 168 of the  
11          Internal Revenue Code;

12          (D-16) If the taxpayer sells, transfers, abandons,  
13          or otherwise disposes of property for which the  
14          taxpayer was required in any taxable year to make an  
15          addition modification under subparagraph (D-15), then  
16          an amount equal to the aggregate amount of the  
17          deductions taken in all taxable years under  
18          subparagraph (Z) with respect to that property.

19          If the taxpayer continues to own property through  
20          the last day of the last tax year for which the  
21          taxpayer may claim a depreciation deduction for  
22          federal income tax purposes and for which the taxpayer  
23          was allowed in any taxable year to make a subtraction  
24          modification under subparagraph (Z), then an amount  
25          equal to that subtraction modification.

26          The taxpayer is required to make the addition

1 modification under this subparagraph only once with  
2 respect to any one piece of property;

3 (D-17) For taxable years ending on or after  
4 December 31, 2004, an amount equal to the amount  
5 otherwise allowed as a deduction in computing base  
6 income for interest paid, accrued, or incurred,  
7 directly or indirectly, to a foreign person who would  
8 be a member of the same unitary business group but for  
9 the fact that foreign person's business activity  
10 outside the United States is 80% or more of the foreign  
11 person's total business activity. The addition  
12 modification required by this subparagraph shall be  
13 reduced to the extent that dividends were included in  
14 base income of the unitary group for the same taxable  
15 year and received by the taxpayer or by a member of the  
16 taxpayer's unitary business group (including amounts  
17 included in gross income under Sections 951 through 964  
18 of the Internal Revenue Code and amounts included in  
19 gross income under Section 78 of the Internal Revenue  
20 Code) with respect to the stock of the same person to  
21 whom the interest was paid, accrued, or incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or  
24 incurred, directly or indirectly, to a foreign  
25 person who is subject in a foreign country or  
26 state, other than a state which requires mandatory

1 unitary reporting, to a tax on or measured by net  
2 income with respect to such interest; or

3 (ii) an item of interest paid, accrued, or  
4 incurred, directly or indirectly, to a foreign  
5 person if the taxpayer can establish, based on a  
6 preponderance of the evidence, both of the  
7 following:

8 (a) the foreign person, during the same  
9 taxable year, paid, accrued, or incurred, the  
10 interest to a person that is not a related  
11 member, and

12 (b) the transaction giving rise to the  
13 interest expense between the taxpayer and the  
14 foreign person did not have as a principal  
15 purpose the avoidance of Illinois income tax,  
16 and is paid pursuant to a contract or agreement  
17 that reflects an arm's-length interest rate  
18 and terms; or

19 (iii) the taxpayer can establish, based on  
20 clear and convincing evidence, that the interest  
21 paid, accrued, or incurred relates to a contract or  
22 agreement entered into at arm's-length rates and  
23 terms and the principal purpose for the payment is  
24 not federal or Illinois tax avoidance; or

25 (iv) an item of interest paid, accrued, or  
26 incurred, directly or indirectly, to a foreign



1 person if the taxpayer establishes by clear and  
2 convincing evidence that the adjustments are  
3 unreasonable; or if the taxpayer and the Director  
4 agree in writing to the application or use of an  
5 alternative method of apportionment under Section  
6 304(f).

7 Nothing in this subsection shall preclude the  
8 Director from making any other adjustment  
9 otherwise allowed under Section 404 of this Act for  
10 any tax year beginning after the effective date of  
11 this amendment provided such adjustment is made  
12 pursuant to regulation adopted by the Department  
13 and such regulations provide methods and standards  
14 by which the Department will utilize its authority  
15 under Section 404 of this Act;

16 (D-18) For taxable years ending on or after  
17 December 31, 2004, an amount equal to the amount of  
18 intangible expenses and costs otherwise allowed as a  
19 deduction in computing base income, and that were paid,  
20 accrued, or incurred, directly or indirectly, to a  
21 foreign person who would be a member of the same  
22 unitary business group but for the fact that the  
23 foreign person's business activity outside the United  
24 States is 80% or more of that person's total business  
25 activity. The addition modification required by this  
26 subparagraph shall be reduced to the extent that

1 dividends were included in base income of the unitary  
2 group for the same taxable year and received by the  
3 taxpayer or by a member of the taxpayer's unitary  
4 business group (including amounts included in gross  
5 income under Sections 951 through 964 of the Internal  
6 Revenue Code and amounts included in gross income under  
7 Section 78 of the Internal Revenue Code) with respect  
8 to the stock of the same person to whom the intangible  
9 expenses and costs were directly or indirectly paid,  
10 incurred, or accrued. The preceding sentence does not  
11 apply to the extent that the same dividends caused a  
12 reduction to the addition modification required under  
13 Section 203(a)(2)(D-17) of this Act. As used in this  
14 subparagraph, the term "intangible expenses and costs"  
15 includes (1) expenses, losses, and costs for, or  
16 related to, the direct or indirect acquisition, use,  
17 maintenance or management, ownership, sale, exchange,  
18 or any other disposition of intangible property; (2)  
19 losses incurred, directly or indirectly, from  
20 factoring transactions or discounting transactions;  
21 (3) royalty, patent, technical, and copyright fees;  
22 (4) licensing fees; and (5) other similar expenses and  
23 costs. For purposes of this subparagraph, "intangible  
24 property" includes patents, patent applications, trade  
25 names, trademarks, service marks, copyrights, mask  
26 works, trade secrets, and similar types of intangible

1 assets.

2 This paragraph shall not apply to the following:

3 (i) any item of intangible expenses or costs  
4 paid, accrued, or incurred, directly or  
5 indirectly, from a transaction with a foreign  
6 person who is subject in a foreign country or  
7 state, other than a state which requires mandatory  
8 unitary reporting, to a tax on or measured by net  
9 income with respect to such item; or

10 (ii) any item of intangible expense or cost  
11 paid, accrued, or incurred, directly or  
12 indirectly, if the taxpayer can establish, based  
13 on a preponderance of the evidence, both of the  
14 following:

15 (a) the foreign person during the same  
16 taxable year paid, accrued, or incurred, the  
17 intangible expense or cost to a person that is  
18 not a related member, and

19 (b) the transaction giving rise to the  
20 intangible expense or cost between the  
21 taxpayer and the foreign person did not have as  
22 a principal purpose the avoidance of Illinois  
23 income tax, and is paid pursuant to a contract  
24 or agreement that reflects arm's-length terms;  
25 or

26 (iii) any item of intangible expense or cost

1           paid, accrued, or incurred, directly or  
2           indirectly, from a transaction with a foreign  
3           person if the taxpayer establishes by clear and  
4           convincing evidence, that the adjustments are  
5           unreasonable; or if the taxpayer and the Director  
6           agree in writing to the application or use of an  
7           alternative method of apportionment under Section  
8           304(f);

9           Nothing in this subsection shall preclude the  
10          Director from making any other adjustment  
11          otherwise allowed under Section 404 of this Act for  
12          any tax year beginning after the effective date of  
13          this amendment provided such adjustment is made  
14          pursuant to regulation adopted by the Department  
15          and such regulations provide methods and standards  
16          by which the Department will utilize its authority  
17          under Section 404 of this Act;

18          (D-20) For taxable years beginning on or after  
19          January 1, 2002, in the case of a distribution from a  
20          qualified tuition program under Section 529 of the  
21          Internal Revenue Code, other than (i) a distribution  
22          from a College Savings Pool created under Section 16.5  
23          of the State Treasurer Act or (ii) a distribution from  
24          the Illinois Prepaid Tuition Trust Fund, an amount  
25          equal to the amount excluded from gross income under  
26          Section 529(c) (3) (B);

1 and by deducting from the total so obtained the sum of the  
2 following amounts:

3 (E) For taxable years ending before December 31,  
4 2001, any amount included in such total in respect of  
5 any compensation (including but not limited to any  
6 compensation paid or accrued to a serviceman while a  
7 prisoner of war or missing in action) paid to a  
8 resident by reason of being on active duty in the Armed  
9 Forces of the United States and in respect of any  
10 compensation paid or accrued to a resident who as a  
11 governmental employee was a prisoner of war or missing  
12 in action, and in respect of any compensation paid to a  
13 resident in 1971 or thereafter for annual training  
14 performed pursuant to Sections 502 and 503, Title 32,  
15 United States Code as a member of the Illinois National  
16 Guard. For taxable years ending on or after December  
17 31, 2001, any amount included in such total in respect  
18 of any compensation (including but not limited to any  
19 compensation paid or accrued to a serviceman while a  
20 prisoner of war or missing in action) paid to a  
21 resident by reason of being a member of any component  
22 of the Armed Forces of the United States and in respect  
23 of any compensation paid or accrued to a resident who  
24 as a governmental employee was a prisoner of war or  
25 missing in action, and in respect of any compensation  
26 paid to a resident in 2001 or thereafter by reason of

1 being a member of the Illinois National Guard. The  
2 provisions of this amendatory Act of the 92nd General  
3 Assembly are exempt from the provisions of Section 250;

4 (F) An amount equal to all amounts included in such  
5 total pursuant to the provisions of Sections 402(a),  
6 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the  
7 Internal Revenue Code, or included in such total as  
8 distributions under the provisions of any retirement  
9 or disability plan for employees of any governmental  
10 agency or unit, or retirement payments to retired  
11 partners, which payments are excluded in computing net  
12 earnings from self employment by Section 1402 of the  
13 Internal Revenue Code and regulations adopted pursuant  
14 thereto;

15 (G) The valuation limitation amount;

16 (H) An amount equal to the amount of any tax  
17 imposed by this Act which was refunded to the taxpayer  
18 and included in such total for the taxable year;

19 (I) An amount equal to all amounts included in such  
20 total pursuant to the provisions of Section 111 of the  
21 Internal Revenue Code as a recovery of items previously  
22 deducted from adjusted gross income in the computation  
23 of taxable income;

24 (J) An amount equal to those dividends included in  
25 such total which were paid by a corporation which  
26 conducts business operations in an Enterprise Zone or

1 zones created under the Illinois Enterprise Zone Act or  
2 a River Edge Redevelopment Zone or zones created under  
3 the River Edge Redevelopment Zone Act, and conducts  
4 substantially all of its operations in an Enterprise  
5 Zone or zones or a River Edge Redevelopment Zone or  
6 zones. This subparagraph (J) is exempt from the  
7 provisions of Section 250;

8 (K) An amount equal to those dividends included in  
9 such total that were paid by a corporation that  
10 conducts business operations in a federally designated  
11 Foreign Trade Zone or Sub-Zone and that is designated a  
12 High Impact Business located in Illinois; provided  
13 that dividends eligible for the deduction provided in  
14 subparagraph (J) of paragraph (2) of this subsection  
15 shall not be eligible for the deduction provided under  
16 this subparagraph (K);

17 (L) For taxable years ending after December 31,  
18 1983, an amount equal to all social security benefits  
19 and railroad retirement benefits included in such  
20 total pursuant to Sections 72(r) and 86 of the Internal  
21 Revenue Code;

22 (M) With the exception of any amounts subtracted  
23 under subparagraph (N), an amount equal to the sum of  
24 all amounts disallowed as deductions by (i) Sections  
25 171(a) (2), and 265(2) of the Internal Revenue Code of  
26 1954, as now or hereafter amended, and all amounts of

1 expenses allocable to interest and disallowed as  
2 deductions by Section 265(1) of the Internal Revenue  
3 Code of 1954, as now or hereafter amended; and (ii) for  
4 taxable years ending on or after August 13, 1999,  
5 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of  
6 the Internal Revenue Code; the provisions of this  
7 subparagraph are exempt from the provisions of Section  
8 250;

9 (N) An amount equal to all amounts included in such  
10 total which are exempt from taxation by this State  
11 either by reason of its statutes or Constitution or by  
12 reason of the Constitution, treaties or statutes of the  
13 United States; provided that, in the case of any  
14 statute of this State that exempts income derived from  
15 bonds or other obligations from the tax imposed under  
16 this Act, the amount exempted shall be the interest net  
17 of bond premium amortization;

18 (O) An amount equal to any contribution made to a  
19 job training project established pursuant to the Tax  
20 Increment Allocation Redevelopment Act;

21 (P) An amount equal to the amount of the deduction  
22 used to compute the federal income tax credit for  
23 restoration of substantial amounts held under claim of  
24 right for the taxable year pursuant to Section 1341 of  
25 the Internal Revenue Code of 1986;

26 (Q) An amount equal to any amounts included in such



1 total, received by the taxpayer as an acceleration in  
2 the payment of life, endowment or annuity benefits in  
3 advance of the time they would otherwise be payable as  
4 an indemnity for a terminal illness;

5 (R) An amount equal to the amount of any federal or  
6 State bonus paid to veterans of the Persian Gulf War;

7 (S) An amount, to the extent included in adjusted  
8 gross income, equal to the amount of a contribution  
9 made in the taxable year on behalf of the taxpayer to a  
10 medical care savings account established under the  
11 Medical Care Savings Account Act or the Medical Care  
12 Savings Account Act of 2000 to the extent the  
13 contribution is accepted by the account administrator  
14 as provided in that Act;

15 (T) An amount, to the extent included in adjusted  
16 gross income, equal to the amount of interest earned in  
17 the taxable year on a medical care savings account  
18 established under the Medical Care Savings Account Act  
19 or the Medical Care Savings Account Act of 2000 on  
20 behalf of the taxpayer, other than interest added  
21 pursuant to item (D-5) of this paragraph (2);

22 (U) For one taxable year beginning on or after  
23 January 1, 1994, an amount equal to the total amount of  
24 tax imposed and paid under subsections (a) and (b) of  
25 Section 201 of this Act on grant amounts received by  
26 the taxpayer under the Nursing Home Grant Assistance

1 Act during the taxpayer's taxable years 1992 and 1993;

2 (V) Beginning with tax years ending on or after  
3 December 31, 1995 and ending with tax years ending on  
4 or before December 31, 2004, an amount equal to the  
5 amount paid by a taxpayer who is a self-employed  
6 taxpayer, a partner of a partnership, or a shareholder  
7 in a Subchapter S corporation for health insurance or  
8 long-term care insurance for that taxpayer or that  
9 taxpayer's spouse or dependents, to the extent that the  
10 amount paid for that health insurance or long-term care  
11 insurance may be deducted under Section 213 of the  
12 Internal Revenue Code of 1986, has not been deducted on  
13 the federal income tax return of the taxpayer, and does  
14 not exceed the taxable income attributable to that  
15 taxpayer's income, self-employment income, or  
16 Subchapter S corporation income; except that no  
17 deduction shall be allowed under this item (V) if the  
18 taxpayer is eligible to participate in any health  
19 insurance or long-term care insurance plan of an  
20 employer of the taxpayer or the taxpayer's spouse. The  
21 amount of the health insurance and long-term care  
22 insurance subtracted under this item (V) shall be  
23 determined by multiplying total health insurance and  
24 long-term care insurance premiums paid by the taxpayer  
25 times a number that represents the fractional  
26 percentage of eligible medical expenses under Section

1           213 of the Internal Revenue Code of 1986 not actually  
2           deducted on the taxpayer's federal income tax return;

3           (W) For taxable years beginning on or after January  
4           1, 1998, all amounts included in the taxpayer's federal  
5           gross income in the taxable year from amounts converted  
6           from a regular IRA to a Roth IRA. This paragraph is  
7           exempt from the provisions of Section 250;

8           (X) For taxable year 1999 and thereafter, an amount  
9           equal to the amount of any (i) distributions, to the  
10          extent includible in gross income for federal income  
11          tax purposes, made to the taxpayer because of his or  
12          her status as a victim of persecution for racial or  
13          religious reasons by Nazi Germany or any other Axis  
14          regime or as an heir of the victim and (ii) items of  
15          income, to the extent includible in gross income for  
16          federal income tax purposes, attributable to, derived  
17          from or in any way related to assets stolen from,  
18          hidden from, or otherwise lost to a victim of  
19          persecution for racial or religious reasons by Nazi  
20          Germany or any other Axis regime immediately prior to,  
21          during, and immediately after World War II, including,  
22          but not limited to, interest on the proceeds receivable  
23          as insurance under policies issued to a victim of  
24          persecution for racial or religious reasons by Nazi  
25          Germany or any other Axis regime by European insurance  
26          companies immediately prior to and during World War II;

1 provided, however, this subtraction from federal  
2 adjusted gross income does not apply to assets acquired  
3 with such assets or with the proceeds from the sale of  
4 such assets; provided, further, this paragraph shall  
5 only apply to a taxpayer who was the first recipient of  
6 such assets after their recovery and who is a victim of  
7 persecution for racial or religious reasons by Nazi  
8 Germany or any other Axis regime or as an heir of the  
9 victim. The amount of and the eligibility for any  
10 public assistance, benefit, or similar entitlement is  
11 not affected by the inclusion of items (i) and (ii) of  
12 this paragraph in gross income for federal income tax  
13 purposes. This paragraph is exempt from the provisions  
14 of Section 250;

15 (Y) For taxable years beginning on or after January  
16 1, 2002 and ending on or before December 31, 2004,  
17 moneys contributed in the taxable year to a College  
18 Savings Pool account under Section 16.5 of the State  
19 Treasurer Act, except that amounts excluded from gross  
20 income under Section 529(c)(3)(C)(i) of the Internal  
21 Revenue Code shall not be considered moneys  
22 contributed under this subparagraph (Y). For taxable  
23 years beginning on or after January 1, 2005, a maximum  
24 of \$10,000 contributed in the taxable year to (i) a  
25 College Savings Pool account under Section 16.5 of the  
26 State Treasurer Act or (ii) the Illinois Prepaid

1 Tuition Trust Fund, except that amounts excluded from  
2 gross income under Section 529(c)(3)(C)(i) of the  
3 Internal Revenue Code shall not be considered moneys  
4 contributed under this subparagraph (Y). This  
5 subparagraph (Y) is exempt from the provisions of  
6 Section 250;

7 (Z) For taxable years 2001 and thereafter, for the  
8 taxable year in which the bonus depreciation deduction  
9 is taken on the taxpayer's federal income tax return  
10 under subsection (k) of Section 168 of the Internal  
11 Revenue Code and for each applicable taxable year  
12 thereafter, an amount equal to "x", where:

13 (1) "y" equals the amount of the depreciation  
14 deduction taken for the taxable year on the  
15 taxpayer's federal income tax return on property  
16 for which the bonus depreciation deduction was  
17 taken in any year under subsection (k) of Section  
18 168 of the Internal Revenue Code, but not including  
19 the bonus depreciation deduction;

20 (2) for taxable years ending on or before  
21 December 31, 2005, "x" equals "y" multiplied by 30  
22 and then divided by 70 (or "y" multiplied by  
23 0.429); and

24 (3) for taxable years ending after December  
25 31, 2005:

26 (i) for property on which a bonus

1 depreciation deduction of 30% of the adjusted  
2 basis was taken, "x" equals "y" multiplied by  
3 30 and then divided by 70 (or "y" multiplied by  
4 0.429); and

5 (ii) for property on which a bonus  
6 depreciation deduction of 50% of the adjusted  
7 basis was taken, "x" equals "y" multiplied by  
8 1.0.

9 The aggregate amount deducted under this  
10 subparagraph in all taxable years for any one piece of  
11 property may not exceed the amount of the bonus  
12 depreciation deduction taken on that property on the  
13 taxpayer's federal income tax return under subsection  
14 (k) of Section 168 of the Internal Revenue Code. This  
15 subparagraph (Z) is exempt from the provisions of  
16 Section 250;

17 (AA) If the taxpayer sells, transfers, abandons,  
18 or otherwise disposes of property for which the  
19 taxpayer was required in any taxable year to make an  
20 addition modification under subparagraph (D-15), then  
21 an amount equal to that addition modification.

22 If the taxpayer continues to own property through  
23 the last day of the last tax year for which the  
24 taxpayer may claim a depreciation deduction for  
25 federal income tax purposes and for which the taxpayer  
26 was required in any taxable year to make an addition

1 modification under subparagraph (D-15), then an amount  
2 equal to that addition modification.

3 The taxpayer is allowed to take the deduction under  
4 this subparagraph only once with respect to any one  
5 piece of property.

6 This subparagraph (AA) is exempt from the  
7 provisions of Section 250;

8 (BB) Any amount included in adjusted gross income,  
9 other than salary, received by a driver in a  
10 ridesharing arrangement using a motor vehicle;

11 (CC) The amount of (i) any interest income (net of  
12 the deductions allocable thereto) taken into account  
13 for the taxable year with respect to a transaction with  
14 a taxpayer that is required to make an addition  
15 modification with respect to such transaction under  
16 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
17 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
18 the amount of that addition modification, and (ii) any  
19 income from intangible property (net of the deductions  
20 allocable thereto) taken into account for the taxable  
21 year with respect to a transaction with a taxpayer that  
22 is required to make an addition modification with  
23 respect to such transaction under Section  
24 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
25 203(d)(2)(D-8), but not to exceed the amount of that  
26 addition modification;

1 (DD) An amount equal to the interest income taken  
2 into account for the taxable year (net of the  
3 deductions allocable thereto) with respect to  
4 transactions with a foreign person who would be a  
5 member of the taxpayer's unitary business group but for  
6 the fact that the foreign person's business activity  
7 outside the United States is 80% or more of that  
8 person's total business activity, but not to exceed the  
9 addition modification required to be made for the same  
10 taxable year under Section 203(a)(2)(D-17) for  
11 interest paid, accrued, or incurred, directly or  
12 indirectly, to the same foreign person; and

13 (EE) An amount equal to the income from intangible  
14 property taken into account for the taxable year (net  
15 of the deductions allocable thereto) with respect to  
16 transactions with a foreign person who would be a  
17 member of the taxpayer's unitary business group but for  
18 the fact that the foreign person's business activity  
19 outside the United States is 80% or more of that  
20 person's total business activity, but not to exceed the  
21 addition modification required to be made for the same  
22 taxable year under Section 203(a)(2)(D-18) for  
23 intangible expenses and costs paid, accrued, or  
24 incurred, directly or indirectly, to the same foreign  
25 person.



1 (b) Corporations.

2 (1) In general. In the case of a corporation, base  
3 income means an amount equal to the taxpayer's taxable  
4 income for the taxable year as modified by paragraph (2).

5 (2) Modifications. The taxable income referred to in  
6 paragraph (1) shall be modified by adding thereto the sum  
7 of the following amounts:

8 (A) An amount equal to all amounts paid or accrued  
9 to the taxpayer as interest and all distributions  
10 received from regulated investment companies during  
11 the taxable year to the extent excluded from gross  
12 income in the computation of taxable income;

13 (B) An amount equal to the amount of tax imposed by  
14 this Act to the extent deducted from gross income in  
15 the computation of taxable income for the taxable year;

16 (C) In the case of a regulated investment company,  
17 an amount equal to the excess of (i) the net long-term  
18 capital gain for the taxable year, over (ii) the amount  
19 of the capital gain dividends designated as such in  
20 accordance with Section 852(b)(3)(C) of the Internal  
21 Revenue Code and any amount designated under Section  
22 852(b)(3)(D) of the Internal Revenue Code,  
23 attributable to the taxable year (this amendatory Act  
24 of 1995 (Public Act 89-89) is declarative of existing  
25 law and is not a new enactment);

26 (D) The amount of any net operating loss deduction

1 taken in arriving at taxable income, other than a net  
2 operating loss carried forward from a taxable year  
3 ending prior to December 31, 1986;

4 (E) For taxable years in which a net operating loss  
5 carryback or carryforward from a taxable year ending  
6 prior to December 31, 1986 is an element of taxable  
7 income under paragraph (1) of subsection (e) or  
8 subparagraph (E) of paragraph (2) of subsection (e),  
9 the amount by which addition modifications other than  
10 those provided by this subparagraph (E) exceeded  
11 subtraction modifications in such earlier taxable  
12 year, with the following limitations applied in the  
13 order that they are listed:

14 (i) the addition modification relating to the  
15 net operating loss carried back or forward to the  
16 taxable year from any taxable year ending prior to  
17 December 31, 1986 shall be reduced by the amount of  
18 addition modification under this subparagraph (E)  
19 which related to that net operating loss and which  
20 was taken into account in calculating the base  
21 income of an earlier taxable year, and

22 (ii) the addition modification relating to the  
23 net operating loss carried back or forward to the  
24 taxable year from any taxable year ending prior to  
25 December 31, 1986 shall not exceed the amount of  
26 such carryback or carryforward;

1           For taxable years in which there is a net operating  
2           loss carryback or carryforward from more than one other  
3           taxable year ending prior to December 31, 1986, the  
4           addition modification provided in this subparagraph  
5           (E) shall be the sum of the amounts computed  
6           independently under the preceding provisions of this  
7           subparagraph (E) for each such taxable year;

8           (E-5) For taxable years ending after December 31,  
9           1997, an amount equal to any eligible remediation costs  
10          that the corporation deducted in computing adjusted  
11          gross income and for which the corporation claims a  
12          credit under subsection (l) of Section 201;

13          (E-10) For taxable years 2001 and thereafter, an  
14          amount equal to the bonus depreciation deduction taken  
15          on the taxpayer's federal income tax return for the  
16          taxable year under subsection (k) of Section 168 of the  
17          Internal Revenue Code; and

18          (E-11) If the taxpayer sells, transfers, abandons,  
19          or otherwise disposes of property for which the  
20          taxpayer was required in any taxable year to make an  
21          addition modification under subparagraph (E-10), then  
22          an amount equal to the aggregate amount of the  
23          deductions taken in all taxable years under  
24          subparagraph (T) with respect to that property.

25          If the taxpayer continues to own property through  
26          the last day of the last tax year for which the

1 taxpayer may claim a depreciation deduction for  
2 federal income tax purposes and for which the taxpayer  
3 was allowed in any taxable year to make a subtraction  
4 modification under subparagraph (T), then an amount  
5 equal to that subtraction modification.

6 The taxpayer is required to make the addition  
7 modification under this subparagraph only once with  
8 respect to any one piece of property;

9 (E-12) For taxable years ending on or after  
10 December 31, 2004, an amount equal to the amount  
11 otherwise allowed as a deduction in computing base  
12 income for interest paid, accrued, or incurred,  
13 directly or indirectly, to a foreign person who would  
14 be a member of the same unitary business group but for  
15 the fact the foreign person's business activity  
16 outside the United States is 80% or more of the foreign  
17 person's total business activity. The addition  
18 modification required by this subparagraph shall be  
19 reduced to the extent that dividends were included in  
20 base income of the unitary group for the same taxable  
21 year and received by the taxpayer or by a member of the  
22 taxpayer's unitary business group (including amounts  
23 included in gross income pursuant to Sections 951  
24 through 964 of the Internal Revenue Code and amounts  
25 included in gross income under Section 78 of the  
26 Internal Revenue Code) with respect to the stock of the

1 same person to whom the interest was paid, accrued, or  
2 incurred.

3 This paragraph shall not apply to the following:

4 (i) an item of interest paid, accrued, or  
5 incurred, directly or indirectly, to a foreign  
6 person who is subject in a foreign country or  
7 state, other than a state which requires mandatory  
8 unitary reporting, to a tax on or measured by net  
9 income with respect to such interest; or

10 (ii) an item of interest paid, accrued, or  
11 incurred, directly or indirectly, to a foreign  
12 person if the taxpayer can establish, based on a  
13 preponderance of the evidence, both of the  
14 following:

15 (a) the foreign person, during the same  
16 taxable year, paid, accrued, or incurred, the  
17 interest to a person that is not a related  
18 member, and

19 (b) the transaction giving rise to the  
20 interest expense between the taxpayer and the  
21 foreign person did not have as a principal  
22 purpose the avoidance of Illinois income tax,  
23 and is paid pursuant to a contract or agreement  
24 that reflects an arm's-length interest rate  
25 and terms; or

26 (iii) the taxpayer can establish, based on

1 clear and convincing evidence, that the interest  
2 paid, accrued, or incurred relates to a contract or  
3 agreement entered into at arm's-length rates and  
4 terms and the principal purpose for the payment is  
5 not federal or Illinois tax avoidance; or

6 (iv) an item of interest paid, accrued, or  
7 incurred, directly or indirectly, to a foreign  
8 person if the taxpayer establishes by clear and  
9 convincing evidence that the adjustments are  
10 unreasonable; or if the taxpayer and the Director  
11 agree in writing to the application or use of an  
12 alternative method of apportionment under Section  
13 304(f).

14 Nothing in this subsection shall preclude the  
15 Director from making any other adjustment  
16 otherwise allowed under Section 404 of this Act for  
17 any tax year beginning after the effective date of  
18 this amendment provided such adjustment is made  
19 pursuant to regulation adopted by the Department  
20 and such regulations provide methods and standards  
21 by which the Department will utilize its authority  
22 under Section 404 of this Act;

23 (E-13) For taxable years ending on or after  
24 December 31, 2004, an amount equal to the amount of  
25 intangible expenses and costs otherwise allowed as a  
26 deduction in computing base income, and that were paid,

1 accrued, or incurred, directly or indirectly, to a  
2 foreign person who would be a member of the same  
3 unitary business group but for the fact that the  
4 foreign person's business activity outside the United  
5 States is 80% or more of that person's total business  
6 activity. The addition modification required by this  
7 subparagraph shall be reduced to the extent that  
8 dividends were included in base income of the unitary  
9 group for the same taxable year and received by the  
10 taxpayer or by a member of the taxpayer's unitary  
11 business group (including amounts included in gross  
12 income pursuant to Sections 951 through 964 of the  
13 Internal Revenue Code and amounts included in gross  
14 income under Section 78 of the Internal Revenue Code)  
15 with respect to the stock of the same person to whom  
16 the intangible expenses and costs were directly or  
17 indirectly paid, incurred, or accrued. The preceding  
18 sentence shall not apply to the extent that the same  
19 dividends caused a reduction to the addition  
20 modification required under Section 203(b)(2)(E-12) of  
21 this Act. As used in this subparagraph, the term  
22 "intangible expenses and costs" includes (1) expenses,  
23 losses, and costs for, or related to, the direct or  
24 indirect acquisition, use, maintenance or management,  
25 ownership, sale, exchange, or any other disposition of  
26 intangible property; (2) losses incurred, directly or

1 indirectly, from factoring transactions or discounting  
2 transactions; (3) royalty, patent, technical, and  
3 copyright fees; (4) licensing fees; and (5) other  
4 similar expenses and costs. For purposes of this  
5 subparagraph, "intangible property" includes patents,  
6 patent applications, trade names, trademarks, service  
7 marks, copyrights, mask works, trade secrets, and  
8 similar types of intangible assets.

9 This paragraph shall not apply to the following:

10 (i) any item of intangible expenses or costs  
11 paid, accrued, or incurred, directly or  
12 indirectly, from a transaction with a foreign  
13 person who is subject in a foreign country or  
14 state, other than a state which requires mandatory  
15 unitary reporting, to a tax on or measured by net  
16 income with respect to such item; or

17 (ii) any item of intangible expense or cost  
18 paid, accrued, or incurred, directly or  
19 indirectly, if the taxpayer can establish, based  
20 on a preponderance of the evidence, both of the  
21 following:

22 (a) the foreign person during the same  
23 taxable year paid, accrued, or incurred, the  
24 intangible expense or cost to a person that is  
25 not a related member, and

26 (b) the transaction giving rise to the



1           intangible expense or cost between the  
2           taxpayer and the foreign person did not have as  
3           a principal purpose the avoidance of Illinois  
4           income tax, and is paid pursuant to a contract  
5           or agreement that reflects arm's-length terms;  
6           or

7           (iii) any item of intangible expense or cost  
8           paid, accrued, or incurred, directly or  
9           indirectly, from a transaction with a foreign  
10          person if the taxpayer establishes by clear and  
11          convincing evidence, that the adjustments are  
12          unreasonable; or if the taxpayer and the Director  
13          agree in writing to the application or use of an  
14          alternative method of apportionment under Section  
15          304(f);

16          Nothing in this subsection shall preclude the  
17          Director from making any other adjustment  
18          otherwise allowed under Section 404 of this Act for  
19          any tax year beginning after the effective date of  
20          this amendment provided such adjustment is made  
21          pursuant to regulation adopted by the Department  
22          and such regulations provide methods and standards  
23          by which the Department will utilize its authority  
24          under Section 404 of this Act;

25          and by deducting from the total so obtained the sum of the  
26          following amounts:

1           (F) An amount equal to the amount of any tax  
2           imposed by this Act which was refunded to the taxpayer  
3           and included in such total for the taxable year;

4           (G) An amount equal to any amount included in such  
5           total under Section 78 of the Internal Revenue Code;

6           (H) In the case of a regulated investment company,  
7           an amount equal to the amount of exempt interest  
8           dividends as defined in subsection (b) (5) of Section  
9           852 of the Internal Revenue Code, paid to shareholders  
10          for the taxable year;

11          (I) With the exception of any amounts subtracted  
12          under subparagraph (J), an amount equal to the sum of  
13          all amounts disallowed as deductions by (i) Sections  
14          171(a) (2), and 265(a) (2) and amounts disallowed as  
15          interest expense by Section 291(a) (3) of the Internal  
16          Revenue Code, as now or hereafter amended, and all  
17          amounts of expenses allocable to interest and  
18          disallowed as deductions by Section 265(a) (1) of the  
19          Internal Revenue Code, as now or hereafter amended; and  
20          (ii) for taxable years ending on or after August 13,  
21          1999, Sections 171(a) (2), 265, 280C, 291(a) (3), and  
22          832(b) (5) (B) (i) of the Internal Revenue Code; the  
23          provisions of this subparagraph are exempt from the  
24          provisions of Section 250;

25          (J) An amount equal to all amounts included in such  
26          total which are exempt from taxation by this State

1           either by reason of its statutes or Constitution or by  
2           reason of the Constitution, treaties or statutes of the  
3           United States; provided that, in the case of any  
4           statute of this State that exempts income derived from  
5           bonds or other obligations from the tax imposed under  
6           this Act, the amount exempted shall be the interest net  
7           of bond premium amortization;

8           (K) An amount equal to those dividends included in  
9           such total which were paid by a corporation which  
10          conducts business operations in an Enterprise Zone or  
11          zones created under the Illinois Enterprise Zone Act or  
12          a River Edge Redevelopment Zone or zones created under  
13          the River Edge Redevelopment Zone Act and conducts  
14          substantially all of its operations in an Enterprise  
15          Zone or zones or a River Edge Redevelopment Zone or  
16          zones. This subparagraph (K) is exempt from the  
17          provisions of Section 250;

18          (L) An amount equal to those dividends included in  
19          such total that were paid by a corporation that  
20          conducts business operations in a federally designated  
21          Foreign Trade Zone or Sub-Zone and that is designated a  
22          High Impact Business located in Illinois; provided  
23          that dividends eligible for the deduction provided in  
24          subparagraph (K) of paragraph 2 of this subsection  
25          shall not be eligible for the deduction provided under  
26          this subparagraph (L);

1           (M) For any taxpayer that is a financial  
2 organization within the meaning of Section 304(c) of  
3 this Act, an amount included in such total as interest  
4 income from a loan or loans made by such taxpayer to a  
5 borrower, to the extent that such a loan is secured by  
6 property which is eligible for the Enterprise Zone  
7 Investment Credit or the River Edge Redevelopment Zone  
8 Investment Credit. To determine the portion of a loan  
9 or loans that is secured by property eligible for a  
10 Section 201(f) investment credit to the borrower, the  
11 entire principal amount of the loan or loans between  
12 the taxpayer and the borrower should be divided into  
13 the basis of the Section 201(f) investment credit  
14 property which secures the loan or loans, using for  
15 this purpose the original basis of such property on the  
16 date that it was placed in service in the Enterprise  
17 Zone or the River Edge Redevelopment Zone. The  
18 subtraction modification available to taxpayer in any  
19 year under this subsection shall be that portion of the  
20 total interest paid by the borrower with respect to  
21 such loan attributable to the eligible property as  
22 calculated under the previous sentence. This  
23 subparagraph (M) is exempt from the provisions of  
24 Section 250;

25           (M-1) For any taxpayer that is a financial  
26 organization within the meaning of Section 304(c) of

1           this Act, an amount included in such total as interest  
2           income from a loan or loans made by such taxpayer to a  
3           borrower, to the extent that such a loan is secured by  
4           property which is eligible for the High Impact Business  
5           Investment Credit. To determine the portion of a loan  
6           or loans that is secured by property eligible for a  
7           Section 201(h) investment credit to the borrower, the  
8           entire principal amount of the loan or loans between  
9           the taxpayer and the borrower should be divided into  
10          the basis of the Section 201(h) investment credit  
11          property which secures the loan or loans, using for  
12          this purpose the original basis of such property on the  
13          date that it was placed in service in a federally  
14          designated Foreign Trade Zone or Sub-Zone located in  
15          Illinois. No taxpayer that is eligible for the  
16          deduction provided in subparagraph (M) of paragraph  
17          (2) of this subsection shall be eligible for the  
18          deduction provided under this subparagraph (M-1). The  
19          subtraction modification available to taxpayers in any  
20          year under this subsection shall be that portion of the  
21          total interest paid by the borrower with respect to  
22          such loan attributable to the eligible property as  
23          calculated under the previous sentence;

24                 (N) Two times any contribution made during the  
25                 taxable year to a designated zone organization to the  
26                 extent that the contribution (i) qualifies as a

1 charitable contribution under subsection (c) of  
2 Section 170 of the Internal Revenue Code and (ii) must,  
3 by its terms, be used for a project approved by the  
4 Department of Commerce and Economic Opportunity under  
5 Section 11 of the Illinois Enterprise Zone Act or under  
6 Section 10-10 of the ~~Illinois~~ River Edge Redevelopment  
7 Zone Act. This subparagraph (N) is exempt from the  
8 provisions of Section 250;

9 (O) An amount equal to: (i) 85% for taxable years  
10 ending on or before December 31, 1992, or, a percentage  
11 equal to the percentage allowable under Section  
12 243(a)(1) of the Internal Revenue Code of 1986 for  
13 taxable years ending after December 31, 1992, of the  
14 amount by which dividends included in taxable income  
15 and received from a corporation that is not created or  
16 organized under the laws of the United States or any  
17 state or political subdivision thereof, including, for  
18 taxable years ending on or after December 31, 1988,  
19 dividends received or deemed received or paid or deemed  
20 paid under Sections 951 through 964 of the Internal  
21 Revenue Code, exceed the amount of the modification  
22 provided under subparagraph (G) of paragraph (2) of  
23 this subsection (b) which is related to such dividends;  
24 plus (ii) 100% of the amount by which dividends,  
25 included in taxable income and received, including,  
26 for taxable years ending on or after December 31, 1988,

1 dividends received or deemed received or paid or deemed  
2 paid under Sections 951 through 964 of the Internal  
3 Revenue Code, from any such corporation specified in  
4 clause (i) that would but for the provisions of Section  
5 1504 (b) (3) of the Internal Revenue Code be treated as  
6 a member of the affiliated group which includes the  
7 dividend recipient, exceed the amount of the  
8 modification provided under subparagraph (G) of  
9 paragraph (2) of this subsection (b) which is related  
10 to such dividends;

11 (P) An amount equal to any contribution made to a  
12 job training project established pursuant to the Tax  
13 Increment Allocation Redevelopment Act;

14 (Q) An amount equal to the amount of the deduction  
15 used to compute the federal income tax credit for  
16 restoration of substantial amounts held under claim of  
17 right for the taxable year pursuant to Section 1341 of  
18 the Internal Revenue Code of 1986;

19 (R) On and after July 20, 1999, in the case of an  
20 attorney-in-fact with respect to whom an interinsurer  
21 or a reciprocal insurer has made the election under  
22 Section 835 of the Internal Revenue Code, 26 U.S.C.  
23 835, an amount equal to the excess, if any, of the  
24 amounts paid or incurred by that interinsurer or  
25 reciprocal insurer in the taxable year to the  
26 attorney-in-fact over the deduction allowed to that

1 interinsurer or reciprocal insurer with respect to the  
2 attorney-in-fact under Section 835(b) of the Internal  
3 Revenue Code for the taxable year; the provisions of  
4 this subparagraph are exempt from the provisions of  
5 Section 250;

6 (S) For taxable years ending on or after December  
7 31, 1997, in the case of a Subchapter S corporation, an  
8 amount equal to all amounts of income allocable to a  
9 shareholder subject to the Personal Property Tax  
10 Replacement Income Tax imposed by subsections (c) and  
11 (d) of Section 201 of this Act, including amounts  
12 allocable to organizations exempt from federal income  
13 tax by reason of Section 501(a) of the Internal Revenue  
14 Code. This subparagraph (S) is exempt from the  
15 provisions of Section 250;

16 (T) For taxable years 2001 and thereafter, for the  
17 taxable year in which the bonus depreciation deduction  
18 is taken on the taxpayer's federal income tax return  
19 under subsection (k) of Section 168 of the Internal  
20 Revenue Code and for each applicable taxable year  
21 thereafter, an amount equal to "x", where:

22 (1) "y" equals the amount of the depreciation  
23 deduction taken for the taxable year on the  
24 taxpayer's federal income tax return on property  
25 for which the bonus depreciation deduction was  
26 taken in any year under subsection (k) of Section



1           168 of the Internal Revenue Code, but not including  
2           the bonus depreciation deduction;

3           (2) for taxable years ending on or before  
4           December 31, 2005, "x" equals "y" multiplied by 30  
5           and then divided by 70 (or "y" multiplied by  
6           0.429); and

7           (3) for taxable years ending after December  
8           31, 2005:

9           (i) for property on which a bonus  
10          depreciation deduction of 30% of the adjusted  
11          basis was taken, "x" equals "y" multiplied by  
12          30 and then divided by 70 (or "y" multiplied by  
13          0.429); and

14          (ii) for property on which a bonus  
15          depreciation deduction of 50% of the adjusted  
16          basis was taken, "x" equals "y" multiplied by  
17          1.0.

18          The aggregate amount deducted under this  
19          subparagraph in all taxable years for any one piece of  
20          property may not exceed the amount of the bonus  
21          depreciation deduction taken on that property on the  
22          taxpayer's federal income tax return under subsection  
23          (k) of Section 168 of the Internal Revenue Code. This  
24          subparagraph (T) is exempt from the provisions of  
25          Section 250;

26          (U) If the taxpayer sells, transfers, abandons, or

1 otherwise disposes of property for which the taxpayer  
2 was required in any taxable year to make an addition  
3 modification under subparagraph (E-10), then an amount  
4 equal to that addition modification.

5 If the taxpayer continues to own property through  
6 the last day of the last tax year for which the  
7 taxpayer may claim a depreciation deduction for  
8 federal income tax purposes and for which the taxpayer  
9 was required in any taxable year to make an addition  
10 modification under subparagraph (E-10), then an amount  
11 equal to that addition modification.

12 The taxpayer is allowed to take the deduction under  
13 this subparagraph only once with respect to any one  
14 piece of property.

15 This subparagraph (U) is exempt from the  
16 provisions of Section 250;

17 (V) The amount of: (i) any interest income (net of  
18 the deductions allocable thereto) taken into account  
19 for the taxable year with respect to a transaction with  
20 a taxpayer that is required to make an addition  
21 modification with respect to such transaction under  
22 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
23 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
24 the amount of such addition modification and (ii) any  
25 income from intangible property (net of the deductions  
26 allocable thereto) taken into account for the taxable

1 year with respect to a transaction with a taxpayer that  
2 is required to make an addition modification with  
3 respect to such transaction under Section  
4 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
5 203(d)(2)(D-8), but not to exceed the amount of such  
6 addition modification;

7 (W) An amount equal to the interest income taken  
8 into account for the taxable year (net of the  
9 deductions allocable thereto) with respect to  
10 transactions with a foreign person who would be a  
11 member of the taxpayer's unitary business group but for  
12 the fact that the foreign person's business activity  
13 outside the United States is 80% or more of that  
14 person's total business activity, but not to exceed the  
15 addition modification required to be made for the same  
16 taxable year under Section 203(b)(2)(E-12) for  
17 interest paid, accrued, or incurred, directly or  
18 indirectly, to the same foreign person; and

19 (X) An amount equal to the income from intangible  
20 property taken into account for the taxable year (net  
21 of the deductions allocable thereto) with respect to  
22 transactions with a foreign person who would be a  
23 member of the taxpayer's unitary business group but for  
24 the fact that the foreign person's business activity  
25 outside the United States is 80% or more of that  
26 person's total business activity, but not to exceed the

1           addition modification required to be made for the same  
2           taxable year under Section 203(b)(2)(E-13) for  
3           intangible expenses and costs paid, accrued, or  
4           incurred, directly or indirectly, to the same foreign  
5           person.

6           (3) Special rule. For purposes of paragraph (2) (A),  
7           "gross income" in the case of a life insurance company, for  
8           tax years ending on and after December 31, 1994, shall mean  
9           the gross investment income for the taxable year.

10          (c) Trusts and estates.

11           (1) In general. In the case of a trust or estate, base  
12           income means an amount equal to the taxpayer's taxable  
13           income for the taxable year as modified by paragraph (2).

14           (2) Modifications. Subject to the provisions of  
15           paragraph (3), the taxable income referred to in paragraph  
16           (1) shall be modified by adding thereto the sum of the  
17           following amounts:

18           (A) An amount equal to all amounts paid or accrued  
19           to the taxpayer as interest or dividends during the  
20           taxable year to the extent excluded from gross income  
21           in the computation of taxable income;

22           (B) In the case of (i) an estate, \$600; (ii) a  
23           trust which, under its governing instrument, is  
24           required to distribute all of its income currently,  
25           \$300; and (iii) any other trust, \$100, but in each such

1 case, only to the extent such amount was deducted in  
2 the computation of taxable income;

3 (C) An amount equal to the amount of tax imposed by  
4 this Act to the extent deducted from gross income in  
5 the computation of taxable income for the taxable year;

6 (D) The amount of any net operating loss deduction  
7 taken in arriving at taxable income, other than a net  
8 operating loss carried forward from a taxable year  
9 ending prior to December 31, 1986;

10 (E) For taxable years in which a net operating loss  
11 carryback or carryforward from a taxable year ending  
12 prior to December 31, 1986 is an element of taxable  
13 income under paragraph (1) of subsection (e) or  
14 subparagraph (E) of paragraph (2) of subsection (e),  
15 the amount by which addition modifications other than  
16 those provided by this subparagraph (E) exceeded  
17 subtraction modifications in such taxable year, with  
18 the following limitations applied in the order that  
19 they are listed:

20 (i) the addition modification relating to the  
21 net operating loss carried back or forward to the  
22 taxable year from any taxable year ending prior to  
23 December 31, 1986 shall be reduced by the amount of  
24 addition modification under this subparagraph (E)  
25 which related to that net operating loss and which  
26 was taken into account in calculating the base

1 income of an earlier taxable year, and

2 (ii) the addition modification relating to the  
3 net operating loss carried back or forward to the  
4 taxable year from any taxable year ending prior to  
5 December 31, 1986 shall not exceed the amount of  
6 such carryback or carryforward;

7 For taxable years in which there is a net operating  
8 loss carryback or carryforward from more than one other  
9 taxable year ending prior to December 31, 1986, the  
10 addition modification provided in this subparagraph  
11 (E) shall be the sum of the amounts computed  
12 independently under the preceding provisions of this  
13 subparagraph (E) for each such taxable year;

14 (F) For taxable years ending on or after January 1,  
15 1989, an amount equal to the tax deducted pursuant to  
16 Section 164 of the Internal Revenue Code if the trust  
17 or estate is claiming the same tax for purposes of the  
18 Illinois foreign tax credit under Section 601 of this  
19 Act;

20 (G) An amount equal to the amount of the capital  
21 gain deduction allowable under the Internal Revenue  
22 Code, to the extent deducted from gross income in the  
23 computation of taxable income;

24 (G-5) For taxable years ending after December 31,  
25 1997, an amount equal to any eligible remediation costs  
26 that the trust or estate deducted in computing adjusted

1 gross income and for which the trust or estate claims a  
2 credit under subsection (l) of Section 201;

3 (G-10) For taxable years 2001 and thereafter, an  
4 amount equal to the bonus depreciation deduction taken  
5 on the taxpayer's federal income tax return for the  
6 taxable year under subsection (k) of Section 168 of the  
7 Internal Revenue Code; and

8 (G-11) If the taxpayer sells, transfers, abandons,  
9 or otherwise disposes of property for which the  
10 taxpayer was required in any taxable year to make an  
11 addition modification under subparagraph (G-10), then  
12 an amount equal to the aggregate amount of the  
13 deductions taken in all taxable years under  
14 subparagraph (R) with respect to that property.

15 If the taxpayer continues to own property through  
16 the last day of the last tax year for which the  
17 taxpayer may claim a depreciation deduction for  
18 federal income tax purposes and for which the taxpayer  
19 was allowed in any taxable year to make a subtraction  
20 modification under subparagraph (R), then an amount  
21 equal to that subtraction modification.

22 The taxpayer is required to make the addition  
23 modification under this subparagraph only once with  
24 respect to any one piece of property;

25 (G-12) For taxable years ending on or after  
26 December 31, 2004, an amount equal to the amount

1 otherwise allowed as a deduction in computing base  
2 income for interest paid, accrued, or incurred,  
3 directly or indirectly, to a foreign person who would  
4 be a member of the same unitary business group but for  
5 the fact that the foreign person's business activity  
6 outside the United States is 80% or more of the foreign  
7 person's total business activity. The addition  
8 modification required by this subparagraph shall be  
9 reduced to the extent that dividends were included in  
10 base income of the unitary group for the same taxable  
11 year and received by the taxpayer or by a member of the  
12 taxpayer's unitary business group (including amounts  
13 included in gross income pursuant to Sections 951  
14 through 964 of the Internal Revenue Code and amounts  
15 included in gross income under Section 78 of the  
16 Internal Revenue Code) with respect to the stock of the  
17 same person to whom the interest was paid, accrued, or  
18 incurred.

19 This paragraph shall not apply to the following:

20 (i) an item of interest paid, accrued, or  
21 incurred, directly or indirectly, to a foreign  
22 person who is subject in a foreign country or  
23 state, other than a state which requires mandatory  
24 unitary reporting, to a tax on or measured by net  
25 income with respect to such interest; or

26 (ii) an item of interest paid, accrued, or



1           incurred, directly or indirectly, to a foreign  
2           person if the taxpayer can establish, based on a  
3           preponderance of the evidence, both of the  
4           following:

5                   (a) the foreign person, during the same  
6                   taxable year, paid, accrued, or incurred, the  
7                   interest to a person that is not a related  
8                   member, and

9                   (b) the transaction giving rise to the  
10                  interest expense between the taxpayer and the  
11                  foreign person did not have as a principal  
12                  purpose the avoidance of Illinois income tax,  
13                  and is paid pursuant to a contract or agreement  
14                  that reflects an arm's-length interest rate  
15                  and terms; or

16                  (iii) the taxpayer can establish, based on  
17                  clear and convincing evidence, that the interest  
18                  paid, accrued, or incurred relates to a contract or  
19                  agreement entered into at arm's-length rates and  
20                  terms and the principal purpose for the payment is  
21                  not federal or Illinois tax avoidance; or

22                  (iv) an item of interest paid, accrued, or  
23                  incurred, directly or indirectly, to a foreign  
24                  person if the taxpayer establishes by clear and  
25                  convincing evidence that the adjustments are  
26                  unreasonable; or if the taxpayer and the Director

1           agree in writing to the application or use of an  
2           alternative method of apportionment under Section  
3           304(f).

4           Nothing in this subsection shall preclude the  
5           Director from making any other adjustment  
6           otherwise allowed under Section 404 of this Act for  
7           any tax year beginning after the effective date of  
8           this amendment provided such adjustment is made  
9           pursuant to regulation adopted by the Department  
10          and such regulations provide methods and standards  
11          by which the Department will utilize its authority  
12          under Section 404 of this Act;

13          (G-13) For taxable years ending on or after  
14          December 31, 2004, an amount equal to the amount of  
15          intangible expenses and costs otherwise allowed as a  
16          deduction in computing base income, and that were paid,  
17          accrued, or incurred, directly or indirectly, to a  
18          foreign person who would be a member of the same  
19          unitary business group but for the fact that the  
20          foreign person's business activity outside the United  
21          States is 80% or more of that person's total business  
22          activity. The addition modification required by this  
23          subparagraph shall be reduced to the extent that  
24          dividends were included in base income of the unitary  
25          group for the same taxable year and received by the  
26          taxpayer or by a member of the taxpayer's unitary

1 business group (including amounts included in gross  
2 income pursuant to Sections 951 through 964 of the  
3 Internal Revenue Code and amounts included in gross  
4 income under Section 78 of the Internal Revenue Code)  
5 with respect to the stock of the same person to whom  
6 the intangible expenses and costs were directly or  
7 indirectly paid, incurred, or accrued. The preceding  
8 sentence shall not apply to the extent that the same  
9 dividends caused a reduction to the addition  
10 modification required under Section 203(c)(2)(G-12) of  
11 this Act. As used in this subparagraph, the term  
12 "intangible expenses and costs" includes: (1)  
13 expenses, losses, and costs for or related to the  
14 direct or indirect acquisition, use, maintenance or  
15 management, ownership, sale, exchange, or any other  
16 disposition of intangible property; (2) losses  
17 incurred, directly or indirectly, from factoring  
18 transactions or discounting transactions; (3) royalty,  
19 patent, technical, and copyright fees; (4) licensing  
20 fees; and (5) other similar expenses and costs. For  
21 purposes of this subparagraph, "intangible property"  
22 includes patents, patent applications, trade names,  
23 trademarks, service marks, copyrights, mask works,  
24 trade secrets, and similar types of intangible assets.

25 This paragraph shall not apply to the following:

26 (i) any item of intangible expenses or costs

1           paid, accrued, or incurred, directly or  
2           indirectly, from a transaction with a foreign  
3           person who is subject in a foreign country or  
4           state, other than a state which requires mandatory  
5           unitary reporting, to a tax on or measured by net  
6           income with respect to such item; or

7           (ii) any item of intangible expense or cost  
8           paid, accrued, or incurred, directly or  
9           indirectly, if the taxpayer can establish, based  
10          on a preponderance of the evidence, both of the  
11          following:

12                 (a) the foreign person during the same  
13                 taxable year paid, accrued, or incurred, the  
14                 intangible expense or cost to a person that is  
15                 not a related member, and

16                 (b) the transaction giving rise to the  
17                 intangible expense or cost between the  
18                 taxpayer and the foreign person did not have as  
19                 a principal purpose the avoidance of Illinois  
20                 income tax, and is paid pursuant to a contract  
21                 or agreement that reflects arm's-length terms;  
22                 or

23           (iii) any item of intangible expense or cost  
24           paid, accrued, or incurred, directly or  
25           indirectly, from a transaction with a foreign  
26           person if the taxpayer establishes by clear and

1           convincing evidence, that the adjustments are  
2           unreasonable; or if the taxpayer and the Director  
3           agree in writing to the application or use of an  
4           alternative method of apportionment under Section  
5           304(f);

6           Nothing in this subsection shall preclude the  
7           Director from making any other adjustment  
8           otherwise allowed under Section 404 of this Act for  
9           any tax year beginning after the effective date of  
10          this amendment provided such adjustment is made  
11          pursuant to regulation adopted by the Department  
12          and such regulations provide methods and standards  
13          by which the Department will utilize its authority  
14          under Section 404 of this Act;

15          and by deducting from the total so obtained the sum of the  
16          following amounts:

17                 (H) An amount equal to all amounts included in such  
18                 total pursuant to the provisions of Sections 402(a),  
19                 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the  
20                 Internal Revenue Code or included in such total as  
21                 distributions under the provisions of any retirement  
22                 or disability plan for employees of any governmental  
23                 agency or unit, or retirement payments to retired  
24                 partners, which payments are excluded in computing net  
25                 earnings from self employment by Section 1402 of the  
26                 Internal Revenue Code and regulations adopted pursuant

1 thereto;

2 (I) The valuation limitation amount;

3 (J) An amount equal to the amount of any tax  
4 imposed by this Act which was refunded to the taxpayer  
5 and included in such total for the taxable year;

6 (K) An amount equal to all amounts included in  
7 taxable income as modified by subparagraphs (A), (B),  
8 (C), (D), (E), (F) and (G) which are exempt from  
9 taxation by this State either by reason of its statutes  
10 or Constitution or by reason of the Constitution,  
11 treaties or statutes of the United States; provided  
12 that, in the case of any statute of this State that  
13 exempts income derived from bonds or other obligations  
14 from the tax imposed under this Act, the amount  
15 exempted shall be the interest net of bond premium  
16 amortization;

17 (L) With the exception of any amounts subtracted  
18 under subparagraph (K), an amount equal to the sum of  
19 all amounts disallowed as deductions by (i) Sections  
20 171(a) (2) and 265(a) (2) of the Internal Revenue Code,  
21 as now or hereafter amended, and all amounts of  
22 expenses allocable to interest and disallowed as  
23 deductions by Section 265(1) of the Internal Revenue  
24 Code of 1954, as now or hereafter amended; and (ii) for  
25 taxable years ending on or after August 13, 1999,  
26 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of

1 the Internal Revenue Code; the provisions of this  
2 subparagraph are exempt from the provisions of Section  
3 250;

4 (M) An amount equal to those dividends included in  
5 such total which were paid by a corporation which  
6 conducts business operations in an Enterprise Zone or  
7 zones created under the Illinois Enterprise Zone Act or  
8 a River Edge Redevelopment Zone or zones created under  
9 the River Edge Redevelopment Zone Act and conducts  
10 substantially all of its operations in an Enterprise  
11 Zone or Zones or a River Edge Redevelopment Zone or  
12 zones. This subparagraph (M) is exempt from the  
13 provisions of Section 250;

14 (N) An amount equal to any contribution made to a  
15 job training project established pursuant to the Tax  
16 Increment Allocation Redevelopment Act;

17 (O) An amount equal to those dividends included in  
18 such total that were paid by a corporation that  
19 conducts business operations in a federally designated  
20 Foreign Trade Zone or Sub-Zone and that is designated a  
21 High Impact Business located in Illinois; provided  
22 that dividends eligible for the deduction provided in  
23 subparagraph (M) of paragraph (2) of this subsection  
24 shall not be eligible for the deduction provided under  
25 this subparagraph (O);

26 (P) An amount equal to the amount of the deduction

1           used to compute the federal income tax credit for  
2           restoration of substantial amounts held under claim of  
3           right for the taxable year pursuant to Section 1341 of  
4           the Internal Revenue Code of 1986;

5           (Q) For taxable year 1999 and thereafter, an amount  
6           equal to the amount of any (i) distributions, to the  
7           extent includible in gross income for federal income  
8           tax purposes, made to the taxpayer because of his or  
9           her status as a victim of persecution for racial or  
10          religious reasons by Nazi Germany or any other Axis  
11          regime or as an heir of the victim and (ii) items of  
12          income, to the extent includible in gross income for  
13          federal income tax purposes, attributable to, derived  
14          from or in any way related to assets stolen from,  
15          hidden from, or otherwise lost to a victim of  
16          persecution for racial or religious reasons by Nazi  
17          Germany or any other Axis regime immediately prior to,  
18          during, and immediately after World War II, including,  
19          but not limited to, interest on the proceeds receivable  
20          as insurance under policies issued to a victim of  
21          persecution for racial or religious reasons by Nazi  
22          Germany or any other Axis regime by European insurance  
23          companies immediately prior to and during World War II;  
24          provided, however, this subtraction from federal  
25          adjusted gross income does not apply to assets acquired  
26          with such assets or with the proceeds from the sale of



1           such assets; provided, further, this paragraph shall  
2           only apply to a taxpayer who was the first recipient of  
3           such assets after their recovery and who is a victim of  
4           persecution for racial or religious reasons by Nazi  
5           Germany or any other Axis regime or as an heir of the  
6           victim. The amount of and the eligibility for any  
7           public assistance, benefit, or similar entitlement is  
8           not affected by the inclusion of items (i) and (ii) of  
9           this paragraph in gross income for federal income tax  
10          purposes. This paragraph is exempt from the provisions  
11          of Section 250;

12           (R) For taxable years 2001 and thereafter, for the  
13          taxable year in which the bonus depreciation deduction  
14          is taken on the taxpayer's federal income tax return  
15          under subsection (k) of Section 168 of the Internal  
16          Revenue Code and for each applicable taxable year  
17          thereafter, an amount equal to "x", where:

18           (1) "y" equals the amount of the depreciation  
19          deduction taken for the taxable year on the  
20          taxpayer's federal income tax return on property  
21          for which the bonus depreciation deduction was  
22          taken in any year under subsection (k) of Section  
23          168 of the Internal Revenue Code, but not including  
24          the bonus depreciation deduction;

25           (2) for taxable years ending on or before  
26          December 31, 2005, "x" equals "y" multiplied by 30

1                   and then divided by 70 (or "y" multiplied by  
2                   0.429); and

3                   (3) for taxable years ending after December  
4                   31, 2005:

5                   (i) for property on which a bonus  
6                   depreciation deduction of 30% of the adjusted  
7                   basis was taken, "x" equals "y" multiplied by  
8                   30 and then divided by 70 (or "y" multiplied by  
9                   0.429); and

10                  (ii) for property on which a bonus  
11                  depreciation deduction of 50% of the adjusted  
12                  basis was taken, "x" equals "y" multiplied by  
13                  1.0.

14                  The aggregate amount deducted under this  
15                  subparagraph in all taxable years for any one piece of  
16                  property may not exceed the amount of the bonus  
17                  depreciation deduction taken on that property on the  
18                  taxpayer's federal income tax return under subsection  
19                  (k) of Section 168 of the Internal Revenue Code. This  
20                  subparagraph (R) is exempt from the provisions of  
21                  Section 250;

22                  (S) If the taxpayer sells, transfers, abandons, or  
23                  otherwise disposes of property for which the taxpayer  
24                  was required in any taxable year to make an addition  
25                  modification under subparagraph (G-10), then an amount  
26                  equal to that addition modification.

1           If the taxpayer continues to own property through  
2           the last day of the last tax year for which the  
3           taxpayer may claim a depreciation deduction for  
4           federal income tax purposes and for which the taxpayer  
5           was required in any taxable year to make an addition  
6           modification under subparagraph (G-10), then an amount  
7           equal to that addition modification.

8           The taxpayer is allowed to take the deduction under  
9           this subparagraph only once with respect to any one  
10          piece of property.

11          This subparagraph (S) is exempt from the  
12          provisions of Section 250;

13          (T) The amount of (i) any interest income (net of  
14          the deductions allocable thereto) taken into account  
15          for the taxable year with respect to a transaction with  
16          a taxpayer that is required to make an addition  
17          modification with respect to such transaction under  
18          Section        203(a)(2)(D-17),        203(b)(2)(E-12),  
19          203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
20          the amount of such addition modification and (ii) any  
21          income from intangible property (net of the deductions  
22          allocable thereto) taken into account for the taxable  
23          year with respect to a transaction with a taxpayer that  
24          is required to make an addition modification with  
25          respect to such transaction under Section  
26          203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or

1           203(d)(2)(D-8), but not to exceed the amount of such  
2           addition modification;

3           (U) An amount equal to the interest income taken  
4           into account for the taxable year (net of the  
5           deductions allocable thereto) with respect to  
6           transactions with a foreign person who would be a  
7           member of the taxpayer's unitary business group but for  
8           the fact the foreign person's business activity  
9           outside the United States is 80% or more of that  
10          person's total business activity, but not to exceed the  
11          addition modification required to be made for the same  
12          taxable year under Section 203(c)(2)(G-12) for  
13          interest paid, accrued, or incurred, directly or  
14          indirectly, to the same foreign person; and

15          (V) An amount equal to the income from intangible  
16          property taken into account for the taxable year (net  
17          of the deductions allocable thereto) with respect to  
18          transactions with a foreign person who would be a  
19          member of the taxpayer's unitary business group but for  
20          the fact that the foreign person's business activity  
21          outside the United States is 80% or more of that  
22          person's total business activity, but not to exceed the  
23          addition modification required to be made for the same  
24          taxable year under Section 203(c)(2)(G-13) for  
25          intangible expenses and costs paid, accrued, or  
26          incurred, directly or indirectly, to the same foreign

1 person.

2 (3) Limitation. The amount of any modification  
3 otherwise required under this subsection shall, under  
4 regulations prescribed by the Department, be adjusted by  
5 any amounts included therein which were properly paid,  
6 credited, or required to be distributed, or permanently set  
7 aside for charitable purposes pursuant to Internal Revenue  
8 Code Section 642(c) during the taxable year.

9 (d) Partnerships.

10 (1) In general. In the case of a partnership, base  
11 income means an amount equal to the taxpayer's taxable  
12 income for the taxable year as modified by paragraph (2).

13 (2) Modifications. The taxable income referred to in  
14 paragraph (1) shall be modified by adding thereto the sum  
15 of the following amounts:

16 (A) An amount equal to all amounts paid or accrued  
17 to the taxpayer as interest or dividends during the  
18 taxable year to the extent excluded from gross income  
19 in the computation of taxable income;

20 (B) An amount equal to the amount of tax imposed by  
21 this Act to the extent deducted from gross income for  
22 the taxable year;

23 (C) The amount of deductions allowed to the  
24 partnership pursuant to Section 707 (c) of the Internal  
25 Revenue Code in calculating its taxable income;

1           (D) An amount equal to the amount of the capital  
2           gain deduction allowable under the Internal Revenue  
3           Code, to the extent deducted from gross income in the  
4           computation of taxable income;

5           (D-5) For taxable years 2001 and thereafter, an  
6           amount equal to the bonus depreciation deduction taken  
7           on the taxpayer's federal income tax return for the  
8           taxable year under subsection (k) of Section 168 of the  
9           Internal Revenue Code;

10          (D-6) If the taxpayer sells, transfers, abandons,  
11          or otherwise disposes of property for which the  
12          taxpayer was required in any taxable year to make an  
13          addition modification under subparagraph (D-5), then  
14          an amount equal to the aggregate amount of the  
15          deductions taken in all taxable years under  
16          subparagraph (O) with respect to that property.

17          If the taxpayer continues to own property through  
18          the last day of the last tax year for which the  
19          taxpayer may claim a depreciation deduction for  
20          federal income tax purposes and for which the taxpayer  
21          was allowed in any taxable year to make a subtraction  
22          modification under subparagraph (O), then an amount  
23          equal to that subtraction modification.

24          The taxpayer is required to make the addition  
25          modification under this subparagraph only once with  
26          respect to any one piece of property;

1 (D-7) For taxable years ending on or after December  
2 31, 2004, an amount equal to the amount otherwise  
3 allowed as a deduction in computing base income for  
4 interest paid, accrued, or incurred, directly or  
5 indirectly, to a foreign person who would be a member  
6 of the same unitary business group but for the fact the  
7 foreign person's business activity outside the United  
8 States is 80% or more of the foreign person's total  
9 business activity. The addition modification required  
10 by this subparagraph shall be reduced to the extent  
11 that dividends were included in base income of the  
12 unitary group for the same taxable year and received by  
13 the taxpayer or by a member of the taxpayer's unitary  
14 business group (including amounts included in gross  
15 income pursuant to Sections 951 through 964 of the  
16 Internal Revenue Code and amounts included in gross  
17 income under Section 78 of the Internal Revenue Code)  
18 with respect to the stock of the same person to whom  
19 the interest was paid, accrued, or incurred.

20 This paragraph shall not apply to the following:

21 (i) an item of interest paid, accrued, or  
22 incurred, directly or indirectly, to a foreign  
23 person who is subject in a foreign country or  
24 state, other than a state which requires mandatory  
25 unitary reporting, to a tax on or measured by net  
26 income with respect to such interest; or

1           (ii) an item of interest paid, accrued, or  
2 incurred, directly or indirectly, to a foreign  
3 person if the taxpayer can establish, based on a  
4 preponderance of the evidence, both of the  
5 following:

6           (a) the foreign person, during the same  
7 taxable year, paid, accrued, or incurred, the  
8 interest to a person that is not a related  
9 member, and

10           (b) the transaction giving rise to the  
11 interest expense between the taxpayer and the  
12 foreign person did not have as a principal  
13 purpose the avoidance of Illinois income tax,  
14 and is paid pursuant to a contract or agreement  
15 that reflects an arm's-length interest rate  
16 and terms; or

17           (iii) the taxpayer can establish, based on  
18 clear and convincing evidence, that the interest  
19 paid, accrued, or incurred relates to a contract or  
20 agreement entered into at arm's-length rates and  
21 terms and the principal purpose for the payment is  
22 not federal or Illinois tax avoidance; or

23           (iv) an item of interest paid, accrued, or  
24 incurred, directly or indirectly, to a foreign  
25 person if the taxpayer establishes by clear and  
26 convincing evidence that the adjustments are



1           unreasonable; or if the taxpayer and the Director  
2           agree in writing to the application or use of an  
3           alternative method of apportionment under Section  
4           304(f).

5           Nothing in this subsection shall preclude the  
6           Director from making any other adjustment  
7           otherwise allowed under Section 404 of this Act for  
8           any tax year beginning after the effective date of  
9           this amendment provided such adjustment is made  
10          pursuant to regulation adopted by the Department  
11          and such regulations provide methods and standards  
12          by which the Department will utilize its authority  
13          under Section 404 of this Act; and

14          (D-8) For taxable years ending on or after December  
15          31, 2004, an amount equal to the amount of intangible  
16          expenses and costs otherwise allowed as a deduction in  
17          computing base income, and that were paid, accrued, or  
18          incurred, directly or indirectly, to a foreign person  
19          who would be a member of the same unitary business  
20          group but for the fact that the foreign person's  
21          business activity outside the United States is 80% or  
22          more of that person's total business activity. The  
23          addition modification required by this subparagraph  
24          shall be reduced to the extent that dividends were  
25          included in base income of the unitary group for the  
26          same taxable year and received by the taxpayer or by a

1 member of the taxpayer's unitary business group  
2 (including amounts included in gross income pursuant  
3 to Sections 951 through 964 of the Internal Revenue  
4 Code and amounts included in gross income under Section  
5 78 of the Internal Revenue Code) with respect to the  
6 stock of the same person to whom the intangible  
7 expenses and costs were directly or indirectly paid,  
8 incurred or accrued. The preceding sentence shall not  
9 apply to the extent that the same dividends caused a  
10 reduction to the addition modification required under  
11 Section 203(d)(2)(D-7) of this Act. As used in this  
12 subparagraph, the term "intangible expenses and costs"  
13 includes (1) expenses, losses, and costs for, or  
14 related to, the direct or indirect acquisition, use,  
15 maintenance or management, ownership, sale, exchange,  
16 or any other disposition of intangible property; (2)  
17 losses incurred, directly or indirectly, from  
18 factoring transactions or discounting transactions;  
19 (3) royalty, patent, technical, and copyright fees;  
20 (4) licensing fees; and (5) other similar expenses and  
21 costs. For purposes of this subparagraph, "intangible  
22 property" includes patents, patent applications, trade  
23 names, trademarks, service marks, copyrights, mask  
24 works, trade secrets, and similar types of intangible  
25 assets;

26 This paragraph shall not apply to the following:

1           (i) any item of intangible expenses or costs  
2           paid, accrued, or incurred, directly or  
3           indirectly, from a transaction with a foreign  
4           person who is subject in a foreign country or  
5           state, other than a state which requires mandatory  
6           unitary reporting, to a tax on or measured by net  
7           income with respect to such item; or

8           (ii) any item of intangible expense or cost  
9           paid, accrued, or incurred, directly or  
10          indirectly, if the taxpayer can establish, based  
11          on a preponderance of the evidence, both of the  
12          following:

13               (a) the foreign person during the same  
14               taxable year paid, accrued, or incurred, the  
15               intangible expense or cost to a person that is  
16               not a related member, and

17               (b) the transaction giving rise to the  
18               intangible expense or cost between the  
19               taxpayer and the foreign person did not have as  
20               a principal purpose the avoidance of Illinois  
21               income tax, and is paid pursuant to a contract  
22               or agreement that reflects arm's-length terms;  
23               or

24           (iii) any item of intangible expense or cost  
25           paid, accrued, or incurred, directly or  
26           indirectly, from a transaction with a foreign

1 person if the taxpayer establishes by clear and  
2 convincing evidence, that the adjustments are  
3 unreasonable; or if the taxpayer and the Director  
4 agree in writing to the application or use of an  
5 alternative method of apportionment under Section  
6 304(f);

7 Nothing in this subsection shall preclude the  
8 Director from making any other adjustment  
9 otherwise allowed under Section 404 of this Act for  
10 any tax year beginning after the effective date of  
11 this amendment provided such adjustment is made  
12 pursuant to regulation adopted by the Department  
13 and such regulations provide methods and standards  
14 by which the Department will utilize its authority  
15 under Section 404 of this Act;

16 and by deducting from the total so obtained the following  
17 amounts:

18 (E) The valuation limitation amount;

19 (F) An amount equal to the amount of any tax  
20 imposed by this Act which was refunded to the taxpayer  
21 and included in such total for the taxable year;

22 (G) An amount equal to all amounts included in  
23 taxable income as modified by subparagraphs (A), (B),  
24 (C) and (D) which are exempt from taxation by this  
25 State either by reason of its statutes or Constitution  
26 or by reason of the Constitution, treaties or statutes

1 of the United States; provided that, in the case of any  
2 statute of this State that exempts income derived from  
3 bonds or other obligations from the tax imposed under  
4 this Act, the amount exempted shall be the interest net  
5 of bond premium amortization;

6 (H) Any income of the partnership which  
7 constitutes personal service income as defined in  
8 Section 1348 (b) (1) of the Internal Revenue Code (as  
9 in effect December 31, 1981) or a reasonable allowance  
10 for compensation paid or accrued for services rendered  
11 by partners to the partnership, whichever is greater;

12 (I) An amount equal to all amounts of income  
13 distributable to an entity subject to the Personal  
14 Property Tax Replacement Income Tax imposed by  
15 subsections (c) and (d) of Section 201 of this Act  
16 including amounts distributable to organizations  
17 exempt from federal income tax by reason of Section  
18 501(a) of the Internal Revenue Code;

19 (J) With the exception of any amounts subtracted  
20 under subparagraph (G), an amount equal to the sum of  
21 all amounts disallowed as deductions by (i) Sections  
22 171(a) (2), and 265(2) of the Internal Revenue Code of  
23 1954, as now or hereafter amended, and all amounts of  
24 expenses allocable to interest and disallowed as  
25 deductions by Section 265(1) of the Internal Revenue  
26 Code, as now or hereafter amended; and (ii) for taxable

1 years ending on or after August 13, 1999, Sections  
2 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
3 Internal Revenue Code; the provisions of this  
4 subparagraph are exempt from the provisions of Section  
5 250;

6 (K) An amount equal to those dividends included in  
7 such total which were paid by a corporation which  
8 conducts business operations in an Enterprise Zone or  
9 zones created under the Illinois Enterprise Zone Act,  
10 enacted by the 82nd General Assembly, or a River Edge  
11 Redevelopment Zone or zones created under the River  
12 Edge Redevelopment Zone Act and conducts substantially  
13 all of its operations in an Enterprise Zone or Zones or  
14 from a River Edge Redevelopment Zone or zones. This  
15 subparagraph (K) is exempt from the provisions of  
16 Section 250;

17 (L) An amount equal to any contribution made to a  
18 job training project established pursuant to the Real  
19 Property Tax Increment Allocation Redevelopment Act;

20 (M) An amount equal to those dividends included in  
21 such total that were paid by a corporation that  
22 conducts business operations in a federally designated  
23 Foreign Trade Zone or Sub-Zone and that is designated a  
24 High Impact Business located in Illinois; provided  
25 that dividends eligible for the deduction provided in  
26 subparagraph (K) of paragraph (2) of this subsection

1 shall not be eligible for the deduction provided under  
2 this subparagraph (M);

3 (N) An amount equal to the amount of the deduction  
4 used to compute the federal income tax credit for  
5 restoration of substantial amounts held under claim of  
6 right for the taxable year pursuant to Section 1341 of  
7 the Internal Revenue Code of 1986;

8 (O) For taxable years 2001 and thereafter, for the  
9 taxable year in which the bonus depreciation deduction  
10 is taken on the taxpayer's federal income tax return  
11 under subsection (k) of Section 168 of the Internal  
12 Revenue Code and for each applicable taxable year  
13 thereafter, an amount equal to "x", where:

14 (1) "y" equals the amount of the depreciation  
15 deduction taken for the taxable year on the  
16 taxpayer's federal income tax return on property  
17 for which the bonus depreciation deduction was  
18 taken in any year under subsection (k) of Section  
19 168 of the Internal Revenue Code, but not including  
20 the bonus depreciation deduction;

21 (2) for taxable years ending on or before  
22 December 31, 2005, "x" equals "y" multiplied by 30  
23 and then divided by 70 (or "y" multiplied by  
24 0.429); and

25 (3) for taxable years ending after December  
26 31, 2005:

1 (i) for property on which a bonus  
2 depreciation deduction of 30% of the adjusted  
3 basis was taken, "x" equals "y" multiplied by  
4 30 and then divided by 70 (or "y" multiplied by  
5 0.429); and

6 (ii) for property on which a bonus  
7 depreciation deduction of 50% of the adjusted  
8 basis was taken, "x" equals "y" multiplied by  
9 1.0.

10 The aggregate amount deducted under this  
11 subparagraph in all taxable years for any one piece of  
12 property may not exceed the amount of the bonus  
13 depreciation deduction taken on that property on the  
14 taxpayer's federal income tax return under subsection  
15 (k) of Section 168 of the Internal Revenue Code. This  
16 subparagraph (O) is exempt from the provisions of  
17 Section 250;

18 (P) If the taxpayer sells, transfers, abandons, or  
19 otherwise disposes of property for which the taxpayer  
20 was required in any taxable year to make an addition  
21 modification under subparagraph (D-5), then an amount  
22 equal to that addition modification.

23 If the taxpayer continues to own property through  
24 the last day of the last tax year for which the  
25 taxpayer may claim a depreciation deduction for  
26 federal income tax purposes and for which the taxpayer



1 was required in any taxable year to make an addition  
2 modification under subparagraph (D-5), then an amount  
3 equal to that addition modification.

4 The taxpayer is allowed to take the deduction under  
5 this subparagraph only once with respect to any one  
6 piece of property.

7 This subparagraph (P) is exempt from the  
8 provisions of Section 250;

9 (Q) The amount of (i) any interest income (net of  
10 the deductions allocable thereto) taken into account  
11 for the taxable year with respect to a transaction with  
12 a taxpayer that is required to make an addition  
13 modification with respect to such transaction under  
14 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
15 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
16 the amount of such addition modification and (ii) any  
17 income from intangible property (net of the deductions  
18 allocable thereto) taken into account for the taxable  
19 year with respect to a transaction with a taxpayer that  
20 is required to make an addition modification with  
21 respect to such transaction under Section  
22 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
23 203(d)(2)(D-8), but not to exceed the amount of such  
24 addition modification;

25 (R) An amount equal to the interest income taken  
26 into account for the taxable year (net of the

1           deductions allocable thereto) with respect to  
2           transactions with a foreign person who would be a  
3           member of the taxpayer's unitary business group but for  
4           the fact that the foreign person's business activity  
5           outside the United States is 80% or more of that  
6           person's total business activity, but not to exceed the  
7           addition modification required to be made for the same  
8           taxable year under Section 203(d)(2)(D-7) for interest  
9           paid, accrued, or incurred, directly or indirectly, to  
10          the same foreign person; and

11           (S) An amount equal to the income from intangible  
12          property taken into account for the taxable year (net  
13          of the deductions allocable thereto) with respect to  
14          transactions with a foreign person who would be a  
15          member of the taxpayer's unitary business group but for  
16          the fact that the foreign person's business activity  
17          outside the United States is 80% or more of that  
18          person's total business activity, but not to exceed the  
19          addition modification required to be made for the same  
20          taxable year under Section 203(d)(2)(D-8) for  
21          intangible expenses and costs paid, accrued, or  
22          incurred, directly or indirectly, to the same foreign  
23          person.

24          (e) Gross income; adjusted gross income; taxable income.

25           (1) In general. Subject to the provisions of paragraph

1 (2) and subsection (b) (3), for purposes of this Section  
2 and Section 803(e), a taxpayer's gross income, adjusted  
3 gross income, or taxable income for the taxable year shall  
4 mean the amount of gross income, adjusted gross income or  
5 taxable income properly reportable for federal income tax  
6 purposes for the taxable year under the provisions of the  
7 Internal Revenue Code. Taxable income may be less than  
8 zero. However, for taxable years ending on or after  
9 December 31, 1986, net operating loss carryforwards from  
10 taxable years ending prior to December 31, 1986, may not  
11 exceed the sum of federal taxable income for the taxable  
12 year before net operating loss deduction, plus the excess  
13 of addition modifications over subtraction modifications  
14 for the taxable year. For taxable years ending prior to  
15 December 31, 1986, taxable income may never be an amount in  
16 excess of the net operating loss for the taxable year as  
17 defined in subsections (c) and (d) of Section 172 of the  
18 Internal Revenue Code, provided that when taxable income of  
19 a corporation (other than a Subchapter S corporation),  
20 trust, or estate is less than zero and addition  
21 modifications, other than those provided by subparagraph  
22 (E) of paragraph (2) of subsection (b) for corporations or  
23 subparagraph (E) of paragraph (2) of subsection (c) for  
24 trusts and estates, exceed subtraction modifications, an  
25 addition modification must be made under those  
26 subparagraphs for any other taxable year to which the

1 taxable income less than zero (net operating loss) is  
2 applied under Section 172 of the Internal Revenue Code or  
3 under subparagraph (E) of paragraph (2) of this subsection  
4 (e) applied in conjunction with Section 172 of the Internal  
5 Revenue Code.

6 (2) Special rule. For purposes of paragraph (1) of this  
7 subsection, the taxable income properly reportable for  
8 federal income tax purposes shall mean:

9 (A) Certain life insurance companies. In the case  
10 of a life insurance company subject to the tax imposed  
11 by Section 801 of the Internal Revenue Code, life  
12 insurance company taxable income, plus the amount of  
13 distribution from pre-1984 policyholder surplus  
14 accounts as calculated under Section 815a of the  
15 Internal Revenue Code;

16 (B) Certain other insurance companies. In the case  
17 of mutual insurance companies subject to the tax  
18 imposed by Section 831 of the Internal Revenue Code,  
19 insurance company taxable income;

20 (C) Regulated investment companies. In the case of  
21 a regulated investment company subject to the tax  
22 imposed by Section 852 of the Internal Revenue Code,  
23 investment company taxable income;

24 (D) Real estate investment trusts. In the case of a  
25 real estate investment trust subject to the tax imposed  
26 by Section 857 of the Internal Revenue Code, real

1 estate investment trust taxable income;

2 (E) Consolidated corporations. In the case of a  
3 corporation which is a member of an affiliated group of  
4 corporations filing a consolidated income tax return  
5 for the taxable year for federal income tax purposes,  
6 taxable income determined as if such corporation had  
7 filed a separate return for federal income tax purposes  
8 for the taxable year and each preceding taxable year  
9 for which it was a member of an affiliated group. For  
10 purposes of this subparagraph, the taxpayer's separate  
11 taxable income shall be determined as if the election  
12 provided by Section 243(b) (2) of the Internal Revenue  
13 Code had been in effect for all such years;

14 (F) Cooperatives. In the case of a cooperative  
15 corporation or association, the taxable income of such  
16 organization determined in accordance with the  
17 provisions of Section 1381 through 1388 of the Internal  
18 Revenue Code;

19 (G) Subchapter S corporations. In the case of: (i)  
20 a Subchapter S corporation for which there is in effect  
21 an election for the taxable year under Section 1362 of  
22 the Internal Revenue Code, the taxable income of such  
23 corporation determined in accordance with Section  
24 1363(b) of the Internal Revenue Code, except that  
25 taxable income shall take into account those items  
26 which are required by Section 1363(b)(1) of the

1 Internal Revenue Code to be separately stated; and (ii)  
2 a Subchapter S corporation for which there is in effect  
3 a federal election to opt out of the provisions of the  
4 Subchapter S Revision Act of 1982 and have applied  
5 instead the prior federal Subchapter S rules as in  
6 effect on July 1, 1982, the taxable income of such  
7 corporation determined in accordance with the federal  
8 Subchapter S rules as in effect on July 1, 1982; and

9 (H) Partnerships. In the case of a partnership,  
10 taxable income determined in accordance with Section  
11 703 of the Internal Revenue Code, except that taxable  
12 income shall take into account those items which are  
13 required by Section 703(a)(1) to be separately stated  
14 but which would be taken into account by an individual  
15 in calculating his taxable income.

16 (3) Recapture of business expenses on disposition of  
17 asset or business. Notwithstanding any other law to the  
18 contrary, if in prior years income from an asset or  
19 business has been classified as business income and in a  
20 later year is demonstrated to be non-business income, then  
21 all expenses, without limitation, deducted in such later  
22 year and in the 2 immediately preceding taxable years  
23 related to that asset or business that generated the  
24 non-business income shall be added back and recaptured as  
25 business income in the year of the disposition of the asset  
26 or business. Such amount shall be apportioned to Illinois

1 using the greater of the apportionment fraction computed  
2 for the business under Section 304 of this Act for the  
3 taxable year or the average of the apportionment fractions  
4 computed for the business under Section 304 of this Act for  
5 the taxable year and for the 2 immediately preceding  
6 taxable years.

7 (f) Valuation limitation amount.

8 (1) In general. The valuation limitation amount  
9 referred to in subsections (a) (2) (G), (c) (2) (I) and  
10 (d) (2) (E) is an amount equal to:

11 (A) The sum of the pre-August 1, 1969 appreciation  
12 amounts (to the extent consisting of gain reportable  
13 under the provisions of Section 1245 or 1250 of the  
14 Internal Revenue Code) for all property in respect of  
15 which such gain was reported for the taxable year; plus

16 (B) The lesser of (i) the sum of the pre-August 1,  
17 1969 appreciation amounts (to the extent consisting of  
18 capital gain) for all property in respect of which such  
19 gain was reported for federal income tax purposes for  
20 the taxable year, or (ii) the net capital gain for the  
21 taxable year, reduced in either case by any amount of  
22 such gain included in the amount determined under  
23 subsection (a) (2) (F) or (c) (2) (H).

24 (2) Pre-August 1, 1969 appreciation amount.

25 (A) If the fair market value of property referred  
26 to in paragraph (1) was readily ascertainable on August

1           1, 1969, the pre-August 1, 1969 appreciation amount for  
2           such property is the lesser of (i) the excess of such  
3           fair market value over the taxpayer's basis (for  
4           determining gain) for such property on that date  
5           (determined under the Internal Revenue Code as in  
6           effect on that date), or (ii) the total gain realized  
7           and reportable for federal income tax purposes in  
8           respect of the sale, exchange or other disposition of  
9           such property.

10           (B) If the fair market value of property referred  
11           to in paragraph (1) was not readily ascertainable on  
12           August 1, 1969, the pre-August 1, 1969 appreciation  
13           amount for such property is that amount which bears the  
14           same ratio to the total gain reported in respect of the  
15           property for federal income tax purposes for the  
16           taxable year, as the number of full calendar months in  
17           that part of the taxpayer's holding period for the  
18           property ending July 31, 1969 bears to the number of  
19           full calendar months in the taxpayer's entire holding  
20           period for the property.

21           (C) The Department shall prescribe such  
22           regulations as may be necessary to carry out the  
23           purposes of this paragraph.

24           (g) Double deductions. Unless specifically provided  
25           otherwise, nothing in this Section shall permit the same item



1 to be deducted more than once.

2 (h) Legislative intention. Except as expressly provided by  
3 this Section there shall be no modifications or limitations on  
4 the amounts of income, gain, loss or deduction taken into  
5 account in determining gross income, adjusted gross income or  
6 taxable income for federal income tax purposes for the taxable  
7 year, or in the amount of such items entering into the  
8 computation of base income and net income under this Act for  
9 such taxable year, whether in respect of property values as of  
10 August 1, 1969 or otherwise.

11 (Source: P.A. 93-812, eff. 7-26-04; 93-840, eff. 7-30-04;  
12 94-776, eff. 5-19-06; 94-789, eff. 5-19-06; 94-1021, eff.  
13 7-12-06; revised 7-14-06.)

14 (35 ILCS 5/205) (from Ch. 120, par. 2-205)

15 Sec. 205. Exempt organizations.

16 (a) Charitable, etc. organizations. The base income of an  
17 organization which is exempt from the federal income tax by  
18 reason of Section 501(a) of the Internal Revenue Code shall not  
19 be determined under section 203 of this Act, but shall be its  
20 unrelated business taxable income as determined under section  
21 512 of the Internal Revenue Code, without any deduction for the  
22 tax imposed by this Act. The standard exemption provided by  
23 section 204 of this Act shall not be allowed in determining the  
24 net income of an organization to which this subsection applies.

1           (b) Partnerships. A partnership as such shall not be  
2 subject to the tax imposed by subsection 201 (a) and (b) of  
3 this Act, but shall be subject to the replacement tax imposed  
4 by subsection 201 (c) and (d) of this Act and shall compute its  
5 base income as described in subsection (d) of Section 203 of  
6 this Act. For taxable years ending on or after December 31,  
7 2004, an investment partnership, as defined in Section  
8 1501(a)(11.5) of this Act, shall not be subject to the tax  
9 imposed by subsections (c) and (d) of Section 201 of this Act.  
10 A partnership shall file such returns and other information at  
11 such time and in such manner as may be required under Article 5  
12 of this Act. The partners in a partnership shall be liable for  
13 the replacement tax imposed by subsection 201 (c) and (d) of  
14 this Act on such partnership, to the extent such tax is not  
15 paid by the partnership, as provided under the laws of Illinois  
16 governing the liability of partners for the obligations of a  
17 partnership. Persons carrying on business as partners shall be  
18 liable for the tax imposed by subsection 201 (a) and (b) of  
19 this Act only in their separate or individual capacities.

20           (c) Subchapter S corporations. A Subchapter S corporation  
21 shall not be subject to the tax imposed by subsection 201 (a)  
22 and (b) of this Act but shall be subject to the replacement tax  
23 imposed by subsection 201 (c) and (d) of this Act and shall  
24 file such returns and other information at such time and in  
25 such manner as may be required under Article 5 of this Act.

26           (d) Combat zone death. An individual relieved from the

1 federal income tax for any taxable year by reason of section  
2 692 of the Internal Revenue Code shall not be subject to the  
3 tax imposed by this Act for such taxable year.

4 (e) Certain trusts. A common trust fund described in  
5 Section 584 of the Internal Revenue Code, and any other trust  
6 to the extent that the grantor is treated as the owner thereof  
7 under sections 671 through 678 of the Internal Revenue Code  
8 shall not be subject to the tax imposed by this Act.

9 (f) Certain business activities. A person not otherwise  
10 subject to the tax imposed by this Act shall not become subject  
11 to the tax imposed by this Act by reason of:

12 (1) that person's ownership of tangible personal  
13 property located at the premises of a printer in this State  
14 with which the person has contracted for printing, or

15 (2) activities of the person's employees or agents  
16 located solely at the premises of a printer and related to  
17 quality control, distribution, or printing services  
18 performed by a printer in the State with which the person  
19 has contracted for printing.

20 (g) A nonprofit risk organization that holds a certificate  
21 of authority under Article VIID of the Illinois Insurance Code  
22 is exempt from the tax imposed under this Act with respect to  
23 its activities or operations in furtherance of the powers  
24 conferred upon it under that Article VIID of the Illinois  
25 Insurance Code.

26 (Source: P.A. 93-840, eff. 7-30-04; 93-918, eff. 1-1-05;

1 revised 10-25-04.)

2 (35 ILCS 5/507X)

3 Sec. 507X. The Multiple Sclerosis Assistance Fund  
4 checkoff. Beginning with taxable years ending on or after  
5 December 31, 2002, the Department shall print on its standard  
6 individual income tax form a provision indicating that if the  
7 taxpayer wishes to contribute to the Multiple Sclerosis  
8 Assistance Fund, as authorized by this amendatory Act of the  
9 92nd General Assembly, he or she may do so by stating the  
10 amount of the contribution (not less than \$1) on the return and  
11 that the contribution will reduce the taxpayer's refund or  
12 increase the amount of payment to accompany the return. Failure  
13 to remit any amount of increased payment shall reduce the  
14 contribution accordingly. This Section shall not apply to any  
15 amended return.

16 (Source: P.A. 92-772, eff. 8-6-02.)

17 (35 ILCS 5/507Y)

18 Sec. 507Y ~~507X~~. The Illinois Military Family Relief  
19 checkoff. Beginning with taxable years ending on or after  
20 December 31, 2003, the Department shall print on its standard  
21 individual income tax form a provision indicating that if the  
22 taxpayer wishes to contribute to the Illinois Military Family  
23 Relief Fund, as authorized by this amendatory Act of the 92nd  
24 General Assembly, he or she may do so by stating the amount of

1 the contribution (not less than \$1) on the return and that the  
2 contribution will reduce the taxpayer's refund or increase the  
3 amount of payment to accompany the return. Failure to remit any  
4 amount of increased payment shall reduce the contribution  
5 accordingly. This Section shall not apply to any amended  
6 return.

7 (Source: P.A. 92-886, eff. 2-7-03; revised 3-11-03.)

8 (35 ILCS 5/507AA)

9 Sec. 507AA ~~507Y~~. The Lou Gehrig's Disease (ALS) Research  
10 Fund checkoff. Beginning with the taxable year ending on  
11 December 31, 2003, the Department shall print on its standard  
12 individual income tax form a provision indicating that if the  
13 taxpayer wishes to contribute to the Lou Gehrig's Disease (ALS)  
14 Research Fund, as authorized by this amendatory Act of the 93rd  
15 General Assembly, he or she may do so by stating the amount of  
16 the contribution (not less than \$1) on the return and that the  
17 contribution will reduce the taxpayer's refund or increase the  
18 amount of payment to accompany the return. Failure to remit any  
19 amount of increased payment shall reduce the contribution  
20 accordingly. This Section shall not apply to any amended  
21 return.

22 (Source: P.A. 93-36, eff. 6-24-03; revised 9-24-03.)

23 (35 ILCS 5/507BB)

24 Sec. 507BB ~~507Y~~. Asthma and Lung Research checkoff. The

1 Department must print on its standard individual income tax  
2 form a provision indicating that if the taxpayer wishes to  
3 contribute to the Asthma and Lung Research Fund, as authorized  
4 by this amendatory Act of the 93rd General Assembly, he or she  
5 may do so by stating the amount of the contribution (not less  
6 than \$1) on the return and that the contribution will reduce  
7 the taxpayer's refund or increase the amount of payment to  
8 accompany the return. Failure to remit any amount of increased  
9 payment reduces the contribution accordingly. This Section  
10 does not apply to an amended return.

11 (Source: P.A. 93-292, eff. 7-22-03; revised 9-24-03.)

12 (35 ILCS 5/507CC)

13 Sec. 507CC ~~507Y~~. The Leukemia Treatment and Education  
14 checkoff. The Department shall print on its standard individual  
15 income tax form a provision indicating that if the taxpayer  
16 wishes to contribute to the Leukemia Treatment and Education  
17 Fund, as authorized by this amendatory Act of the 93rd General  
18 Assembly, he or she may do so by stating the amount of the  
19 contribution (not less than \$1) on the return and that the  
20 contribution will reduce the taxpayer's refund or increase the  
21 amount of payment to accompany the return. Failure to remit any  
22 amount of increased payment shall reduce the contribution  
23 accordingly. This Section shall not apply to any amended  
24 return.

25 (Source: P.A. 93-324, eff. 7-23-03; revised 9-24-03.)

1 (35 ILCS 5/507EE)

2 Sec. 507EE. Pet Population Control Fund checkoff. The  
3 Department must print on its standard individual income tax  
4 form a provision indicating that if the taxpayer wishes to  
5 contribute to the Pet Population Control Fund, as established  
6 in the Illinois Public Health and Safety Animal Population  
7 Control Act, he or she may do so by stating the amount of the  
8 contribution (not less than \$1) on the return and that the  
9 contribution will reduce the taxpayer's refund or increase the  
10 amount of payment to accompany the return. Failure to remit any  
11 amount of increased payment reduces the contribution  
12 accordingly. This Section does not apply to any amended return.

13 The Department of Revenue shall determine annually the  
14 total amount contributed to the Fund pursuant to this Section  
15 and shall notify the State Comptroller and the State Treasurer  
16 of the amount to be transferred to the Pet Population Control  
17 Fund, and upon receipt of the notification the State  
18 Comptroller shall transfer the amount.

19 (Source: P.A. 94-639, eff. 8-22-05.)

20 (35 ILCS 5/507FF)

21 Sec. 507FF ~~507EE~~. Epilepsy Treatment and Education  
22 Grants-in-Aid Fund checkoff. The Department must print on its  
23 standard individual income tax form a provision indicating that  
24 if the taxpayer wishes to contribute to the Epilepsy Treatment

1 and Education Grants-in-Aid Fund, as authorized by Public Act  
2 94-73 ~~this amendatory Act of the 94th General Assembly~~, he or  
3 she may do so by stating the amount of the contribution (not  
4 less than \$1) on the return and that the contribution will  
5 reduce the taxpayer's refund or increase the amount of payment  
6 to accompany the return. Failure to remit any amount of  
7 increased payment reduces the contribution accordingly. This  
8 Section does not apply to any amended return.

9 (Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

10 (35 ILCS 5/507GG)

11 Sec. 507GG ~~507EE~~. Diabetes Research Checkoff Fund  
12 checkoff. For taxable years ending on or after December 31,  
13 2005, the Department must print on its standard individual  
14 income tax form a provision indicating that if the taxpayer  
15 wishes to contribute to the Diabetes Research Checkoff Fund, as  
16 authorized by Public 94-107 ~~this amendatory Act of the 94th~~  
17 ~~General Assembly~~, he or she may do so by stating the amount of  
18 the contribution (not less than \$1) on the return and that the  
19 contribution will reduce the taxpayer's refund or increase the  
20 amount of payment to accompany the return. Failure to remit any  
21 amount of increased payment shall reduce the contribution  
22 accordingly. This Section does not apply to any amended return.

23 (Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

24 (35 ILCS 5/507HH)



1           Sec. 507HH ~~507EE~~. Sarcoidosis Research Fund checkoff. The  
2 Department shall print on its standard individual income tax  
3 form a provision indicating that if the taxpayer wishes to  
4 contribute to the Sarcoidosis Research Fund, as authorized by  
5 Public Act 94-141 ~~this amendatory Act of the 94th General~~  
6 ~~Assembly~~, he or she may do so by stating the amount of the  
7 contribution (not less than \$1) on the return and that the  
8 contribution will reduce the taxpayer's refund or increase the  
9 amount of payment to accompany the return. Failure to remit any  
10 amount of increased payment shall reduce the contribution  
11 accordingly. This Section shall not apply to any amended  
12 return.

13 (Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)

14 (35 ILCS 5/507II)

15           Sec. 507II ~~507EE~~. The Vince Demuzio Memorial Colon Cancer  
16 Fund checkoff. For taxable years ending on or after December  
17 31, 2005, the Department must print on its standard individual  
18 income tax form a provision indicating that if the taxpayer  
19 wishes to contribute to the Vince Demuzio Memorial Colon Cancer  
20 Fund, as authorized by Public Act 94-142 ~~this amendatory Act of~~  
21 ~~the 94th General Assembly~~, he or she may do so by stating the  
22 amount of the contribution (not less than \$1) on the return and  
23 that the contribution will reduce the taxpayer's refund or  
24 increase the amount of payment to accompany the return. Failure  
25 to remit any amount of increased payment shall reduce the

1 contribution accordingly. This Section does not apply to any  
2 amended return.

3 (Source: P.A. 94-142, eff. 1-1-06; revised 9-26-05.)

4 (35 ILCS 5/507JJ)

5 Sec. 507JJ ~~507EE~~. The Autism Research Fund checkoff. For  
6 taxable years ending on or after December 31, 2005, the  
7 Department must print on its standard individual income tax  
8 form a provision indicating that if the taxpayer wishes to  
9 contribute to the Autism Research Fund, as authorized by Public  
10 Act 94-442 ~~this amendatory Act of the 94th General Assembly~~, he  
11 or she may do so by stating the amount of the contribution (not  
12 less than \$1) on the return and that the contribution will  
13 reduce the taxpayer's refund or increase the amount of payment  
14 to accompany the return. Failure to remit any amount of  
15 increased payment shall reduce the contribution accordingly.  
16 This Section does not apply to any amended return.

17 (Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

18 (35 ILCS 5/507KK)

19 Sec. 507KK ~~507EE~~. Blindness Prevention Fund checkoff. For  
20 taxable years ending on or after December 31, 2005, the  
21 Department shall print on its standard individual income tax  
22 form a provision indicating that if the taxpayer wishes to  
23 contribute to the Blindness Prevention Fund, as authorized by  
24 Public Act 94-602 ~~this amendatory Act of the 94th General~~

1 ~~Assembly~~, he or she may do so by stating the amount of the  
2 contribution (not less than \$1) on the return and that the  
3 contribution will reduce the taxpayer's refund or increase the  
4 amount of payment to accompany the return. Failure to remit any  
5 amount of increased payment shall reduce the contribution  
6 accordingly. This Section shall not apply to any amended  
7 return.

8 (Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

9 (35 ILCS 5/507LL)

10 Sec. 507LL ~~507EE~~. The Illinois Brain Tumor Research  
11 checkoff. For taxable years ending on or after December 31,  
12 2005, the Department shall print on its standard individual  
13 income tax form a provision indicating that if the taxpayer  
14 wishes to contribute to the Illinois Brain Tumor Research Fund,  
15 as authorized by Public Act 94-649 ~~this amendatory Act of the~~  
16 ~~94th General Assembly~~, he or she may do so by stating the  
17 amount of the contribution (not less than \$1) on the return and  
18 that the contribution will reduce the taxpayer's refund or  
19 increase the amount of payment to accompany the return. Failure  
20 to remit any amount of increased payment shall reduce the  
21 contribution accordingly. This Section shall not apply to any  
22 amended return.

23 (Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

24 (35 ILCS 5/507NN)

1           Sec. 507NN ~~507EE~~. The Heartsaver AED Fund checkoff. For  
2 taxable years ending on or after December 31, 2005, the  
3 Department must print on its standard individual income tax  
4 form a provision indicating that if the taxpayer wishes to  
5 contribute to the Heartsaver AED Fund, as authorized by this  
6 amendatory Act of the 94th General Assembly, he or she may do  
7 so by stating the amount of the contribution (not less than \$1)  
8 on the return and that the contribution will reduce the  
9 taxpayer's refund or increase the amount of payment to  
10 accompany the return. Failure to remit any amount of increased  
11 payment shall reduce the contribution accordingly. This  
12 Section does not apply to any amended return.

13           (Source: P.A. 94-876, eff. 6-19-06; revised 8-29-06.)

14           (35 ILCS 5/509) (from Ch. 120, par. 5-509)

15           Sec. 509. Tax checkoff explanations. All individual income  
16 tax return forms shall contain appropriate explanations and  
17 spaces to enable the taxpayers to designate contributions to  
18 the following funds: the Child Abuse Prevention Fund, the  
19 Illinois Wildlife Preservation Fund (as required by the  
20 Illinois Non-Game Wildlife Protection Act), the Alzheimer's  
21 Disease Research Fund (as required by the Alzheimer's Disease  
22 Research Act), the Assistance to the Homeless Fund (as required  
23 by this Act), the Penny Severns Breast and Cervical Cancer  
24 Research Fund, the National World War II Memorial Fund, the  
25 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)

1 Research Fund, the Multiple Sclerosis Assistance Fund, the  
2 Sarcoidosis Research Fund, the Leukemia Treatment and  
3 Education Fund, the World War II Illinois Veterans Memorial  
4 Fund, the Korean War Veterans National Museum and Library Fund,  
5 the Illinois Military Family Relief Fund, the Blindness  
6 Prevention Fund, the Illinois Veterans' Homes Fund, the  
7 Epilepsy Treatment and Education Grants-in-Aid Fund, the  
8 Diabetes Research Checkoff Fund, the Vince Demuzio Memorial  
9 Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED  
10 Fund, the Asthma and Lung Research Fund, and the Illinois Brain  
11 Tumor Research Fund.

12 Each form shall contain a statement that the contributions  
13 will reduce the taxpayer's refund or increase the amount of  
14 payment to accompany the return. Failure to remit any amount of  
15 increased payment shall reduce the contribution accordingly.

16 If, on October 1 of any year, the total contributions to  
17 any one of the funds made under this Section do not equal  
18 \$100,000 or more, the explanations and spaces for designating  
19 contributions to the fund shall be removed from the individual  
20 income tax return forms for the following and all subsequent  
21 years and all subsequent contributions to the fund shall be  
22 refunded to the taxpayer.

23 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;  
24 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.  
25 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.  
26 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.

1 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised  
2 8-3-06.)

3 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

4 Sec. 510. Determination of amounts contributed. The  
5 Department shall determine the total amount contributed to each  
6 of the following: the Child Abuse Prevention Fund, the Illinois  
7 Wildlife Preservation Fund, the Assistance to the Homeless  
8 Fund, the Alzheimer's Disease Research Fund, the Penny Severns  
9 Breast and Cervical Cancer Research Fund, the National World  
10 War II Memorial Fund, the Prostate Cancer Research Fund, the  
11 Illinois Military Family Relief Fund, the Lou Gehrig's Disease  
12 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,  
13 the Sarcoidosis Research Fund, the Leukemia Treatment and  
14 Education Fund, the World War II Illinois Veterans Memorial  
15 Fund, the Korean War Veterans National Museum and Library Fund,  
16 the Illinois Veterans' Homes Fund, the Epilepsy Treatment and  
17 Education Grants-in-Aid Fund, the Diabetes Research Checkoff  
18 Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism  
19 Research Fund, the Blindness Prevention Fund, the Heartsaver  
20 AED Fund, the Asthma and Lung Research Fund, and the Illinois  
21 Brain Tumor Research Fund; and shall notify the State  
22 Comptroller and the State Treasurer of the amounts to be  
23 transferred from the General Revenue Fund to each fund, and  
24 upon receipt of such notification the State Treasurer and  
25 Comptroller shall transfer the amounts.

1 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;  
2 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.  
3 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.  
4 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.  
5 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised  
6 8-3-06.)

7 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

8 Sec. 917. Confidentiality and information sharing.

9 (a) Confidentiality. Except as provided in this Section,  
10 all information received by the Department from returns filed  
11 under this Act, or from any investigation conducted under the  
12 provisions of this Act, shall be confidential, except for  
13 official purposes within the Department or pursuant to official  
14 procedures for collection of any State tax or pursuant to an  
15 investigation or audit by the Illinois State Scholarship  
16 Commission of a delinquent student loan or monetary award or  
17 enforcement of any civil or criminal penalty or sanction  
18 imposed by this Act or by another statute imposing a State tax,  
19 and any person who divulges any such information in any manner,  
20 except for such purposes and pursuant to order of the Director  
21 or in accordance with a proper judicial order, shall be guilty  
22 of a Class A misdemeanor. However, the provisions of this  
23 paragraph are not applicable to information furnished to (i)  
24 the Department of Healthcare and Family Services (formerly  
25 Department of Public Aid), State's Attorneys, and the Attorney

1 General for child support enforcement purposes and (ii) a  
2 licensed attorney representing the taxpayer where an appeal or  
3 a protest has been filed on behalf of the taxpayer. If it is  
4 necessary to file information obtained pursuant to this Act in  
5 a child support enforcement proceeding, the information shall  
6 be filed under seal.

7 (b) Public information. Nothing contained in this Act shall  
8 prevent the Director from publishing or making available to the  
9 public the names and addresses of persons filing returns under  
10 this Act, or from publishing or making available reasonable  
11 statistics concerning the operation of the tax wherein the  
12 contents of returns are grouped into aggregates in such a way  
13 that the information contained in any individual return shall  
14 not be disclosed.

15 (c) Governmental agencies. The Director may make available  
16 to the Secretary of the Treasury of the United States or his  
17 delegate, or the proper officer or his delegate of any other  
18 state imposing a tax upon or measured by income, for  
19 exclusively official purposes, information received by the  
20 Department in the administration of this Act, but such  
21 permission shall be granted only if the United States or such  
22 other state, as the case may be, grants the Department  
23 substantially similar privileges. The Director may exchange  
24 information with the ~~Illinois~~ Department of Healthcare and  
25 Family Services ~~Public Aid~~ and the Department of Human Services  
26 (acting as successor to the Department of Public Aid under the



1 Department of Human Services Act) for the purpose of verifying  
2 sources and amounts of income and for other purposes directly  
3 connected with the administration of this Act and the Illinois  
4 Public Aid Code. The Director may exchange information with the  
5 Director of the Department of Employment Security for the  
6 purpose of verifying sources and amounts of income and for  
7 other purposes directly connected with the administration of  
8 this Act and Acts administered by the Department of Employment  
9 Security. The Director may make available to the Illinois  
10 Workers' Compensation Commission information regarding  
11 employers for the purpose of verifying the insurance coverage  
12 required under the Workers' Compensation Act and Workers'  
13 Occupational Diseases Act. The Director may exchange  
14 information with the Illinois Department on Aging for the  
15 purpose of verifying sources and amounts of income for purposes  
16 directly related to confirming eligibility for participation  
17 in the programs of benefits authorized by the Senior Citizens  
18 and Disabled Persons Property Tax Relief and Pharmaceutical  
19 Assistance Act.

20 The Director may make available to any State agency,  
21 including the Illinois Supreme Court, which licenses persons to  
22 engage in any occupation, information that a person licensed by  
23 such agency has failed to file returns under this Act or pay  
24 the tax, penalty and interest shown therein, or has failed to  
25 pay any final assessment of tax, penalty or interest due under  
26 this Act. The Director may make available to any State agency,

1 including the Illinois Supreme Court, information regarding  
2 whether a bidder, contractor, or an affiliate of a bidder or  
3 contractor has failed to file returns under this Act or pay the  
4 tax, penalty, and interest shown therein, or has failed to pay  
5 any final assessment of tax, penalty, or interest due under  
6 this Act, for the limited purpose of enforcing bidder and  
7 contractor certifications. For purposes of this Section, the  
8 term "affiliate" means any entity that (1) directly,  
9 indirectly, or constructively controls another entity, (2) is  
10 directly, indirectly, or constructively controlled by another  
11 entity, or (3) is subject to the control of a common entity.  
12 For purposes of this subsection (a), an entity controls another  
13 entity if it owns, directly or individually, more than 10% of  
14 the voting securities of that entity. As used in this  
15 subsection (a), the term "voting security" means a security  
16 that (1) confers upon the holder the right to vote for the  
17 election of members of the board of directors or similar  
18 governing body of the business or (2) is convertible into, or  
19 entitles the holder to receive upon its exercise, a security  
20 that confers such a right to vote. A general partnership  
21 interest is a voting security.

22 The Director may make available to any State agency,  
23 including the Illinois Supreme Court, units of local  
24 government, and school districts, information regarding  
25 whether a bidder or contractor is an affiliate of a person who  
26 is not collecting and remitting Illinois Use taxes, for the

1 limited purpose of enforcing bidder and contractor  
2 certifications.

3 The Director may also make available to the Secretary of  
4 State information that a corporation which has been issued a  
5 certificate of incorporation by the Secretary of State has  
6 failed to file returns under this Act or pay the tax, penalty  
7 and interest shown therein, or has failed to pay any final  
8 assessment of tax, penalty or interest due under this Act. An  
9 assessment is final when all proceedings in court for review of  
10 such assessment have terminated or the time for the taking  
11 thereof has expired without such proceedings being instituted.  
12 For taxable years ending on or after December 31, 1987, the  
13 Director may make available to the Director or principal  
14 officer of any Department of the State of Illinois, information  
15 that a person employed by such Department has failed to file  
16 returns under this Act or pay the tax, penalty and interest  
17 shown therein. For purposes of this paragraph, the word  
18 "Department" shall have the same meaning as provided in Section  
19 3 of the State Employees Group Insurance Act of 1971.

20 (d) The Director shall make available for public inspection  
21 in the Department's principal office and for publication, at  
22 cost, administrative decisions issued on or after January 1,  
23 1995. These decisions are to be made available in a manner so  
24 that the following taxpayer information is not disclosed:

25 (1) The names, addresses, and identification numbers  
26 of the taxpayer, related entities, and employees.

1           (2) At the sole discretion of the Director, trade  
2           secrets or other confidential information identified as  
3           such by the taxpayer, no later than 30 days after receipt  
4           of an administrative decision, by such means as the  
5           Department shall provide by rule.

6           The Director shall determine the appropriate extent of the  
7           deletions allowed in paragraph (2). In the event the taxpayer  
8           does not submit deletions, the Director shall make only the  
9           deletions specified in paragraph (1).

10          The Director shall make available for public inspection and  
11          publication an administrative decision within 180 days after  
12          the issuance of the administrative decision. The term  
13          "administrative decision" has the same meaning as defined in  
14          Section 3-101 of Article III of the Code of Civil Procedure.  
15          Costs collected under this Section shall be paid into the Tax  
16          Compliance and Administration Fund.

17          (e) Nothing contained in this Act shall prevent the  
18          Director from divulging information to any person pursuant to a  
19          request or authorization made by the taxpayer, by an authorized  
20          representative of the taxpayer, or, in the case of information  
21          related to a joint return, by the spouse filing the joint  
22          return with the taxpayer.

23          (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-835;  
24          eff. 7-29-04; 93-841, eff. 7-30-04; revised 12-15-05.)

25          Section 385. The Use Tax Act is amended by changing Section

1 12 as follows:

2 (35 ILCS 105/12) (from Ch. 120, par. 439.12)

3 Sec. 12. Applicability of Retailers' Occupation Tax Act and  
4 Uniform Penalty and Interest Act. All of the provisions of  
5 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54,  
6 2a, 2b, 2c, 3, 4 (except that the time limitation provisions  
7 shall run from the date when the tax is due rather than from  
8 the date when gross receipts are received), 5 (except that the  
9 time limitation provisions on the issuance of notices of tax  
10 liability shall run from the date when the tax is due rather  
11 than from the date when gross receipts are received and except  
12 that in the case of a failure to file a return required by this  
13 Act, no notice of tax liability shall be issued on and after  
14 each July 1 and January 1 covering tax due with that return  
15 during any month or period more than 6 years before that July 1  
16 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
17 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation  
18 Tax Act and Section 3-7 of the Uniform Penalty and Interest  
19 Act, which are not inconsistent with this Act, shall apply, as  
20 far as practicable, to the subject matter of this Act to the  
21 same extent as if such provisions were included herein.

22 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;  
23 revised 8-03-06.)

24 Section 390. The Service Use Tax Act is amended by changing

1 Section 12 as follows:

2 (35 ILCS 110/12) (from Ch. 120, par. 439.42)

3 Sec. 12. Applicability of Retailers' Occupation Tax Act and  
4 Uniform Penalty and Interest Act. All of the provisions of  
5 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54,  
6 2a, 2b, 2c, 3 (except as to the disposition by the Department  
7 of the money collected under this Act), 4 (except that the time  
8 limitation provisions shall run from the date when gross  
9 receipts are received), 5 (except that the time limitation  
10 provisions on the issuance of notices of tax liability shall  
11 run from the date when the tax is due rather than from the date  
12 when gross receipts are received and except that in the case of  
13 a failure to file a return required by this Act, no notice of  
14 tax liability shall be issued on and after July 1 and January 1  
15 covering tax due with that return during any month or period  
16 more than 6 years before that July 1 or January 1,  
17 respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9,  
18 10, 11 and 12 of the Retailers' Occupation Tax Act which are  
19 not inconsistent with this Act, and Section 3-7 of the Uniform  
20 Penalty and Interest Act, shall apply, as far as practicable,  
21 to the subject matter of this Act to the same extent as if such  
22 provisions were included herein.

23 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;  
24 revised 8-03-06.)

1 Section 395. The Service Occupation Tax Act is amended by  
2 changing Section 12 as follows:

3 (35 ILCS 115/12) (from Ch. 120, par. 439.112)

4 Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i,  
5 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54, 2a, 2b, 2c, 3 (except as to  
6 the disposition by the Department of the tax collected under  
7 this Act), 4 (except that the time limitation provisions shall  
8 run from the date when the tax is due rather than from the date  
9 when gross receipts are received), 5 (except that the time  
10 limitation provisions on the issuance of notices of tax  
11 liability shall run from the date when the tax is due rather  
12 than from the date when gross receipts are received), 5a, 5b,  
13 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the  
14 "Retailers' Occupation Tax Act" which are not inconsistent with  
15 this Act, and Section 3-7 of the Uniform Penalty and Interest  
16 Act shall apply, as far as practicable, to the subject matter  
17 of this Act to the same extent as if such provisions were  
18 included herein.

19 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;  
20 revised 8-03-06.)

21 Section 400. The Retailers' Occupation Tax Act is amended  
22 by changing Section 3 as follows:

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

1           Sec. 3. Except as provided in this Section, on or before  
2 the twentieth day of each calendar month, every person engaged  
3 in the business of selling tangible personal property at retail  
4 in this State during the preceding calendar month shall file a  
5 return with the Department, stating:

6           1. The name of the seller;

7           2. His residence address and the address of his  
8 principal place of business and the address of the  
9 principal place of business (if that is a different  
10 address) from which he engages in the business of selling  
11 tangible personal property at retail in this State;

12           3. Total amount of receipts received by him during the  
13 preceding calendar month or quarter, as the case may be,  
14 from sales of tangible personal property, and from services  
15 furnished, by him during such preceding calendar month or  
16 quarter;

17           4. Total amount received by him during the preceding  
18 calendar month or quarter on charge and time sales of  
19 tangible personal property, and from services furnished,  
20 by him prior to the month or quarter for which the return  
21 is filed;

22           5. Deductions allowed by law;

23           6. Gross receipts which were received by him during the  
24 preceding calendar month or quarter and upon the basis of  
25 which the tax is imposed;

26           7. The amount of credit provided in Section 2d of this



1 Act;

2 8. The amount of tax due;

3 9. The signature of the taxpayer; and

4 10. Such other reasonable information as the  
5 Department may require.

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  
2 Purchaser Credit reported on annual returns due on or after  
3 January 1, 2005 will be disallowed for periods prior to  
4 September 1, 2004. No Manufacturer's Purchase Credit may be  
5 used after September 30, 2003 through August 31, 2004 to  
6 satisfy any tax liability imposed under this Act, including any  
7 audit 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 him  
20 during the preceding calendar month from sales of tangible  
21 personal property by him during such preceding calendar  
22 month, including receipts from charge and time sales, but  
23 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           Beginning on October 1, 2003, any person who is not a  
4           licensed distributor, importing distributor, or manufacturer,  
5           as defined in the Liquor Control Act of 1934, but is engaged in  
6           the business of selling, at retail, alcoholic liquor shall file  
7           a statement with the Department of Revenue, in a format and at  
8           a time prescribed by the Department, showing the total amount  
9           paid for alcoholic liquor purchased during the preceding month  
10          and such other information as is reasonably required by the  
11          Department. The Department may adopt rules to require that this  
12          statement be filed in an electronic or telephonic format. Such  
13          rules may provide for exceptions from the filing requirements  
14          of this paragraph. For the purposes of this paragraph, the term  
15          "alcoholic liquor" shall have the meaning prescribed in the  
16          Liquor Control Act of 1934.

17          Beginning on October 1, 2003, every distributor, importing  
18          distributor, and manufacturer of alcoholic liquor as defined in  
19          the Liquor Control Act of 1934, shall file a statement with the  
20          Department of Revenue, no later than the 10th day of the month  
21          for the preceding month during which transactions occurred, by  
22          electronic means, showing the total amount of gross receipts  
23          from the sale of alcoholic liquor sold or distributed during  
24          the preceding month to purchasers; identifying the purchaser to  
25          whom it was sold or distributed; the purchaser's tax  
26          registration number; and such other information reasonably

1 required by the Department. A distributor, importing  
2 distributor, or manufacturer of alcoholic liquor must  
3 personally deliver, mail, or provide by electronic means to  
4 each retailer listed on the monthly statement a report  
5 containing a cumulative total of that distributor's, importing  
6 distributor's, or manufacturer's total sales of alcoholic  
7 liquor to that retailer no later than the 10th day of the month  
8 for the preceding month during which the transaction occurred.  
9 The distributor, importing distributor, or manufacturer shall  
10 notify the retailer as to the method by which the distributor,  
11 importing distributor, or manufacturer will provide the sales  
12 information. If the retailer is unable to receive the sales  
13 information by electronic means, the distributor, importing  
14 distributor, or manufacturer shall furnish the sales  
15 information by personal delivery or by mail. For purposes of  
16 this paragraph, the term "electronic means" includes, but is  
17 not limited to, the use of a secure Internet website, e-mail,  
18 or facsimile.

19 If a total amount of less than \$1 is payable, refundable or  
20 creditable, such amount shall be disregarded if it is less than  
21 50 cents and shall be increased to \$1 if it is 50 cents or more.

22 Beginning October 1, 1993, a taxpayer who has an average  
23 monthly tax liability of \$150,000 or more shall make all  
24 payments required by rules of the Department by electronic  
25 funds transfer. Beginning October 1, 1994, a taxpayer who has  
26 an average monthly tax liability of \$100,000 or more shall make

1 all payments required by rules of the Department by electronic  
2 funds transfer. Beginning October 1, 1995, a taxpayer who has  
3 an average monthly tax liability of \$50,000 or more shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer. Beginning October 1, 2000, a taxpayer who has  
6 an annual tax liability of \$200,000 or more shall make all  
7 payments required by rules of the Department by electronic  
8 funds transfer. The term "annual tax liability" shall be the  
9 sum of the taxpayer's liabilities under this Act, and under all  
10 other State and local occupation and use tax laws administered  
11 by the Department, for the immediately preceding calendar year.  
12 The term "average monthly tax liability" shall be the sum of  
13 the taxpayer's liabilities under this Act, and under all other  
14 State and local occupation and use tax laws administered by the  
15 Department, for the immediately preceding calendar year  
16 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
17 a tax liability in the amount set forth in subsection (b) of  
18 Section 2505-210 of the Department of Revenue Law shall make  
19 all payments required by rules of the Department by electronic  
20 funds transfer.

21 Before August 1 of each year beginning in 1993, the  
22 Department shall notify all taxpayers required to make payments  
23 by electronic funds transfer. All taxpayers required to make  
24 payments by electronic funds transfer shall make those payments  
25 for a minimum of one year beginning on October 1.

26 Any taxpayer not required to make payments by electronic

1 funds transfer may make payments by electronic funds transfer  
2 with the permission of the Department.

3 All taxpayers required to make payment by electronic funds  
4 transfer and any taxpayers authorized to voluntarily make  
5 payments by electronic funds transfer shall make those payments  
6 in the manner authorized by the Department.

7 The Department shall adopt such rules as are necessary to  
8 effectuate a program of electronic funds transfer and the  
9 requirements of this Section.

10 Any amount which is required to be shown or reported on any  
11 return or other document under this Act shall, if such amount  
12 is not a whole-dollar amount, be increased to the nearest  
13 whole-dollar amount in any case where the fractional part of a  
14 dollar is 50 cents or more, and decreased to the nearest  
15 whole-dollar amount where the fractional part of a dollar is  
16 less than 50 cents.

17 If the retailer is otherwise required to file a monthly  
18 return and if the retailer's average monthly tax liability to  
19 the Department does not exceed \$200, the Department may  
20 authorize his returns to be filed on a quarter annual basis,  
21 with the return for January, February and March of a given year  
22 being due by April 20 of such year; with the return for April,  
23 May and June of a given year being due by July 20 of such year;  
24 with the return for July, August and September of a given year  
25 being due by October 20 of such year, and with the return for  
26 October, November and December of a given year being due by

1 January 20 of the following year.

2 If the retailer is otherwise required to file a monthly or  
3 quarterly return and if the retailer's average monthly tax  
4 liability with the Department does not exceed \$50, the  
5 Department may authorize his returns to be filed on an annual  
6 basis, with the return for a given year being due by January 20  
7 of the following year.

8 Such quarter annual and annual returns, as to form and  
9 substance, shall be subject to the same requirements as monthly  
10 returns.

11 Notwithstanding any other provision in this Act concerning  
12 the time within which a retailer may file his return, in the  
13 case of any retailer who ceases to engage in a kind of business  
14 which makes him responsible for filing returns under this Act,  
15 such retailer shall file a final return under this Act with the  
16 Department not more than one month after discontinuing such  
17 business.

18 Where the same person has more than one business registered  
19 with the Department under separate registrations under this  
20 Act, such person may not file each return that is due as a  
21 single return covering all such registered businesses, but  
22 shall file separate returns for each such registered business.

23 In addition, with respect to motor vehicles, watercraft,  
24 aircraft, and trailers that are required to be registered with  
25 an agency of this State, every retailer selling this kind of  
26 tangible personal property shall file, with the Department,

1 upon a form to be prescribed and supplied by the Department, a  
2 separate return for each such item of tangible personal  
3 property which the retailer sells, except that if, in the same  
4 transaction, (i) a retailer of aircraft, watercraft, motor  
5 vehicles or trailers transfers more than one aircraft,  
6 watercraft, motor vehicle or trailer to another aircraft,  
7 watercraft, motor vehicle retailer or trailer retailer for the  
8 purpose of resale or (ii) a retailer of aircraft, watercraft,  
9 motor vehicles, or trailers transfers more than one aircraft,  
10 watercraft, motor vehicle, or trailer to a purchaser for use as  
11 a qualifying rolling stock as provided in Section 2-5 of this  
12 Act, then that seller may report the transfer of all aircraft,  
13 watercraft, motor vehicles or trailers involved in that  
14 transaction to the Department on the same uniform  
15 invoice-transaction reporting return form. For purposes of  
16 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
17 watercraft as defined in Section 3-2 of the Boat Registration  
18 and Safety Act, a personal watercraft, or any boat equipped  
19 with an inboard motor.

20 Any retailer who sells only motor vehicles, watercraft,  
21 aircraft, or trailers that are required to be registered with  
22 an agency of this State, so that all retailers' occupation tax  
23 liability is required to be reported, and is reported, on such  
24 transaction reporting returns and who is not otherwise required  
25 to file monthly or quarterly returns, need not file monthly or  
26 quarterly returns. However, those retailers shall be required



1 to file returns on an annual basis.

2 The transaction reporting return, in the case of motor  
3 vehicles or trailers that are required to be registered with an  
4 agency of this State, shall be the same document as the Uniform  
5 Invoice referred to in Section 5-402 of The Illinois Vehicle  
6 Code and must show the name and address of the seller; the name  
7 and address of the purchaser; the amount of the selling price  
8 including the amount allowed by the retailer for traded-in  
9 property, if any; the amount allowed by the retailer for the  
10 traded-in tangible personal property, if any, to the extent to  
11 which Section 1 of this Act allows an exemption for the value  
12 of traded-in property; the balance payable after deducting such  
13 trade-in allowance from the total selling price; the amount of  
14 tax due from the retailer with respect to such transaction; the  
15 amount of tax collected from the purchaser by the retailer on  
16 such transaction (or satisfactory evidence that such tax is not  
17 due in that particular instance, if that is claimed to be the  
18 fact); the place and date of the sale; a sufficient  
19 identification of the property sold; such other information as  
20 is required in Section 5-402 of The Illinois Vehicle Code, and  
21 such other information as the Department may reasonably  
22 require.

23 The transaction reporting return in the case of watercraft  
24 or aircraft must show the name and address of the seller; the  
25 name and address of the purchaser; the amount of the selling  
26 price including the amount allowed by the retailer for

1 traded-in property, if any; the amount allowed by the retailer  
2 for the traded-in tangible personal property, if any, to the  
3 extent to which Section 1 of this Act allows an exemption for  
4 the value of traded-in property; the balance payable after  
5 deducting such trade-in allowance from the total selling price;  
6 the amount of tax due from the retailer with respect to such  
7 transaction; the amount of tax collected from the purchaser by  
8 the retailer on such transaction (or satisfactory evidence that  
9 such tax is not due in that particular instance, if that is  
10 claimed to be the fact); the place and date of the sale, a  
11 sufficient identification of the property sold, and such other  
12 information as the Department may reasonably require.

13 Such transaction reporting return shall be filed not later  
14 than 20 days after the day of delivery of the item that is  
15 being sold, but may be filed by the retailer at any time sooner  
16 than that if he chooses to do so. The transaction reporting  
17 return and tax remittance or proof of exemption from the  
18 Illinois use tax may be transmitted to the Department by way of  
19 the State agency with which, or State officer with whom the  
20 tangible personal property must be titled or registered (if  
21 titling or registration is required) if the Department and such  
22 agency or State officer determine that this procedure will  
23 expedite the processing of applications for title or  
24 registration.

25 With each such transaction reporting return, the retailer  
26 shall remit the proper amount of tax due (or shall submit

1 satisfactory evidence that the sale is not taxable if that is  
2 the case), to the Department or its agents, whereupon the  
3 Department shall issue, in the purchaser's name, a use tax  
4 receipt (or a certificate of exemption if the Department is  
5 satisfied that the particular sale is tax exempt) which such  
6 purchaser may submit to the agency with which, or State officer  
7 with whom, he must title or register the tangible personal  
8 property that is involved (if titling or registration is  
9 required) in support of such purchaser's application for an  
10 Illinois certificate or other evidence of title or registration  
11 to such tangible personal property.

12 No retailer's failure or refusal to remit tax under this  
13 Act precludes a user, who has paid the proper tax to the  
14 retailer, from obtaining his certificate of title or other  
15 evidence of title or registration (if titling or registration  
16 is required) upon satisfying the Department that such user has  
17 paid the proper tax (if tax is due) to the retailer. The  
18 Department shall adopt appropriate rules to carry out the  
19 mandate of this paragraph.

20 If the user who would otherwise pay tax to the retailer  
21 wants the transaction reporting return filed and the payment of  
22 the tax or proof of exemption made to the Department before the  
23 retailer is willing to take these actions and such user has not  
24 paid the tax to the retailer, such user may certify to the fact  
25 of such delay by the retailer and may (upon the Department  
26 being satisfied of the truth of such certification) transmit

1 the information required by the transaction reporting return  
2 and the remittance for tax or proof of exemption directly to  
3 the Department and obtain his tax receipt or exemption  
4 determination, in which event the transaction reporting return  
5 and tax remittance (if a tax payment was required) shall be  
6 credited by the Department to the proper retailer's account  
7 with the Department, but without the 2.1% or 1.75% discount  
8 provided for in this Section being allowed. When the user pays  
9 the tax directly to the Department, he shall pay the tax in the  
10 same amount and in the same form in which it would be remitted  
11 if the tax had been remitted to the Department by the retailer.

12 Refunds made by the seller during the preceding return  
13 period to purchasers, on account of tangible personal property  
14 returned to the seller, shall be allowed as a deduction under  
15 subdivision 5 of his monthly or quarterly return, as the case  
16 may be, in case the seller had theretofore included the  
17 receipts from the sale of such tangible personal property in a  
18 return filed by him and had paid the tax imposed by this Act  
19 with respect to such receipts.

20 Where the seller is a corporation, the return filed on  
21 behalf of such corporation shall be signed by the president,  
22 vice-president, secretary or treasurer or by the properly  
23 accredited agent of such corporation.

24 Where the seller is a limited liability company, the return  
25 filed on behalf of the limited liability company shall be  
26 signed by a manager, member, or properly accredited agent of

1 the limited liability company.

2 Except as provided in this Section, the retailer filing the  
3 return under this Section shall, at the time of filing such  
4 return, pay to the Department the amount of tax imposed by this  
5 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
6 on and after January 1, 1990, or \$5 per calendar year,  
7 whichever is greater, which is allowed to reimburse the  
8 retailer for the expenses incurred in keeping records,  
9 preparing and filing returns, remitting the tax and supplying  
10 data to the Department on request. Any prepayment made pursuant  
11 to Section 2d of this Act shall be included in the amount on  
12 which such 2.1% or 1.75% discount is computed. In the case of  
13 retailers who report and pay the tax on a transaction by  
14 transaction basis, as provided in this Section, such discount  
15 shall be taken with each such tax remittance instead of when  
16 such retailer files his periodic return.

17 Before October 1, 2000, if the taxpayer's average monthly  
18 tax liability to the Department under this Act, the Use Tax  
19 Act, the Service Occupation Tax Act, and the Service Use Tax  
20 Act, excluding any liability for prepaid sales tax to be  
21 remitted in accordance with Section 2d of this Act, was \$10,000  
22 or more during the preceding 4 complete calendar quarters, he  
23 shall file a return with the Department each month by the 20th  
24 day of the month next following the month during which such tax  
25 liability is incurred and shall make payments to the Department  
26 on or before the 7th, 15th, 22nd and last day of the month

1 during which such liability is incurred. On and after October  
2 1, 2000, if the taxpayer's average monthly tax liability to the  
3 Department under this Act, the Use Tax Act, the Service  
4 Occupation Tax Act, and the Service Use Tax Act, excluding any  
5 liability for prepaid sales tax to be remitted in accordance  
6 with Section 2d of this Act, was \$20,000 or more during the  
7 preceding 4 complete calendar quarters, he shall file a return  
8 with the Department each month by the 20th day of the month  
9 next following the month during which such tax liability is  
10 incurred and shall make payment to the Department on or before  
11 the 7th, 15th, 22nd and last day of the month during which such  
12 liability is incurred. If the month during which such tax  
13 liability is incurred began prior to January 1, 1985, each  
14 payment shall be in an amount equal to 1/4 of the taxpayer's  
15 actual liability for the month or an amount set by the  
16 Department not to exceed 1/4 of the average monthly liability  
17 of the taxpayer to the Department for the preceding 4 complete  
18 calendar quarters (excluding the month of highest liability and  
19 the month of lowest liability in such 4 quarter period). If the  
20 month during which such tax liability is incurred begins on or  
21 after January 1, 1985 and prior to January 1, 1987, each  
22 payment shall be in an amount equal to 22.5% of the taxpayer's  
23 actual liability for the month or 27.5% of the taxpayer's  
24 liability for the same calendar month of the preceding year. If  
25 the month during which such tax liability is incurred begins on  
26 or after January 1, 1987 and prior to January 1, 1988, each

1 payment shall be in an amount equal to 22.5% of the taxpayer's  
2 actual liability for the month or 26.25% of the taxpayer's  
3 liability for the same calendar month of the preceding year. If  
4 the month during which such tax liability is incurred begins on  
5 or after January 1, 1988, and prior to January 1, 1989, or  
6 begins on or after January 1, 1996, each payment shall be in an  
7 amount equal to 22.5% of the taxpayer's actual liability for  
8 the month or 25% of the taxpayer's liability for the same  
9 calendar month of the preceding year. If the month during which  
10 such tax liability is incurred begins on or after January 1,  
11 1989, and prior to January 1, 1996, each payment shall be in an  
12 amount equal to 22.5% of the taxpayer's actual liability for  
13 the month or 25% of the taxpayer's liability for the same  
14 calendar month of the preceding year or 100% of the taxpayer's  
15 actual liability for the quarter monthly reporting period. The  
16 amount of such quarter monthly payments shall be credited  
17 against the final tax liability of the taxpayer's return for  
18 that month. Before October 1, 2000, once applicable, the  
19 requirement of the making of quarter monthly payments to the  
20 Department by taxpayers having an average monthly tax liability  
21 of \$10,000 or more as determined in the manner provided above  
22 shall continue until such taxpayer's average monthly liability  
23 to the Department during the preceding 4 complete calendar  
24 quarters (excluding the month of highest liability and the  
25 month of lowest liability) is less than \$9,000, or until such  
26 taxpayer's average monthly liability to the Department as

1 computed for each calendar quarter of the 4 preceding complete  
2 calendar quarter period is less than \$10,000. However, if a  
3 taxpayer can show the Department that a substantial change in  
4 the taxpayer's business has occurred which causes the taxpayer  
5 to anticipate that his average monthly tax liability for the  
6 reasonably foreseeable future will fall below the \$10,000  
7 threshold stated above, then such taxpayer may petition the  
8 Department for a change in such taxpayer's reporting status. On  
9 and after October 1, 2000, once applicable, the requirement of  
10 the making of quarter monthly payments to the Department by  
11 taxpayers having an average monthly tax liability of \$20,000 or  
12 more as determined in the manner provided above shall continue  
13 until such taxpayer's average monthly liability to the  
14 Department during the preceding 4 complete calendar quarters  
15 (excluding the month of highest liability and the month of  
16 lowest liability) is less than \$19,000 or until such taxpayer's  
17 average monthly liability to the Department as computed for  
18 each calendar quarter of the 4 preceding complete calendar  
19 quarter period is less than \$20,000. However, if a taxpayer can  
20 show the Department that a substantial change in the taxpayer's  
21 business has occurred which causes the taxpayer to anticipate  
22 that his average monthly tax liability for the reasonably  
23 foreseeable future will fall below the \$20,000 threshold stated  
24 above, then such taxpayer may petition the Department for a  
25 change in such taxpayer's reporting status. The Department  
26 shall change such taxpayer's reporting status unless it finds



1 that such change is seasonal in nature and not likely to be  
2 long term. If any such quarter monthly payment is not paid at  
3 the time or in the amount required by this Section, then the  
4 taxpayer shall be liable for penalties and interest on the  
5 difference between the minimum amount due as a payment and the  
6 amount of such quarter monthly payment actually and timely  
7 paid, except insofar as the taxpayer has previously made  
8 payments for that month to the Department in excess of the  
9 minimum payments previously due as provided in this Section.  
10 The Department shall make reasonable rules and regulations to  
11 govern the quarter monthly payment amount and quarter monthly  
12 payment dates for taxpayers who file on other than a calendar  
13 monthly basis.

14 The provisions of this paragraph apply before October 1,  
15 2001. Without regard to whether a taxpayer is required to make  
16 quarter monthly payments as specified above, any taxpayer who  
17 is required by Section 2d of this Act to collect and remit  
18 prepaid taxes and has collected prepaid taxes which average in  
19 excess of \$25,000 per month during the preceding 2 complete  
20 calendar quarters, shall file a return with the Department as  
21 required by Section 2f and shall make payments to the  
22 Department on or before the 7th, 15th, 22nd and last day of the  
23 month during which such liability is incurred. If the month  
24 during which such tax liability is incurred began prior to the  
25 effective date of this amendatory Act of 1985, each payment  
26 shall be in an amount not less than 22.5% of the taxpayer's

1 actual liability under Section 2d. If the month during which  
2 such tax liability is incurred begins on or after January 1,  
3 1986, each payment shall be in an amount equal to 22.5% of the  
4 taxpayer's actual liability for the month or 27.5% of the  
5 taxpayer's liability for the same calendar month of the  
6 preceding calendar year. If the month during which such tax  
7 liability is incurred begins on or after January 1, 1987, each  
8 payment shall be in an amount equal to 22.5% of the taxpayer's  
9 actual liability for the month or 26.25% of the taxpayer's  
10 liability for the same calendar month of the preceding year.  
11 The amount of such quarter monthly payments shall be credited  
12 against the final tax liability of the taxpayer's return for  
13 that month filed under this Section or Section 2f, as the case  
14 may be. Once applicable, the requirement of the making of  
15 quarter monthly payments to the Department pursuant to this  
16 paragraph shall continue until such taxpayer's average monthly  
17 prepaid tax collections during the preceding 2 complete  
18 calendar quarters is \$25,000 or less. If any such quarter  
19 monthly payment is not paid at the time or in the amount  
20 required, the taxpayer shall be liable for penalties and  
21 interest on such difference, except insofar as the taxpayer has  
22 previously made payments for that month in excess of the  
23 minimum payments previously due.

24 The provisions of this paragraph apply on and after October  
25 1, 2001. Without regard to whether a taxpayer is required to  
26 make quarter monthly payments as specified above, any taxpayer

1 who is required by Section 2d of this Act to collect and remit  
2 prepaid taxes and has collected prepaid taxes that average in  
3 excess of \$20,000 per month during the preceding 4 complete  
4 calendar quarters shall file a return with the Department as  
5 required by Section 2f and shall make payments to the  
6 Department on or before the 7th, 15th, 22nd and last day of the  
7 month during which the liability is incurred. Each payment  
8 shall be in an amount equal to 22.5% of the taxpayer's actual  
9 liability for the month or 25% of the taxpayer's liability for  
10 the same calendar month of the preceding year. The amount of  
11 the quarter monthly payments shall be credited against the  
12 final tax liability of the taxpayer's return for that month  
13 filed under this Section or Section 2f, as the case may be.  
14 Once applicable, the requirement of the making of quarter  
15 monthly payments to the Department pursuant to this paragraph  
16 shall continue until the taxpayer's average monthly prepaid tax  
17 collections during the preceding 4 complete calendar quarters  
18 (excluding the month of highest liability and the month of  
19 lowest liability) is less than \$19,000 or until such taxpayer's  
20 average monthly liability to the Department as computed for  
21 each calendar quarter of the 4 preceding complete calendar  
22 quarters is less than \$20,000. If any such quarter monthly  
23 payment is not paid at the time or in the amount required, the  
24 taxpayer shall be liable for penalties and interest on such  
25 difference, except insofar as the taxpayer has previously made  
26 payments for that month in excess of the minimum payments

1 previously due.

2       If any payment provided for in this Section exceeds the  
3 taxpayer's liabilities under this Act, the Use Tax Act, the  
4 Service Occupation Tax Act and the Service Use Tax Act, as  
5 shown on an original monthly return, the Department shall, if  
6 requested by the taxpayer, issue to the taxpayer a credit  
7 memorandum no later than 30 days after the date of payment. The  
8 credit evidenced by such credit memorandum may be assigned by  
9 the taxpayer to a similar taxpayer under this Act, the Use Tax  
10 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
11 in accordance with reasonable rules and regulations to be  
12 prescribed by the Department. If no such request is made, the  
13 taxpayer may credit such excess payment against tax liability  
14 subsequently to be remitted to the Department under this Act,  
15 the Use Tax Act, the Service Occupation Tax Act or the Service  
16 Use Tax Act, in accordance with reasonable rules and  
17 regulations prescribed by the Department. If the Department  
18 subsequently determined that all or any part of the credit  
19 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
20 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
21 of the difference between the credit taken and that actually  
22 due, and that taxpayer shall be liable for penalties and  
23 interest on such difference.

24       If a retailer of motor fuel is entitled to a credit under  
25 Section 2d of this Act which exceeds the taxpayer's liability  
26 to the Department under this Act for the month which the

1 taxpayer is filing a return, the Department shall issue the  
2 taxpayer a credit memorandum for the excess.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the Local Government Tax Fund, a special fund in the  
5 State treasury which is hereby created, the net revenue  
6 realized for the preceding month from the 1% tax on sales of  
7 food for human consumption which is to be consumed off the  
8 premises where it is sold (other than alcoholic beverages, soft  
9 drinks and food which has been prepared for immediate  
10 consumption) and prescription and nonprescription medicines,  
11 drugs, medical appliances and insulin, urine testing  
12 materials, syringes and needles used by diabetics.

13 Beginning January 1, 1990, each month the Department shall  
14 pay into the County and Mass Transit District Fund, a special  
15 fund in the State treasury which is hereby created, 4% of the  
16 net revenue realized for the preceding month from the 6.25%  
17 general rate.

18 Beginning August 1, 2000, each month the Department shall  
19 pay into the County and Mass Transit District Fund 20% of the  
20 net revenue realized for the preceding month from the 1.25%  
21 rate on the selling price of motor fuel and gasohol.

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the Local Government Tax Fund 16% of the net revenue  
24 realized for the preceding month from the 6.25% general rate on  
25 the selling price of tangible personal property.

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.

4 Of the remainder of the moneys received by the Department  
5 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
6 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
7 and after July 1, 1989, 3.8% thereof shall be paid into the  
8 Build Illinois Fund; provided, however, that if in any fiscal  
9 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
10 may be, of the moneys received by the Department and required  
11 to be paid into the Build Illinois Fund pursuant to this Act,  
12 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
13 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
14 being hereinafter called the "Tax Acts" and such aggregate of  
15 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
16 called the "Tax Act Amount", and (2) the amount transferred to  
17 the Build Illinois Fund from the State and Local Sales Tax  
18 Reform Fund shall be less than the Annual Specified Amount (as  
19 hereinafter defined), an amount equal to the difference shall  
20 be immediately paid into the Build Illinois Fund from other  
21 moneys received by the Department pursuant to the Tax Acts; the  
22 "Annual Specified Amount" means the amounts specified below for  
23 fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000

1	1988	\$80,480,000
2	1989	\$88,510,000
3	1990	\$115,330,000
4	1991	\$145,470,000
5	1992	\$182,730,000
6	1993	\$206,520,000;

7 and means the Certified Annual Debt Service Requirement (as  
8 defined in Section 13 of the Build Illinois Bond Act) or the  
9 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
10 each fiscal year thereafter; and further provided, that if on  
11 the last business day of any month the sum of (1) the Tax Act  
12 Amount required to be deposited into the Build Illinois Bond  
13 Account in the Build Illinois Fund during such month and (2)  
14 the amount transferred to the Build Illinois Fund from the  
15 State and Local Sales Tax Reform Fund shall have been less than  
16 1/12 of the Annual Specified Amount, an amount equal to the  
17 difference shall be immediately paid into the Build Illinois  
18 Fund from other moneys received by the Department pursuant to  
19 the Tax Acts; and, further provided, that in no event shall the  
20 payments required under the preceding proviso result in  
21 aggregate payments into the Build Illinois Fund pursuant to  
22 this clause (b) for any fiscal year in excess of the greater of  
23 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
24 such fiscal year. The amounts payable into the Build Illinois  
25 Fund under clause (b) of the first sentence in this paragraph  
26 shall be payable only until such time as the aggregate amount

1 on deposit under each trust indenture securing Bonds issued and  
2 outstanding pursuant to the Build Illinois Bond Act is  
3 sufficient, taking into account any future investment income,  
4 to fully provide, in accordance with such indenture, for the  
5 defeasance of or the payment of the principal of, premium, if  
6 any, and interest on the Bonds secured by such indenture and on  
7 any Bonds expected to be issued thereafter and all fees and  
8 costs payable with respect thereto, all as certified by the  
9 Director of the Bureau of the Budget (now Governor's Office of  
10 Management and Budget). If on the last business day of any  
11 month in which Bonds are outstanding pursuant to the Build  
12 Illinois Bond Act, the aggregate of moneys deposited in the  
13 Build Illinois Bond Account in the Build Illinois Fund in such  
14 month shall be less than the amount required to be transferred  
15 in such month from the Build Illinois Bond Account to the Build  
16 Illinois Bond Retirement and Interest Fund pursuant to Section  
17 13 of the Build Illinois Bond Act, an amount equal to such  
18 deficiency shall be immediately paid from other moneys received  
19 by the Department pursuant to the Tax Acts to the Build  
20 Illinois Fund; provided, however, that any amounts paid to the  
21 Build Illinois Fund in any fiscal year pursuant to this  
22 sentence shall be deemed to constitute payments pursuant to  
23 clause (b) of the first sentence of this paragraph and shall  
24 reduce the amount otherwise payable for such fiscal year  
25 pursuant to that clause (b). The moneys received by the  
26 Department pursuant to this Act and required to be deposited



1 into the Build Illinois Fund are subject to the pledge, claim  
2 and charge set forth in Section 12 of the Build Illinois Bond  
3 Act.

4 Subject to payment of amounts into the Build Illinois Fund  
5 as provided in the preceding paragraph or in any amendment  
6 thereto hereafter enacted, the following specified monthly  
7 installment of the amount requested in the certificate of the  
8 Chairman of the Metropolitan Pier and Exposition Authority  
9 provided under Section 8.25f of the State Finance Act, but not  
10 in excess of sums designated as "Total Deposit", shall be  
11 deposited in the aggregate from collections under Section 9 of  
12 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
13 9 of the Service Occupation Tax Act, and Section 3 of the  
14 Retailers' Occupation Tax Act into the McCormick Place  
15 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
16		
17	1993	\$0
18	1994	53,000,000
19	1995	58,000,000
20	1996	61,000,000
21	1997	64,000,000
22	1998	68,000,000
23	1999	71,000,000
24	2000	75,000,000
25	2001	80,000,000

1	2002	93,000,000
2	2003	99,000,000
3	2004	103,000,000
4	2005	108,000,000
5	2006	113,000,000
6	2007	119,000,000
7	2008	126,000,000
8	2009	132,000,000
9	2010	139,000,000
10	2011	146,000,000
11	2012	153,000,000
12	2013	161,000,000
13	2014	170,000,000
14	2015	179,000,000
15	2016	189,000,000
16	2017	199,000,000
17	2018	210,000,000
18	2019	221,000,000
19	2020	233,000,000
20	2021	246,000,000
21	2022	260,000,000
22	2023 and	275,000,000

23           each fiscal year  
24           thereafter that bonds  
25           are outstanding under  
26           Section 13.2 of the

1 Metropolitan Pier and  
2 Exposition Authority Act,  
3 but not after fiscal year 2042.

4 Beginning July 20, 1993 and in each month of each fiscal  
5 year thereafter, one-eighth of the amount requested in the  
6 certificate of the Chairman of the Metropolitan Pier and  
7 Exposition Authority for that fiscal year, less the amount  
8 deposited into the McCormick Place Expansion Project Fund by  
9 the State Treasurer in the respective month under subsection  
10 (g) of Section 13 of the Metropolitan Pier and Exposition  
11 Authority Act, plus cumulative deficiencies in the deposits  
12 required under this Section for previous months and years,  
13 shall be deposited into the McCormick Place Expansion Project  
14 Fund, until the full amount requested for the fiscal year, but  
15 not in excess of the amount specified above as "Total Deposit",  
16 has been deposited.

17 Subject to payment of amounts into the Build Illinois Fund  
18 and the McCormick Place Expansion Project Fund pursuant to the  
19 preceding paragraphs or in any amendments thereto hereafter  
20 enacted, beginning July 1, 1993, the Department shall each  
21 month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
22 the net revenue realized for the preceding month from the 6.25%  
23 general rate on the selling price of tangible personal  
24 property.

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 with the receipt of the first report of  
3 taxes paid by an eligible business and continuing for a 25-year  
4 period, the Department shall each month pay into the Energy  
5 Infrastructure Fund 80% of the net revenue realized from the  
6 6.25% general rate on the selling price of Illinois-mined coal  
7 that was sold to an eligible business. For purposes of this  
8 paragraph, the term "eligible business" means a new electric  
9 generating facility certified pursuant to Section 605-332 of  
10 the Department of Commerce and Economic Opportunity Law of the  
11 Civil Administrative Code of Illinois.

12 Of the remainder of the moneys received by the Department  
13 pursuant to this Act, 75% thereof shall be paid into the State  
14 Treasury and 25% shall be reserved in a special account and  
15 used only for the transfer to the Common School Fund as part of  
16 the monthly transfer from the General Revenue Fund in  
17 accordance with Section 8a of the State Finance Act.

18 The Department may, upon separate written notice to a  
19 taxpayer, require the taxpayer to prepare and file with the  
20 Department on a form prescribed by the Department within not  
21 less than 60 days after receipt of the notice an annual  
22 information return for the tax year specified in the notice.  
23 Such annual return to the Department shall include a statement  
24 of gross receipts as shown by the retailer's last Federal  
25 income tax return. If the total receipts of the business as  
26 reported in the Federal income tax return do not agree with the

1 gross receipts reported to the Department of Revenue for the  
2 same period, the retailer shall attach to his annual return a  
3 schedule showing a reconciliation of the 2 amounts and the  
4 reasons for the difference. The retailer's annual return to the  
5 Department shall also disclose the cost of goods sold by the  
6 retailer during the year covered by such return, opening and  
7 closing inventories of such goods for such year, costs of goods  
8 used from stock or taken from stock and given away by the  
9 retailer during such year, payroll information of the  
10 retailer's business during such year and any additional  
11 reasonable information which the Department deems would be  
12 helpful in determining the accuracy of the monthly, quarterly  
13 or annual returns filed by such retailer as provided for in  
14 this Section.

15 If the annual information return required by this Section  
16 is not filed when and as required, the taxpayer shall be liable  
17 as follows:

18 (i) Until January 1, 1994, the taxpayer shall be liable  
19 for a penalty equal to  $1/6$  of 1% of the tax due from such  
20 taxpayer under this Act during the period to be covered by  
21 the annual return for each month or fraction of a month  
22 until such return is filed as required, the penalty to be  
23 assessed and collected in the same manner as any other  
24 penalty provided for in this Act.

25 (ii) On and after January 1, 1994, the taxpayer shall  
26 be liable for a penalty as described in Section 3-4 of the

1 Uniform Penalty and Interest Act.

2 The chief executive officer, proprietor, owner or highest  
3 ranking manager shall sign the annual return to certify the  
4 accuracy of the information contained therein. Any person who  
5 willfully signs the annual return containing false or  
6 inaccurate information shall be guilty of perjury and punished  
7 accordingly. The annual return form prescribed by the  
8 Department shall include a warning that the person signing the  
9 return may be liable for perjury.

10 The provisions of this Section concerning the filing of an  
11 annual information return do not apply to a retailer who is not  
12 required to file an income tax return with the United States  
13 Government.

14 As soon as possible after the first day of each month, upon  
15 certification of the Department of Revenue, the Comptroller  
16 shall order transferred and the Treasurer shall transfer from  
17 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
18 equal to 1.7% of 80% of the net revenue realized under this Act  
19 for the second preceding month. Beginning April 1, 2000, this  
20 transfer is no longer required and shall not be made.

21 Net revenue realized for a month shall be the revenue  
22 collected by the State pursuant to this Act, less the amount  
23 paid out during that month as refunds to taxpayers for  
24 overpayment of liability.

25 For greater simplicity of administration, manufacturers,  
26 importers and wholesalers whose products are sold at retail in

1 Illinois by numerous retailers, and who wish to do so, may  
2 assume the responsibility for accounting and paying to the  
3 Department all tax accruing under this Act with respect to such  
4 sales, if the retailers who are affected do not make written  
5 objection to the Department to this arrangement.

6 Any person who promotes, organizes, provides retail  
7 selling space for concessionaires or other types of sellers at  
8 the Illinois State Fair, DuQuoin State Fair, county fairs,  
9 local fairs, art shows, flea markets and similar exhibitions or  
10 events, including any transient merchant as defined by Section  
11 2 of the Transient Merchant Act of 1987, is required to file a  
12 report with the Department providing the name of the merchant's  
13 business, the name of the person or persons engaged in  
14 merchant's business, the permanent address and Illinois  
15 Retailers Occupation Tax Registration Number of the merchant,  
16 the dates and location of the event and other reasonable  
17 information that the Department may require. The report must be  
18 filed not later than the 20th day of the month next following  
19 the month during which the event with retail sales was held.  
20 Any person who fails to file a report required by this Section  
21 commits a business offense and is subject to a fine not to  
22 exceed \$250.

23 Any person engaged in the business of selling tangible  
24 personal property at retail as a concessionaire or other type  
25 of seller at the Illinois State Fair, county fairs, art shows,  
26 flea markets and similar exhibitions or events, or any

1 transient merchants, as defined by Section 2 of the Transient  
2 Merchant Act of 1987, may be required to make a daily report of  
3 the amount of such sales to the Department and to make a daily  
4 payment of the full amount of tax due. The Department shall  
5 impose this requirement when it finds that there is a  
6 significant risk of loss of revenue to the State at such an  
7 exhibition or event. Such a finding shall be based on evidence  
8 that a substantial number of concessionaires or other sellers  
9 who are not residents of Illinois will be engaging in the  
10 business of selling tangible personal property at retail at the  
11 exhibition or event, or other evidence of a significant risk of  
12 loss of revenue to the State. The Department shall notify  
13 concessionaires and other sellers affected by the imposition of  
14 this requirement. In the absence of notification by the  
15 Department, the concessionaires and other sellers shall file  
16 their returns as otherwise required in this Section.

17 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,  
18 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,  
19 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,  
20 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;  
21 93-1057, eff. 12-2-04; revised 12-6-04.)

22 Section 405. The Hotel Operators' Occupation Tax Act is  
23 amended by changing Section 6 as follows:

24 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)



1           Sec. 6. Except as provided hereinafter in this Section, on  
2 or before the last day of each calendar month, every person  
3 engaged in the business of renting, leasing or letting rooms in  
4 a hotel in this State during the preceding calendar month shall  
5 file a return with the Department, stating:

6           1. The name of the operator;

7           2. His residence address and the address of his  
8 principal place of business and the address of the  
9 principal place of business (if that is a different  
10 address) from which he engages in the business of renting,  
11 leasing or letting rooms in a hotel in this State;

12           3. Total amount of rental receipts received by him  
13 during the preceding calendar month from renting, leasing  
14 or letting rooms during such preceding calendar month;

15           4. Total amount of rental receipts received by him  
16 during the preceding calendar month from renting, leasing  
17 or letting rooms to permanent residents during such  
18 preceding calendar month;

19           5. Total amount of other exclusions from gross rental  
20 receipts allowed by this Act;

21           6. Gross rental receipts which were received by him  
22 during the preceding calendar month and upon the basis of  
23 which the tax is imposed;

24           7. The amount of tax due;

25           8. Such other reasonable information as the Department  
26 may require.

1           If the operator's average monthly tax liability to the  
2 Department does not exceed \$200, the Department may authorize  
3 his returns to be filed on a quarter annual basis, with the  
4 return for January, February and March of a given year being  
5 due by April 30 of such year; with the return for April, May  
6 and June of a given year being due by July 31 of such year; with  
7 the return for July, August and September of a given year being  
8 due by October 31 of such year, and with the return for  
9 October, November and December of a given year being due by  
10 January 31 of the following year.

11           If the operator's average monthly tax liability to the  
12 Department does not exceed \$50, the Department may authorize  
13 his returns to be filed on an annual basis, with the return for  
14 a given year being due by January 31 of the following year.

15           Such quarter annual and annual returns, as to form and  
16 substance, shall be subject to the same requirements as monthly  
17 returns.

18           Notwithstanding any other provision in this Act concerning  
19 the time within which an operator may file his return, in the  
20 case of any operator who ceases to engage in a kind of business  
21 which makes him responsible for filing returns under this Act,  
22 such operator shall file a final return under this Act with the  
23 Department not more than 1 month after discontinuing such  
24 business.

25           Where the same person has more than 1 business registered  
26 with the Department under separate registrations under this

1 Act, such person shall not file each return that is due as a  
2 single return covering all such registered businesses, but  
3 shall file separate returns for each such registered business.

4 In his return, the operator shall determine the value of  
5 any consideration other than money received by him in  
6 connection with the renting, leasing or letting of rooms in the  
7 course of his business and he shall include such value in his  
8 return. Such determination shall be subject to review and  
9 revision by the Department in the manner hereinafter provided  
10 for the correction of returns.

11 Where the operator is a corporation, the return filed on  
12 behalf of such corporation shall be signed by the president,  
13 vice-president, secretary or treasurer or by the properly  
14 accredited agent of such corporation.

15 The person filing the return herein provided for shall, at  
16 the time of filing such return, pay to the Department the  
17 amount of tax herein imposed. The operator filing the return  
18 under this Section shall, at the time of filing such return,  
19 pay to the Department the amount of tax imposed by this Act  
20 less a discount of 2.1% or \$25 per calendar year, whichever is  
21 greater, which is allowed to reimburse the operator for the  
22 expenses incurred in keeping records, preparing and filing  
23 returns, remitting the tax and supplying data to the Department  
24 on request.

25 There shall be deposited in the Build Illinois Fund in the  
26 State Treasury for each State fiscal year 40% of the amount of

1 total net proceeds from the tax imposed by subsection (a) of  
2 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited  
3 in the Illinois Sports Facilities Fund and credited to the  
4 Subsidy Account each fiscal year by making monthly deposits in  
5 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in  
6 such deposits for prior months, and an additional \$8,000,000  
7 shall be deposited in the Illinois Sports Facilities Fund and  
8 credited to the Advance Account each fiscal year by making  
9 monthly deposits in the amount of 1/8 of \$8,000,000 plus any  
10 cumulative deficiencies in such deposits for prior months;  
11 provided, that for fiscal years ending after June 30, 2001, the  
12 amount to be so deposited into the Illinois Sports Facilities  
13 Fund and credited to the Advance Account each fiscal year shall  
14 be increased from \$8,000,000 to the then applicable Advance  
15 Amount and the required monthly deposits beginning with July  
16 2001 shall be in the amount of 1/8 of the then applicable  
17 Advance Amount plus any cumulative deficiencies in those  
18 deposits for prior months. (The deposits of the additional  
19 \$8,000,000 or the then applicable Advance Amount, as  
20 applicable, during each fiscal year shall be treated as  
21 advances of funds to the Illinois Sports Facilities Authority  
22 for its corporate purposes to the extent paid to the Authority  
23 or its trustee and shall be repaid into the General Revenue  
24 Fund in the State Treasury by the State Treasurer on behalf of  
25 the Authority pursuant to Section 19 of the Illinois Sports  
26 Facilities Authority Act, as amended. If in any fiscal year the

1 full amount of the then applicable Advance Amount is not repaid  
2 into the General Revenue Fund, then the deficiency shall be  
3 paid from the amount in the Local Government Distributive Fund  
4 that would otherwise be allocated to the City of Chicago under  
5 the State Revenue Sharing Act.)

6 For purposes of the foregoing paragraph, the term "Advance  
7 Amount" means, for fiscal year 2002, \$22,179,000, and for  
8 subsequent fiscal years through fiscal year 2032, 105.615% of  
9 the Advance Amount for the immediately preceding fiscal year,  
10 rounded up to the nearest \$1,000.

11 Of the remaining 60% of the amount of total net proceeds  
12 from the tax imposed by subsection (a) of Section 3 after all  
13 required deposits in the Illinois Sports Facilities Fund, the  
14 amount equal to 8% of the net revenue realized from the Hotel  
15 Operators' Occupation Tax Act plus an amount equal to 8% of the  
16 net revenue realized from any tax imposed under Section 4.05 of  
17 the Chicago World's Fair-1992 Authority Act during the  
18 preceding month shall be deposited in the Local Tourism Fund  
19 each month for purposes authorized by Section 605-705 of the  
20 Department of Commerce and Economic Opportunity ~~Community~~  
21 ~~Affairs~~ Law (20 ILCS 605/605-705) ~~in the Local Tourism Fund,~~  
22 and beginning August 1, 1999, the amount equal to 4.5% of the  
23 net revenue realized from the Hotel Operators' Occupation Tax  
24 Act during the preceding month shall be deposited into the  
25 International Tourism Fund for the purposes authorized in  
26 Section 605-707 ~~605-725~~ of the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~ Law. "Net revenue  
2 realized for a month" means the revenue collected by the State  
3 under that Act during the previous month less the amount paid  
4 out during that same month as refunds to taxpayers for  
5 overpayment of liability under that Act.

6 After making all these deposits, all other proceeds of the  
7 tax imposed under subsection (a) of Section 3 shall be  
8 deposited in the General Revenue Fund in the State Treasury.  
9 All moneys received by the Department from the additional tax  
10 imposed under subsection (b) of Section 3 shall be deposited  
11 into the Build Illinois Fund in the State Treasury.

12 The Department may, upon separate written notice to a  
13 taxpayer, require the taxpayer to prepare and file with the  
14 Department on a form prescribed by the Department within not  
15 less than 60 days after receipt of the notice an annual  
16 information return for the tax year specified in the notice.  
17 Such annual return to the Department shall include a statement  
18 of gross receipts as shown by the operator's last State income  
19 tax return. If the total receipts of the business as reported  
20 in the State income tax return do not agree with the gross  
21 receipts reported to the Department for the same period, the  
22 operator shall attach to his annual information return a  
23 schedule showing a reconciliation of the 2 amounts and the  
24 reasons for the difference. The operator's annual information  
25 return to the Department shall also disclose pay roll  
26 information of the operator's business during the year covered

1 by such return and any additional reasonable information which  
2 the Department deems would be helpful in determining the  
3 accuracy of the monthly, quarterly or annual tax returns by  
4 such operator as hereinbefore provided for in this Section.

5 If the annual information return required by this Section  
6 is not filed when and as required the taxpayer shall be liable  
7 for a penalty in an amount determined in accordance with  
8 Section 3-4 of the Uniform Penalty and Interest Act until such  
9 return is filed as required, the penalty to be assessed and  
10 collected in the same manner as any other penalty provided for  
11 in this Act.

12 The chief executive officer, proprietor, owner or highest  
13 ranking manager shall sign the annual return to certify the  
14 accuracy of the information contained therein. Any person who  
15 willfully signs the annual return containing false or  
16 inaccurate information shall be guilty of perjury and punished  
17 accordingly. The annual return form prescribed by the  
18 Department shall include a warning that the person signing the  
19 return may be liable for perjury.

20 The foregoing portion of this Section concerning the filing  
21 of an annual information return shall not apply to an operator  
22 who is not required to file an income tax return with the  
23 United States Government.

24 (Source: P.A. 92-16, eff. 6-28-01; 92-600, eff. 6-28-02;  
25 revised 10-15-03.)

1 Section 410. The Property Tax Code is amended by changing  
2 Sections 15-25, 15-55, 16-190, 18-185, and 21-310 and by  
3 setting forth and renumbering multiple versions of Section  
4 18-92 as follows:

5 (35 ILCS 200/15-25)

6 Sec. 15-25. Removal of exemptions. If the Department  
7 determines that any property has been unlawfully exempted from  
8 taxation, or is no longer entitled to exemption, the Department  
9 shall, before January 1 of any year, direct the chief county  
10 assessment officer to assess the property and return it to the  
11 assessment rolls for the next assessment year. The Department  
12 shall give notice of its decision to the owner of the property  
13 by certified mail. The decision shall be subject to review and  
14 hearing under Section 8-35, upon application by the owner filed  
15 within 60 days after the notice of decision is mailed. However,  
16 the extension of taxes on the assessment shall not be delayed  
17 by any proceedings under this Section. If the property is  
18 determined to be exempt, any taxes extended upon the assessment  
19 shall be abated or, if already paid, be refunded.

20 (Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02;  
21 revised 7-26-02.)

22 (35 ILCS 200/15-55)

23 Sec. 15-55. State property.

24 (a) All property belonging to the State of Illinois is



1 exempt. However, the State agency holding title shall file the  
2 certificate of ownership and use required by Section 15-10,  
3 together with a copy of any written lease or agreement, in  
4 effect on March 30 of the assessment year, concerning parcels  
5 of 1 acre or more, or an explanation of the terms of any oral  
6 agreement under which the property is leased, subleased or  
7 rented.

8 The leased property shall be assessed to the lessee and the  
9 taxes thereon extended and billed to the lessee, and collected  
10 in the same manner as for property which is not exempt. The  
11 lessee shall be liable for the taxes and no lien shall attach  
12 to the property of the State.

13 For the purposes of this Section, the word "leases"  
14 includes licenses, franchises, operating agreements and other  
15 arrangements under which private individuals, associations or  
16 corporations are granted the right to use property of the  
17 Illinois State Toll Highway Authority and includes all property  
18 of the Authority used by others without regard to the size of  
19 the leased parcel.

20 (b) However, all property of every kind belonging to the  
21 State of Illinois, which is or may hereafter be leased to the  
22 Illinois Prairie Path Corporation, shall be exempt from all  
23 assessments, taxation or collection, despite the making of any  
24 such lease, if it is used for:

- 25 (1) conservation, nature trail or any other  
26 charitable, scientific, educational or recreational

1 purposes with public benefit, including the preserving and  
2 aiding in the preservation of natural areas, objects,  
3 flora, fauna or biotic communities;

4 (2) the establishment of footpaths, trails and other  
5 protected areas;

6 (3) the conservation of the proper use of natural  
7 resources or the promotion of the study of plant and animal  
8 communities and of other phases of ecology, natural history  
9 and conservation;

10 (4) the promotion of education in the fields of nature,  
11 preservation and conservation; or

12 (5) similar public recreational activities conducted  
13 by the Illinois Prairie Path Corporation.

14 No lien shall attach to the property of the State. No tax  
15 liability shall become the obligation of or be enforceable  
16 against Illinois Prairie Path Corporation.

17 (c) If the State sells the James R. Thompson Center or the  
18 Elgin Mental Health Center and surrounding land located at 750  
19 S. State Street, Elgin, Illinois, as provided in subdivision  
20 (a)(2) of Section 7.4 of the State Property Control Act, to  
21 another entity whose property is not exempt and immediately  
22 thereafter enters into a leaseback or other agreement that  
23 directly or indirectly gives the State a right to use, control,  
24 and possess the property, that portion of the property leased  
25 and occupied exclusively by the State shall remain exempt under  
26 this Section. For the property to remain exempt under this

1 subsection (c), the State must retain an option to purchase the  
2 property at a future date or, within the limitations period for  
3 reverters, the property must revert back to the State.

4 If the property has been conveyed as described in this  
5 subsection (c), the property is no longer exempt pursuant to  
6 this Section as of the date when:

7 (1) the right of the State to use, control, and possess  
8 the property has been terminated; or

9 (2) the State no longer has an option to purchase or  
10 otherwise acquire the property and there is no provision  
11 for a reverter of the property to the State within the  
12 limitations period for reverters.

13 Pursuant to Sections 15-15 and 15-20 of this Code, the  
14 State shall notify the chief county assessment officer of any  
15 transaction under this subsection (c). The chief county  
16 assessment officer shall determine initial and continuing  
17 compliance with the requirements of this Section for tax  
18 exemption. Failure to notify the chief county assessment  
19 officer of a transaction under this subsection (c) or to  
20 otherwise comply with the requirements of Sections 15-15 and  
21 15-20 of this Code shall, in the discretion of the chief county  
22 assessment officer, constitute cause to terminate the  
23 exemption, notwithstanding any other provision of this Code.

24 (c-1) If the Illinois State Toll Highway Authority sells  
25 the Illinois State Toll Highway Authority headquarters  
26 building and surrounding land, located at 2700 Ogden Avenue,

1 Downers Grove, Illinois as provided in subdivision (a)(2) of  
2 Section 7.5 of the State Property Control Act, to another  
3 entity whose property is not exempt and immediately thereafter  
4 enters into a leaseback or other agreement that directly or  
5 indirectly gives the State or the Illinois State Toll Highway  
6 Authority a right to use, control, and possess the property,  
7 that portion of the property leased and occupied exclusively by  
8 the State or the Authority shall remain exempt under this  
9 Section. For the property to remain exempt under this  
10 subsection (c), the Authority must retain an option to purchase  
11 the property at a future date or, within the limitations period  
12 for reverters, the property must revert back to the Authority.

13 If the property has been conveyed as described in this  
14 subsection (c), the property is no longer exempt pursuant to  
15 this Section as of the date when:

16 (1) the right of the State or the Authority to use,  
17 control, and possess the property has been terminated; or

18 (2) the Authority no longer has an option to purchase  
19 or otherwise acquire the property and there is no provision  
20 for a reverter of the property to the Authority within the  
21 limitations period for reverters.

22 Pursuant to Sections 15-15 and 15-20 of this Code, the  
23 Authority shall notify the chief county assessment officer of  
24 any transaction under this subsection (c). The chief county  
25 assessment officer shall determine initial and continuing  
26 compliance with the requirements of this Section for tax

1 exemption. Failure to notify the chief county assessment  
2 officer of a transaction under this subsection (c) or to  
3 otherwise comply with the requirements of Sections 15-15 and  
4 15-20 of this Code shall, in the discretion of the chief county  
5 assessment officer, constitute cause to terminate the  
6 exemption, notwithstanding any other provision of this Code.

7 (d) ~~However,~~ The fair market rent of each parcel of real  
8 property in Will County owned by the State of Illinois for the  
9 purpose of developing an airport by the Department of  
10 Transportation shall include the assessed value of leasehold  
11 tax. The lessee of each parcel of real property in Will County  
12 owned by the State of Illinois for the purpose of developing an  
13 airport by the Department of Transportation shall not be liable  
14 for the taxes thereon. In order for the State to compensate  
15 taxing districts for the leasehold tax under this paragraph the  
16 Will County Supervisor of Assessments shall certify, in  
17 writing, to the Department of Transportation, the amount of  
18 leasehold taxes extended for the 2002 property tax year for  
19 each such exempt parcel. The Department of Transportation shall  
20 pay to the Will County Treasurer, from the Tax Recovery Fund,  
21 on or before July 1 of each year, the amount of leasehold taxes  
22 for each such exempt parcel as certified by the Will County  
23 Supervisor of Assessments. The tax compensation shall  
24 terminate on December 31, 2010. It is the duty of the  
25 Department of Transportation to file with the Office of the  
26 Will County Supervisor of Assessments an affidavit stating the

1 termination date for rental of each such parcel due to airport  
2 construction. The affidavit shall include the property  
3 identification number for each such parcel. In no instance  
4 shall tax compensation for property owned by the State be  
5 deemed delinquent or bear interest. In no instance shall a lien  
6 attach to the property of the State. In no instance shall the  
7 State be required to pay leasehold tax compensation in excess  
8 of the Tax Recovery Fund's balance.

9 (e) ~~(d)~~ Public Act 81-1026 applies to all leases or  
10 agreements entered into or renewed on or after September 24,  
11 1979.

12 (Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04;  
13 revised 1-22-04.)

14 (35 ILCS 200/16-190)

15 Sec. 16-190. Record of proceedings and orders.

16 (a) The Property Tax Appeal Board shall keep a record of  
17 its proceedings and orders and the record shall be a public  
18 record. In all cases where the contesting party is seeking a  
19 change of \$100,000 or more in assessed valuation, the  
20 contesting party must provide a court reporter at his or her  
21 own expense. The original certified transcript of such hearing  
22 shall be forwarded to the Springfield office of the Property  
23 Tax Appeal Board and shall become part of the Board's official  
24 record of the proceeding on appeal. Each year the Property Tax  
25 Appeal Board shall publish a volume containing a synopsis of

1 representative cases decided by the Board during that year. The  
2 publication shall be organized by or cross-referenced by the  
3 issue presented before the Board in each case contained in the  
4 publication. The publication shall be available for inspection  
5 by the public at the Property Tax Appeal Board offices and  
6 copies shall be available for a reasonable cost, except as  
7 provided in Section 16-191.

8 (b) The Property Tax Appeal Board shall provide annually,  
9 no later than February 1, to the Governor and the General  
10 Assembly a report that contains for each county the following:

11 (1) the total number of cases for commercial and  
12 industrial property requesting a reduction in assessed  
13 value of \$100,000 or more for each of the last 5 years;

14 (2) the total number of cases for commercial and  
15 industrial property decided by the Property Tax Appeal  
16 Board for each of the last 5 years; and

17 (3) the total change in assessed value based on the  
18 Property Tax Appeal Board decisions for commercial  
19 property and industrial property for each of the last 5  
20 years.

21 (c) The requirement for providing a report to the General  
22 Assembly shall be satisfied by filing copies of the report with  
23 the following:

24 (1) the Speaker of the House of Representatives;

25 (2) the Minority Leader of the House of  
26 Representatives;

- 1 (3) the Clerk of the House of Representatives;
- 2 (4) the President of the Senate;
- 3 (5) the Minority Leader of the Senate;
- 4 (6) the Secretary of the Senate;
- 5 (7) the Legislative Research Unit, as required by
- 6 Section 3.1 of the General Assembly Organization Act; and
- 7 (8) the State Government Report Distribution Center
- 8 for the General Assembly, as required by subsection (t) of
- 9 Section 7 ~~320~~ of the State Library Act.

10 (Source: P.A. 93-248, eff. 7-22-03; revised 10-9-03.)

11 (35 ILCS 200/18-92)

12 Sec. 18-92. Downstate School Finance Authority for

13 Elementary Districts Law. The provisions of the Truth in

14 Taxation Law are subject to the Downstate School Finance

15 Authority for Elementary Districts Law.

16 (Source: P.A. 92-855, eff. 12-6-02.)

17 (35 ILCS 200/18-93)

18 Sec. 18-93 ~~18-92~~. Maywood Public Library District Tax Levy

19 Validation (2002) Law. The provisions of the Truth in Taxation

20 Law are subject to the Maywood Public Library District Tax Levy

21 Validation (2002) Law.

22 (Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

23 (35 ILCS 200/18-185)



1           Sec. 18-185. Short title; definitions. This Division 5 may  
2 be cited as the Property Tax Extension Limitation Law. As used  
3 in this Division 5:

4           "Consumer Price Index" means the Consumer Price Index for  
5 All Urban Consumers for all items published by the United  
6 States Department of Labor.

7           "Extension limitation" means (a) the lesser of 5% or the  
8 percentage increase in the Consumer Price Index during the  
9 12-month calendar year preceding the levy year or (b) the rate  
10 of increase approved by voters under Section 18-205.

11           "Affected county" means a county of 3,000,000 or more  
12 inhabitants or a county contiguous to a county of 3,000,000 or  
13 more inhabitants.

14           "Taxing district" has the same meaning provided in Section  
15 1-150, except as otherwise provided in this Section. For the  
16 1991 through 1994 levy years only, "taxing district" includes  
17 only each non-home rule taxing district having the majority of  
18 its 1990 equalized assessed value within any county or counties  
19 contiguous to a county with 3,000,000 or more inhabitants.  
20 Beginning with the 1995 levy year, "taxing district" includes  
21 only each non-home rule taxing district subject to this Law  
22 before the 1995 levy year and each non-home rule taxing  
23 district not subject to this Law before the 1995 levy year  
24 having the majority of its 1994 equalized assessed value in an  
25 affected county or counties. Beginning with the levy year in  
26 which this Law becomes applicable to a taxing district as

1 provided in Section 18-213, "taxing district" also includes  
2 those taxing districts made subject to this Law as provided in  
3 Section 18-213.

4 "Aggregate extension" for taxing districts to which this  
5 Law applied before the 1995 levy year means the annual  
6 corporate extension for the taxing district and those special  
7 purpose extensions that are made annually for the taxing  
8 district, excluding special purpose extensions: (a) made for  
9 the taxing district to pay interest or principal on general  
10 obligation bonds that were approved by referendum; (b) made for  
11 any taxing district to pay interest or principal on general  
12 obligation bonds issued before October 1, 1991; (c) made for  
13 any taxing district to pay interest or principal on bonds  
14 issued to refund or continue to refund those bonds issued  
15 before October 1, 1991; (d) made for any taxing district to pay  
16 interest or principal on bonds issued to refund or continue to  
17 refund bonds issued after October 1, 1991 that were approved by  
18 referendum; (e) made for any taxing district to pay interest or  
19 principal on revenue bonds issued before October 1, 1991 for  
20 payment of which a property tax levy or the full faith and  
21 credit of the unit of local government is pledged; however, a  
22 tax for the payment of interest or principal on those bonds  
23 shall be made only after the governing body of the unit of  
24 local government finds that all other sources for payment are  
25 insufficient to make those payments; (f) made for payments  
26 under a building commission lease when the lease payments are

1 for the retirement of bonds issued by the commission before  
2 October 1, 1991, to pay for the building project; (g) made for  
3 payments due under installment contracts entered into before  
4 October 1, 1991; (h) made for payments of principal and  
5 interest on bonds issued under the Metropolitan Water  
6 Reclamation District Act to finance construction projects  
7 initiated before October 1, 1991; (i) made for payments of  
8 principal and interest on limited bonds, as defined in Section  
9 3 of the Local Government Debt Reform Act, in an amount not to  
10 exceed the debt service extension base less the amount in items  
11 (b), (c), (e), and (h) of this definition for non-referendum  
12 obligations, except obligations initially issued pursuant to  
13 referendum; (j) made for payments of principal and interest on  
14 bonds issued under Section 15 of the Local Government Debt  
15 Reform Act; (k) made by a school district that participates in  
16 the Special Education District of Lake County, created by  
17 special education joint agreement under Section 10-22.31 of the  
18 School Code, for payment of the school district's share of the  
19 amounts required to be contributed by the Special Education  
20 District of Lake County to the Illinois Municipal Retirement  
21 Fund under Article 7 of the Illinois Pension Code; the amount  
22 of any extension under this item (k) shall be certified by the  
23 school district to the county clerk; (l) made to fund expenses  
24 of providing joint recreational programs for the handicapped  
25 under Section 5-8 of the Park District Code or Section 11-95-14  
26 of the Illinois Municipal Code; (m) made for temporary

1 relocation loan repayment purposes pursuant to Sections 2-3.77  
2 and 17-2.2d of the School Code; (n) made for payment of  
3 principal and interest on any bonds issued under the authority  
4 of Section 17-2.2d of the School Code; and (o) made for  
5 contributions to a firefighter's pension fund created under  
6 Article 4 of the Illinois Pension Code, to the extent of the  
7 amount certified under item (5) of Section 4-134 of the  
8 Illinois Pension Code.

9 "Aggregate extension" for the taxing districts to which  
10 this Law did not apply before the 1995 levy year (except taxing  
11 districts subject to this Law in accordance with Section  
12 18-213) means the annual corporate extension for the taxing  
13 district and those special purpose extensions that are made  
14 annually for the taxing district, excluding special purpose  
15 extensions: (a) made for the taxing district to pay interest or  
16 principal on general obligation bonds that were approved by  
17 referendum; (b) made for any taxing district to pay interest or  
18 principal on general obligation bonds issued before March 1,  
19 1995; (c) made for any taxing district to pay interest or  
20 principal on bonds issued to refund or continue to refund those  
21 bonds issued before March 1, 1995; (d) made for any taxing  
22 district to pay interest or principal on bonds issued to refund  
23 or continue to refund bonds issued after March 1, 1995 that  
24 were approved by referendum; (e) made for any taxing district  
25 to pay interest or principal on revenue bonds issued before  
26 March 1, 1995 for payment of which a property tax levy or the

1 full faith and credit of the unit of local government is  
2 pledged; however, a tax for the payment of interest or  
3 principal on those bonds shall be made only after the governing  
4 body of the unit of local government finds that all other  
5 sources for payment are insufficient to make those payments;  
6 (f) made for payments under a building commission lease when  
7 the lease payments are for the retirement of bonds issued by  
8 the commission before March 1, 1995 to pay for the building  
9 project; (g) made for payments due under installment contracts  
10 entered into before March 1, 1995; (h) made for payments of  
11 principal and interest on bonds issued under the Metropolitan  
12 Water Reclamation District Act to finance construction  
13 projects initiated before October 1, 1991; (h-4) made for  
14 stormwater management purposes by the Metropolitan Water  
15 Reclamation District of Greater Chicago under Section 12 of the  
16 Metropolitan Water Reclamation District Act; (i) made for  
17 payments of principal and interest on limited bonds, as defined  
18 in Section 3 of the Local Government Debt Reform Act, in an  
19 amount not to exceed the debt service extension base less the  
20 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 subsection  
23 (h) of this definition; (j) made for payments of principal and  
24 interest on bonds issued under Section 15 of the Local  
25 Government Debt Reform Act; (k) made for payments of principal  
26 and interest on bonds authorized by Public Act 88-503 and

1 issued under Section 20a of the Chicago Park District Act for  
2 aquarium or museum projects; (l) made for payments of principal  
3 and interest on bonds authorized by Public Act 87-1191 or  
4 93-601 and (i) issued pursuant to Section 21.2 of the Cook  
5 County Forest Preserve District Act, (ii) issued under Section  
6 42 of the Cook County Forest Preserve District Act for  
7 zoological park projects, or (iii) issued under Section 44.1 of  
8 the Cook County Forest Preserve District Act for botanical  
9 gardens projects; (m) made pursuant to Section 34-53.5 of the  
10 School Code, whether levied annually or not; (n) made to fund  
11 expenses of providing joint recreational programs for the  
12 handicapped under Section 5-8 of the Park District Code or  
13 Section 11-95-14 of the Illinois Municipal Code; (o) made by  
14 the Chicago Park District for recreational programs for the  
15 handicapped under subsection (c) of Section 7.06 of the Chicago  
16 Park District Act; and (p) made for contributions to a  
17 firefighter's pension fund created under Article 4 of the  
18 Illinois Pension Code, to the extent of the amount certified  
19 under item (5) of Section 4-134 of the Illinois Pension Code.

20 "Aggregate extension" for all taxing districts to which  
21 this Law applies in accordance with Section 18-213, except for  
22 those taxing districts subject to paragraph (2) of subsection  
23 (e) of Section 18-213, means the annual corporate extension for  
24 the taxing district and those special purpose extensions that  
25 are made annually for the taxing district, excluding special  
26 purpose extensions: (a) made for the taxing district to pay

1 interest or principal on general obligation bonds that were  
2 approved by referendum; (b) made for any taxing district to pay  
3 interest or principal on general obligation bonds issued before  
4 the date on which the referendum making this Law applicable to  
5 the taxing district is held; (c) made for any taxing district  
6 to pay interest or principal on bonds issued to refund or  
7 continue to refund those bonds issued before the date on which  
8 the referendum making this Law applicable to the taxing  
9 district is held; (d) made for any taxing district to pay  
10 interest or principal on bonds issued to refund or continue to  
11 refund bonds issued after the date on which the referendum  
12 making this Law applicable to the taxing district is held if  
13 the bonds were approved by referendum after the date on which  
14 the referendum making this Law applicable to the taxing  
15 district is held; (e) made for any taxing district to pay  
16 interest or principal on revenue bonds issued before the date  
17 on which the referendum making this Law applicable to the  
18 taxing district is held for payment of which a property tax  
19 levy or the full faith and credit of the unit of local  
20 government is pledged; however, a tax for the payment of  
21 interest or principal on those bonds shall be made only after  
22 the governing body of the unit of local government finds that  
23 all other sources for payment are insufficient to make those  
24 payments; (f) made for payments under a building commission  
25 lease when the lease payments are for the retirement of bonds  
26 issued by the commission before the date on which the

1 referendum making this Law applicable to the taxing district is  
2 held to pay for the building project; (g) made for payments due  
3 under installment contracts entered into before the date on  
4 which the referendum making this Law applicable to the taxing  
5 district is held; (h) made for payments of principal and  
6 interest on limited bonds, as defined in Section 3 of the Local  
7 Government Debt Reform Act, in an amount not to exceed the debt  
8 service extension base less the amount in items (b), (c), and  
9 (e) of this definition for non-referendum obligations, except  
10 obligations initially issued pursuant to referendum; (i) made  
11 for payments of principal and interest on bonds issued under  
12 Section 15 of the Local Government Debt Reform Act; (j) made  
13 for a qualified airport authority to pay interest or principal  
14 on general obligation bonds issued for the purpose of paying  
15 obligations due under, or financing airport facilities  
16 required to be acquired, constructed, installed or equipped  
17 pursuant to, contracts entered into before March 1, 1996 (but  
18 not including any amendments to such a contract taking effect  
19 on or after that date); (k) made to fund expenses of providing  
20 joint recreational programs for the handicapped under Section  
21 5-8 of the Park District Code or Section 11-95-14 of the  
22 Illinois Municipal Code; and (l) made for contributions to a  
23 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 "Aggregate extension" for all taxing districts to which



1 this Law applies in accordance with paragraph (2) of subsection  
2 (e) of Section 18-213 means the annual corporate extension for  
3 the taxing district and those special purpose extensions that  
4 are made annually for the taxing district, excluding special  
5 purpose extensions: (a) made for the taxing district to pay  
6 interest or principal on general obligation bonds that were  
7 approved by referendum; (b) made for any taxing district to pay  
8 interest or principal on general obligation bonds issued before  
9 the effective date of this amendatory Act of 1997; (c) made for  
10 any taxing district to pay interest or principal on bonds  
11 issued to refund or continue to refund those bonds issued  
12 before the effective date of this amendatory Act of 1997; (d)  
13 made for any taxing district to pay interest or principal on  
14 bonds issued to refund or continue to refund bonds issued after  
15 the effective date of this amendatory Act of 1997 if the bonds  
16 were approved by referendum after the effective date of this  
17 amendatory Act of 1997; (e) made for any taxing district to pay  
18 interest or principal on revenue bonds issued before the  
19 effective date of this amendatory Act of 1997 for payment of  
20 which a property tax levy or the full faith and credit of the  
21 unit of local government is pledged; however, a tax for the  
22 payment of interest or principal on those bonds shall be made  
23 only after the governing body of the unit of local government  
24 finds that all other sources for payment are insufficient to  
25 make those payments; (f) made for payments under a building  
26 commission lease when the lease payments are for the retirement

1 of bonds issued by the commission before the effective date of  
2 this amendatory Act of 1997 to pay for the building project;  
3 (g) made for payments due under installment contracts entered  
4 into before the effective date of this amendatory Act of 1997;  
5 (h) made for payments of principal and interest on limited  
6 bonds, as defined in Section 3 of the Local Government Debt  
7 Reform Act, in an amount not to exceed the debt service  
8 extension base less the amount in items (b), (c), and (e) of  
9 this definition for non-referendum obligations, except  
10 obligations initially issued pursuant to referendum; (i) made  
11 for payments of principal and interest on bonds issued under  
12 Section 15 of the Local Government Debt Reform Act; (j) made  
13 for a qualified airport authority to pay interest or principal  
14 on general obligation bonds issued for the purpose of paying  
15 obligations due under, or financing airport facilities  
16 required to be acquired, constructed, installed or equipped  
17 pursuant to, contracts entered into before March 1, 1996 (but  
18 not including any amendments to such a contract taking effect  
19 on or after that date); (k) made to fund expenses of providing  
20 joint recreational programs for the handicapped under Section  
21 5-8 of the Park District Code or Section 11-95-14 of the  
22 Illinois Municipal Code; and (l) made for contributions to a  
23 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 "Debt service extension base" means an amount equal to that

1 portion of the extension for a taxing district for the 1994  
2 levy year, or for those taxing districts subject to this Law in  
3 accordance with Section 18-213, except for those subject to  
4 paragraph (2) of subsection (e) of Section 18-213, for the levy  
5 year in which the referendum making this Law applicable to the  
6 taxing district is held, or for those taxing districts subject  
7 to this Law in accordance with paragraph (2) of subsection (e)  
8 of Section 18-213 for the 1996 levy year, constituting an  
9 extension for payment of principal and interest on bonds issued  
10 by the taxing district without referendum, but not including  
11 excluded non-referendum bonds. For park districts (i) that were  
12 first subject to this Law in 1991 or 1995 and (ii) whose  
13 extension for the 1994 levy year for the payment of principal  
14 and interest on bonds issued by the park district without  
15 referendum (but not including excluded non-referendum bonds)  
16 was less than 51% of the amount for the 1991 levy year  
17 constituting an extension for payment of principal and interest  
18 on bonds issued by the park district without referendum (but  
19 not including excluded non-referendum bonds), "debt service  
20 extension base" means an amount equal to that portion of the  
21 extension for the 1991 levy year constituting an extension for  
22 payment of principal and interest on bonds issued by the park  
23 district without referendum (but not including excluded  
24 non-referendum bonds). The debt service extension base may be  
25 established or increased as provided under Section 18-212.  
26 "Excluded non-referendum bonds" means (i) bonds authorized by

1 Public Act 88-503 and issued under Section 20a of the Chicago  
2 Park District Act for aquarium and museum projects; (ii) bonds  
3 issued under Section 15 of the Local Government Debt Reform  
4 Act; or (iii) refunding obligations issued to refund or to  
5 continue to refund obligations initially issued pursuant to  
6 referendum.

7 "Special purpose extensions" include, but are not limited  
8 to, extensions for levies made on an annual basis for  
9 unemployment and workers' compensation, self-insurance,  
10 contributions to pension plans, and extensions made pursuant to  
11 Section 6-601 of the Illinois Highway Code for a road  
12 district's permanent road fund whether levied annually or not.  
13 The extension for a special service area is not included in the  
14 aggregate extension.

15 "Aggregate extension base" means the taxing district's  
16 last preceding aggregate extension as adjusted under Sections  
17 18-215 through 18-230.

18 "Levy year" has the same meaning as "year" under Section  
19 1-155.

20 "New property" means (i) the assessed value, after final  
21 board of review or board of appeals action, of new improvements  
22 or additions to existing improvements on any parcel of real  
23 property that increase the assessed value of that real property  
24 during the levy year multiplied by the equalization factor  
25 issued by the Department under Section 17-30, (ii) the assessed  
26 value, after final board of review or board of appeals action,

1 of real property not exempt from real estate taxation, which  
2 real property was exempt from real estate taxation for any  
3 portion of the immediately preceding levy year, multiplied by  
4 the equalization factor issued by the Department under Section  
5 17-30, including the assessed value, upon final stabilization  
6 of occupancy after new construction is complete, of any real  
7 property located within the boundaries of an otherwise or  
8 previously exempt military reservation that is intended for  
9 residential use and owned by or leased to a private corporation  
10 or other entity, and (iii) in counties that classify in  
11 accordance with Section 4 of Article IX of the Illinois  
12 Constitution, an incentive property's additional assessed  
13 value resulting from a scheduled increase in the level of  
14 assessment as applied to the first year final board of review  
15 market value. In addition, the county clerk in a county  
16 containing a population of 3,000,000 or more shall include in  
17 the 1997 recovered tax increment value for any school district,  
18 any recovered tax increment value that was applicable to the  
19 1995 tax year calculations.

20 "Qualified airport authority" means an airport authority  
21 organized under the Airport Authorities Act and located in a  
22 county bordering on the State of Wisconsin and having a  
23 population in excess of 200,000 and not greater than 500,000.

24 "Recovered tax increment value" means, except as otherwise  
25 provided in this paragraph, the amount of the current year's  
26 equalized assessed value, in the first year after a

1 municipality terminates the designation of an area as a  
2 redevelopment project area previously established under the  
3 Tax Increment Allocation Development Act in the Illinois  
4 Municipal Code, previously established under the Industrial  
5 Jobs Recovery Law in the Illinois Municipal Code, or previously  
6 established under the Economic Development Area Tax Increment  
7 Allocation Act, of each taxable lot, block, tract, or parcel of  
8 real property in the redevelopment project area over and above  
9 the initial equalized assessed value of each property in the  
10 redevelopment project area. For the taxes which are extended  
11 for the 1997 levy year, the recovered tax increment value for a  
12 non-home rule taxing district that first became subject to this  
13 Law for the 1995 levy year because a majority of its 1994  
14 equalized assessed value was in an affected county or counties  
15 shall be increased if a municipality terminated the designation  
16 of an area in 1993 as a redevelopment project area previously  
17 established under the Tax Increment Allocation Development Act  
18 in the Illinois Municipal Code, previously established under  
19 the Industrial Jobs Recovery Law in the Illinois Municipal  
20 Code, or previously established under the Economic Development  
21 Area Tax Increment Allocation Act, by an amount equal to the  
22 1994 equalized assessed value of each taxable lot, block,  
23 tract, or parcel of real property in the redevelopment project  
24 area over and above the initial equalized assessed value of  
25 each property in the redevelopment project area. In the first  
26 year after a municipality removes a taxable lot, block, tract,

1 or parcel of real property from a redevelopment project area  
2 established under the Tax Increment Allocation Development Act  
3 in the Illinois Municipal Code, the Industrial Jobs Recovery  
4 Law in the Illinois Municipal Code, or the Economic Development  
5 Area Tax Increment Allocation Act, "recovered tax increment  
6 value" means the amount of the current year's equalized  
7 assessed value of each taxable lot, block, tract, or parcel of  
8 real property removed from the redevelopment project area over  
9 and above the initial equalized assessed value of that real  
10 property before removal from the redevelopment project area.

11 Except as otherwise provided in this Section, "limiting  
12 rate" means a fraction the numerator of which is the last  
13 preceding aggregate extension base times an amount equal to one  
14 plus the extension limitation defined in this Section and the  
15 denominator of which is the current year's equalized assessed  
16 value of all real property in the territory under the  
17 jurisdiction of the taxing district during the prior levy year.  
18 For those taxing districts that reduced their aggregate  
19 extension for the last preceding levy year, the highest  
20 aggregate extension in any of the last 3 preceding levy years  
21 shall be used for the purpose of computing the limiting rate.  
22 The denominator shall not include new property or the recovered  
23 tax increment value. If a new rate, a rate decrease, or a  
24 limiting rate increase has been approved at an election held  
25 after March 21, 2006, then (i) the otherwise applicable  
26 limiting rate shall be increased by the amount of the new rate

1 or shall be reduced by the amount of the rate decrease, as the  
2 case may be, or (ii) in the case of a limiting rate increase,  
3 the limiting rate shall be equal to the rate set forth in the  
4 proposition approved by the voters for each of the years  
5 specified in the proposition, after which the limiting rate of  
6 the taxing district shall be calculated as otherwise provided.

7 (Source: P.A. 93-601, eff. 1-1-04; 93-606, eff. 11-18-03;  
8 93-612, eff. 11-18-03; 93-689, eff. 7-1-04; 93-690, eff.  
9 7-1-04; 93-1049, eff. 11-17-04; 94-974, eff. 6-30-06; 94-976,  
10 eff. 6-30-06; revised 8-3-06.)

11 (35 ILCS 200/21-310)

12 Sec. 21-310. Sales in error.

13 (a) When, upon application of the county collector, the  
14 owner of the certificate of purchase, or a municipality which  
15 owns or has owned the property ordered sold, it appears to the  
16 satisfaction of the court which ordered the property sold that  
17 any of the following subsections are applicable, the court  
18 shall declare the sale to be a sale in error:

19 (1) the property was not subject to taxation, or all or  
20 any part of the lien of taxes sold has become null and void  
21 pursuant to Section 21-95 or unenforceable pursuant to  
22 subsection (c) of Section 18-250 or subsection (b) of  
23 Section 22-40,

24 (2) the taxes or special assessments had been paid  
25 prior to the sale of the property,



1 (3) there is a double assessment,

2 (4) the description is void for uncertainty,

3 (5) the assessor, chief county assessment officer,  
4 board of review, board of appeals, or other county official  
5 has made an error (other than an error of judgment as to  
6 the value of any property),

7 (5.5) the owner of the homestead property had tendered  
8 timely and full payment to the county collector that the  
9 owner reasonably believed was due and owing on the  
10 homestead property, and the county collector did not apply  
11 the payment to the homestead property; provided that this  
12 provision applies only to homeowners, not their agents or  
13 third-party payors,

14 (6) prior to the tax sale a voluntary or involuntary  
15 petition has been filed by or against the legal or  
16 beneficial owner of the property requesting relief under  
17 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

18 (7) the property is owned by the United States, the  
19 State of Illinois, a municipality, or a taxing district, or

20 (8) the owner of the property is a reservist or  
21 guardsperson who is granted an extension of his or her due  
22 date under Sections 21-15, 21-20, and 21-25 of this Act.

23 (b) When, upon application of the owner of the certificate  
24 of purchase only, it appears to the satisfaction of the court  
25 which ordered the property sold that any of the following  
26 subsections are applicable, the court shall declare the sale to

1 be a sale in error:

2 (1) A voluntary or involuntary petition under the  
3 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been  
4 filed subsequent to the tax sale and prior to the issuance  
5 of the tax deed.

6 (2) The improvements upon the property sold have been  
7 substantially destroyed or rendered uninhabitable or  
8 otherwise unfit for occupancy subsequent to the tax sale  
9 and prior to the issuance of the tax deed.

10 (3) There is an interest held by the United States in  
11 the property sold which could not be extinguished by the  
12 tax deed.

13 (4) The real property contains a hazardous substance,  
14 hazardous waste, or underground storage tank that would  
15 require cleanup or other removal under any federal, State,  
16 or local law, ordinance, or regulation, only if the tax  
17 purchaser purchased the property without actual knowledge  
18 of the hazardous substance, hazardous waste, or  
19 underground storage tank. This paragraph (4) applies only  
20 if the owner of the certificate of purchase has made  
21 application for a sale in error at any time before the  
22 issuance of a tax deed.

23 (c) When the county collector discovers, prior to the  
24 expiration of the period of redemption, that a tax sale should  
25 not have occurred for one or more of the reasons set forth in  
26 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,

1 the county collector shall notify the last known owner of the  
2 certificate of purchase by certified and regular mail, or other  
3 means reasonably calculated to provide actual notice, that the  
4 county collector intends to declare an administrative sale in  
5 error and of the reasons therefor, including documentation  
6 sufficient to establish the reason why the sale should not have  
7 occurred. The owner of the certificate of purchase may object  
8 in writing within 28 days after the date of the mailing by the  
9 county collector. If an objection is filed, the county  
10 collector shall not administratively declare a sale in error,  
11 but may apply to the circuit court for a sale in error as  
12 provided in subsection (a) of this Section. Thirty days  
13 following the receipt of notice by the last known owner of the  
14 certificate of purchase, or within a reasonable time  
15 thereafter, the county collector shall make a written  
16 declaration, based upon clear and convincing evidence, that the  
17 taxes were sold in error and shall deliver a copy thereof to  
18 the county clerk within 30 days after the date the declaration  
19 is made for entry in the tax judgment, sale, redemption, and  
20 forfeiture record pursuant to subsection (d) of this Section.  
21 The county collector shall promptly notify the last known owner  
22 of the certificate of purchase of the declaration by regular  
23 mail and shall promptly pay the amount of the tax sale,  
24 together with interest and costs as provided in Section 21-315,  
25 upon surrender of the original certificate of purchase.

26 (d) If a sale is declared to be a sale in error, the county

1 clerk shall make entry in the tax judgment, sale, redemption  
2 and forfeiture record, that the property was erroneously sold,  
3 and the county collector shall, on demand of the owner of the  
4 certificate of purchase, refund the amount paid, pay any  
5 interest and costs as may be ordered under Sections 21-315  
6 through 21-335, and cancel the certificate so far as it relates  
7 to the property. The county collector shall deduct from the  
8 accounts of the appropriate taxing bodies their pro rata  
9 amounts paid.

10 (Source: P.A. 94-312, eff. 7-25-05; 94-662, eff. 1-1-06;  
11 revised 8-29-05.)

12 (35 ILCS 200/18-101.47 rep.)

13 Section 412. The Property Tax Code is amended by repealing  
14 Section 18-101.47 as added by Public Acts 92-855 and 92-884.

15 Section 415. The Simplified Municipal Telecommunications  
16 Tax Act is amended by changing Section 5-50 as follows:

17 (35 ILCS 636/5-50)

18 Sec. 5-50. Returns to the Department.

19 (a) Commencing on February 1, 2003, for the tax imposed  
20 under subsection (a) of Section 5-20 of this Act, every  
21 retailer maintaining a place of business in this State shall,  
22 on or before the last day of each month make a return to the  
23 Department for the preceding calendar month, stating:

1 (1) Its name;

2 (2) The address of its principal place of business or  
3 the address of the principal place of business (if that is  
4 a different address) from which it engages in the business  
5 of transmitting telecommunications;

6 (3) Total amount of gross charges billed by it during  
7 the preceding calendar month for providing  
8 telecommunications during the calendar month;

9 (4) Total amount received by it during the preceding  
10 calendar month on credit extended;

11 (5) Deductions allowed by law;

12 (6) Gross charges that were billed by it during the  
13 preceding calendar month and upon the basis of which the  
14 tax is imposed;

15 (7) Amount of tax (computed upon Item 6);

16 (8) The municipalities to which the Department shall  
17 remit the taxes and the amount of such remittances;

18 (9) Such other reasonable information as the  
19 Department may require.

20 (b) Any retailer required to make payments under this  
21 Section may make the payments by electronic funds transfer. The  
22 Department shall adopt rules necessary to effectuate a program  
23 of electronic funds transfer. Any retailer who has average  
24 monthly tax billings due to the Department under this Act and  
25 the Telecommunications Excise Tax Act that exceed \$1,000 shall  
26 make all payments by electronic funds transfer as required by

1 rules of the Department.

2 (c) If the retailer's average monthly tax billings due to  
3 the Department under this Act and the Telecommunications Excise  
4 Tax Act do not exceed \$1,000, the Department may authorize such  
5 retailer's returns to be filed on a quarter-annual basis, with  
6 the return for January, February, and March of a given year  
7 being due by April 30th of that year; with the return for  
8 April, May, and June of a given year being due by July 31st of  
9 that year; with the return for July, August, and September of a  
10 given year being due by October 31st of that year; and with the  
11 return for October, November, and December of a given year  
12 being due by January 31st of the following year.

13 (d) If the retailer is otherwise required to file a monthly  
14 or quarterly return and if the retailer's average monthly tax  
15 billings due to the Department under this Act and the  
16 Telecommunications Excise Tax Act do not exceed \$400, the  
17 Department may authorize such retailer's return to be filed on  
18 an annual basis, with the return for a given year being due by  
19 January 31st of the following year.

20 (e) Each retailer whose average monthly remittance to the  
21 Department under this Act and the Telecommunications Excise Tax  
22 Act was \$25,000 or more during the preceding calendar year,  
23 excluding the month of highest remittance and the month of  
24 lowest remittance in such calendar year, and who is not  
25 operated by a unit of local government, shall make estimated  
26 payments to the Department on or before the 7th, 15th, 22nd,

1 and last day of the month during which the tax remittance is  
2 owed to the Department in an amount not less than the lower of  
3 either 22.5% of the retailer's actual tax collections for the  
4 month or 25% of the retailer's actual tax collections for the  
5 same calendar month of the preceding year. The amount of such  
6 quarter-monthly payments shall be credited against the final  
7 remittance of the retailer's return for that month. Any  
8 outstanding credit, approved by the Department, arising from  
9 the retailer's overpayment of its final remittance for any  
10 month may be applied to reduce the amount of any subsequent  
11 quarter-monthly payment or credited against the final  
12 remittance of the retailer's return for any subsequent month.  
13 If any quarter-monthly payment is not paid at the time or in  
14 the amount required by this Section, the retailer shall be  
15 liable for penalty and interest on the difference between the  
16 minimum amount due as a payment and the amount of such payment  
17 actually and timely paid, except insofar as the retailer has  
18 previously made payments for that month to the Department or  
19 received credits in excess of the minimum payments previously  
20 due.

21 (f) Notwithstanding any other provision of this Section  
22 containing the time within which a retailer may file his or her  
23 return, in the case of any retailer who ceases to engage in a  
24 kind of business that makes him or her responsible for filing  
25 returns under this Section, the retailer shall file a final  
26 return under this Section with the Department not more than one

1 month after discontinuing such business.

2 (g) In making such return, the retailer shall determine the  
3 value of any consideration other than money received by it and  
4 such retailer shall include the value in its return. Such  
5 determination shall be subject to review and revision by the  
6 Department in the manner hereinafter provided for the  
7 correction of returns.

8 (h) Any retailer who has average monthly tax billings due  
9 to the Department under this Act and the Telecommunications  
10 Excise Tax Act that exceed \$1,000 shall file the return  
11 required by this Section by electronic means as required by  
12 rules of the Department.

13 (i) The retailer filing the return herein provided for  
14 shall, at the time of filing the return, pay to the Department  
15 the amounts due pursuant to this Act. The Department shall  
16 immediately pay over to the State Treasurer, ex officio, as  
17 trustee, 99.5% of all taxes, penalties, and interest collected  
18 hereunder for deposit into the Municipal Telecommunications  
19 Fund, which is hereby created. The remaining 0.5% received by  
20 the Department pursuant to this Act shall be deposited into the  
21 Tax Compliance and Administration Fund and shall be used by the  
22 Department, subject to appropriation, to cover the costs of the  
23 Department.

24 On or before the 25th day of each calendar month, the  
25 Department shall prepare and certify to the Comptroller the  
26 disbursement of stated sums of money to be paid to named



1 municipalities from the Municipal Telecommunications Fund for  
2 amounts collected during the second preceding calendar month.  
3 The named municipalities shall be those municipalities  
4 identified by a retailer in such retailer's return as having  
5 imposed the tax authorized by the Act. The amount of money to  
6 be paid to each municipality shall be the amount (not including  
7 credit memoranda) collected hereunder during the second  
8 preceding calendar month by the Department, plus an amount the  
9 Department determines is necessary to offset any amounts that  
10 were erroneously ~~erroneously~~ paid to a different taxing body,  
11 and not including an amount equal to the amount of refunds made  
12 during the second preceding calendar month by the Department on  
13 behalf of such municipality, and not including any amount that  
14 the Department determines is necessary to offset any amount  
15 that were payable to a different taxing body but were  
16 erroneously paid to the municipality. Within 10 days after  
17 receipt by the Comptroller of the disbursement certification  
18 from the Department, the Comptroller shall cause the orders to  
19 be drawn for the respective amounts in accordance with the  
20 directions contained in the certification. When certifying to  
21 the Comptroller the amount of a monthly disbursement to a  
22 municipality under this Section, the Department shall increase  
23 or decrease the amount by an amount necessary to offset any  
24 misallocation of previous disbursements. The offset amount  
25 shall be the amount erroneously disbursed within the previous 6  
26 months from the time a misallocation is discovered.

1           (j) For municipalities with populations of less than  
2 500,000, whenever the Department determines that a refund shall  
3 be made under this Section to a claimant instead of issuing a  
4 credit memorandum, the Department shall notify the State  
5 Comptroller, who shall cause the order to be drawn for the  
6 amount specified and to the person named in the notification  
7 from the Department. The refund shall be paid by the State  
8 Treasurer out of the Municipal Telecommunications Fund.

9 (Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

10           Section 420. The Uniform Penalty and Interest Act is  
11 amended by changing Section 3-2 as follows:

12           (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

13           Sec. 3-2. Interest.

14           (a) Interest paid by the Department to taxpayers and  
15 interest charged to taxpayers by the Department shall be paid  
16 at the annual rate determined by the Department. For periods  
17 prior to January 1, 2004, that rate shall be the underpayment  
18 rate established under Section 6621 of the Internal Revenue  
19 Code. For periods after December 31, 2003, that rate shall be:

20           (1) for the one-year period beginning with the date of  
21 underpayment or overpayment, the short-term federal rate  
22 established under Section 6621 of the Internal Revenue  
23 Code.

24           (2) for any period beginning the day after the one-year

1           period described in paragraph (1) of this subsection (a),  
2           the underpayment rate established under Section 6621 of the  
3           Internal Revenue Code.

4           (b) The interest rate shall be adjusted on a semiannual  
5           basis, on January 1 and July 1, based upon the underpayment  
6           rate or short-term federal rate going into effect on that  
7           January 1 or July 1 under Section 6621 of the Internal Revenue  
8           Code.

9           (c) This subsection (c) is applicable to returns due on and  
10          before December 31, 2000. Interest shall be simple interest  
11          calculated on a daily basis. Interest shall accrue upon tax and  
12          penalty due. If notice and demand is made for the payment of  
13          any amount of tax due and if the amount due is paid within 30  
14          days after the date of such notice and demand, interest under  
15          this Section on the amount so paid shall not be imposed for the  
16          period after the date of the notice and demand.

17          (c-5) This subsection (c-5) is applicable to returns due on  
18          and after January 1, 2001. Interest shall be simple interest  
19          calculated on a daily basis. Interest shall accrue upon tax  
20          due. If notice and demand is made for the payment of any amount  
21          of tax due and if the amount due is paid within 30 days after  
22          the date of the notice and demand, interest under this Section  
23          on the amount so paid shall not be imposed for the period after  
24          the date of the notice and demand.

25          (d) No interest shall be paid upon any overpayment of tax  
26          if the overpayment is refunded or a credit approved within 90

1 days after the last date prescribed for filing the original  
2 return, or within 90 days of the receipt of the processable  
3 return, or within 90 days after the date of overpayment,  
4 whichever date is latest, as determined without regard to  
5 processing time by the Comptroller or without regard to the  
6 date on which the credit is applied to the taxpayer's account.  
7 In order for an original return to be processable for purposes  
8 of this Section, it must be in the form prescribed or approved  
9 by the Department, signed by the person authorized by law, and  
10 contain all information, schedules, and support documents  
11 necessary to determine the tax due and to make allocations of  
12 tax as prescribed by law. For the purposes of computing  
13 interest, a return shall be deemed to be processable unless the  
14 Department notifies the taxpayer that the return is not  
15 processable within 90 days after the receipt of the return;  
16 however, interest shall not accumulate for the period following  
17 this date of notice. Interest on amounts refunded or credited  
18 pursuant to the filing of an amended return or claim for refund  
19 shall be determined from the due date of the original return or  
20 the date of overpayment, whichever is later, to the date of  
21 payment by the Department without regard to processing time by  
22 the Comptroller or the date of credit by the Department or  
23 without regard to the date on which the credit is applied to  
24 the taxpayer's account. If a claim for refund relates to an  
25 overpayment attributable to a net loss carryback as provided by  
26 Section 207 of the Illinois Income Tax Act, the date of

1 overpayment shall be the last day of the taxable year in which  
2 the loss was incurred.

3 (e) Interest on erroneous refunds. Any portion of the tax  
4 imposed by an Act to which this Act is applicable or any  
5 interest or penalty which has been erroneously refunded and  
6 which is recoverable by the Department shall bear interest from  
7 the date of payment of the refund. However, no interest will be  
8 charged if the erroneous refund is for an amount less than \$500  
9 and is due to a mistake of the Department.

10 (f) If a taxpayer has a tax liability that is eligible for  
11 amnesty under the Tax Delinquency Amnesty Act and the taxpayer  
12 fails to satisfy the tax liability during the amnesty period  
13 provided for in that Act, then the interest charged by the  
14 Department under this Section shall be imposed at a rate that  
15 is 200% of the rate that would otherwise be imposed under this  
16 Section.

17 (Source: P.A. 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised  
18 8-1-03.)

19 Section 425. The Illinois Pension Code is amended by  
20 changing Sections 2-134 and 8-138 and the heading of Article 9  
21 and Section 11-134 and the heading of Article 13 and Sections  
22 14-103.04, 15-155, 16-150, 16-158, 16-165, and 16-182 as  
23 follows:

24 (40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)

1           Sec. 2-134. To certify required State contributions and  
2 submit vouchers.

3           (a) The Board shall certify to the Governor on or before  
4 December 15 of each year the amount of the required State  
5 contribution to the System for the next fiscal year. The  
6 certification shall include a copy of the actuarial  
7 recommendations upon which it is based.

8           On or before May 1, 2004, the Board shall recalculate and  
9 recertify to the Governor the amount of the required State  
10 contribution to the System for State fiscal year 2005, taking  
11 into account the amounts appropriated to and received by the  
12 System under subsection (d) of Section 7.2 of the General  
13 Obligation Bond Act.

14           On or before July 1, 2005, the Board shall recalculate and  
15 recertify to the Governor the amount of the required State  
16 contribution to the System for State fiscal year 2006, taking  
17 into account the changes in required State contributions made  
18 by this amendatory Act of the 94th General Assembly.

19           (b) Beginning in State fiscal year 1996, on or as soon as  
20 possible after the 15th day of each month the Board shall  
21 submit vouchers for payment of State contributions to the  
22 System, in a total monthly amount of one-twelfth of the  
23 required annual State contribution certified under subsection  
24 (a). From the effective date of this amendatory Act of the 93rd  
25 General Assembly through June 30, 2004, the Board shall not  
26 submit vouchers for the remainder of fiscal year 2004 in excess

1 of the fiscal year 2004 certified contribution amount  
2 determined under this Section after taking into consideration  
3 the transfer to the System under subsection (d) of Section  
4 6z-61 of the State Finance Act. These vouchers shall be paid by  
5 the State Comptroller and Treasurer by warrants drawn on the  
6 funds appropriated to the System for that fiscal year. If in  
7 any month the amount remaining unexpended from all other  
8 appropriations to the System for the applicable fiscal year  
9 (including the appropriations to the System under Section 8.12  
10 of the State Finance Act and Section 1 of the State Pension  
11 Funds Continuing Appropriation Act) is less than the amount  
12 lawfully vouchered under this Section, the difference shall be  
13 paid from the General Revenue Fund under the continuing  
14 appropriation authority provided in Section 1.1 of the State  
15 Pension Funds Continuing Appropriation Act.

16 (c) The full amount of any annual appropriation for the  
17 System for State fiscal year 1995 shall be transferred and made  
18 available to the System at the beginning of that fiscal year at  
19 the request of the Board. Any excess funds remaining at the end  
20 of any fiscal year from appropriations shall be retained by the  
21 System as a general reserve to meet the System's accrued  
22 liabilities.

23 (Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04; 94-4,  
24 eff. 6-1-05; 94-536, eff. 8-10-05; revised 8-19-05.)

25 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

1           Sec. 8-138. Minimum annuities - Additional provisions.

2           (a) An employee who withdraws after age 65 or more with at  
3           least 20 years of service, for whom the amount of age and  
4           service and prior service annuity combined is less than the  
5           amount stated in this Section, shall from the date of  
6           withdrawal, instead of all annuities otherwise provided, be  
7           entitled to receive an annuity for life of \$150 a year, plus 1  
8           1/2% for each year of service, to and including 20 years, and 1  
9           2/3% for each year of service over 20 years, of his highest  
10          average annual salary for any 4 consecutive years within the  
11          last 10 years of service immediately preceding the date of  
12          withdrawal.

13          An employee who withdraws after 20 or more years of  
14          service, before age 65, shall be entitled to such annuity, to  
15          begin not earlier than upon attained age of 55 years if under  
16          such age at withdrawal, reduced by 2% for each full year or  
17          fractional part thereof that his attained age is less than 65,  
18          plus an additional 2% reduction for each full year or  
19          fractional part thereof that his attained age when annuity is  
20          to begin is less than 60 so that the total reduction at age 55  
21          shall be 30%.

22          (b) An employee who withdraws after July 1, 1957, at age 60  
23          or over, with 20 or more years of service, for whom the age and  
24          service and prior service annuity combined, is less than the  
25          amount stated in this paragraph, shall, from the date of  
26          withdrawal, instead of such annuities, be entitled to receive



1 an annuity for life equal to 1 2/3% for each year of service,  
2 of the highest average annual salary for any 5 consecutive  
3 years within the last 10 years of service immediately preceding  
4 the date of withdrawal; provided, that in the case of any  
5 employee who withdraws on or after July 1, 1971, such employee  
6 age 60 or over with 20 or more years of service, shall receive  
7 an annuity for life equal to 1.67% for each of the first 10  
8 years of service; 1.90% for each of the next 10 years of  
9 service; 2.10% for each year of service in excess of 20 but not  
10 exceeding 30; and 2.30% for each year of service in excess of  
11 30, based on the highest average annual salary for any 4  
12 consecutive years within the last 10 years of service  
13 immediately preceding the date of withdrawal.

14 An employee who withdraws after July 1, 1957 and before  
15 January 1, 1988, with 20 or more years of service, before age  
16 60 years is entitled to annuity, to begin not earlier than upon  
17 attained age of 55 years, if under such age at withdrawal, as  
18 computed in the last preceding paragraph, reduced 0.25% for  
19 each full month or fractional part thereof that his attained  
20 age when annuity is to begin is less than 60 if the employee  
21 was born before January 1, 1936, or 0.5% for each such month if  
22 the employee was born on or after January 1, 1936.

23 Any employee born before January 1, 1936, who withdraws  
24 with 20 or more years of service, and any employee with 20 or  
25 more years of service who withdraws on or after January 1,  
26 1988, may elect to receive, in lieu of any other employee

1 annuity provided in this Section, an annuity for life equal to  
2 1.80% for each of the first 10 years of service, 2.00% for each  
3 of the next 10 years of service, 2.20% for each year of service  
4 in excess of 20 but not exceeding 30, and 2.40% for each year  
5 of service in excess of 30, of the highest average annual  
6 salary for any 4 consecutive years within the last 10 years of  
7 service immediately preceding the date of withdrawal, to begin  
8 not earlier than upon attained age of 55 years, if under such  
9 age at withdrawal, reduced 0.25% for each full month or  
10 fractional part thereof that his attained age when annuity is  
11 to begin is less than 60; except that an employee retiring on  
12 or after January 1, 1988, at age 55 or over but less than age  
13 60, having at least 35 years of service, or an employee  
14 retiring on or after July 1, 1990, at age 55 or over but less  
15 than age 60, having at least 30 years of service, or an  
16 employee retiring on or after the effective date of this  
17 amendatory Act of 1997, at age 55 or over but less than age 60,  
18 having at least 25 years of service, shall not be subject to  
19 the reduction in retirement annuity because of retirement below  
20 age 60.

21       However, in the case of an employee who retired on or after  
22 January 1, 1985 but before January 1, 1988, at age 55 or older  
23 and with at least 35 years of service, and who was subject  
24 under this subsection (b) to the reduction in retirement  
25 annuity because of retirement below age 60, that reduction  
26 shall cease to be effective January 1, 1991, and the retirement

1 annuity shall be recalculated accordingly.

2 Any employee who withdraws on or after July 1, 1990, with  
3 20 or more years of service, may elect to receive, in lieu of  
4 any other employee annuity provided in this Section, an annuity  
5 for life equal to 2.20% for each year of service if withdrawal  
6 is before January 1, 2002, ~~60 days after the effective date of~~  
7 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for  
8 each year of service if withdrawal is on or after January 1,  
9 2002, ~~60 days after the effective date of this amendatory Act~~  
10 ~~of the 92nd General Assembly or later,~~ of the highest average  
11 annual salary for any 4 consecutive years within the last 10  
12 years of service immediately preceding the date of withdrawal,  
13 to begin not earlier than upon attained age of 55 years, if  
14 under such age at withdrawal, reduced 0.25% for each full month  
15 or fractional part thereof that his attained age when annuity  
16 is to begin is less than 60; except that an employee retiring  
17 at age 55 or over but less than age 60, having at least 30 years  
18 of service, shall not be subject to the reduction in retirement  
19 annuity because of retirement below age 60.

20 Any employee who withdraws on or after the effective date  
21 of this amendatory Act of 1997 with 20 or more years of service  
22 may elect to receive, in lieu of any other employee annuity  
23 provided in this Section, an annuity for life equal to 2.20%  
24 for each year of service, if withdrawal is before January 1,  
25 2002, ~~60 days after the effective date of this amendatory Act~~  
26 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service

1 if withdrawal is on or after January 1, 2002, ~~60 days after the~~  
2 ~~effective date of this amendatory Act of the 92nd General~~  
3 ~~Assembly or later,~~ of the highest average annual salary for any  
4 consecutive years within the last 10 years of service  
5 immediately preceding the date of withdrawal, to begin not  
6 earlier than upon attainment of age 55 (age 50 if the employee  
7 has at least 30 years of service), reduced 0.25% for each full  
8 month or remaining fractional part thereof that the employee's  
9 attained age when annuity is to begin is less than 60; except  
10 that an employee retiring at age 50 or over with at least 30  
11 years of service or at age 55 or over with at least 25 years of  
12 service shall not be subject to the reduction in retirement  
13 annuity because of retirement below age 60.

14 The maximum annuity payable under part (a) and (b) of this  
15 Section shall not exceed 70% of highest average annual salary  
16 in the case of an employee who withdraws prior to July 1, 1971,  
17 75% if withdrawal takes place on or after July 1, 1971 and  
18 prior to January 1, 2002, ~~60 days after the effective date of~~  
19 ~~this amendatory Act of the 92nd General Assembly,~~ or 80% if  
20 withdrawal takes place on or after January 1, 2002 ~~is 60 days~~  
21 ~~after the effective date of this amendatory Act of the 92nd~~  
22 ~~General Assembly or later.~~ For the purpose of the minimum  
23 annuity provided in this Section \$1,500 is considered the  
24 minimum annual salary for any year; and the maximum annual  
25 salary for the computation of such annuity is \$4,800 for any  
26 year before 1953, \$6000 for the years 1953 to 1956, inclusive,

1 and the actual annual salary, as salary is defined in this  
2 Article, for any year thereafter.

3 To preserve rights existing on December 31, 1959, for  
4 participants and contributors on that date to the fund created  
5 by the Court and Law Department Employees' Annuity Act, who  
6 became participants in the fund provided for on January 1,  
7 1960, the maximum annual salary to be considered for such  
8 persons for the years 1955 and 1956 is \$7,500.

9 (c) For an employee receiving disability benefit, his  
10 salary for annuity purposes under paragraphs (a) and (b) of  
11 this Section, for all periods of disability benefit subsequent  
12 to the year 1956, is the amount on which his disability benefit  
13 was based.

14 (d) An employee with 20 or more years of service, whose  
15 entire disability benefit credit period expires before  
16 attainment of age 55 while still disabled for service, is  
17 entitled upon withdrawal to the larger of (1) the minimum  
18 annuity provided above, assuming he is then age 55, and  
19 reducing such annuity to its actuarial equivalent as of his  
20 attained age on such date or (2) the annuity provided from his  
21 age and service and prior service annuity credits.

22 (e) The minimum annuity provisions do not apply to any  
23 former municipal employee receiving an annuity from the fund  
24 who re-enters service as a municipal employee, unless he  
25 renders at least 3 years of additional service after the date  
26 of re-entry.

1 (f) An employee in service on July 1, 1947, or who became a  
2 contributor after July 1, 1947 and before attainment of age 70,  
3 who withdraws after age 65, with less than 20 years of service  
4 for whom the annuity has been fixed under this Article shall,  
5 instead of the annuity so fixed, receive an annuity as follows:

6 Such amount as he could have received had the accumulated  
7 amounts for annuity been improved with interest at the  
8 effective rate to the date of his withdrawal, or to attainment  
9 of age 70, whichever is earlier, and had the city contributed  
10 to such earlier date for age and service annuity the amount  
11 that it would have contributed had he been under age 65, after  
12 the date his annuity was fixed in accordance with this Article,  
13 and assuming his annuity were computed from such accumulations  
14 as of his age on such earlier date. The annuity so computed  
15 shall not exceed the annuity which would be payable under the  
16 other provisions of this Section if the employee was credited  
17 with 20 years of service and would qualify for annuity  
18 thereunder.

19 (g) Instead of the annuity provided in this Article, an  
20 employee having attained age 65 with at least 15 years of  
21 service who withdraws from service on or after July 1, 1971 and  
22 whose annuity computed under other provisions of this Article  
23 is less than the amount provided under this paragraph, is  
24 entitled to a minimum annuity for life equal to 1% of the  
25 highest average annual salary, as salary is defined and limited  
26 in this Section for any 4 consecutive years within the last 10

1 years of service for each year of service, plus the sum of \$25  
2 for each year of service. The annuity shall not exceed 60% of  
3 such highest average annual salary.

4 (g-1) Instead of any other retirement annuity provided in  
5 this Article, an employee who has at least 10 years of service  
6 and withdraws from service on or after January 1, 1999 may  
7 elect to receive a retirement annuity for life, beginning no  
8 earlier than upon attainment of age 60, equal to 2.2% if  
9 withdrawal is before January 1, 2002, ~~60 days after the~~  
10 ~~effective date of this amendatory Act of the 92nd General~~  
11 ~~Assembly~~ or 2.4% if withdrawal is on or after January 1, 2002,  
12 ~~60 days after the effective date of this amendatory Act of the~~  
13 ~~92nd General Assembly or later,~~ of final average salary for  
14 each year of service, subject to a maximum of 75% of final  
15 average salary if withdrawal is before January 1, 2002, or 80%  
16 if withdrawal is on or after January 1, 2002. For the purpose  
17 of calculating this annuity, "final average salary" means the  
18 highest average annual salary for any 4 consecutive years in  
19 the last 10 years of service.

20 (h) The minimum annuities provided under this Section shall  
21 be paid in equal monthly installments.

22 (i) The amendatory provisions of part (b) and (g) of this  
23 Section shall be effective July 1, 1971 and apply in the case  
24 of every qualifying employee withdrawing on or after July 1,  
25 1971.

26 (j) The amendatory provisions of this amendatory Act of

1 1985 (P.A. 84-23) relating to the discount of annuity because  
2 of retirement prior to attainment of age 60, and to the  
3 retirement formula, for those born before January 1, 1936,  
4 shall apply only to qualifying employees withdrawing on or  
5 after July 18, 1985.

6 (j-1) The changes made to this Section by Public Act 92-609  
7 ~~this amendatory Act of the 92nd General Assembly~~ (increasing  
8 the retirement formula to 2.4% per year of service and  
9 increasing the maximum to 80%) apply to persons who withdraw  
10 from service on or after January 1, 2002, regardless of whether  
11 that withdrawal takes place before the effective date of that  
12 ~~this amendatory~~ Act. In the case of a person who withdraws from  
13 service on or after January 1, 2002 but begins to receive a  
14 retirement annuity before July 1, 2002 ~~the effective date of~~  
15 ~~this amendatory Act~~, the annuity shall be recalculated, with  
16 the increase resulting from Public ~~this amendatory~~ Act 92-609  
17 accruing from the date the retirement annuity began. The  
18 changes made by Public Act 92-609 control over the changes made  
19 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

20 (k) Beginning on January 1, 1999, the minimum amount of  
21 employee's annuity shall be \$850 per month for life for the  
22 following classes of employees, without regard to the fact that  
23 withdrawal occurred prior to the effective date of this  
24 amendatory Act of 1998:

25 (1) any employee annuitant alive and receiving a life  
26 annuity on the effective date of this amendatory Act of



1 1998, except a reciprocal annuity;

2 (2) any employee annuitant alive and receiving a term  
3 annuity on the effective date of this amendatory Act of  
4 1998, except a reciprocal annuity;

5 (3) any employee annuitant alive and receiving a  
6 reciprocal annuity on the effective date of this amendatory  
7 Act of 1998, whose service in this fund is at least 5  
8 years;

9 (4) any employee annuitant withdrawing after age 60 on  
10 or after the effective date of this amendatory Act of 1998,  
11 with at least 10 years of service in this fund.

12 The increases granted under items (1), (2) and (3) of this  
13 subsection (k) shall not be limited by any other Section of  
14 this Act.

15 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
16 revised 9-11-02.)

17 (40 ILCS 5/Art. 9 heading)

18 ARTICLE 9. COUNTY EMPLOYEES' AND OFFICERS'

19 ANNUITY AND BENEFIT FUND - COUNTIES OVER

20 3,000,000 ~~500,000~~ INHABITANTS

21 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

22 Sec. 11-134. Minimum annuities.

23 (a) An employee whose withdrawal occurs after July 1, 1957  
24 at age 60 or over, with 20 or more years of service, (as

1 service is defined or computed in Section 11-216), for whom the  
2 age and service and prior service annuity combined is less than  
3 the amount stated in this Section, shall, from and after the  
4 date of withdrawal, in lieu of all annuities otherwise provided  
5 in this Article, be entitled to receive an annuity for life of  
6 an amount equal to 1 2/3% for each year of service, of the  
7 highest average annual salary for any 5 consecutive years  
8 within the last 10 years of service immediately preceding the  
9 date of withdrawal; provided, that in the case of any employee  
10 who withdraws on or after July 1, 1971, such employee age 60 or  
11 over with 20 or more years of service, shall be entitled to  
12 instead receive an annuity for life equal to 1.67% for each of  
13 the first 10 years of service; 1.90% for each of the next 10  
14 years of service; 2.10% for each year of service in excess of  
15 20 but not exceeding 30; and 2.30% for each year of service in  
16 excess of 30, based on the highest average annual salary for  
17 any 4 consecutive years within the last 10 years of service  
18 immediately preceding the date of withdrawal.

19 An employee who withdraws after July 1, 1957 and before  
20 January 1, 1988, with 20 or more years of service, before age  
21 60, shall be entitled to an annuity, to begin not earlier than  
22 age 55, if under such age at withdrawal, as computed in the  
23 last preceding paragraph, reduced 0.25% if the employee was  
24 born before January 1, 1936, or 0.5% if the employee was born  
25 on or after January 1, 1936, for each full month or fractional  
26 part thereof that his attained age when such annuity is to

1 begin is less than 60.

2 Any employee born before January 1, 1936 who withdraws with  
3 20 or more years of service, and any employee with 20 or more  
4 years of service who withdraws on or after January 1, 1988, may  
5 elect to receive, in lieu of any other employee annuity  
6 provided in this Section, an annuity for life equal to 1.80%  
7 for each of the first 10 years of service, 2.00% for each of  
8 the next 10 years of service, 2.20% for each year of service in  
9 excess of 20, but not exceeding 30, and 2.40% for each year of  
10 service in excess of 30, of the highest average annual salary  
11 for any 4 consecutive years within the last 10 years of service  
12 immediately preceding the date of withdrawal, to begin not  
13 earlier than upon attained age of 55 years, if under such age  
14 at withdrawal, reduced 0.25% for each full month or fractional  
15 part thereof that his attained age when annuity is to begin is  
16 less than 60; except that an employee retiring on or after  
17 January 1, 1988, at age 55 or over but less than age 60, having  
18 at least 35 years of service, or an employee retiring on or  
19 after July 1, 1990, at age 55 or over but less than age 60,  
20 having at least 30 years of service, or an employee retiring on  
21 or after the effective date of this amendatory Act of 1997, at  
22 age 55 or over but less than age 60, having at least 25 years of  
23 service, shall not be subject to the reduction in retirement  
24 annuity because of retirement below age 60.

25 However, in the case of an employee who retired on or after  
26 January 1, 1985 but before January 1, 1988, at age 55 or older

1 and with at least 35 years of service, and who was subject  
2 under this subsection (a) to the reduction in retirement  
3 annuity because of retirement below age 60, that reduction  
4 shall cease to be effective January 1, 1991, and the retirement  
5 annuity shall be recalculated accordingly.

6 Any employee who withdraws on or after July 1, 1990, with  
7 20 or more years of service, may elect to receive, in lieu of  
8 any other employee annuity provided in this Section, an annuity  
9 for life equal to 2.20% for each year of service if withdrawal  
10 is before January 1, 2002, ~~60 days after the effective date of~~  
11 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for  
12 each year of service if withdrawal is on or after January 1,  
13 2002, ~~60 days after the effective date of this amendatory Act~~  
14 ~~of the 92nd General Assembly or later,~~ of the highest average  
15 annual salary for any 4 consecutive years within the last 10  
16 years of service immediately preceding the date of withdrawal,  
17 to begin not earlier than upon attained age of 55 years, if  
18 under such age at withdrawal, reduced 0.25% for each full month  
19 or fractional part thereof that his attained age when annuity  
20 is to begin is less than 60; except that an employee retiring  
21 at age 55 or over but less than age 60, having at least 30 years  
22 of service, shall not be subject to the reduction in retirement  
23 annuity because of retirement below age 60.

24 Any employee who withdraws on or after the effective date  
25 of this amendatory Act of 1997 with 20 or more years of service  
26 may elect to receive, in lieu of any other employee annuity

1 provided in this Section, an annuity for life equal to 2.20%  
2 for each year of service if withdrawal is before January 1,  
3 2002, ~~60 days after the effective date of this amendatory Act~~  
4 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service  
5 if withdrawal is on or after January 1, 2002, ~~60 days after the~~  
6 ~~effective date of this amendatory Act of the 92nd General~~  
7 ~~Assembly or later,~~ of the highest average annual salary for any  
8 4 consecutive years within the last 10 years of service  
9 immediately preceding the date of withdrawal, to begin not  
10 earlier than upon attainment of age 55 (age 50 if the employee  
11 has at least 30 years of service), reduced 0.25% for each full  
12 month or remaining fractional part thereof that the employee's  
13 attained age when annuity is to begin is less than 60; except  
14 that an employee retiring at age 50 or over with at least 30  
15 years of service or at age 55 or over with at least 25 years of  
16 service shall not be subject to the reduction in retirement  
17 annuity because of retirement below age 60.

18 The maximum annuity payable under this paragraph (a) of  
19 this Section shall not exceed 70% of highest average annual  
20 salary in the case of an employee who withdraws prior to July  
21 1, 1971, 75% if withdrawal takes place on or after July 1, 1971  
22 and prior to January 1, 2002, ~~60 days after the effective date~~  
23 ~~of this amendatory Act of the 92nd General Assembly,~~ or 80% if  
24 withdrawal is on or after January 1, 2002 ~~60 days after the~~  
25 ~~effective date of this amendatory Act of the 92nd General~~  
26 ~~Assembly or later.~~ For the purpose of the minimum annuity

1 provided in said paragraphs \$1,500 shall be considered the  
2 minimum annual salary for any year; and the maximum annual  
3 salary to be considered for the computation of such annuity  
4 shall be \$4,800 for any year prior to 1953, \$6,000 for the  
5 years 1953 to 1956, inclusive, and the actual annual salary, as  
6 salary is defined in this Article, for any year thereafter.

7 (b) For an employee receiving disability benefit, his  
8 salary for annuity purposes under this Section shall, for all  
9 periods of disability benefit subsequent to the year 1956, be  
10 the amount on which his disability benefit was based.

11 (c) An employee with 20 or more years of service, whose  
12 entire disability benefit credit period expires prior to  
13 attainment of age 55 while still disabled for service, shall be  
14 entitled upon withdrawal to the larger of (1) the minimum  
15 annuity provided above assuming that he is then age 55, and  
16 reducing such annuity to its actuarial equivalent at his  
17 attained age on such date, or (2) the annuity provided from his  
18 age and service and prior service annuity credits.

19 (d) The minimum annuity provisions as aforesaid shall not  
20 apply to any former employee receiving an annuity from the  
21 fund, and who re-enters service as an employee, unless he  
22 renders at least 3 years of additional service after the date  
23 of re-entry.

24 (e) An employee in service on July 1, 1947, or who became a  
25 contributor after July 1, 1947 and prior to July 1, 1950, or  
26 who shall become a contributor to the fund after July 1, 1950

1 prior to attainment of age 70, who withdraws after age 65 with  
2 less than 20 years of service, for whom the annuity has been  
3 fixed under the foregoing Sections of this Article shall, in  
4 lieu of the annuity so fixed, receive an annuity as follows:

5       Such amount as he could have received had the accumulated  
6 amounts for annuity been improved with interest at the  
7 effective rate to the date of his withdrawal, or to attainment  
8 of age 70, whichever is earlier, and had the city contributed  
9 to such earlier date for age and service annuity the amount  
10 that would have been contributed had he been under age 65,  
11 after the date his annuity was fixed in accordance with this  
12 Article, and assuming his annuity were computed from such  
13 accumulations as of his age on such earlier date. The annuity  
14 so computed shall not exceed the annuity which would be payable  
15 under the other provisions of this Section if the employee was  
16 credited with 20 years of service and would qualify for annuity  
17 thereunder.

18       (f) In lieu of the annuity provided in this or in any other  
19 Section of this Article, an employee having attained age 65  
20 with at least 15 years of service who withdraws from service on  
21 or after July 1, 1971 and whose annuity computed under other  
22 provisions of this Article is less than the amount provided  
23 under this paragraph shall be entitled to receive a minimum  
24 annual annuity for life equal to 1% of the highest average  
25 annual salary for any 4 consecutive years within the last 10  
26 years of service immediately preceding retirement for each year

1 of his service plus the sum of \$25 for each year of service.  
2 Such annual annuity shall not exceed the maximum percentages  
3 stated under paragraph (a) of this Section of such highest  
4 average annual salary.

5 (f-1) Instead of any other retirement annuity provided in  
6 this Article, an employee who has at least 10 years of service  
7 and withdraws from service on or after January 1, 1999 may  
8 elect to receive a retirement annuity for life, beginning no  
9 earlier than upon attainment of age 60, equal to 2.2% if  
10 withdrawal is before January 1, 2002, ~~60 days after the~~  
11 ~~effective date of this amendatory Act of the 92nd General~~  
12 ~~Assembly~~ or 2.4% for each year of service if withdrawal is on  
13 or after January 1, 2002, ~~60 days after the effective date of~~  
14 ~~this amendatory Act of the 92nd General Assembly or later,~~ of  
15 final average salary for each year of service, subject to a  
16 maximum of 75% of final average salary if withdrawal is before  
17 January 1, 2002, ~~60 days after the effective date of this~~  
18 ~~amendatory Act of the 92nd General Assembly,~~ or 80% if  
19 withdrawal is on or after January 1, 2002 ~~60 days after the~~  
20 ~~effective date of this amendatory Act of the 92nd General~~  
21 ~~Assembly or later~~. For the purpose of calculating this annuity,  
22 "final average salary" means the highest average annual salary  
23 for any 4 consecutive years in the last 10 years of service.

24 (g) Any annuity payable under the preceding subsections of  
25 this Section 11-134 shall be paid in equal monthly  
26 installments.



1 (h) The amendatory provisions of part (a) and (f) of this  
2 Section shall be effective July 1, 1971 and apply in the case  
3 of every qualifying employee withdrawing on or after July 1,  
4 1971.

5 (h-1) The changes made to this Section by Public Act 92-609  
6 ~~this amendatory Act of the 92nd General Assembly~~ (increasing  
7 the retirement formula to 2.4% per year of service and  
8 increasing the maximum to 80%) apply to persons who withdraw  
9 from service on or after January 1, 2002, regardless of whether  
10 that withdrawal takes place before the effective date of that  
11 ~~this amendatory~~ Act. In the case of a person who withdraws from  
12 service on or after January 1, 2002 but begins to receive a  
13 retirement annuity before July 1, 2002 ~~the effective date of~~  
14 ~~this amendatory Act~~, the annuity shall be recalculated, with  
15 the increase resulting from Public ~~this amendatory~~ Act 92-609  
16 accruing from the date the retirement annuity began. The  
17 changes made by Public Act 92-609 control over the changes made  
18 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

19 (i) The amendatory provisions of this amendatory Act of  
20 1985 relating to the discount of annuity because of retirement  
21 prior to attainment of age 60 and increasing the retirement  
22 formula for those born before January 1, 1936, shall apply only  
23 to qualifying employees withdrawing on or after August 16,  
24 1985.

25 (j) Beginning on January 1, 1999, the minimum amount of  
26 employee's annuity shall be \$850 per month for life for the

1 following classes of employees, without regard to the fact that  
2 withdrawal occurred prior to the effective date of this  
3 amendatory Act of 1998:

4 (1) any employee annuitant alive and receiving a life  
5 annuity on the effective date of this amendatory Act of  
6 1998, except a reciprocal annuity;

7 (2) any employee annuitant alive and receiving a term  
8 annuity on the effective date of this amendatory Act of  
9 1998, except a reciprocal annuity;

10 (3) any employee annuitant alive and receiving a  
11 reciprocal annuity on the effective date of this amendatory  
12 Act of 1998, whose service in this fund is at least 5  
13 years;

14 (4) any employee annuitant withdrawing after age 60 on  
15 or after the effective date of this amendatory Act of 1998,  
16 with at least 10 years of service in this fund.

17 The increases granted under items (1), (2) and (3) of this  
18 subsection (j) shall not be limited by any other Section of  
19 this Act.

20 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
21 revised 9-11-02.)

22 (40 ILCS 5/Art. 13 heading)

23 ARTICLE 13. METROPOLITAN WATER RECLAMATION

24 DISTRICT RETIREMENT FUND ~~SANITARY DISTRICT~~

25 ~~EMPLOYEE'S AND TRUSTEES' ANNUITY AND BENEFIT FUND~~

1 (40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

2 Sec. 14-103.04. Department. "Department": Any department,  
3 institution, board, commission, officer, court, or any agency  
4 of the State having power to certify payrolls to the State  
5 Comptroller authorizing payments of salary or wages against  
6 State appropriations, or against trust funds held by the State  
7 Treasurer, except those departments included under the term  
8 "employer" in the State Universities Retirement System.  
9 "Department" includes the Illinois Finance Authority.  
10 "Department" also includes the Illinois Comprehensive Health  
11 Insurance Board ~~and the Illinois Finance Authority.~~

12 (Source: P.A. 93-205 (Sections 890-11 and 890-44), eff. 1-1-04;  
13 revised 9-23-03.)

14 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

15 Sec. 15-155. Employer contributions.

16 (a) The State of Illinois shall make contributions by  
17 appropriations of amounts which, together with the other  
18 employer contributions from trust, federal, and other funds,  
19 employee contributions, income from investments, and other  
20 income of this System, will be sufficient to meet the cost of  
21 maintaining and administering the System on a 90% funded basis  
22 in accordance with actuarial recommendations.

23 The Board shall determine the amount of State contributions  
24 required for each fiscal year on the basis of the actuarial

1 tables and other assumptions adopted by the Board and the  
2 recommendations of the actuary, using the formula in subsection  
3 (a-1).

4 (a-1) For State fiscal years 2011 through 2045, the minimum  
5 contribution to the System to be made by the State for each  
6 fiscal year shall be an amount determined by the System to be  
7 sufficient to bring the total assets of the System up to 90% of  
8 the total actuarial liabilities of the System by the end of  
9 State fiscal year 2045. In making these determinations, the  
10 required State contribution shall be calculated each year as a  
11 level percentage of payroll over the years remaining to and  
12 including fiscal year 2045 and shall be determined under the  
13 projected unit credit actuarial cost method.

14 For State fiscal years 1996 through 2005, the State  
15 contribution to the System, as a percentage of the applicable  
16 employee payroll, shall be increased in equal annual increments  
17 so that by State fiscal year 2011, the State is contributing at  
18 the rate required under this Section.

19 Notwithstanding any other provision of this Article, the  
20 total required State contribution for State fiscal year 2006 is  
21 \$166,641,900.

22 Notwithstanding any other provision of this Article, the  
23 total required State contribution for State fiscal year 2007 is  
24 \$252,064,100.

25 For each of State fiscal years 2008 through 2010, the State  
26 contribution to the System, as a percentage of the applicable

1 employee payroll, shall be increased in equal annual increments  
2 from the required State contribution for State fiscal year  
3 2007, so that by State fiscal year 2011, the State is  
4 contributing at the rate otherwise required under this Section.

5 Beginning in State fiscal year 2046, the minimum State  
6 contribution for each fiscal year shall be the amount needed to  
7 maintain the total assets of the System at 90% of the total  
8 actuarial liabilities of the System.

9 Amounts received by the System pursuant to Section 25 of  
10 the Budget Stabilization Act in any fiscal year do not reduce  
11 and do not constitute payment of any portion of the minimum  
12 State contribution required under this Article in that fiscal  
13 year. Such amounts shall not reduce, and shall not be included  
14 in the calculation of, the required State contributions under  
15 this Article in any future year until the System has reached a  
16 funding ratio of at least 90%. A reference in this Article to  
17 the "required State contribution" or any substantially similar  
18 term does not include or apply to any amounts payable to the  
19 System under Section 25 of the Budget Stabilization Act.

20 Notwithstanding any other provision of this Section, the  
21 required State contribution for State fiscal year 2005 and for  
22 fiscal year 2008 and each fiscal year thereafter, as calculated  
23 under this Section and certified under Section 15-165, shall  
24 not exceed an amount equal to (i) the amount of the required  
25 State contribution that would have been calculated under this  
26 Section for that fiscal year if the System had not received any

1 payments under subsection (d) of Section 7.2 of the General  
2 Obligation Bond Act, minus (ii) the portion of the State's  
3 total debt service payments for that fiscal year on the bonds  
4 issued for the purposes of that Section 7.2, as determined and  
5 certified by the Comptroller, that is the same as the System's  
6 portion of the total moneys distributed under subsection (d) of  
7 Section 7.2 of the General Obligation Bond Act. In determining  
8 this maximum for State fiscal years 2008 through 2010, however,  
9 the amount referred to in item (i) shall be increased, as a  
10 percentage of the applicable employee payroll, in equal  
11 increments calculated from the sum of the required State  
12 contribution for State fiscal year 2007 plus the applicable  
13 portion of the State's total debt service payments for fiscal  
14 year 2007 on the bonds issued for the purposes of Section 7.2  
15 of the General Obligation Bond Act, so that, by State fiscal  
16 year 2011, the State is contributing at the rate otherwise  
17 required under this Section.

18 (b) If an employee is paid from trust or federal funds, the  
19 employer shall pay to the Board contributions from those funds  
20 which are sufficient to cover the accruing normal costs on  
21 behalf of the employee. However, universities having employees  
22 who are compensated out of local auxiliary funds, income funds,  
23 or service enterprise funds are not required to pay such  
24 contributions on behalf of those employees. The local auxiliary  
25 funds, income funds, and service enterprise funds of  
26 universities shall not be considered trust funds for the

1 purpose of this Article, but funds of alumni associations,  
2 foundations, and athletic associations which are affiliated  
3 with the universities included as employers under this Article  
4 and other employers which do not receive State appropriations  
5 are considered to be trust funds for the purpose of this  
6 Article.

7 (b-1) The City of Urbana and the City of Champaign shall  
8 each make employer contributions to this System for their  
9 respective firefighter employees who participate in this  
10 System pursuant to subsection (h) of Section 15-107. The rate  
11 of contributions to be made by those municipalities shall be  
12 determined annually by the Board on the basis of the actuarial  
13 assumptions adopted by the Board and the recommendations of the  
14 actuary, and shall be expressed as a percentage of salary for  
15 each such employee. The Board shall certify the rate to the  
16 affected municipalities as soon as may be practical. The  
17 employer contributions required under this subsection shall be  
18 remitted by the municipality to the System at the same time and  
19 in the same manner as employee contributions.

20 (c) Through State fiscal year 1995: The total employer  
21 contribution shall be apportioned among the various funds of  
22 the State and other employers, whether trust, federal, or other  
23 funds, in accordance with actuarial procedures approved by the  
24 Board. State of Illinois contributions for employers receiving  
25 State appropriations for personal services shall be payable  
26 from appropriations made to the employers or to the System. The

1 contributions for Class I community colleges covering earnings  
2 other than those paid from trust and federal funds, shall be  
3 payable solely from appropriations to the Illinois Community  
4 College Board or the System for employer contributions.

5 (d) Beginning in State fiscal year 1996, the required State  
6 contributions to the System shall be appropriated directly to  
7 the System and shall be payable through vouchers issued in  
8 accordance with subsection (c) of Section 15-165, except as  
9 provided in subsection (g).

10 (e) The State Comptroller shall draw warrants payable to  
11 the System upon proper certification by the System or by the  
12 employer in accordance with the appropriation laws and this  
13 Code.

14 (f) Normal costs under this Section means liability for  
15 pensions and other benefits which accrues to the System because  
16 of the credits earned for service rendered by the participants  
17 during the fiscal year and expenses of administering the  
18 System, but shall not include the principal of or any  
19 redemption premium or interest on any bonds issued by the Board  
20 or any expenses incurred or deposits required in connection  
21 therewith.

22 (g) If the amount of a participant's earnings for any  
23 academic year used to determine the final rate of earnings,  
24 determined on a full-time equivalent basis, exceeds the amount  
25 of his or her earnings with the same employer for the previous  
26 academic year, determined on a full-time equivalent basis, by



1 more than 6%, the participant's employer shall pay to the  
2 System, in addition to all other payments required under this  
3 Section and in accordance with guidelines established by the  
4 System, the present value of the increase in benefits resulting  
5 from the portion of the increase in earnings that is in excess  
6 of 6%. This present value shall be computed by the System on  
7 the basis of the actuarial assumptions and tables used in the  
8 most recent actuarial valuation of the System that is available  
9 at the time of the computation. The System may require the  
10 employer to provide any pertinent information or  
11 documentation.

12 Whenever it determines that a payment is or may be required  
13 under this subsection (g), the System shall calculate the  
14 amount of the payment and bill the employer for that amount.  
15 The bill shall specify the calculations used to determine the  
16 amount due. If the employer disputes the amount of the bill, it  
17 may, within 30 days after receipt of the bill, apply to the  
18 System in writing for a recalculation. The application must  
19 specify in detail the grounds of the dispute and, if the  
20 employer asserts that the calculation is subject to subsection  
21 (h) or (i) of this Section, must include an affidavit setting  
22 forth and attesting to all facts within the employer's  
23 knowledge that are pertinent to the applicability of subsection  
24 (h) or (i). Upon receiving a timely application for  
25 recalculation, the System shall review the application and, if  
26 appropriate, recalculate the amount due.

1           The employer contributions required under this subsection  
2           (f) may be paid in the form of a lump sum within 90 days after  
3           receipt of the bill. If the employer contributions are not paid  
4           within 90 days after receipt of the bill, then interest will be  
5           charged at a rate equal to the System's annual actuarially  
6           assumed rate of return on investment compounded annually from  
7           the 91st day after receipt of the bill. Payments must be  
8           concluded within 3 years after the employer's receipt of the  
9           bill.

10           (h) This subsection (h) applies only to payments made or  
11           salary increases given on or after June 1, 2005 but before July  
12           1, 2011. The changes made by Public Act 94-1057 ~~this amendatory~~  
13           ~~Act of the 94th General Assembly~~ shall not require the System  
14           to refund any payments received before July 31, 2006 (the  
15           effective date of Public Act 94-1057) ~~this amendatory Act~~.

16           When assessing payment for any amount due under subsection  
17           (g), the System shall exclude earnings increases paid to  
18           participants under contracts or collective bargaining  
19           agreements entered into, amended, or renewed before June 1,  
20           2005.

21           When assessing payment for any amount due under subsection  
22           (g), the System shall exclude earnings increases paid to a  
23           participant at a time when the participant is 10 or more years  
24           from retirement eligibility under Section 15-135.

25           When assessing payment for any amount due under subsection  
26           (g), the System shall exclude earnings increases resulting from

1 overload work, including a contract for summer teaching, or  
2 overtime when the employer has certified to the System, and the  
3 System has approved the certification, that: (i) in the case of  
4 overloads (A) the overload work is for the sole purpose of  
5 academic instruction in excess of the standard number of  
6 instruction hours for a full-time employee occurring during the  
7 academic year that the overload is paid and (B) the earnings  
8 increases are equal to or less than the rate of pay for  
9 academic instruction computed using the participant's current  
10 salary rate and work schedule; and (ii) in the case of  
11 overtime, the overtime was necessary for the educational  
12 mission.

13       When assessing payment for any amount due under subsection  
14 (g), the System shall exclude any earnings increase resulting  
15 from (i) a promotion for which the employee moves from one  
16 classification to a higher classification under the State  
17 Universities Civil Service System, (ii) a promotion in academic  
18 rank for a tenured or tenure-track faculty position, or (iii) a  
19 promotion that the Illinois Community College Board has  
20 recommended in accordance with subsection (k) of this Section.  
21 These earnings increases shall be excluded only if the  
22 promotion is to a position that has existed and been filled by  
23 a member for no less than one complete academic year and the  
24 earnings increase as a result of the promotion is an increase  
25 that results in an amount no greater than the average salary  
26 paid for other similar positions.

1 (i) When assessing payment for any amount due under  
2 subsection (g), the System shall exclude any salary increase  
3 described in subsection (h) of this Section given on or after  
4 July 1, 2011 but before July 1, 2014 under a contract or  
5 collective bargaining agreement entered into, amended, or  
6 renewed on or after June 1, 2005 but before July 1, 2011.  
7 Notwithstanding any other provision of this Section, any  
8 payments made or salary increases given after June 30, 2014  
9 shall be used in assessing payment for any amount due under  
10 subsection (g) of this Section.

11 (j) The System shall prepare a report and file copies of  
12 the report with the Governor and the General Assembly by  
13 January 1, 2007 that contains all of the following information:

14 (1) The number of recalculations required by the  
15 changes made to this Section by Public Act 94-1057 ~~this~~  
16 ~~amendatory Act of the 94th General Assembly~~ for each  
17 employer.

18 (2) The dollar amount by which each employer's  
19 contribution to the System was changed due to  
20 recalculations required by Public Act 94-1057 ~~this~~  
21 ~~amendatory Act of the 94th General Assembly~~.

22 (3) The total amount the System received from each  
23 employer as a result of the changes made to this Section by  
24 Public Act 94-4.

25 (4) The increase in the required State contribution  
26 resulting from the changes made to this Section by Public

1        Act 94-1057 ~~this amendatory Act of the 94th General~~  
2        ~~Assembly.~~

3        (k) The Illinois Community College Board shall adopt rules  
4        for recommending lists of promotional positions submitted to  
5        the Board by community colleges and for reviewing the  
6        promotional lists on an annual basis. When recommending  
7        promotional lists, the Board shall consider the similarity of  
8        the positions submitted to those positions recognized for State  
9        universities by the State Universities Civil Service System.  
10       The Illinois Community College Board shall file a copy of its  
11       findings with the System. The System shall consider the  
12       findings of the Illinois Community College Board when making  
13       determinations under this Section. The System shall not exclude  
14       any earnings increases resulting from a promotion when the  
15       promotion was not submitted by a community college. Nothing in  
16       this subsection (k) shall require any community college to  
17       submit any information to the Community College Board.

18       (Source: P.A. 93-2, eff. 4-7-03; 94-4, eff. 6-1-05; 94-839,  
19       eff. 6-6-06; 94-1057, eff. 7-31-06; revised 8-3-06.)

20       (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)

21       Sec. 16-150. Re-entry.

22       (a) This Section does not apply to an annuitant who returns  
23       to teaching under the program established in Section 16-150.1,  
24       for the duration of his or her participation in that program.

25       (b) If an annuitant under this System is again employed as

1 a teacher for an aggregate period exceeding that permitted by  
2 Section 16-118, his or her retirement annuity shall be  
3 terminated and the annuitant shall thereupon be regarded as an  
4 active member.

5 Such annuitant is not entitled to a recomputation of his or  
6 her retirement annuity unless at least one full year of  
7 creditable service is rendered after the latest re-entry into  
8 service and the annuitant must have rendered at least 3 years  
9 of creditable service after last re-entry into service to  
10 qualify for a recomputation of the retirement annuity based on  
11 amendments enacted while in receipt of a retirement annuity,  
12 except when retirement was due to disability.

13 However, regardless of age, an annuitant in receipt of a  
14 retirement annuity may be given temporary employment by a  
15 school board not exceeding that permitted under Section 16-118  
16 and continue to receive the retirement annuity.

17 (c) Unless retirement was necessitated by disability, a  
18 retirement shall be considered cancelled and the retirement  
19 allowance must be repaid in full if the annuitant is employed  
20 as a teacher within the school year during which service was  
21 terminated.

22 (d) An annuitant's retirement which does not include a  
23 period of at least one full and complete school year shall be  
24 considered cancelled and the retirement annuity must be repaid  
25 in full unless such retirement was necessitated by disability.

26 (Source: P.A. 93-320, eff. 7-23-03; 93-469, eff. 8-8-03;

1 revised 9-11-03.)

2 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

3 Sec. 16-158. Contributions by State and other employing  
4 units.

5 (a) The State shall make contributions to the System by  
6 means of appropriations from the Common School Fund and other  
7 State funds of amounts which, together with other employer  
8 contributions, employee contributions, investment income, and  
9 other income, will be sufficient to meet the cost of  
10 maintaining and administering the System on a 90% funded basis  
11 in accordance with actuarial recommendations.

12 The Board shall determine the amount of State contributions  
13 required for each fiscal year on the basis of the actuarial  
14 tables and other assumptions adopted by the Board and the  
15 recommendations of the actuary, using the formula in subsection  
16 (b-3).

17 (a-1) Annually, on or before November 15, the Board shall  
18 certify to the Governor the amount of the required State  
19 contribution for the coming fiscal year. The certification  
20 shall include a copy of the actuarial recommendations upon  
21 which it is based.

22 On or before May 1, 2004, the Board shall recalculate and  
23 recertify to the Governor the amount of the required State  
24 contribution to the System for State fiscal year 2005, taking  
25 into account the amounts appropriated to and received by the

1 System under subsection (d) of Section 7.2 of the General  
2 Obligation Bond Act.

3 On or before July 1, 2005, the Board shall recalculate and  
4 recertify to the Governor the amount of the required State  
5 contribution to the System for State fiscal year 2006, taking  
6 into account the changes in required State contributions made  
7 by this amendatory Act of the 94th General Assembly.

8 (b) Through State fiscal year 1995, the State contributions  
9 shall be paid to the System in accordance with Section 18-7 of  
10 the School Code.

11 (b-1) Beginning in State fiscal year 1996, on the 15th day  
12 of each month, or as soon thereafter as may be practicable, the  
13 Board shall submit vouchers for payment of State contributions  
14 to the System, in a total monthly amount of one-twelfth of the  
15 required annual State contribution certified under subsection  
16 (a-1). From the effective date of this amendatory Act of the  
17 93rd General Assembly through June 30, 2004, the Board shall  
18 not submit vouchers for the remainder of fiscal year 2004 in  
19 excess of the fiscal year 2004 certified contribution amount  
20 determined under this Section after taking into consideration  
21 the transfer to the System under subsection (a) of Section  
22 6z-61 of the State Finance Act. These vouchers shall be paid by  
23 the State Comptroller and Treasurer by warrants drawn on the  
24 funds appropriated to the System for that fiscal year.

25 If in any month the amount remaining unexpended from all  
26 other appropriations to the System for the applicable fiscal



1 year (including the appropriations to the System under Section  
2 8.12 of the State Finance Act and Section 1 of the State  
3 Pension Funds Continuing Appropriation Act) is less than the  
4 amount lawfully vouchered under this subsection, the  
5 difference shall be paid from the Common School Fund under the  
6 continuing appropriation authority provided in Section 1.1 of  
7 the State Pension Funds Continuing Appropriation Act.

8 (b-2) Allocations from the Common School Fund apportioned  
9 to school districts not coming under this System shall not be  
10 diminished or affected by the provisions of this Article.

11 (b-3) For State fiscal years 2011 through 2045, the minimum  
12 contribution to the System to be made by the State for each  
13 fiscal year shall be an amount determined by the System to be  
14 sufficient to bring the total assets of the System up to 90% of  
15 the total actuarial liabilities of the System by the end of  
16 State fiscal year 2045. In making these determinations, the  
17 required State contribution shall be calculated each year as a  
18 level percentage of payroll over the years remaining to and  
19 including fiscal year 2045 and shall be determined under the  
20 projected unit credit actuarial cost method.

21 For State fiscal years 1996 through 2005, the State  
22 contribution to the System, as a percentage of the applicable  
23 employee payroll, shall be increased in equal annual increments  
24 so that by State fiscal year 2011, the State is contributing at  
25 the rate required under this Section; except that in the  
26 following specified State fiscal years, the State contribution

1 to the System shall not be less than the following indicated  
2 percentages of the applicable employee payroll, even if the  
3 indicated percentage will produce a State contribution in  
4 excess of the amount otherwise required under this subsection  
5 and subsection (a), and notwithstanding any contrary  
6 certification made under subsection (a-1) before the effective  
7 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%  
8 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY  
9 2003; and 13.56% in FY 2004.

10 Notwithstanding any other provision of this Article, the  
11 total required State contribution for State fiscal year 2006 is  
12 \$534,627,700.

13 Notwithstanding any other provision of this Article, the  
14 total required State contribution for State fiscal year 2007 is  
15 \$738,014,500.

16 For each of State fiscal years 2008 through 2010, the State  
17 contribution to the System, as a percentage of the applicable  
18 employee payroll, shall be increased in equal annual increments  
19 from the required State contribution for State fiscal year  
20 2007, so that by State fiscal year 2011, the State is  
21 contributing at the rate otherwise required under this Section.

22 Beginning in State fiscal year 2046, the minimum State  
23 contribution for each fiscal year shall be the amount needed to  
24 maintain the total assets of the System at 90% of the total  
25 actuarial liabilities of the System.

26 Amounts received by the System pursuant to Section 25 of

1 the Budget Stabilization Act in any fiscal year do not reduce  
2 and do not constitute payment of any portion of the minimum  
3 State contribution required under this Article in that fiscal  
4 year. Such amounts shall not reduce, and shall not be included  
5 in the calculation of, the required State contributions under  
6 this Article in any future year until the System has reached a  
7 funding ratio of at least 90%. A reference in this Article to  
8 the "required State contribution" or any substantially similar  
9 term does not include or apply to any amounts payable to the  
10 System under Section 25 of the Budget Stabilization Act.

11 Notwithstanding any other provision of this Section, the  
12 required State contribution for State fiscal year 2005 and for  
13 fiscal year 2008 and each fiscal year thereafter, as calculated  
14 under this Section and certified under subsection (a-1), shall  
15 not exceed an amount equal to (i) the amount of the required  
16 State contribution that would have been calculated under this  
17 Section for that fiscal year if the System had not received any  
18 payments under subsection (d) of Section 7.2 of the General  
19 Obligation Bond Act, minus (ii) the portion of the State's  
20 total debt service payments for that fiscal year on the bonds  
21 issued for the purposes of that Section 7.2, as determined and  
22 certified by the Comptroller, that is the same as the System's  
23 portion of the total moneys distributed under subsection (d) of  
24 Section 7.2 of the General Obligation Bond Act. In determining  
25 this maximum for State fiscal years 2008 through 2010, however,  
26 the amount referred to in item (i) shall be increased, as a

1 percentage of the applicable employee payroll, in equal  
2 increments calculated from the sum of the required State  
3 contribution for State fiscal year 2007 plus the applicable  
4 portion of the State's total debt service payments for fiscal  
5 year 2007 on the bonds issued for the purposes of Section 7.2  
6 of the General Obligation Bond Act, so that, by State fiscal  
7 year 2011, the State is contributing at the rate otherwise  
8 required under this Section.

9 (c) Payment of the required State contributions and of all  
10 pensions, retirement annuities, death benefits, refunds, and  
11 other benefits granted under or assumed by this System, and all  
12 expenses in connection with the administration and operation  
13 thereof, are obligations of the State.

14 If members are paid from special trust or federal funds  
15 which are administered by the employing unit, whether school  
16 district or other unit, the employing unit shall pay to the  
17 System from such funds the full accruing retirement costs based  
18 upon that service, as determined by the System. Employer  
19 contributions, based on salary paid to members from federal  
20 funds, may be forwarded by the distributing agency of the State  
21 of Illinois to the System prior to allocation, in an amount  
22 determined in accordance with guidelines established by such  
23 agency and the System.

24 (d) Effective July 1, 1986, any employer of a teacher as  
25 defined in paragraph (8) of Section 16-106 shall pay the  
26 employer's normal cost of benefits based upon the teacher's

1 service, in addition to employee contributions, as determined  
2 by the System. Such employer contributions shall be forwarded  
3 monthly in accordance with guidelines established by the  
4 System.

5 However, with respect to benefits granted under Section  
6 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)  
7 of Section 16-106, the employer's contribution shall be 12%  
8 (rather than 20%) of the member's highest annual salary rate  
9 for each year of creditable service granted, and the employer  
10 shall also pay the required employee contribution on behalf of  
11 the teacher. For the purposes of Sections 16-133.4 and  
12 16-133.5, a teacher as defined in paragraph (8) of Section  
13 16-106 who is serving in that capacity while on leave of  
14 absence from another employer under this Article shall not be  
15 considered an employee of the employer from which the teacher  
16 is on leave.

17 (e) Beginning July 1, 1998, every employer of a teacher  
18 shall pay to the System an employer contribution computed as  
19 follows:

20 (1) Beginning July 1, 1998 through June 30, 1999, the  
21 employer contribution shall be equal to 0.3% of each  
22 teacher's salary.

23 (2) Beginning July 1, 1999 and thereafter, the employer  
24 contribution shall be equal to 0.58% of each teacher's  
25 salary.

26 The school district or other employing unit may pay these

1 employer contributions out of any source of funding available  
2 for that purpose and shall forward the contributions to the  
3 System on the schedule established for the payment of member  
4 contributions.

5 These employer contributions are intended to offset a  
6 portion of the cost to the System of the increases in  
7 retirement benefits resulting from this amendatory Act of 1998.

8 Each employer of teachers is entitled to a credit against  
9 the contributions required under this subsection (e) with  
10 respect to salaries paid to teachers for the period January 1,  
11 2002 through June 30, 2003, equal to the amount paid by that  
12 employer under subsection (a-5) of Section 6.6 of the State  
13 Employees Group Insurance Act of 1971 with respect to salaries  
14 paid to teachers for that period.

15 The additional 1% employee contribution required under  
16 Section 16-152 by this amendatory Act of 1998 is the  
17 responsibility of the teacher and not the teacher's employer,  
18 unless the employer agrees, through collective bargaining or  
19 otherwise, to make the contribution on behalf of the teacher.

20 If an employer is required by a contract in effect on May  
21 1, 1998 between the employer and an employee organization to  
22 pay, on behalf of all its full-time employees covered by this  
23 Article, all mandatory employee contributions required under  
24 this Article, then the employer shall be excused from paying  
25 the employer contribution required under this subsection (e)  
26 for the balance of the term of that contract. The employer and

1 the employee organization shall jointly certify to the System  
2 the existence of the contractual requirement, in such form as  
3 the System may prescribe. This exclusion shall cease upon the  
4 termination, extension, or renewal of the contract at any time  
5 after May 1, 1998.

6 (f) If the amount of a teacher's salary for any school year  
7 used to determine final average salary exceeds the member's  
8 annual full-time salary rate with the same employer for the  
9 previous school year by more than 6%, the teacher's employer  
10 shall pay to the System, in addition to all other payments  
11 required under this Section and in accordance with guidelines  
12 established by the System, the present value of the increase in  
13 benefits resulting from the portion of the increase in salary  
14 that is in excess of 6%. This present value shall be computed  
15 by the System on the basis of the actuarial assumptions and  
16 tables used in the most recent actuarial valuation of the  
17 System that is available at the time of the computation. For  
18 the purposes of this Section, change in employment under  
19 Section 10-21.12 of the School Code shall constitute a change  
20 in employer. The System may require the employer to provide any  
21 pertinent information or documentation.

22 Whenever it determines that a payment is or may be required  
23 under this subsection, the System shall calculate the amount of  
24 the payment and bill the employer for that amount. The bill  
25 shall specify the calculations used to determine the amount  
26 due. If the employer disputes the amount of the bill, it may,

1 within 30 days after receipt of the bill, apply to the System  
2 in writing for a recalculation. The application must specify in  
3 detail the grounds of the dispute and, if the employer asserts  
4 that the calculation is subject to subsection (g) or (h) of  
5 this Section, must include an affidavit setting forth and  
6 attesting to all facts within the employer's knowledge that are  
7 pertinent to the applicability of that subsection. Upon  
8 receiving a timely application for recalculation, the System  
9 shall review the application and, if appropriate, recalculate  
10 the amount due.

11 The employer contributions required under this subsection  
12 (f) may be paid in the form of a lump sum within 90 days after  
13 receipt of the bill. If the employer contributions are not paid  
14 within 90 days after receipt of the bill, then interest will be  
15 charged at a rate equal to the System's annual actuarially  
16 assumed rate of return on investment compounded annually from  
17 the 91st day after receipt of the bill. Payments must be  
18 concluded within 3 years after the employer's receipt of the  
19 bill.

20 (g) This subsection (g) applies only to payments made or  
21 salary increases given on or after June 1, 2005 but before July  
22 1, 2011. The changes made by Public Act 94-1057 ~~this amendatory~~  
23 ~~Act of the 94th General Assembly~~ shall not require the System  
24 to refund any payments received before July 31, 2006 (the  
25 effective date of Public Act 94-1057) ~~this amendatory Act~~.

26 When assessing payment for any amount due under subsection



1 (f), the System shall exclude salary increases paid to teachers  
2 under contracts or collective bargaining agreements entered  
3 into, amended, or renewed before June 1, 2005.

4 When assessing payment for any amount due under subsection  
5 (f), the System shall exclude salary increases paid to a  
6 teacher at a time when the teacher is 10 or more years from  
7 retirement eligibility under Section 16-132 or 16-133.2.

8 When assessing payment for any amount due under subsection  
9 (f), the System shall exclude salary increases resulting from  
10 overload work, including summer school, when the school  
11 district has certified to the System, and the System has  
12 approved the certification, that (i) the overload work is for  
13 the sole purpose of classroom instruction in excess of the  
14 standard number of classes for a full-time teacher in a school  
15 district during a school year and (ii) the salary increases are  
16 equal to or less than the rate of pay for classroom instruction  
17 computed on the teacher's current salary and work schedule.

18 When assessing payment for any amount due under subsection  
19 (f), the System shall exclude a salary increase resulting from  
20 a promotion (i) for which the employee is required to hold a  
21 certificate or supervisory endorsement issued by the State  
22 Teacher Certification Board that is a different certification  
23 or supervisory endorsement than is required for the teacher's  
24 previous position and (ii) to a position that has existed and  
25 been filled by a member for no less than one complete academic  
26 year and the salary increase from the promotion is an increase

1 that results in an amount no greater than the lesser of the  
2 average salary paid for other similar positions in the district  
3 requiring the same certification or the amount stipulated in  
4 the collective bargaining agreement for a similar position  
5 requiring the same certification.

6 When assessing payment for any amount due under subsection  
7 (f), the System shall exclude any payment to the teacher from  
8 the State of Illinois or the State Board of Education over  
9 which the employer does not have discretion, notwithstanding  
10 that the payment is included in the computation of final  
11 average salary.

12 (h) When assessing payment for any amount due under  
13 subsection (f), the System shall exclude any salary increase  
14 described in subsection (g) of this Section given on or after  
15 July 1, 2011 but before July 1, 2014 under a contract or  
16 collective bargaining agreement entered into, amended, or  
17 renewed on or after June 1, 2005 but before July 1, 2011.  
18 Notwithstanding any other provision of this Section, any  
19 payments made or salary increases given after June 30, 2014  
20 shall be used in assessing payment for any amount due under  
21 subsection (f) of this Section.

22 (i) The System shall prepare a report and file copies of  
23 the report with the Governor and the General Assembly by  
24 January 1, 2007 that contains all of the following information:

25 (1) The number of recalculations required by the  
26 changes made to this Section by Public Act 94-1057 ~~this~~

1 ~~amendatory Act of the 94th General Assembly~~ for each  
2 employer.

3 (2) The dollar amount by which each employer's  
4 contribution to the System was changed due to  
5 recalculations required by Public Act 94-1057 ~~this~~  
6 ~~amendatory Act of the 94th General Assembly~~.

7 (3) The total amount the System received from each  
8 employer as a result of the changes made to this Section by  
9 Public Act 94-4.

10 (4) The increase in the required State contribution  
11 resulting from the changes made to this Section by Public  
12 Act 94-1057 ~~this amendatory Act of the 94th General~~  
13 ~~Assembly~~.

14 (Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04; 94-4,  
15 eff. 6-1-05; 94-839, eff. 6-6-06; 94-1057, eff. 7-31-06;  
16 revised 8-3-06.)

17 (40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

18 Sec. 16-165. Board; elected members; vacancies.

19 (a) In each odd-numbered year, there shall be elected 2  
20 teachers who shall hold office for a term of 4 years beginning  
21 July 15 next following their election, in the manner provided  
22 under this Section. An elected teacher member of the board who  
23 ceases to be a teacher as defined in Section 16-106 may  
24 continue to serve on the board for the remainder of the term to  
25 which he or she was elected.

1           (b) One elected annuitant trustee shall first be elected in  
2 1987, and in every fourth year thereafter, for a term of 4  
3 years beginning July 15 next following his or her election.

4           (c) The elected annuitant position created by this  
5 amendatory Act of the 91st General Assembly shall be filled as  
6 soon as possible in the manner provided for vacancies, for an  
7 initial term ending July 15, 2001. One elected annuitant  
8 trustee shall be elected in 2001, and in every fourth year  
9 thereafter, for a term of 4 years beginning July 15 next  
10 following his or her election.

11           (d) Elections shall be held on May 1, unless May 1 falls on  
12 a Saturday or Sunday, in which event the election shall be  
13 conducted on the following Monday. Candidates shall be  
14 nominated by petitions in writing, signed by not less than 500  
15 teachers or annuitants, as the case may be, with their  
16 addresses shown opposite their names. The petitions shall be  
17 filed with the board's Secretary not less than 90 nor more than  
18 120 days prior to May 1. The Secretary shall determine their  
19 validity not less than 75 days before the election.

20           (e) If, for either teacher or annuitant members, the number  
21 of qualified nominees exceeds the number of available  
22 positions, the system shall prepare an appropriate ballot with  
23 the names of the candidates in alphabetical order and shall  
24 mail one copy thereof, at least 10 days prior to the election  
25 day, to each teacher or annuitant of this system as of the  
26 latest date practicable, at the latest known address, together

1 with a return envelope addressed to the board and also a  
2 smaller envelope marked "For Ballot Only", and a slip for  
3 signature. Each voter, upon marking his ballot with a cross  
4 mark in the square before the name of the person voted for,  
5 shall place the ballot in the envelope marked "For Ballot  
6 Only", seal the envelope, write on the slip provided therefor  
7 his signature and address, enclose both the slip and sealed  
8 envelope containing the marked ballot in the return envelope  
9 addressed to the board, and mail it. Whether a person is  
10 eligible to vote for the teacher nominees or the annuitant  
11 nominees shall be determined from system payroll records as of  
12 March 1.

13       Upon receipt of the return envelopes, the system shall open  
14 them and set aside unopened the envelopes marked "For Ballot  
15 Only". On election day ballots shall be publicly opened and  
16 counted by the trustees or canvassers appointed therefor. Each  
17 vote cast for a candidate represents one vote only. No ballot  
18 arriving after 10 o'clock a.m. on election day shall be  
19 counted. The 2 teacher candidates and the annuitant candidate  
20 receiving the highest number of votes shall be elected. The  
21 board shall declare the results of the election, keep a record  
22 thereof, and notify the candidates of the results thereof  
23 within 30 days after the election.

24       If, for either class of members, there are only as many  
25 qualified nominees as there are positions available, the  
26 balloting as described in this Section shall not be conducted

1 for those nominees, and the board shall declare them duly  
2 elected.

3 (f) A vacancy occurring in the elective membership of the  
4 board shall be filled for the unexpired term by a person  
5 qualified for the vacant position, selected by the remaining  
6 elected members of the board, if there are no more than 6  
7 months remaining on the term. For a term with more than 6  
8 months remaining, the Director of the Teachers' Retirement  
9 System of the State of Illinois shall institute an election in  
10 accordance with this Act to fill the unexpired term.

11 (Source: P.A. 94-423, eff. 8-2-05; 94-710, eff. 12-5-05;  
12 revised 12-8-05.)

13 (40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

14 Sec. 16-182. Members' Contribution Reserve. ~~(a)~~ On July 1,  
15 2003, the Members' Contribution Reserve is abolished and the  
16 remaining balance shall be transferred from that Reserve to the  
17 Benefit Trust Reserve.

18 (Source: P.A. 93-469, eff. 8-8-03; revised 10-9-03.)

19 Section 430. The Interstate Compact on Adoption Act is  
20 amended by changing Sections 5-35 and 5-40 as follows:

21 (45 ILCS 17/5-35)

22 Sec. 5-35. Medical assistance.

23 (a) A child with special needs who resides in this State

1 and who is the subject of an adoption assistance agreement with  
2 another state shall be eligible for medical assistance from  
3 this State under Article V of the Illinois Public Aid Code upon  
4 the filing of agreed documentation obtained from the assistance  
5 state and filed with the ~~Illinois~~ Department of Healthcare and  
6 Family Services ~~Public Aid~~. The Department of Children and  
7 Family Services shall be required at least annually to  
8 establish that the agreement is still in force or has been  
9 renewed.

10 (b) If a child (i) is in another state, (ii) is covered by  
11 an adoption assistance agreement made by the Illinois  
12 Department of Children and Family Services, and (iii) was  
13 eligible for medical assistance under Article V of the Illinois  
14 Public Aid Code at the time he or she resided in this State and  
15 would continue to be eligible for that assistance if he or she  
16 was currently residing in this State, then that child is  
17 eligible for medical assistance under Article V of the Illinois  
18 Public Aid Code, but only for those medical assistance benefits  
19 under Article V that are not provided by the other state. There  
20 shall be no payment or reimbursement by this State for services  
21 or benefits covered under any insurance or other third party  
22 medical contract or arrangement held by the child or the  
23 adoptive parents.

24 (c) The submission of any claim for payment or  
25 reimbursement for services or benefits pursuant to this Section  
26 or the making of any statement in connection therewith, which

1 claim or statement the maker knows or should know to be false,  
2 misleading, or fraudulent, shall be punishable as perjury and  
3 shall also be subject to a fine not to exceed \$10,000 or  
4 imprisonment for not to exceed 2 years, or both.

5 (d) The provisions of this Section shall apply only to  
6 medical assistance for children under adoption assistance  
7 agreements from states that have entered into a compact with  
8 this State under which the other state provided medical  
9 assistance to children with special needs under adoption  
10 assistance agreements made by this State.

11 (e) The Illinois Department of Children and Family Services  
12 and the Department of Healthcare and Family Services ~~Illinois~~  
13 ~~Department of Public Aid~~ may adopt all rules necessary to  
14 implement this Section.

15 (Source: P.A. 90-28, eff. 1-1-98; revised 12-15-05.)

16 (45 ILCS 17/5-40)

17 Sec. 5-40. Federal participation. Consistent with federal  
18 law, the Illinois Department of Children and Family Services  
19 and the Department of Healthcare and Family Services ~~Illinois~~  
20 ~~Department of Public Aid~~ or the Illinois Department of Human  
21 Services, as the successor agency of the Illinois Department of  
22 Public Aid, in connection with the administration of this Act  
23 and any compact entered into pursuant to this Act, shall  
24 include in any state plan made pursuant to the Adoption  
25 Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles



1 IV (e) and XIX of the Social Security Act, and any other  
2 applicable federal laws the provision of adoption assistance  
3 and medical assistance for which the federal government pays  
4 some or all of the cost. The Department of Children and Family  
5 Services and the Department of Healthcare and Family Services  
6 ~~Illinois Department of Public Aid~~ or the Department of Human  
7 Services, as the successor agency of the Illinois Department of  
8 Public Aid, shall apply for and administer all relevant federal  
9 aid in accordance with law.

10 (Source: P.A. 90-28, eff. 1-1-98; revised 12-15-05.)

11 Section 435. The Bi-State Development Agency Act is amended  
12 by changing Section 3 as follows:

13 (45 ILCS 105/3) (from Ch. 127, par. 63s-3)

14 Sec. 3. Vacancies occurring in the office of any  
15 commissioner shall be filled by appointment by the Chairman of  
16 the County Board that made the original appointment of that  
17 commissioner, with the advice and consent of the respective  
18 county board, for the unexpired term. Any vacancies occurring  
19 during the transition for the implementation of this amendatory  
20 Act of the 93rd General Assembly that were appointed by the  
21 Governor, and not by the respective County Board Chairmen,  
22 shall be filled by the appointment by the County Board Chairman  
23 of Madison County if occurring in the years 2004, 2006, or 2008  
24 or by the County Board Chairman of St. Clair County if

1 occurring in the years 2005 or 2007, each with the advice and  
2 consent of the respective county board.

3 (Source: P.A. 93-432, eff. 6-1-04; revised 10-29-04.)

4 Section 440. The Interstate Insurance Receivership Compact  
5 Act is amended by changing Section 5 as follows:

6 (45 ILCS 160/5)

7 Sec. 5. Ratification of Compact. The State of Illinois  
8 ratifies and approves the Interstate Insurance Receivership  
9 Compact and enters into that Compact with all other  
10 jurisdictions legally joining in it in substantially the  
11 following form:

12 ARTICLE I. PURPOSES

13 The purposes of this Compact are, through means of joint  
14 and cooperative action among the compacting states:

15 (1) to promote, develop and facilitate orderly, efficient,  
16 cost-effective, and uniform insurer receivership laws and  
17 operations;

18 (2) to coordinate interaction between insurer receivership  
19 and Guaranty Association operations;

20 (3) to create the Interstate Insurance Receivership  
21 Commission; and

22 (4) to perform these and such other related functions as  
23 may be consistent with the state regulation of the business of

1 insurance pursuant to the McCarran-Ferguson Act.

2 ARTICLE II. DEFINITIONS

3 For the purposes of this Compact:

4 (1) "By-laws" means those by-laws prescribed by the  
5 Commission for its governance or for directing or controlling  
6 the Commission's actions or conduct.

7 (2) "Compacting state" means any state which has enacted  
8 enabling legislation for this Compact.

9 (3) "Commission" means the Interstate Insurance  
10 Receivership Commission established by this Compact.

11 (4) "Commissioner" means the chief insurance regulatory  
12 official of a state.

13 (5) "Deputy Receiver" means a person appointed or retained  
14 by a Receiver and who is the Receiver's duly authorized  
15 representative for administering one or more estates.

16 (6) "Domiciliary state" means the state in which an insurer  
17 is incorporated or organized; or, in the case of an alien  
18 insurer, its state of entry; or in the case of an unauthorized  
19 insurer not incorporated, organized, or entered in any state, a  
20 state where the insurer is engaged in or doing business.

21 (7) "Estate" means the assets and liabilities of any  
22 insurer in receivership.

23 (8) "Guaranty Association" means an insurance guaranty  
24 fund or association or any similar entity now or hereafter  
25 created by statute in a compacting state, other than a

1 receivership, to pay or assume, in whole or in part, the  
2 contractual claim obligations of insolvent insurers.

3 (9) "Insurer" means any person or entity that has done,  
4 purports to do, is doing, or is licensed to do any insurance or  
5 reinsurance business, or is or has been subject to the  
6 authority of, or to liquidation, rehabilitation, supervision,  
7 conservation, or ancillary receivership by, any Commissioner.

8 (10) "Member" means the Commissioner of a compacting state  
9 or his or her designee, who shall be a person officially  
10 connected with the Commissioner and who is wholly or  
11 principally employed by the Commissioner.

12 (11) "Non-compacting state" means a state which has not  
13 enacted enabling legislation for this Compact.

14 (12) "Operating procedures" means procedures promulgated  
15 by the Commission implementing a rule, an existing law in a  
16 compacting state, or a provision of this Compact.

17 (13) "Publication" means the act of publishing in the  
18 official state publication in a compacting state or in such  
19 other publication as may be established by the Commission.

20 (14) "Receiver" means receiver, liquidator, rehabilitator,  
21 conservator, or ancillary receiver as the context requires.

22 (15) "Receivership" means any liquidation, rehabilitation,  
23 conservation, or ancillary receivership proceeding as the  
24 context requires.

25 (16) "Rules" means acts of the Commission, duly promulgated  
26 pursuant to Article VII of this Compact, substantially

1 affecting interested parties in addition to the Commission,  
2 which shall have the force and effect of law in the compacting  
3 states.

4 (17) "State" means any state, district or territory of the  
5 United States of America.

6 ARTICLE III. ESTABLISHMENT OF THE COMMISSION AND VENUE

7 (1) The compacting states hereby create and establish an  
8 entity known as the Interstate Insurance Receivership  
9 Commission.

10 (2) The Commission is a body corporate of each compacting  
11 state.

12 (3) The Commission is a not-for-profit entity, separate and  
13 distinct from the compacting states.

14 (4) The Commission is solely responsible for its  
15 liabilities except as otherwise provided in this Compact.

16 (5) Except as otherwise specifically provided in state or  
17 federal law in the jurisdiction where the Commission's  
18 principal office is located or where the Commission is acting  
19 as Receiver, venue is proper and judicial proceedings by or  
20 against the Commission shall be brought in a court of competent  
21 jurisdiction where the Commission's principal office is  
22 located.

23 ARTICLE IV. POWERS OF THE COMMISSION

24 The Commission shall have all of the following powers:

1           (1) To promulgate rules which shall have the force and  
2 effect of statutory law and shall be binding in the compacting  
3 states to the extent and in the manner provided in this  
4 Compact.

5           (2) To promulgate operating procedures which shall be  
6 binding in the compacting states to the extent and in the  
7 manner provided in this Compact.

8           (3) To oversee, supervise, and coordinate the activities of  
9 receivers in compacting states.

10           (4) To act as Receiver of insurers organized under the laws  
11 of, engaged in, or doing the business of insurance in a  
12 compacting state upon the request of the Commissioner of such  
13 state or when grounds for receivership by the Commission exist  
14 under Article IX of this Compact.

15           (5) To act as Deputy Receiver of insurers organized under  
16 the laws of, engaged in, or doing the business of insurance in  
17 a non-compacting state in accordance with Article IX of this  
18 Compact.

19           (6) To act as ancillary Receiver in a compacting state of  
20 an insurer domiciled in a non-compacting state.

21           (7) To monitor the activities and functions of Guaranty  
22 Associations in the compacting states.

23           (8) To delegate its operating authority or functions;  
24 provided, that its rulemaking authority under Article VII of  
25 this Compact shall not be delegated.

26           (9) To bring or prosecute legal proceedings or actions in

1 its name as the Commission, or in the name of the Commission  
2 acting as Receiver.

3 (10) To bring or prosecute legal proceedings or actions as  
4 Receiver on behalf of an estate or its policyholders and  
5 creditors; provided, that any Guaranty Association's standing  
6 to sue or be sued under applicable law shall not be affected.

7 (11) To issue subpoenas requiring the attendance and  
8 testimony of witnesses and the production of evidence.

9 (12) To establish and maintain offices.

10 (13) To purchase and maintain insurance and bonds.

11 (14) To borrow, accept, or contract for services of  
12 personnel including, but not limited to, members and their  
13 staff.

14 (15) To elect or appoint such officers, attorneys,  
15 employees, or agents, and to fix their compensation, define  
16 their duties, and determine their qualifications; and to  
17 establish the Commission's personnel policies and programs  
18 relating to, among other things, conflicts of interest, rates  
19 of compensation, and qualifications of personnel.

20 (16) To accept any and all donations and grants of money,  
21 equipment, supplies, materials, and services, and to receive,  
22 utilize, and dispose of the same.

23 (17) To lease, purchase, accept gifts or donations of, or  
24 otherwise to own, hold, improve or use, any property, real,  
25 personal, or mixed.

26 (18) To sell, convey, mortgage, pledge, lease, exchange,

1 abandon, or otherwise dispose of any property, real, personal,  
2 or mixed.

3 (19) To enforce compliance with Commission rules,  
4 operating procedures, and by-laws.

5 (20) To provide for dispute resolution among compacting  
6 states and Receivers.

7 (21) To represent and advise compacting states on issues  
8 relating to insurers domiciled or doing business in  
9 non-compacting jurisdictions, consistent with the purposes of  
10 this compact.

11 (22) To provide advice and training to receivership  
12 personnel of compacting states, and to be a resource for  
13 compacting states by maintaining a reference library of  
14 relevant materials.

15 (23) To establish a budget and make expenditures.

16 (24) To borrow money.

17 (25) To appoint committees including, but not limited to,  
18 an industry advisory committee and an executive committee of  
19 members.

20 (26) To provide and receive information relating to  
21 receiverships and Guaranty Associations and to cooperate with  
22 law enforcement agencies.

23 (27) To adopt and use a corporate seal.

24 (28) To perform such other functions as may be necessary or  
25 appropriate to achieve the purposes of this Compact as may be  
26 consistent with the state regulation of the business of



1 insurance pursuant to the McCarran-Ferguson ~~McCarren-Ferguson~~  
2 Act.

3 ARTICLE V. ORGANIZATION OF THE COMMISSION

4 Section A. Membership, voting, and by-laws.

5 (1) A compacting state shall have and be limited to one  
6 member. A member shall be qualified to serve in such capacity  
7 under or pursuant to the applicable law of the compacting  
8 state. A compacting state retains the discretionary right to  
9 determine the due election or appointment and qualification of  
10 its own Commissioner, and to fill all vacancies of its member.

11 (2) A member shall be entitled to one vote.

12 (3) The Commission shall, by a majority of the members,  
13 prescribe by-laws to govern its conduct as may be necessary or  
14 appropriate to carry out the purposes of the Compact,  
15 including, but not limited to:

16 (a) establishing the fiscal year of the Commission;

17 (b) providing reasonable standards and procedures:

18 (i) for the establishment of committees, and (ii) governing  
19 any general or specific delegation of any authority or function  
20 of the Commission;

21 (c) providing reasonable procedures for calling and  
22 conducting meetings of the Commission and for ensuring  
23 reasonable notice of each such meeting;

24 (d) establishing the titles and responsibilities of  
25 the officers of the Commission;

1           (e) providing reasonable standards and procedures for  
2           the establishment of the personnel policies and programs of  
3           the Commission. Notwithstanding any civil service or other  
4           similar laws of any compacting state, the by-laws shall  
5           exclusively govern the personnel policies and programs of  
6           the Commission; and

7           (f) providing a mechanism for winding up the operations  
8           of the Commission and the equitable return of any surplus  
9           funds that may exist after the dissolution of the Compact  
10          after the payment or reserving of all of its debts and  
11          obligations, or both.

12          Section B. Officers and personnel.

13          (1) The Commission shall, by a majority of the members,  
14          elect annually from among its members a chairperson and a vice  
15          chairperson, each of whom shall have such authorities and  
16          duties as may be specified in the by-laws. The chairperson or,  
17          in his or her absence or disability, a member designated in  
18          accordance with the by-laws, shall preside at all meetings of  
19          the Commission. The officers so elected shall serve without  
20          compensation or remuneration from the Commission; provided,  
21          that subject to the availability of budgeted funds, the  
22          officers shall be reimbursed for any actual and necessary costs  
23          and expenses incurred by them in the performance of their  
24          duties and responsibilities as officers of the Commission.

25          (2) The Commission may, by a majority of the members,

1 appoint or retain an executive director for such period, upon  
2 such terms and conditions and for such compensation as the  
3 Commission may deem appropriate. The executive director shall  
4 serve as secretary to the Commission, but shall not be a member  
5 of the Commission. The executive director shall hire and  
6 supervise such other staff as may be authorized by the  
7 Commission.

8 Section C. Corporate records of the Commission. The  
9 Commission shall maintain its corporate books and records in  
10 accordance with the by-laws.

11 Section D. Qualified immunity, defense, and  
12 indemnification.

13 (1) The members, officers, executive director, and  
14 employees of the Commission shall be immune from suit and  
15 liability, either personally or in their official capacity, for  
16 any claim for damage to or loss of property or personal injury  
17 or other civil liability caused or arising out of or relating  
18 to any actual or alleged act, error, or omission that occurred,  
19 or that such person had a reasonable basis for believing  
20 occurred within the scope of Commission employment, duties, or  
21 responsibilities; provided, that nothing in this paragraph  
22 shall be construed to protect any such person from suit or  
23 liability, or both, for any damage, loss, injury, or liability  
24 caused by the intentional or willful and wanton misconduct of

1 any such person, or to protect the Commission acting as  
2 Receiver under Article IX of this Compact.

3 (2) The Commission shall defend any Commissioner of a  
4 compacting state, his or her representatives or employees, or  
5 the Commission's representatives or employees in any civil  
6 action seeking to impose liability against such person arising  
7 out of or relating to any actual or alleged act, error, or  
8 omission that occurred within the scope of Commission  
9 employment, duties, or responsibilities or that such person had  
10 a reasonable basis for believing occurred within the scope of  
11 Commission employment, duties, or responsibilities; provided,  
12 that the actual or alleged act, error, or omission did not  
13 result from gross negligence or intentional wrongdoing on the  
14 part of such person.

15 (3) The Commission shall indemnify and hold the  
16 Commissioner of a compacting state, his or her representatives  
17 or employees, or the Commission's representatives or employees  
18 harmless in the amount of any settlement or judgment obtained  
19 against such person arising out of or relating to any actual or  
20 alleged act, error, or omission that occurred within the scope  
21 of Commission employment, duties, or responsibilities or that  
22 such person had a reasonable basis for believing occurred  
23 within the scope of Commission employment, duties, or  
24 responsibilities; provided, that the actual or alleged act,  
25 error, or omission did not result from gross negligence or  
26 intentional wrongdoing on the part of such person.

1           (4) The costs and expenses of defense and indemnification  
2 of the Commission acting as Receiver of an estate shall be paid  
3 as administrative expenses from the assets of that estate  
4 unless such costs and expenses are covered by insurance  
5 maintained by the Commission.

6           ARTICLE VI. MEETINGS AND ACTS OF THE COMMISSION

7           (1) The Commission shall meet and take such actions as are  
8 consistent with the provisions of this Compact.

9           (2) Except as otherwise provided in this Compact and unless  
10 a greater percentage is required by the by-laws, in order to  
11 constitute an act of the Commission, such act shall have been  
12 taken at a meeting of the Commission and shall have received an  
13 affirmative vote of a majority of the members.

14           (3) Each member of the Commission shall have the right and  
15 power to cast a vote to which that compacting state is entitled  
16 and to participate in the business and affairs of the  
17 Commission. A member shall vote in person and shall not  
18 delegate his or her vote to another member. The by-laws may  
19 provide for members' participation in meetings by telephone or  
20 other means of telecommunication.

21           (4) The Commission shall meet at least once during each  
22 calendar year. The chairperson of the Commission may call  
23 additional meetings at any time and, upon the request of a  
24 majority of the members, shall call additional meetings.

25           (5) The Commission's rules shall establish conditions and

1 procedures under which the Commission shall make its  
2 information and official records available to the public for  
3 inspection or copying. The Commission may exempt from  
4 disclosure any information or official records to the extent  
5 disclosure would adversely affect personal privacy rights or  
6 proprietary interests. In promulgating such rules, the  
7 Commission may consider any special circumstances pertaining  
8 to insurer insolvencies, but shall be guided by the principles  
9 embodied in state and federal freedom of information laws. The  
10 Commission may promulgate additional rules under which it may  
11 make available to law enforcement agencies records and  
12 information otherwise exempt from disclosure and may enter into  
13 agreements with law enforcement agencies to receive or exchange  
14 information or records subject to nondisclosure and  
15 confidentiality provisions.

16 (6) Public notice shall be given of all meetings, and all  
17 meetings shall be open to the public, except as set forth in  
18 the rules or as otherwise provided in this Compact. The  
19 Commission shall promulgate rules consistent with the  
20 principles contained in the federal Government in Sunshine Act,  
21 5 U.S.C. Section 552b, as may be amended. The Commission and  
22 any of its committees may close a meeting to the public where  
23 it determines by two-thirds vote that an open meeting would be  
24 likely to:

25 (a) relate solely to the Commission's internal  
26 personnel practices and procedures;

1 (b) disclose matters specifically exempted from  
2 disclosure by statute;

3 (c) disclose trade secrets or commercial or financial  
4 information which is privileged or confidential;

5 (d) involve accusing any person of a crime or formally  
6 censuring any person;

7 (e) disclose information of a personal nature where  
8 disclosure would constitute a clearly unwarranted invasion  
9 of personal privacy;

10 (f) disclose investigatory records compiled for law  
11 enforcement purposes;

12 (g) disclose information contained in or related to  
13 examination, operating, or condition reports prepared by,  
14 on behalf of, or for the use of the Commission with respect  
15 to a regulated entity for the purpose of regulation or  
16 supervision of such entity;

17 (h) disclose information, the premature disclosure of  
18 which would significantly endanger the stability of a  
19 regulated entity;

20 (i) specifically relate to the Commission's issuance  
21 of a subpoena or its participation in a civil action or  
22 proceeding.

23 (7) For every meeting closed pursuant to paragraph (6), the  
24 Commission's chief legal officer shall publicly certify that,  
25 in his or her opinion, the meeting may be closed to the public  
26 and shall reference each relevant exemptive provision. The

1 Commission shall keep minutes which shall fully and clearly  
2 describe all matters discussed in any meeting and shall provide  
3 a full and accurate summary of any actions taken and the  
4 reasons therefor, including a description of each of the views  
5 expressed on any item and the record of any roll call vote  
6 (reflected in the vote of each member on the question). All  
7 documents considered in connection with any action shall be  
8 identified in such minutes.

9 ARTICLE VII. RULEMAKING FUNCTIONS OF THE COMMISSION

10 (1) The Commission shall promulgate rules and operating  
11 procedures in order to effectively and efficiently achieve the  
12 purposes of this Compact; provided, that the Commission shall  
13 not promulgate any rules: (i) directly relating to Guaranty  
14 Associations including, but not limited to, rules governing  
15 coverage, funding, or assessment mechanisms, or (ii) (except  
16 pursuant to rules promulgated under Article VII(3) of this  
17 Compact) altering the statutory priorities for distributing  
18 assets out of an estate.

19 (2) Rulemaking shall occur pursuant to the criteria set  
20 forth in this Article and the rules and operating procedures  
21 promulgated pursuant thereto. Such rulemaking shall  
22 substantially conform to the principles of the federal  
23 Administrative Procedure Act, 5 U.S.C.S. Section 551 et seq.  
24 and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2,  
25 Section 1 et seq., as may be amended.



1           (3) Other than the promulgation of such rules as are  
2 necessary for the orderly operation of the Commission, the  
3 first rule to be considered by the Commission shall be uniform  
4 provisions governing insurer receiverships including, but not  
5 limited to, provisions requiring compacting states to  
6 implement, execute, and administer in a fair, just, effective,  
7 and efficient manner rules and operating procedures relating to  
8 receiverships. The Commission shall within 3 years of the  
9 adoption of this Compact by 2 or more states, promulgate such  
10 uniform provisions through the rulemaking process. Such  
11 uniform provisions shall become law in all of the compacting  
12 states upon legislative enactment in a majority of the  
13 compacting states.

14           (4) All rules and amendments shall become binding as of the  
15 date specified in each rule or amendment; provided, that if a  
16 compacting state expressly rejects such rule or amendment  
17 through legislative enactment as of the expiration of the  
18 second full calendar year after such rule is promulgated, such  
19 rule or amendment shall have no further force or effect in the  
20 rejecting compacting state. If a majority of compacting states  
21 reject a rule, then such rule shall have no further force or  
22 effect in any compacting state.

23           (5) When promulgating a rule or operating procedure, the  
24 Commission shall:

25                 (a) effect publication of the proposed rulemaking,  
26                 stating with particularity the text of the rule or

1 operating procedure which is proposed and the reason for  
2 the proposed rule or operating procedure;

3 (b) allow persons to submit written data, facts,  
4 opinions and arguments, which information the Commission  
5 shall make publicly available;

6 (c) provide an opportunity for an informal hearing; and

7 (d) promulgate a final rule or operating procedure and  
8 its effective date, if appropriate, based on the rulemaking  
9 record.

10 (6) Not later than 60 days after a rule or operating  
11 procedure is promulgated, any interested person may file a  
12 petition in a court of competent jurisdiction where the  
13 Commission's principal office is located for judicial review of  
14 such rule or operating procedure. If the court finds that the  
15 Commission's action is not supported by substantial evidence in  
16 the rulemaking record, the court shall hold the rule unlawful  
17 and set it aside.

18 ARTICLE VIII. OVERSIGHT AND

19 DISPUTE RESOLUTION BY THE COMMISSION

20 Section A. Oversight.

21 (1) The Commission shall oversee the administration and  
22 operations of receiverships in compacting states and shall  
23 monitor receiverships being administered in non-compacting  
24 states which may significantly affect compacting states.

1           (2) To aid its monitoring, oversight, and coordination  
2 responsibilities, the Commission shall establish operating  
3 procedures requiring each member to submit written reports to  
4 the Commission as follows:

5           (a) An initial report to the Commission upon a finding  
6 or other official action by the compacting state that  
7 grounds exist for receivership of an insurer doing business  
8 in more than one state. Thereafter, reports shall be  
9 submitted periodically and as otherwise required pursuant  
10 to the Commission's operating procedures. The Commission  
11 shall be entitled to receive notice of, and shall have  
12 standing to appear in, compacting states' receiverships.

13           (b) An initial report of the status of an insurer  
14 within a reasonable time after the initiation of a  
15 receivership.

16           (3) The Commission shall promulgate operating procedures  
17 requiring Receivers to submit to the Commission periodic  
18 written reports and such additional information and  
19 documentation as the Commission may reasonably request. Each  
20 compacting state's Receivers shall establish the capability to  
21 obtain and provide all such records, data, and information  
22 required by the Commission in accordance with the Commission's  
23 operating procedures.

24           (4) Except as to privileged records, data, and information,  
25 the laws of any compacting state pertaining to confidentiality  
26 or nondisclosure shall not relieve any compacting state

1 Commissioner of the responsibility to disclose any relevant  
2 records, data, or information to the Commission; provided, that  
3 disclosure to the Commission shall not be deemed to waive or  
4 otherwise affect any confidentiality requirement; and further  
5 provided, that the Commission shall be subject to the  
6 compacting state's laws pertaining to confidentiality and  
7 nondisclosure with respect to all such records, data, and  
8 information in its possession.

9 (5) The courts and executive agencies in each compacting  
10 state shall enforce this Compact and shall take all actions  
11 necessary and appropriate to effectuate the Compact's purposes  
12 and intent. In any receivership or other judicial or  
13 administrative proceeding in a compacting state pertaining to  
14 the subject matter of this Compact which may affect the powers,  
15 responsibilities, or actions of the Commission, the Commission  
16 shall be entitled to receive all service of process in any such  
17 proceeding and shall have standing to intervene in the  
18 receivership or proceeding for all purposes.

19 (6) The Commission shall analyze and correlate records,  
20 data, information, and reports received from Receivers and  
21 Guaranty Associations and shall make recommendations for  
22 improving their performance to the compacting states. The  
23 Commission shall include summary information and data  
24 regarding its oversight functions in its annual report.

25 Section B. Dispute resolution.

1           (1) The Commission shall attempt, upon the request of a  
2 member, to resolve any disputes or other issues which are  
3 subject to this Compact and which may arise among compacting  
4 states and non-compacting states.

5           (2) The compacting states shall report to the Commission on  
6 issues or activities of concern to them and cooperate with and  
7 support the Commission in the discharge of its duties and  
8 responsibilities.

9           (3) The Commission shall promulgate an operating procedure  
10 providing for binding dispute resolution for disputes among  
11 Receivers.

12           (4) The Commission shall facilitate voluntary dispute  
13 resolution for disputes among Guaranty Associations and  
14 Receivers.

15           ARTICLE IX. RECEIVERSHIP FUNCTIONS OF THE COMMISSION

16           (1) The Commission has authority to act as Receiver of any  
17 insurer domiciled, engaged in, or doing business in a  
18 compacting state upon the request of the Commissioner of such  
19 compacting state or as otherwise provided in this Compact.

20           (a) The Commission as Receiver shall have all powers  
21 and duties pursuant to the receivership laws of the  
22 domiciliary state.

23           (b) The Commission shall maintain accounts of receipts  
24 and disbursements of the estates for which it is acting as  
25 Receiver, consistent with the accounting practices and

1 procedures set forth in the by-laws.

2 (c) The Commission shall cause an annual audit of each  
3 estate for which it is acting as Receiver, to be conducted  
4 by an independent certified public accountant. The costs  
5 and expenses of such audit shall be paid as administrative  
6 expenses from the assets of the estate. The Commission  
7 shall not cause an audit to be conducted of any estate that  
8 lacks sufficient assets to conduct such audit.

9 (d) The Commission as Receiver is authorized to  
10 delegate its receivership duties and functions and to  
11 effectuate such delegation through contracts with others.

12 (2) The Commission shall act as Receiver of any insurer  
13 domiciled or doing business in a compacting state in the event  
14 that the member acting as Receiver in that compacting state  
15 fails to comply with duly promulgated Commission rules or  
16 operating procedures. The Commission shall notify such member  
17 in writing of noncompliance with Commission rules or operating  
18 procedures. If the member acting as Receiver fails to remedy  
19 such noncompliance within 10 days after receipt of such  
20 notification, the Commission may petition the supervising  
21 court before which such receivership is pending for an order  
22 substituting and appointing the Commission as Receiver of the  
23 estate.

24 (3) The Commission shall not act as Receiver of an estate  
25 which appears to lack sufficient assets to fund such  
26 receivership unless the compacting state makes provisions for

1 the payment of the estate's administrative expenses  
2 satisfactory to the Commission.

3 (4) The Commission may act as Deputy Receiver for any  
4 insurer domiciled or doing business in a non-compacting state  
5 in accordance with such state's laws upon request of that  
6 non-compacting state's Commissioner and approval of the  
7 Commission.

8 (5) With respect to receiverships pending in a compacting  
9 state on the effective date of the enactment of this Compact by  
10 the compacting state:

11 (a) the Commission may act as Receiver of an insurer  
12 upon the request of that compacting state's member and  
13 approval of the Commission; and

14 (b) the Commission shall oversee, monitor, and  
15 coordinate the activities of all receiverships pending in  
16 that compacting state regardless whether the Commission is  
17 acting as Receiver of estates in such state.

18 ARTICLE X. FINANCE

19 (1) The Commission shall pay or provide for the payment of  
20 the reasonable expenses of its establishment and organization.

21 (2) Except as otherwise provided in this Compact or by act  
22 of the Commission, the costs and expenses of each compacting  
23 state shall be the sole and exclusive responsibility of the  
24 respective compacting state. The Commission may pay or provide  
25 for actual and necessary costs and expenses for attendance of

1 its members at official meetings of the Commission or its  
2 designated committees.

3 (3) The Commission shall levy on and collect an annual  
4 assessment from each compacting state and each insurer  
5 authorized to do business in a compacting state, and writing  
6 direct insurance, to cover the cost of the internal operations  
7 and activities of the Commission and its staff in a total  
8 amount sufficient to cover the Commission's annual budget.

9 (a) The aggregate annual assessment amount shall be  
10 allocated 75% to insurers, hereinafter referred to as the  
11 "insurers' portion", and 25% to compacting states,  
12 hereinafter referred to as the "compacting states'  
13 portion". The insurer portion shall be allocated to each  
14 insurer by the percentage derived from a fraction, the  
15 numerator of which shall be the gross direct written  
16 premium received on that insurer's business in all  
17 compacting states and the denominator of which shall be the  
18 gross direct written premium received by all insurers on  
19 business in all compacting states. The compacting states'  
20 portion shall be allocated to each compacting state by the  
21 percentage derived from a fraction, the numerator of which  
22 shall be the gross direct written premium received by all  
23 insurers on business in that compacting state and the  
24 denominator shall be the gross direct written premium  
25 received on all insurers on business in all compacting  
26 states. A compacting state's portion shall be funded as



1 designated by that state's legislature. In no event shall  
2 an insurer's assessment be less than \$50 or more than  
3 \$25,000; provided, that affiliated insurers' combined  
4 assessments shall not exceed \$50,000. Upon the request of  
5 an insurer, the Commission may exempt or defer the  
6 assessment of any insurer if such assessment would cause  
7 the insurer's financial impairment.

8 (b) These assessments shall not be used to pay any  
9 costs or expenses incurred by the Commission and its staff  
10 acting as Receiver of estates. Such costs and expenses  
11 shall be paid as administrative expenses from the assets of  
12 the estates as provided by law, except as otherwise  
13 provided in this Compact.

14 (c) An insurer authorized to do business in a  
15 compacting state shall timely pay assessments to the  
16 Commission. Failure to pay such assessments shall not be  
17 grounds for the revocation, suspension, or denial of an  
18 insurer's authority to do business, but shall subject the  
19 insurer to suit by the Commission for recovery of any  
20 assessment due, attorneys' fees, and costs, together with  
21 interest from the date the assessment is due at a rate of  
22 10% per annum, and to civil forfeiture in an amount to be  
23 determined by the Commissioner of that compacting state in  
24 which the insurer received the greatest premium in the year  
25 next preceding the first year for which the insurer shall  
26 be delinquent in payment of assessments.

1           (4) The Commission shall be reimbursed in the following  
2 manner for the costs and expenses incurred by the Commission  
3 and its staff acting as Receiver of estates to the extent that  
4 an insurer's assets may be insufficient for the effective  
5 administration of its estate:

6           (a) if the insurer is domiciled in a compacting state,  
7 the estate shall be closed unless that compacting state  
8 makes provisions for reimbursing the Commission; and

9           (b) if the insurer is unauthorized to do business in a  
10 compacting state or if the insurer is domiciled in a  
11 non-compacting state and subject to ancillary  
12 receivership, then the Commission and such state shall make  
13 provisions for reimbursing the Commission prior to the  
14 Commission becoming Receiver of such insurer.

15           (5) To fund the cost of the initial operations of the  
16 Commission until its first annual budget is adopted and related  
17 assessments have been made, contributions from compacting  
18 states and others may be accepted and a one time assessment on  
19 insurers doing a direct insurance business in the compacting  
20 states may be made not to exceed \$450 per insurer.

21           (6) The Commission's adopted budget for a fiscal year shall  
22 not be approved until it has been subject to notice and comment  
23 as set forth in Article VII of this Compact. The budget shall  
24 determine the amount of the annual assessment. The Commission  
25 may accumulate a net worth not to exceed 30% of its then annual  
26 cost of operation to provide for contingencies and events not

1 contemplated. These accumulated funds shall be held separately  
2 and shall not be used for any other purpose. The Commission's  
3 budget may include a provision for a contribution to the  
4 Commission's net worth.

5 (7) The Commission shall be exempt from all taxation in and  
6 by the compacting states.

7 (8) The Commission shall not pledge the credit of any  
8 compacting state, except by and with the appropriate legal  
9 authority of that compacting state.

10 (9) The Commission shall keep complete and accurate  
11 accounts of all its internal receipts (including grants and  
12 donations) and disbursements of all funds, other than  
13 receivership assets, under its control. The internal financial  
14 accounts of the Commission shall be subject to the accounting  
15 procedures established under its by-laws. The financial  
16 accounts and reports including the system of internal controls  
17 and procedures of the Commission shall be audited annually by  
18 an independent certified public accountant. Upon the  
19 determination of the Commission, but no less frequently than  
20 every 3 years, the review of such independent auditor shall  
21 include a management and performance audit of the Commission.  
22 The report of such independent audit shall be made available to  
23 the public and shall be included in and become part of the  
24 annual report of the Commission to the Governors and  
25 legislatures of the compacting states. The Commission's  
26 internal accounts, any workpapers related to any internal

1 audit, and any workpapers related to the independent audit,  
2 shall be confidential; provided, that such materials shall be  
3 made available: (i) in compliance with the order of any court  
4 of competent jurisdiction; (ii) pursuant to such reasonable  
5 rules as the Commission shall promulgate; and (iii) to any  
6 Commissioner, Governor of a compacting state, or their duly  
7 authorized representatives.

8 (10) No compacting state shall have any claim to or  
9 ownership of any property held by or vested in the Commission  
10 or the Commission acting as Receiver or to any other Commission  
11 funds held pursuant to the provisions of this Compact.

12 ARTICLE XI. COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

13 (1) Any state is eligible to become a compacting state.

14 (2) The Compact shall become effective and binding upon  
15 legislative enactment of the Compact into law by 2 compacting  
16 states. Thereafter, it shall become effective and binding as to  
17 any other compacting state upon enactment of the Compact into  
18 law by that state.

19 (3) Amendments to the Compact may be proposed by the  
20 Commission for enactment by the compacting states. No amendment  
21 shall become effective and binding upon the Commission and the  
22 compacting states unless and until it is enacted into law by  
23 unanimous consent of the compacting states.

24 ARTICLE XII. WITHDRAWAL, DEFAULT, AND TERMINATION

1 Section A. Withdrawal.

2 (1) Once effective, the Compact shall continue in force and  
3 remain binding upon each and every compacting state; provided,  
4 that a compacting state may withdraw from the Compact  
5 ("withdrawing state") by enacting a statute specifically  
6 repealing the statute which enacted the Compact into law.

7 (2) The effective date of withdrawal is the effective date  
8 of the repeal; provided, that the repeal shall not apply to any  
9 receiverships, for which the Commission is acting as Receiver,  
10 pending on the date of the repeal except by mutual agreement of  
11 the Commission and the withdrawing state.

12 (3) The withdrawing state shall immediately notify the  
13 Chairperson of the Commission in writing upon the introduction  
14 of legislation repealing this Compact in the withdrawing state.

15 (4) The Commission shall notify the other compacting states  
16 of the withdrawing state's intent to withdraw within 60 days of  
17 its receipt thereof.

18 (5) The withdrawing state is responsible for all  
19 assessments, obligations, and liabilities incurred through the  
20 effective date of withdrawal, including any obligations, the  
21 performance of which extend beyond the effective date of  
22 withdrawal, except to the extent those obligations may have  
23 been released or relinquished by mutual agreement of the  
24 Commission and the withdrawing state. Notwithstanding the  
25 foregoing, the withdrawing state is responsible for the costs

1 and expenses of its estates subject to this Compact pending on  
2 the date of repeal; the Commission and the other estates  
3 subject to this Compact shall not bear any costs and expenses  
4 related to the withdrawing state's estates unless otherwise  
5 mutually agreed upon between the Commission and the withdrawing  
6 state.

7 (6) Reinstatement following withdrawal of any compacting  
8 state shall occur upon the withdrawing state reenacting the  
9 Compact or upon such later date as determined by the  
10 Commission.

11 Section B. Default.

12 (1) If the Commission determines that any compacting state  
13 has at any time defaulted ("defaulting state") in the  
14 performance of any of its obligations or responsibilities under  
15 this Compact, the by-laws, or duly promulgated rules, all  
16 rights, privileges, and benefits conferred by this Compact and  
17 any agreements entered into pursuant to this Compact shall be  
18 suspended from the effective date of default as fixed by the  
19 Commission. The grounds for default include, but are not  
20 limited to, failure of a compacting state to perform such  
21 obligations or responsibilities and any other grounds  
22 designated in Commission rules. The Commission shall  
23 immediately notify the defaulting state in writing of the  
24 defaulting state's suspension pending a cure of the default.  
25 The Commission shall stipulate the conditions and the time

1 period within which the defaulting state must cure its default.  
2 If the defaulting state fails to cure the default within the  
3 time period specified by the Commission, the defaulting state  
4 shall be terminated from the Compact upon an affirmative vote  
5 of a majority of the compacting states and all rights,  
6 privileges, and benefits conferred by this Compact shall be  
7 terminated from the effective date of termination.

8 (2) Within 60 days of the effective date of termination of  
9 a defaulting state, the Commission shall notify the Governor  
10 and the Majority and Minority Leaders of the defaulting state's  
11 legislature of such termination.

12 (3) The termination of a defaulting state shall apply to  
13 all receiverships, for which the Commission is acting as  
14 Receiver, pending on the effective date of termination except  
15 by mutual agreement of the Commission and the defaulting state.

16 (4) The defaulting state is responsible for all  
17 assessments, obligations, and liabilities incurred through the  
18 effective date of termination and is responsible for the costs  
19 and expenses relating to its estates subject to this Compact  
20 pending on the date of the termination. The Commission and the  
21 other estates subject to this Compact shall not bear any costs  
22 or expenses relating the defaulting state's estates unless  
23 otherwise mutually agreed upon between the Commission and the  
24 defaulting state.

25 (5) Reinstatement following termination of any compacting  
26 state requires both a reenactment of the Compact by the

1 defaulting state and the approval of the Commission pursuant to  
2 the rules.

3 Section C. Dissolution of Compact.

4 (1) The Compact dissolves effective upon the date of the  
5 withdrawal or the termination by default of the compacting  
6 state which reduces membership in the Compact to one compacting  
7 state.

8 (2) Upon the dissolution of this Compact, the Compact  
9 becomes null and void and shall be of no further force or  
10 effect, and the business and affairs of the Commission shall be  
11 wound up and any surplus funds shall be distributed in  
12 accordance with the by-laws.

13 ARTICLE XIII. SEVERABILITY AND CONSTRUCTION

14 (1) The provisions of this Compact shall be severable, and  
15 if any phrase, clause, sentence, or provision is deemed  
16 unenforceable, the remaining provisions of the Compact shall be  
17 enforceable.

18 (2) The provisions of this Compact shall be liberally  
19 construed to effectuate its purposes.

20 ARTICLE XIV. BINDING EFFECT OF COMPACT AND OTHER LAWS

21 Section A. Other laws.

22 (1) Nothing herein prevents the enforcement of any other



1 law of a compacting state that is not inconsistent with this  
2 Compact.

3 (2) All compacting states' laws conflicting with this  
4 Compact are superseded to the extent of the conflict.

5 Section B. Binding effect of this Compact.

6 (1) All lawful actions of the Commission, including all  
7 rules and operating procedures promulgated by the Commission,  
8 are binding upon the compacting states.

9 (2) All agreements between the Commission and the  
10 compacting states are binding in accordance with their terms.

11 (3) Upon the request of a party to a conflict over meaning  
12 or interpretation of Commission actions, and upon a majority  
13 vote of the compacting states, the Commission may issue  
14 advisory opinions regarding such meaning or interpretation.

15 (4) In the event any provision of this Compact exceeds the  
16 constitutional limits imposed on the legislature of any  
17 compacting state, the obligations, duties, powers, or  
18 jurisdiction sought to be conferred by such provision upon the  
19 Commission shall be ineffective and such obligations, duties,  
20 powers or jurisdiction shall remain in the compacting state and  
21 shall be exercised by the agency thereof to which such  
22 obligations, duties, powers, or jurisdiction are delegated by  
23 law in effect at the time this Compact becomes effective.

24 (Source: P.A. 89-247, eff. 1-1-96; revised 10-13-05.)

1           Section 445. The Interstate Compact for Adult Offender  
2 Supervision is amended by setting forth and renumbering  
3 multiple versions of Section 110 as follows:

4           (45 ILCS 170/110)

5           Sec. 110. (Amendatory provisions; text omitted.)

6           (Source: P.A. 92-571, eff. 6-26-02; text omitted.)

7           (45 ILCS 170/115)

8           Sec. 115. ~~110.~~ The Unified Code of Corrections is amended  
9 by repealing Section 3-3-11.

10          (Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

11          Section 450. The Public Building Commission Act is amended  
12 by changing Section 19.1 as follows:

13          (50 ILCS 20/19.1)

14          Sec. 19.1. Public Building Commission in municipality over  
15 500,000. On or before December 1, 1995 and on or before the  
16 first day of May and first day of December of each subsequent  
17 calendar year, the Public Building Commission created and  
18 organized under this Act in and for a municipality with over  
19 500,000 population shall prepare and file with the General  
20 Assembly, the board of education of the school district located  
21 in that municipality, and the local school council of each  
22 attendance center in that school district for which there is

1 pending or under construction but not completed a project for  
2 the construction, renovation, or rehabilitation of a school  
3 building or other school facility that is to be used by that  
4 attendance center, a status report that sets forth: (1) the  
5 date when work on the project began, (2) whether work on the  
6 project at the time the report is filed is progressing ahead  
7 of, on, or behind the schedule established for work on the  
8 project to be performed, (3) the projected completion date of  
9 the project, and (4) whether the labor and materials furnished  
10 for the project as of the time the report is filed were  
11 furnished at the project cost budgeted for such labor and  
12 materials, and if not, the amount by which the labor and  
13 materials so furnished exceed or are less than the project cost  
14 budgeted for such labor and materials.

15 (Source: P.A. 89-384, eff. 8-18-95; revised 9-25-06.)

16 Section 455. The Special Assessment Supplemental Bond and  
17 Procedures Act is amended by changing Section 55 as follows:

18 (50 ILCS 460/55)

19 Sec. 55. County clerk may collect. Pursuant to the Illinois  
20 constitutional and statutory provisions relating to  
21 intergovernmental cooperation, the county clerk of any county  
22 in which property subject to a special assessment is located  
23 may, but shall not be required to, agree to mail bills for a  
24 special assessment with the regular tax bills of the county, or

1 otherwise as may be provided by a special assessment law. If  
2 the clerk agrees to mail such bills with the regular tax bills,  
3 then the annual amount due as of January 2 shall become due  
4 instead in even installments with each tax bill made during the  
5 year in which such January 2 date occurs, thus deferring to  
6 later date in the year the obligation to pay the assessments.

7 If ~~In the event that~~ the county clerk does not agree to  
8 mail the ~~such~~ bills, or if ~~in the event that~~ the municipality  
9 declines to request the county clerk to mail the ~~said~~ bills,  
10 the municipality still may bill the annual amount due, as of  
11 January 2 ~~2nd~~, in 2 even installments to become due on or about  
12 the due dates ~~date~~ for the real estate tax bills issued by the  
13 county clerk during the year in which the January 2 ~~2nd~~ date  
14 occurs, thus ~~thereby deferring to later dates in said year~~ the  
15 obligation to pay the assessment installment to later dates in  
16 that year.

17 If ~~In the event that~~ the county clerk agrees to mail the  
18 ~~such~~ bills on behalf of a municipality, the county may charge a  
19 fee for such services to be paid from the special assessment.  
20 The ~~Such~~ fee shall be considered as a cost of making, levying,  
21 and collecting the assessment provided for in Section 9-2-139  
22 of the Illinois Municipal Code.

23 (Source: P.A. 93-196, eff. 7-14-03; 93-222, eff. 1-1-04;  
24 revised 9-11-03.)

25 Section 460. The Emergency Telephone System Act is amended

1 by changing Section 15.3 as follows:

2 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

3 Sec. 15.3. Surcharge.

4 (a) The corporate authorities of any municipality or any  
5 county may, subject to the limitations of subsections (c), (d),  
6 and (h), and in addition to any tax levied pursuant to the  
7 Simplified Municipal Telecommunications Tax Act, impose a  
8 monthly surcharge on billed subscribers of network connection  
9 provided by telecommunication carriers engaged in the business  
10 of transmitting messages by means of electricity originating  
11 within the corporate limits of the municipality or county  
12 imposing the surcharge at a rate per network connection  
13 determined in accordance with subsection (c). Provided,  
14 however, that where multiple voice grade communications  
15 channels are connected between the subscriber's premises and a  
16 public switched network through private branch exchange (PBX)  
17 or centrex type service, a municipality imposing a surcharge at  
18 a rate per network connection, as determined in accordance with  
19 this Act, shall impose 5 such surcharges per network  
20 connection, as determined in accordance with subsections (a)  
21 and (d) of Section 2.12 of this Act. For mobile  
22 telecommunications services, if a surcharge is imposed it shall  
23 be imposed based upon the municipality or county that  
24 encompasses the customer's place of primary use as defined in  
25 the Mobile Telecommunications Sourcing Conformity Act. A

1 municipality may enter into an intergovernmental agreement  
2 with any county in which it is partially located, when the  
3 county has adopted an ordinance to impose a surcharge as  
4 provided in subsection (c), to include that portion of the  
5 municipality lying outside the county in that county's  
6 surcharge referendum. If the county's surcharge referendum is  
7 approved, the portion of the municipality identified in the  
8 intergovernmental agreement shall automatically be  
9 disconnected from the county in which it lies and connected to  
10 the county which approved the referendum for purposes of a  
11 surcharge on telecommunications carriers.

12 (b) For purposes of computing the surcharge imposed by  
13 subsection (a), the network connections to which the surcharge  
14 shall apply shall be those in-service network connections,  
15 other than those network connections assigned to the  
16 municipality or county, where the service address for each such  
17 network connection or connections is located within the  
18 corporate limits of the municipality or county levying the  
19 surcharge. Except for mobile telecommunication services, the  
20 "service address" shall mean the location of the primary use of  
21 the network connection or connections. For mobile  
22 telecommunication services, "service address" means the  
23 customer's place of primary use as defined in the Mobile  
24 Telecommunications Sourcing Conformity Act. With respect to  
25 network connections provided for use with pay telephone  
26 services for which there is no billed subscriber, the

1 telecommunications carrier providing the network connection  
2 shall be deemed to be its own billed subscriber for purposes of  
3 applying the surcharge.

4 (c) Upon the passage of an ordinance to impose a surcharge  
5 under this Section the clerk of the municipality or county  
6 shall certify the question of whether the surcharge may be  
7 imposed to the proper election authority who shall submit the  
8 public question to the electors of the municipality or county  
9 in accordance with the general election law; provided that such  
10 question shall not be submitted at a consolidated primary  
11 election. The public question shall be in substantially the  
12 following form:

13 -----  
14 Shall the county (or city, village  
15 or incorporated town) of ..... impose YES  
16 a surcharge of up to ...¢ per month per  
17 network connection, which surcharge will  
18 be added to the monthly bill you receive -----  
19 for telephone or telecommunications  
20 charges, for the purpose of installing  
21 (or improving) a 9-1-1 Emergency NO  
22 Telephone System?

23 -----  
24 If a majority of the votes cast upon the public question  
25 are in favor thereof, the surcharge shall be imposed.

26 However, if a Joint Emergency Telephone System Board is to

1 be created pursuant to an intergovernmental agreement under  
2 Section 15.4, the ordinance to impose the surcharge shall be  
3 subject to the approval of a majority of the total number of  
4 votes cast upon the public question by the electors of all of  
5 the municipalities or counties, or combination thereof, that  
6 are parties to the intergovernmental agreement.

7 The referendum requirement of this subsection (c) shall not  
8 apply to any municipality with a population over 500,000 or to  
9 any county in which a proposition as to whether a sophisticated  
10 9-1-1 Emergency Telephone System should be installed in the  
11 county, at a cost not to exceed a specified monthly amount per  
12 network connection, has previously been approved by a majority  
13 of the electors of the county voting on the proposition at an  
14 election conducted before the effective date of this amendatory  
15 Act of 1987.

16 (d) A county may not impose a surcharge, unless requested  
17 by a municipality, in any incorporated area which has  
18 previously approved a surcharge as provided in subsection (c)  
19 or in any incorporated area where the corporate authorities of  
20 the municipality have previously entered into a binding  
21 contract or letter of intent with a telecommunications carrier  
22 to provide sophisticated 9-1-1 service through municipal  
23 funds.

24 (e) A municipality or county may at any time by ordinance  
25 change the rate of the surcharge imposed under this Section if  
26 the new rate does not exceed the rate specified in the



1 referendum held pursuant to subsection (c).

2 (f) The surcharge authorized by this Section shall be  
3 collected from the subscriber by the telecommunications  
4 carrier providing the subscriber the network connection as a  
5 separately stated item on the subscriber's bill.

6 (g) The amount of surcharge collected by the  
7 telecommunications carrier shall be paid to the particular  
8 municipality or county or Joint Emergency Telephone System  
9 Board not later than 30 days after the surcharge is collected,  
10 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
11 charges then due the particular telecommunications carrier, as  
12 shown on an itemized bill. The telecommunications carrier  
13 collecting the surcharge shall also be entitled to deduct 3% of  
14 the gross amount of surcharge collected to reimburse the  
15 telecommunications carrier for the expense of accounting and  
16 collecting the surcharge.

17 (h) Except as expressly provided in subsection (a) of this  
18 Section, a municipality with a population over 500,000 may not  
19 impose a monthly surcharge in excess of \$1.25 per network  
20 connection.

21 (i) Any municipality or county or joint emergency telephone  
22 system board that has imposed a surcharge pursuant to this  
23 Section prior to the effective date of this amendatory Act of  
24 1990 shall hereafter impose the surcharge in accordance with  
25 subsection (b) of this Section.

26 (j) The corporate authorities of any municipality or county

1 may issue, in accordance with Illinois law, bonds, notes or  
2 other obligations secured in whole or in part by the proceeds  
3 of the surcharge described in this Section. Notwithstanding any  
4 change in law subsequent to the issuance of any bonds, notes or  
5 other obligations secured by the surcharge, every municipality  
6 or county issuing such bonds, notes or other obligations shall  
7 be authorized to impose the surcharge as though the laws  
8 relating to the imposition of the surcharge in effect at the  
9 time of issuance of the bonds, notes or other obligations were  
10 in full force and effect until the bonds, notes or other  
11 obligations are paid in full. The State of Illinois pledges and  
12 agrees that it will not limit or alter the rights and powers  
13 vested in municipalities and counties by this Section to impose  
14 the surcharge so as to impair the terms of or affect the  
15 security for bonds, notes or other obligations secured in whole  
16 or in part with the proceeds of the surcharge described in this  
17 Section.

18 (k) Any surcharge collected by or imposed on a  
19 telecommunications carrier pursuant to this Section shall be  
20 held to be a special fund in trust for the municipality, county  
21 or Joint Emergency Telephone Board imposing the surcharge.  
22 Except for the 3% deduction provided in subsection (g) above,  
23 the special fund shall not be subject to the claims of  
24 creditors of the telecommunication carrier.

25 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,  
26 eff. 1-1-03; revised 10-2-02.)

1 Section 465. The Counties Code is amended by changing  
2 Sections 3-5036.5, 4-2002, 4-2002.1, 4-5001, 5-1022, 5-1101,  
3 5-21009, and 5-37006 as follows:

4 (55 ILCS 5/3-5036.5)

5 Sec. 3-5036.5. Exchange of information for child support  
6 enforcement.

7 (a) The Recorder shall exchange with the ~~Illinois~~  
8 Department of Healthcare and Family Services ~~Public Aid~~  
9 information that may be necessary for the enforcement of child  
10 support orders entered pursuant to the Illinois Public Aid  
11 Code, the Illinois Marriage and Dissolution of Marriage Act,  
12 the Non-Support of Spouse and Children Act, the Non-Support  
13 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
14 Support Act, the Uniform Interstate Family Support Act, or the  
15 Illinois Parentage Act of 1984.

16 (b) Notwithstanding any provisions in this Code to the  
17 contrary, the Recorder shall not be liable to any person for  
18 any disclosure of information to the Department of Healthcare  
19 and Family Services (formerly Illinois Department of Public  
20 Aid) under subsection (a) or for any other action taken in good  
21 faith to comply with the requirements of subsection (a).

22 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
23 12-15-05.)

1 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

2 Sec. 4-2002. State's attorney fees in counties under  
3 3,000,000 population. This Section applies only to counties  
4 with fewer than 3,000,000 inhabitants.

5 (a) State's attorneys shall be entitled to the following  
6 fees, however, the fee requirement of this subsection does not  
7 apply to county boards:

8 For each conviction in prosecutions on indictments for  
9 first degree murder, second degree murder, involuntary  
10 manslaughter, criminal sexual assault, aggravated criminal  
11 sexual assault, aggravated criminal sexual abuse, kidnapping,  
12 arson and forgery, \$30. All other cases punishable by  
13 imprisonment in the penitentiary, \$30.

14 For each conviction in other cases tried before judges of  
15 the circuit court, \$15; except that if the conviction is in a  
16 case which may be assigned to an associate judge, whether or  
17 not it is in fact assigned to an associate judge, the fee shall  
18 be \$10.

19 For preliminary examinations for each defendant held to  
20 bail or recognizance, \$10.

21 For each examination of a party bound over to keep the  
22 peace, \$10.

23 For each defendant held to answer in a circuit court on a  
24 charge of paternity, \$10.

25 For each trial on a charge of paternity, \$30.

26 For each case of appeal taken from his county or from the

1 county to which a change of venue is taken to his county to the  
2 Supreme or Appellate Court when prosecuted or defended by him,  
3 \$50.

4 For each day actually employed in the trial of a case, \$25;  
5 in which case the court before whom the case is tried shall  
6 make an order specifying the number of days for which a per  
7 diem shall be allowed.

8 For each day actually employed in the trial of cases of  
9 felony arising in their respective counties and taken by change  
10 of venue to another county, \$25; and the court before whom the  
11 case is tried shall make an order specifying the number of days  
12 for which said per diem shall be allowed; and it is hereby made  
13 the duty of each State's attorney to prepare and try each case  
14 of felony arising when so taken by change of venue.

15 For assisting in a trial of each case on an indictment for  
16 felony brought by change of venue to their respective counties,  
17 the same fees they would be entitled to if such indictment had  
18 been found for an offense committed in his county, and it shall  
19 be the duty of the State's attorney of the county to which such  
20 cause is taken by change of venue to assist in the trial  
21 thereof.

22 For each case of forfeited recognizance where the  
23 forfeiture is set aside at the instance of the defense, in  
24 addition to the ordinary costs, \$10 for each defendant.

25 For each proceeding in a circuit court to inquire into the  
26 alleged mental illness of any person, \$10 for each defendant.

1 For each proceeding in a circuit court to inquire into the  
2 alleged dependency or delinquency of any child, \$10.

3 For each day actually employed in the hearing of a case of  
4 habeas corpus in which the people are interested, \$25.

5 All the foregoing fees shall be taxed as costs to be  
6 collected from the defendant, if possible, upon conviction. But  
7 in cases of inquiry into the mental illness of any person  
8 alleged to be mentally ill, in cases on a charge of paternity  
9 and in cases of appeal in the Supreme or Appellate Court, where  
10 judgment is in favor of the accused, the fees allowed the  
11 State's attorney therein shall be retained out of the fines and  
12 forfeitures collected by them in other cases.

13 Ten per cent of all moneys except revenue, collected by  
14 them and paid over to the authorities entitled thereto, which  
15 per cent together with the fees provided for herein that are  
16 not collected from the parties tried or examined, shall be paid  
17 out of any fines and forfeited recognizances collected by them,  
18 provided however, that in proceedings to foreclose the lien of  
19 delinquent real estate taxes State's attorneys shall receive a  
20 fee, to be credited to the earnings of their office, of 10% of  
21 the total amount realized from the sale of real estate sold in  
22 such proceedings. Such fees shall be paid from the total amount  
23 realized from the sale of the real estate sold in such  
24 proceedings.

25 State's attorneys shall have a lien for their fees on all  
26 judgments for fines or forfeitures procured by them and on

1 moneys except revenue received by them until such fees and  
2 earnings are fully paid.

3 No fees shall be charged on more than 10 counts in any one  
4 indictment or information on trial and conviction; nor on more  
5 than 10 counts against any one defendant on pleas of guilty.

6 The Circuit Court may direct that of all monies received,  
7 by restitution or otherwise, which monies are ordered paid to  
8 the Department of Healthcare and Family Services (formerly  
9 Department of Public Aid) or the Department of Human Services  
10 (acting as successor to the Department of Public Aid under the  
11 Department of Human Services Act) as a direct result of the  
12 efforts of the State's attorney and which payments arise from  
13 Civil or Criminal prosecutions involving the Illinois Public  
14 Aid Code or the Criminal Code, the following amounts shall be  
15 paid quarterly by the Department of Healthcare and Family  
16 Services ~~Public Aid~~ or the Department of Human Services to the  
17 General Corporate Fund of the County in which the prosecution  
18 or cause of action took place:

19 (1) where the monies result from child support  
20 obligations, not more than 25% of the federal share of the  
21 monies received,

22 (2) where the monies result from other than child  
23 support obligations, not more than 25% of the State's share  
24 of the monies received.

25 (b) A municipality shall be entitled to a \$10 prosecution  
26 fee for each conviction for a violation of The Illinois Vehicle

1 Code prosecuted by the municipal attorney pursuant to Section  
2 16-102 of that Code which is tried before a circuit or  
3 associate judge and shall be entitled to a \$10 prosecution fee  
4 for each conviction for a violation of a municipal vehicle  
5 ordinance or nontraffic ordinance prosecuted by the municipal  
6 attorney which is tried before a circuit or associate judge.  
7 Such fee shall be taxed as costs to be collected from the  
8 defendant, if possible, upon conviction. A municipality shall  
9 have a lien for such prosecution fees on all judgments or fines  
10 procured by the municipal attorney from prosecutions for  
11 violations of The Illinois Vehicle Code and municipal vehicle  
12 ordinances or nontraffic ordinances.

13 For the purposes of this subsection (b), "municipal vehicle  
14 ordinance" means any ordinance enacted pursuant to Sections  
15 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
16 Municipal Code or any ordinance enacted by a municipality which  
17 is similar to a provision of Chapter 11 of The Illinois Vehicle  
18 Code.

19 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97;  
20 revised 12-15-05.)

21 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

22 Sec. 4-2002.1. State's attorney fees in counties of  
23 3,000,000 or more population. This Section applies only to  
24 counties with 3,000,000 or more inhabitants.

25 (a) State's attorneys shall be entitled to the following



1 fees:

2 For each conviction in prosecutions on indictments for  
3 first degree murder, second degree murder, involuntary  
4 manslaughter, criminal sexual assault, aggravated criminal  
5 sexual assault, aggravated criminal sexual abuse, kidnapping,  
6 arson and forgery, \$60. All other cases punishable by  
7 imprisonment in the penitentiary, \$60.

8 For each conviction in other cases tried before judges of  
9 the circuit court, \$30; except that if the conviction is in a  
10 case which may be assigned to an associate judge, whether or  
11 not it is in fact assigned to an associate judge, the fee shall  
12 be \$20.

13 For preliminary examinations for each defendant held to  
14 bail or recognizance, \$20.

15 For each examination of a party bound over to keep the  
16 peace, \$20.

17 For each defendant held to answer in a circuit court on a  
18 charge of paternity, \$20.

19 For each trial on a charge of paternity, \$60.

20 For each case of appeal taken from his county or from the  
21 county to which a change of venue is taken to his county to the  
22 Supreme or Appellate Court when prosecuted or defended by him,  
23 \$100.

24 For each day actually employed in the trial of a case, \$50;  
25 in which case the court before whom the case is tried shall  
26 make an order specifying the number of days for which a per

1 diem shall be allowed.

2 For each day actually employed in the trial of cases of  
3 felony arising in their respective counties and taken by change  
4 of venue to another county, \$50; and the court before whom the  
5 case is tried shall make an order specifying the number of days  
6 for which said per diem shall be allowed; and it is hereby made  
7 the duty of each State's attorney to prepare and try each case  
8 of felony arising when so taken by change of venue.

9 For assisting in a trial of each case on an indictment for  
10 felony brought by change of venue to their respective counties,  
11 the same fees they would be entitled to if such indictment had  
12 been found for an offense committed in his county, and it shall  
13 be the duty of the State's attorney of the county to which such  
14 cause is taken by change of venue to assist in the trial  
15 thereof.

16 For each case of forfeited recognizance where the  
17 forfeiture is set aside at the instance of the defense, in  
18 addition to the ordinary costs, \$20 for each defendant.

19 For each proceeding in a circuit court to inquire into the  
20 alleged mental illness of any person, \$20 for each defendant.

21 For each proceeding in a circuit court to inquire into the  
22 alleged dependency or delinquency of any child, \$20.

23 For each day actually employed in the hearing of a case of  
24 habeas corpus in which the people are interested, \$50.

25 All the foregoing fees shall be taxed as costs to be  
26 collected from the defendant, if possible, upon conviction. But

1 in cases of inquiry into the mental illness of any person  
2 alleged to be mentally ill, in cases on a charge of paternity  
3 and in cases of appeal in the Supreme or Appellate Court, where  
4 judgment is in favor of the accused, the fees allowed the  
5 State's attorney therein shall be retained out of the fines and  
6 forfeitures collected by them in other cases.

7 Ten per cent of all moneys except revenue, collected by  
8 them and paid over to the authorities entitled thereto, which  
9 per cent together with the fees provided for herein that are  
10 not collected from the parties tried or examined, shall be paid  
11 out of any fines and forfeited recognizances collected by them,  
12 provided however, that in proceedings to foreclose the lien of  
13 delinquent real estate taxes State's attorneys shall receive a  
14 fee, to be credited to the earnings of their office, of 10% of  
15 the total amount realized from the sale of real estate sold in  
16 such proceedings. Such fees shall be paid from the total amount  
17 realized from the sale of the real estate sold in such  
18 proceedings.

19 State's attorneys shall have a lien for their fees on all  
20 judgments for fines or forfeitures procured by them and on  
21 moneys except revenue received by them until such fees and  
22 earnings are fully paid.

23 No fees shall be charged on more than 10 counts in any one  
24 indictment or information on trial and conviction; nor on more  
25 than 10 counts against any one defendant on pleas of guilty.

26 The Circuit Court may direct that of all monies received,

1 by restitution or otherwise, which monies are ordered paid to  
2 the Department of Healthcare and Family Services (formerly  
3 Department of Public Aid) or the Department of Human Services  
4 (acting as successor to the Department of Public Aid under the  
5 Department of Human Services Act) as a direct result of the  
6 efforts of the State's attorney and which payments arise from  
7 Civil or Criminal prosecutions involving the Illinois Public  
8 Aid Code or the Criminal Code, the following amounts shall be  
9 paid quarterly by the Department of Healthcare and Family  
10 Services ~~Public Aid~~ or the Department of Human Services to the  
11 General Corporate Fund of the County in which the prosecution  
12 or cause of action took place:

13 (1) where the monies result from child support  
14 obligations, not less than 25% of the federal share of the  
15 monies received,

16 (2) where the monies result from other than child  
17 support obligations, not less than 25% of the State's share  
18 of the monies received.

19 (b) A municipality shall be entitled to a \$10 prosecution  
20 fee for each conviction for a violation of the Illinois Vehicle  
21 Code prosecuted by the municipal attorney pursuant to Section  
22 16-102 of that Code which is tried before a circuit or  
23 associate judge and shall be entitled to a \$10 prosecution fee  
24 for each conviction for a violation of a municipal vehicle  
25 ordinance prosecuted by the municipal attorney which is tried  
26 before a circuit or associate judge. Such fee shall be taxed as

1 costs to be collected from the defendant, if possible, upon  
2 conviction. A municipality shall have a lien for such  
3 prosecution fees on all judgments or fines procured by the  
4 municipal attorney from prosecutions for violations of the  
5 Illinois Vehicle Code and municipal vehicle ordinances.

6 For the purposes of this subsection (b), "municipal vehicle  
7 ordinance" means any ordinance enacted pursuant to Sections  
8 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
9 Municipal Code or any ordinance enacted by a municipality which  
10 is similar to a provision of Chapter 11 of the Illinois Vehicle  
11 Code.

12 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

13 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

14 Sec. 4-5001. Sheriffs; counties of first and second class.  
15 The fees of sheriffs in counties of the first and second class,  
16 except when increased by county ordinance under this Section,  
17 shall be as follows:

18 For serving or attempting to serve summons on each  
19 defendant in each county, \$10.

20 For serving or attempting to serve an order or judgment  
21 granting injunctional relief in each county, \$10.

22 For serving or attempting to serve each garnishee in each  
23 county, \$10.

24 For serving or attempting to serve an order for replevin in  
25 each county, \$10.

1 For serving or attempting to serve an order for attachment  
2 on each defendant in each county, \$10.

3 For serving or attempting to serve a warrant of arrest, \$8,  
4 to be paid upon conviction.

5 For returning a defendant from outside the State of  
6 Illinois, upon conviction, the court shall assess, as court  
7 costs, the cost of returning a defendant to the jurisdiction.

8 For taking special bail, \$1 in each county.

9 For serving or attempting to serve a subpoena on each  
10 witness, in each county, \$10.

11 For advertising property for sale, \$5.

12 For returning each process, in each county, \$5.

13 Mileage for each mile of necessary travel to serve any such  
14 process as Stated above, calculating from the place of holding  
15 court to the place of residence of the defendant, or witness,  
16 50¢ each way.

17 For summoning each juror, \$3 with 30¢ mileage each way in  
18 all counties.

19 For serving or attempting to serve notice of judgments or  
20 levying to enforce a judgment, \$3 with 50¢ mileage each way in  
21 all counties.

22 For taking possession of and removing property levied on,  
23 the officer shall be allowed to tax the actual cost of such  
24 possession or removal.

25 For feeding each prisoner, such compensation to cover the  
26 actual cost as may be fixed by the county board, but such

1 compensation shall not be considered a part of the fees of the  
2 office.

3 For attending before a court with prisoner, on an order for  
4 habeas corpus, in each county, \$10 per day.

5 For attending before a court with a prisoner in any  
6 criminal proceeding, in each county, \$10 per day.

7 For each mile of necessary travel in taking such prisoner  
8 before the court as Stated above, 15¢ a mile each way.

9 For serving or attempting to serve an order or judgment for  
10 the possession of real estate in an action of ejectment or in  
11 any other action, or for restitution in an action of forcible  
12 entry and detainer without aid, \$10 and when aid is necessary,  
13 the sheriff shall be allowed to tax in addition the actual  
14 costs thereof, and for each mile of necessary travel, 50¢ each  
15 way.

16 For executing and acknowledging a deed of sale of real  
17 estate, in counties of first class, \$4; second class, \$4.

18 For preparing, executing and acknowledging a deed on  
19 redemption from a court sale of real estate in counties of  
20 first class, \$5; second class, \$5.

21 For making certificates of sale, and making and filing  
22 duplicate, in counties of first class, \$3; in counties of the  
23 second class, \$3.

24 For making certificate of redemption, \$3.

25 For certificate of levy and filing, \$3, and the fee for  
26 recording shall be advanced by the judgment creditor and

1 charged as costs.

2 For taking all bonds on legal process, civil and criminal,  
3 in counties of first class, \$1; in second class, \$1.

4 For executing copies in criminal cases, \$4 and mileage for  
5 each mile of necessary travel, 20¢ each way.

6 For executing requisitions from other States, \$5.

7 For conveying each prisoner from the prisoner's own county  
8 to the jail of another county, or from another county to the  
9 jail of the prisoner's county, per mile, for going, only, 30¢.

10 For conveying persons to the penitentiary, reformatories,  
11 Illinois State Training School for Boys, Illinois State  
12 Training School for Girls and Reception Centers, the following  
13 fees, payable out of the State Treasury. For each person who is  
14 conveyed, 35¢ per mile in going only to the penitentiary,  
15 reformatory, Illinois State Training School for Boys, Illinois  
16 State Training School for Girls and Reception Centers, from the  
17 place of conviction.

18 The fees provided for transporting persons to the  
19 penitentiary, reformatories, Illinois State Training School  
20 for Boys, Illinois State Training School for Girls and  
21 Reception Centers shall be paid for each trip so made. Mileage  
22 as used in this Section means the shortest practical route,  
23 between the place from which the person is to be transported,  
24 to the penitentiary, reformatories, Illinois State Training  
25 School for Boys, Illinois State Training School for Girls and  
26 Reception Centers and all fees per mile shall be computed on



1 such basis.

2 For conveying any person to or from any of the charitable  
3 institutions of the State, when properly committed by competent  
4 authority, when one person is conveyed, 35¢ per mile; when two  
5 persons are conveyed at the same time, 35¢ per mile for the  
6 first person and 20¢ per mile for the second person; and 10¢  
7 per mile for each additional person.

8 For conveying a person from the penitentiary to the county  
9 jail when required by law, 35¢ per mile.

10 For attending Supreme Court, \$10 per day.

11 In addition to the above fees there shall be allowed to the  
12 sheriff a fee of \$600 for the sale of real estate which is made  
13 by virtue of any judgment of a court, except that in the case  
14 of a sale of unimproved real estate which sells for \$10,000 or  
15 less, the fee shall be \$150. In addition to this fee and all  
16 other fees provided by this Section, there shall be allowed to  
17 the sheriff a fee in accordance with the following schedule for  
18 the sale of personal estate which is made by virtue of any  
19 judgment of a court:

20 For judgments up to \$1,000, \$75;

21 For judgments from \$1,001 to \$15,000, \$150;

22 For judgments over \$15,000, \$300.

23 The foregoing fees allowed by this Section are the maximum  
24 fees that may be collected from any officer, agency, department  
25 or other instrumentality of the State. The county board may,  
26 however, by ordinance, increase the fees allowed by this

1 Section and collect those increased fees from all persons and  
2 entities other than officers, agencies, departments and other  
3 instrumentalities of the State if the increase is justified by  
4 an acceptable cost study showing that the fees allowed by this  
5 Section are not sufficient to cover the costs of providing the  
6 service. A statement of the costs of providing each service,  
7 program and activity shall be prepared by the county board. All  
8 supporting documents shall be public records and subject to  
9 public examination and audit. All direct and indirect costs, as  
10 defined in the United States Office of Management and Budget  
11 Circular A-87, may be included in the determination of the  
12 costs of each service, program and activity.

13 In all cases where the judgment is settled by the parties,  
14 replevied, stopped by injunction or paid, or where the property  
15 levied upon is not actually sold, the sheriff shall be allowed  
16 his fee for levying and mileage, together with half the fee for  
17 all money collected by him which he would be entitled to if the  
18 same was made by sale to enforce the judgment. In no case shall  
19 the fee exceed the amount of money arising from the sale.

20 The fee requirements of this Section do not apply to police  
21 departments or other law enforcement agencies. For the purposes  
22 of this Section, "law enforcement agency" means an agency of  
23 the State or unit of local government which is vested by law or  
24 ordinance with the duty to maintain public order and ~~and~~ to  
25 enforce criminal laws.

26 (Source: P.A. 91-94, eff. 1-1-00; revised 9-15-06.)

1 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

2 Sec. 5-1022. Competitive bids.

3 (a) Any purchase by a county with fewer than 2,000,000  
4 inhabitants of services, materials, equipment or supplies in  
5 excess of \$20,000, other than professional services, shall be  
6 contracted for in one of the following ways:

7 (1) by a contract let to the lowest responsible bidder  
8 after advertising for bids in a newspaper published within  
9 the county or, if no newspaper is published within the  
10 county, then a newspaper having general circulation within  
11 the county; or

12 (2) by a contract let without advertising for bids in  
13 the case of an emergency if authorized by the county board.

14 (b) In determining the lowest responsible bidder, the  
15 county board shall take into consideration the qualities of the  
16 articles supplied; their conformity with the specifications;  
17 their suitability to the requirements of the county,  
18 availability of support services; uniqueness of the service,  
19 materials, equipment, or supplies as it applies to networked,  
20 integrated computer systems; compatibility to existing  
21 equipment; and the delivery terms. The county board also may  
22 take into consideration whether a bidder is a private  
23 enterprise or a State-controlled enterprise and,  
24 notwithstanding any other provision of this Section or a lower  
25 bid by a State-controlled enterprise, may let a contract to the

1 lowest responsible bidder that is a private enterprise.

2 (c) This Section does not apply to contracts by a county  
3 with the federal government or to purchases of used equipment,  
4 purchases at auction or similar transactions which by their  
5 very nature are not suitable to competitive bids, pursuant to  
6 an ordinance adopted by the county board.

7 (d) Notwithstanding the provisions of this Section, a  
8 county may let without advertising for bids in the case of  
9 purchases and contracts, when individual orders do not exceed  
10 \$25,000, for the use, purchase, delivery, movement, or  
11 installation of data processing equipment, software, or  
12 services and telecommunications and inter-connect equipment,  
13 software, and services.

14 (e) A county may require, as a condition of any contract  
15 for goods and services, that persons awarded a contract with  
16 the county and all affiliates of the person collect and remit  
17 Illinois Use Tax on all sales of tangible personal property  
18 into the State of Illinois in accordance with the provisions of  
19 the Illinois Use Tax Act regardless of whether the person or  
20 affiliate is a "retailer maintaining a place of business within  
21 this State" as defined in Section 2 of the Use Tax Act. For  
22 purposes of this subsection (e), the term "affiliate" means any  
23 entity that (1) directly, indirectly, or constructively  
24 controls another entity, (2) is directly, indirectly, or  
25 constructively controlled by another entity, or (3) is subject  
26 to the control of a common entity. For purposes of this

1 subsection (e), an entity controls another entity if it owns,  
2 directly or individually, more than 10% of the voting  
3 securities of that entity. As used in this subsection (e), the  
4 term "voting security" means a security that (1) confers upon  
5 the holder the right to vote for the election of members of the  
6 board of directors or similar governing body of the business or  
7 (2) is convertible into, or entitles the holder to receive upon  
8 its exercise, a security that confers such a right to vote. A  
9 general partnership interest is a voting security.

10 (f) Bids submitted to, and contracts executed by, the  
11 county may require a certification by the bidder or contractor  
12 that the bidder or contractor is not barred from bidding for or  
13 entering into a contract under this Section and that the bidder  
14 or contractor acknowledges that the county may declare the  
15 contract void if the certification completed pursuant to this  
16 subsection (f) is false.

17 (Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised  
18 8-12-03.)

19 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

20 Sec. 5-1101. Additional fees to finance court system. A  
21 county board may enact by ordinance or resolution the following  
22 fees:

23 (a) A \$5 fee to be paid by the defendant on a judgment of  
24 guilty or a grant of supervision for violation of the Illinois  
25 Vehicle Code other than Section 11-501 or violations of similar

1 provisions contained in county or municipal ordinances  
2 committed in the county, and up to a \$30 fee to be paid by the  
3 defendant on a judgment of guilty or a grant of supervision for  
4 violation of Section 11-501 of the Illinois Vehicle Code or a  
5 violation of a similar provision contained in county or  
6 municipal ordinances committed in the county.

7 (b) In the case of a county having a population of  
8 1,000,000 or less, a \$5 fee to be collected in all civil cases  
9 by the clerk of the circuit court.

10 (c) A fee to be paid by the defendant on a judgment of  
11 guilty or a grant of supervision under Section 5-9-1 of the  
12 Unified Code of Corrections, as follows:

- 13 (1) for a felony, \$50;
- 14 (2) for a class A misdemeanor, \$25;
- 15 (3) for a class B or class C misdemeanor, \$15;
- 16 (4) for a petty offense, \$10;
- 17 (5) for a business offense, \$10.

18 (d) A \$100 fee for the second and subsequent violations of  
19 Section 11-501 of the Illinois Vehicle Code or violations of  
20 similar provisions contained in county or municipal ordinances  
21 committed in the county. The proceeds of this fee shall be  
22 placed in the county general fund and used to finance education  
23 programs related to driving under the influence of alcohol or  
24 drugs.

25 (d-5) A \$10 fee to be paid by the defendant on a judgment  
26 of guilty or a grant of supervision under Section 5-9-1 of the

1 Unified Code of Corrections to be placed in the county general  
2 fund and used to finance the county mental health court, the  
3 county drug court, or both.

4 (e) In each county in which a teen court, peer court, peer  
5 jury, youth court, or other youth diversion program has been  
6 created, a county may adopt a mandatory fee of up to \$5 to be  
7 assessed as provided in this subsection. Assessments collected  
8 by the clerk of the circuit court pursuant to this subsection  
9 must be deposited into an account specifically for the  
10 operation and administration of a teen court, peer court, peer  
11 jury, youth court, or other youth diversion program. The clerk  
12 of the circuit court shall collect the fees established in this  
13 subsection and must remit the fees to the teen court, peer  
14 court, peer jury, youth court, or other youth diversion program  
15 monthly, less 5%, which is to be retained as fee income to the  
16 office of the clerk of the circuit court. The fees are to be  
17 paid as follows:

18 (1) a fee of up to \$5 paid by the defendant on a  
19 judgment of guilty or grant of supervision for violation of  
20 the Illinois Vehicle Code or violations of similar  
21 provisions contained in county or municipal ordinances  
22 committed in the county;

23 (2) a fee of up to \$5 paid by the defendant on a  
24 judgment of guilty or grant of supervision under Section  
25 5-9-1 of the Unified Code of Corrections for a felony; for  
26 a Class A, Class B, or Class C misdemeanor; for a petty

1 offense; and for a business offense.

2 (f) In each county in which a drug court has been created,  
3 the county may adopt a mandatory fee of up to \$5 to be assessed  
4 as provided in this subsection. Assessments collected by the  
5 clerk of the circuit court pursuant to this subsection must be  
6 deposited into an account specifically for the operation and  
7 administration of the drug court. The clerk of the circuit  
8 court shall collect the fees established in this subsection and  
9 must remit the fees to the drug court, less 5%, which is to be  
10 retained as fee income to the office of the clerk of the  
11 circuit court. The fees are to be paid as follows:

12 (1) a fee of up to \$5 paid by the defendant on a  
13 judgment of guilty or grant of supervision for a violation  
14 of the Illinois Vehicle Code or a violation of a similar  
15 provision contained in a county or municipal ordinance  
16 committed in the county; or

17 (2) a fee of up to \$5 paid by the defendant on a  
18 judgment of guilty or a grant of supervision under Section  
19 5-9-1 of the Unified Code of Corrections for a felony; for  
20 a Class A, Class B, or Class C misdemeanor; for a petty  
21 offense; and for a business offense.

22 The clerk of the circuit court shall deposit the 5%  
23 retained under this subsection into the Circuit Court Clerk  
24 Operation and Administrative Fund to be used to defray the  
25 costs of collection and disbursement of the drug court fee.

26 (g) The proceeds of all fees enacted under this Section



1 must, except as provided in subsections (d), (d-5), (e), and  
2 (f), be placed in the county general fund and used to finance  
3 the court system in the county, unless the fee is subject to  
4 disbursement by the circuit clerk as provided under Section  
5 27.5 of the Clerks of Courts Act.

6 (Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; 94-862,  
7 eff. 6-16-06; 94-980, eff. 6-30-06; revised 8-3-06.)

8 (55 ILCS 5/5-21009) (from Ch. 34, par. 5-21009)

9 Sec. 5-21009. Purchase of care. Any infirm or chronically  
10 ill resident of the county, or resident of participating  
11 counties in the case of a joint home, who desires to purchase  
12 care and maintenance in the county home with his own funds or  
13 with a public aid grant awarded to him under "The Illinois  
14 Public Aid Code" may be received and cared for in the home.

15 Upon authorization of the County Board, or the County  
16 Boards in the case of a joint home, infirm or chronically ill  
17 residents of other counties who desire to purchase care and  
18 maintenance in the home from their own funds or from public aid  
19 grants may also be admitted to the home.

20 The ~~Illinois~~ Department of Healthcare and Family Services  
21 ~~Public Aid~~, any local Supervisor of General Assistance, and any  
22 other State or local agency may also purchase care in the home  
23 for persons under their charge by paying the rates established  
24 by the County Board.

25 (Source: P.A. 86-962; revised 12-15-05.)

1 (55 ILCS 5/5-37006) (from Ch. 34, par. 5-37006)

2 Sec. 5-37006. Reimbursement for cost of services. In  
3 relation to inpatient hospital services provided at any health  
4 care facility maintained by the Commission to any person under  
5 the legal custody of the Sheriff of Cook County pending trial  
6 the Commission may obtain reimbursement from the confined  
7 person to whom the services were provided for the cost of such  
8 services to the extent that such person is reasonably able to  
9 pay for such care, including reimbursement from any insurance  
10 program or from other medical benefit programs available to  
11 such person. If such person has already been determined  
12 eligible for medical assistance under the Illinois Public Aid  
13 Code at the time the person is initially detained pending  
14 trial, the cost of such services, to the extent such cost  
15 exceeds \$2,500, shall be reimbursed by the Department of  
16 Healthcare and Family Services ~~Public Aid~~ under that Act. A  
17 reimbursement under any public or private program authorized by  
18 this Section shall be paid to the Commission to the same extent  
19 as would obtain had the services been rendered in a  
20 non-custodial environment.

21 This Section does not apply to services provided to any  
22 person who has been convicted of or has pleaded guilty to an  
23 offense and is held in custody pending sentencing or under  
24 sentence of the court.

25 (Source: P.A. 86-962; revised 12-15-05.)

1 Section 470. The Township Code is amended by setting forth  
2 and renumbering multiple versions of Sections 30-166 and 85-50  
3 and by changing Sections 35-50.2 and 235-20 as follows:

4 (60 ILCS 1/30-166)

5 Sec. 30-166. Civil penalties for false fire alarms. The  
6 township board of any township providing fire protection  
7 services may impose reasonable civil penalties on individuals  
8 who repeatedly cause false fire alarms.

9 (Source: P.A. 93-302, eff. 1-1-04.)

10 (60 ILCS 1/30-167)

11 Sec. 30-167 ~~30-166~~. Charge against non-residents.

12 (a) The township board of each township may fix, charge,  
13 and collect fees not exceeding the reasonable cost of the  
14 service for all services rendered by the township against  
15 persons, businesses, and other entities who are not residents  
16 of the township.

17 (b) The charge may not be assessed against residents of the  
18 township or persons who request fire protection coverage for an  
19 unprotected area and who pay to the township an amount equal to  
20 the township's fire protection tax under Article 200 of this  
21 Code.

22 (c) The charge for such services shall be computed at a  
23 rate not to exceed \$125 per hour per vehicle and not to exceed

1 \$35 per hour per firefighter responding to a call for  
2 assistance. An additional charge may be levied to reimburse the  
3 township for extraordinary expenses of materials used in  
4 rendering such services. No charge shall be made for services  
5 for which the total charge would be less than \$50.

6 (d) All revenue from the charges assessed pursuant to this  
7 Section shall be deposited into the general fund of the  
8 township.

9 (Source: P.A. 93-304, eff. 7-23-03; revised 9-24-03.)

10 (60 ILCS 1/35-50.2)

11 Sec. 35-50.2. Construction of senior citizens' housing;  
12 revenue bonds.

13 (a) For the purpose of defraying the cost of the  
14 construction, purchase, improvement, extension, or equipping  
15 from time to time of senior citizens' housing, including  
16 feasibility, engineering, legal, and other expenses, together  
17 with interest on its revenue bonds, to the fullest extent  
18 permitted by the provisions of Section 9 of the Local  
19 Government Debt Reform Act, the township board, when authorized  
20 by a majority of the votes cast on the proposition submitted in  
21 accordance with the general election law under Section 35-50.3,  
22 may issue and sell revenue bonds of the township payable solely  
23 from the net income and revenue derived from the operation of  
24 the senior citizens' housing, after payment of the costs of  
25 operation and maintenance of the senior citizens' housing and

1 provision for an adequate depreciation fund (if a depreciation  
2 fund is deemed necessary by the township board). The township  
3 board may also from time to time issue revenue bonds to refund  
4 any such revenue bonds, at the redemption price authorized, at  
5 maturity or at any time before maturity, all as authorized in  
6 the ordinance of the township board authorizing the refunded  
7 bonds. The bonds shall bear interest at a rate or rates not to  
8 exceed the maximum rate authorized by the Bond Authorization  
9 Act, as amended at the time of the making of the contract for  
10 the sale of the bonds, the interest shall be payable  
11 semi-annually, and the bonds shall mature within the period of  
12 usefulness of the project involved, as determined in the sole  
13 discretion of the township board and in any event not more than  
14 40 years from the dated date of the bonds.

15 (b) The bonds shall be sold in the manner determined by the  
16 township board and, whenever the bonds are sold at a price less  
17 than par, they shall be sold at a price and bear interest at a  
18 rate or rates such that either the true interest cost (yield)  
19 or the net interest rate, as selected by the township board,  
20 received on the sale of the bonds, does not exceed the maximum  
21 rate otherwise authorized by the Bond Authorization Act. If any  
22 officer whose signature appears on the bonds or coupons  
23 attached to the bonds ceases to be an officer before the  
24 delivery of the bonds to the purchaser, his or her signature  
25 shall nevertheless be valid and sufficient for all purposes to  
26 the same effect as if he or she had remained in office until

1 the delivery of the bonds.

2 (c) Notwithstanding the form or tenor of the bonds, and in  
3 the absence of expressed recitals on the face of the bonds that  
4 the bonds are non-negotiable, all bonds issued under this  
5 Section shall have all the qualities of negotiable instruments  
6 under the law of this State.

7 (d) With respect to instruments for the payment of money  
8 issued under Sections 35-50.1 through 35-50.6, including,  
9 without limitation, revenue bonds of a township, it is the  
10 intention of the General Assembly (i) that the Omnibus Bond  
11 Acts are supplementary grants of power to issue those  
12 instruments in accordance with the Omnibus Bond Acts,  
13 regardless of any provision of Sections 35-50.1 through 35-50.6  
14 that may appear to be more restrictive than those Acts, (ii)  
15 that the provisions of Sections 35-50.1 through 35-50.6 are not  
16 a limitation on the supplementary authority granted by the  
17 Omnibus Bond Acts, and (iii) that instruments issued under  
18 Sections 35-50.1 through 35-50.6 within the supplementary  
19 authority granted by the Omnibus Bond Acts are not invalid  
20 because of any provision of Sections 35-50.1 through 35-50.6  
21 that may appear to be more restrictive than those Acts.

22 (e) Revenue bonds issued under Sections 35-50.1 through  
23 35-50.6 shall be payable solely from the net revenue derived  
24 from the operation of the senior citizens' housing on account  
25 of which the revenue bonds are issued. The revenue bonds shall  
26 not in any event constitute an indebtedness of the township

1 within the meaning of any constitutional or statutory  
2 limitation, and it shall be so stated on the face of each bond.

3 (f) Not less than 30 days before the making of a contract  
4 for the sale of bonds to be issued under Sections 35-50.1  
5 through 35-50.6, the township board shall give written notice  
6 to the Executive Director of the Illinois Housing Development  
7 Authority. Within 30 days after receiving the notice the  
8 Executive Director of the Illinois Housing Development  
9 Authority shall give written notice to the township board  
10 stating whether it will finance the senior citizens' housing.  
11 If the Illinois Housing Development Authority notifies the  
12 township board that it will not finance the senior citizens'  
13 housing, the township may finance the senior citizens' housing  
14 or seek alternative financing from any other available source.

15 (Source: P.A. 87-922; 88-62; revised 9-21-06.)

16 (60 ILCS 1/85-50)

17 Sec. 85-50. Demolition, repair, or enclosure of buildings.

18 (a) The township board of any township may formally request  
19 the county board to commence specified proceedings with respect  
20 to property located within the township but outside the  
21 territory of any municipality as provided in Section 5-1121 of  
22 the Counties Code. If the county board declines the request as  
23 provided in Section 5-1121 of the Counties Code, the township  
24 may exercise its powers under this Section.

25 (b) The township board of each township may demolish,

1 repair, or enclose or cause the demolition, repair, or  
2 enclosure of dangerous and unsafe buildings or uncompleted and  
3 abandoned buildings within the territory of the township and  
4 may remove or cause the removal of garbage, debris, and other  
5 hazardous, noxious, or unhealthy substances or materials from  
6 those buildings.

7 The township board shall apply to the circuit court of the  
8 county in which the building is located (i) for an order  
9 authorizing action to be taken with respect to a building if  
10 the owner or owners of the building, including the lien holders  
11 of record, after at least 15 days' written notice by mail to do  
12 so, have failed to commence proceedings to put the building in  
13 a safe condition or to demolish it or (ii) for an order  
14 requiring the owner or owners of record to demolish, repair, or  
15 enclose the building or to remove garbage, debris, and other  
16 hazardous, noxious, or unhealthy substances or materials from  
17 the building. It is not a defense to the cause of action that  
18 the building is boarded up or otherwise enclosed, although the  
19 court may order the defendant to have the building boarded up  
20 or otherwise enclosed. Where, upon diligent search, the  
21 identity or whereabouts of the owner or owners of the building,  
22 including the lien holders of record, is not ascertainable,  
23 notice mailed to the person or persons in whose name the real  
24 estate was last assessed and the posting of the notice upon the  
25 premises sought to be demolished or repaired is sufficient  
26 notice under this Section.



1           The hearing upon the application to the circuit court shall  
2 be expedited by the court and shall be given precedence over  
3 all other suits.

4           The cost of the demolition, repair, enclosure, or removal  
5 incurred by the township, by an intervenor, or by a lien holder  
6 of record, including court costs, attorney's fees, and other  
7 costs related to the enforcement of this Section, is  
8 recoverable from the owner or owners of the real estate or the  
9 previous owner or both if the property was transferred during  
10 the 15-day notice period and is a lien on the real estate if,  
11 within 180 days after the repair, demolition, enclosure, or  
12 removal, the township, the lien holder of record, or the  
13 intervenor who incurred the cost and expense shall file a  
14 notice of lien for the cost and expense incurred in the office  
15 of the recorder in the county in which the real estate is  
16 located or in the office of the registrar of titles of the  
17 county if the real estate affected is registered under the  
18 Registered Titles (Torrens) Act. The lien becomes effective at  
19 the time of filing.

20           The notice must consist of a sworn statement setting out  
21 (1) a description of the real estate sufficient for its  
22 identification, (2) the amount of money representing the cost  
23 and expense incurred, and (3) the date or dates when the cost  
24 and expense was incurred by the township, the lien holder of  
25 record, or the intervenor. Upon payment of the cost and expense  
26 by the owner of or persons interested in the property after the

1 notice of lien has been filed, the lien shall be released by  
2 the township, the person in whose name the lien has been filed,  
3 or the assignee of the lien, and the release may be filed of  
4 record as in the case of filing notice of lien. Unless the lien  
5 is enforced under subsection (c), the lien may be enforced by  
6 foreclosure proceedings as in the case of mortgage foreclosures  
7 under Article XV of the Code of Civil Procedure or mechanics'  
8 lien foreclosures. An action to foreclose this lien may be  
9 commenced at any time after the date of filing of the notice of  
10 lien. The costs of foreclosure incurred by the township,  
11 including court costs, reasonable attorney's fees, advances to  
12 preserve the property, and other costs related to the  
13 enforcement of this subsection, plus statutory interest, are a  
14 lien on the real estate and are recoverable by the township  
15 from the owner or owners of the real estate.

16 All liens arising under this subsection (b) shall be  
17 assignable. The assignee of the lien shall have the same power  
18 to enforce the lien as the assigning party, except that the  
19 lien may not be enforced under subsection (c).

20 (c) In any case where a township has obtained a lien under  
21 subsection (b), the township may enforce the lien under this  
22 subsection (c) in the same proceeding in which the lien is  
23 authorized.

24 A township desiring to enforce a lien under this subsection  
25 (c) shall petition the court to retain jurisdiction for  
26 foreclosure proceedings under this subsection. Notice of the

1 petition shall be served, by certified or registered mail, on  
2 all persons who were served notice under subsection (b). The  
3 court shall conduct a hearing on the petition not less than 15  
4 days after the notice is served. If the court determines that  
5 the requirements of this subsection (c) have been satisfied, it  
6 shall grant the petition and retain jurisdiction over the  
7 matter until the foreclosure proceeding is completed. The costs  
8 of foreclosure incurred by the township, including court costs,  
9 reasonable attorneys' fees, advances to preserve the property,  
10 and other costs related to the enforcement of this subsection,  
11 plus statutory interest, are a lien on the real estate and are  
12 recoverable by the township from the owner or owners of the  
13 real estate. If the court denies the petition, the township may  
14 enforce the lien in a separate action as provided in subsection  
15 (b).

16 All persons designated in Section 15-1501 of the Code of  
17 Civil Procedure as necessary parties in a mortgage foreclosure  
18 action shall be joined as parties before issuance of an order  
19 of foreclosure. Persons designated in Section 15-1501 of the  
20 Code of Civil Procedure as permissible parties may also be  
21 joined as parties in the action.

22 The provisions of Article XV of the Code of Civil Procedure  
23 applicable to mortgage foreclosures shall apply to the  
24 foreclosure of a lien under this subsection (c), except to the  
25 extent that those provisions are inconsistent with this  
26 subsection. For purposes of foreclosures of liens under this

1 subsection, however, the redemption period described in  
2 subsection (c) of Section 15-1603 of the Code of Civil  
3 Procedure shall end 60 days after the date of entry of the  
4 order of foreclosure.

5 (d) In addition to any other remedy provided by law, the  
6 township board of any township may petition the circuit court  
7 to have property declared abandoned under this subsection (d)  
8 if:

9 (1) the property has been tax delinquent for 2 or more  
10 years or bills for water service for the property have been  
11 outstanding for 2 or more years;

12 (2) the property is unoccupied by persons legally in  
13 possession; and

14 (3) the property contains a dangerous or unsafe  
15 building.

16 All persons having an interest of record in the property,  
17 including tax purchasers and beneficial owners of any Illinois  
18 land trust having title to the property, shall be named as  
19 defendants in the petition and shall be served with process. In  
20 addition, service shall be had under Section 2-206 of the Code  
21 of Civil Procedure as in other cases affecting property.

22 The township, however, may proceed under this subsection in  
23 a proceeding brought under subsection (b). Notice of the  
24 petition shall be served by certified or registered mail on all  
25 persons who were served notice under subsection (b).

26 If the township proves that the conditions described in

1 this subsection exist and the owner of record of the property  
2 does not enter an appearance in the action, or, if title to the  
3 property is held by an Illinois land trust, if neither the  
4 owner of record nor the owner of the beneficial interest of the  
5 trust enters an appearance, the court shall declare the  
6 property abandoned.

7 If that determination is made, notice shall be sent by  
8 certified or registered mail to all persons having an interest  
9 of record in the property, including tax purchasers and  
10 beneficial owners of any Illinois land trust having title to  
11 the property, stating that title to the property will be  
12 transferred to the township unless, within 30 days of the  
13 notice, the owner of record enters an appearance in the action,  
14 or unless any other person having an interest in the property  
15 files with the court a request to demolish the dangerous or  
16 unsafe building or to put the building in safe condition.

17 If the owner of record enters an appearance in the action  
18 within the 30-day period, the court shall vacate its order  
19 declaring the property abandoned. In that case, the township  
20 may amend its complaint in order to initiate proceedings under  
21 subsection (b).

22 If a request to demolish or repair the building is filed  
23 within the 30-day period, the court shall grant permission to  
24 the requesting party to demolish the building within 30 days or  
25 to restore the building to safe condition within 60 days after  
26 the request is granted. An extension of that period for up to

1 60 additional days may be given for good cause. If more than  
2 one person with an interest in the property files a timely  
3 request, preference shall be given to the person with the lien  
4 or other interest of the highest priority.

5 If the requesting party proves to the court that the  
6 building has been demolished or put in a safe condition within  
7 the period of time granted by the court, the court shall issue  
8 a quitclaim judicial deed for the property to the requesting  
9 party, conveying only the interest of the owner of record, upon  
10 proof of payment to the township of all costs incurred by the  
11 township in connection with the action, including but not  
12 limited to court costs, attorney's fees, administrative costs,  
13 the costs, if any, associated with building enclosure or  
14 removal, and receiver's certificates. The interest in the  
15 property so conveyed shall be subject to all liens and  
16 encumbrances on the property. In addition, if the interest is  
17 conveyed to a person holding a certificate of purchase for the  
18 property under the Property Tax Code, the conveyance shall be  
19 subject to the rights of redemption of all persons entitled to  
20 redeem under that Act, including the original owner of record.

21 If no person with an interest in the property files a  
22 timely request or if the requesting party fails to demolish the  
23 building or put the building in safe condition within the time  
24 specified by the court, the township may petition the court to  
25 issue a judicial deed for the property to the county. A  
26 conveyance by judicial deed shall operate to extinguish all

1 existing ownership interests in, liens on, and other interest  
2 in the property, including tax liens.

3 (Source: P.A. 94-841, eff. 6-7-06.)

4 (60 ILCS 1/85-55)

5 Sec. 85-55 ~~85-50~~. Horse-drawn vehicles. The township board  
6 may, by ordinance, license and regulate horse-drawn vehicles  
7 operating within the township. The ordinance may also (i)  
8 prescribe regulations for the safe operation of horse-drawn  
9 vehicles and (ii) require the examination of persons operating  
10 a horse-drawn vehicle. Any annual fee charged for a license to  
11 operate a horse-drawn vehicle may not exceed \$50. Any fees  
12 charged for a license to operate a horse-drawn vehicle within  
13 the township must be used for the improvement of township  
14 roads.

15 For the purposes of this Section, "horse-drawn vehicle"  
16 means any vehicle powered by any animal of the equine family.

17 (Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

18 (60 ILCS 1/235-20)

19 Sec. 235-20. General assistance tax.

20 (a) The township board may raise money by taxation deemed  
21 necessary to be expended to provide general assistance in the  
22 township to persons needing that assistance as provided in the  
23 Illinois Public Aid Code, including persons eligible for  
24 assistance under the Military Veterans Assistance Act, where

1 that duty is provided by law. The tax for each fiscal year  
2 shall not be more than 0.10% of value, or more than an amount  
3 approved at a referendum held under this Section, as equalized  
4 or assessed by the Department of Revenue, and shall in no case  
5 exceed the amount needed in the township for general  
6 assistance. The board may decrease the maximum tax rate by  
7 ordinance.

8 (b) Except as otherwise provided in this subsection, if the  
9 board desires to increase the maximum tax rate, it shall order  
10 a referendum on that proposition to be held at an election in  
11 accordance with the general election law. The board shall  
12 certify the proposition to the proper election officials, who  
13 shall submit the proposition to the voters at an election in  
14 accordance with the general election law. If a majority of the  
15 votes cast on the proposition is in favor of the proposition,  
16 the board may annually levy the tax at a rate not exceeding the  
17 higher rate approved by the voters at the election. If,  
18 however, the board has decreased the maximum tax rate under  
19 subsection (a), then it may, at any time after the decrease,  
20 increase the maximum tax rate, by ordinance, to a rate less  
21 than or equal to the maximum tax rate immediately prior to the  
22 board's ordinance to decrease the rate.

23 (c) If a city, village, or incorporated town having a  
24 population of more than 500,000 is located within or partially  
25 within a township, then the entire amount of the tax levied by  
26 the township for the purpose of providing general assistance



1 under this Section on property lying within that city, village,  
2 or incorporated town, less the amount allowed for collecting  
3 the tax, shall be paid over by the treasurer of the township to  
4 the treasurer of the city, village, or incorporated town to be  
5 appropriated and used by the city, village, or incorporated  
6 town for the relief and support of persons needing general  
7 assistance residing in that portion of the city, village, or  
8 incorporated town located within the township in accordance  
9 with the Illinois Public Aid Code.

10 (d) Any taxes levied for general assistance before or after  
11 this Section takes effect may also be used for the payment of  
12 warrants issued against and in anticipation of those taxes and  
13 accrued interest on those warrants and may also be used to pay  
14 the cost of administering that assistance.

15 (e) In any township with a population of less than 500,000  
16 that receives no State funding for the general assistance  
17 program and that has not issued anticipation warrants or  
18 otherwise borrowed monies for the administration of the general  
19 assistance program during the township's previous 3 fiscal  
20 years of operation, a one time transfer of monies from the  
21 township's general assistance fund may be made to the general  
22 township fund pursuant to action by the township board. This  
23 transfer may occur only to the extent that the amount of monies  
24 remaining in the general assistance fund after the transfer is  
25 equal to the greater of (i) the amount of the township's  
26 expenditures in the previous fiscal year for general assistance

1 or (ii) an amount equal to either 0.10% of the last known total  
2 equalized value of all taxable property in the township, or  
3 100% of the highest amount levied for general assistance  
4 purposes in any of the three previous fiscal years. The  
5 transfer shall be completed no later than one year after the  
6 effective date of this amendatory Act of the 92nd General  
7 Assembly. No township that has certified a new levy or an  
8 increase in the levy under this Section during calendar year  
9 2002 may transfer monies under this subsection. No action on  
10 the transfer of monies under this subsection shall be taken by  
11 the township board except at a township board meeting. No  
12 monies transferred under this subsection shall be considered in  
13 determining whether the township qualifies for State funds to  
14 supplement local funds for public aid purposes under Section  
15 12-21.13 of the Illinois Public Aid Code.

16 (Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02;  
17 revised 9-9-02.)

18 Section 475. The Illinois Municipal Code is amended by  
19 changing Sections 8-11-1.2, 11-31-1, 11-74.4-3, 11-74.4-6,  
20 11-74.4-7, and 11-124-1 and by renumbering Section 19.2-5 as  
21 follows:

22 (65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

23 Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3,  
24 8-11-1.4 and 8-11-1.5 of this Act:

1 (a) "Public infrastructure" means municipal roads and  
2 streets, access roads, bridges, and sidewalks; waste disposal  
3 systems; and water and sewer line extensions, water  
4 distribution and purification facilities, storm water drainage  
5 and retention facilities, and sewage treatment facilities. For  
6 purposes of referenda authorizing the imposition of taxes by  
7 the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and  
8 8-11-1.5 of this Act that are approved in November, 2002,  
9 "public infrastructure" shall also include public schools.

10 (b) "Property tax relief" means the action of a  
11 municipality to reduce the levy for real estate taxes or avoid  
12 an increase in the levy for real estate taxes that would  
13 otherwise have been required. Property tax relief or the  
14 avoidance of property tax must uniformly apply to all classes  
15 of property.

16 (Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03; 92-815,  
17 eff. 8-21-02; revised 9-10-02.)

18 (65 ILCS 5/11-19.2-5) (was 65 ILCS 5/19.2-5)

19 Sec. 11-19.2-5 ~~19.2-5~~. Subpoenas - Defaults. At any time  
20 prior to the hearing date the hearing officer assigned to hear  
21 the case may, at the request of the sanitation inspector or the  
22 attorney for the municipality, or the respondent or his  
23 attorney, issue subpoenas directing witnesses to appear and  
24 give testimony at the hearing. If on the date set for hearing  
25 the respondent or his attorney fails to appear, the hearing

1 officer may find the respondent in default and shall proceed  
2 with the hearing and accept evidence relating to the existence  
3 of a code violation.

4 (Source: P.A. 86-1364; revised 10-19-05.)

5 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

6 Sec. 11-31-1. Demolition, repair, enclosure, or  
7 remediation.

8 (a) The corporate authorities of each municipality may  
9 demolish, repair, or enclose or cause the demolition, repair,  
10 or enclosure of dangerous and unsafe buildings or uncompleted  
11 and abandoned buildings within the territory of the  
12 municipality and may remove or cause the removal of garbage,  
13 debris, and other hazardous, noxious, or unhealthy substances  
14 or materials from those buildings. In any county having adopted  
15 by referendum or otherwise a county health department as  
16 provided by Division 5-25 of the Counties Code or its  
17 predecessor, the county board of that county may exercise those  
18 powers with regard to dangerous and unsafe buildings or  
19 uncompleted and abandoned buildings within the territory of any  
20 city, village, or incorporated town having less than 50,000  
21 population.

22 The corporate authorities shall apply to the circuit court  
23 of the county in which the building is located (i) for an order  
24 authorizing action to be taken with respect to a building if  
25 the owner or owners of the building, including the lien holders

1 of record, after at least 15 days' written notice by mail so to  
2 do, have failed to put the building in a safe condition or to  
3 demolish it or (ii) for an order requiring the owner or owners  
4 of record to demolish, repair, or enclose the building or to  
5 remove garbage, debris, and other hazardous, noxious, or  
6 unhealthy substances or materials from the building. It is not  
7 a defense to the cause of action that the building is boarded  
8 up or otherwise enclosed, although the court may order the  
9 defendant to have the building boarded up or otherwise  
10 enclosed. Where, upon diligent search, the identity or  
11 whereabouts of the owner or owners of the building, including  
12 the lien holders of record, is not ascertainable, notice mailed  
13 to the person or persons in whose name the real estate was last  
14 assessed is sufficient notice under this Section.

15 The hearing upon the application to the circuit court shall  
16 be expedited by the court and shall be given precedence over  
17 all other suits. Any person entitled to bring an action under  
18 subsection (b) shall have the right to intervene in an action  
19 brought under this Section.

20 The cost of the demolition, repair, enclosure, or removal  
21 incurred by the municipality, by an intervenor, or by a lien  
22 holder of record, including court costs, attorney's fees, and  
23 other costs related to the enforcement of this Section, is  
24 recoverable from the owner or owners of the real estate or the  
25 previous owner or both if the property was transferred during  
26 the 15 day notice period and is a lien on the real estate; the

1 lien is superior to all prior existing liens and encumbrances,  
2 except taxes, if, within 180 days after the repair, demolition,  
3 enclosure, or removal, the municipality, the lien holder of  
4 record, or the intervenor who incurred the cost and expense  
5 shall file a notice of lien for the cost and expense incurred  
6 in the office of the recorder in the county in which the real  
7 estate is located or in the office of the registrar of titles  
8 of the county if the real estate affected is registered under  
9 the Registered Titles (Torrens) Act.

10 The notice must consist of a sworn statement setting out  
11 (1) a description of the real estate sufficient for its  
12 identification, (2) the amount of money representing the cost  
13 and expense incurred, and (3) the date or dates when the cost  
14 and expense was incurred by the municipality, the lien holder  
15 of record, or the intervenor. Upon payment of the cost and  
16 expense by the owner of or persons interested in the property  
17 after the notice of lien has been filed, the lien shall be  
18 released by the municipality, the person in whose name the lien  
19 has been filed, or the assignee of the lien, and the release  
20 may be filed of record as in the case of filing notice of lien.  
21 Unless the lien is enforced under subsection (c), the lien may  
22 be enforced by foreclosure proceedings as in the case of  
23 mortgage foreclosures under Article XV of the Code of Civil  
24 Procedure or mechanics' lien foreclosures. An action to  
25 foreclose this lien may be commenced at any time after the date  
26 of filing of the notice of lien. The costs of foreclosure

1 incurred by the municipality, including court costs,  
2 reasonable attorney's fees, advances to preserve the property,  
3 and other costs related to the enforcement of this subsection,  
4 plus statutory interest, are a lien on the real estate and are  
5 recoverable by the municipality from the owner or owners of the  
6 real estate.

7 All liens arising under this subsection (a) shall be  
8 assignable. The assignee of the lien shall have the same power  
9 to enforce the lien as the assigning party, except that the  
10 lien may not be enforced under subsection (c).

11 If the appropriate official of any municipality determines  
12 that any dangerous and unsafe building or uncompleted and  
13 abandoned building within its territory fulfills the  
14 requirements for an action by the municipality under the  
15 Abandoned Housing Rehabilitation Act, the municipality may  
16 petition under that Act in a proceeding brought under this  
17 subsection.

18 (b) Any owner or tenant of real property within 1200 feet  
19 in any direction of any dangerous or unsafe building located  
20 within the territory of a municipality with a population of  
21 500,000 or more may file with the appropriate municipal  
22 authority a request that the municipality apply to the circuit  
23 court of the county in which the building is located for an  
24 order permitting the demolition, removal of garbage, debris,  
25 and other noxious or unhealthy substances and materials from,  
26 or repair or enclosure of the building in the manner prescribed

1 in subsection (a) of this Section. If the municipality fails to  
2 institute an action in circuit court within 90 days after the  
3 filing of the request, the owner or tenant of real property  
4 within 1200 feet in any direction of the building may institute  
5 an action in circuit court seeking an order compelling the  
6 owner or owners of record to demolish, remove garbage, debris,  
7 and other noxious or unhealthy substances and materials from,  
8 repair or enclose or to cause to be demolished, have garbage,  
9 debris, and other noxious or unhealthy substances and materials  
10 removed from, repaired, or enclosed the building in question. A  
11 private owner or tenant who institutes an action under the  
12 preceding sentence shall not be required to pay any fee to the  
13 clerk of the circuit court. The cost of repair, removal,  
14 demolition, or enclosure shall be borne by the owner or owners  
15 of record of the building. In the event the owner or owners of  
16 record fail to demolish, remove garbage, debris, and other  
17 noxious or unhealthy substances and materials from, repair, or  
18 enclose the building within 90 days of the date the court  
19 entered its order, the owner or tenant who instituted the  
20 action may request that the court join the municipality as a  
21 party to the action. The court may order the municipality to  
22 demolish, remove materials from, repair, or enclose the  
23 building, or cause that action to be taken upon the request of  
24 any owner or tenant who instituted the action or upon the  
25 municipality's request. The municipality may file, and the  
26 court may approve, a plan for rehabilitating the building in



1 question. A court order authorizing the municipality to  
2 demolish, remove materials from, repair, or enclose a building,  
3 or cause that action to be taken, shall not preclude the court  
4 from adjudging the owner or owners of record of the building in  
5 contempt of court due to the failure to comply with the order  
6 to demolish, remove garbage, debris, and other noxious or  
7 unhealthy substances and materials from, repair, or enclose the  
8 building.

9 If a municipality or a person or persons other than the  
10 owner or owners of record pay the cost of demolition, removal  
11 of garbage, debris, and other noxious or unhealthy substances  
12 and materials, repair, or enclosure pursuant to a court order,  
13 the cost, including court costs, attorney's fees, and other  
14 costs related to the enforcement of this subsection, is  
15 recoverable from the owner or owners of the real estate and is  
16 a lien on the real estate; the lien is superior to all prior  
17 existing liens and encumbrances, except taxes, if, within 180  
18 days after the repair, removal, demolition, or enclosure, the  
19 municipality or the person or persons who paid the costs of  
20 demolition, removal, repair, or enclosure shall file a notice  
21 of lien of the cost and expense incurred in the office of the  
22 recorder in the county in which the real estate is located or  
23 in the office of the registrar of the county if the real estate  
24 affected is registered under the Registered Titles (Torrens)  
25 Act. The notice shall be in a form as is provided in subsection  
26 (a). An owner or tenant who institutes an action in circuit

1 court seeking an order to compel the owner or owners of record  
2 to demolish, remove materials from, repair, or enclose any  
3 dangerous or unsafe building, or to cause that action to be  
4 taken under this subsection may recover court costs and  
5 reasonable attorney's fees for instituting the action from the  
6 owner or owners of record of the building. Upon payment of the  
7 costs and expenses by the owner of or a person interested in  
8 the property after the notice of lien has been filed, the lien  
9 shall be released by the municipality or the person in whose  
10 name the lien has been filed or his or her assignee, and the  
11 release may be filed of record as in the case of filing a  
12 notice of lien. Unless the lien is enforced under subsection  
13 (c), the lien may be enforced by foreclosure proceedings as in  
14 the case of mortgage foreclosures under Article XV of the Code  
15 of Civil Procedure or mechanics' lien foreclosures. An action  
16 to foreclose this lien may be commenced at any time after the  
17 date of filing of the notice of lien. The costs of foreclosure  
18 incurred by the municipality, including court costs,  
19 reasonable attorneys' fees, advances to preserve the property,  
20 and other costs related to the enforcement of this subsection,  
21 plus statutory interest, are a lien on the real estate and are  
22 recoverable by the municipality from the owner or owners of the  
23 real estate.

24 All liens arising under the terms of this subsection (b)  
25 shall be assignable. The assignee of the lien shall have the  
26 same power to enforce the lien as the assigning party, except

1 that the lien may not be enforced under subsection (c).

2 (c) In any case where a municipality has obtained a lien  
3 under subsection (a), (b), or (f), the municipality may enforce  
4 the lien under this subsection (c) in the same proceeding in  
5 which the lien is authorized.

6 A municipality desiring to enforce a lien under this  
7 subsection (c) shall petition the court to retain jurisdiction  
8 for foreclosure proceedings under this subsection. Notice of  
9 the petition shall be served, by certified or registered mail,  
10 on all persons who were served notice under subsection (a),  
11 (b), or (f). The court shall conduct a hearing on the petition  
12 not less than 15 days after the notice is served. If the court  
13 determines that the requirements of this subsection (c) have  
14 been satisfied, it shall grant the petition and retain  
15 jurisdiction over the matter until the foreclosure proceeding  
16 is completed. The costs of foreclosure incurred by the  
17 municipality, including court costs, reasonable attorneys'  
18 fees, advances to preserve the property, and other costs  
19 related to the enforcement of this subsection, plus statutory  
20 interest, are a lien on the real estate and are recoverable by  
21 the municipality from the owner or owners of the real estate.  
22 If the court denies the petition, the municipality may enforce  
23 the lien in a separate action as provided in subsection (a),  
24 (b), or (f).

25 All persons designated in Section 15-1501 of the Code of  
26 Civil Procedure as necessary parties in a mortgage foreclosure

1 action shall be joined as parties before issuance of an order  
2 of foreclosure. Persons designated in Section 15-1501 of the  
3 Code of Civil Procedure as permissible parties may also be  
4 joined as parties in the action.

5 The provisions of Article XV of the Code of Civil Procedure  
6 applicable to mortgage foreclosures shall apply to the  
7 foreclosure of a lien under this subsection (c), except to the  
8 extent that those provisions are inconsistent with this  
9 subsection. For purposes of foreclosures of liens under this  
10 subsection, however, the redemption period described in  
11 subsection (b) of Section 15-1603 of the Code of Civil  
12 Procedure shall end 60 days after the date of entry of the  
13 order of foreclosure.

14 (d) In addition to any other remedy provided by law, the  
15 corporate authorities of any municipality may petition the  
16 circuit court to have property declared abandoned under this  
17 subsection (d) if:

18 (1) the property has been tax delinquent for 2 or more  
19 years or bills for water service for the property have been  
20 outstanding for 2 or more years;

21 (2) the property is unoccupied by persons legally in  
22 possession; and

23 (3) the property contains a dangerous or unsafe  
24 building.

25 All persons having an interest of record in the property,  
26 including tax purchasers and beneficial owners of any Illinois

1 land trust having title to the property, shall be named as  
2 defendants in the petition and shall be served with process. In  
3 addition, service shall be had under Section 2-206 of the Code  
4 of Civil Procedure as in other cases affecting property.

5 The municipality, however, may proceed under this  
6 subsection in a proceeding brought under subsection (a) or (b).  
7 Notice of the petition shall be served by certified or  
8 registered mail on all persons who were served notice under  
9 subsection (a) or (b).

10 If the municipality proves that the conditions described in  
11 this subsection exist and the owner of record of the property  
12 does not enter an appearance in the action, or, if title to the  
13 property is held by an Illinois land trust, if neither the  
14 owner of record nor the owner of the beneficial interest of the  
15 trust enters an appearance, the court shall declare the  
16 property abandoned.

17 If that determination is made, notice shall be sent by  
18 certified or registered mail to all persons having an interest  
19 of record in the property, including tax purchasers and  
20 beneficial owners of any Illinois land trust having title to  
21 the property, stating that title to the property will be  
22 transferred to the municipality unless, within 30 days of the  
23 notice, the owner of record enters an appearance in the action,  
24 or unless any other person having an interest in the property  
25 files with the court a request to demolish the dangerous or  
26 unsafe building or to put the building in safe condition.

1           If the owner of record enters an appearance in the action  
2 within the 30 day period, the court shall vacate its order  
3 declaring the property abandoned. In that case, the  
4 municipality may amend its complaint in order to initiate  
5 proceedings under subsection (a).

6           If a request to demolish or repair the building is filed  
7 within the 30 day period, the court shall grant permission to  
8 the requesting party to demolish the building within 30 days or  
9 to restore the building to safe condition within 60 days after  
10 the request is granted. An extension of that period for up to  
11 60 additional days may be given for good cause. If more than  
12 one person with an interest in the property files a timely  
13 request, preference shall be given to the person with the lien  
14 or other interest of the highest priority.

15           If the requesting party proves to the court that the  
16 building has been demolished or put in a safe condition within  
17 the period of time granted by the court, the court shall issue  
18 a quitclaim judicial deed for the property to the requesting  
19 party, conveying only the interest of the owner of record, upon  
20 proof of payment to the municipality of all costs incurred by  
21 the municipality in connection with the action, including but  
22 not limited to court costs, attorney's fees, administrative  
23 costs, the costs, if any, associated with building enclosure or  
24 removal, and receiver's certificates. The interest in the  
25 property so conveyed shall be subject to all liens and  
26 encumbrances on the property. In addition, if the interest is

1 conveyed to a person holding a certificate of purchase for the  
2 property under the Property Tax Code, the conveyance shall be  
3 subject to the rights of redemption of all persons entitled to  
4 redeem under that Act, including the original owner of record.

5 If no person with an interest in the property files a  
6 timely request or if the requesting party fails to demolish the  
7 building or put the building in safe condition within the time  
8 specified by the court, the municipality may petition the court  
9 to issue a judicial deed for the property to the municipality.

10 A conveyance by judicial deed shall operate to extinguish all  
11 existing ownership interests in, liens on, and other interest  
12 in the property, including tax liens, and shall extinguish the  
13 rights and interests of any and all holders of a bona fide  
14 certificate of purchase of the property for delinquent taxes.  
15 Any such bona fide certificate of purchase holder shall be  
16 entitled to a sale in error as prescribed under Section 21-310  
17 of the Property Tax Code.

18 (e) Each municipality may use the provisions of this  
19 subsection to expedite the removal of certain buildings that  
20 are a continuing hazard to the community in which they are  
21 located.

22 If a residential or commercial building is 3 stories or  
23 less in height as defined by the municipality's building code,  
24 and the corporate official designated to be in charge of  
25 enforcing the municipality's building code determines that the  
26 building is open and vacant and an immediate and continuing

1 hazard to the community in which the building is located, then  
2 the official shall be authorized to post a notice not less than  
3 2 feet by 2 feet in size on the front of the building. The  
4 notice shall be dated as of the date of the posting and shall  
5 state that unless the building is demolished, repaired, or  
6 enclosed, and unless any garbage, debris, and other hazardous,  
7 noxious, or unhealthy substances or materials are removed so  
8 that an immediate and continuing hazard to the community no  
9 longer exists, then the building may be demolished, repaired,  
10 or enclosed, or any garbage, debris, and other hazardous,  
11 noxious, or unhealthy substances or materials may be removed,  
12 by the municipality.

13 Not later than 30 days following the posting of the notice,  
14 the municipality shall do all of the following:

15 (1) Cause to be sent, by certified mail, return receipt  
16 requested, a Notice to Remediate to all owners of record of  
17 the property, the beneficial owners of any Illinois land  
18 trust having title to the property, and all lienholders of  
19 record in the property, stating the intent of the  
20 municipality to demolish, repair, or enclose the building  
21 or remove any garbage, debris, or other hazardous, noxious,  
22 or unhealthy substances or materials if that action is not  
23 taken by the owner or owners.

24 (2) Cause to be published, in a newspaper published or  
25 circulated in the municipality where the building is  
26 located, a notice setting forth (i) the permanent tax index



1 number and the address of the building, (ii) a statement  
2 that the property is open and vacant and constitutes an  
3 immediate and continuing hazard to the community, and (iii)  
4 a statement that the municipality intends to demolish,  
5 repair, or enclose the building or remove any garbage,  
6 debris, or other hazardous, noxious, or unhealthy  
7 substances or materials if the owner or owners or  
8 lienholders of record fail to do so. This notice shall be  
9 published for 3 consecutive days.

10 (3) Cause to be recorded the Notice to Remediate mailed  
11 under paragraph (1) in the office of the recorder in the  
12 county in which the real estate is located or in the office  
13 of the registrar of titles of the county if the real estate  
14 is registered under the Registered Title (Torrens) Act.

15 Any person or persons with a current legal or equitable  
16 interest in the property objecting to the proposed actions of  
17 the corporate authorities may file his or her objection in an  
18 appropriate form in a court of competent jurisdiction.

19 If the building is not demolished, repaired, or enclosed,  
20 or the garbage, debris, or other hazardous, noxious, or  
21 unhealthy substances or materials are not removed, within 30  
22 days of mailing the notice to the owners of record, the  
23 beneficial owners of any Illinois land trust having title to  
24 the property, and all lienholders of record in the property, or  
25 within 30 days of the last day of publication of the notice,  
26 whichever is later, the corporate authorities shall have the

1 power to demolish, repair, or enclose the building or to remove  
2 any garbage, debris, or other hazardous, noxious, or unhealthy  
3 substances or materials.

4 The municipality may proceed to demolish, repair, or  
5 enclose a building or remove any garbage, debris, or other  
6 hazardous, noxious, or unhealthy substances or materials under  
7 this subsection within a 120-day period following the date of  
8 the mailing of the notice if the appropriate official  
9 determines that the demolition, repair, enclosure, or removal  
10 of any garbage, debris, or other hazardous, noxious, or  
11 unhealthy substances or materials is necessary to remedy the  
12 immediate and continuing hazard. If, however, before the  
13 municipality proceeds with any of the actions authorized by  
14 this subsection, any person with a legal or equitable interest  
15 in the property has sought a hearing under this subsection  
16 before a court and has served a copy of the complaint on the  
17 chief executive officer of the municipality, then the  
18 municipality shall not proceed with the demolition, repair,  
19 enclosure, or removal of garbage, debris, or other substances  
20 until the court determines that that action is necessary to  
21 remedy the hazard and issues an order authorizing the  
22 municipality to do so. If the court dismisses the action for  
23 want of prosecution, the municipality must send the objector a  
24 copy of the dismissal order and a letter stating that the  
25 demolition, repair, enclosure, or removal of garbage, debris,  
26 or other substances will proceed unless, within 30 days after

1 the copy of the order and the letter are mailed, the objector  
2 moves to vacate the dismissal and serves a copy of the motion  
3 on the chief executive officer of the municipality.  
4 Notwithstanding any other law to the contrary, if the objector  
5 does not file a motion and give the required notice, if the  
6 motion is denied by the court, or if the action is again  
7 dismissed for want of prosecution, then the dismissal is with  
8 prejudice and the demolition, repair, enclosure, or removal may  
9 proceed forthwith.

10 Following the demolition, repair, or enclosure of a  
11 building, or the removal of garbage, debris, or other  
12 hazardous, noxious, or unhealthy substances or materials under  
13 this subsection, the municipality may file a notice of lien  
14 against the real estate for the cost of the demolition, repair,  
15 enclosure, or removal within 180 days after the repair,  
16 demolition, enclosure, or removal occurred, for the cost and  
17 expense incurred, in the office of the recorder in the county  
18 in which the real estate is located or in the office of the  
19 registrar of titles of the county if the real estate affected  
20 is registered under the Registered Titles (Torrens) Act; this  
21 lien has priority over the interests of those parties named in  
22 the Notice to Remediate mailed under paragraph (1), but not  
23 over the interests of third party purchasers or encumbrancers  
24 for value who obtained their interests in the property before  
25 obtaining actual or constructive notice of the lien. The notice  
26 of lien shall consist of a sworn statement setting forth (i) a

1 description of the real estate, such as the address or other  
2 description of the property, sufficient for its  
3 identification; (ii) the expenses incurred by the municipality  
4 in undertaking the remedial actions authorized under this  
5 subsection; (iii) the date or dates the expenses were incurred  
6 by the municipality; (iv) a statement by the corporate official  
7 responsible for enforcing the building code that the building  
8 was open and vacant and constituted an immediate and continuing  
9 hazard to the community; (v) a statement by the corporate  
10 official that the required sign was posted on the building,  
11 that notice was sent by certified mail to the owners of record,  
12 and that notice was published in accordance with this  
13 subsection; and (vi) a statement as to when and where the  
14 notice was published. The lien authorized by this subsection  
15 may thereafter be released or enforced by the municipality as  
16 provided in subsection (a).

17 (f) The corporate authorities of each municipality may  
18 remove or cause the removal of, or otherwise environmentally  
19 remediate hazardous substances and petroleum products on, in,  
20 or under any abandoned and unsafe property within the territory  
21 of a municipality. In addition, where preliminary evidence  
22 indicates the presence or likely presence of a hazardous  
23 substance or a petroleum product or a release or a substantial  
24 threat of a release of a hazardous substance or a petroleum  
25 product on, in, or under the property, the corporate  
26 authorities of the municipality may inspect the property and

1 test for the presence or release of hazardous substances and  
2 petroleum products. In any county having adopted by referendum  
3 or otherwise a county health department as provided by Division  
4 5-25 of the Counties Code or its predecessor, the county board  
5 of that county may exercise the above-described powers with  
6 regard to property within the territory of any city, village,  
7 or incorporated town having less than 50,000 population.

8 For purposes of this subsection (f):

9 (1) "property" or "real estate" means all real  
10 property, whether or not improved by a structure;

11 (2) "abandoned" means;

12 (A) the property has been tax delinquent for 2 or  
13 more years;

14 (B) the property is unoccupied by persons legally  
15 in possession; and

16 (3) "unsafe" means property that presents an actual or  
17 imminent threat to public health and safety caused by the  
18 release of hazardous substances; and

19 (4) "hazardous substances" means the same as in Section  
20 3.215 of the Environmental Protection Act.

21 The corporate authorities shall apply to the circuit court  
22 of the county in which the property is located (i) for an order  
23 allowing the municipality to enter the property and inspect and  
24 test substances on, in, or under the property; or (ii) for an  
25 order authorizing the corporate authorities to take action with  
26 respect to remediation of the property if conditions on the

1 property, based on the inspection and testing authorized in  
2 paragraph (i), indicate the presence of hazardous substances or  
3 petroleum products. Remediation shall be deemed complete for  
4 purposes of paragraph (ii) above when the property satisfies  
5 Tier I, II, or III remediation objectives for the property's  
6 most recent usage, as established by the Environmental  
7 Protection Act, and the rules and regulations promulgated  
8 thereunder. Where, upon diligent search, the identity or  
9 whereabouts of the owner or owners of the property, including  
10 the lien holders of record, is not ascertainable, notice mailed  
11 to the person or persons in whose name the real estate was last  
12 assessed is sufficient notice under this Section.

13 The court shall grant an order authorizing testing under  
14 paragraph (i) above upon a showing of preliminary evidence  
15 indicating the presence or likely presence of a hazardous  
16 substance or a petroleum product or a release of or a  
17 substantial threat of a release of a hazardous substance or a  
18 petroleum product on, in, or under abandoned property. The  
19 preliminary evidence may include, but is not limited to,  
20 evidence of prior use, visual site inspection, or records of  
21 prior environmental investigations. The testing authorized by  
22 paragraph (i) above shall include any type of investigation  
23 which is necessary for an environmental professional to  
24 determine the environmental condition of the property,  
25 including but not limited to performance of soil borings and  
26 groundwater monitoring. The court shall grant a remediation

1 order under paragraph (ii) above where testing of the property  
2 indicates that it fails to meet the applicable remediation  
3 objectives. The hearing upon the application to the circuit  
4 court shall be expedited by the court and shall be given  
5 precedence over all other suits.

6 The cost of the inspection, testing, or remediation  
7 incurred by the municipality or by a lien holder of record,  
8 including court costs, attorney's fees, and other costs related  
9 to the enforcement of this Section, is a lien on the real  
10 estate; except that in any instances where a municipality  
11 incurs costs of inspection and testing but finds no hazardous  
12 substances or petroleum products on the property that present  
13 an actual or imminent threat to public health and safety, such  
14 costs are not recoverable from the owners nor are such costs a  
15 lien on the real estate. The lien is superior to all prior  
16 existing liens and encumbrances, except taxes and any lien  
17 obtained under subsection (a) or (e), if, within 180 days after  
18 the completion of the inspection, testing, or remediation, the  
19 municipality or the lien holder of record who incurred the cost  
20 and expense shall file a notice of lien for the cost and  
21 expense incurred in the office of the recorder in the county in  
22 which the real estate is located or in the office of the  
23 registrar of titles of the county if the real estate affected  
24 is registered under the Registered Titles (Torrens) Act.

25 The notice must consist of a sworn statement setting out  
26 (i) a description of the real estate sufficient for its

1 identification, (ii) the amount of money representing the cost  
2 and expense incurred, and (iii) the date or dates when the cost  
3 and expense was incurred by the municipality or the lien holder  
4 of record. Upon payment of the lien amount by the owner of or  
5 persons interested in the property after the notice of lien has  
6 been filed, a release of lien shall be issued by the  
7 municipality, the person in whose name the lien has been filed,  
8 or the assignee of the lien, and the release may be filed of  
9 record as in the case of filing notice of lien.

10 The lien may be enforced under subsection (c) or by  
11 foreclosure proceedings as in the case of mortgage foreclosures  
12 under Article XV of the Code of Civil Procedure or mechanics'  
13 lien foreclosures; provided that where the lien is enforced by  
14 foreclosure under subsection (c) or under either statute, the  
15 municipality may not proceed against the other assets of the  
16 owner or owners of the real estate for any costs that otherwise  
17 would be recoverable under this Section but that remain  
18 unsatisfied after foreclosure except where such additional  
19 recovery is authorized by separate environmental laws. An  
20 action to foreclose this lien may be commenced at any time  
21 after the date of filing of the notice of lien. The costs of  
22 foreclosure incurred by the municipality, including court  
23 costs, reasonable attorney's fees, advances to preserve the  
24 property, and other costs related to the enforcement of this  
25 subsection, plus statutory interest, are a lien on the real  
26 estate.



1 All liens arising under this subsection (f) shall be  
2 assignable. The assignee of the lien shall have the same power  
3 to enforce the lien as the assigning party, except that the  
4 lien may not be enforced under subsection (c).

5 (g) In any case where a municipality has obtained a lien  
6 under subsection (a), the municipality may also bring an action  
7 for a money judgment against the owner or owners of the real  
8 estate in the amount of the lien in the same manner as provided  
9 for bringing causes of action in Article II of the Code of  
10 Civil Procedure and, upon obtaining a judgment, file a judgment  
11 lien against all of the real estate of the owner or owners and  
12 enforce that lien as provided for in Article XII of the Code of  
13 Civil Procedure.

14 (Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00;  
15 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00;  
16 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681, eff. 1-1-03;  
17 revised 2-18-03.)

18 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

19 Sec. 11-74.4-3. Definitions. The following terms, wherever  
20 used or referred to in this Division 74.4 shall have the  
21 following respective meanings, unless in any case a different  
22 meaning clearly appears from the context.

23 (a) For any redevelopment project area that has been  
24 designated pursuant to this Section by an ordinance adopted  
25 prior to November 1, 1999 (the effective date of Public Act

1 91-478), "blighted area" shall have the meaning set forth in  
2 this Section prior to that date.

3 On and after November 1, 1999, "blighted area" means any  
4 improved or vacant area within the boundaries of a  
5 redevelopment project area located within the territorial  
6 limits of the municipality where:

7 (1) If improved, industrial, commercial, and  
8 residential buildings or improvements are detrimental to  
9 the public safety, health, or welfare because of a  
10 combination of 5 or more of the following factors, each of  
11 which is (i) present, with that presence documented, to a  
12 meaningful extent so that a municipality may reasonably  
13 find that the factor is clearly present within the intent  
14 of the Act and (ii) reasonably distributed throughout the  
15 improved part of the redevelopment project area:

16 (A) Dilapidation. An advanced state of disrepair  
17 or neglect of necessary repairs to the primary  
18 structural components of buildings or improvements in  
19 such a combination that a documented building  
20 condition analysis determines that major repair is  
21 required or the defects are so serious and so extensive  
22 that the buildings must be removed.

23 (B) Obsolescence. The condition or process of  
24 falling into disuse. Structures have become ill-suited  
25 for the original use.

26 (C) Deterioration. With respect to buildings,

1 defects including, but not limited to, major defects in  
2 the secondary building components such as doors,  
3 windows, porches, gutters and downspouts, and fascia.  
4 With respect to surface improvements, that the  
5 condition of roadways, alleys, curbs, gutters,  
6 sidewalks, off-street parking, and surface storage  
7 areas evidence deterioration, including, but not  
8 limited to, surface cracking, crumbling, potholes,  
9 depressions, loose paving material, and weeds  
10 protruding through paved surfaces.

11 (D) Presence of structures below minimum code  
12 standards. All structures that do not meet the  
13 standards of zoning, subdivision, building, fire, and  
14 other governmental codes applicable to property, but  
15 not including housing and property maintenance codes.

16 (E) Illegal use of individual structures. The use  
17 of structures in violation of applicable federal,  
18 State, or local laws, exclusive of those applicable to  
19 the presence of structures below minimum code  
20 standards.

21 (F) Excessive vacancies. The presence of buildings  
22 that are unoccupied or under-utilized and that  
23 represent an adverse influence on the area because of  
24 the frequency, extent, or duration of the vacancies.

25 (G) Lack of ventilation, light, or sanitary  
26 facilities. The absence of adequate ventilation for

1 light or air circulation in spaces or rooms without  
2 windows, or that require the removal of dust, odor,  
3 gas, smoke, or other noxious airborne materials.  
4 Inadequate natural light and ventilation means the  
5 absence of skylights or windows for interior spaces or  
6 rooms and improper window sizes and amounts by room  
7 area to window area ratios. Inadequate sanitary  
8 facilities refers to the absence or inadequacy of  
9 garbage storage and enclosure, bathroom facilities,  
10 hot water and kitchens, and structural inadequacies  
11 preventing ingress and egress to and from all rooms and  
12 units within a building.

13 (H) Inadequate utilities. Underground and overhead  
14 utilities such as storm sewers and storm drainage,  
15 sanitary sewers, water lines, and gas, telephone, and  
16 electrical services that are shown to be inadequate.  
17 Inadequate utilities are those that are: (i) of  
18 insufficient capacity to serve the uses in the  
19 redevelopment project area, (ii) deteriorated,  
20 antiquated, obsolete, or in disrepair, or (iii)  
21 lacking within the redevelopment project area.

22 (I) Excessive land coverage and overcrowding of  
23 structures and community facilities. The  
24 over-intensive use of property and the crowding of  
25 buildings and accessory facilities onto a site.  
26 Examples of problem conditions warranting the

1 designation of an area as one exhibiting excessive land  
2 coverage are: (i) the presence of buildings either  
3 improperly situated on parcels or located on parcels of  
4 inadequate size and shape in relation to present-day  
5 standards of development for health and safety and (ii)  
6 the presence of multiple buildings on a single parcel.  
7 For there to be a finding of excessive land coverage,  
8 these parcels must exhibit one or more of the following  
9 conditions: insufficient provision for light and air  
10 within or around buildings, increased threat of spread  
11 of fire due to the close proximity of buildings, lack  
12 of adequate or proper access to a public right-of-way,  
13 lack of reasonably required off-street parking, or  
14 inadequate provision for loading and service.

15 (J) Deleterious land use or layout. The existence  
16 of incompatible land-use relationships, buildings  
17 occupied by inappropriate mixed-uses, or uses  
18 considered to be noxious, offensive, or unsuitable for  
19 the surrounding area.

20 (K) Environmental clean-up. The proposed  
21 redevelopment project area has incurred Illinois  
22 Environmental Protection Agency or United States  
23 Environmental Protection Agency remediation costs for,  
24 or a study conducted by an independent consultant  
25 recognized as having expertise in environmental  
26 remediation has determined a need for, the clean-up of

1 hazardous waste, hazardous substances, or underground  
2 storage tanks required by State or federal law,  
3 provided that the remediation costs constitute a  
4 material impediment to the development or  
5 redevelopment of the redevelopment project area.

6 (L) Lack of community planning. The proposed  
7 redevelopment project area was developed prior to or  
8 without the benefit or guidance of a community plan.  
9 This means that the development occurred prior to the  
10 adoption by the municipality of a comprehensive or  
11 other community plan or that the plan was not followed  
12 at the time of the area's development. This factor must  
13 be documented by evidence of adverse or incompatible  
14 land-use relationships, inadequate street layout,  
15 improper subdivision, parcels of inadequate shape and  
16 size to meet contemporary development standards, or  
17 other evidence demonstrating an absence of effective  
18 community planning.

19 (M) The total equalized assessed value of the  
20 proposed redevelopment project area has declined for 3  
21 of the last 5 calendar years prior to the year in which  
22 the redevelopment project area is designated or is  
23 increasing at an annual rate that is less than the  
24 balance of the municipality for 3 of the last 5  
25 calendar years for which information is available or is  
26 increasing at an annual rate that is less than the

1           Consumer Price Index for All Urban Consumers published  
2           by the United States Department of Labor or successor  
3           agency for 3 of the last 5 calendar years prior to the  
4           year in which the redevelopment project area is  
5           designated.

6           (2) If vacant, the sound growth of the redevelopment  
7           project area is impaired by a combination of 2 or more of  
8           the following factors, each of which is (i) present, with  
9           that presence documented, to a meaningful extent so that a  
10          municipality may reasonably find that the factor is clearly  
11          present within the intent of the Act and (ii) reasonably  
12          distributed throughout the vacant part of the  
13          redevelopment project area to which it pertains:

14                (A) Obsolete platting of vacant land that results  
15                in parcels of limited or narrow size or configurations  
16                of parcels of irregular size or shape that would be  
17                difficult to develop on a planned basis and in a manner  
18                compatible with contemporary standards and  
19                requirements, or platting that failed to create  
20                rights-of-ways for streets or alleys or that created  
21                inadequate right-of-way widths for streets, alleys, or  
22                other public rights-of-way or that omitted easements  
23                for public utilities.

24                (B) Diversity of ownership of parcels of vacant  
25                land sufficient in number to retard or impede the  
26                ability to assemble the land for development.

1           (C) Tax and special assessment delinquencies exist  
2           or the property has been the subject of tax sales under  
3           the Property Tax Code within the last 5 years.

4           (D) Deterioration of structures or site  
5           improvements in neighboring areas adjacent to the  
6           vacant land.

7           (E) The area has incurred Illinois Environmental  
8           Protection Agency or United States Environmental  
9           Protection Agency remediation costs for, or a study  
10          conducted by an independent consultant recognized as  
11          having expertise in environmental remediation has  
12          determined a need for, the clean-up of hazardous waste,  
13          hazardous substances, or underground storage tanks  
14          required by State or federal law, provided that the  
15          remediation costs constitute a material impediment to  
16          the development or redevelopment of the redevelopment  
17          project area.

18          (F) The total equalized assessed value of the  
19          proposed redevelopment project area has declined for 3  
20          of the last 5 calendar years prior to the year in which  
21          the redevelopment project area is designated or is  
22          increasing at an annual rate that is less than the  
23          balance of the municipality for 3 of the last 5  
24          calendar years for which information is available or is  
25          increasing at an annual rate that is less than the  
26          Consumer Price Index for All Urban Consumers published



1           by the United States Department of Labor or successor  
2           agency for 3 of the last 5 calendar years prior to the  
3           year in which the redevelopment project area is  
4           designated.

5           (3) If vacant, the sound growth of the redevelopment  
6           project area is impaired by one of the following factors  
7           that (i) is present, with that presence documented, to a  
8           meaningful extent so that a municipality may reasonably  
9           find that the factor is clearly present within the intent  
10          of the Act and (ii) is reasonably distributed throughout  
11          the vacant part of the redevelopment project area to which  
12          it pertains:

13                 (A) The area consists of one or more unused  
14                 quarries, mines, or strip mine ponds.

15                 (B) The area consists of unused rail yards, rail  
16                 tracks, or railroad rights-of-way.

17                 (C) The area, prior to its designation, is subject  
18                 to (i) chronic flooding that adversely impacts on real  
19                 property in the area as certified by a registered  
20                 professional engineer or appropriate regulatory agency  
21                 or (ii) surface water that discharges from all or a  
22                 part of the area and contributes to flooding within the  
23                 same watershed, but only if the redevelopment project  
24                 provides for facilities or improvements to contribute  
25                 to the alleviation of all or part of the flooding.

26                 (D) The area consists of an unused or illegal

1 disposal site containing earth, stone, building  
2 debris, or similar materials that were removed from  
3 construction, demolition, excavation, or dredge sites.

4 (E) Prior to November 1, 1999, the area is not less  
5 than 50 nor more than 100 acres and 75% of which is  
6 vacant (notwithstanding that the area has been used for  
7 commercial agricultural purposes within 5 years prior  
8 to the designation of the redevelopment project area),  
9 and the area meets at least one of the factors itemized  
10 in paragraph (1) of this subsection, the area has been  
11 designated as a town or village center by ordinance or  
12 comprehensive plan adopted prior to January 1, 1982,  
13 and the area has not been developed for that designated  
14 purpose.

15 (F) The area qualified as a blighted improved area  
16 immediately prior to becoming vacant, unless there has  
17 been substantial private investment in the immediately  
18 surrounding area.

19 (b) For any redevelopment project area that has been  
20 designated pursuant to this Section by an ordinance adopted  
21 prior to November 1, 1999 (the effective date of Public Act  
22 91-478), "conservation area" shall have the meaning set forth  
23 in this Section prior to that date.

24 On and after November 1, 1999, "conservation area" means  
25 any improved area within the boundaries of a redevelopment  
26 project area located within the territorial limits of the

1 municipality in which 50% or more of the structures in the area  
2 have an age of 35 years or more. Such an area is not yet a  
3 blighted area but because of a combination of 3 or more of the  
4 following factors is detrimental to the public safety, health,  
5 morals or welfare and such an area may become a blighted area:

6 (1) Dilapidation. An advanced state of disrepair or  
7 neglect of necessary repairs to the primary structural  
8 components of buildings or improvements in such a  
9 combination that a documented building condition analysis  
10 determines that major repair is required or the defects are  
11 so serious and so extensive that the buildings must be  
12 removed.

13 (2) Obsolescence. The condition or process of falling  
14 into disuse. Structures have become ill-suited for the  
15 original use.

16 (3) Deterioration. With respect to buildings, defects  
17 including, but not limited to, major defects in the  
18 secondary building components such as doors, windows,  
19 porches, gutters and downspouts, and fascia. With respect  
20 to surface improvements, that the condition of roadways,  
21 alleys, curbs, gutters, sidewalks, off-street parking, and  
22 surface storage areas evidence deterioration, including,  
23 but not limited to, surface cracking, crumbling, potholes,  
24 depressions, loose paving material, and weeds protruding  
25 through paved surfaces.

26 (4) Presence of structures below minimum code

1 standards. All structures that do not meet the standards of  
2 zoning, subdivision, building, fire, and other  
3 governmental codes applicable to property, but not  
4 including housing and property maintenance codes.

5 (5) Illegal use of individual structures. The use of  
6 structures in violation of applicable federal, State, or  
7 local laws, exclusive of those applicable to the presence  
8 of structures below minimum code standards.

9 (6) Excessive vacancies. The presence of buildings  
10 that are unoccupied or under-utilized and that represent an  
11 adverse influence on the area because of the frequency,  
12 extent, or duration of the vacancies.

13 (7) Lack of ventilation, light, or sanitary  
14 facilities. The absence of adequate ventilation for light  
15 or air circulation in spaces or rooms without windows, or  
16 that require the removal of dust, odor, gas, smoke, or  
17 other noxious airborne materials. Inadequate natural light  
18 and ventilation means the absence or inadequacy of  
19 skylights or windows for interior spaces or rooms and  
20 improper window sizes and amounts by room area to window  
21 area ratios. Inadequate sanitary facilities refers to the  
22 absence or inadequacy of garbage storage and enclosure,  
23 bathroom facilities, hot water and kitchens, and  
24 structural inadequacies preventing ingress and egress to  
25 and from all rooms and units within a building.

26 (8) Inadequate utilities. Underground and overhead

1 utilities such as storm sewers and storm drainage, sanitary  
2 sewers, water lines, and gas, telephone, and electrical  
3 services that are shown to be inadequate. Inadequate  
4 utilities are those that are: (i) of insufficient capacity  
5 to serve the uses in the redevelopment project area, (ii)  
6 deteriorated, antiquated, obsolete, or in disrepair, or  
7 (iii) lacking within the redevelopment project area.

8 (9) Excessive land coverage and overcrowding of  
9 structures and community facilities. The over-intensive  
10 use of property and the crowding of buildings and accessory  
11 facilities onto a site. Examples of problem conditions  
12 warranting the designation of an area as one exhibiting  
13 excessive land coverage are: the presence of buildings  
14 either improperly situated on parcels or located on parcels  
15 of inadequate size and shape in relation to present-day  
16 standards of development for health and safety and the  
17 presence of multiple buildings on a single parcel. For  
18 there to be a finding of excessive land coverage, these  
19 parcels must exhibit one or more of the following  
20 conditions: insufficient provision for light and air  
21 within or around buildings, increased threat of spread of  
22 fire due to the close proximity of buildings, lack of  
23 adequate or proper access to a public right-of-way, lack of  
24 reasonably required off-street parking, or inadequate  
25 provision for loading and service.

26 (10) Deleterious land use or layout. The existence of

1 incompatible land-use relationships, buildings occupied by  
2 inappropriate mixed-uses, or uses considered to be  
3 noxious, offensive, or unsuitable for the surrounding  
4 area.

5 (11) Lack of community planning. The proposed  
6 redevelopment project area was developed prior to or  
7 without the benefit or guidance of a community plan. This  
8 means that the development occurred prior to the adoption  
9 by the municipality of a comprehensive or other community  
10 plan or that the plan was not followed at the time of the  
11 area's development. This factor must be documented by  
12 evidence of adverse or incompatible land-use  
13 relationships, inadequate street layout, improper  
14 subdivision, parcels of inadequate shape and size to meet  
15 contemporary development standards, or other evidence  
16 demonstrating an absence of effective community planning.

17 (12) The area has incurred Illinois Environmental  
18 Protection Agency or United States Environmental  
19 Protection Agency remediation costs for, or a study  
20 conducted by an independent consultant recognized as  
21 having expertise in environmental remediation has  
22 determined a need for, the clean-up of hazardous waste,  
23 hazardous substances, or underground storage tanks  
24 required by State or federal law, provided that the  
25 remediation costs constitute a material impediment to the  
26 development or redevelopment of the redevelopment project

1 area.

2 (13) The total equalized assessed value of the proposed  
3 redevelopment project area has declined for 3 of the last 5  
4 calendar years for which information is available or is  
5 increasing at an annual rate that is less than the balance  
6 of the municipality for 3 of the last 5 calendar years for  
7 which information is available or is increasing at an  
8 annual rate that is less than the Consumer Price Index for  
9 All Urban Consumers published by the United States  
10 Department of Labor or successor agency for 3 of the last 5  
11 calendar years for which information is available.

12 (c) "Industrial park" means an area in a blighted or  
13 conservation area suitable for use by any manufacturing,  
14 industrial, research or transportation enterprise, of  
15 facilities to include but not be limited to factories, mills,  
16 processing plants, assembly plants, packing plants,  
17 fabricating plants, industrial distribution centers,  
18 warehouses, repair overhaul or service facilities, freight  
19 terminals, research facilities, test facilities or railroad  
20 facilities.

21 (d) "Industrial park conservation area" means an area  
22 within the boundaries of a redevelopment project area located  
23 within the territorial limits of a municipality that is a labor  
24 surplus municipality or within 1 1/2 miles of the territorial  
25 limits of a municipality that is a labor surplus municipality  
26 if the area is annexed to the municipality; which area is zoned

1 as industrial no later than at the time the municipality by  
2 ordinance designates the redevelopment project area, and which  
3 area includes both vacant land suitable for use as an  
4 industrial park and a blighted area or conservation area  
5 contiguous to such vacant land.

6 (e) "Labor surplus municipality" means a municipality in  
7 which, at any time during the 6 months before the municipality  
8 by ordinance designates an industrial park conservation area,  
9 the unemployment rate was over 6% and was also 100% or more of  
10 the national average unemployment rate for that same time as  
11 published in the United States Department of Labor Bureau of  
12 Labor Statistics publication entitled "The Employment  
13 Situation" or its successor publication. For the purpose of  
14 this subsection, if unemployment rate statistics for the  
15 municipality are not available, the unemployment rate in the  
16 municipality shall be deemed to be the same as the unemployment  
17 rate in the principal county in which the municipality is  
18 located.

19 (f) "Municipality" shall mean a city, village,  
20 incorporated town, or a township that is located in the  
21 unincorporated portion of a county with 3 million or more  
22 inhabitants, if the county adopted an ordinance that approved  
23 the township's redevelopment plan.

24 (g) "Initial Sales Tax Amounts" means the amount of taxes  
25 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
26 Service Use Tax Act, the Service Occupation Tax Act, the



1 Municipal Retailers' Occupation Tax Act, and the Municipal  
2 Service Occupation Tax Act by retailers and servicemen on  
3 transactions at places located in a State Sales Tax Boundary  
4 during the calendar year 1985.

5 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
6 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
7 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
8 Municipal Retailers' Occupation Tax Act, and the Municipal  
9 Service Occupation Tax Act by retailers and servicemen on  
10 transactions at places located within the State Sales Tax  
11 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

12 (h) "Municipal Sales Tax Increment" means an amount equal  
13 to the increase in the aggregate amount of taxes paid to a  
14 municipality from the Local Government Tax Fund arising from  
15 sales by retailers and servicemen within the redevelopment  
16 project area or State Sales Tax Boundary, as the case may be,  
17 for as long as the redevelopment project area or State Sales  
18 Tax Boundary, as the case may be, exist over and above the  
19 aggregate amount of taxes as certified by the Illinois  
20 Department of Revenue and paid under the Municipal Retailers'  
21 Occupation Tax Act and the Municipal Service Occupation Tax Act  
22 by retailers and servicemen, on transactions at places of  
23 business located in the redevelopment project area or State  
24 Sales Tax Boundary, as the case may be, during the base year  
25 which shall be the calendar year immediately prior to the year  
26 in which the municipality adopted tax increment allocation

1 financing. For purposes of computing the aggregate amount of  
2 such taxes for base years occurring prior to 1985, the  
3 Department of Revenue shall determine the Initial Sales Tax  
4 Amounts for such taxes and deduct therefrom an amount equal to  
5 4% of the aggregate amount of taxes per year for each year the  
6 base year is prior to 1985, but not to exceed a total deduction  
7 of 12%. The amount so determined shall be known as the  
8 "Adjusted Initial Sales Tax Amounts". For purposes of  
9 determining the Municipal Sales Tax Increment, the Department  
10 of Revenue shall for each period subtract from the amount paid  
11 to the municipality from the Local Government Tax Fund arising  
12 from sales by retailers and servicemen on transactions located  
13 in the redevelopment project area or the State Sales Tax  
14 Boundary, as the case may be, the certified Initial Sales Tax  
15 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised  
16 Initial Sales Tax Amounts for the Municipal Retailers'  
17 Occupation Tax Act and the Municipal Service Occupation Tax  
18 Act. For the State Fiscal Year 1989, this calculation shall be  
19 made by utilizing the calendar year 1987 to determine the tax  
20 amounts received. For the State Fiscal Year 1990, this  
21 calculation shall be made by utilizing the period from January  
22 1, 1988, until September 30, 1988, to determine the tax amounts  
23 received from retailers and servicemen pursuant to the  
24 Municipal Retailers' Occupation Tax and the Municipal Service  
25 Occupation Tax Act, which shall have deducted therefrom  
26 nine-twelfths of the certified Initial Sales Tax Amounts, the

1 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
2 Tax Amounts as appropriate. For the State Fiscal Year 1991,  
3 this calculation shall be made by utilizing the period from  
4 October 1, 1988, to June 30, 1989, to determine the tax amounts  
5 received from retailers and servicemen pursuant to the  
6 Municipal Retailers' Occupation Tax and the Municipal Service  
7 Occupation Tax Act which shall have deducted therefrom  
8 nine-twelfths of the certified Initial Sales Tax Amounts,  
9 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
10 Tax Amounts as appropriate. For every State Fiscal Year  
11 thereafter, the applicable period shall be the 12 months  
12 beginning July 1 and ending June 30 to determine the tax  
13 amounts received which shall have deducted therefrom the  
14 certified Initial Sales Tax Amounts, the Adjusted Initial Sales  
15 Tax Amounts or the Revised Initial Sales Tax Amounts, as the  
16 case may be.

17 (i) "Net State Sales Tax Increment" means the sum of the  
18 following: (a) 80% of the first \$100,000 of State Sales Tax  
19 Increment annually generated within a State Sales Tax Boundary;  
20 (b) 60% of the amount in excess of \$100,000 but not exceeding  
21 \$500,000 of State Sales Tax Increment annually generated within  
22 a State Sales Tax Boundary; and (c) 40% of all amounts in  
23 excess of \$500,000 of State Sales Tax Increment annually  
24 generated within a State Sales Tax Boundary. If, however, a  
25 municipality established a tax increment financing district in  
26 a county with a population in excess of 3,000,000 before

1 January 1, 1986, and the municipality entered into a contract  
2 or issued bonds after January 1, 1986, but before December 31,  
3 1986, to finance redevelopment project costs within a State  
4 Sales Tax Boundary, then the Net State Sales Tax Increment  
5 means, for the fiscal years beginning July 1, 1990, and July 1,  
6 1991, 100% of the State Sales Tax Increment annually generated  
7 within a State Sales Tax Boundary; and notwithstanding any  
8 other provision of this Act, for those fiscal years the  
9 Department of Revenue shall distribute to those municipalities  
10 100% of their Net State Sales Tax Increment before any  
11 distribution to any other municipality and regardless of  
12 whether or not those other municipalities will receive 100% of  
13 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
14 every year thereafter until the year 2007, for any municipality  
15 that has not entered into a contract or has not issued bonds  
16 prior to June 1, 1988 to finance redevelopment project costs  
17 within a State Sales Tax Boundary, the Net State Sales Tax  
18 Increment shall be calculated as follows: By multiplying the  
19 Net State Sales Tax Increment by 90% in the State Fiscal Year  
20 1999; 80% in the State Fiscal Year 2000; 70% in the State  
21 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the  
22 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
23 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
24 2006; and 10% in the State Fiscal Year 2007. No payment shall  
25 be made for State Fiscal Year 2008 and thereafter.

26 Municipalities that issued bonds in connection with a

1 redevelopment project in a redevelopment project area within  
2 the State Sales Tax Boundary prior to July 29, 1991, or that  
3 entered into contracts in connection with a redevelopment  
4 project in a redevelopment project area before June 1, 1988,  
5 shall continue to receive their proportional share of the  
6 Illinois Tax Increment Fund distribution until the date on  
7 which the redevelopment project is completed or terminated. If,  
8 however, a municipality that issued bonds in connection with a  
9 redevelopment project in a redevelopment project area within  
10 the State Sales Tax Boundary prior to July 29, 1991 retires the  
11 bonds prior to June 30, 2007 or a municipality that entered  
12 into contracts in connection with a redevelopment project in a  
13 redevelopment project area before June 1, 1988 completes the  
14 contracts prior to June 30, 2007, then so long as the  
15 redevelopment project is not completed or is not terminated,  
16 the Net State Sales Tax Increment shall be calculated,  
17 beginning on the date on which the bonds are retired or the  
18 contracts are completed, as follows: By multiplying the Net  
19 State Sales Tax Increment by 60% in the State Fiscal Year 2002;  
20 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year  
21 2004; 30% in the State Fiscal Year 2005; 20% in the State  
22 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No  
23 payment shall be made for State Fiscal Year 2008 and  
24 thereafter. Refunding of any bonds issued prior to July 29,  
25 1991, shall not alter the Net State Sales Tax Increment.

26 (j) "State Utility Tax Increment Amount" means an amount

1 equal to the aggregate increase in State electric and gas tax  
2 charges imposed on owners and tenants, other than residential  
3 customers, of properties located within the redevelopment  
4 project area under Section 9-222 of the Public Utilities Act,  
5 over and above the aggregate of such charges as certified by  
6 the Department of Revenue and paid by owners and tenants, other  
7 than residential customers, of properties within the  
8 redevelopment project area during the base year, which shall be  
9 the calendar year immediately prior to the year of the adoption  
10 of the ordinance authorizing tax increment allocation  
11 financing.

12 (k) "Net State Utility Tax Increment" means the sum of the  
13 following: (a) 80% of the first \$100,000 of State Utility Tax  
14 Increment annually generated by a redevelopment project area;  
15 (b) 60% of the amount in excess of \$100,000 but not exceeding  
16 \$500,000 of the State Utility Tax Increment annually generated  
17 by a redevelopment project area; and (c) 40% of all amounts in  
18 excess of \$500,000 of State Utility Tax Increment annually  
19 generated by a redevelopment project area. For the State Fiscal  
20 Year 1999, and every year thereafter until the year 2007, for  
21 any municipality that has not entered into a contract or has  
22 not issued bonds prior to June 1, 1988 to finance redevelopment  
23 project costs within a redevelopment project area, the Net  
24 State Utility Tax Increment shall be calculated as follows: By  
25 multiplying the Net State Utility Tax Increment by 90% in the  
26 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%

1 in the State Fiscal Year 2001; 60% in the State Fiscal Year  
2 2002; 50% in the State Fiscal Year 2003; 40% in the State  
3 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the  
4 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.  
5 No payment shall be made for the State Fiscal Year 2008 and  
6 thereafter.

7 Municipalities that issue bonds in connection with the  
8 redevelopment project during the period from June 1, 1988 until  
9 3 years after the effective date of this Amendatory Act of 1988  
10 shall receive the Net State Utility Tax Increment, subject to  
11 appropriation, for 15 State Fiscal Years after the issuance of  
12 such bonds. For the 16th through the 20th State Fiscal Years  
13 after issuance of the bonds, the Net State Utility Tax  
14 Increment shall be calculated as follows: By multiplying the  
15 Net State Utility Tax Increment by 90% in year 16; 80% in year  
16 17; 70% in year 18; 60% in year 19; and 50% in year 20.  
17 Refunding of any bonds issued prior to June 1, 1988, shall not  
18 alter the revised Net State Utility Tax Increment payments set  
19 forth above.

20 (l) "Obligations" mean bonds, loans, debentures, notes,  
21 special certificates or other evidence of indebtedness issued  
22 by the municipality to carry out a redevelopment project or to  
23 refund outstanding obligations.

24 (m) "Payment in lieu of taxes" means those estimated tax  
25 revenues from real property in a redevelopment project area  
26 derived from real property that has been acquired by a

1 municipality which according to the redevelopment project or  
2 plan is to be used for a private use which taxing districts  
3 would have received had a municipality not acquired the real  
4 property and adopted tax increment allocation financing and  
5 which would result from levies made after the time of the  
6 adoption of tax increment allocation financing to the time the  
7 current equalized value of real property in the redevelopment  
8 project area exceeds the total initial equalized value of real  
9 property in said area.

10 (n) "Redevelopment plan" means the comprehensive program  
11 of the municipality for development or redevelopment intended  
12 by the payment of redevelopment project costs to reduce or  
13 eliminate those conditions the existence of which qualified the  
14 redevelopment project area as a "blighted area" or  
15 "conservation area" or combination thereof or "industrial park  
16 conservation area," and thereby to enhance the tax bases of the  
17 taxing districts which extend into the redevelopment project  
18 area. On and after November 1, 1999 (the effective date of  
19 Public Act 91-478), no redevelopment plan may be approved or  
20 amended that includes the development of vacant land (i) with a  
21 golf course and related clubhouse and other facilities or (ii)  
22 designated by federal, State, county, or municipal government  
23 as public land for outdoor recreational activities or for  
24 nature preserves and used for that purpose within 5 years prior  
25 to the adoption of the redevelopment plan. For the purpose of  
26 this subsection, "recreational activities" is limited to mean



1 camping and hunting. Each redevelopment plan shall set forth in  
2 writing the program to be undertaken to accomplish the  
3 objectives and shall include but not be limited to:

4 (A) an itemized list of estimated redevelopment  
5 project costs;

6 (B) evidence indicating that the redevelopment project  
7 area on the whole has not been subject to growth and  
8 development through investment by private enterprise;

9 (C) an assessment of any financial impact of the  
10 redevelopment project area on or any increased demand for  
11 services from any taxing district affected by the plan and  
12 any program to address such financial impact or increased  
13 demand;

14 (D) the sources of funds to pay costs;

15 (E) the nature and term of the obligations to be  
16 issued;

17 (F) the most recent equalized assessed valuation of the  
18 redevelopment project area;

19 (G) an estimate as to the equalized assessed valuation  
20 after redevelopment and the general land uses to apply in  
21 the redevelopment project area;

22 (H) a commitment to fair employment practices and an  
23 affirmative action plan;

24 (I) if it concerns an industrial park conservation  
25 area, the plan shall also include a general description of  
26 any proposed developer, user and tenant of any property, a

1 description of the type, structure and general character of  
2 the facilities to be developed, a description of the type,  
3 class and number of new employees to be employed in the  
4 operation of the facilities to be developed; and

5 (J) if property is to be annexed to the municipality,  
6 the plan shall include the terms of the annexation  
7 agreement.

8 The provisions of items (B) and (C) of this subsection (n)  
9 shall not apply to a municipality that before March 14, 1994  
10 (the effective date of Public Act 88-537) had fixed, either by  
11 its corporate authorities or by a commission designated under  
12 subsection (k) of Section 11-74.4-4, a time and place for a  
13 public hearing as required by subsection (a) of Section  
14 11-74.4-5. No redevelopment plan shall be adopted unless a  
15 municipality complies with all of the following requirements:

16 (1) The municipality finds that the redevelopment  
17 project area on the whole has not been subject to growth  
18 and development through investment by private enterprise  
19 and would not reasonably be anticipated to be developed  
20 without the adoption of the redevelopment plan.

21 (2) The municipality finds that the redevelopment plan  
22 and project conform to the comprehensive plan for the  
23 development of the municipality as a whole, or, for  
24 municipalities with a population of 100,000 or more,  
25 regardless of when the redevelopment plan and project was  
26 adopted, the redevelopment plan and project either: (i)

1 conforms to the strategic economic development or  
2 redevelopment plan issued by the designated planning  
3 authority of the municipality, or (ii) includes land uses  
4 that have been approved by the planning commission of the  
5 municipality.

6 (3) The redevelopment plan establishes the estimated  
7 dates of completion of the redevelopment project and  
8 retirement of obligations issued to finance redevelopment  
9 project costs. Those dates: shall not be later than  
10 December 31 of the year in which the payment to the  
11 municipal treasurer as provided in subsection (b) of  
12 Section 11-74.4-8 of this Act is to be made with respect to  
13 ad valorem taxes levied in the twenty-third calendar year  
14 after the year in which the ordinance approving the  
15 redevelopment project area is adopted if the ordinance was  
16 adopted on or after January 15, 1981; shall not be later  
17 than December 31 of the year in which the payment to the  
18 municipal treasurer as provided in subsection (b) of  
19 Section 11-74.4-8 of this Act is to be made with respect to  
20 ad valorem taxes levied in the thirty-third calendar year  
21 after the year in which the ordinance approving the  
22 redevelopment project area if the ordinance was adopted on  
23 May 20, 1985 by the Village of Wheeling; and shall not be  
24 later than December 31 of the year in which the payment to  
25 the municipal treasurer as provided in subsection (b) of  
26 Section 11-74.4-8 of this Act is to be made with respect to

1 ad valorem taxes levied in the thirty-fifth calendar year  
2 after the year in which the ordinance approving the  
3 redevelopment project area is adopted:

4 (A) if the ordinance was adopted before January 15,  
5 1981, or

6 (B) if the ordinance was adopted in December 1983,  
7 April 1984, July 1985, or December 1989, or

8 (C) if the ordinance was adopted in December 1987  
9 and the redevelopment project is located within one  
10 mile of Midway Airport, or

11 (D) if the ordinance was adopted before January 1,  
12 1987 by a municipality in Mason County, or

13 (E) if the municipality is subject to the Local  
14 Government Financial Planning and Supervision Act or  
15 the Financially Distressed City Law, or

16 (F) if the ordinance was adopted in December 1984  
17 by the Village of Rosemont, or

18 (G) if the ordinance was adopted on December 31,  
19 1986 by a municipality located in Clinton County for  
20 which at least \$250,000 of tax increment bonds were  
21 authorized on June 17, 1997, or if the ordinance was  
22 adopted on December 31, 1986 by a municipality with a  
23 population in 1990 of less than 3,600 that is located  
24 in a county with a population in 1990 of less than  
25 34,000 and for which at least \$250,000 of tax increment  
26 bonds were authorized on June 17, 1997, or

1           (H) if the ordinance was adopted on October 5, 1982  
2           by the City of Kankakee, or if the ordinance was  
3           adopted on December 29, 1986 by East St. Louis, or

4           (I) if the ordinance was adopted on November 12,  
5           1991 by the Village of Sauget, or

6           (J) if the ordinance was adopted on February 11,  
7           1985 by the City of Rock Island, or

8           (K) if the ordinance was adopted before December  
9           18, 1986 by the City of Moline, or

10          (L) if the ordinance was adopted in September 1988  
11          by Sauk Village, or

12          (M) if the ordinance was adopted in October 1993 by  
13          Sauk Village, or

14          (N) if the ordinance was adopted on December 29,  
15          1986 by the City of Galva, or

16          (O) if the ordinance was adopted in March 1991 by  
17          the City of Centreville, or

18          (P) if the ordinance was adopted on January 23,  
19          1991 by the City of East St. Louis, or

20          (Q) if the ordinance was adopted on December 22,  
21          1986 by the City of Aledo, or

22          (R) if the ordinance was adopted on February 5,  
23          1990 by the City of Clinton, or

24          (S) if the ordinance was adopted on September 6,  
25          1994 by the City of Freeport, or

26          (T) if the ordinance was adopted on December 22,

1           1986 by the City of Tuscola, or  
2           (U) if the ordinance was adopted on December 23,  
3           1986 by the City of Sparta, or  
4           (V) if the ordinance was adopted on December 23,  
5           1986 by the City of Beardstown, or  
6           (W) if the ordinance was adopted on April 27, 1981,  
7           October 21, 1985, or December 30, 1986 by the City of  
8           Belleville, or  
9           (X) if the ordinance was adopted on December 29,  
10          1986 by the City of Collinsville, or  
11          (Y) if the ordinance was adopted on September 14,  
12          1994 by the City of Alton, or  
13          (Z) if the ordinance was adopted on November 11,  
14          1996 by the City of Lexington, or  
15          (AA) if the ordinance was adopted on November 5,  
16          1984 by the City of LeRoy, or  
17          (BB) if the ordinance was adopted on April 3, 1991  
18          or June 3, 1992 by the City of Markham, or  
19          (CC) if the ordinance was adopted on November 11,  
20          1986 by the City of Pekin, or  
21          (DD) if the ordinance was adopted on December 15,  
22          1981 by the City of Champaign, or  
23          (EE) if the ordinance was adopted on December 15,  
24          1986 by the City of Urbana, or  
25          (FF) if the ordinance was adopted on December 15,  
26          1986 by the Village of Heyworth, or

1 (GG) if the ordinance was adopted on February 24,  
2 1992 by the Village of Heyworth, or

3 (HH) if the ordinance was adopted on March 16, 1995  
4 by the Village of Heyworth, or

5 (II) if the ordinance was adopted on December 23,  
6 1986 by the Town of Cicero, or

7 (JJ) if the ordinance was adopted on December 30,  
8 1986 by the City of Effingham, or

9 (KK) if the ordinance was adopted on May 9, 1991 by  
10 the Village of Tilton, or

11 (LL) if the ordinance was adopted on October 20,  
12 1986 by the City of Elmhurst, or

13 (MM) if the ordinance was adopted on January 19,  
14 1988 by the City of Waukegan, or

15 (NN) if the ordinance was adopted on September 21,  
16 1998 by the City of Waukegan, or

17 (OO) if the ordinance was adopted on December 31,  
18 1986 by the City of Sullivan, or

19 (PP) if the ordinance was adopted on December 23,  
20 1991 by the City of Sullivan, or

21 (QQ) if the ordinance was adopted on December 31,  
22 1986 by the City of Oglesby, or

23 (RR) if the ordinance was adopted on July 28, 1987  
24 by the City of Marion, or

25 (SS) if the ordinance was adopted on April 23, 1990  
26 by the City of Marion, or

1 (TT) if the ordinance was adopted on August 20,  
2 1985 by the Village of Mount Prospect, or

3 (UU) if the ordinance was adopted on February 2,  
4 1998 by the Village of Woodhull, or

5 (VV) if the ordinance was adopted on April 20, 1993  
6 by the Village of Princeville, or.

7 (WW) ~~(VV)~~ if the ordinance was adopted on July 1,  
8 1986 by the City of Granite City, or.

9 (XX) ~~(RR)~~ if the ordinance was adopted on February  
10 2, 1989 by the Village of Lombard, or

11 (YY) ~~(VV)~~ if the ordinance was adopted on December  
12 29, 1986 by the Village of Gardner, or

13 (ZZ) ~~(VV)~~ if the ordinance was adopted on July 14,  
14 1999 by the Village of Paw Paw.

15 However, for redevelopment project areas for which  
16 bonds were issued before July 29, 1991, or for which  
17 contracts were entered into before June 1, 1988, in  
18 connection with a redevelopment project in the area within  
19 the State Sales Tax Boundary, the estimated dates of  
20 completion of the redevelopment project and retirement of  
21 obligations to finance redevelopment project costs may be  
22 extended by municipal ordinance to December 31, 2013. The  
23 termination procedures of subsection (b) of Section  
24 11-74.4-8 are not required for these redevelopment project  
25 areas in 2009 but are required in 2013. The extension  
26 allowed by this amendatory Act of 1993 shall not apply to



1 real property tax increment allocation financing under  
2 Section 11-74.4-8.

3 A municipality may by municipal ordinance amend an  
4 existing redevelopment plan to conform to this paragraph  
5 (3) as amended by Public Act 91-478, which municipal  
6 ordinance may be adopted without further hearing or notice  
7 and without complying with the procedures provided in this  
8 Act pertaining to an amendment to or the initial approval  
9 of a redevelopment plan and project and designation of a  
10 redevelopment project area.

11 Those dates, for purposes of real property tax  
12 increment allocation financing pursuant to Section  
13 11-74.4-8 only, shall be not more than 35 years for  
14 redevelopment project areas that were adopted on or after  
15 December 16, 1986 and for which at least \$8 million worth  
16 of municipal bonds were authorized on or after December 19,  
17 1989 but before January 1, 1990; provided that the  
18 municipality elects to extend the life of the redevelopment  
19 project area to 35 years by the adoption of an ordinance  
20 after at least 14 but not more than 30 days' written notice  
21 to the taxing bodies, that would otherwise constitute the  
22 joint review board for the redevelopment project area,  
23 before the adoption of the ordinance.

24 Those dates, for purposes of real property tax  
25 increment allocation financing pursuant to Section  
26 11-74.4-8 only, shall be not more than 35 years for

1 redevelopment project areas that were established on or  
2 after December 1, 1981 but before January 1, 1982 and for  
3 which at least \$1,500,000 worth of tax increment revenue  
4 bonds were authorized on or after September 30, 1990 but  
5 before July 1, 1991; provided that the municipality elects  
6 to extend the life of the redevelopment project area to 35  
7 years by the adoption of an ordinance after at least 14 but  
8 not more than 30 days' written notice to the taxing bodies,  
9 that would otherwise constitute the joint review board for  
10 the redevelopment project area, before the adoption of the  
11 ordinance.

12 (3.5) The municipality finds, in the case of an  
13 industrial park conservation area, also that the  
14 municipality is a labor surplus municipality and that the  
15 implementation of the redevelopment plan will reduce  
16 unemployment, create new jobs and by the provision of new  
17 facilities enhance the tax base of the taxing districts  
18 that extend into the redevelopment project area.

19 (4) If any incremental revenues are being utilized  
20 under Section 8(a)(1) or 8(a)(2) of this Act in  
21 redevelopment project areas approved by ordinance after  
22 January 1, 1986, the municipality finds: (a) that the  
23 redevelopment project area would not reasonably be  
24 developed without the use of such incremental revenues, and  
25 (b) that such incremental revenues will be exclusively  
26 utilized for the development of the redevelopment project

1 area.

2 (5) If the redevelopment plan will not result in  
3 displacement of residents from 10 or more inhabited  
4 residential units, and the municipality certifies in the  
5 plan that such displacement will not result from the plan,  
6 a housing impact study need not be performed. If, however,  
7 the redevelopment plan would result in the displacement of  
8 residents from 10 or more inhabited residential units, or  
9 if the redevelopment project area contains 75 or more  
10 inhabited residential units and no certification is made,  
11 then the municipality shall prepare, as part of the  
12 separate feasibility report required by subsection (a) of  
13 Section 11-74.4-5, a housing impact study.

14 Part I of the housing impact study shall include (i)  
15 data as to whether the residential units are single family  
16 or multi-family units, (ii) the number and type of rooms  
17 within the units, if that information is available, (iii)  
18 whether the units are inhabited or uninhabited, as  
19 determined not less than 45 days before the date that the  
20 ordinance or resolution required by subsection (a) of  
21 Section 11-74.4-5 is passed, and (iv) data as to the racial  
22 and ethnic composition of the residents in the inhabited  
23 residential units. The data requirement as to the racial  
24 and ethnic composition of the residents in the inhabited  
25 residential units shall be deemed to be fully satisfied by  
26 data from the most recent federal census.

1           Part II of the housing impact study shall identify the  
2           inhabited residential units in the proposed redevelopment  
3           project area that are to be or may be removed. If inhabited  
4           residential units are to be removed, then the housing  
5           impact study shall identify (i) the number and location of  
6           those units that will or may be removed, (ii) the  
7           municipality's plans for relocation assistance for those  
8           residents in the proposed redevelopment project area whose  
9           residences are to be removed, (iii) the availability of  
10          replacement housing for those residents whose residences  
11          are to be removed, and shall identify the type, location,  
12          and cost of the housing, and (iv) the type and extent of  
13          relocation assistance to be provided.

14           (6) On and after November 1, 1999, the housing impact  
15          study required by paragraph (5) shall be incorporated in  
16          the redevelopment plan for the redevelopment project area.

17           (7) On and after November 1, 1999, no redevelopment  
18          plan shall be adopted, nor an existing plan amended, nor  
19          shall residential housing that is occupied by households of  
20          low-income and very low-income persons in currently  
21          existing redevelopment project areas be removed after  
22          November 1, 1999 unless the redevelopment plan provides,  
23          with respect to inhabited housing units that are to be  
24          removed for households of low-income and very low-income  
25          persons, affordable housing and relocation assistance not  
26          less than that which would be provided under the federal

1 Uniform Relocation Assistance and Real Property  
2 Acquisition Policies Act of 1970 and the regulations under  
3 that Act, including the eligibility criteria. Affordable  
4 housing may be either existing or newly constructed  
5 housing. For purposes of this paragraph (7), "low-income  
6 households", "very low-income households", and "affordable  
7 housing" have the meanings set forth in the Illinois  
8 Affordable Housing Act. The municipality shall make a good  
9 faith effort to ensure that this affordable housing is  
10 located in or near the redevelopment project area within  
11 the municipality.

12 (8) On and after November 1, 1999, if, after the  
13 adoption of the redevelopment plan for the redevelopment  
14 project area, any municipality desires to amend its  
15 redevelopment plan to remove more inhabited residential  
16 units than specified in its original redevelopment plan,  
17 that change shall be made in accordance with the procedures  
18 in subsection (c) of Section 11-74.4-5.

19 (9) For redevelopment project areas designated prior  
20 to November 1, 1999, the redevelopment plan may be amended  
21 without further joint review board meeting or hearing,  
22 provided that the municipality shall give notice of any  
23 such changes by mail to each affected taxing district and  
24 registrant on the interested party registry, to authorize  
25 the municipality to expend tax increment revenues for  
26 redevelopment project costs defined by paragraphs (5) and

1 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
2 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so  
3 long as the changes do not increase the total estimated  
4 redevelopment project costs set out in the redevelopment  
5 plan by more than 5% after adjustment for inflation from  
6 the date the plan was adopted.

7 (o) "Redevelopment project" means any public and private  
8 development project in furtherance of the objectives of a  
9 redevelopment plan. On and after November 1, 1999 (the  
10 effective date of Public Act 91-478), no redevelopment plan may  
11 be approved or amended that includes the development of vacant  
12 land (i) with a golf course and related clubhouse and other  
13 facilities or (ii) designated by federal, State, county, or  
14 municipal government as public land for outdoor recreational  
15 activities or for nature preserves and used for that purpose  
16 within 5 years prior to the adoption of the redevelopment plan.  
17 For the purpose of this subsection, "recreational activities"  
18 is limited to mean camping and hunting.

19 (p) "Redevelopment project area" means an area designated  
20 by the municipality, which is not less in the aggregate than 1  
21 1/2 acres and in respect to which the municipality has made a  
22 finding that there exist conditions which cause the area to be  
23 classified as an industrial park conservation area or a  
24 blighted area or a conservation area, or a combination of both  
25 blighted areas and conservation areas.

26 (q) "Redevelopment project costs" mean and include the sum

1 total of all reasonable or necessary costs incurred or  
2 estimated to be incurred, and any such costs incidental to a  
3 redevelopment plan and a redevelopment project. Such costs  
4 include, without limitation, the following:

5 (1) Costs of studies, surveys, development of plans,  
6 and specifications, implementation and administration of  
7 the redevelopment plan including but not limited to staff  
8 and professional service costs for architectural,  
9 engineering, legal, financial, planning or other services,  
10 provided however that no charges for professional services  
11 may be based on a percentage of the tax increment  
12 collected; except that on and after November 1, 1999 (the  
13 effective date of Public Act 91-478), no contracts for  
14 professional services, excluding architectural and  
15 engineering services, may be entered into if the terms of  
16 the contract extend beyond a period of 3 years. In  
17 addition, "redevelopment project costs" shall not include  
18 lobbying expenses. After consultation with the  
19 municipality, each tax increment consultant or advisor to a  
20 municipality that plans to designate or has designated a  
21 redevelopment project area shall inform the municipality  
22 in writing of any contracts that the consultant or advisor  
23 has entered into with entities or individuals that have  
24 received, or are receiving, payments financed by tax  
25 increment revenues produced by the redevelopment project  
26 area with respect to which the consultant or advisor has

1 performed, or will be performing, service for the  
2 municipality. This requirement shall be satisfied by the  
3 consultant or advisor before the commencement of services  
4 for the municipality and thereafter whenever any other  
5 contracts with those individuals or entities are executed  
6 by the consultant or advisor;

7 (1.5) After July 1, 1999, annual administrative costs  
8 shall not include general overhead or administrative costs  
9 of the municipality that would still have been incurred by  
10 the municipality if the municipality had not designated a  
11 redevelopment project area or approved a redevelopment  
12 plan;

13 (1.6) The cost of marketing sites within the  
14 redevelopment project area to prospective businesses,  
15 developers, and investors;

16 (2) Property assembly costs, including but not limited  
17 to acquisition of land and other property, real or  
18 personal, or rights or interests therein, demolition of  
19 buildings, site preparation, site improvements that serve  
20 as an engineered barrier addressing ground level or below  
21 ground environmental contamination, including, but not  
22 limited to parking lots and other concrete or asphalt  
23 barriers, and the clearing and grading of land;

24 (3) Costs of rehabilitation, reconstruction or repair  
25 or remodeling of existing public or private buildings,  
26 fixtures, and leasehold improvements; and the cost of



1 replacing an existing public building if pursuant to the  
2 implementation of a redevelopment project the existing  
3 public building is to be demolished to use the site for  
4 private investment or devoted to a different use requiring  
5 private investment;

6 (4) Costs of the construction of public works or  
7 improvements, except that on and after November 1, 1999,  
8 redevelopment project costs shall not include the cost of  
9 constructing a new municipal public building principally  
10 used to provide offices, storage space, or conference  
11 facilities or vehicle storage, maintenance, or repair for  
12 administrative, public safety, or public works personnel  
13 and that is not intended to replace an existing public  
14 building as provided under paragraph (3) of subsection (q)  
15 of Section 11-74.4-3 unless either (i) the construction of  
16 the new municipal building implements a redevelopment  
17 project that was included in a redevelopment plan that was  
18 adopted by the municipality prior to November 1, 1999 or  
19 (ii) the municipality makes a reasonable determination in  
20 the redevelopment plan, supported by information that  
21 provides the basis for that determination, that the new  
22 municipal building is required to meet an increase in the  
23 need for public safety purposes anticipated to result from  
24 the implementation of the redevelopment plan;

25 (5) Costs of job training and retraining projects,  
26 including the cost of "welfare to work" programs

1 implemented by businesses located within the redevelopment  
2 project area;

3 (6) Financing costs, including but not limited to all  
4 necessary and incidental expenses related to the issuance  
5 of obligations and which may include payment of interest on  
6 any obligations issued hereunder including interest  
7 accruing during the estimated period of construction of any  
8 redevelopment project for which such obligations are  
9 issued and for not exceeding 36 months thereafter and  
10 including reasonable reserves related thereto;

11 (7) To the extent the municipality by written agreement  
12 accepts and approves the same, all or a portion of a taxing  
13 district's capital costs resulting from the redevelopment  
14 project necessarily incurred or to be incurred within a  
15 taxing district in furtherance of the objectives of the  
16 redevelopment plan and project.

17 (7.5) For redevelopment project areas designated (or  
18 redevelopment project areas amended to add or increase the  
19 number of tax-increment-financing assisted housing units)  
20 on or after November 1, 1999, an elementary, secondary, or  
21 unit school district's increased costs attributable to  
22 assisted housing units located within the redevelopment  
23 project area for which the developer or redeveloper  
24 receives financial assistance through an agreement with  
25 the municipality or because the municipality incurs the  
26 cost of necessary infrastructure improvements within the

1 boundaries of the assisted housing sites necessary for the  
2 completion of that housing as authorized by this Act, and  
3 which costs shall be paid by the municipality from the  
4 Special Tax Allocation Fund when the tax increment revenue  
5 is received as a result of the assisted housing units and  
6 shall be calculated annually as follows:

7 (A) for foundation districts, excluding any school  
8 district in a municipality with a population in excess  
9 of 1,000,000, by multiplying the district's increase  
10 in attendance resulting from the net increase in new  
11 students enrolled in that school district who reside in  
12 housing units within the redevelopment project area  
13 that have received financial assistance through an  
14 agreement with the municipality or because the  
15 municipality incurs the cost of necessary  
16 infrastructure improvements within the boundaries of  
17 the housing sites necessary for the completion of that  
18 housing as authorized by this Act since the designation  
19 of the redevelopment project area by the most recently  
20 available per capita tuition cost as defined in Section  
21 10-20.12a of the School Code less any increase in  
22 general State aid as defined in Section 18-8.05 of the  
23 School Code attributable to these added new students  
24 subject to the following annual limitations:

25 (i) for unit school districts with a district  
26 average 1995-96 Per Capita Tuition Charge of less

1 than \$5,900, no more than 25% of the total amount  
2 of property tax increment revenue produced by  
3 those housing units that have received tax  
4 increment finance assistance under this Act;

5 (ii) for elementary school districts with a  
6 district average 1995-96 Per Capita Tuition Charge  
7 of less than \$5,900, no more than 17% of the total  
8 amount of property tax increment revenue produced  
9 by those housing units that have received tax  
10 increment finance assistance under this Act; and

11 (iii) for secondary school districts with a  
12 district average 1995-96 Per Capita Tuition Charge  
13 of less than \$5,900, no more than 8% of the total  
14 amount of property tax increment revenue produced  
15 by those housing units that have received tax  
16 increment finance assistance under this Act.

17 (B) For alternate method districts, flat grant  
18 districts, and foundation districts with a district  
19 average 1995-96 Per Capita Tuition Charge equal to or  
20 more than \$5,900, excluding any school district with a  
21 population in excess of 1,000,000, by multiplying the  
22 district's increase in attendance resulting from the  
23 net increase in new students enrolled in that school  
24 district who reside in housing units within the  
25 redevelopment project area that have received  
26 financial assistance through an agreement with the

1           municipality or because the municipality incurs the  
2           cost of necessary infrastructure improvements within  
3           the boundaries of the housing sites necessary for the  
4           completion of that housing as authorized by this Act  
5           since the designation of the redevelopment project  
6           area by the most recently available per capita tuition  
7           cost as defined in Section 10-20.12a of the School Code  
8           less any increase in general state aid as defined in  
9           Section 18-8.05 of the School Code attributable to  
10          these added new students subject to the following  
11          annual limitations:

12                   (i) for unit school districts, no more than 40%  
13                   of the total amount of property tax increment  
14                   revenue produced by those housing units that have  
15                   received tax increment finance assistance under  
16                   this Act;

17                   (ii) for elementary school districts, no more  
18                   than 27% of the total amount of property tax  
19                   increment revenue produced by those housing units  
20                   that have received tax increment finance  
21                   assistance under this Act; and

22                   (iii) for secondary school districts, no more  
23                   than 13% of the total amount of property tax  
24                   increment revenue produced by those housing units  
25                   that have received tax increment finance  
26                   assistance under this Act.

1 (C) For any school district in a municipality with  
2 a population in excess of 1,000,000, the following  
3 restrictions shall apply to the reimbursement of  
4 increased costs under this paragraph (7.5):

5 (i) no increased costs shall be reimbursed  
6 unless the school district certifies that each of  
7 the schools affected by the assisted housing  
8 project is at or over its student capacity;

9 (ii) the amount reimbursable shall be reduced  
10 by the value of any land donated to the school  
11 district by the municipality or developer, and by  
12 the value of any physical improvements made to the  
13 schools by the municipality or developer; and

14 (iii) the amount reimbursed may not affect  
15 amounts otherwise obligated by the terms of any  
16 bonds, notes, or other funding instruments, or the  
17 terms of any redevelopment agreement.

18 Any school district seeking payment under this  
19 paragraph (7.5) shall, after July 1 and before  
20 September 30 of each year, provide the municipality  
21 with reasonable evidence to support its claim for  
22 reimbursement before the municipality shall be  
23 required to approve or make the payment to the school  
24 district. If the school district fails to provide the  
25 information during this period in any year, it shall  
26 forfeit any claim to reimbursement for that year.

1 School districts may adopt a resolution waiving the  
2 right to all or a portion of the reimbursement  
3 otherwise required by this paragraph (7.5). By  
4 acceptance of this reimbursement the school district  
5 waives the right to directly or indirectly set aside,  
6 modify, or contest in any manner the establishment of  
7 the redevelopment project area or projects;

8 (7.7) For redevelopment project areas designated (or  
9 redevelopment project areas amended to add or increase the  
10 number of tax-increment-financing assisted housing units)  
11 on or after January 1, 2005 (the effective date of Public  
12 Act 93-961), a public library district's increased costs  
13 attributable to assisted housing units located within the  
14 redevelopment project area for which the developer or  
15 redeveloper receives financial assistance through an  
16 agreement with the municipality or because the  
17 municipality incurs the cost of necessary infrastructure  
18 improvements within the boundaries of the assisted housing  
19 sites necessary for the completion of that housing as  
20 authorized by this Act shall be paid to the library  
21 district by the municipality from the Special Tax  
22 Allocation Fund when the tax increment revenue is received  
23 as a result of the assisted housing units. This paragraph  
24 (7.7) applies only if (i) the library district is located  
25 in a county that is subject to the Property Tax Extension  
26 Limitation Law or (ii) the library district is not located

1 in a county that is subject to the Property Tax Extension  
2 Limitation Law but the district is prohibited by any other  
3 law from increasing its tax levy rate without a prior voter  
4 referendum.

5 The amount paid to a library district under this  
6 paragraph (7.7) shall be calculated by multiplying (i) the  
7 net increase in the number of persons eligible to obtain a  
8 library card in that district who reside in housing units  
9 within the redevelopment project area that have received  
10 financial assistance through an agreement with the  
11 municipality or because the municipality incurs the cost of  
12 necessary infrastructure improvements within the  
13 boundaries of the housing sites necessary for the  
14 completion of that housing as authorized by this Act since  
15 the designation of the redevelopment project area by (ii)  
16 the per-patron cost of providing library services so long  
17 as it does not exceed \$120. The per-patron cost shall be  
18 the Total Operating Expenditures Per Capita as stated in  
19 the most recent Illinois Public Library Statistics  
20 produced by the Library Research Center at the University  
21 of Illinois. The municipality may deduct from the amount  
22 that it must pay to a library district under this paragraph  
23 any amount that it has voluntarily paid to the library  
24 district from the tax increment revenue. The amount paid to  
25 a library district under this paragraph (7.7) shall be no  
26 more than 2% of the amount produced by the assisted housing



1 units and deposited into the Special Tax Allocation Fund.

2 A library district is not eligible for any payment  
3 under this paragraph (7.7) unless the library district has  
4 experienced an increase in the number of patrons from the  
5 municipality that created the tax-increment-financing  
6 district since the designation of the redevelopment  
7 project area.

8 Any library district seeking payment under this  
9 paragraph (7.7) shall, after July 1 and before September 30  
10 of each year, provide the municipality with convincing  
11 evidence to support its claim for reimbursement before the  
12 municipality shall be required to approve or make the  
13 payment to the library district. If the library district  
14 fails to provide the information during this period in any  
15 year, it shall forfeit any claim to reimbursement for that  
16 year. Library districts may adopt a resolution waiving the  
17 right to all or a portion of the reimbursement otherwise  
18 required by this paragraph (7.7). By acceptance of such  
19 reimbursement, the library district shall forfeit any  
20 right to directly or indirectly set aside, modify, or  
21 contest in any manner whatsoever the establishment of the  
22 redevelopment project area or projects;

23 (8) Relocation costs to the extent that a municipality  
24 determines that relocation costs shall be paid or is  
25 required to make payment of relocation costs by federal or  
26 State law or in order to satisfy subparagraph (7) of

1 subsection (n);

2 (9) Payment in lieu of taxes;

3 (10) Costs of job training, retraining, advanced  
4 vocational education or career education, including but  
5 not limited to courses in occupational, semi-technical or  
6 technical fields leading directly to employment, incurred  
7 by one or more taxing districts, provided that such costs  
8 (i) are related to the establishment and maintenance of  
9 additional job training, advanced vocational education or  
10 career education programs for persons employed or to be  
11 employed by employers located in a redevelopment project  
12 area; and (ii) when incurred by a taxing district or taxing  
13 districts other than the municipality, are set forth in a  
14 written agreement by or among the municipality and the  
15 taxing district or taxing districts, which agreement  
16 describes the program to be undertaken, including but not  
17 limited to the number of employees to be trained, a  
18 description of the training and services to be provided,  
19 the number and type of positions available or to be  
20 available, itemized costs of the program and sources of  
21 funds to pay for the same, and the term of the agreement.  
22 Such costs include, specifically, the payment by community  
23 college districts of costs pursuant to Sections 3-37, 3-38,  
24 3-40 and 3-40.1 of the Public Community College Act and by  
25 school districts of costs pursuant to Sections 10-22.20a  
26 and 10-23.3a of The School Code;

1           (11) Interest cost incurred by a redeveloper related to  
2 the construction, renovation or rehabilitation of a  
3 redevelopment project provided that:

4           (A) such costs are to be paid directly from the  
5 special tax allocation fund established pursuant to  
6 this Act;

7           (B) such payments in any one year may not exceed  
8 30% of the annual interest costs incurred by the  
9 redeveloper with regard to the redevelopment project  
10 during that year;

11           (C) if there are not sufficient funds available in  
12 the special tax allocation fund to make the payment  
13 pursuant to this paragraph (11) then the amounts so due  
14 shall accrue and be payable when sufficient funds are  
15 available in the special tax allocation fund;

16           (D) the total of such interest payments paid  
17 pursuant to this Act may not exceed 30% of the total  
18 (i) cost paid or incurred by the redeveloper for the  
19 redevelopment project plus (ii) redevelopment project  
20 costs excluding any property assembly costs and any  
21 relocation costs incurred by a municipality pursuant  
22 to this Act; and

23           (E) the cost limits set forth in subparagraphs (B)  
24 and (D) of paragraph (11) shall be modified for the  
25 financing of rehabilitated or new housing units for  
26 low-income households and very low-income households,

1 as defined in Section 3 of the Illinois Affordable  
2 Housing Act. The percentage of 75% shall be substituted  
3 for 30% in subparagraphs (B) and (D) of paragraph (11).

4 (F) Instead of the eligible costs provided by  
5 subparagraphs (B) and (D) of paragraph (11), as  
6 modified by this subparagraph, and notwithstanding any  
7 other provisions of this Act to the contrary, the  
8 municipality may pay from tax increment revenues up to  
9 50% of the cost of construction of new housing units to  
10 be occupied by low-income households and very  
11 low-income households as defined in Section 3 of the  
12 Illinois Affordable Housing Act. The cost of  
13 construction of those units may be derived from the  
14 proceeds of bonds issued by the municipality under this  
15 Act or other constitutional or statutory authority or  
16 from other sources of municipal revenue that may be  
17 reimbursed from tax increment revenues or the proceeds  
18 of bonds issued to finance the construction of that  
19 housing.

20 The eligible costs provided under this  
21 subparagraph (F) of paragraph (11) shall be an eligible  
22 cost for the construction, renovation, and  
23 rehabilitation of all low and very low-income housing  
24 units, as defined in Section 3 of the Illinois  
25 Affordable Housing Act, within the redevelopment  
26 project area. If the low and very low-income units are

1 part of a residential redevelopment project that  
2 includes units not affordable to low and very  
3 low-income households, only the low and very  
4 low-income units shall be eligible for benefits under  
5 subparagraph (F) of paragraph (11). The standards for  
6 maintaining the occupancy by low-income households and  
7 very low-income households, as defined in Section 3 of  
8 the Illinois Affordable Housing Act, of those units  
9 constructed with eligible costs made available under  
10 the provisions of this subparagraph (F) of paragraph  
11 (11) shall be established by guidelines adopted by the  
12 municipality. The responsibility for annually  
13 documenting the initial occupancy of the units by  
14 low-income households and very low-income households,  
15 as defined in Section 3 of the Illinois Affordable  
16 Housing Act, shall be that of the then current owner of  
17 the property. For ownership units, the guidelines will  
18 provide, at a minimum, for a reasonable recapture of  
19 funds, or other appropriate methods designed to  
20 preserve the original affordability of the ownership  
21 units. For rental units, the guidelines will provide,  
22 at a minimum, for the affordability of rent to low and  
23 very low-income households. As units become available,  
24 they shall be rented to income-eligible tenants. The  
25 municipality may modify these guidelines from time to  
26 time; the guidelines, however, shall be in effect for

1 as long as tax increment revenue is being used to pay  
2 for costs associated with the units or for the  
3 retirement of bonds issued to finance the units or for  
4 the life of the redevelopment project area, whichever  
5 is later.

6 (11.5) If the redevelopment project area is located  
7 within a municipality with a population of more than  
8 100,000, the cost of day care services for children of  
9 employees from low-income families working for businesses  
10 located within the redevelopment project area and all or a  
11 portion of the cost of operation of day care centers  
12 established by redevelopment project area businesses to  
13 serve employees from low-income families working in  
14 businesses located in the redevelopment project area. For  
15 the purposes of this paragraph, "low-income families"  
16 means families whose annual income does not exceed 80% of  
17 the municipal, county, or regional median income, adjusted  
18 for family size, as the annual income and municipal,  
19 county, or regional median income are determined from time  
20 to time by the United States Department of Housing and  
21 Urban Development.

22 (12) Unless explicitly stated herein the cost of  
23 construction of new privately-owned buildings shall not be  
24 an eligible redevelopment project cost.

25 (13) After November 1, 1999 (the effective date of  
26 Public Act 91-478), none of the redevelopment project costs

1 enumerated in this subsection shall be eligible  
2 redevelopment project costs if those costs would provide  
3 direct financial support to a retail entity initiating  
4 operations in the redevelopment project area while  
5 terminating operations at another Illinois location within  
6 10 miles of the redevelopment project area but outside the  
7 boundaries of the redevelopment project area municipality.  
8 For purposes of this paragraph, termination means a closing  
9 of a retail operation that is directly related to the  
10 opening of the same operation or like retail entity owned  
11 or operated by more than 50% of the original ownership in a  
12 redevelopment project area, but it does not mean closing an  
13 operation for reasons beyond the control of the retail  
14 entity, as documented by the retail entity, subject to a  
15 reasonable finding by the municipality that the current  
16 location contained inadequate space, had become  
17 economically obsolete, or was no longer a viable location  
18 for the retailer or serviceman.

19 If a special service area has been established pursuant to  
20 the Special Service Area Tax Act or Special Service Area Tax  
21 Law, then any tax increment revenues derived from the tax  
22 imposed pursuant to the Special Service Area Tax Act or Special  
23 Service Area Tax Law may be used within the redevelopment  
24 project area for the purposes permitted by that Act or Law as  
25 well as the purposes permitted by this Act.

26 (r) "State Sales Tax Boundary" means the redevelopment

1 project area or the amended redevelopment project area  
2 boundaries which are determined pursuant to subsection (9) of  
3 Section 11-74.4-8a of this Act. The Department of Revenue shall  
4 certify pursuant to subsection (9) of Section 11-74.4-8a the  
5 appropriate boundaries eligible for the determination of State  
6 Sales Tax Increment.

7 (s) "State Sales Tax Increment" means an amount equal to  
8 the increase in the aggregate amount of taxes paid by retailers  
9 and servicemen, other than retailers and servicemen subject to  
10 the Public Utilities Act, on transactions at places of business  
11 located within a State Sales Tax Boundary pursuant to the  
12 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use  
13 Tax Act, and the Service Occupation Tax Act, except such  
14 portion of such increase that is paid into the State and Local  
15 Sales Tax Reform Fund, the Local Government Distributive Fund,  
16 the Local Government Tax Fund and the County and Mass Transit  
17 District Fund, for as long as State participation exists, over  
18 and above the Initial Sales Tax Amounts, Adjusted Initial Sales  
19 Tax Amounts or the Revised Initial Sales Tax Amounts for such  
20 taxes as certified by the Department of Revenue and paid under  
21 those Acts by retailers and servicemen on transactions at  
22 places of business located within the State Sales Tax Boundary  
23 during the base year which shall be the calendar year  
24 immediately prior to the year in which the municipality adopted  
25 tax increment allocation financing, less 3.0% of such amounts  
26 generated under the Retailers' Occupation Tax Act, Use Tax Act



1 and Service Use Tax Act and the Service Occupation Tax Act,  
2 which sum shall be appropriated to the Department of Revenue to  
3 cover its costs of administering and enforcing this Section.  
4 For purposes of computing the aggregate amount of such taxes  
5 for base years occurring prior to 1985, the Department of  
6 Revenue shall compute the Initial Sales Tax Amount for such  
7 taxes and deduct therefrom an amount equal to 4% of the  
8 aggregate amount of taxes per year for each year the base year  
9 is prior to 1985, but not to exceed a total deduction of 12%.  
10 The amount so determined shall be known as the "Adjusted  
11 Initial Sales Tax Amount". For purposes of determining the  
12 State Sales Tax Increment the Department of Revenue shall for  
13 each period subtract from the tax amounts received from  
14 retailers and servicemen on transactions located in the State  
15 Sales Tax Boundary, the certified Initial Sales Tax Amounts,  
16 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax  
17 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,  
18 the Service Use Tax Act and the Service Occupation Tax Act. For  
19 the State Fiscal Year 1989 this calculation shall be made by  
20 utilizing the calendar year 1987 to determine the tax amounts  
21 received. For the State Fiscal Year 1990, this calculation  
22 shall be made by utilizing the period from January 1, 1988,  
23 until September 30, 1988, to determine the tax amounts received  
24 from retailers and servicemen, which shall have deducted  
25 therefrom nine-twelfths of the certified Initial Sales Tax  
26 Amounts, Adjusted Initial Sales Tax Amounts or the Revised

1 Initial Sales Tax Amounts as appropriate. For the State Fiscal  
2 Year 1991, this calculation shall be made by utilizing the  
3 period from October 1, 1988, until June 30, 1989, to determine  
4 the tax amounts received from retailers and servicemen, which  
5 shall have deducted therefrom nine-twelfths of the certified  
6 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
7 Amounts or the Revised Initial Sales Tax Amounts as  
8 appropriate. For every State Fiscal Year thereafter, the  
9 applicable period shall be the 12 months beginning July 1 and  
10 ending on June 30, to determine the tax amounts received which  
11 shall have deducted therefrom the certified Initial Sales Tax  
12 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
13 Initial Sales Tax Amounts. Municipalities intending to receive  
14 a distribution of State Sales Tax Increment must report a list  
15 of retailers to the Department of Revenue by October 31, 1988  
16 and by July 31, of each year thereafter.

17 (t) "Taxing districts" means counties, townships, cities  
18 and incorporated towns and villages, school, road, park,  
19 sanitary, mosquito abatement, forest preserve, public health,  
20 fire protection, river conservancy, tuberculosis sanitarium  
21 and any other municipal corporations or districts with the  
22 power to levy taxes.

23 (u) "Taxing districts' capital costs" means those costs of  
24 taxing districts for capital improvements that are found by the  
25 municipal corporate authorities to be necessary and directly  
26 result from the redevelopment project.

1 (v) As used in subsection (a) of Section 11-74.4-3 of this  
2 Act, "vacant land" means any parcel or combination of parcels  
3 of real property without industrial, commercial, and  
4 residential buildings which has not been used for commercial  
5 agricultural purposes within 5 years prior to the designation  
6 of the redevelopment project area, unless the parcel is  
7 included in an industrial park conservation area or the parcel  
8 has been subdivided; provided that if the parcel was part of a  
9 larger tract that has been divided into 3 or more smaller  
10 tracts that were accepted for recording during the period from  
11 1950 to 1990, then the parcel shall be deemed to have been  
12 subdivided, and all proceedings and actions of the municipality  
13 taken in that connection with respect to any previously  
14 approved or designated redevelopment project area or amended  
15 redevelopment project area are hereby validated and hereby  
16 declared to be legally sufficient for all purposes of this Act.  
17 For purposes of this Section and only for land subject to the  
18 subdivision requirements of the Plat Act, land is subdivided  
19 when the original plat of the proposed Redevelopment Project  
20 Area or relevant portion thereof has been properly certified,  
21 acknowledged, approved, and recorded or filed in accordance  
22 with the Plat Act and a preliminary plat, if any, for any  
23 subsequent phases of the proposed Redevelopment Project Area or  
24 relevant portion thereof has been properly approved and filed  
25 in accordance with the applicable ordinance of the  
26 municipality.

1           (w) "Annual Total Increment" means the sum of each  
2 municipality's annual Net Sales Tax Increment and each  
3 municipality's annual Net Utility Tax Increment. The ratio of  
4 the Annual Total Increment of each municipality to the Annual  
5 Total Increment for all municipalities, as most recently  
6 calculated by the Department, shall determine the proportional  
7 shares of the Illinois Tax Increment Fund to be distributed to  
8 each municipality.

9           (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;  
10 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.  
11 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,  
12 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;  
13 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.  
14 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,  
15 eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06;  
16 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.  
17 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,  
18 eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

19           (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

20           Sec. 11-74.4-6. (a) Except as provided herein, notice of  
21 the public hearing shall be given by publication and mailing.  
22 Notice by publication shall be given by publication at least  
23 twice, the first publication to be not more than 30 nor less  
24 than 10 days prior to the hearing in a newspaper of general  
25 circulation within the taxing districts having property in the

1 proposed redevelopment project area. Notice by mailing shall be  
2 given by depositing such notice in the United States mails by  
3 certified mail addressed to the person or persons in whose name  
4 the general taxes for the last preceding year were paid on each  
5 lot, block, tract, or parcel of land lying within the project  
6 redevelopment area. Said notice shall be mailed not less than  
7 10 days prior to the date set for the public hearing. In the  
8 event taxes for the last preceding year were not paid, the  
9 notice shall also be sent to the persons last listed on the tax  
10 rolls within the preceding 3 years as the owners of such  
11 property. For redevelopment project areas with redevelopment  
12 plans or proposed redevelopment plans that would require  
13 removal of 10 or more inhabited residential units or that  
14 contain 75 or more inhabited residential units, the  
15 municipality shall make a good faith effort to notify by mail  
16 all residents of the redevelopment project area. At a minimum,  
17 the municipality shall mail a notice to each residential  
18 address located within the redevelopment project area. The  
19 municipality shall endeavor to ensure that all such notices are  
20 effectively communicated and shall include (in addition to  
21 notice in English) notice in the predominant language other  
22 than English when appropriate.

23 (b) The notices issued pursuant to this Section shall  
24 include the following:

25 (1) The time and place of public hearing.†

26 (2) The boundaries of the proposed redevelopment

1 project area by legal description and by street location  
2 where possible.†

3 (3) A notification that all interested persons will be  
4 given an opportunity to be heard at the public hearing.†

5 (4) A description of the redevelopment plan or  
6 redevelopment project for the proposed redevelopment  
7 project area if a plan or project is the subject matter of  
8 the hearing.

9 (5) Such other matters as the municipality may deem  
10 appropriate.

11 (c) Not less than 45 days prior to the date set for  
12 hearing, the municipality shall give notice by mail as provided  
13 in subsection (a) to all taxing districts of which taxable  
14 property is included in the redevelopment project area, project  
15 or plan and to the Department of Commerce and Economic  
16 Opportunity, and in addition to the other requirements under  
17 subsection (b) the notice shall include an invitation to the  
18 Department of Commerce and Economic Opportunity and each taxing  
19 district to submit comments to the municipality concerning the  
20 subject matter of the hearing prior to the date of hearing.

21 (d) In the event that any municipality has by ordinance  
22 adopted tax increment financing prior to 1987, and has complied  
23 with the notice requirements of this Section, except that the  
24 notice has not included the requirements of subsection (b),  
25 paragraphs (2), (3) and (4), and within 90 days of the  
26 effective date of this amendatory Act of 1991, that

1 municipality passes an ordinance which contains findings that:

2 (1) all taxing districts prior to the time of the hearing  
3 required by Section 11-74.4-5 were furnished with copies of a  
4 map incorporated into the redevelopment plan and project  
5 substantially showing the legal boundaries of the  
6 redevelopment project area; (2) the redevelopment plan and  
7 project, or a draft thereof, contained a map substantially  
8 showing the legal boundaries of the redevelopment project area  
9 and was available to the public at the time of the hearing; and  
10 (3) since the adoption of any form of tax increment financing  
11 authorized by this Act, and prior to June 1, 1991, no objection  
12 or challenge has been made in writing to the municipality in  
13 respect to the notices required by this Section, then the  
14 municipality shall be deemed to have met the notice  
15 requirements of this Act and all actions of the municipality  
16 taken in connection with such notices as were given are hereby  
17 validated and hereby declared to be legally sufficient for all  
18 purposes of this Act.

19 (e) If a municipality desires to propose a redevelopment  
20 plan for a redevelopment project area that would result in the  
21 displacement of residents from 10 or more inhabited residential  
22 units or for a redevelopment project area that contains 75 or  
23 more inhabited residential units, the municipality shall hold a  
24 public meeting before the mailing of the notices of public  
25 hearing as provided in subsection (c) of this Section. The  
26 meeting shall be for the purpose of enabling the municipality

1 to advise the public, taxing districts having real property in  
2 the redevelopment project area, taxpayers who own property in  
3 the proposed redevelopment project area, and residents in the  
4 area as to the municipality's possible intent to prepare a  
5 redevelopment plan and designate a redevelopment project area  
6 and to receive public comment. The time and place for the  
7 meeting shall be set by the head of the municipality's  
8 Department of Planning or other department official designated  
9 by the mayor or city or village manager without the necessity  
10 of a resolution or ordinance of the municipality and may be  
11 held by a member of the staff of the Department of Planning of  
12 the municipality or by any other person, body, or commission  
13 designated by the corporate authorities. The meeting shall be  
14 held at least 14 business days before the mailing of the notice  
15 of public hearing provided for in subsection (c) of this  
16 Section.

17 Notice of the public meeting shall be given by mail. Notice  
18 by mail shall be not less than 15 days before the date of the  
19 meeting and shall be sent by certified mail to all taxing  
20 districts having real property in the proposed redevelopment  
21 project area and to all entities requesting that information  
22 that have registered with a person and department designated by  
23 the municipality in accordance with registration guidelines  
24 established by the municipality pursuant to Section  
25 11-74.4-4.2. The municipality shall make a good faith effort to  
26 notify all residents and the last known persons who paid



1 property taxes on real estate in a redevelopment project area.  
2 This requirement shall be deemed to be satisfied if the  
3 municipality mails, by regular mail, a notice to each  
4 residential address and the person or persons in whose name  
5 property taxes were paid on real property for the last  
6 preceding year located within the redevelopment project area.  
7 Notice shall be in languages other than English when  
8 appropriate. The notices issued under this subsection shall  
9 include the following:

10 (1) The time and place of the meeting.

11 (2) The boundaries of the area to be studied for  
12 possible designation as a redevelopment project area by  
13 street and location.

14 (3) The purpose or purposes of establishing a  
15 redevelopment project area.

16 (4) A brief description of tax increment financing.

17 (5) The name, telephone number, and address of the  
18 person who can be contacted for additional information  
19 about the proposed redevelopment project area and who  
20 should receive all comments and suggestions regarding the  
21 development of the area to be studied.

22 (6) Notification that all interested persons will be  
23 given an opportunity to be heard at the public meeting.

24 (7) Such other matters as the municipality deems  
25 appropriate.

26 At the public meeting, any interested person or

1 representative of an affected taxing district may be heard  
2 orally and may file, with the person conducting the meeting,  
3 statements that pertain to the subject matter of the meeting.  
4 (Source: P.A. 94-793, eff. 5-19-06; revised 8-3-06.)

5 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

6 Sec. 11-74.4-7. Obligations secured by the special tax  
7 allocation fund set forth in Section 11-74.4-8 for the  
8 redevelopment project area may be issued to provide for  
9 redevelopment project costs. Such obligations, when so issued,  
10 shall be retired in the manner provided in the ordinance  
11 authorizing the issuance of such obligations by the receipts of  
12 taxes levied as specified in Section 11-74.4-9 against the  
13 taxable property included in the area, by revenues as specified  
14 by Section 11-74.4-8a and other revenue designated by the  
15 municipality. A municipality may in the ordinance pledge all or  
16 any part of the funds in and to be deposited in the special tax  
17 allocation fund created pursuant to Section 11-74.4-8 to the  
18 payment of the redevelopment project costs and obligations. Any  
19 pledge of funds in the special tax allocation fund shall  
20 provide for distribution to the taxing districts and to the  
21 Illinois Department of Revenue of moneys not required, pledged,  
22 earmarked, or otherwise designated for payment and securing of  
23 the obligations and anticipated redevelopment project costs  
24 and such excess funds shall be calculated annually and deemed  
25 to be "surplus" funds. In the event a municipality only applies

1 or pledges a portion of the funds in the special tax allocation  
2 fund for the payment or securing of anticipated redevelopment  
3 project costs or of obligations, any such funds remaining in  
4 the special tax allocation fund after complying with the  
5 requirements of the application or pledge, shall also be  
6 calculated annually and deemed "surplus" funds. All surplus  
7 funds in the special tax allocation fund shall be distributed  
8 annually within 180 days after the close of the municipality's  
9 fiscal year by being paid by the municipal treasurer to the  
10 County Collector, to the Department of Revenue and to the  
11 municipality in direct proportion to the tax incremental  
12 revenue received as a result of an increase in the equalized  
13 assessed value of property in the redevelopment project area,  
14 tax incremental revenue received from the State and tax  
15 incremental revenue received from the municipality, but not to  
16 exceed as to each such source the total incremental revenue  
17 received from that source. The County Collector shall  
18 thereafter make distribution to the respective taxing  
19 districts in the same manner and proportion as the most recent  
20 distribution by the county collector to the affected districts  
21 of real property taxes from real property in the redevelopment  
22 project area.

23 Without limiting the foregoing in this Section, the  
24 municipality may in addition to obligations secured by the  
25 special tax allocation fund pledge for a period not greater  
26 than the term of the obligations towards payment of such

1 obligations any part or any combination of the following: (a)  
2 net revenues of all or part of any redevelopment project; (b)  
3 taxes levied and collected on any or all property in the  
4 municipality; (c) the full faith and credit of the  
5 municipality; (d) a mortgage on part or all of the  
6 redevelopment project; or (e) any other taxes or anticipated  
7 receipts that the municipality may lawfully pledge.

8 Such obligations may be issued in one or more series  
9 bearing interest at such rate or rates as the corporate  
10 authorities of the municipality shall determine by ordinance.  
11 Such obligations shall bear such date or dates, mature at such  
12 time or times not exceeding 20 years from their respective  
13 dates, be in such denomination, carry such registration  
14 privileges, be executed in such manner, be payable in such  
15 medium of payment at such place or places, contain such  
16 covenants, terms and conditions, and be subject to redemption  
17 as such ordinance shall provide. Obligations issued pursuant to  
18 this Act may be sold at public or private sale at such price as  
19 shall be determined by the corporate authorities of the  
20 municipalities. No referendum approval of the electors shall be  
21 required as a condition to the issuance of obligations pursuant  
22 to this Division except as provided in this Section.

23 In the event the municipality authorizes issuance of  
24 obligations pursuant to the authority of this Division secured  
25 by the full faith and credit of the municipality, which  
26 obligations are other than obligations which may be issued

1 under home rule powers provided by Article VII, Section 6 of  
2 the Illinois Constitution, or pledges taxes pursuant to (b) or  
3 (c) of the second paragraph of this section, the ordinance  
4 authorizing the issuance of such obligations or pledging such  
5 taxes shall be published within 10 days after such ordinance  
6 has been passed in one or more newspapers, with general  
7 circulation within such municipality. The publication of the  
8 ordinance shall be accompanied by a notice of (1) the specific  
9 number of voters required to sign a petition requesting the  
10 question of the issuance of such obligations or pledging taxes  
11 to be submitted to the electors; (2) the time in which such  
12 petition must be filed; and (3) the date of the prospective  
13 referendum. The municipal clerk shall provide a petition form  
14 to any individual requesting one.

15 If no petition is filed with the municipal clerk, as  
16 hereinafter provided in this Section, within 30 days after the  
17 publication of the ordinance, the ordinance shall be in effect.  
18 But, if within that 30 day period a petition is filed with the  
19 municipal clerk, signed by electors in the municipality  
20 numbering 10% or more of the number of registered voters in the  
21 municipality, asking that the question of issuing obligations  
22 using full faith and credit of the municipality as security for  
23 the cost of paying for redevelopment project costs, or of  
24 pledging taxes for the payment of such obligations, or both, be  
25 submitted to the electors of the municipality, the corporate  
26 authorities of the municipality shall call a special election

1 in the manner provided by law to vote upon that question, or,  
2 if a general, State or municipal election is to be held within  
3 a period of not less than 30 or more than 90 days from the date  
4 such petition is filed, shall submit the question at the next  
5 general, State or municipal election. If it appears upon the  
6 canvass of the election by the corporate authorities that a  
7 majority of electors voting upon the question voted in favor  
8 thereof, the ordinance shall be in effect, but if a majority of  
9 the electors voting upon the question are not in favor thereof,  
10 the ordinance shall not take effect.

11 The ordinance authorizing the obligations may provide that  
12 the obligations shall contain a recital that they are issued  
13 pursuant to this Division, which recital shall be conclusive  
14 evidence of their validity and of the regularity of their  
15 issuance.

16 In the event the municipality authorizes issuance of  
17 obligations pursuant to this Section secured by the full faith  
18 and credit of the municipality, the ordinance authorizing the  
19 obligations may provide for the levy and collection of a direct  
20 annual tax upon all taxable property within the municipality  
21 sufficient to pay the principal thereof and interest thereon as  
22 it matures, which levy may be in addition to and exclusive of  
23 the maximum of all other taxes authorized to be levied by the  
24 municipality, which levy, however, shall be abated to the  
25 extent that monies from other sources are available for payment  
26 of the obligations and the municipality certifies the amount of

1 said monies available to the county clerk.

2 A certified copy of such ordinance shall be filed with the  
3 county clerk of each county in which any portion of the  
4 municipality is situated, and shall constitute the authority  
5 for the extension and collection of the taxes to be deposited  
6 in the special tax allocation fund.

7 A municipality may also issue its obligations to refund in  
8 whole or in part, obligations theretofore issued by such  
9 municipality under the authority of this Act, whether at or  
10 prior to maturity, provided however, that the last maturity of  
11 the refunding obligations shall not be expressed to mature  
12 later than December 31 of the year in which the payment to the  
13 municipal treasurer as provided in subsection (b) of Section  
14 11-74.4-8 of this Act is to be made with respect to ad valorem  
15 taxes levied in the twenty-third calendar year after the year  
16 in which the ordinance approving the redevelopment project area  
17 is adopted if the ordinance was adopted on or after January 15,  
18 1981, not later than December 31 of the year in which the  
19 payment to the municipal treasurer as provided in subsection  
20 (b) of Section 11-74.4-8 of this Act is to be made with respect  
21 to ad valorem taxes levied in the thirty-third calendar year  
22 after the year in which the ordinance approving the  
23 redevelopment project area if the ordinance was adopted on May  
24 20, 1985 by the Village of Wheeling, and not later than  
25 December 31 of the year in which the payment to the municipal  
26 treasurer as provided in subsection (b) of Section 11-74.4-8 of

1 this Act is to be made with respect to ad valorem taxes levied  
2 in the thirty-fifth calendar year after the year in which the  
3 ordinance approving the redevelopment project area is adopted  
4 (A) if the ordinance was adopted before January 15, 1981, or  
5 (B) if the ordinance was adopted in December 1983, April 1984,  
6 July 1985, or December 1989, or (C) if the ordinance was  
7 adopted in December, 1987 and the redevelopment project is  
8 located within one mile of Midway Airport, or (D) if the  
9 ordinance was adopted before January 1, 1987 by a municipality  
10 in Mason County, or (E) if the municipality is subject to the  
11 Local Government Financial Planning and Supervision Act or the  
12 Financially Distressed City Law, or (F) if the ordinance was  
13 adopted in December 1984 by the Village of Rosemont, or (G) if  
14 the ordinance was adopted on December 31, 1986 by a  
15 municipality located in Clinton County for which at least  
16 \$250,000 of tax increment bonds were authorized on June 17,  
17 1997, or if the ordinance was adopted on December 31, 1986 by a  
18 municipality with a population in 1990 of less than 3,600 that  
19 is located in a county with a population in 1990 of less than  
20 34,000 and for which at least \$250,000 of tax increment bonds  
21 were authorized on June 17, 1997, or (H) if the ordinance was  
22 adopted on October 5, 1982 by the City of Kankakee, or (I) if  
23 the ordinance was adopted on December 29, 1986 by East St.  
24 Louis, or if the ordinance was adopted on November 12, 1991 by  
25 the Village of Sauget, or (J) if the ordinance was adopted on  
26 February 11, 1985 by the City of Rock Island, or (K) if the



1 ordinance was adopted before December 18, 1986 by the City of  
2 Moline, or (L) if the ordinance was adopted in September 1988  
3 by Sauk Village, or (M) if the ordinance was adopted in October  
4 1993 by Sauk Village, or (N) if the ordinance was adopted on  
5 December 29, 1986 by the City of Galva, or (O) if the ordinance  
6 was adopted in March 1991 by the City of Centreville, or (P) if  
7 the ordinance was adopted on January 23, 1991 by the City of  
8 East St. Louis, or (Q) if the ordinance was adopted on December  
9 22, 1986 by the City of Aledo, or (R) if the ordinance was  
10 adopted on February 5, 1990 by the City of Clinton, or (S) if  
11 the ordinance was adopted on September 6, 1994 by the City of  
12 Freeport, or (T) if the ordinance was adopted on December 22,  
13 1986 by the City of Tuscola, or (U) if the ordinance was  
14 adopted on December 23, 1986 by the City of Sparta, or (V) if  
15 the ordinance was adopted on December 23, 1986 by the City of  
16 Beardstown, or (W) if the ordinance was adopted on April 27,  
17 1981, October 21, 1985, or December 30, 1986 by the City of  
18 Belleville, or (X) if the ordinance was adopted on December 29,  
19 1986 by the City of Collinsville, or (Y) if the ordinance was  
20 adopted on September 14, 1994 by the City of Alton, or (Z) if  
21 the ordinance was adopted on November 11, 1996 by the City of  
22 Lexington, or (AA) if the ordinance was adopted on November 5,  
23 1984 by the City of LeRoy, or (BB) if the ordinance was adopted  
24 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)  
25 if the ordinance was adopted on November 11, 1986 by the City  
26 of Pekin, or (DD) if the ordinance was adopted on December 15,

1 1981 by the City of Champaign, or (EE) if the ordinance was  
2 adopted on December 15, 1986 by the City of Urbana, or (FF) if  
3 the ordinance was adopted on December 15, 1986 by the Village  
4 of Heyworth, or (GG) if the ordinance was adopted on February  
5 24, 1992 by the Village of Heyworth, or (HH) if the ordinance  
6 was adopted on March 16, 1995 by the Village of Heyworth, or  
7 (II) if the ordinance was adopted on December 23, 1986 by the  
8 Town of Cicero, or (JJ) if the ordinance was adopted on  
9 December 30, 1986 by the City of Effingham, or (KK) if the  
10 ordinance was adopted on May 9, 1991 by the Village of Tilton,  
11 or (LL) if the ordinance was adopted on October 20, 1986 by the  
12 City of Elmhurst, or (MM) if the ordinance was adopted on  
13 January 19, 1988 by the City of Waukegan, or (NN) if the  
14 ordinance was adopted on September 21, 1998 by the City of  
15 Waukegan, or (OO) if the ordinance was adopted on December 31,  
16 1986 by the City of Sullivan, or (PP) if the ordinance was  
17 adopted on December 23, 1991 by the City of Sullivan, or (QQ)  
18 if the ordinance was adopted on December 31, 1986 by the City  
19 of Oglesby, or (RR) if the ordinance was adopted on July 28,  
20 1987 by the City of Marion, or (SS) if the ordinance was  
21 adopted on April 23, 1990 by the City of Marion, or (TT) if the  
22 ordinance was adopted on August 20, 1985 by the Village of  
23 Mount Prospect, or (UU) if the ordinance was adopted on  
24 February 2, 1998 by the Village of Woodhull, or (VV) if the  
25 ordinance was adopted on April 20, 1993 by the Village of  
26 Princeville, or (WW) ~~(VV)~~ if the ordinance was adopted on July

1 1, 1986 by the City of Granite City, or (XX) ~~(RR)~~ if the  
2 ordinance was adopted on February 2, 1989 by the Village of  
3 Lombard, or (YY) ~~(VV)~~ if the ordinance was adopted on December  
4 29, 1986 by the Village of Gardner, or (ZZ) ~~(VV)~~ if the  
5 ordinance was adopted on July 14, 1999 by the Village of Paw  
6 Paw and, for redevelopment project areas for which bonds were  
7 issued before July 29, 1991, in connection with a redevelopment  
8 project in the area within the State Sales Tax Boundary and  
9 which were extended by municipal ordinance under subsection (n)  
10 of Section 11-74.4-3, the last maturity of the refunding  
11 obligations shall not be expressed to mature later than the  
12 date on which the redevelopment project area is terminated or  
13 December 31, 2013, whichever date occurs first.

14 In the event a municipality issues obligations under home  
15 rule powers or other legislative authority the proceeds of  
16 which are pledged to pay for redevelopment project costs, the  
17 municipality may, if it has followed the procedures in  
18 conformance with this division, retire said obligations from  
19 funds in the special tax allocation fund in amounts and in such  
20 manner as if such obligations had been issued pursuant to the  
21 provisions of this division.

22 All obligations heretofore or hereafter issued pursuant to  
23 this Act shall not be regarded as indebtedness of the  
24 municipality issuing such obligations or any other taxing  
25 district for the purpose of any limitation imposed by law.

26 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;

1 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff.  
2 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986,  
3 eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04;  
4 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.  
5 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702,  
6 eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778,  
7 eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06;  
8 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

9 (65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

10 Sec. 11-124-1. Contracts for supply of water.

11 (a) The corporate authorities of each municipality may  
12 contract with any person, corporation, municipal corporation,  
13 political subdivision, public water district or any other  
14 agency for a supply of water. Any such contract entered into by  
15 a municipality shall provide that payments to be made  
16 thereunder shall be solely from the revenues to be derived from  
17 the operation of the waterworks system of the municipality, and  
18 the contract shall be a continuing valid and binding obligation  
19 of the municipality payable from the revenues derived from the  
20 operation of the waterworks system of the municipality for the  
21 period of years, not to exceed 40, as may be provided in such  
22 contract. Any such contract shall not be a debt within the  
23 meaning of any constitutional or statutory limitation. No prior  
24 appropriation shall be required before entering into such a  
25 contract and no appropriation shall be required to authorize

1 payments to be made under the terms of any such contract  
2 notwithstanding any provision in this Code to the contrary.

3 (b) ~~(a)~~ Payments to be made under any such contract shall  
4 be an operation and maintenance expense of the waterworks  
5 system of the municipality. Any such contract made by a  
6 municipality for a supply of water may contain provisions  
7 whereby the municipality is obligated to pay for such supply of  
8 water without setoff or counterclaim and irrespective of  
9 whether such supply of water is ever furnished, made available  
10 or delivered to the municipality or whether any project for the  
11 supply of water contemplated by any such contract is completed,  
12 operable or operating and notwithstanding any suspension,  
13 interruption, interference, reduction or curtailment of the  
14 supply of water from such project. Any such contract may  
15 provide that if one or more of the other purchasers of water  
16 defaults in the payment of its obligations under such contract  
17 or a similar contract made with the supplier of the water, one  
18 or more of the remaining purchasers party to such contract or  
19 such similar contract shall be required to pay for all or a  
20 portion of the obligations of the defaulting purchasers.

21 (c) ~~(b)~~ Payments to be made under any such contract with a  
22 municipal joint action water agency under the  
23 Intergovernmental Cooperation Act shall be an operation and  
24 maintenance expense of the waterworks system of the  
25 municipality. Any such contract made by a municipality for a  
26 supply of water with a municipal joint action water agency

1 under the provisions of the Intergovernmental Cooperation Act  
2 may contain provisions whereby the municipality is obligated to  
3 pay for such supply of water without setoff or counterclaim and  
4 irrespective of whether such supply of water is ever furnished,  
5 made available or delivered to the municipality or whether any  
6 project for the supply of water contemplated by any such  
7 contract is completed, operable or operating and  
8 notwithstanding any suspension, interruption, interference,  
9 reduction or curtailment of the supply of water from such  
10 project. Any such contract with a municipal joint action water  
11 agency may provide that if one or more of the other purchasers  
12 of water defaults in the payment of its obligations under such  
13 contract or a similar contract made with the supplier of the  
14 water, one or more of the remaining purchasers party to such  
15 contract or such similar contract shall be required to pay for  
16 all or a portion of the obligations of the defaulting  
17 purchasers.

18 The changes in this Section made by these amendatory Acts  
19 of 1984 are intended to be declarative of existing law.

20 (d) ~~(b)~~ A municipality with a water supply contract with a  
21 county water commission organized pursuant to the Water  
22 Commission Act of 1985 shall provide water to unincorporated  
23 areas of that home county in accordance with the terms of this  
24 subsection. The provision of water by the municipality shall be  
25 in accordance with a mandate of the home county as provided in  
26 Section 0.01 of the Water Commission Act of 1985. A home rule

1 unit may not provide water in a manner that is inconsistent  
2 with the provisions of this amendatory Act of the 93rd General  
3 Assembly. This subsection is a limitation under subsection (i)  
4 of Section 6 of Article VII of the Illinois Constitution on the  
5 concurrent exercise by home rule units of powers and functions  
6 exercised by the State.

7 (Source: P.A. 93-226, eff. 7-22-03; revised 10-9-03.)

8 Section 480. The Civic Center Code is amended by changing  
9 Sections 2-20 and 280-20 as follows:

10 (70 ILCS 200/2-20)

11 Sec. 2-20. Rights and powers, including eminent domain. The  
12 Authority shall have the following rights and powers:

13 (a) To acquire, purchase, own, construct, lease as lessee  
14 or in any other way acquire, improve, extend, repair,  
15 reconstruct, regulate, operate, equip and maintain exhibition  
16 centers, civic auditoriums, cultural facilities and office  
17 buildings, including sites and parking areas and commercial  
18 facilities therefor located within the metropolitan area;

19 (b) To plan for such grounds, centers and auditoriums and  
20 to plan, sponsor, hold, arrange and finance fairs, industrial,  
21 cultural, educational, trade and scientific exhibits, shows  
22 and events and to use or allow the use of such grounds,  
23 centers, and auditoriums for the holding of fairs, exhibits,  
24 shows and events whether conducted by the Authority or some

1 other person or governmental agency;

2 (c) To exercise the right of eminent domain to acquire  
3 sites for such grounds, centers, buildings and auditoriums, and  
4 parking areas and facilities in the manner provided for the  
5 exercise of the right of eminent domain under the Eminent  
6 Domain Act;

7 (d) To fix and collect just, reasonable and  
8 nondiscriminatory charges and rents for the use of such parking  
9 areas and facilities, grounds, centers, buildings and  
10 auditoriums and admission charges to fairs, shows, exhibits and  
11 events sponsored or held by the Authority. The charges  
12 collected may be made available to defray the reasonable  
13 expenses of the Authority and to pay the principal of and the  
14 interest on any bonds issued by the Authority;

15 (e) To enter into contracts treating in any manner with the  
16 objects and purposes of this Article.

17 ~~(f)~~ Notwithstanding any other provision of this Article,  
18 any power granted under this Article to acquire property by  
19 condemnation or eminent domain is subject to, and shall be  
20 exercised in accordance with, the Eminent Domain Act.

21 (Source: P.A. 94-1055, eff. 1-1-07; revised 10-6-06.)

22 (70 ILCS 200/280-20)

23 Sec. 280-20. Rights and powers. The Authority shall have  
24 the following rights and powers:

25 (a) To purchase, own, construct, lease as lessee or in any



1 other way acquire, improve, extend, repair, reconstruct,  
2 regulate, operate, equip and maintain fair and expositions  
3 grounds, convention or exhibition centers, civic auditoriums,  
4 including sites and parking areas and facilities therefor  
5 located within the metropolitan area and office buildings, if  
6 such buildings are acquired as part of the main auditorium  
7 complex;

8 (b) To plan for such grounds, centers and auditoriums and  
9 to plan, sponsor, hold, arrange and finance fairs, industrial,  
10 cultural, educational, theatrical, sports, trade and  
11 scientific exhibits, shows and events and to use or allow the  
12 use of such grounds, centers and auditoriums for the holding of  
13 fairs, exhibits, shows and events whether conducted by the  
14 Authority or some other person or governmental agency;

15 (c) To exercise the right of eminent domain to acquire  
16 sites for such grounds, centers and auditoriums, and parking  
17 areas and facilities in the manner provided for the exercise of  
18 the right of eminent domain under the Eminent Domain Act;

19 (d) To fix and collect just, reasonable and  
20 nondiscriminatory charges for the use of such parking areas and  
21 facilities, grounds, centers and auditoriums and admission  
22 charges to fairs, shows, exhibits and events sponsored or held  
23 by the Authority. The charges collected may be made available  
24 to defray the reasonable expenses of the Authority and to pay  
25 the principal of and the interest on any bonds issued by the  
26 Authority;

1 (d-5) To sell the following real property and retain the  
2 proceeds from the sale: the 2 Rialto Square Building at the  
3 southeast corner of Chicago Street and Clinton Street, legally  
4 described as follows: Lot 1 and Lot 2 in Block 3 in East Juliet  
5 (now Joliet) in the City of Joliet in Will County, Illinois;  
6 and

7 (e) To enter into contracts treating any manner with the  
8 objects and purposes of this Article.

9 (Source: P.A. 94-790, eff. 5-19-06; 94-1055, eff. 1-1-07;  
10 revised 8-3-06.)

11 Section 485. The Eastern Illinois Economic Development  
12 Authority Act is amended by changing Section 40 as follows:

13 (70 ILCS 506/40)

14 Sec. 40. Bonds and notes; exemption from taxation. The  
15 creation of the Authority is in all respects for the benefit of  
16 the people of Illinois and for the improvement of their health,  
17 safety, welfare, comfort, and security, and its purposes are  
18 public purposes. In consideration thereof, the notes and bonds  
19 of the Authority issued pursuant to this Act and the income  
20 from these notes and bonds may be free from all taxation by the  
21 State or its political subdivisions, except for ~~exempt from~~  
22 estate, transfer, and inheritance taxes. The exemption from  
23 taxation provided by the preceding sentence shall apply to the  
24 income on any notes or bonds of the Authority only if the

1 Authority in its sole judgment determines that the exemption  
2 enhances the marketability of the bonds or notes or reduces the  
3 interest rates that would otherwise be borne by the bonds or  
4 notes. For purposes of Section 250 of the Illinois Income Tax  
5 Act, the exemption of the Authority shall terminate after all  
6 of the bonds have been paid. The amount of such income that  
7 shall be added and then subtracted on the Illinois income tax  
8 return of a taxpayer, subject to Section 203 of the Illinois  
9 Income Tax Act, from federal adjusted gross income or federal  
10 taxable income in computing Illinois base income shall be the  
11 interest net of any bond premium amortization.

12 (Source: P.A. 94-203, eff. 7-13-05; revised 9-18-06.)

13 Section 490. The Joliet Arsenal Development Authority Act  
14 is amended by changing Section 40 as follows:

15 (70 ILCS 508/40)

16 Sec. 40. Acquisition.

17 (a) The Authority may, but need not, acquire title to any  
18 project with respect to which it exercises its authority.

19 (b) The Authority shall have power to acquire by purchase,  
20 lease, gift, or otherwise any property or rights therein from  
21 any person, the State of Illinois, any municipal corporation,  
22 any local unit of government, the government of the United  
23 States, any agency or instrumentality of the United States, any  
24 body politic, or any county useful for its purposes, whether

1 improved for the purposes of any prospective project or  
2 unimproved. The Authority may also accept any donation of funds  
3 for its purposes from any of those sources.

4 (c) The Authority shall have power to develop, construct,  
5 and improve, either under its own direction or through  
6 collaboration with any approved applicant, or to acquire  
7 through purchase or otherwise any project, using for that  
8 purpose the proceeds derived from its sale of revenue bonds,  
9 notes, or other evidences of indebtedness or governmental loans  
10 or grants, and to hold title in the name of the Authority to  
11 those projects.

12 (d) The Authority shall have the power to enter into  
13 intergovernmental agreements with the State of Illinois, the  
14 county of Will, the Illinois Finance Authority, the  
15 Metropolitan Pier and Exposition Authority, the United States  
16 government, any agency or instrumentality of the United States,  
17 any unit of local government located within the territory of  
18 the Authority, or any other unit of government to the extent  
19 allowed by Article VII, Section 10 of the Illinois Constitution  
20 and the Intergovernmental Cooperation Act.

21 (e) The Authority shall have the power to share employees  
22 with other units of government, including agencies of the  
23 United States, agencies of the State of Illinois, and agencies  
24 or personnel of any unit of local government.

25 (f) Subject to subsection (i) of Section 35 of this Act,  
26 the Authority shall have the power to exercise powers and issue

1 revenue bonds as if it were a municipality so authorized in  
2 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the  
3 Illinois Municipal Code.

4 (g) All property owned by the Joliet Arsenal Development  
5 Authority is exempt from property taxes. Any property owned by  
6 the Joliet Arsenal Development Authority and leased to an  
7 entity that is not exempt shall remain exempt. The leasehold  
8 interest of the lessee shall be assessed under Section 9-195 of  
9 the Property Tax Code.

10 (Source: P.A. 93-205, eff. 1-1-04; 93-421, eff. 8-5-03; revised  
11 9-11-03.)

12 Section 495. The Southeastern Illinois Economic  
13 Development Authority Act is amended by changing Section 40 as  
14 follows:

15 (70 ILCS 518/40)

16 Sec. 40. Bonds and notes; exemption from taxation. The  
17 creation of the Authority is in all respects for the benefit of  
18 the people of Illinois and for the improvement of their health,  
19 safety, welfare, comfort, and security, and its purposes are  
20 public purposes. In consideration thereof, the notes and bonds  
21 of the Authority issued pursuant to this Act and the income  
22 from these notes and bonds may be free from all taxation by the  
23 State or its political subdivisions, except ~~exempt~~ for estate,  
24 transfer, and inheritance taxes. The exemption from taxation

1 provided by the preceding sentence shall apply to the income on  
2 any notes or bonds of the Authority only if the Authority in  
3 its sole judgment determines that the exemption enhances the  
4 marketability of the bonds or notes or reduces the interest  
5 rates that would otherwise be borne by the bonds or notes. For  
6 purposes of Section 250 of the Illinois Income Tax Act, the  
7 exemption of the Authority shall terminate after all of the  
8 bonds have been paid. The amount of such income that shall be  
9 added and then subtracted on the Illinois income tax return of  
10 a taxpayer, subject to Section 203 of the Illinois Income Tax  
11 Act, from federal adjusted gross income or federal taxable  
12 income in computing Illinois base income shall be the interest  
13 net of any bond premium amortization.

14 (Source: P.A. 93-968, eff. 8-20-04; revised 10-11-05.)

15 Section 500. The Western Illinois Economic Development  
16 Authority Act is amended by changing Section 45 as follows:

17 (70 ILCS 532/45)

18 Sec. 45. Bonds and notes; exemption from taxation. The  
19 creation of the Authority is in all respects for the benefit of  
20 the people of Illinois and for the improvement of their health,  
21 safety, welfare, comfort, and security, and its purposes are  
22 public purposes. In consideration thereof, the notes and bonds  
23 of the Authority issued pursuant to this Act and the income  
24 from these notes and bonds may be free from all taxation by the

1 State or its political subdivisions, except ~~exempt~~ for estate,  
2 transfer, and inheritance taxes. The exemption from taxation  
3 provided by the preceding sentence shall apply to the income on  
4 any notes or bonds of the Authority only if the Authority in  
5 its sole judgment determines that the exemption enhances the  
6 marketability of the bonds or notes or reduces the interest  
7 rates that would otherwise be borne by the bonds or notes. For  
8 purposes of Section 250 of the Illinois Income Tax Act, the  
9 exemption of the Authority shall terminate after all of the  
10 bonds have been paid. The amount of such income that shall be  
11 added and then subtracted on the Illinois income tax return of  
12 a taxpayer, subject to Section 203 of the Illinois Income Tax  
13 Act, from federal adjusted gross income or federal taxable  
14 income in computing Illinois base income shall be the interest  
15 net of any bond premium amortization.

16 (Source: P.A. 93-874, eff. 8-6-04; revised 9-18-06.)

17 Section 505. The Fire Protection District Act is amended by  
18 changing Sections 4a and 6 as follows:

19 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

20 Sec. 4a. Change to elected board of trustees; petition;  
21 election; ballot; nomination and election of trustees. Any fire  
22 protection district organized under this Act may determine, in  
23 either manner provided in the following items (1) and (2) of  
24 this Section, to have an elected, rather than an appointed,

1 board of trustees.

2 (1) If the district lies wholly within a single  
3 township but does not also lie wholly within a  
4 municipality, the township board of trustees may  
5 determine, by ordinance, to have an elected board of  
6 trustees.

7 (2) Upon presentation to the board of trustees of a  
8 petition, signed by not less than 10% of the electors of  
9 the district, requesting that a proposition for the  
10 election of trustees be submitted to the electors of the  
11 district, the secretary of the board of trustees shall  
12 certify the proposition to the appropriate election  
13 authorities who shall submit the proposition at a regular  
14 election in accordance with the general election law. The  
15 general election law shall apply to and govern such  
16 election. The proposition shall be in substantially the  
17 following form:

18 -----  
19 Shall the trustees of..... YES  
20 Fire Protection District be -----  
21 elected, rather than appointed? NO  
22 -----

23 If a majority of the votes cast on such proposition are  
24 in the affirmative, the trustees of the district shall  
25 thereafter be elected as provided by this Section.

26 At the next regular election for trustees as provided by



1 the general election law, a district that has approved by  
2 ordinance or referendum to have its trustees elected rather  
3 than appointed shall elect 3, 5, or 7 trustees, as previously  
4 determined by the organization of the district or as increased  
5 under Section 4.01 or 4.02. The initial elected trustees shall  
6 be elected for 2, 4, and 6 year terms. In a district with 3  
7 trustees, one trustee shall be elected for a term of 2 years,  
8 one for a term of 4 years, and one for a term of 6 years. In a  
9 district with 5 trustees, 2 shall be elected for terms of 2  
10 years, 2 for terms of 4 years, and one for a term of 6 years. In  
11 a district with 7 trustees, 3 shall be elected for terms of 2  
12 years, 2 for terms of 4 years, and 2 for terms of 6 years.  
13 Except as otherwise provided in Section 2A-54 of the Election  
14 Code, the term of each elected trustee shall commence on the  
15 third Monday of the month following the month of his election  
16 and until his successor is elected and qualified. The length of  
17 the terms of the trustees first elected shall be determined by  
18 lot at their first meeting. Except as otherwise provided in  
19 Section 2A-54 of the Election Code, thereafter, each trustee  
20 shall be elected to serve for a term of 6 years commencing on  
21 the third Monday of the month following the month of his  
22 election and until his successor is elected and qualified.

23 No party designation shall appear on the ballot for  
24 election of trustees. The provisions of the general election  
25 law shall apply to and govern the nomination and election of  
26 trustees.

1 Nominations for members of the board of trustees shall be  
2 made by a petition signed by at least 25 voters or 5% of the  
3 voters, whichever is less, residing within the district and  
4 shall be filed with the secretary of the board. In addition to  
5 the requirements of general election law, the form of the  
6 petition shall be as follows:

7 NOMINATING PETITIONS

8 To the Secretary of the Board of Trustees of (name of fire  
9 protection district):

10 We, the undersigned, being (number of signatories or 5% or  
11 more) of the voters residing within the district, hereby  
12 petition that (name of candidate) who resides at (address of  
13 candidate) in this district shall be a candidate for the office  
14 of (office) of the Board of Trustees (full-term or vacancy) to  
15 be voted for at the election to be held (date of election).

16 The secretary of the board shall notify each candidate for  
17 whom a petition for nomination has been filed of their  
18 obligations under the Campaign Financing Act, as required by  
19 the general election law. The notice shall be given on a form  
20 prescribed by the State Board of Elections and in accordance  
21 with the requirements of the general election law.

22 The secretary shall, within 7 days of filing or on the last  
23 day for filing, whichever is earlier, acknowledge to the  
24 petitioner in writing his acceptance of the petition.

25 The provisions of Section 4 relating to eligibility, powers  
26 and disabilities of trustees shall apply equally to elected

1 trustees.

2 Whenever a fire protection district determines to elect  
3 trustees as provided in this Section, the trustees appointed  
4 pursuant to Section 4 shall continue to constitute the board of  
5 trustees until the third Monday of the month following the  
6 month of the first election of trustees. If the term of office  
7 of any appointed trustees expires before the first election of  
8 trustees, the authority which appointed that trustee under  
9 Section 4 of this Act shall appoint a successor to serve until  
10 a successor is elected and has qualified. The terms of all  
11 appointed trustees in such district shall expire on the third  
12 Monday of the month following the month of the first election  
13 of trustees under this Section or when successors have been  
14 elected and have qualified, whichever occurs later.

15 (Source: P.A. 93-847, eff. 7-30-04; 93-952, eff. 1-1-05;  
16 revised 10-14-04.)

17 (70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

18 Sec. 6. Board of trustees; powers.

19 (a) The trustees shall constitute a board of trustees for  
20 the district for which they are appointed, which board of  
21 trustees is declared to be the corporate authority of the fire  
22 protection district, and shall exercise all of the powers and  
23 control all the affairs and property of such district.

24 The board of trustees at their initial meeting and at their  
25 first meeting following the commencement of the term of any

1 trustee shall elect one of their number as president and one of  
2 their number as secretary and shall elect a treasurer for the  
3 district, who may be one of the trustees or may be any other  
4 citizen of the district and who shall hold office during the  
5 pleasure of the board and who shall give such bond as may be  
6 required by the board.

7 (b) Except as otherwise provided in Sections 16.01 through  
8 16.18, the board may appoint and enter into a multi-year  
9 contract not exceeding 3 years with a fire chief and may  
10 appoint any firemen that may be necessary for the district, who  
11 shall hold office during the pleasure of the board and who  
12 shall give any bond that the board may require. The board may  
13 prescribe the duties and fix the compensation of all the  
14 officers and employees of the fire protection district.

15 (c) A member of the board of trustees of a fire protection  
16 district may be compensated as follows: in a district having  
17 fewer than 4 full time paid firemen, a sum not to exceed \$1,000  
18 per annum; in a district having more than 3 but less than 10  
19 full time paid firemen, a sum not to exceed \$1,500 per annum;  
20 in a district having either 10 or more full time paid firemen,  
21 a sum not to exceed \$2,000 per annum. In addition, fire  
22 districts that operate an ambulance service pursuant to  
23 authorization by referendum, as provided in Section 22, may pay  
24 trustees an additional annual compensation not to exceed 50% of  
25 the amount otherwise authorized herein. The additional  
26 compensation shall be an administrative expense of the

1 ambulance service and shall be paid from revenues raised by the  
2 ambulance tax levy.

3 (d) The trustees also have the express power to execute a  
4 note or notes and to execute a mortgage or trust deed to secure  
5 the payment of such note or notes; such trust deed or mortgage  
6 shall cover real estate, or some part thereof, or personal  
7 property owned by the district and the lien of the mortgage  
8 shall apply to the real estate or personal property so  
9 mortgaged by the district, and the proceeds of the note or  
10 notes may be used in the acquisition of personal property or of  
11 real estate or in the erection of improvements on such real  
12 estate.

13 The trustees have express power to purchase either real  
14 estate or personal property to be used for the purposes of the  
15 fire protection district through contracts which provide for  
16 the consideration for such purchase to be paid through  
17 installments to be made at stated intervals during a certain  
18 period of time, but, in no case, shall such contracts provide  
19 for the consideration to be paid during a period of time in  
20 excess of 25 years.

21 (e) The trustees have express power to provide for the  
22 benefit of its employees, volunteer firemen and paid firemen,  
23 group life, health, accident, hospital and medical insurance,  
24 or any combination thereof; and to pay for all or any portion  
25 of the premiums on such insurance. Such insurance may include  
26 provisions for employees who rely on treatment by spiritual

1 means alone through prayer for healing in accord with the  
2 tenets and practice of a well recognized religious  
3 denomination.

4 (f) To encourage continued service with the district, the  
5 board of trustees has the express power to award monetary  
6 incentives, not to exceed \$240 per year, to volunteer  
7 firefighters of the district based on the length of service. To  
8 be eligible for the incentives, the volunteer firefighters must  
9 have at least 5 years of service with the district. The amount  
10 of the incentives may not be greater than 2% of the annual levy  
11 amount when all incentive awards are combined.

12 (g) The board of trustees has express power to change the  
13 corporate name of the fire protection district by ordinance,  
14 provided that notification of any change is given to the  
15 circuit clerk and the Office of the State Fire Marshal.

16 (h) The board of trustees may impose reasonable civil  
17 penalties on individuals who repeatedly cause false fire  
18 alarms.

19 (i) The board of trustees has full power to pass all  
20 necessary ordinances, and rules and regulations for the proper  
21 management and conduct of the business of the board of trustees  
22 of the fire protection district for carrying into effect the  
23 objects for which the district was formed.

24 (Source: P.A. 93-302, eff. 1-1-04; 93-589, eff. 1-1-04; revised  
25 10-3-03.)

1 Section 510. The Park District Code is amended by changing  
2 Section 5-1 as follows:

3 (70 ILCS 1205/5-1) (from Ch. 105, par. 5-1)

4 Sec. 5-1. Each Park District has the power to levy and  
5 collect taxes on all the taxable property in the district for  
6 all corporate purposes. The commissioners may accumulate funds  
7 for the purposes of building repairs and improvements and may  
8 annually levy taxes for such purposes in excess of current  
9 requirements for its other purposes but subject to the tax rate  
10 limitation as herein provided.

11 All general taxes proposed by the board to be levied upon  
12 the taxable property within the district shall be levied by  
13 ordinance. A certified copy of such levy ordinance shall be  
14 filed with the county clerk of the county in which the same is  
15 to be collected not later than the last Tuesday in December in  
16 each year. The county clerk shall extend such tax; provided,  
17 the aggregate amount of taxes levied for any one year,  
18 exclusive of the amount levied for the payment of the principal  
19 and interest on bonded indebtedness of the district and taxes  
20 authorized by special referenda, shall not exceed, except as  
21 otherwise provided in this Section, the rate of .10%, or the  
22 rate limitation in effect on July 1, 1967, whichever is  
23 greater, of the value, as equalized or assessed by the  
24 Department of Revenue.

25 Notwithstanding any other provision of this Section, a park

1 district board of a park district lying wholly within one  
2 county is authorized to increase property taxes under this  
3 Section for corporate purposes for any one year so long as the  
4 increase is offset by a like property tax levy reduction in one  
5 or more of the park district's funds. At the time that such  
6 park district files its levy with the county clerk, it shall  
7 also certify to the county clerk that the park district has  
8 complied with and is authorized to act under this Section 5-1  
9 of the Park District Code. In no instance shall the increase  
10 either exceed or result in a reduction to the extension  
11 limitation to which any park district is subject under Section  
12 18-195 of the Property Tax Code.

13 Any funds on hand at the end of the fiscal year that are  
14 not pledged for or allocated to a particular purpose may, by  
15 action of the board of commissioners, be transferred to a  
16 capital improvement fund and accumulated therein, but the total  
17 amount accumulated in the fund may not exceed 1.5% of the  
18 aggregate assessed valuation of all taxable property in the  
19 park district.

20 The foregoing limitations upon tax rates may be decreased  
21 under the referendum provisions of the General Revenue Law of  
22 the State of Illinois.

23 (Source: P.A. 93-434, eff. 8-5-03; 93-625, eff. 12-19-03;  
24 revised 1-13-04.)

25 Section 515. The West Cook Railroad Relocation and



1 Development Authority Act is amended by changing Section 15 as  
2 follows:

3 (70 ILCS 1920/15)

4 Sec. 15. Acquisition of property. The Authority shall have  
5 the power to acquire by gift, purchase, or legacy the fee  
6 simple title to real property located within the boundaries of  
7 the Authority, including temporary and permanent easements, as  
8 well as reversionary interests in the streets, alleys and other  
9 public places and personal property, required for its purposes,  
10 and title thereto shall be taken in the corporate name of the  
11 Authority. Any such property which is already devoted to a  
12 public use may nevertheless be acquired, provided that no  
13 property belonging to the United States of America or the State  
14 of Illinois may be acquired without the consent of such  
15 governmental unit. No property devoted to a public use  
16 belonging to a corporation subject to the jurisdiction of the  
17 Illinois Commerce Commission may be acquired without a prior  
18 finding by the Illinois Commerce Commission that the taking  
19 would not result in the imposition of an undue burden on  
20 intrastate ~~intrastate~~ commerce. All land and appurtenances  
21 thereto, acquired or owned by the Authority, are to be deemed  
22 acquired or owned for a public use or public purpose.

23 (Source: P.A. 91-562, eff. 8-14-99; revised 10-12-05.)

24 Section 520. The Dixon Railroad Relocation Authority Law is

1 amended by changing Section 5-15 as follows:

2 (70 ILCS 1925/5-15)

3 Sec. 5-15. Acquisition of property. The Authority shall  
4 have the power to acquire by gift, purchase, or legacy the fee  
5 simple title to real property located within the boundaries of  
6 the Authority, including temporary and permanent easements, as  
7 well as reversionary interests in the streets, alleys and other  
8 public places and personal property, required for its purposes,  
9 and title thereto shall be taken in the corporate name of the  
10 Authority. Any such property that is already devoted to a  
11 public use may nevertheless be acquired, provided that no  
12 property belonging to the United States of America or the State  
13 of Illinois may be acquired without the consent of such  
14 governmental unit. No property devoted to a public use  
15 belonging to a corporation subject to the jurisdiction of the  
16 Illinois Commerce Commission may be acquired without a prior  
17 finding by the Illinois Commerce Commission that the taking  
18 would not result in the imposition of an undue burden on  
19 intrastate ~~intrastate~~ commerce. All land and appurtenances  
20 thereto, acquired or owned by the Authority, are to be deemed  
21 acquired or owned for a public use or public purpose.

22 (Source: P.A. 92-352, eff. 8-15-01; revised 10-12-05.)

23 Section 525. The Metropolitan Water Reclamation District  
24 Act is amended by setting forth, renumbering, and changing

1 multiple versions of Section 288 as follows:

2 (70 ILCS 2605/288)

3 Sec. 288. District enlarged. On March 7, 2002 ~~Upon the~~  
4 ~~effective date of this amendatory Act of the 92nd General~~  
5 ~~Assembly,~~ the corporate limits of the Metropolitan Water  
6 Reclamation District Act are extended to include within those  
7 limits the following described tracts of land, and those tracts  
8 are annexed to the District.

9 (1) Parcel 1 (Canter Parcel)

10 THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF  
11 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
12 COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE  
13 NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES  
14 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE  
15 WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A  
16 DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES  
17 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28  
18 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45  
19 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A  
20 DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37  
21 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE;  
22 THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED  
23 BEING SOUTH 59 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A  
24 LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST

1           1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY  
2           OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID  
3           SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF  
4           BEGINNING; THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25  
5           SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO  
6           THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE  
7           PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38  
8           DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A  
9           DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55  
10          MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE  
11          OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK  
12          BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF  
13          DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764  
14          AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932  
15          APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY,  
16          ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51 DEGREES 24  
17          MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE  
18          OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE,  
19          620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE,  
20          ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16,  
21          1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY;  
22          THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING  
23          ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET  
24          AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST  
25          DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING  
26          ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A

1 PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42  
2 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A  
3 DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41  
4 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE  
5 OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF  
6 SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST,  
7 ALONG THE CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A  
8 DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52  
9 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID  
10 CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58 SECONDS  
11 WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET  
12 (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO  
13 A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS  
14 WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO  
15 THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD,  
16 AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER  
17 DOCUMENT NO. 11245764 AND SHOWN ON THE AFORESAID PLAT OF  
18 SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST,  
19 ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET  
20 TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH  
21 PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR  
22 DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.  
23 P.I.N.: 06-21-101-024-0000

24 (2) Parcel 2 (T Bar J Ranch Parcel)

25 PARCEL 1:

1 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF  
2 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

3 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
4 THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG  
5 THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF  
6 SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48  
7 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49  
8 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37  
9 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29  
10 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH  
11 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET  
12 TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40  
13 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47  
14 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE  
15 NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS  
16 IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES  
17 EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC  
18 HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH  
19 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF  
20 BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES, EAST ALONG A  
21 FENCE LINE 251.15 FEET TO A POINT OF BEGINNING, IN COOK  
22 COUNTY, ILLINOIS.

23 P.I.N.: 06-21-101-018-0000

24 PARCEL 2:

25 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF  
26 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

1 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
2 THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE SOUTH  
3 ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST  
4 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48  
5 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49  
6 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37  
7 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29  
8 MINUTES WEST, 203.4 FEET TO THE POINT OF BEGINNING; THENCE  
9 CONTINUING SOUTH 75 DEGREES 29 MINUTES WEST, 307.4 FEET;  
10 THENCE SOUTH 29 DEGREES 48 MINUTES WEST, 275.05 FEET;  
11 THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET;  
12 THENCE SOUTH 19 DEGREES 47 MINUTES WEST ALONG A FENCE LINE,  
13 175.5 FEET TO NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY  
14 KNOWN AS IRVING PARK BOULEVARD; THENCE NORTH 50 DEGREES 21  
15 MINUTES WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF  
16 HIGHWAY 566.2 FEET; THENCE NORTH 17 DEGREES 17 MINUTES EAST  
17 ALONG A FENCE LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47  
18 MINUTES EAST 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31  
19 DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE  
20 OF 282.19 FEET TO THE POINT OF BEGINNING IN HANOVER  
21 TOWNSHIP IN COOK COUNTY, ILLINOIS.

22 P.I.N.: 06-21-101-022-0000

23 (3) Parcel 3 (Gibas parcel)

24 A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9  
25 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,

1 ILLINOIS, DESCRIBED AS FOLLOWS:  
2 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
3 THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH ALONG  
4 THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4,  
5 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST,  
6 181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28  
7 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33  
8 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75  
9 DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER;  
10 THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE,  
11 512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG  
12 SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY  
13 RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET  
14 MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING;  
15 THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY  
16 LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF  
17 BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL  
18 WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION  
19 21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN  
20 BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.  
21 P.I.N.: 06-21-101-015-0000

22 (4) Parcel 4 (Blake parcel)  
23 THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE  
24 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS  
25 FOLLOWS:



1 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER  
2 OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID; THENCE  
3 SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE  
4 NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET; THENCE SOUTH  
5 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28  
6 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33  
7 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75  
8 DEGREES 29 MINUTES WEST, 203.4 FEET; THENCE NORTH 31  
9 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO  
10 A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47 MINUTES  
11 WEST, 988.44 FEET TO A POINT ON A FENCE LINE THAT LIES  
12 NORTH 17 DEGREES 17 MINUTES EAST, 193.07 FEET FROM A POINT  
13 ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK  
14 BOULEVARD; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG  
15 SAID FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF WAY  
16 LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED); THENCE EASTERLY  
17 AND NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE ON  
18 A CURVE TO LEFT HAVING A RADIUS OF 1425.4 FEET A DISTANCE  
19 OF 829.0 FEET; THENCE SOUTH 3 DEGREES 29 MINUTES EAST ALONG  
20 A FENCE LINE 263.6 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES  
21 EAST ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO THE  
22 POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY,  
23 ILLINOIS.

24 P.I.N. ~~PI.N.~~: 06-21-101-021-0000.

25 (Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)

1 (70 ILCS 2605/289)

2 Sec. 289 ~~288~~. District enlarged. On August 22, 2002 ~~Upon~~  
3 ~~the effective date of this amendatory Act of the 92nd General~~  
4 ~~Assembly~~, the corporate limits of the Metropolitan Water  
5 Reclamation District are extended to include within those  
6 limits the following described tract of land, and that tract is  
7 annexed to the District.

8 LEGAL DESCRIPTION

9 5.425 ACRES

10 THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP  
11 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
12 DESCRIBED AS FOLLOWS:

13 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER  
14 OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST ALONG THE  
15 EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A  
16 DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH  
17 HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH  
18 89°15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF  
19 THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00  
20 FEET; THENCE SOUTH 44°22'03" WEST, 410.93 FEET TO THE POINT  
21 OF BEGINNING; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE  
22 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF  
23 SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25  
24 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH  
25 THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25;  
26 THENCE NORTH 00°02'28" WEST ALONG SAID PARALLEL LINE,

1           105.23 FEET; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE  
2           NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF  
3           SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH  
4           00°02'28" EAST, 150.68 FEET; THENCE NORTH 89°57'32" EAST  
5           120.37 FEET; THENCE SOUTH 00°02'28" EAST PARALLEL WITH THE  
6           WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A  
7           DISTANCE OF 353.10 FEET; THENCE NORTH 89°15'17" EAST  
8           PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE  
9           NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET;  
10          THENCE NORTH 00°02'28" WEST, 278.99 FEET; THENCE NORTH  
11          44°22'03" EAST, 171.50 FEET TO THE PLACE OF BEGINNING, IN  
12          COOK COUNTY, ILLINOIS.

13          (Source: P.A. 92-843, eff. 8-22-02; revised 2-18-03.)

14          Section 530. The Local Mass Transit District Act is amended  
15          by changing Sections 2 and 5.01 as follows:

16                 (70 ILCS 3610/2) (from Ch. 111 2/3, par. 352)

17                 Sec. 2. For the purposes of this Act:

18                         (a) "Mass transit facility" means any local public  
19                         transportation facility, whether buses, trolley-buses, or  
20                         railway systems, utilized by a substantial number of persons  
21                         for their daily transportation, and includes not only the local  
22                         public transportation facility itself but ancillary and  
23                         supporting facilities such as, for example, motor vehicle  
24                         parking facilities, as well.

1           (b) "Participating municipality and county" means the  
2 municipality or municipalities, county or counties creating  
3 the local Mass Transit District pursuant to Section 3 of this  
4 Act.

5           (c) "Municipality" means a city, village, township, or  
6 incorporated town.

7           (d) "Corporate authorities" means (1) the city council or  
8 similar body of a city, (2) the board of trustees or similar  
9 body of a village or incorporated town, (3) the council of a  
10 municipality under the commission form of municipal  
11 government, and (4) the board of trustees in a township.

12           (e) "County board" means the governing board of a county.

13           (f) "District" means a local Mass Transit District created  
14 pursuant to Section 3 of this Act.

15           (g) "Board" means the Board of Trustees of a local Mass  
16 Transit District created pursuant to Section 3 of this Act.

17           (h) "Interstate transportation authority" shall mean any  
18 political subdivision created by compact between this State and  
19 another state, which is a body corporate and politic and a  
20 political subdivision of both contracting states, and which  
21 operates a public mass transportation system.

22           (i) "Metro East Mass Transit District" means one or more  
23 local mass transit districts created pursuant to this Act,  
24 composed only of Madison, St. Clair or Monroe Counties, or any  
25 combination thereof or any territory annexed to such district.

26           (j) "Public mass transportation system" shall mean a

1 transportation system or systems owned and operated by an  
2 interstate transportation authority, a municipality, District,  
3 or other public or private authority, employing motor busses,  
4 rails or any other means of conveyance, by whatsoever type or  
5 power, operated for public use in the conveyance of persons,  
6 mainly providing local transportation service within an  
7 interstate transportation district, municipality, or county.

8 (Source: P.A. 93-590, eff. 1-1-04; revised 10-9-03.)

9 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

10 Sec. 5.01. Metro East Mass Transit District; use and  
11 occupation taxes.

12 (a) The Board of Trustees of any Metro East Mass Transit  
13 District may, by ordinance adopted with the concurrence of  
14 two-thirds of the then trustees, impose throughout the District  
15 any or all of the taxes and fees provided in this Section. All  
16 taxes and fees imposed under this Section shall be used only  
17 for public mass transportation systems, and the amount used to  
18 provide mass transit service to unserved areas of the District  
19 shall be in the same proportion to the total proceeds as the  
20 number of persons residing in the unserved areas is to the  
21 total population of the District. Except as otherwise provided  
22 in this Act, taxes imposed under this Section and civil  
23 penalties imposed incident thereto shall be collected and  
24 enforced by the State Department of Revenue. The Department  
25 shall have the power to administer and enforce the taxes and to

1 determine all rights for refunds for erroneous payments of the  
2 taxes.

3 (b) The Board may impose a Metro East Mass Transit District  
4 Retailers' Occupation Tax upon all persons engaged in the  
5 business of selling tangible personal property at retail in the  
6 district at a rate of 1/4 of 1%, or as authorized under  
7 subsection (d-5) of this Section, of the gross receipts from  
8 the sales made in the course of such business within the  
9 district. The tax imposed under this Section and all civil  
10 penalties that may be assessed as an incident thereof shall be  
11 collected and enforced by the State Department of Revenue. The  
12 Department shall have full power to administer and enforce this  
13 Section; to collect all taxes and penalties so collected in the  
14 manner hereinafter provided; and to determine all rights to  
15 credit memoranda arising on account of the erroneous payment of  
16 tax or penalty hereunder. In the administration of, and  
17 compliance with, this Section, the Department and persons who  
18 are subject to this Section shall have the same rights,  
19 remedies, privileges, immunities, powers and duties, and be  
20 subject to the same conditions, restrictions, limitations,  
21 penalties, exclusions, exemptions and definitions of terms and  
22 employ the same modes of procedure, as are prescribed in  
23 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65  
24 (in respect to all provisions therein other than the State rate  
25 of tax), 2c, 3 (except as to the disposition of taxes and  
26 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,

1 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the  
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
3 Penalty and Interest Act, as fully as if those provisions were  
4 set forth herein.

5 Persons subject to any tax imposed under the Section may  
6 reimburse themselves for their seller's tax liability  
7 hereunder by separately stating the tax as an additional  
8 charge, which charge may be stated in combination, in a single  
9 amount, with State taxes that sellers are required to collect  
10 under the Use Tax Act, in accordance with such bracket  
11 schedules as the Department may prescribe.

12 Whenever the Department determines that a refund should be  
13 made under this Section to a claimant instead of issuing a  
14 credit memorandum, the Department shall notify the State  
15 Comptroller, who shall cause the warrant to be drawn for the  
16 amount specified, and to the person named, in the notification  
17 from the Department. The refund shall be paid by the State  
18 Treasurer out of the Metro East Mass Transit District tax fund  
19 established under paragraph (g) of this Section.

20 If a tax is imposed under this subsection (b), a tax shall  
21 also be imposed under subsections (c) and (d) of this Section.

22 For the purpose of determining whether a tax authorized  
23 under this Section is applicable, a retail sale, by a producer  
24 of coal or other mineral mined in Illinois, is a sale at retail  
25 at the place where the coal or other mineral mined in Illinois  
26 is extracted from the earth. This paragraph does not apply to

1 coal or other mineral when it is delivered or shipped by the  
2 seller to the purchaser at a point outside Illinois so that the  
3 sale is exempt under the Federal Constitution as a sale in  
4 interstate or foreign commerce.

5 No tax shall be imposed or collected under this subsection  
6 on the sale of a motor vehicle in this State to a resident of  
7 another state if that motor vehicle will not be titled in this  
8 State.

9 Nothing in this Section shall be construed to authorize the  
10 Metro East Mass Transit District to impose a tax upon the  
11 privilege of engaging in any business which under the  
12 Constitution of the United States may not be made the subject  
13 of taxation by this State.

14 (c) If a tax has been imposed under subsection (b), a Metro  
15 East Mass Transit District Service Occupation Tax shall also be  
16 imposed upon all persons engaged, in the district, in the  
17 business of making sales of service, who, as an incident to  
18 making those sales of service, transfer tangible personal  
19 property within the District, either in the form of tangible  
20 personal property or in the form of real estate as an incident  
21 to a sale of service. The tax rate shall be 1/4%, or as  
22 authorized under subsection (d-5) of this Section, of the  
23 selling price of tangible personal property so transferred  
24 within the district. The tax imposed under this paragraph and  
25 all civil penalties that may be assessed as an incident thereof  
26 shall be collected and enforced by the State Department of



1 Revenue. The Department shall have full power to administer and  
2 enforce this paragraph; to collect all taxes and penalties due  
3 hereunder; to dispose of taxes and penalties so collected in  
4 the manner hereinafter provided; and to determine all rights to  
5 credit memoranda arising on account of the erroneous payment of  
6 tax or penalty hereunder. In the administration of, and  
7 compliance with this paragraph, the Department and persons who  
8 are subject to this paragraph shall have the same rights,  
9 remedies, privileges, immunities, powers and duties, and be  
10 subject to the same conditions, restrictions, limitations,  
11 penalties, exclusions, exemptions and definitions of terms and  
12 employ the same modes of procedure as are prescribed in  
13 Sections 1a-1, 2 (except that the reference to State in the  
14 definition of supplier maintaining a place of business in this  
15 State shall mean the Authority), 2a, 3 through 3-50 (in respect  
16 to all provisions therein other than the State rate of tax), 4  
17 (except that the reference to the State shall be to the  
18 Authority), 5, 7, 8 (except that the jurisdiction to which the  
19 tax shall be a debt to the extent indicated in that Section 8  
20 shall be the District), 9 (except as to the disposition of  
21 taxes and penalties collected, and except that the returned  
22 merchandise credit for this tax may not be taken against any  
23 State tax), 10, 11, 12 (except the reference therein to Section  
24 2b of the Retailers' Occupation Tax Act), 13 (except that any  
25 reference to the State shall mean the District), the first  
26 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service

1 Occupation Tax Act and Section 3-7 of the Uniform Penalty and  
2 Interest Act, as fully as if those provisions were set forth  
3 herein.

4 Persons subject to any tax imposed under the authority  
5 granted in this paragraph may reimburse themselves for their  
6 serviceman's tax liability hereunder by separately stating the  
7 tax as an additional charge, which charge may be stated in  
8 combination, in a single amount, with State tax that servicemen  
9 are authorized to collect under the Service Use Tax Act, in  
10 accordance with such bracket schedules as the Department may  
11 prescribe.

12 Whenever the Department determines that a refund should be  
13 made under this paragraph to a claimant instead of issuing a  
14 credit memorandum, the Department shall notify the State  
15 Comptroller, who shall cause the warrant to be drawn for the  
16 amount specified, and to the person named, in the notification  
17 from the Department. The refund shall be paid by the State  
18 Treasurer out of the Metro East Mass Transit District tax fund  
19 established under paragraph (g) of this Section.

20 Nothing in this paragraph shall be construed to authorize  
21 the District to impose a tax upon the privilege of engaging in  
22 any business which under the Constitution of the United States  
23 may not be made the subject of taxation by the State.

24 (d) If a tax has been imposed under subsection (b), a Metro  
25 East Mass Transit District Use Tax shall also be imposed upon  
26 the privilege of using, in the district, any item of tangible

1 personal property that is purchased outside the district at  
2 retail from a retailer, and that is titled or registered with  
3 an agency of this State's government, at a rate of 1/4%, or as  
4 authorized under subsection (d-5) of this Section, of the  
5 selling price of the tangible personal property within the  
6 District, as "selling price" is defined in the Use Tax Act. The  
7 tax shall be collected from persons whose Illinois address for  
8 titling or registration purposes is given as being in the  
9 District. The tax shall be collected by the Department of  
10 Revenue for the Metro East Mass Transit District. The tax must  
11 be paid to the State, or an exemption determination must be  
12 obtained from the Department of Revenue, before the title or  
13 certificate of registration for the property may be issued. The  
14 tax or proof of exemption may be transmitted to the Department  
15 by way of the State agency with which, or the State officer  
16 with whom, the tangible personal property must be titled or  
17 registered if the Department and the State agency or State  
18 officer determine that this procedure will expedite the  
19 processing of applications for title or registration.

20 The Department shall have full power to administer and  
21 enforce this paragraph; to collect all taxes, penalties and  
22 interest due hereunder; to dispose of taxes, penalties and  
23 interest so collected in the manner hereinafter provided; and  
24 to determine all rights to credit memoranda or refunds arising  
25 on account of the erroneous payment of tax, penalty or interest  
26 hereunder. In the administration of, and compliance with, this

1 paragraph, the Department and persons who are subject to this  
2 paragraph shall have the same rights, remedies, privileges,  
3 immunities, powers and duties, and be subject to the same  
4 conditions, restrictions, limitations, penalties, exclusions,  
5 exemptions and definitions of terms and employ the same modes  
6 of procedure, as are prescribed in Sections 2 (except the  
7 definition of "retailer maintaining a place of business in this  
8 State"), 3 through 3-80 (except provisions pertaining to the  
9 State rate of tax, and except provisions concerning collection  
10 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
11 19 (except the portions pertaining to claims by retailers and  
12 except the last paragraph concerning refunds), 20, 21 and 22 of  
13 the Use Tax Act and Section 3-7 of the Uniform Penalty and  
14 Interest Act, that are not inconsistent with this paragraph, as  
15 fully as if those provisions were set forth herein.

16 Whenever the Department determines that a refund should be  
17 made under this paragraph to a claimant instead of issuing a  
18 credit memorandum, the Department shall notify the State  
19 Comptroller, who shall cause the order to be drawn for the  
20 amount specified, and to the person named, in the notification  
21 from the Department. The refund shall be paid by the State  
22 Treasurer out of the Metro East Mass Transit District tax fund  
23 established under paragraph (g) of this Section.

24 (d-5) (A) The county board of any county participating in  
25 the Metro East Mass Transit District may authorize, by  
26 ordinance, a referendum on the question of whether the tax

1 rates for the Metro East Mass Transit District Retailers'  
2 Occupation Tax, the Metro East Mass Transit District Service  
3 Occupation Tax, and the Metro East Mass Transit District Use  
4 Tax for the District should be increased from 0.25% to 0.75%.  
5 Upon adopting the ordinance, the county board shall certify the  
6 proposition to the proper election officials who shall submit  
7 the proposition to the voters of the District at the next  
8 election, in accordance with the general election law.

9 The proposition shall be in substantially the following  
10 form:

11 Shall the tax rates for the Metro East Mass Transit  
12 District Retailers' Occupation Tax, the Metro East Mass  
13 Transit District Service Occupation Tax, and the Metro East  
14 Mass Transit District Use Tax be increased from 0.25% to  
15 0.75%?

16 (B) Two thousand five hundred electors of any Metro East  
17 Mass Transit District may petition the Chief Judge of the  
18 Circuit Court, or any judge of that Circuit designated by the  
19 Chief Judge, in which that District is located to cause to be  
20 submitted to a vote of the electors the question whether the  
21 tax rates for the Metro East Mass Transit District Retailers'  
22 Occupation Tax, the Metro East Mass Transit District Service  
23 Occupation Tax, and the Metro East Mass Transit District Use  
24 Tax for the District should be increased from 0.25% to 0.75%.

25 Upon submission of such petition the court shall set a date  
26 not less than 10 nor more than 30 days thereafter for a hearing

1 on the sufficiency thereof. Notice of the filing of such  
2 petition and of such date shall be given in writing to the  
3 District and the County Clerk at least 7 days before the date  
4 of such hearing.

5 If such petition is found sufficient, the court shall enter  
6 an order to submit that proposition at the next election, in  
7 accordance with general election law.

8 The form of the petition shall be in substantially the  
9 following form: To the Circuit Court of the County of (name of  
10 county):

11 We, the undersigned electors of the (name of transit  
12 district), respectfully petition your honor to submit to a  
13 vote of the electors of (name of transit district) the  
14 following proposition:

15 Shall the tax rates for the Metro East Mass Transit  
16 District Retailers' Occupation Tax, the Metro East Mass  
17 Transit District Service Occupation Tax, and the Metro East  
18 Mass Transit District Use Tax be increased from 0.25% to  
19 0.75%?

20	Name	Address, with Street and Number.
21	.....	.....
22	.....	.....

23 (C) The votes shall be recorded as "YES" or "NO". If a  
24 majority of all votes cast on the proposition are for the  
25 increase in the tax rates, the Metro East Mass Transit District  
26 shall begin imposing the increased rates in the District, and

1 the Department of Revenue shall begin collecting the increased  
2 amounts, as provided under this Section. An ordinance imposing  
3 or discontinuing a tax hereunder or effecting a change in the  
4 rate thereof shall be adopted and a certified copy thereof  
5 filed with the Department on or before the first day of  
6 October, whereupon the Department shall proceed to administer  
7 and enforce this Section as of the first day of January next  
8 following the adoption and filing, or on or before the first  
9 day of April, whereupon the Department shall proceed to  
10 administer and enforce this Section as of the first day of July  
11 next following the adoption and filing.

12 (D) If the voters have approved a referendum under this  
13 subsection, before November 1, 1994, to increase the tax rate  
14 under this subsection, the Metro East Mass Transit District  
15 Board of Trustees may adopt by a majority vote an ordinance at  
16 any time before January 1, 1995 that excludes from the rate  
17 increase tangible personal property that is titled or  
18 registered with an agency of this State's government. The  
19 ordinance excluding titled or registered tangible personal  
20 property from the rate increase must be filed with the  
21 Department at least 15 days before its effective date. At any  
22 time after adopting an ordinance excluding from the rate  
23 increase tangible personal property that is titled or  
24 registered with an agency of this State's government, the Metro  
25 East Mass Transit District Board of Trustees may adopt an  
26 ordinance applying the rate increase to that tangible personal

1 property. The ordinance shall be adopted, and a certified copy  
2 of that ordinance shall be filed with the Department, on or  
3 before October 1, whereupon the Department shall proceed to  
4 administer and enforce the rate increase against tangible  
5 personal property titled or registered with an agency of this  
6 State's government as of the following January 1. After  
7 December 31, 1995, any reimposed rate increase in effect under  
8 this subsection shall no longer apply to tangible personal  
9 property titled or registered with an agency of this State's  
10 government. Beginning January 1, 1996, the Board of Trustees of  
11 any Metro East Mass Transit District may never reimpose a  
12 previously excluded tax rate increase on tangible personal  
13 property titled or registered with an agency of this State's  
14 government. After July 1, 2004, if the voters have approved a  
15 referendum under this subsection to increase the tax rate under  
16 this subsection, the Metro East Mass Transit District Board of  
17 Trustees may adopt by a majority vote an ordinance that  
18 excludes from the rate increase tangible personal property that  
19 is titled or registered with an agency of this State's  
20 government. The ordinance excluding titled or registered  
21 tangible personal property from the rate increase shall be  
22 adopted, and a certified copy of that ordinance shall be filed  
23 with the Department on or before October 1, whereupon the  
24 Department shall administer and enforce this exclusion from the  
25 rate increase as of the following January 1, or on or before  
26 April 1, whereupon the Department shall administer and enforce



1 this exclusion from the rate increase as of the following July  
2 1. The Board of Trustees of any Metro East Mass Transit  
3 District may never reimpose a previously excluded tax rate  
4 increase on tangible personal property titled or registered  
5 with an agency of this State's government.

6 (d-6) If the Board of Trustees of any Metro East Mass  
7 Transit District has imposed a rate increase under subsection  
8 (d-5) and filed an ordinance with the Department of Revenue  
9 excluding titled property from the higher rate, then that Board  
10 may, by ordinance adopted with the concurrence of two-thirds of  
11 the then trustees, impose throughout the District a fee. The  
12 fee on the excluded property shall not exceed \$20 per retail  
13 transaction or an amount equal to the amount of tax excluded,  
14 whichever is less, on tangible personal property that is titled  
15 or registered with an agency of this State's government.  
16 Beginning July 1, 2004, the fee shall apply only to titled  
17 property that is subject to either the Metro East Mass Transit  
18 District Retailers' Occupation Tax or the Metro East Mass  
19 Transit District Service Occupation Tax. No fee shall be  
20 imposed or collected under this subsection on the sale of a  
21 motor vehicle in this State to a resident of another state if  
22 that motor vehicle will not be titled in this State.

23 (d-7) Until June 30, 2004, if a fee has been imposed under  
24 subsection (d-6), a fee shall also be imposed upon the  
25 privilege of using, in the district, any item of tangible  
26 personal property that is titled or registered with any agency

1 of this State's government, in an amount equal to the amount of  
2 the fee imposed under subsection (d-6).

3 (d-7.1) Beginning July 1, 2004, any fee imposed by the  
4 Board of Trustees of any Metro East Mass Transit District under  
5 subsection (d-6) and all civil penalties that may be assessed  
6 as an incident of the fees shall be collected and enforced by  
7 the State Department of Revenue. Reference to "taxes" in this  
8 Section shall be construed to apply to the administration,  
9 payment, and remittance of all fees under this Section. For  
10 purposes of any fee imposed under subsection (d-6), 4% of the  
11 fee, penalty, and interest received by the Department in the  
12 first 12 months that the fee is collected and enforced by the  
13 Department and 2% of the fee, penalty, and interest following  
14 the first 12 months shall be deposited into the Tax Compliance  
15 and Administration Fund and shall be used by the Department,  
16 subject to appropriation, to cover the costs of the Department.  
17 No retailers' discount shall apply to any fee imposed under  
18 subsection (d-6).

19 (d-8) No item of titled property shall be subject to both  
20 the higher rate approved by referendum, as authorized under  
21 subsection (d-5), and any fee imposed under subsection (d-6) or  
22 (d-7).

23 (d-9) (Blank).

24 (d-10) (Blank).

25 (e) A certificate of registration issued by the State  
26 Department of Revenue to a retailer under the Retailers'

1 Occupation Tax Act or under the Service Occupation Tax Act  
2 shall permit the registrant to engage in a business that is  
3 taxed under the tax imposed under paragraphs (b), (c) or (d) of  
4 this Section and no additional registration shall be required  
5 under the tax. A certificate issued under the Use Tax Act or  
6 the Service Use Tax Act shall be applicable with regard to any  
7 tax imposed under paragraph (c) of this Section.

8 (f) (Blank).

9 (g) Any ordinance imposing or discontinuing any tax under  
10 this Section shall be adopted and a certified copy thereof  
11 filed with the Department on or before June 1, whereupon the  
12 Department of Revenue shall proceed to administer and enforce  
13 this Section on behalf of the Metro East Mass Transit District  
14 as of September 1 next following such adoption and filing.  
15 Beginning January 1, 1992, an ordinance or resolution imposing  
16 or discontinuing the tax hereunder shall be adopted and a  
17 certified copy thereof filed with the Department on or before  
18 the first day of July, whereupon the Department shall proceed  
19 to administer and enforce this Section as of the first day of  
20 October next following such adoption and filing. Beginning  
21 January 1, 1993, except as provided in subsection (d-5) of this  
22 Section, an ordinance or resolution imposing or discontinuing  
23 the tax hereunder shall be adopted and a certified copy thereof  
24 filed with the Department on or before the first day of  
25 October, whereupon the Department shall proceed to administer  
26 and enforce this Section as of the first day of January next

1 following such adoption and filing, or, beginning January 1,  
2 2004, on or before the first day of April, whereupon the  
3 Department shall proceed to administer and enforce this Section  
4 as of the first day of July next following the adoption and  
5 filing.

6 (h) Except as provided in subsection (d-7.1), the State  
7 Department of Revenue shall, upon collecting any taxes as  
8 provided in this Section, pay the taxes over to the State  
9 Treasurer as trustee for the District. The taxes shall be held  
10 in a trust fund outside the State Treasury. On or before the  
11 25th day of each calendar month, the State Department of  
12 Revenue shall prepare and certify to the Comptroller of the  
13 State of Illinois the amount to be paid to the District, which  
14 shall be the then balance in the fund, less any amount  
15 determined by the Department to be necessary for the payment of  
16 refunds. Within 10 days after receipt by the Comptroller of the  
17 certification of the amount to be paid to the District, the  
18 Comptroller shall cause an order to be drawn for payment for  
19 the amount in accordance with the direction in the  
20 certification.

21 (Source: P.A. 93-590, eff. 1-1-04; 93-1068, eff. 1-15-05;  
22 94-776, eff. 5-19-06; revised 8-3-06.)

23 Section 535. The Regional Transportation Authority Act is  
24 amended by changing Section 4.02 as follows:

1 (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

2 Sec. 4.02. Federal, State and Other Funds.

3 (a) The Authority shall have the power to apply for,  
4 receive and expend grants, loans or other funds from the State  
5 of Illinois or any department or agency thereof, from any unit  
6 of local government, from the federal government or any  
7 department or agency thereof, for use in connection with any of  
8 the powers or purposes of the Authority as set forth in this  
9 Act. The Authority shall have power to make such studies as may  
10 be necessary and to enter into contracts or agreements with the  
11 State of Illinois or any department or agency thereof, with any  
12 unit of local government, or with the federal government or any  
13 department or agency thereof, concerning such grants, loans or  
14 other funds, or any conditions relating thereto, including  
15 obligations to repay such funds. The Authority may make such  
16 covenants concerning such grants, loans and funds as it deems  
17 proper and necessary in carrying out its responsibilities,  
18 purposes and powers as provided in this Act.

19 (b) The Authority shall be the primary public body in the  
20 metropolitan region with authority to apply for and receive any  
21 grants, loans or other funds relating to public transportation  
22 programs from the State of Illinois or any department or agency  
23 thereof, or from the federal government or any department or  
24 agency thereof. Any unit of local government, Service Board or  
25 transportation agency may apply for and receive any such  
26 federal or state capital grants, loans or other funds,

1 provided, however that a Service Board may not apply for or  
2 receive any grant or loan which is not identified in the  
3 Five-Year Program. Any Service Board, unit of local government  
4 or transportation agency shall notify the Authority prior to  
5 making any such application and shall file a copy thereof with  
6 the Authority. Nothing in this Section shall be construed to  
7 impose any limitation on the ability of the State of Illinois  
8 or any department or agency thereof, any unit of local  
9 government or Service Board or transportation agency to make  
10 any grants or to enter into any agreement or contract with the  
11 National Rail Passenger Corporation. Nor shall anything in this  
12 Section impose any limitation on the ability of any school  
13 district to apply for or receive any grant, loan or other funds  
14 for transportation of school children.

15 (c) The Authority shall provide to the Service Board any  
16 monies received relating to public transportation services  
17 under the jurisdiction of the Service Boards as follows:

18 (1) As soon as may be practicable after the Authority  
19 receives payment, under Section 4.03(m) or Section  
20 4.03.1(d), of the proceeds of those taxes levied by the  
21 Authority, the Authority shall transfer to each Service  
22 Board the amount to which it is entitled under Section  
23 4.01(d).†

24 (2) The Authority by ordinance adopted by 9 of its then  
25 Directors shall establish a formula apportioning any  
26 federal funds for operating assistance purposes the

1 Authority receives to each Service Board. In establishing  
2 the formula, the Board shall consider, among other factors:  
3 ridership levels, the efficiency with which the service is  
4 provided, the degree of transit dependence of the area  
5 served and the cost of service. That portion of any federal  
6 funds for operating assistance received by the Authority  
7 shall be paid to each Service Board as soon as may be  
8 practicable upon their receipt provided the Authority has  
9 adopted a balanced budget as required by Section 4.01 and  
10 further provided that the Service Boards are in compliance  
11 with the requirements in Section 4.11.

12 (3) The Authority by ordinance adopted by 9 of its then  
13 Directors shall apportion to the Service Boards funds  
14 provided by the State of Illinois under Section 4.09 and  
15 shall make payment of said funds to each Service Board as  
16 soon as may be practicable upon their receipt provided the  
17 Authority has adopted a balanced budget as required by  
18 Section 4.01 and further provided the Service Board is in  
19 compliance with the requirements in Section 4.11.

20 (4) Beginning January 1, 2009, before making any  
21 payments, transfers, or expenditures under this subsection  
22 to a Service Board, the Authority must first comply with  
23 Section 4.02a or 4.02b of this Act, whichever may be  
24 applicable.

25 (Source: P.A. 94-839, eff. 6-6-06; revised 8-3-06.)

1 Section 540. The School Code is amended by setting forth,  
2 renumbering, and changing multiple versions of Sections  
3 2-3.131, 2-3.137, 10-20.35, 10-20.37, 34-18.23, 34-18.26, and  
4 34-18.30 and by changing Sections 3-14.29, 10-17a, 10-20.21a,  
5 10-21.9, 10-22.20, 10-28, 11E-110, 11E-135, 14-7.04, 14-15.01,  
6 14A-30, 14A-55, 18-8.05, 19-1, 21-1b, 21-12, 21-14, 22-35,  
7 27-6, 27-8.1, 27-20.6, 27-23.5, 27-24.4, 34-8.1, and 34-18.5 as  
8 follows:

9 (105 ILCS 5/2-3.131)

10 Sec. 2-3.131. Transitional assistance payments.

11 (a) If the amount that the State Board of Education will  
12 pay to a school district from fiscal year 2004 appropriations,  
13 as estimated by the State Board of Education on April 1, 2004,  
14 is less than the amount that the State Board of Education paid  
15 to the school district from fiscal year 2003 appropriations,  
16 then, subject to appropriation, the State Board of Education  
17 shall make a fiscal year 2004 transitional assistance payment  
18 to the school district in an amount equal to the difference  
19 between the estimated amount to be paid from fiscal year 2004  
20 appropriations and the amount paid from fiscal year 2003  
21 appropriations.

22 (b) If the amount that the State Board of Education will  
23 pay to a school district from fiscal year 2005 appropriations,  
24 as estimated by the State Board of Education on April 1, 2005,  
25 is less than the amount that the State Board of Education paid



1 to the school district from fiscal year 2004 appropriations,  
2 then the State Board of Education shall make a fiscal year 2005  
3 transitional assistance payment to the school district in an  
4 amount equal to the difference between the estimated amount to  
5 be paid from fiscal year 2005 appropriations and the amount  
6 paid from fiscal year 2004 appropriations.

7 (c) If the amount that the State Board of Education will  
8 pay to a school district from fiscal year 2006 appropriations,  
9 as estimated by the State Board of Education on April 1, 2006,  
10 is less than the amount that the State Board of Education paid  
11 to the school district from fiscal year 2005 appropriations,  
12 then the State Board of Education shall make a fiscal year 2006  
13 transitional assistance payment to the school district in an  
14 amount equal to the difference between the estimated amount to  
15 be paid from fiscal year 2006 appropriations and the amount  
16 paid from fiscal year 2005 appropriations.

17 (d) If the amount that the State Board of Education will  
18 pay to a school district from fiscal year 2007 appropriations,  
19 as estimated by the State Board of Education on April 1, 2007,  
20 is less than the amount that the State Board of Education paid  
21 to the school district from fiscal year 2006 appropriations,  
22 then the State Board of Education, subject to appropriation,  
23 shall make a fiscal year 2007 transitional assistance payment  
24 to the school district in an amount equal to the difference  
25 between the estimated amount to be paid from fiscal year 2007  
26 appropriations and the amount paid from fiscal year 2006

1 appropriations.

2 (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04; 94-69,  
3 eff. 7-1-05; 94-835, eff. 6-6-06.)

4 (105 ILCS 5/2-3.132)

5 Sec. 2-3.132 ~~2-3.131~~. Sharing information on school lunch  
6 applicants. The State Board of Education shall, whenever  
7 requested by the Department of Healthcare and Family Services  
8 (formerly Department of Public Aid), agree in writing with the  
9 Department of Healthcare and Family Services ~~Public Aid~~ (as the  
10 State agency that administers the State Medical Assistance  
11 Program as provided in Title XIX of the federal Social Security  
12 Act and the State Children's Health Insurance Program as  
13 provided in Title XXI of the federal Social Security Act) to  
14 share with the Department of Healthcare and Family Services  
15 ~~Public Aid~~ information on applicants for free or reduced-price  
16 lunches. This sharing of information shall be for the sole  
17 purpose of helping the Department of Healthcare and Family  
18 Services ~~Public Aid~~ identify and enroll children in the State  
19 Medical Assistance Program or the State Children's Health  
20 Insurance Program or both as allowed under 42 U.S.C. Sec.  
21 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in  
22 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii). The State Board of  
23 Education may not adopt any rule that would prohibit a child  
24 from receiving any form of subsidy or benefit due to his or her  
25 parent or guardian withholding consent under Section 22-35 of

1 this Code.

2 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

3 (105 ILCS 5/2-3.133)

4 Sec. 2-3.133 ~~2-3.131~~. Homework assistance information for  
5 parents. The State Board of Education shall provide information  
6 on its Internet web site regarding strategies that parents can  
7 use to assist their children in successfully completing  
8 homework assignments. The State Board of Education shall notify  
9 all school districts about this information's availability on  
10 the State Board of Education's Internet web site.

11 (Source: P.A. 93-471, eff. 1-1-04; revised 9-24-03.)

12 (105 ILCS 5/2-3.134)

13 Sec. 2-3.134. ~~2-3.131~~. Persistently dangerous schools. The  
14 State Board of Education shall maintain data and publish a list  
15 of persistently dangerous schools on an annual basis.

16 (Source: P.A. 93-633, eff. 12-23-03; revised 1-12-04.)

17 (105 ILCS 5/2-3.137)

18 Sec. 2-3.137. Inspection and review of school facilities;  
19 task force.

20 (a) The State Board of Education shall adopt rules for the  
21 documentation of school plan reviews and inspections of school  
22 facilities, including the responsible individual's signature.  
23 Such documents shall be kept on file by the regional

1 superintendent of schools. The State Board of Education shall  
2 also adopt rules for the qualifications of persons performing  
3 the reviews and inspections, which must be consistent with the  
4 recommendations in the task force's report issued to the  
5 Governor and the General Assembly under subsection (b) of this  
6 Section. Those qualifications shall include requirements for  
7 training, education, and at least 2 years of relevant  
8 experience.

9 (b) The State Board of Education shall convene a task force  
10 for the purpose of reviewing the documents required under rules  
11 adopted under subsection (a) of this Section and making  
12 recommendations regarding training and accreditation of  
13 individuals performing reviews or inspections required under  
14 Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code,  
15 including regional superintendents of schools and others  
16 performing reviews or inspections under the authority of a  
17 regional superintendent (such as consultants, municipalities,  
18 and fire protection districts).

19 The task force shall consist of all of the following  
20 members:

21 (1) The Executive Director of the Capital Development  
22 Board or his or her designee and a staff representative of  
23 the Division of Building Codes and Regulations.

24 (2) The State Superintendent of Education or his or her  
25 designee.

26 (3) A person appointed by the State Board of Education.

1           (4) A person appointed by an organization representing  
2 school administrators.

3           (5) A person appointed by an organization representing  
4 suburban school administrators and school board members.

5           (6) A person appointed by an organization representing  
6 architects.

7           (7) A person appointed by an organization representing  
8 regional superintendents of schools.

9           (8) A person appointed by an organization representing  
10 fire inspectors.

11           (9) A person appointed by an organization representing  
12 Code administrators.

13           (10) A person appointed by an organization  
14 representing plumbing inspectors.

15           (11) A person appointed by an organization that  
16 represents both parents and teachers.

17           (12) A person appointed by an organization  
18 representing municipal governments in the State.

19           (13) A person appointed by the State Fire Marshal from  
20 his or her office.

21           (14) A person appointed by an organization  
22 representing fire chiefs.

23           (15) The Director of Public Health or his or her  
24 designee.

25           (16) A person appointed by an organization  
26 representing structural engineers.

1 (17) A person appointed by an organization  
2 representing professional engineers.

3 The task force shall issue a report of its findings to the  
4 Governor and the General Assembly no later than January 1,  
5 2006.

6 (Source: P.A. 94-225, eff. 7-14-05; 94-973, eff. 1-1-07.)

7 (105 ILCS 5/2-3.138)

8 Sec. 2-3.138 ~~2-3.137~~. School health recognition program.

9 The State Board of Education shall establish a school health  
10 recognition program that:

11 (1) publicly identifies those schools that have  
12 implemented programs to increase the level of physical  
13 activity of their students;

14 (2) publicly identifies those schools that have  
15 adopted policies or implemented programs to promote  
16 healthy nutritional choices for their students; and

17 (3) allows recognized schools to share best practices  
18 and model services with other schools throughout the State.

19 (Source: P.A. 94-190, eff. 7-12-05; revised 9-21-05.)

20 (105 ILCS 5/2-3.139)

21 Sec. 2-3.139 ~~2-3.137~~. School wellness policies; taskforce.

22 (a) The State Board of Education shall establish a State  
23 goal that all school districts have a wellness policy that is  
24 consistent with recommendations of the Centers for Disease

1 Control and Prevention (CDC), which recommendations include  
2 the following:

3 (1) nutrition guidelines for all foods sold on school  
4 campus during the school day;

5 (2) setting school goals for nutrition education and  
6 physical activity;

7 (3) establishing community participation in creating  
8 local wellness policies; and

9 (4) creating a plan for measuring implementation of  
10 these wellness policies.

11 The Department of Public Health, the Department of Human  
12 Services, and the State Board of Education shall form an  
13 interagency working group to publish model wellness policies  
14 and recommendations. Sample policies shall be based on CDC  
15 recommendations for nutrition and physical activity. The State  
16 Board of Education shall distribute the model wellness policies  
17 to all school districts before June 1, 2006.

18 (b) There is created the School Wellness Policy Taskforce,  
19 consisting of the following members:

20 (1) One member representing the State Board of  
21 Education, appointed by the State Board of Education.

22 (2) One member representing the Department of Public  
23 Health, appointed by the Director of Public Health.

24 (3) One member representing the Department of Human  
25 Services, appointed by the Secretary of Human Services.

26 (4) One member of an organization representing the

1 interests of school nurses in this State, appointed by the  
2 interagency working group.

3 (5) One member of an organization representing the  
4 interests of school administrators in this State,  
5 appointed by the interagency working group.

6 (6) One member of an organization representing the  
7 interests of school boards in this State, appointed by the  
8 interagency working group.

9 (7) One member of an organization representing the  
10 interests of regional superintendents of schools in this  
11 State, appointed by the interagency working group.

12 (8) One member of an organization representing the  
13 interests of parent-teacher associations in this State,  
14 appointed by the interagency working group.

15 (9) One member of an organization representing the  
16 interests of pediatricians in this State, appointed by the  
17 interagency working group.

18 (10) One member of an organization representing the  
19 interests of dentists in this State, appointed by the  
20 interagency working group.

21 (11) One member of an organization representing the  
22 interests of dieticians in this State, appointed by the  
23 interagency working group.

24 (12) One member of an organization that has an interest  
25 and expertise in heart disease, appointed by the  
26 interagency working group.



1           (13) One member of an organization that has an interest  
2           and expertise in cancer, appointed by the interagency  
3           working group.

4           (14) One member of an organization that has an interest  
5           and expertise in childhood obesity, appointed by the  
6           interagency working group.

7           (15) One member of an organization that has an interest  
8           and expertise in the importance of physical education and  
9           recreation in preventing disease, appointed by the  
10          interagency working group.

11          (16) One member of an organization that has an interest  
12          and expertise in school food service, appointed by the  
13          interagency working group.

14          (17) One member of an organization that has an interest  
15          and expertise in school health, appointed by the  
16          interagency working group.

17          (18) One member of an organization that campaigns for  
18          programs and policies for healthier school environments,  
19          appointed by the interagency working group.

20          (19) One at-large member with a doctorate in nutrition,  
21          appointed by the State Board of Education.

22          Members of the taskforce shall serve without compensation.  
23          The taskforce shall meet at the call of the State Board of  
24          Education. The taskforce shall report its identification of  
25          barriers to implementing school wellness policies and its  
26          recommendations to reduce those barriers to the General

1 Assembly and the Governor on or before January 1, 2006. The  
2 taskforce shall report its recommendations on statewide school  
3 nutrition standards to the General Assembly and the Governor on  
4 or before January 1, 2007. The taskforce shall report its  
5 evaluation of the effectiveness of school wellness policies to  
6 the General Assembly and the Governor on or before January 1,  
7 2008. The evaluation shall review a sample size of 5 to 10  
8 school districts. Reports shall be made to the General Assembly  
9 by filing copies of each report as provided in Section 3.1 of  
10 the General Assembly Organization Act. Upon the filing of the  
11 last report, the taskforce is dissolved.

12 (c) The State Board of Education may adopt any rules  
13 necessary to implement this Section.

14 (d) Nothing in this Section may be construed as a  
15 curricular mandate on any school district.

16 (Source: P.A. 94-199, eff. 7-12-05; revised 9-21-05.)

17 (105 ILCS 5/2-3.141)

18 (Section scheduled to be repealed on December 31, 2010)

19 Sec. 2-3.141 ~~2-3.137~~. Parental participation pilot  
20 project.

21 (a) By the beginning of the 2006-2007 school year, the  
22 State Board of Education shall by rule establish a parental  
23 participation pilot project to provide grants to the lowest  
24 performing school districts to help such districts improve  
25 parental participation through activities, including, but not

1 limited to, parent-teacher conferences, open houses, family  
2 nights, volunteer opportunities, and family outreach  
3 materials.

4 (b) The pilot project shall be for a period of at least 4  
5 school years. The State Board shall establish a procedure and  
6 develop criteria for the administration of the pilot project.  
7 In administering the pilot project, the State Board shall do  
8 the following:

9 (1) select participating school districts or schools;

10 (2) define the conditions for the distribution and use  
11 of grant funds;

12 (3) enter into contracts as necessary to implement the  
13 pilot project; and

14 (4) monitor local pilot project implementation.

15 (c) The Parental Participation Pilot Project Fund is  
16 created as a special fund in the State treasury. All money in  
17 the Parental Participation Pilot Project Fund shall be used,  
18 subject to appropriation, by the State Board for the pilot  
19 project. To implement the pilot project, the State Board may  
20 use any funds appropriated by the General Assembly for the  
21 purposes of the pilot project as well as any gift, grant, or  
22 donation given for the pilot project. The State Board may  
23 solicit and accept a gift, grant, or donation of any kind from  
24 any source, including from a foundation, private entity,  
25 governmental entity, or institution of higher education, for  
26 the implementation of the pilot project.

1           The State Board shall use pilot project funds for grants to  
2 low-performing school districts to encourage parental  
3 participation.

4           The State Board may not allocate more than \$250,000  
5 annually for the pilot project. The pilot project may be  
6 implemented only if sufficient funds are available under this  
7 Section for that purpose.

8           (d) A school district may apply to the State Board for the  
9 establishment of a parental participation pilot project for the  
10 entire district or for a particular school or group of schools  
11 in the district.

12           The State Board shall select 4 school districts to  
13 participate in the pilot project. One school district shall be  
14 located in the City of Chicago, one school district shall be  
15 located in that portion of Cook County that is located outside  
16 of the City of Chicago, one school district shall be located in  
17 the area that makes up the counties of DuPage, Kane, Lake,  
18 McHenry, and Will, and one school district shall be located in  
19 the remainder of the State.

20           The State Board shall select the participating districts  
21 and schools for the pilot project based on each district's or  
22 school's need for the pilot project. In selecting participants,  
23 the State Board shall consider the following criteria:

24           (1) whether the district or school has any of the  
25 following problems and whether those problems can be  
26 mitigated or addressed through enhanced parental

1 participation:

2 (A) low rates of satisfactory performance on  
3 assessment instruments under Section 2-3.64 of this  
4 Code;

5 (B) high rates of low-income students, limited  
6 English proficient students, dropouts, chronically  
7 truant students, and student mobility; or

8 (C) low student attendance rates; and

9 (2) the methods the district or school will use to  
10 measure the progress of the pilot project in the district  
11 or school in accordance with subsection (f) of this  
12 Section.

13 (e) Each participating school district or school shall  
14 establish a parental participation committee to assist in  
15 developing and implementing the parental participation pilot  
16 project.

17 The school board of a participating district or of a  
18 district in which a participating school is located shall  
19 appoint individuals to the committee. The committee may be  
20 composed of any of the following:

21 (1) educators;

22 (2) district-level administrators;

23 (3) community leaders;

24 (4) parents of students who attend a participating  
25 school; or

26 (5) any other individual the school board finds

1 appropriate.

2 The committee shall develop an academic improvement plan  
3 that details how the pilot project should be implemented in the  
4 participating district or school. In developing the academic  
5 improvement plan, the committee shall consider the educational  
6 problems in the district or school that could be mitigated  
7 through the implementation of the pilot project.

8 The committee shall recommend to the school board how the  
9 pilot project funds should be used to implement the academic  
10 improvement plan. The committee may recommend annually any  
11 necessary changes in the academic improvement plan to the  
12 school board. The State Board must approve the academic  
13 improvement plan or any changes in the academic improvement  
14 plan before disbursing pilot project funds to the school board.

15 (f) The school board of each school district participating  
16 in the pilot project shall send an annual progress report to  
17 the State Board no later than August 1 of each year that the  
18 district is participating in the pilot project. The report must  
19 state in detail the type of plan being used in the district or  
20 school and the effect of the pilot project on the district or  
21 school, including the following:

22 (1) the academic progress of students who are  
23 participating in the pilot project, as measured by  
24 performance on assessment instruments;

25 (2) if applicable, a comparison of student progress in  
26 a school or classroom that is participating in the pilot

1 project as compared with student progress in the schools or  
2 classrooms in the district that are not participating in  
3 the pilot project;

4 (3) any elements of the pilot project that contribute  
5 to improved student performance on assessment instruments  
6 administered under Section 2-3.64 of this Code or any other  
7 assessment instrument required by the State Board;

8 (4) any cost savings and improved efficiency relating  
9 to school personnel;

10 (5) any effect on student dropout and attendance rates;

11 (6) any effect on student enrollment in higher  
12 education;

13 (7) any effect on teacher performance and retention;

14 (8) any improvement in communications among students,  
15 teachers, parents, and administrators;

16 (9) any improvement in parental involvement in the  
17 education of the parent's child; and

18 (10) any effect on community involvement and support  
19 for the district or school.

20 (g) After the expiration of the 4-year pilot project, the  
21 State Board shall review the pilot project, based on the annual  
22 reports the State Board receives from the school boards of  
23 participating school districts, conduct a final evaluation,  
24 and report its findings to the General Assembly no later than  
25 December 31, 2010.

26 (h) This Section is repealed on December 31, 2010.

1 (Source: P.A. 94-507, eff. 8-8-05; revised 9-21-05.)

2 (105 ILCS 5/3-14.29)

3 Sec. 3-14.29. Sharing information on school lunch  
4 applicants. Whenever requested by the Department of Healthcare  
5 and Family Services (formerly Department of Public Aid), to  
6 agree in writing with the Department of Healthcare and Family  
7 Services ~~Public Aid~~ (as the State agency that administers the  
8 State Medical Assistance Program as provided in Title XIX of  
9 the federal Social Security Act and the State Children's Health  
10 Insurance Program as provided in Title XXI of the federal  
11 Social Security Act) to share with the Department of Healthcare  
12 and Family Services ~~Public Aid~~ information on applicants for  
13 free or reduced-price lunches. This sharing of information  
14 shall be for the sole purpose of helping the Department of  
15 Healthcare and Family Services ~~Public Aid~~ identify and enroll  
16 children in the State Medical Assistance Program or the State  
17 Children's Health Insurance Program or both as allowed under 42  
18 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions  
19 set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

20 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

21 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

22 Sec. 10-17a. Better schools accountability.

23 (1) Policy and Purpose. It shall be the policy of the State  
24 of Illinois that each school district in this State, including



1 special charter districts and districts subject to the  
2 provisions of Article 34, shall submit to parents, taxpayers of  
3 such district, the Governor, the General Assembly, and the  
4 State Board of Education a school report card assessing the  
5 performance of its schools and students. The report card shall  
6 be an index of school performance measured against statewide  
7 and local standards and will provide information to make prior  
8 year comparisons and to set future year targets through the  
9 school improvement plan.

10 (2) Reporting Requirements. Each school district shall  
11 prepare a report card in accordance with the guidelines set  
12 forth in this Section which describes the performance of its  
13 students by school attendance centers and by district and the  
14 district's financial resources and use of financial resources.  
15 Such report card shall be presented at a regular school board  
16 meeting subject to applicable notice requirements, posted on  
17 the school district's Internet web site, if the district  
18 maintains an Internet web site, made available to a newspaper  
19 of general circulation serving the district, and, upon request,  
20 sent home to a parent (unless the district does not maintain an  
21 Internet web site, in which case the report card shall be sent  
22 home to parents without request). If the district posts the  
23 report card on its Internet web site, the district shall send a  
24 written notice home to parents stating (i) that the report card  
25 is available on the web site, (ii) the address of the web site,  
26 (iii) that a printed copy of the report card will be sent to

1 parents upon request, and (iv) the telephone number that  
2 parents may call to request a printed copy of the report card.  
3 In addition, each school district shall submit the completed  
4 report card to the office of the district's Regional  
5 Superintendent which shall make copies available to any  
6 individuals requesting them.

7 The report card shall be completed and disseminated prior  
8 to October 31 in each school year. The report card shall  
9 contain, but not be limited to, actual local school attendance  
10 center, school district and statewide data indicating the  
11 present performance of the school, the State norms and the  
12 areas for planned improvement for the school and school  
13 district.

14 (3) (a) The report card shall include the following  
15 applicable indicators of attendance center, district, and  
16 statewide student performance: percent of students who exceed,  
17 meet, or do not meet standards established by the State Board  
18 of Education pursuant to Section 2-3.25a; composite and subtest  
19 means on nationally normed achievement tests for college bound  
20 students; student attendance rates; chronic truancy rate;  
21 dropout rate; graduation rate; and student mobility, turnover  
22 shown as a percent of transfers out and a percent of transfers  
23 in.

24 (b) The report card shall include the following  
25 descriptions for the school, district, and State: average class  
26 size; amount of time per day devoted to mathematics, science,

1 English and social science at primary, middle and junior high  
2 school grade levels; number of students taking the Prairie  
3 State Achievement Examination under subsection (c) of Section  
4 2-3.64, the number of those students who received a score of  
5 excellent, and the average score by school of students taking  
6 the examination; pupil-teacher ratio; pupil-administrator  
7 ratio; operating expenditure per pupil; district expenditure  
8 by fund; average administrator salary; and average teacher  
9 salary. The report card shall also specify the amount of money  
10 that the district receives from all sources, including without  
11 limitation subcategories specifying the amount from local  
12 property taxes, the amount from general State aid, the amount  
13 from other State funding, and the amount from other income.

14 (c) The report card shall include applicable indicators of  
15 parental involvement in each attendance center. The parental  
16 involvement component of the report card shall include the  
17 percentage of students whose parents or guardians have had one  
18 or more personal contacts with the students' teachers during  
19 the school year concerning the students' education, and such  
20 other information, commentary, and suggestions as the school  
21 district desires. For the purposes of this paragraph, "personal  
22 contact" includes, but is not limited to, parent-teacher  
23 conferences, parental visits to school, school visits to home,  
24 telephone conversations, and written correspondence. The  
25 parental involvement component shall not single out or identify  
26 individual students, parents, or guardians by name.

1 (d) The report card form shall be prepared by the State  
2 Board of Education and provided to school districts by the most  
3 efficient, economic, and appropriate means.

4 (Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02;  
5 revised 7-26-02.)

6 (105 ILCS 5/10-20.21a)

7 Sec. 10-20.21a. Contracts for charter bus services. To  
8 award contracts for providing charter bus services for the sole  
9 purpose of transporting students regularly enrolled in grade 12  
10 or below to or from interscholastic athletic or interscholastic  
11 or school sponsored activities.

12 All contracts for providing charter bus services for the  
13 sole purpose of transporting students regularly enrolled in  
14 grade 12 or below to or from interscholastic athletic or  
15 interscholastic or school sponsored activities must contain  
16 clause (A) as set forth below, except that a contract with an  
17 out-of-state company may contain clause (B), as set forth  
18 below, or clause (A). The clause must be set forth in the body  
19 of the contract in typeface of at least 12 points and all upper  
20 case letters:

21 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING  
22 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY  
23 SERVICES ARE PROVIDED:

24 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF  
25 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE

1 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE  
2 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER  
3 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU  
4 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE  
5 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~  
6 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~  
7 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY  
8 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES  
9 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE  
10 ILLINOIS VEHICLE CODE; AND

11 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL  
12 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,  
13 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY  
14 AGENCY."

15 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE  
16 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE  
17 BEFORE ANY SERVICES ARE PROVIDED:

18 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF  
19 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE  
20 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE  
21 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER  
22 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU  
23 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE  
24 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~  
25 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~  
26 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY

1 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES  
2 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE  
3 ILLINOIS VEHICLE CODE; AND

4 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL  
5 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,  
6 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY  
7 AGENCY."

8 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised  
9 12-6-04.)

10 (105 ILCS 5/10-20.35)

11 Sec. 10-20.35. Medical information form for bus drivers and  
12 emergency medical technicians. School districts are encouraged  
13 to create and use an emergency medical information form for bus  
14 drivers and emergency medical technicians for those students  
15 with special needs or medical conditions. The form may include  
16 without limitation information to be provided by the student's  
17 parent or legal guardian concerning the student's relevant  
18 medical conditions, medications that the student is taking, the  
19 student's communication skills, and how a bus driver or an  
20 emergency medical technician is to respond to certain behaviors  
21 of the student. If the form is used, the school district is  
22 encouraged to notify parents and legal guardians of the  
23 availability of the form. The parent or legal guardian of the  
24 student may fill out the form and submit it to the school that  
25 the student is attending. The school district is encouraged to

1 keep one copy of the form on file at the school and another  
2 copy on the student's school bus in a secure location.

3 (Source: P.A. 92-580, eff. 7-1-02.)

4 (105 ILCS 5/10-20.36)

5 Sec. 10-20.36 ~~10-20.35~~. Psychotropic or psychostimulant  
6 medication; disciplinary action.

7 (a) In this Section:

8 "Psychostimulant medication" means medication that  
9 produces increased levels of mental and physical energy and  
10 alertness and an elevated mood by stimulating the central  
11 nervous system.

12 "Psychotropic medication" means psychotropic medication as  
13 defined in Section 1-121.1 of the Mental Health and  
14 Developmental Disabilities Code.

15 (b) Each school board must adopt and implement a policy  
16 that prohibits any disciplinary action that is based totally or  
17 in part on the refusal of a student's parent or guardian to  
18 administer or consent to the administration of psychotropic or  
19 psychostimulant medication to the student.

20 The policy must require that, at least once every 2 years,  
21 the in-service training of certified school personnel and  
22 administrators include training on current best practices  
23 regarding the identification and treatment of attention  
24 deficit disorder and attention deficit hyperactivity disorder,  
25 the application of non-aversive behavioral interventions in

1 the school environment, and the use of psychotropic or  
2 psychostimulant medication for school-age children.

3 (c) This Section does not prohibit school medical staff, an  
4 individualized educational program team, or a professional  
5 worker (as defined in Section 14-1.10 of this Code) from  
6 recommending that a student be evaluated by an appropriate  
7 medical practitioner or prohibit school personnel from  
8 consulting with the practitioner with the consent of the  
9 student's parents or guardian.

10 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

11 (105 ILCS 5/10-20.37)

12 Sec. 10-20.37. Summer kindergarten. A school board may  
13 establish, maintain, and operate, in connection with the  
14 kindergarten program of the school district, a summer  
15 kindergarten program that begins 2 months before the beginning  
16 of the regular school year and a summer kindergarten program  
17 for grade one readiness for those pupils making unsatisfactory  
18 progress during the regular kindergarten session that will  
19 continue for 2 months after the regular school year. The summer  
20 kindergarten program may be held within the school district or,  
21 pursuant to a contract that must be approved by the State Board  
22 of Education, may be operated by 2 or more adjacent school  
23 districts or by a public or private university or college.  
24 Transportation for students attending the summer kindergarten  
25 program shall be the responsibility of the school district. The



1 expense of establishing, maintaining, and operating the summer  
2 kindergarten program may be paid from funds contributed or  
3 otherwise made available to the school district for that  
4 purpose by federal or State appropriation.

5 (Source: P.A. 93-472, eff. 8-8-03.)

6 (105 ILCS 5/10-20.38)

7 Sec. 10-20.38 ~~10-20.37~~. Provision of student information  
8 prohibited. A school district may not provide a student's name,  
9 address, telephone number, social security number, e-mail  
10 address, or other personal identifying information to a  
11 business organization or financial institution that issues  
12 credit or debit cards.

13 (Source: P.A. 93-549, eff. 8-19-03; revised 9-28-03.)

14 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

15 Sec. 10-21.9. Criminal history records checks and checks of  
16 the Statewide Sex Offender Database and Statewide Child  
17 Murderer and Violent Offender Against Youth Database.

18 (a) Certified and noncertified applicants for employment  
19 with a school district, except school bus driver applicants,  
20 are required as a condition of employment to authorize a  
21 fingerprint-based criminal history records check to determine  
22 if such applicants have been convicted of any of the enumerated  
23 criminal or drug offenses in subsection (c) of this Section or  
24 have been convicted, within 7 years of the application for

1 employment with the school district, of any other felony under  
2 the laws of this State or of any offense committed or attempted  
3 in any other state or against the laws of the United States  
4 that, if committed or attempted in this State, would have been  
5 punishable as a felony under the laws of this State.  
6 Authorization for the check shall be furnished by the applicant  
7 to the school district, except that if the applicant is a  
8 substitute teacher seeking employment in more than one school  
9 district, a teacher seeking concurrent part-time employment  
10 positions with more than one school district (as a reading  
11 specialist, special education teacher or otherwise), or an  
12 educational support personnel employee seeking employment  
13 positions with more than one district, any such district may  
14 require the applicant to furnish authorization for the check to  
15 the regional superintendent of the educational service region  
16 in which are located the school districts in which the  
17 applicant is seeking employment as a substitute or concurrent  
18 part-time teacher or concurrent educational support personnel  
19 employee. Upon receipt of this authorization, the school  
20 district or the appropriate regional superintendent, as the  
21 case may be, shall submit the applicant's name, sex, race, date  
22 of birth, social security number, fingerprint images, and other  
23 identifiers, as prescribed by the Department of State Police,  
24 to the Department. The regional superintendent submitting the  
25 requisite information to the Department of State Police shall  
26 promptly notify the school districts in which the applicant is

1 seeking employment as a substitute or concurrent part-time  
2 teacher or concurrent educational support personnel employee  
3 that the check of the applicant has been requested. The  
4 Department of State Police and the Federal Bureau of  
5 Investigation shall furnish, pursuant to a fingerprint-based  
6 criminal history records check, records of convictions, until  
7 expunged, to the president of the school board for the school  
8 district that requested the check, or to the regional  
9 superintendent who requested the check. The Department shall  
10 charge the school district or the appropriate regional  
11 superintendent a fee for conducting such check, which fee shall  
12 be deposited in the State Police Services Fund and shall not  
13 exceed the cost of the inquiry; and the applicant shall not be  
14 charged a fee for such check by the school district or by the  
15 regional superintendent. Subject to appropriations for these  
16 purposes, the State Superintendent of Education shall  
17 reimburse school districts and regional superintendents for  
18 fees paid to obtain criminal history records checks under this  
19 Section.

20 (a-5) The school district or regional superintendent shall  
21 further perform a check of the Statewide Sex Offender Database,  
22 as authorized by the Sex Offender Community Notification Law,  
23 for each applicant.

24 (a-6) The school district or regional superintendent shall  
25 further perform a check of the Statewide Child Murderer and  
26 Violent Offender Against Youth Database, as authorized by the

1 Child Murderer and Violent Offender Against Youth Community  
2 Notification Law, for each applicant.

3 (b) Any information concerning the record of convictions  
4 obtained by the president of the school board or the regional  
5 superintendent shall be confidential and may only be  
6 transmitted to the superintendent of the school district or his  
7 designee, the appropriate regional superintendent if the check  
8 was requested by the school district, the presidents of the  
9 appropriate school boards if the check was requested from the  
10 Department of State Police by the regional superintendent, the  
11 State Superintendent of Education, the State Teacher  
12 Certification Board or any other person necessary to the  
13 decision of hiring the applicant for employment. A copy of the  
14 record of convictions obtained from the Department of State  
15 Police shall be provided to the applicant for employment. Upon  
16 the check of the Statewide Sex Offender Database, the school  
17 district or regional superintendent shall notify an applicant  
18 as to whether or not the applicant has been identified in the  
19 Database as a sex offender. If a check of an applicant for  
20 employment as a substitute or concurrent part-time teacher or  
21 concurrent educational support personnel employee in more than  
22 one school district was requested by the regional  
23 superintendent, and the Department of State Police upon a check  
24 ascertains that the applicant has not been convicted of any of  
25 the enumerated criminal or drug offenses in subsection (c) or  
26 has not been convicted, within 7 years of the application for

1 employment with the school district, of any other felony under  
2 the laws of this State or of any offense committed or attempted  
3 in any other state or against the laws of the United States  
4 that, if committed or attempted in this State, would have been  
5 punishable as a felony under the laws of this State and so  
6 notifies the regional superintendent and if the regional  
7 superintendent upon a check ascertains that the applicant has  
8 not been identified in the Sex Offender Database as a sex  
9 offender, then the regional superintendent shall issue to the  
10 applicant a certificate evidencing that as of the date  
11 specified by the Department of State Police the applicant has  
12 not been convicted of any of the enumerated criminal or drug  
13 offenses in subsection (c) or has not been convicted, within 7  
14 years of the application for employment with the school  
15 district, of any other felony under the laws of this State or  
16 of any offense committed or attempted in any other state or  
17 against the laws of the United States that, if committed or  
18 attempted in this State, would have been punishable as a felony  
19 under the laws of this State and evidencing that as of the date  
20 that the regional superintendent conducted a check of the  
21 Statewide Sex Offender Database, the applicant has not been  
22 identified in the Database as a sex offender. The school board  
23 of any school district may rely on the certificate issued by  
24 any regional superintendent to that substitute teacher,  
25 concurrent part-time teacher, or concurrent educational  
26 support personnel employee or may initiate its own criminal

1 history records check of the applicant through the Department  
2 of State Police and its own check of the Statewide Sex Offender  
3 Database as provided in subsection (a). Any person who releases  
4 any confidential information concerning any criminal  
5 convictions of an applicant for employment shall be guilty of a  
6 Class A misdemeanor, unless the release of such information is  
7 authorized by this Section.

8 (c) No school board shall knowingly employ a person who has  
9 been convicted for committing attempted first degree murder or  
10 for committing or attempting to commit first degree murder or a  
11 Class X felony or any one or more of the following offenses:

12 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,  
13 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
14 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the  
15 Criminal Code of 1961; (ii) those defined in the Cannabis  
16 Control Act except those defined in Sections 4(a), 4(b) and  
17 5(a) of that Act; (iii) those defined in the Illinois  
18 Controlled Substances Act; (iv) those defined in the  
19 Methamphetamine Control and Community Protection Act; and (v)  
20 any offense committed or attempted in any other state or  
21 against the laws of the United States, which if committed or  
22 attempted in this State, would have been punishable as one or  
23 more of the foregoing offenses. Further, no school board shall  
24 knowingly employ a person who has been found to be the  
25 perpetrator of sexual or physical abuse of any minor under 18  
26 years of age pursuant to proceedings under Article II of the

1 Juvenile Court Act of 1987.

2 (d) No school board shall knowingly employ a person for  
3 whom a criminal history records check and a Statewide Sex  
4 Offender Database check has not been initiated.

5 (e) Upon receipt of the record of a conviction of or a  
6 finding of child abuse by a holder of any certificate issued  
7 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
8 Code, the appropriate regional superintendent of schools or the  
9 State Superintendent of Education shall initiate the  
10 certificate suspension and revocation proceedings authorized  
11 by law.

12 (f) After January 1, 1990 the provisions of this Section  
13 shall apply to all employees of persons or firms holding  
14 contracts with any school district including, but not limited  
15 to, food service workers, school bus drivers and other  
16 transportation employees, who have direct, daily contact with  
17 the pupils of any school in such district. For purposes of  
18 criminal history records checks and checks of the Statewide Sex  
19 Offender Database on employees of persons or firms holding  
20 contracts with more than one school district and assigned to  
21 more than one school district, the regional superintendent of  
22 the educational service region in which the contracting school  
23 districts are located may, at the request of any such school  
24 district, be responsible for receiving the authorization for a  
25 criminal history records check prepared by each such employee  
26 and submitting the same to the Department of State Police and

1 for conducting a check of the Statewide Sex Offender Database  
2 for each employee. Any information concerning the record of  
3 conviction and identification as a sex offender of any such  
4 employee obtained by the regional superintendent shall be  
5 promptly reported to the president of the appropriate school  
6 board or school boards.

7 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;  
8 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff.  
9 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

10 (105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

11 Sec. 10-22.20. Classes for adults and youths whose  
12 schooling has been interrupted; conditions for State  
13 reimbursement; use of child care facilities.

14 (a) To establish special classes for the instruction (1) of  
15 persons of age 21 years or over, and (2) of persons less than  
16 age 21 and not otherwise in attendance in public school, for  
17 the purpose of providing adults in the community, and youths  
18 whose schooling has been interrupted, with such additional  
19 basic education, vocational skill training, and other  
20 instruction as may be necessary to increase their  
21 qualifications for employment or other means of self-support  
22 and their ability to meet their responsibilities as citizens  
23 including courses of instruction regularly accepted for  
24 graduation from elementary or high schools and for  
25 Americanization and General Educational Development Review



1 classes.

2 The board shall pay the necessary expenses of such classes  
3 out of school funds of the district, including costs of student  
4 transportation and such facilities or provision for child-care  
5 as may be necessary in the judgment of the board to permit  
6 maximum utilization of the courses by students with children,  
7 and other special needs of the students directly related to  
8 such instruction. The expenses thus incurred shall be subject  
9 to State reimbursement, as provided in this Section. The board  
10 may make a tuition charge for persons taking instruction who  
11 are not subject to State reimbursement, such tuition charge not  
12 to exceed the per capita cost of such classes.

13 The cost of such instruction, including the additional  
14 expenses herein authorized, incurred for recipients of  
15 financial aid under the Illinois Public Aid Code, or for  
16 persons for whom education and training aid has been authorized  
17 under Section 9-8 of that Code, shall be assumed in its  
18 entirety from funds appropriated by the State to the Illinois  
19 Community College Board.

20 (b) The Illinois Community College Board shall establish  
21 the standards for the courses of instruction reimbursed under  
22 this Section. The Illinois Community College Board shall  
23 supervise the administration of the programs. The Illinois  
24 Community College Board shall determine the cost of instruction  
25 in accordance with standards established by ~~the~~ the Illinois  
26 Community College Board, including therein other incidental

1 costs as herein authorized, which shall serve as the basis of  
2 State reimbursement in accordance with the provisions of this  
3 Section. In the approval of programs and the determination of  
4 the cost of instruction, the Illinois Community College Board  
5 shall provide for the maximum utilization of federal funds for  
6 such programs. The Illinois Community College Board shall also  
7 provide for:

8 (1) the development of an index of need for program  
9 planning and for area funding allocations, as defined by  
10 the Illinois Community College Board;

11 (2) the method for calculating hours of instruction, as  
12 defined by the Illinois Community College Board, claimable  
13 for reimbursement and a method to phase in the calculation  
14 and for adjusting the calculations in cases where the  
15 services of a program are interrupted due to circumstances  
16 beyond the control of the program provider;

17 (3) a plan for the reallocation of funds to increase  
18 the amount allocated for grants based upon program  
19 performance as set forth in subsection (d) below; and

20 (4) the development of standards for determining  
21 grants based upon performance as set forth in subsection  
22 (d) below and a plan for the phased-in implementation of  
23 those standards.

24 For instruction provided by school districts and community  
25 college districts beginning July 1, 1996 and thereafter,  
26 reimbursement provided by the Illinois Community College Board

1 for classes authorized by this Section shall be provided from  
2 funds appropriated for the reimbursement criteria set forth in  
3 subsection (c) below.

4 (c) Upon the annual approval of the Illinois Community  
5 College Board, reimbursement shall be first provided for  
6 transportation, child care services, and other special needs of  
7 the students directly related to instruction and then from the  
8 funds remaining an amount equal to the product of the total  
9 credit hours or units of instruction approved by the Illinois  
10 Community College Board, multiplied by the following:

11 (1) For adult basic education, the maximum  
12 reimbursement per credit hour or per unit of instruction  
13 shall be equal to the general state aid per pupil  
14 foundation level established in subsection (B) of Section  
15 18-8.05, divided by 60;

16 (2) The maximum reimbursement per credit hour or per  
17 unit of instruction in subparagraph (1) above shall be  
18 weighted for students enrolled in classes defined as  
19 vocational skills and approved by the Illinois Community  
20 College Board by 1.25;

21 (3) The maximum reimbursement per credit hour or per  
22 unit of instruction in subparagraph (1) above shall be  
23 multiplied by .90 for students enrolled in classes defined  
24 as adult secondary education programs and approved by the  
25 Illinois Community College Board;

26 (4) (Blank); and

1           (5) Funding for program years after 1999-2000 shall be  
2           determined by the Illinois Community College Board.

3           (d) Upon its annual approval, the Illinois Community  
4           College Board shall provide grants to eligible programs for  
5           supplemental activities to improve or expand services under the  
6           Adult Education Act. Eligible programs shall be determined  
7           based upon performance outcomes of students in the programs as  
8           set by the Illinois Community College Board.

9           (e) Reimbursement under this Section shall not exceed the  
10          actual costs of the approved program.

11          If the amount appropriated to the Illinois Community  
12          College Board for reimbursement under this Section is less than  
13          the amount required under this Act, the apportionment shall be  
14          proportionately reduced.

15          School districts and community college districts may  
16          assess students up to \$3.00 per credit hour, for classes other  
17          than Adult Basic Education level programs, if needed to meet  
18          program costs.

19          (f) An education plan shall be established for each adult  
20          or youth whose schooling has been interrupted and who is  
21          participating in the instructional programs provided under  
22          this Section.

23          Each school board and community college shall keep an  
24          accurate and detailed account of the students assigned to and  
25          receiving instruction under this Section who are subject to  
26          State reimbursement and shall submit reports of services

1 provided commencing with fiscal year 1997 as required by the  
2 Illinois Community College Board.

3 For classes authorized under this Section, a credit hour or  
4 unit of instruction is equal to 15 hours of direct instruction  
5 for students enrolled in approved adult education programs at  
6 midterm and making satisfactory progress, in accordance with  
7 standards established by the Illinois Community College Board.

8 (g) Upon proof submitted to the Illinois Department of  
9 Human Services of the payment of all claims submitted under  
10 this Section, that Department shall apply for federal funds  
11 made available therefor and any federal funds so received shall  
12 be paid into the General Revenue Fund in the State Treasury.

13 School districts or community colleges providing classes  
14 under this Section shall submit applications to the Illinois  
15 Community College Board for preapproval in accordance with the  
16 standards established by the Illinois Community College Board.  
17 Payments shall be made by the Illinois Community College Board  
18 based upon approved programs. Interim expenditure reports may  
19 be required by the Illinois Community College Board. Final  
20 claims for the school year shall be submitted to the regional  
21 superintendents for transmittal to the Illinois Community  
22 College Board. Final adjusted payments shall be made by  
23 September 30.

24 If a school district or community college district fails to  
25 provide, or is providing unsatisfactory or insufficient  
26 classes under this Section, the Illinois Community College

1 Board may enter into agreements with public or private  
2 educational or other agencies other than the public schools for  
3 the establishment of such classes.

4 (h) If a school district or community college district  
5 establishes child-care facilities for the children of  
6 participants in classes established under this Section, it may  
7 extend the use of these facilities to students who have  
8 obtained employment and to other persons in the community whose  
9 children require care and supervision while the parent or other  
10 person in charge of the children is employed or otherwise  
11 absent from the home during all or part of the day. It may make  
12 the facilities available before and after as well as during  
13 regular school hours to school age and preschool age children  
14 who may benefit thereby, including children who require care  
15 and supervision pending the return of their parent or other  
16 person in charge of their care from employment or other  
17 activity requiring absence from the home.

18 The Illinois Community College Board shall pay to the board  
19 the cost of care in the facilities for any child who is a  
20 recipient of financial aid under the Illinois Public Aid Code.

21 The board may charge for care of children for whom it  
22 cannot make claim under the provisions of this Section. The  
23 charge shall not exceed per capita cost, and to the extent  
24 feasible, shall be fixed at a level which will permit  
25 utilization by employed parents of low or moderate income. It  
26 may also permit any other State or local governmental agency or

1 private agency providing care for children to purchase care.

2 After July 1, 1970 when the provisions of Section 10-20.20  
3 become operative in the district, children in a child-care  
4 facility shall be transferred to the kindergarten established  
5 under that Section for such portion of the day as may be  
6 required for the kindergarten program, and only the prorated  
7 costs of care and training provided in the Center for the  
8 remaining period shall be charged to the Illinois Department of  
9 Human Services or other persons or agencies paying for such  
10 care.

11 (i) The provisions of this Section shall also apply to  
12 school districts having a population exceeding 500,000.

13 (j) In addition to claiming reimbursement under this  
14 Section, a school district may claim general State aid under  
15 Section 18-8.05 for any student under age 21 who is enrolled in  
16 courses accepted for graduation from elementary or high school  
17 and who otherwise meets the requirements of Section 18-8.05.

18 (Source: P.A. 93-21, eff. 7-1-03; revised 9-28-06.)

19 (105 ILCS 5/10-28)

20 Sec. 10-28. Sharing information on school lunch  
21 applicants. A school board shall, whenever requested by the  
22 Department of Healthcare and Family Services (formerly  
23 Department of Public Aid), agree in writing with the Department  
24 of Healthcare and Family Services ~~Public Aid~~ (as the State  
25 agency that administers the State Medical Assistance Program as

1 provided in Title XIX of the federal Social Security Act and  
2 the State Children's Health Insurance Program as provided in  
3 Title XXI of the federal Social Security Act) to share with the  
4 Department of Healthcare and Family Services ~~Public Aid~~  
5 information on applicants for free or reduced-price lunches. A  
6 school board shall, whenever requested by the Department of  
7 Healthcare and Family Services (formerly Department of Public  
8 Aid), require each of its schools to agree in writing with the  
9 Department of Healthcare and Family Services ~~Public Aid~~ to  
10 share with the Department of Healthcare and Family Services  
11 ~~Public Aid~~ information on applicants for free or reduced-price  
12 lunches. This sharing of information shall be for the sole  
13 purpose of helping the Department of Healthcare and Family  
14 Services ~~Public Aid~~ identify and enroll children in the State  
15 Medical Assistance Program or the State Children's Health  
16 Insurance Program or both as allowed under 42 U.S.C. Sec.  
17 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in  
18 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

19 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

20 (105 ILCS 5/11E-110)

21 Sec. 11E-110. Teachers in contractual continued service.

22 (a) When a school district conversion or multi-unit  
23 conversion becomes effective for purposes of administration  
24 and attendance, as determined pursuant to Section 11E-70 of  
25 this Code, the provisions of Section 24-12 of this Code



1 relative to the contractual continued service status of  
2 teachers having contractual continued service whose positions  
3 are transferred from one school board to the control of a new  
4 or different school board shall apply, and the positions held  
5 by teachers, as that term is defined in Section 24-11 of this  
6 Code, having contractual continued service with the unit  
7 district at the time of its dissolution shall be transferred on  
8 the following basis:

9 (1) positions of teachers in contractual continued  
10 service that, during the 5 school years immediately  
11 preceding the effective date of the change, as determined  
12 under Section 11E-70 of this Code, were full-time positions  
13 in which all of the time required of the position was spent  
14 in one or more of grades 9 through 12 shall be transferred  
15 to the control of the school board of the new high school  
16 district or combined high school - unit district, as the  
17 case may be;

18 (2) positions of teachers in contractual continued  
19 service that, during the 5 school years immediately  
20 preceding the effective date of the change, as determined  
21 under Section 11E-70 of this Code, were full-time positions  
22 in which all of the time required of the position was spent  
23 in one or more of grades kindergarten through 8 shall be  
24 transferred to the control of the school board of the newly  
25 created successor elementary district; and

26 (3) positions of teachers in contractual continued

1 service that were full-time positions not required to be  
2 transferred to the control of the school board of the new  
3 high school district or combined high school - unit  
4 district, as the case may be, or the school board of the  
5 newly created successor elementary district under the  
6 provisions of subdivision (1) or (2) of this subsection (a)  
7 shall be transferred to the control of whichever of the  
8 boards the teacher shall request.

9 ~~(4)~~ With respect to each position to be transferred under  
10 the provisions of this subsection (a), the amount of time  
11 required of each position to be spent in one or more of grades  
12 kindergarten through 8 and 9 through 12 shall be determined  
13 with reference to the applicable records of the unit district  
14 being dissolved pursuant to stipulation of the school board of  
15 the unit district prior to the effective date of its  
16 dissolution or thereafter of the school board of the newly  
17 created districts and with the approval in either case of the  
18 regional superintendent of schools of the educational service  
19 region in which the territory described in the petition filed  
20 under this Article or the greater percentage of equalized  
21 assessed evaluation of the territory is situated; however, if  
22 no such stipulation can be agreed upon, the regional  
23 superintendent of schools, after hearing any additional  
24 relevant and material evidence that any school board desires to  
25 submit, shall make the determination.

26 (b) When the creation of a unit district or a combined

1 school district becomes effective for purposes of  
2 administration and attendance, as determined pursuant to  
3 Section 11E-70 of this Code, the positions of teachers in  
4 contractual continued service in the districts involved in the  
5 creation of the new district are transferred to the newly  
6 created district pursuant to the provisions of Section 24-12 of  
7 this Code relative to teachers having contractual continued  
8 service status whose positions are transferred from one board  
9 to the control of a different board, and those provisions of  
10 Section 24-12 shall apply to these transferred teachers. The  
11 contractual continued service status of any teacher thereby  
12 transferred to the newly created district is not lost and the  
13 new school board is subject to this Code with respect to the  
14 transferred teacher in the same manner as if the teacher was  
15 that district's employee and had been its employee during the  
16 time the teacher was actually employed by the school board of  
17 the district from which the position was transferred.

18 (Source: P.A. 94-1019, eff. 7-10-06; revised 8-23-06.)

19 (105 ILCS 5/11E-135)

20 Sec. 11E-135. Incentives. For districts reorganizing under  
21 this Article and for a district or districts that annex all of  
22 the territory of one or more entire other school districts in  
23 accordance with Article 7 of this Code, the following payments  
24 shall be made from appropriations made for these purposes:

25 (a) (1) For a combined school district, as defined in

1 Section 11E-20 of this Code, or for a unit district, as defined  
2 in Section 11E-25 of this Code, for its first year of  
3 existence, the general State aid and supplemental general State  
4 aid calculated under Section 18-8.05 of this Code shall be  
5 computed for the new district and for the previously existing  
6 districts for which property is totally included within the new  
7 district. If the computation on the basis of the previously  
8 existing districts is greater, a supplementary payment equal to  
9 the difference shall be made for the first 4 years of existence  
10 of the new district.

11 (2) For a school district that annexes all of the territory  
12 of one or more entire other school districts as defined in  
13 Article 7 of this Code, for the first year during which the  
14 change of boundaries attributable to the annexation becomes  
15 effective for all purposes, as determined under Section 7-9 of  
16 this Code, the general State aid and supplemental general State  
17 aid calculated under Section 18-8.05 of this Code shall be  
18 computed for the annexing district as constituted after the  
19 annexation and for the annexing and each annexed district as  
20 constituted prior to the annexation; and if the computation on  
21 the basis of the annexing and annexed districts as constituted  
22 prior to the annexation is greater, then a supplementary  
23 payment equal to the difference shall be made for the first 4  
24 years of existence of the annexing school district as  
25 constituted upon the annexation.

26 (3) For 2 or more school districts that annex all of the

1 territory of one or more entire other school districts, as  
2 defined in Article 7 of this Code, for the first year during  
3 which the change of boundaries attributable to the annexation  
4 becomes effective for all purposes, as determined under Section  
5 7-9 of this Code, the general State aid and supplemental  
6 general State aid calculated under Section 18-8.05 of this Code  
7 shall be computed for each annexing district as constituted  
8 after the annexation and for each annexing and annexed district  
9 as constituted prior to the annexation; and if the aggregate of  
10 the general State aid and supplemental general State aid as so  
11 computed for the annexing districts as constituted after the  
12 annexation is less than the aggregate of the general State aid  
13 and supplemental general State aid as so computed for the  
14 annexing and annexed districts, as constituted prior to the  
15 annexation, then a supplementary payment equal to the  
16 difference shall be made and allocated between or among the  
17 annexing districts, as constituted upon the annexation, for the  
18 first 4 years of their existence. The total difference payment  
19 shall be allocated between or among the annexing districts in  
20 the same ratio as the pupil enrollment from that portion of the  
21 annexed district or districts that is annexed to each annexing  
22 district bears to the total pupil enrollment from the entire  
23 annexed district or districts, as such pupil enrollment is  
24 determined for the school year last ending prior to the date  
25 when the change of boundaries attributable to the annexation  
26 becomes effective for all purposes. The amount of the total

1 difference payment and the amount thereof to be allocated to  
2 the annexing districts shall be computed by the State Board of  
3 Education on the basis of pupil enrollment and other data that  
4 shall be certified to the State Board of Education, on forms  
5 that it shall provide for that purpose, by the regional  
6 superintendent of schools for each educational service region  
7 in which the annexing and annexed districts are located.

8 (4) For a school district conversion, as defined in Section  
9 11E-15 of this Code, or a multi-unit conversion, as defined in  
10 subsection (b) of Section 11E-30 of this Code, if in their  
11 first year of existence the newly created elementary districts  
12 and the newly created high school district, from a school  
13 district conversion, or the newly created elementary district  
14 or districts and newly created combined high school - unit  
15 district, from a multi-unit conversion, qualify for less  
16 general State aid under Section 18-8.05 of this Code than would  
17 have been payable under Section 18-8.05 for that same year to  
18 the previously existing districts, then a supplementary  
19 payment equal to that difference shall be made for the first 4  
20 years of existence of the newly created districts. The  
21 aggregate amount of each supplementary payment shall be  
22 allocated among the newly created districts in the proportion  
23 that the deemed pupil enrollment in each district during its  
24 first year of existence bears to the actual aggregate pupil  
25 enrollment in all of the districts during their first year of  
26 existence. For purposes of each allocation:

1 (A) the deemed pupil enrollment of the newly created  
2 high school district from a school district conversion  
3 shall be an amount equal to its actual pupil enrollment for  
4 its first year of existence multiplied by 1.25;

5 (B) the deemed pupil enrollment of each newly created  
6 elementary district from a school district conversion  
7 shall be an amount equal to its actual pupil enrollment for  
8 its first year of existence reduced by an amount equal to  
9 the product obtained when the amount by which the newly  
10 created high school district's deemed pupil enrollment  
11 exceeds its actual pupil enrollment for its first year of  
12 existence is multiplied by a fraction, the numerator of  
13 which is the actual pupil enrollment of the newly created  
14 elementary district for its first year of existence and the  
15 denominator of which is the actual aggregate pupil  
16 enrollment of all of the newly created elementary districts  
17 for their first year of existence;

18 (C) the deemed high school pupil enrollment of the  
19 newly created combined high school - unit district from a  
20 multi-unit conversion shall be an amount equal to its  
21 actual grades 9 through 12 pupil enrollment for its first  
22 year of existence multiplied by 1.25; and

23 (D) the deemed elementary pupil enrollment of each  
24 newly created district from a multi-unit conversion shall  
25 be an amount equal to each district's actual grade K  
26 through 8 pupil enrollment for its first year of existence,

1 reduced by an amount equal to the product obtained when the  
2 amount by which the newly created combined high school -  
3 unit district's deemed high school pupil enrollment  
4 exceeds its actual grade 9 through 12 pupil enrollment for  
5 its first year of existence is multiplied by a fraction,  
6 the numerator of which is the actual grade K through 8  
7 pupil enrollment of each newly created district for its  
8 first year of existence and the denominator of which is the  
9 actual aggregate grade K through 8 pupil enrollment of all  
10 such newly created districts for their first year of  
11 existence.

12 The aggregate amount of each supplementary payment under  
13 this subdivision (4) and the amount thereof to be allocated to  
14 the newly created districts shall be computed by the State  
15 Board of Education on the basis of pupil enrollment and other  
16 data, which shall be certified to the State Board of Education,  
17 on forms that it shall provide for that purpose, by the  
18 regional superintendent of schools for each educational  
19 service region in which the newly created districts are  
20 located.

21 (5) For a partial elementary unit district, as defined in  
22 subsection (a) or (c) of Section 11E-30 of this Code, if, in  
23 the first year of existence, the newly created partial  
24 elementary unit district qualifies for less general State aid  
25 and supplemental general State aid under Section 18-8.05 of  
26 this Code than would have been payable under that Section for



1 that same year to the previously existing districts that formed  
2 the partial elementary unit district, then a supplementary  
3 payment equal to that difference shall be made to the partial  
4 elementary unit district for the first 4 years of existence of  
5 that newly created district.

6 (6) For an elementary opt-in, as described in subsection  
7 (d) of Section 11E-30 of this Code, the general State aid  
8 difference shall be computed in accordance with paragraph (5)  
9 of this subsection (a) as if the elementary opt-in was included  
10 in an optional elementary unit district at the optional  
11 elementary unit district's original effective date. If the  
12 calculation in this paragraph (6) is less than that calculated  
13 in paragraph (5) of this subsection (a) at the optional  
14 elementary unit district's original effective date, then no  
15 adjustments may be made. If the calculation in this paragraph  
16 (6) is more than that calculated in paragraph (5) of this  
17 subsection (a) at the optional elementary unit district's  
18 original effective date, then the excess must be paid as  
19 follows:

20 (A) If the effective date for the elementary opt-in is  
21 one year after the effective date for the optional  
22 elementary unit district, 100% of the calculated excess  
23 shall be paid to the optional elementary unit district in  
24 each of the first 4 years after the effective date of the  
25 elementary opt-in.

26 (B) If the effective date for the elementary opt-in is

1           2 years after the effective date for the optional  
2 elementary unit district, 75% of the calculated excess  
3 shall be paid to the optional elementary unit district in  
4 each of the first 4 years after the effective date of the  
5 elementary opt-in.

6           (C) If the effective date for the elementary opt-in is  
7 3 years after the effective date for the optional  
8 elementary unit district, 50% of the calculated excess  
9 shall be paid to the optional elementary unit district in  
10 each of the first 4 years after the effective date of the  
11 elementary opt-in.

12           (D) If the effective date for the elementary opt-in is  
13 4 years after the effective date for the optional  
14 elementary unit district, 25% of the calculated excess  
15 shall be paid to the optional elementary unit district in  
16 each of the first 4 years after the effective date of the  
17 elementary opt-in.

18           (E) If the effective date for the elementary opt-in is  
19 5 years after the effective date for the optional  
20 elementary unit district, the optional elementary unit  
21 district is not eligible for any additional incentives due  
22 to the elementary opt-in.

23           (7) Claims for financial assistance under this subsection  
24 (a) may not be recomputed except as expressly provided under  
25 Section 18-8.05 of this Code.

26           (8) Any supplementary payment made under this subsection

1 (a) must be treated as separate from all other payments made  
2 pursuant to Section 18-8.05 of this Code.

3 (b) (1) After the formation of a combined school district,  
4 as defined in Section 11E-20 of this Code, or a unit district,  
5 as defined in Section 11E-25 of this Code, a computation shall  
6 be made to determine the difference between the salaries  
7 effective in each of the previously existing districts on June  
8 30, prior to the creation of the new district. For the first 4  
9 years after the formation of the new district, a supplementary  
10 State aid reimbursement shall be paid to the new district equal  
11 to the difference between the sum of the salaries earned by  
12 each of the certificated members of the new district, while  
13 employed in one of the previously existing districts during the  
14 year immediately preceding the formation of the new district,  
15 and the sum of the salaries those certificated members would  
16 have been paid during the year immediately prior to the  
17 formation of the new district if placed on the salary schedule  
18 of the previously existing district with the highest salary  
19 schedule.

20 (2) After the territory of one or more school districts is  
21 annexed by one or more other school districts as defined in  
22 Article 7 of this Code, a computation shall be made to  
23 determine the difference between the salaries effective in each  
24 annexed district and in the annexing district or districts as  
25 they were each constituted on June 30 preceding the date when  
26 the change of boundaries attributable to the annexation became

1 effective for all purposes, as determined under Section 7-9 of  
2 this Code. For the first 4 years after the annexation, a  
3 supplementary State aid reimbursement shall be paid to each  
4 annexing district as constituted after the annexation equal to  
5 the difference between the sum of the salaries earned by each  
6 of the certificated members of the annexing district as  
7 constituted after the annexation, while employed in an annexed  
8 or annexing district during the year immediately preceding the  
9 annexation, and the sum of the salaries those certificated  
10 members would have been paid during the immediately preceding  
11 year if placed on the salary schedule of whichever of the  
12 annexing or annexed districts had the highest salary schedule  
13 during the immediately preceding year.

14 (3) For each new high school district formed under a school  
15 district conversion, as defined in Section 11E-15 of this Code,  
16 the State shall make a supplementary payment for 4 years equal  
17 to the difference between the sum of the salaries earned by  
18 each certified member of the new high school district, while  
19 employed in one of the previously existing districts, and the  
20 sum of the salaries those certified members would have been  
21 paid if placed on the salary schedule of the previously  
22 existing district with the highest salary schedule.

23 (4) For each newly created partial elementary unit  
24 district, the State shall make a supplementary payment for 4  
25 years equal to the difference between the sum of the salaries  
26 earned by each certified member of the newly created partial

1 elementary unit district, while employed in one of the  
2 previously existing districts that formed the partial  
3 elementary unit district, and the sum of the salaries those  
4 certified members would have been paid if placed on the salary  
5 schedule of the previously existing district with the highest  
6 salary schedule. The salary schedules used in the calculation  
7 shall be those in effect in the previously existing districts  
8 for the school year prior to the creation of the new partial  
9 elementary unit district.

10 (5) For an elementary district opt-in, as described in  
11 subsection (d) of Section 11E-30 of this Code, the salary  
12 difference incentive shall be computed in accordance with  
13 paragraph (4) of this subsection (b) as if the opted-in  
14 elementary district was included in the optional elementary  
15 unit district at the optional elementary unit district's  
16 original effective date. If the calculation in this paragraph  
17 (5) is less than that calculated in paragraph (4) of this  
18 subsection (b) at the optional elementary unit district's  
19 original effective date, then no adjustments may be made. If  
20 the calculation in this paragraph (5) is more than that  
21 calculated in paragraph (4) of this subsection (b) at the  
22 optional elementary unit district's original effective date,  
23 then the excess must be paid as follows:

24 (A) If the effective date for the elementary opt-in is  
25 one year after the effective date for the optional  
26 elementary unit district, 100% of the calculated excess

1 shall be paid to the optional elementary unit district in  
2 each of the first 4 years after the effective date of the  
3 elementary opt-in.

4 (B) If the effective date for the elementary opt-in is  
5 2 years after the effective date for the optional  
6 elementary unit district, 75% of the calculated excess  
7 shall be paid to the optional elementary unit district in  
8 each of the first 4 years after the effective date of the  
9 elementary opt-in.

10 (C) If the effective date for the elementary opt-in is  
11 3 years after the effective date for the optional  
12 elementary unit district, 50% of the calculated excess  
13 shall be paid to the optional elementary unit district in  
14 each of the first 4 years after the effective date of the  
15 elementary opt-in.

16 (D) If the effective date for the elementary opt-in is  
17 4 years after the effective date for the partial elementary  
18 unit district, 25% of the calculated excess shall be paid  
19 to the optional elementary unit district in each of the  
20 first 4 years after the effective date of the elementary  
21 opt-in.

22 (E) If the effective date for the elementary opt-in is  
23 5 years after the effective date for the optional  
24 elementary unit district, the optional elementary unit  
25 district is not eligible for any additional incentives due  
26 to the elementary opt-in.

1        (5.5) ~~(b-5)~~ After the formation of a cooperative high  
2 school by 2 or more school districts under Section 10-22.22c of  
3 this Code, a computation shall be made to determine the  
4 difference between the salaries effective in each of the  
5 previously existing high schools on June 30 prior to the  
6 formation of the cooperative high school. For the first 4 years  
7 after the formation of the cooperative high school, a  
8 supplementary State aid reimbursement shall be paid to the  
9 cooperative high school equal to the difference between the sum  
10 of the salaries earned by each of the certificated members of  
11 the cooperative high school while employed in one of the  
12 previously existing high schools during the year immediately  
13 preceding the formation of the cooperative high school and the  
14 sum of the salaries those certificated members would have been  
15 paid during the year immediately prior to the formation of the  
16 cooperative high school if placed on the salary schedule of the  
17 previously existing high school with the highest salary  
18 schedule.

19        (6) The supplementary State aid reimbursement under this  
20 subsection (b) shall be treated as separate from all other  
21 payments made pursuant to Section 18-8.05 of this Code. In the  
22 case of the formation of a new district or cooperative high  
23 school, reimbursement shall begin during the first year of  
24 operation of the new district or cooperative high school, and  
25 in the case of an annexation of the territory of one or more  
26 school districts by one or more other school districts,

1 reimbursement shall begin during the first year when the change  
2 in boundaries attributable to the annexation or division  
3 becomes effective for all purposes as determined pursuant to  
4 Section 7-9 of this Code. Each year that the new, annexing, or  
5 resulting district or cooperative high school, as the case may  
6 be, is entitled to receive reimbursement, the number of  
7 eligible certified members who are employed on October 1 in the  
8 district or cooperative high school shall be certified to the  
9 State Board of Education on prescribed forms by October 15 and  
10 payment shall be made on or before November 15 of that year.

11 (c) (1) For the first year after the formation of a combined  
12 school district, as defined in Section 11E-20 of this Code or a  
13 unit district, as defined in Section 11E-25 of this Code, a  
14 computation shall be made totaling each previously existing  
15 district's audited fund balances in the educational fund,  
16 working cash fund, operations and maintenance fund, and  
17 transportation fund for the year ending June 30 prior to the  
18 referendum for the creation of the new district. The new  
19 district shall be paid supplementary State aid equal to the sum  
20 of the differences between the deficit of the previously  
21 existing district with the smallest deficit and the deficits of  
22 each of the other previously existing districts.

23 (2) For the first year after the annexation of all of the  
24 territory of one or more entire school districts by another  
25 school district, as defined in Article 7 of this Code,  
26 computations shall be made, for the year ending June 30 prior



1 to the date that the change of boundaries attributable to the  
2 annexation is allowed by the affirmative decision issued by the  
3 regional board of school trustees under Section 7-6 of this  
4 Code, notwithstanding any effort to seek administrative review  
5 of the decision, totaling the annexing district's and totaling  
6 each annexed district's audited fund balances in their  
7 respective educational, working cash, operations and  
8 maintenance, and transportation funds. The annexing district  
9 as constituted after the annexation shall be paid supplementary  
10 State aid equal to the sum of the differences between the  
11 deficit of whichever of the annexing or annexed districts as  
12 constituted prior to the annexation had the smallest deficit  
13 and the deficits of each of the other districts as constituted  
14 prior to the annexation.

15 (3) For the first year after the annexation of all of the  
16 territory of one or more entire school districts by 2 or more  
17 other school districts, as defined by Article 7 of this Code,  
18 computations shall be made, for the year ending June 30 prior  
19 to the date that the change of boundaries attributable to the  
20 annexation is allowed by the affirmative decision of the  
21 regional board of school trustees under Section 7-6 of this  
22 Code, notwithstanding any action for administrative review of  
23 the decision, totaling each annexing and annexed district's  
24 audited fund balances in their respective educational, working  
25 cash, operations and maintenance, and transportation funds.  
26 The annexing districts as constituted after the annexation

1 shall be paid supplementary State aid, allocated as provided in  
2 this paragraph (3), in an aggregate amount equal to the sum of  
3 the differences between the deficit of whichever of the  
4 annexing or annexed districts as constituted prior to the  
5 annexation had the smallest deficit and the deficits of each of  
6 the other districts as constituted prior to the annexation. The  
7 aggregate amount of the supplementary State aid payable under  
8 this paragraph (3) shall be allocated between or among the  
9 annexing districts as follows:

10 (A) the regional superintendent of schools for each  
11 educational service region in which an annexed district is  
12 located prior to the annexation shall certify to the State  
13 Board of Education, on forms that it shall provide for that  
14 purpose, the value of all taxable property in each annexed  
15 district, as last equalized or assessed by the Department  
16 of Revenue prior to the annexation, and the equalized  
17 assessed value of each part of the annexed district that  
18 was annexed to or included as a part of an annexing  
19 district;

20 (B) using equalized assessed values as certified by the  
21 regional superintendent of schools under clause (A) of this  
22 paragraph (3), the combined audited fund balance deficit of  
23 each annexed district as determined under this Section  
24 shall be apportioned between or among the annexing  
25 districts in the same ratio as the equalized assessed value  
26 of that part of the annexed district that was annexed to or

1 included as a part of an annexing district bears to the  
2 total equalized assessed value of the annexed district; and

3 (C) the aggregate supplementary State aid payment  
4 under this paragraph (3) shall be allocated between or  
5 among, and shall be paid to, the annexing districts in the  
6 same ratio as the sum of the combined audited fund balance  
7 deficit of each annexing district as constituted prior to  
8 the annexation, plus all combined audited fund balance  
9 deficit amounts apportioned to that annexing district  
10 under clause (B) of this subsection, bears to the aggregate  
11 of the combined audited fund balance deficits of all of the  
12 annexing and annexed districts as constituted prior to the  
13 annexation.

14 (4) For the new elementary districts and new high school  
15 district formed through a school district conversion, as  
16 defined in subsection (b) of Section 11E-15 of this Code or the  
17 new elementary district or districts and new combined high  
18 school - unit district formed through a multi-unit conversion,  
19 as defined in subsection (b) of Section 11E-30 of this Code, a  
20 computation shall be made totaling each previously existing  
21 district's audited fund balances in the educational fund,  
22 working cash fund, operations and maintenance fund, and  
23 transportation fund for the year ending June 30 prior to the  
24 referendum establishing the new districts. In the first year of  
25 the new districts, the State shall make a one-time  
26 supplementary payment equal to the sum of the differences

1 between the deficit of the previously existing district with  
2 the smallest deficit and the deficits of each of the other  
3 previously existing districts. A district with a combined  
4 balance among the 4 funds that is positive shall be considered  
5 to have a deficit of zero. The supplementary payment shall be  
6 allocated among the newly formed high school and elementary  
7 districts in the manner provided by the petition for the  
8 formation of the districts, in the form in which the petition  
9 is approved by the regional superintendent of schools or State  
10 Superintendent of Education under Section 11E-50 of this Code.

11 (5) For each newly created partial elementary unit  
12 district, as defined in subsection (a) or (c) of Section 11E-30  
13 of this Code, a computation shall be made totaling the audited  
14 fund balances of each previously existing district that formed  
15 the new partial elementary unit district in the educational  
16 fund, working cash fund, operations and maintenance fund, and  
17 transportation fund for the year ending June 30 prior to the  
18 referendum for the formation of the partial elementary unit  
19 district. In the first year of the new partial elementary unit  
20 district, the State shall make a one-time supplementary payment  
21 to the new district equal to the sum of the differences between  
22 the deficit of the previously existing district with the  
23 smallest deficit and the deficits of each of the other  
24 previously existing districts. A district with a combined  
25 balance among the 4 funds that is positive shall be considered  
26 to have a deficit of zero.

1           (6) For an elementary opt-in as defined in subsection (d)  
2 of Section 11E-30 of this Code, the deficit fund balance  
3 incentive shall be computed in accordance with paragraph (5) of  
4 this subsection (c) as if the opted-in elementary was included  
5 in the optional elementary unit district at the optional  
6 elementary unit district's original effective date. If the  
7 calculation in this paragraph (6) is less than that calculated  
8 in paragraph (5) of this subsection (c) at the optional  
9 elementary unit district's original effective date, then no  
10 adjustments may be made. If the calculation in this paragraph  
11 (6) is more than that calculated in paragraph (5) of this  
12 subsection (c) at the optional elementary unit district's  
13 original effective date, then the excess must be paid as  
14 follows:

15           (A) If the effective date for the elementary opt-in is  
16 one year after the effective date for the optional  
17 elementary unit district, 100% of the calculated excess  
18 shall be paid to the optional elementary unit district in  
19 the first year after the effective date of the elementary  
20 opt-in.

21           (B) If the effective date for the elementary opt-in is  
22 2 years after the effective date for the optional  
23 elementary unit district, 75% of the calculated excess  
24 shall be paid to the optional elementary unit district in  
25 the first year after the effective date of the elementary  
26 opt-in.

1           (C) If the effective date for the elementary opt-in is  
2           3 years after the effective date for the optional  
3           elementary unit district, 50% of the calculated excess  
4           shall be paid to the optional elementary unit district in  
5           the first year after the effective date of the elementary  
6           opt-in.

7           (D) If the effective date for the elementary opt-in is  
8           4 years after the effective date for the optional  
9           elementary unit district, 25% of the calculated excess  
10          shall be paid to the optional elementary unit district in  
11          the first year after the effective date of the elementary  
12          opt-in.

13          (E) If the effective date for the elementary opt-in is  
14          5 years after the effective date for the optional  
15          elementary unit district, the optional elementary unit  
16          district is not eligible for any additional incentives due  
17          to the elementary opt-in.

18          (7) For purposes of any calculation required under  
19          paragraph (1), (2), (3), (4), (5), or (6) of this subsection  
20          (c), a district with a combined fund balance that is positive  
21          shall be considered to have a deficit of zero. For purposes of  
22          determining each district's audited fund balances in its  
23          educational fund, working cash fund, operations and  
24          maintenance fund, and transportation fund for the specified  
25          year ending June 30, as provided in paragraphs (1), (2), (3),  
26          (4), (5), and (6) of this subsection (c), the balance of each

1 fund shall be deemed decreased by an amount equal to the amount  
2 of the annual property tax theretofore levied in the fund by  
3 the district for collection and payment to the district during  
4 the calendar year in which the June 30 fell, but only to the  
5 extent that the tax so levied in the fund actually was received  
6 by the district on or before or comprised a part of the fund on  
7 such June 30. For purposes of determining each district's  
8 audited fund balances, a calculation shall be made for each  
9 fund to determine the average for the 3 years prior to the  
10 specified year ending June 30, as provided in paragraphs (1),  
11 (2), (3), (4), (5), and (6) of this subsection (c), of the  
12 district's expenditures in the categories "purchased  
13 services", "supplies and materials", and "capital outlay", as  
14 those categories are defined in rules of the State Board of  
15 Education. If this 3-year average is less than the district's  
16 expenditures in these categories for the specified year ending  
17 June 30, as provided in paragraphs (1), (2), (3), (4), (5), and  
18 (6) of this subsection (c), then the 3-year average shall be  
19 used in calculating the amounts payable under this Section in  
20 place of the amounts shown in these categories for the  
21 specified year ending June 30, as provided in paragraphs (1),  
22 (2), (3), (4), (5), and (6) of this subsection (c). Any deficit  
23 because of State aid not yet received may not be considered in  
24 determining the June 30 deficits. The same basis of accounting  
25 shall be used by all previously existing districts and by all  
26 annexing or annexed districts, as constituted prior to the

1 annexation, in making any computation required under  
2 paragraphs (1), (2), (3), (4), (5), and (6) of this subsection  
3 (c).

4 (8) The supplementary State aid payments under this  
5 subsection (c) shall be treated as separate from all other  
6 payments made pursuant to Section 18-8.05 of this Code.

7 (d)(1) Following the formation of a combined school  
8 district, as defined in Section 11E-20 of this Code, a new  
9 elementary district or districts and a new high school district  
10 formed through a school district conversion, as defined in  
11 subsection (b) of Section 11E-15 of this Code, a new partial  
12 elementary unit district, as defined in Section 11E-30 of this  
13 Code, or a new elementary district or districts formed through  
14 a multi-unit conversion, as defined in subsection (b) of  
15 Section 11E-30 of this Code, or the annexation of all of the  
16 territory of one or more entire school districts by one or more  
17 other school districts, as defined in Article 7 of this Code, a  
18 supplementary State aid reimbursement shall be paid for the  
19 number of school years determined under the following table to  
20 each new or annexing district equal to the sum of \$4,000 for  
21 each certified employee who is employed by the district on a  
22 full-time basis for the regular term of the school year:

23	Reorganized District's Rank	Reorganized District's Rank
24	by type of district (unit,	in Average Daily Attendance
25	high school, elementary)	By Quintile



1	in Equalized Assessed Value			
2	Per Pupil by Quintile			
3				3rd, 4th,
4		1st	2nd	or 5th
5		Quintile	Quintile	Quintile
6	1st Quintile	1 year	1 year	1 year
7	2nd Quintile	1 year	2 years	2 years
8	3rd Quintile	2 years	3 years	3 years
9	4th Quintile	2 years	3 years	3 years
10	5th Quintile	2 years	3 years	3 years

11 The State Board of Education shall make a one-time calculation  
 12 of a reorganized district's quintile ranks. The average daily  
 13 attendance used in this calculation shall be the best 3 months'  
 14 average daily attendance for the district's first year. The  
 15 equalized assessed value per pupil shall be the district's real  
 16 property equalized assessed value used in calculating the  
 17 district's first-year general State aid claim, under Section  
 18 18-8.05 of this Code, divided by the best 3 months' average  
 19 daily attendance.

20 No annexing or resulting school district shall be entitled  
 21 to supplementary State aid under this subsection (d) unless the  
 22 district acquires at least 30% of the average daily attendance  
 23 of the district from which the territory is being detached or  
 24 divided.

25 If a district results from multiple reorganizations that

1 would otherwise qualify the district for multiple payments  
2 under this subsection (d) in any year, then the district shall  
3 receive a single payment only for that year based solely on the  
4 most recent reorganization.

5 (2) For an elementary opt-in, as defined in subsection (d)  
6 of Section 11E-30 of this Code, the full-time certified staff  
7 incentive shall be computed in accordance with paragraph (1) of  
8 this subsection (d), equal to the sum of \$4,000 for each  
9 certified employee of the elementary district that opts-in who  
10 is employed by the optional elementary unit district on a  
11 full-time basis for the regular term of the school year. The  
12 calculation from this paragraph (2) must be paid as follows:

13 (A) If the effective date for the elementary opt-in is  
14 one year after the effective date for the optional  
15 elementary unit district, 100% of the amount calculated in  
16 this paragraph (2) shall be paid to the optional elementary  
17 unit district for the number of years calculated in  
18 paragraph (1) of this subsection (d) at the optional  
19 elementary unit district's original effective date,  
20 starting in the second year after the effective date of the  
21 elementary opt-in.

22 (B) If the effective date for the elementary opt-in is  
23 2 years after the effective date for the optional  
24 elementary unit district, 75% of the amount calculated in  
25 this paragraph (2) shall be paid to the optional elementary  
26 unit district for the number of years calculated in

1 paragraph (1) of this subsection (d) at the optional  
2 elementary unit district's original effective date,  
3 starting in the second year after the effective date of the  
4 elementary opt-in.

5 (C) If the effective date for the elementary opt-in is  
6 3 years after the effective date for the optional  
7 elementary unit district, 50% of the amount calculated in  
8 this paragraph (2) shall be paid to the optional elementary  
9 unit district for the number of years calculated in  
10 paragraph (1) of this subsection (d) at the optional  
11 elementary unit district's original effective date,  
12 starting in the second year after the effective date of the  
13 elementary opt-in.

14 (D) If the effective date for the elementary opt-in is  
15 4 years after the effective date for the optional  
16 elementary unit district, 25% of the amount calculated in  
17 this paragraph (2) shall be paid to the optional elementary  
18 unit district for the number of years calculated in  
19 paragraph (1) of this subsection (d) at the optional  
20 elementary unit district's original effective date,  
21 starting in the second year after the effective date of the  
22 elementary opt-in.

23 (E) If the effective date for the elementary opt-in is  
24 5 years after the effective date for the optional  
25 elementary unit district, the optional elementary unit  
26 district is not eligible for any additional incentives due

1 to the elementary opt-in.

2 (2.5) ~~(a-5)~~ Following the formation of a cooperative high  
3 school by 2 or more school districts under Section 10-22.22c of  
4 this Code, a supplementary State aid reimbursement shall be  
5 paid for 3 school years to the cooperative high school equal to  
6 the sum of \$4,000 for each certified employee who is employed  
7 by the cooperative high school on a full-time basis for the  
8 regular term of any such school year. If a cooperative high  
9 school results from multiple agreements that would otherwise  
10 qualify the cooperative high school for multiple payments under  
11 this Section in any year, the cooperative high school shall  
12 receive a single payment for that year based solely on the most  
13 recent agreement.

14 (3) The supplementary State aid reimbursement payable  
15 under this subsection (d) shall be separate from and in  
16 addition to all other payments made to the district pursuant to  
17 any other Section of this Article.

18 (4) During May of each school year for which a  
19 supplementary State aid reimbursement is to be paid to a new or  
20 annexing school district or cooperative high school pursuant to  
21 this subsection (d), the school board or governing board shall  
22 certify to the State Board of Education, on forms furnished to  
23 the school board or governing board by the State Board of  
24 Education for purposes of this subsection (d), the number of  
25 certified employees for which the district or cooperative high  
26 school is entitled to reimbursement under this Section,

1 together with the names, certificate numbers, and positions  
2 held by the certified employees.

3 (5) Upon certification by the State Board of Education to  
4 the State Comptroller of the amount of the supplementary State  
5 aid reimbursement to which a school district or cooperative  
6 high school is entitled under this subsection (d), the State  
7 Comptroller shall draw his or her warrant upon the State  
8 Treasurer for the payment thereof to the school district or  
9 cooperative high school and shall promptly transmit the payment  
10 to the school district or cooperative high school through the  
11 appropriate school treasurer.

12 (Source: P.A. 94-1019, eff. 7-10-06; incorporates P.A. 94-902,  
13 eff. 7-1-06; revised 9-13-06.)

14 (105 ILCS 5/14-7.04) (from Ch. 122, par. 14-7.04)

15 Sec. 14-7.04. Health care reimbursement.

16 (a) Local educational agencies may utilize federally  
17 funded health care programs to share in the costs of services  
18 which are provided to children requiring special education and  
19 related services and which are either listed on an  
20 individualized education program established pursuant to the  
21 federal Education for All Handicapped Children Act of 1975,  
22 Public Law No. 94-142 or are provided under an individualized  
23 family service plan established pursuant to the federal  
24 Education of the Handicapped Act Amendments of 1986, Public Law  
25 No. 99-457. Those federally funded health care programs shall

1 also share in the cost of all screenings and diagnostic  
2 evaluations for children suspected of having or known to have a  
3 disability. However, all such services shall continue to be  
4 initially funded by the local educational agency and shall be  
5 provided regardless of subsequent cost sharing with other  
6 funding sources. Federally funded health care reimbursement  
7 funds are supplemental and shall not be used to reduce any  
8 other Federal payments, private payments or State Board of  
9 Education funds for special education as provided in Article 14  
10 of the School Code for which the local education agency is  
11 eligible.

12 Local educational agencies providing early periodic  
13 screening and diagnostic testing services on or after August 1,  
14 1991, including screening and diagnostic services, health care  
15 and treatment, preventive health care, and any other measure to  
16 correct or improve health impairments of Medicaid-eligible  
17 children, may also access federally funded health care  
18 resources.

19 The State Board of Education and the Department of  
20 Healthcare and Family Services ~~Public Aid~~ may enter into an  
21 intergovernmental agreement whereby school districts or their  
22 agents may claim medicaid matching funds for medicaid eligible  
23 special education children as authorized by Section 1903 of the  
24 Social Security Act. Under that intergovernmental agreement,  
25 school districts or their agents may also claim federal funds  
26 for the services provided to special education students

1 enrolled in the Children's Health Insurance Program.

2 (b) No employee or officer of a school district, special  
3 education joint agreement, office of a regional superintendent  
4 of schools or the State Board of Education may have a direct or  
5 indirect financial interest in any agreement between the entity  
6 of which the person is an employee or officer and any  
7 corporation, organization or other entity that collects or  
8 participates in the collection of payments from private health  
9 care benefit plans or federally funded health care programs  
10 authorized under this Section.

11 (Source: P.A. 91-24, eff. 7-1-99; revised 12-15-05.)

12 (105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

13 Sec. 14-15.01. Community and Residential Services  
14 Authority.

15 (a) (1) The Community and Residential Services Authority is  
16 hereby created and shall consist of the following members:

17 A representative of the State Board of Education;

18 Four representatives of the Department of Human Services,  
19 with one member from the Division of Community Health and  
20 Prevention, one member from the Office of Developmental  
21 Disabilities of the Division of Disability and Behavioral  
22 Health Services, one member from the Office of Mental Health of  
23 the Division of Disability and Behavioral Health Services, and  
24 one member of the Office of Rehabilitation Services of the  
25 Division of Disability and Behavioral Health Services;

1 A representative of the Department of Children and Family  
2 Services;

3 A representative of the Department of Corrections;

4 A representative of the Department of Healthcare and Family  
5 Services ~~Public Aid~~;

6 A representative of the Attorney General's Disability  
7 Rights Advocacy Division;

8 The Chairperson and Minority Spokesperson of the House and  
9 Senate Committees on Elementary and Secondary Education or  
10 their designees; and

11 Six persons appointed by the Governor. Five of such  
12 appointees shall be experienced or knowledgeable relative to  
13 provision of services for individuals with a behavior disorder  
14 or a severe emotional disturbance and shall include  
15 representatives of both the private and public sectors, except  
16 that no more than 2 of those 5 appointees may be from the  
17 public sector and at least 2 must be or have been directly  
18 involved in provision of services to such individuals. The  
19 remaining member appointed by the Governor shall be or shall  
20 have been a parent of an individual with a behavior disorder or  
21 a severe emotional disturbance, and that appointee may be from  
22 either the private or the public sector.

23 (2) Members appointed by the Governor shall be appointed  
24 for terms of 4 years and shall continue to serve until their  
25 respective successors are appointed; provided that the terms of  
26 the original appointees shall expire on August 1, 1990, and the



1 term of the additional member appointed under this amendatory  
2 Act of 1992 shall commence upon the appointment and expire  
3 August 1, 1994. Any vacancy in the office of a member appointed  
4 by the Governor shall be filled by appointment of the Governor  
5 for the remainder of the term.

6 A vacancy in the office of a member appointed by the  
7 Governor exists when one or more of the following events occur:

8 (i) An appointee dies;

9 (ii) An appointee files a written resignation with the  
10 Governor;

11 (iii) An appointee ceases to be a legal resident of the  
12 State of Illinois; or

13 (iv) An appointee fails to attend a majority of  
14 regularly scheduled Authority meetings in a fiscal year.

15 Members who are representatives of an agency shall serve at  
16 the will of the agency head. Membership on the Authority shall  
17 cease immediately upon cessation of their affiliation with the  
18 agency. If such a vacancy occurs, the appropriate agency head  
19 shall appoint another person to represent the agency.

20 If a legislative member of the Authority ceases to be  
21 Chairperson or Minority Spokesperson of the designated  
22 Committees, they shall automatically be replaced on the  
23 Authority by the person who assumes the position of Chairperson  
24 or Minority Spokesperson.

25 (b) The Community and Residential Services Authority shall  
26 have the following powers and duties:

1           (1) To conduct surveys to determine the extent of need,  
2           the degree to which documented need is currently being met  
3           and feasible alternatives for matching need with  
4           resources.

5           (2) To develop policy statements for interagency  
6           cooperation to cover all aspects of service delivery,  
7           including laws, regulations and procedures, and clear  
8           guidelines for determining responsibility at all times.

9           (3) To recommend policy statements and provide  
10          information regarding effective programs for delivery of  
11          services to all individuals under 22 years of age with a  
12          behavior disorder or a severe emotional disturbance in  
13          public or private situations.

14          (4) To review the criteria for service eligibility,  
15          provision and availability established by the governmental  
16          agencies represented on this Authority, and to recommend  
17          changes, additions or deletions to such criteria.

18          (5) To develop and submit to the Governor, the General  
19          Assembly, the Directors of the agencies represented on the  
20          Authority, and the State Board of Education a master plan  
21          for individuals under 22 years of age with a behavior  
22          disorder or a severe emotional disturbance, including  
23          detailed plans of service ranging from the least to the  
24          most restrictive options; and to assist local communities,  
25          upon request, in developing or strengthening collaborative  
26          interagency networks.

1           (6) To develop a process for making determinations in  
2 situations where there is a dispute relative to a plan of  
3 service for individuals or funding for a plan of service.

4           (7) To provide technical assistance to parents,  
5 service consumers, providers, and member agency personnel  
6 regarding statutory responsibilities of human service and  
7 educational agencies, and to provide such assistance as  
8 deemed necessary to appropriately access needed services.

9           (c) (1) The members of the Authority shall receive no  
10 compensation for their services but shall be entitled to  
11 reimbursement of reasonable expenses incurred while performing  
12 their duties.

13           (2) The Authority may appoint special study groups to  
14 operate under the direction of the Authority and persons  
15 appointed to such groups shall receive only reimbursement of  
16 reasonable expenses incurred in the performance of their  
17 duties.

18           (3) The Authority shall elect from its membership a  
19 chairperson, vice-chairperson and secretary.

20           (4) The Authority may employ and fix the compensation of  
21 such employees and technical assistants as it deems necessary  
22 to carry out its powers and duties under this Act. Staff  
23 assistance for the Authority shall be provided by the State  
24 Board of Education.

25           (5) Funds for the ordinary and contingent expenses of the  
26 Authority shall be appropriated to the State Board of Education

1 in a separate line item.

2 (d) (1) The Authority shall have power to promulgate rules  
3 and regulations to carry out its powers and duties under this  
4 Act.

5 (2) The Authority may accept monetary gifts or grants from  
6 the federal government or any agency thereof, from any  
7 charitable foundation or professional association or from any  
8 other reputable source for implementation of any program  
9 necessary or desirable to the carrying out of the general  
10 purposes of the Authority. Such gifts and grants may be held in  
11 trust by the Authority and expended in the exercise of its  
12 powers and performance of its duties as prescribed by law.

13 (3) The Authority shall submit an annual report of its  
14 activities and expenditures to the Governor, the General  
15 Assembly, the directors of agencies represented on the  
16 Authority, and the State Superintendent of Education.

17 (Source: P.A. 92-632, eff. 1-1-03; revised 12-15-05.)

18 (105 ILCS 5/14A-30)

19 Sec. 14A-30. Local programs; requirements. In order for a  
20 local program for the education of gifted and talented children  
21 to be approved by the State Board of Education in order to  
22 qualify for State funding, if available, as of the beginning of  
23 the 2006-2007 academic year, the local program must meet the  
24 following minimum requirements and demonstrate the fulfillment  
25 of these requirements in a written program description

1 submitted to the State Board of Education by the local  
2 educational agency operating the program and modified if the  
3 program is substantively altered:

4 (1) The use of a minimum of 3 assessment measures used  
5 to identify gifted and talented children in each area in  
6 which a program for gifted and talented children is  
7 established, which may include without limitation scores  
8 on standardized achievement tests, observation checklists,  
9 portfolios, and currently-used district assessments.

10 (2) A priority emphasis on language arts and  
11 mathematics.

12 (3) An identification method that uses the definition  
13 of gifted and talented children as defined in Section  
14 14A-20 of this Code.

15 (4) Assessment instruments sensitive to the inclusion  
16 of underrepresented groups, including low-income students,  
17 minority students, and English language learners.

18 (5) A process of identification of gifted and talented  
19 children that is of equal rigor in each area of aptitude  
20 addressed by the program.

21 (6) The use of identification procedures that  
22 appropriately correspond with the planned programs,  
23 curricula, and services.

24 (7) A fair and equitable decision-making process.

25 (8) The availability of a fair and impartial appeal  
26 process within the school, school district, or cooperative

1 of school districts operating a program for parents or  
2 guardians whose children are aggrieved by a decision of the  
3 school, school district, or cooperative of school  
4 districts regarding eligibility for participation in a  
5 program.

6 (9) Procedures for annually informing the community  
7 at-large, including parents, about the program and the  
8 methods used for the identification of gifted and talented  
9 children.

10 (10) Procedures for notifying parents or guardians of a  
11 child of a decision affecting that child's participation in  
12 a program.

13 (11) A description of how gifted and talented children  
14 will be grouped and instructed in order to maximize the  
15 educational benefits the children derive from  
16 participation in the program, including curriculum  
17 modifications and options that accelerate and add depth and  
18 complexity to the curriculum content.

19 (12) An explanation of how the program emphasizes  
20 higher-level skills attainment, including problem-solving,  
21 critical thinking, creative thinking, and research skills,  
22 as embedded within relevant content areas.

23 (13) A methodology for measuring academic growth for  
24 gifted and talented children and a procedure for  
25 communicating a child's progress to his or her parents or  
26 guardian, including, but not limited to, a report card.

1           (14) The collection of data on growth in learning for  
2 children in a program for gifted and talented children and  
3 the reporting of the data to the State Board of Education.

4           (15) The designation of a supervisor responsible for  
5 overseeing the educational program for gifted and talented  
6 children.

7           (16) A showing that the certified teachers who are  
8 assigned to teach gifted and talented children understand  
9 the characteristics and educational needs of children and  
10 are able to differentiate the curriculum and apply  
11 instructional methods to meet the needs of the children.

12           (17) Plans for the continuation of professional  
13 development for staff assigned to the program serving  
14 gifted and talented children.

15 (Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05; revised  
16 8-31-05.)

17           (105 ILCS 5/14A-55)

18           Sec. 14A-55. Rulemaking. The State Board of Education shall  
19 have the authority to adopt all rules necessary to implement  
20 and regulate the provisions of ~~in~~ this Article.

21 (Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05; revised  
22 8-31-05.)

23           (105 ILCS 5/18-8.05)

24           Sec. 18-8.05. Basis for apportionment of general State

1 financial aid and supplemental general State aid to the common  
2 schools for the 1998-1999 and subsequent school years.

3 (A) General Provisions.

4 (1) The provisions of this Section apply to the 1998-1999  
5 and subsequent school years. The system of general State  
6 financial aid provided for in this Section is designed to  
7 assure that, through a combination of State financial aid and  
8 required local resources, the financial support provided each  
9 pupil in Average Daily Attendance equals or exceeds a  
10 prescribed per pupil Foundation Level. This formula approach  
11 imputes a level of per pupil Available Local Resources and  
12 provides for the basis to calculate a per pupil level of  
13 general State financial aid that, when added to Available Local  
14 Resources, equals or exceeds the Foundation Level. The amount  
15 of per pupil general State financial aid for school districts,  
16 in general, varies in inverse relation to Available Local  
17 Resources. Per pupil amounts are based upon each school  
18 district's Average Daily Attendance as that term is defined in  
19 this Section.

20 (2) In addition to general State financial aid, school  
21 districts with specified levels or concentrations of pupils  
22 from low income households are eligible to receive supplemental  
23 general State financial aid grants as provided pursuant to  
24 subsection (H). The supplemental State aid grants provided for  
25 school districts under subsection (H) shall be appropriated for



1 distribution to school districts as part of the same line item  
2 in which the general State financial aid of school districts is  
3 appropriated under this Section.

4 (3) To receive financial assistance under this Section,  
5 school districts are required to file claims with the State  
6 Board of Education, subject to the following requirements:

7 (a) Any school district which fails for any given  
8 school year to maintain school as required by law, or to  
9 maintain a recognized school is not eligible to file for  
10 such school year any claim upon the Common School Fund. In  
11 case of nonrecognition of one or more attendance centers in  
12 a school district otherwise operating recognized schools,  
13 the claim of the district shall be reduced in the  
14 proportion which the Average Daily Attendance in the  
15 attendance center or centers bear to the Average Daily  
16 Attendance in the school district. A "recognized school"  
17 means any public school which meets the standards as  
18 established for recognition by the State Board of  
19 Education. A school district or attendance center not  
20 having recognition status at the end of a school term is  
21 entitled to receive State aid payments due upon a legal  
22 claim which was filed while it was recognized.

23 (b) School district claims filed under this Section are  
24 subject to Sections 18-9, 18-10, and 18-12, except as  
25 otherwise provided in this Section.

26 (c) If a school district operates a full year school

1 under Section 10-19.1, the general State aid to the school  
2 district shall be determined by the State Board of  
3 Education in accordance with this Section as near as may be  
4 applicable.

5 (d) (Blank).

6 (4) Except as provided in subsections (H) and (L), the  
7 board of any district receiving any of the grants provided for  
8 in this Section may apply those funds to any fund so received  
9 for which that board is authorized to make expenditures by law.

10 School districts are not required to exert a minimum  
11 Operating Tax Rate in order to qualify for assistance under  
12 this Section.

13 (5) As used in this Section the following terms, when  
14 capitalized, shall have the meaning ascribed herein:

15 (a) "Average Daily Attendance": A count of pupil  
16 attendance in school, averaged as provided for in  
17 subsection (C) and utilized in deriving per pupil financial  
18 support levels.

19 (b) "Available Local Resources": A computation of  
20 local financial support, calculated on the basis of Average  
21 Daily Attendance and derived as provided pursuant to  
22 subsection (D).

23 (c) "Corporate Personal Property Replacement Taxes":  
24 Funds paid to local school districts pursuant to "An Act in  
25 relation to the abolition of ad valorem personal property  
26 tax and the replacement of revenues lost thereby, and

1 amending and repealing certain Acts and parts of Acts in  
2 connection therewith", certified August 14, 1979, as  
3 amended (Public Act 81-1st S.S.-1).

4 (d) "Foundation Level": A prescribed level of per pupil  
5 financial support as provided for in subsection (B).

6 (e) "Operating Tax Rate": All school district property  
7 taxes extended for all purposes, except Bond and Interest,  
8 Summer School, Rent, Capital Improvement, and Vocational  
9 Education Building purposes.

10 (B) Foundation Level.

11 (1) The Foundation Level is a figure established by the  
12 State representing the minimum level of per pupil financial  
13 support that should be available to provide for the basic  
14 education of each pupil in Average Daily Attendance. As set  
15 forth in this Section, each school district is assumed to exert  
16 a sufficient local taxing effort such that, in combination with  
17 the aggregate of general State financial aid provided the  
18 district, an aggregate of State and local resources are  
19 available to meet the basic education needs of pupils in the  
20 district.

21 (2) For the 1998-1999 school year, the Foundation Level of  
22 support is \$4,225. For the 1999-2000 school year, the  
23 Foundation Level of support is \$4,325. For the 2000-2001 school  
24 year, the Foundation Level of support is \$4,425. For the  
25 2001-2002 school year and 2002-2003 school year, the Foundation

1 Level of support is \$4,560. For the 2003-2004 school year, the  
2 Foundation Level of support is \$4,810. For the 2004-2005 school  
3 year, the Foundation Level of support is \$4,964. For the  
4 2005-2006 school year, the Foundation Level of support is  
5 \$5,164.

6 (3) For the 2006-2007 school year and each school year  
7 thereafter, the Foundation Level of support is \$5,334 or such  
8 greater amount as may be established by law by the General  
9 Assembly.

10 (C) Average Daily Attendance.

11 (1) For purposes of calculating general State aid pursuant  
12 to subsection (E), an Average Daily Attendance figure shall be  
13 utilized. The Average Daily Attendance figure for formula  
14 calculation purposes shall be the monthly average of the actual  
15 number of pupils in attendance of each school district, as  
16 further averaged for the best 3 months of pupil attendance for  
17 each school district. In compiling the figures for the number  
18 of pupils in attendance, school districts and the State Board  
19 of Education shall, for purposes of general State aid funding,  
20 conform attendance figures to the requirements of subsection  
21 (F).

22 (2) The Average Daily Attendance figures utilized in  
23 subsection (E) shall be the requisite attendance data for the  
24 school year immediately preceding the school year for which  
25 general State aid is being calculated or the average of the

1 attendance data for the 3 preceding school years, whichever is  
2 greater. The Average Daily Attendance figures utilized in  
3 subsection (H) shall be the requisite attendance data for the  
4 school year immediately preceding the school year for which  
5 general State aid is being calculated.

6 (D) Available Local Resources.

7 (1) For purposes of calculating general State aid pursuant  
8 to subsection (E), a representation of Available Local  
9 Resources per pupil, as that term is defined and determined in  
10 this subsection, shall be utilized. Available Local Resources  
11 per pupil shall include a calculated dollar amount representing  
12 local school district revenues from local property taxes and  
13 from Corporate Personal Property Replacement Taxes, expressed  
14 on the basis of pupils in Average Daily Attendance. Calculation  
15 of Available Local Resources shall exclude any tax amnesty  
16 funds received as a result of Public Act 93-26.

17 (2) In determining a school district's revenue from local  
18 property taxes, the State Board of Education shall utilize the  
19 equalized assessed valuation of all taxable property of each  
20 school district as of September 30 of the previous year. The  
21 equalized assessed valuation utilized shall be obtained and  
22 determined as provided in subsection (G).

23 (3) For school districts maintaining grades kindergarten  
24 through 12, local property tax revenues per pupil shall be  
25 calculated as the product of the applicable equalized assessed

1 valuation for the district multiplied by 3.00%, and divided by  
2 the district's Average Daily Attendance figure. For school  
3 districts maintaining grades kindergarten through 8, local  
4 property tax revenues per pupil shall be calculated as the  
5 product of the applicable equalized assessed valuation for the  
6 district multiplied by 2.30%, and divided by the district's  
7 Average Daily Attendance figure. For school districts  
8 maintaining grades 9 through 12, local property tax revenues  
9 per pupil shall be the applicable equalized assessed valuation  
10 of the district multiplied by 1.05%, and divided by the  
11 district's Average Daily Attendance figure.

12 For partial elementary unit districts created pursuant to  
13 Article 11E of this Code, local property tax revenues per pupil  
14 shall be calculated as the product of the equalized assessed  
15 valuation for property within the elementary and high school  
16 classification of the partial elementary unit district  
17 multiplied by 2.06% and divided by the Average Daily Attendance  
18 figure for grades kindergarten through 8, plus the product of  
19 the equalized assessed valuation for property within the high  
20 school only classification of the partial elementary unit  
21 district multiplied by 0.94% and divided by the Average Daily  
22 Attendance figure for grades 9 through 12.

23 (4) The Corporate Personal Property Replacement Taxes paid  
24 to each school district during the calendar year 2 years before  
25 the calendar year in which a school year begins, divided by the  
26 Average Daily Attendance figure for that district, shall be

1 added to the local property tax revenues per pupil as derived  
2 by the application of the immediately preceding paragraph (3).  
3 The sum of these per pupil figures for each school district  
4 shall constitute Available Local Resources as that term is  
5 utilized in subsection (E) in the calculation of general State  
6 aid.

7 (E) Computation of General State Aid.

8 (1) For each school year, the amount of general State aid  
9 allotted to a school district shall be computed by the State  
10 Board of Education as provided in this subsection.

11 (2) For any school district for which Available Local  
12 Resources per pupil is less than the product of 0.93 times the  
13 Foundation Level, general State aid for that district shall be  
14 calculated as an amount equal to the Foundation Level minus  
15 Available Local Resources, multiplied by the Average Daily  
16 Attendance of the school district.

17 (3) For any school district for which Available Local  
18 Resources per pupil is equal to or greater than the product of  
19 0.93 times the Foundation Level and less than the product of  
20 1.75 times the Foundation Level, the general State aid per  
21 pupil shall be a decimal proportion of the Foundation Level  
22 derived using a linear algorithm. Under this linear algorithm,  
23 the calculated general State aid per pupil shall decline in  
24 direct linear fashion from 0.07 times the Foundation Level for  
25 a school district with Available Local Resources equal to the

1 product of 0.93 times the Foundation Level, to 0.05 times the  
2 Foundation Level for a school district with Available Local  
3 Resources equal to the product of 1.75 times the Foundation  
4 Level. The allocation of general State aid for school districts  
5 subject to this paragraph 3 shall be the calculated general  
6 State aid per pupil figure multiplied by the Average Daily  
7 Attendance of the school district.

8 (4) For any school district for which Available Local  
9 Resources per pupil equals or exceeds the product of 1.75 times  
10 the Foundation Level, the general State aid for the school  
11 district shall be calculated as the product of \$218 multiplied  
12 by the Average Daily Attendance of the school district.

13 (5) The amount of general State aid allocated to a school  
14 district for the 1999-2000 school year meeting the requirements  
15 set forth in paragraph (4) of subsection (G) shall be increased  
16 by an amount equal to the general State aid that would have  
17 been received by the district for the 1998-1999 school year by  
18 utilizing the Extension Limitation Equalized Assessed  
19 Valuation as calculated in paragraph (4) of subsection (G) less  
20 the general State aid allotted for the 1998-1999 school year.  
21 This amount shall be deemed a one time increase, and shall not  
22 affect any future general State aid allocations.

23 (F) Compilation of Average Daily Attendance.

24 (1) Each school district shall, by July 1 of each year,  
25 submit to the State Board of Education, on forms prescribed by



1 the State Board of Education, attendance figures for the school  
2 year that began in the preceding calendar year. The attendance  
3 information so transmitted shall identify the average daily  
4 attendance figures for each month of the school year. Beginning  
5 with the general State aid claim form for the 2002-2003 school  
6 year, districts shall calculate Average Daily Attendance as  
7 provided in subdivisions (a), (b), and (c) of this paragraph  
8 (1).

9 (a) In districts that do not hold year-round classes,  
10 days of attendance in August shall be added to the month of  
11 September and any days of attendance in June shall be added  
12 to the month of May.

13 (b) In districts in which all buildings hold year-round  
14 classes, days of attendance in July and August shall be  
15 added to the month of September and any days of attendance  
16 in June shall be added to the month of May.

17 (c) In districts in which some buildings, but not all,  
18 hold year-round classes, for the non-year-round buildings,  
19 days of attendance in August shall be added to the month of  
20 September and any days of attendance in June shall be added  
21 to the month of May. The average daily attendance for the  
22 year-round buildings shall be computed as provided in  
23 subdivision (b) of this paragraph (1). To calculate the  
24 Average Daily Attendance for the district, the average  
25 daily attendance for the year-round buildings shall be  
26 multiplied by the days in session for the non-year-round

1 buildings for each month and added to the monthly  
2 attendance of the non-year-round buildings.

3 Except as otherwise provided in this Section, days of  
4 attendance by pupils shall be counted only for sessions of not  
5 less than 5 clock hours of school work per day under direct  
6 supervision of: (i) teachers, or (ii) non-teaching personnel or  
7 volunteer personnel when engaging in non-teaching duties and  
8 supervising in those instances specified in subsection (a) of  
9 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
10 of legal school age and in kindergarten and grades 1 through  
11 12.

12 Days of attendance by tuition pupils shall be accredited  
13 only to the districts that pay the tuition to a recognized  
14 school.

15 (2) Days of attendance by pupils of less than 5 clock hours  
16 of school shall be subject to the following provisions in the  
17 compilation of Average Daily Attendance.

18 (a) Pupils regularly enrolled in a public school for  
19 only a part of the school day may be counted on the basis  
20 of 1/6 day for every class hour of instruction of 40  
21 minutes or more attended pursuant to such enrollment,  
22 unless a pupil is enrolled in a block-schedule format of 80  
23 minutes or more of instruction, in which case the pupil may  
24 be counted on the basis of the proportion of minutes of  
25 school work completed each day to the minimum number of  
26 minutes that school work is required to be held that day.

1 (b) Days of attendance may be less than 5 clock hours  
2 on the opening and closing of the school term, and upon the  
3 first day of pupil attendance, if preceded by a day or days  
4 utilized as an institute or teachers' workshop.

5 (c) A session of 4 or more clock hours may be counted  
6 as a day of attendance upon certification by the regional  
7 superintendent, and approved by the State Superintendent  
8 of Education to the extent that the district has been  
9 forced to use daily multiple sessions.

10 (d) A session of 3 or more clock hours may be counted  
11 as a day of attendance (1) when the remainder of the school  
12 day or at least 2 hours in the evening of that day is  
13 utilized for an in-service training program for teachers,  
14 up to a maximum of 5 days per school year of which a  
15 maximum of 4 days of such 5 days may be used for  
16 parent-teacher conferences, provided a district conducts  
17 an in-service training program for teachers which has been  
18 approved by the State Superintendent of Education; or, in  
19 lieu of 4 such days, 2 full days may be used, in which  
20 event each such day may be counted as a day of attendance;  
21 and (2) when days in addition to those provided in item (1)  
22 are scheduled by a school pursuant to its school  
23 improvement plan adopted under Article 34 or its revised or  
24 amended school improvement plan adopted under Article 2,  
25 provided that (i) such sessions of 3 or more clock hours  
26 are scheduled to occur at regular intervals, (ii) the

1 remainder of the school days in which such sessions occur  
2 are utilized for in-service training programs or other  
3 staff development activities for teachers, and (iii) a  
4 sufficient number of minutes of school work under the  
5 direct supervision of teachers are added to the school days  
6 between such regularly scheduled sessions to accumulate  
7 not less than the number of minutes by which such sessions  
8 of 3 or more clock hours fall short of 5 clock hours. Any  
9 full days used for the purposes of this paragraph shall not  
10 be considered for computing average daily attendance. Days  
11 scheduled for in-service training programs, staff  
12 development activities, or parent-teacher conferences may  
13 be scheduled separately for different grade levels and  
14 different attendance centers of the district.

15 (e) A session of not less than one clock hour of  
16 teaching hospitalized or homebound pupils on-site or by  
17 telephone to the classroom may be counted as 1/2 day of  
18 attendance, however these pupils must receive 4 or more  
19 clock hours of instruction to be counted for a full day of  
20 attendance.

21 (f) A session of at least 4 clock hours may be counted  
22 as a day of attendance for first grade pupils, and pupils  
23 in full day kindergartens, and a session of 2 or more hours  
24 may be counted as 1/2 day of attendance by pupils in  
25 kindergartens which provide only 1/2 day of attendance.

26 (g) For children with disabilities who are below the

1 age of 6 years and who cannot attend 2 or more clock hours  
2 because of their disability or immaturity, a session of not  
3 less than one clock hour may be counted as 1/2 day of  
4 attendance; however for such children whose educational  
5 needs so require a session of 4 or more clock hours may be  
6 counted as a full day of attendance.

7 (h) A recognized kindergarten which provides for only  
8 1/2 day of attendance by each pupil shall not have more  
9 than 1/2 day of attendance counted in any one day. However,  
10 kindergartens may count 2 1/2 days of attendance in any 5  
11 consecutive school days. When a pupil attends such a  
12 kindergarten for 2 half days on any one school day, the  
13 pupil shall have the following day as a day absent from  
14 school, unless the school district obtains permission in  
15 writing from the State Superintendent of Education.  
16 Attendance at kindergartens which provide for a full day of  
17 attendance by each pupil shall be counted the same as  
18 attendance by first grade pupils. Only the first year of  
19 attendance in one kindergarten shall be counted, except in  
20 case of children who entered the kindergarten in their  
21 fifth year whose educational development requires a second  
22 year of kindergarten as determined under the rules and  
23 regulations of the State Board of Education.

24 (i) On the days when the Prairie State Achievement  
25 Examination is administered under subsection (c) of  
26 Section 2-3.64 of this Code, the day of attendance for a

1 pupil whose school day must be shortened to accommodate  
2 required testing procedures may be less than 5 clock hours  
3 and shall be counted towards the 176 days of actual pupil  
4 attendance required under Section 10-19 of this Code,  
5 provided that a sufficient number of minutes of school work  
6 in excess of 5 clock hours are first completed on other  
7 school days to compensate for the loss of school work on  
8 the examination days.

9 (G) Equalized Assessed Valuation Data.

10 (1) For purposes of the calculation of Available Local  
11 Resources required pursuant to subsection (D), the State Board  
12 of Education shall secure from the Department of Revenue the  
13 value as equalized or assessed by the Department of Revenue of  
14 all taxable property of every school district, together with  
15 (i) the applicable tax rate used in extending taxes for the  
16 funds of the district as of September 30 of the previous year  
17 and (ii) the limiting rate for all school districts subject to  
18 property tax extension limitations as imposed under the  
19 Property Tax Extension Limitation Law.

20 The Department of Revenue shall add to the equalized  
21 assessed value of all taxable property of each school district  
22 situated entirely or partially within a county that is or was  
23 subject to the alternative general homestead exemption  
24 provisions of Section 15-176 of the Property Tax Code (a) an  
25 amount equal to the total amount by which the homestead

1 exemption allowed under Section 15-176 of the Property Tax Code  
2 for real property situated in that school district exceeds the  
3 total amount that would have been allowed in that school  
4 district if the maximum reduction under Section 15-176 was (i)  
5 \$4,500 in Cook County or \$3,500 in all other counties in tax  
6 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and  
7 thereafter and (b) an amount equal to the aggregate amount for  
8 the taxable year of all additional exemptions under Section  
9 15-175 of the Property Tax Code for owners with a household  
10 income of \$30,000 or less. The county clerk of any county that  
11 is or was subject to the alternative general homestead  
12 exemption provisions of Section 15-176 of the Property Tax Code  
13 shall annually calculate and certify to the Department of  
14 Revenue for each school district all homestead exemption  
15 amounts under Section 15-176 of the Property Tax Code and all  
16 amounts of additional exemptions under Section 15-175 of the  
17 Property Tax Code for owners with a household income of \$30,000  
18 or less. It is the intent of this paragraph that if the general  
19 homestead exemption for a parcel of property is determined  
20 under Section 15-176 of the Property Tax Code rather than  
21 Section 15-175, then the calculation of Available Local  
22 Resources shall not be affected by the difference, if any,  
23 between the amount of the general homestead exemption allowed  
24 for that parcel of property under Section 15-176 of the  
25 Property Tax Code and the amount that would have been allowed  
26 had the general homestead exemption for that parcel of property

1 been determined under Section 15-175 of the Property Tax Code.  
2 It is further the intent of this paragraph that if additional  
3 exemptions are allowed under Section 15-175 of the Property Tax  
4 Code for owners with a household income of less than \$30,000,  
5 then the calculation of Available Local Resources shall not be  
6 affected by the difference, if any, because of those additional  
7 exemptions.

8 This equalized assessed valuation, as adjusted further by  
9 the requirements of this subsection, shall be utilized in the  
10 calculation of Available Local Resources.

11 (2) The equalized assessed valuation in paragraph (1) shall  
12 be adjusted, as applicable, in the following manner:

13 (a) For the purposes of calculating State aid under  
14 this Section, with respect to any part of a school district  
15 within a redevelopment project area in respect to which a  
16 municipality has adopted tax increment allocation  
17 financing pursuant to the Tax Increment Allocation  
18 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
19 of the Illinois Municipal Code or the Industrial Jobs  
20 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
21 Illinois Municipal Code, no part of the current equalized  
22 assessed valuation of real property located in any such  
23 project area which is attributable to an increase above the  
24 total initial equalized assessed valuation of such  
25 property shall be used as part of the equalized assessed  
26 valuation of the district, until such time as all



1 redevelopment project costs have been paid, as provided in  
2 Section 11-74.4-8 of the Tax Increment Allocation  
3 Redevelopment Act or in Section 11-74.6-35 of the  
4 Industrial Jobs Recovery Law. For the purpose of the  
5 equalized assessed valuation of the district, the total  
6 initial equalized assessed valuation or the current  
7 equalized assessed valuation, whichever is lower, shall be  
8 used until such time as all redevelopment project costs  
9 have been paid.

10 (b) The real property equalized assessed valuation for  
11 a school district shall be adjusted by subtracting from the  
12 real property value as equalized or assessed by the  
13 Department of Revenue for the district an amount computed  
14 by dividing the amount of any abatement of taxes under  
15 Section 18-170 of the Property Tax Code by 3.00% for a  
16 district maintaining grades kindergarten through 12, by  
17 2.30% for a district maintaining grades kindergarten  
18 through 8, or by 1.05% for a district maintaining grades 9  
19 through 12 and adjusted by an amount computed by dividing  
20 the amount of any abatement of taxes under subsection (a)  
21 of Section 18-165 of the Property Tax Code by the same  
22 percentage rates for district type as specified in this  
23 subparagraph (b).

24 (3) For the 1999-2000 school year and each school year  
25 thereafter, if a school district meets all of the criteria of  
26 this subsection (G) (3), the school district's Available Local

1 Resources shall be calculated under subsection (D) using the  
2 district's Extension Limitation Equalized Assessed Valuation  
3 as calculated under this subsection (G) (3).

4 For purposes of this subsection (G) (3) the following terms  
5 shall have the following meanings:

6 "Budget Year": The school year for which general State  
7 aid is calculated and awarded under subsection (E).

8 "Base Tax Year": The property tax levy year used to  
9 calculate the Budget Year allocation of general State aid.

10 "Preceding Tax Year": The property tax levy year  
11 immediately preceding the Base Tax Year.

12 "Base Tax Year's Tax Extension": The product of the  
13 equalized assessed valuation utilized by the County Clerk  
14 in the Base Tax Year multiplied by the limiting rate as  
15 calculated by the County Clerk and defined in the Property  
16 Tax Extension Limitation Law.

17 "Preceding Tax Year's Tax Extension": The product of  
18 the equalized assessed valuation utilized by the County  
19 Clerk in the Preceding Tax Year multiplied by the Operating  
20 Tax Rate as defined in subsection (A).

21 "Extension Limitation Ratio": A numerical ratio,  
22 certified by the County Clerk, in which the numerator is  
23 the Base Tax Year's Tax Extension and the denominator is  
24 the Preceding Tax Year's Tax Extension.

25 "Operating Tax Rate": The operating tax rate as defined  
26 in subsection (A).

1           If a school district is subject to property tax extension  
2 limitations as imposed under the Property Tax Extension  
3 Limitation Law, the State Board of Education shall calculate  
4 the Extension Limitation Equalized Assessed Valuation of that  
5 district. For the 1999-2000 school year, the Extension  
6 Limitation Equalized Assessed Valuation of a school district as  
7 calculated by the State Board of Education shall be equal to  
8 the product of the district's 1996 Equalized Assessed Valuation  
9 and the district's Extension Limitation Ratio. For the  
10 2000-2001 school year and each school year thereafter, the  
11 Extension Limitation Equalized Assessed Valuation of a school  
12 district as calculated by the State Board of Education shall be  
13 equal to the product of the Equalized Assessed Valuation last  
14 used in the calculation of general State aid and the district's  
15 Extension Limitation Ratio. If the Extension Limitation  
16 Equalized Assessed Valuation of a school district as calculated  
17 under this subsection (G)(3) is less than the district's  
18 equalized assessed valuation as calculated pursuant to  
19 subsections (G)(1) and (G)(2), then for purposes of calculating  
20 the district's general State aid for the Budget Year pursuant  
21 to subsection (E), that Extension Limitation Equalized  
22 Assessed Valuation shall be utilized to calculate the  
23 district's Available Local Resources under subsection (D).

24           Partial elementary unit districts created in accordance  
25 with Article 11E of this Code shall not be eligible for the  
26 adjustment in this subsection (G)(3) until the fifth year

1 following the effective date of the reorganization.

2 (4) For the purposes of calculating general State aid for  
3 the 1999-2000 school year only, if a school district  
4 experienced a triennial reassessment on the equalized assessed  
5 valuation used in calculating its general State financial aid  
6 apportionment for the 1998-1999 school year, the State Board of  
7 Education shall calculate the Extension Limitation Equalized  
8 Assessed Valuation that would have been used to calculate the  
9 district's 1998-1999 general State aid. This amount shall equal  
10 the product of the equalized assessed valuation used to  
11 calculate general State aid for the 1997-1998 school year and  
12 the district's Extension Limitation Ratio. If the Extension  
13 Limitation Equalized Assessed Valuation of the school district  
14 as calculated under this paragraph (4) is less than the  
15 district's equalized assessed valuation utilized in  
16 calculating the district's 1998-1999 general State aid  
17 allocation, then for purposes of calculating the district's  
18 general State aid pursuant to paragraph (5) of subsection (E),  
19 that Extension Limitation Equalized Assessed Valuation shall  
20 be utilized to calculate the district's Available Local  
21 Resources.

22 (5) For school districts having a majority of their  
23 equalized assessed valuation in any county except Cook, DuPage,  
24 Kane, Lake, McHenry, or Will, if the amount of general State  
25 aid allocated to the school district for the 1999-2000 school  
26 year under the provisions of subsection (E), (H), and (J) of

1 this Section is less than the amount of general State aid  
2 allocated to the district for the 1998-1999 school year under  
3 these subsections, then the general State aid of the district  
4 for the 1999-2000 school year only shall be increased by the  
5 difference between these amounts. The total payments made under  
6 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
7 be prorated if they exceed \$14,000,000.

8 (H) Supplemental General State Aid.

9 (1) In addition to the general State aid a school district  
10 is allotted pursuant to subsection (E), qualifying school  
11 districts shall receive a grant, paid in conjunction with a  
12 district's payments of general State aid, for supplemental  
13 general State aid based upon the concentration level of  
14 children from low-income households within the school  
15 district. Supplemental State aid grants provided for school  
16 districts under this subsection shall be appropriated for  
17 distribution to school districts as part of the same line item  
18 in which the general State financial aid of school districts is  
19 appropriated under this Section. If the appropriation in any  
20 fiscal year for general State aid and supplemental general  
21 State aid is insufficient to pay the amounts required under the  
22 general State aid and supplemental general State aid  
23 calculations, then the State Board of Education shall ensure  
24 that each school district receives the full amount due for  
25 general State aid and the remainder of the appropriation shall

1 be used for supplemental general State aid, which the State  
2 Board of Education shall calculate and pay to eligible  
3 districts on a prorated basis.

4 (1.5) This paragraph (1.5) applies only to those school  
5 years preceding the 2003-2004 school year. For purposes of this  
6 subsection (H), the term "Low-Income Concentration Level"  
7 shall be the low-income eligible pupil count from the most  
8 recently available federal census divided by the Average Daily  
9 Attendance of the school district. If, however, (i) the  
10 percentage decrease from the 2 most recent federal censuses in  
11 the low-income eligible pupil count of a high school district  
12 with fewer than 400 students exceeds by 75% or more the  
13 percentage change in the total low-income eligible pupil count  
14 of contiguous elementary school districts, whose boundaries  
15 are coterminous with the high school district, or (ii) a high  
16 school district within 2 counties and serving 5 elementary  
17 school districts, whose boundaries are coterminous with the  
18 high school district, has a percentage decrease from the 2 most  
19 recent federal censuses in the low-income eligible pupil count  
20 and there is a percentage increase in the total low-income  
21 eligible pupil count of a majority of the elementary school  
22 districts in excess of 50% from the 2 most recent federal  
23 censuses, then the high school district's low-income eligible  
24 pupil count from the earlier federal census shall be the number  
25 used as the low-income eligible pupil count for the high school  
26 district, for purposes of this subsection (H). The changes made

1 to this paragraph (1) by Public Act 92-28 shall apply to  
2 supplemental general State aid grants for school years  
3 preceding the 2003-2004 school year that are paid in fiscal  
4 year 1999 or thereafter and to any State aid payments made in  
5 fiscal year 1994 through fiscal year 1998 pursuant to  
6 subsection 1(n) of Section 18-8 of this Code (which was  
7 repealed on July 1, 1998), and any high school district that is  
8 affected by Public Act 92-28 is entitled to a recomputation of  
9 its supplemental general State aid grant or State aid paid in  
10 any of those fiscal years. This recomputation shall not be  
11 affected by any other funding.

12 (1.10) This paragraph (1.10) applies to the 2003-2004  
13 school year and each school year thereafter. For purposes of  
14 this subsection (H), the term "Low-Income Concentration Level"  
15 shall, for each fiscal year, be the low-income eligible pupil  
16 count as of July 1 of the immediately preceding fiscal year (as  
17 determined by the Department of Human Services based on the  
18 number of pupils who are eligible for at least one of the  
19 following low income programs: Medicaid, KidCare, TANF, or Food  
20 Stamps, excluding pupils who are eligible for services provided  
21 by the Department of Children and Family Services, averaged  
22 over the 2 immediately preceding fiscal years for fiscal year  
23 2004 and over the 3 immediately preceding fiscal years for each  
24 fiscal year thereafter) divided by the Average Daily Attendance  
25 of the school district.

26 (2) Supplemental general State aid pursuant to this

1 subsection (H) shall be provided as follows for the 1998-1999,  
2 1999-2000, and 2000-2001 school years only:

3 (a) For any school district with a Low Income  
4 Concentration Level of at least 20% and less than 35%, the  
5 grant for any school year shall be \$800 multiplied by the  
6 low income eligible pupil count.

7 (b) For any school district with a Low Income  
8 Concentration Level of at least 35% and less than 50%, the  
9 grant for the 1998-1999 school year shall be \$1,100  
10 multiplied by the low income eligible pupil count.

11 (c) For any school district with a Low Income  
12 Concentration Level of at least 50% and less than 60%, the  
13 grant for the 1998-99 school year shall be \$1,500  
14 multiplied by the low income eligible pupil count.

15 (d) For any school district with a Low Income  
16 Concentration Level of 60% or more, the grant for the  
17 1998-99 school year shall be \$1,900 multiplied by the low  
18 income eligible pupil count.

19 (e) For the 1999-2000 school year, the per pupil amount  
20 specified in subparagraphs (b), (c), and (d) immediately  
21 above shall be increased to \$1,243, \$1,600, and \$2,000,  
22 respectively.

23 (f) For the 2000-2001 school year, the per pupil  
24 amounts specified in subparagraphs (b), (c), and (d)  
25 immediately above shall be \$1,273, \$1,640, and \$2,050,  
26 respectively.



1           (2.5) Supplemental general State aid pursuant to this  
2 subsection (H) shall be provided as follows for the 2002-2003  
3 school year:

4           (a) For any school district with a Low Income  
5 Concentration Level of less than 10%, the grant for each  
6 school year shall be \$355 multiplied by the low income  
7 eligible pupil count.

8           (b) For any school district with a Low Income  
9 Concentration Level of at least 10% and less than 20%, the  
10 grant for each school year shall be \$675 multiplied by the  
11 low income eligible pupil count.

12           (c) For any school district with a Low Income  
13 Concentration Level of at least 20% and less than 35%, the  
14 grant for each school year shall be \$1,330 multiplied by  
15 the low income eligible pupil count.

16           (d) For any school district with a Low Income  
17 Concentration Level of at least 35% and less than 50%, the  
18 grant for each school year shall be \$1,362 multiplied by  
19 the low income eligible pupil count.

20           (e) For any school district with a Low Income  
21 Concentration Level of at least 50% and less than 60%, the  
22 grant for each school year shall be \$1,680 multiplied by  
23 the low income eligible pupil count.

24           (f) For any school district with a Low Income  
25 Concentration Level of 60% or more, the grant for each  
26 school year shall be \$2,080 multiplied by the low income

1 eligible pupil count.

2 (2.10) Except as otherwise provided, supplemental general  
3 State aid pursuant to this subsection (H) shall be provided as  
4 follows for the 2003-2004 school year and each school year  
5 thereafter:

6 (a) For any school district with a Low Income  
7 Concentration Level of 15% or less, the grant for each  
8 school year shall be \$355 multiplied by the low income  
9 eligible pupil count.

10 (b) For any school district with a Low Income  
11 Concentration Level greater than 15%, the grant for each  
12 school year shall be \$294.25 added to the product of \$2,700  
13 and the square of the Low Income Concentration Level, all  
14 multiplied by the low income eligible pupil count.

15 For the 2003-2004 school year, 2004-2005 school year,  
16 2005-2006 school year, and 2006-2007 school year only, the  
17 grant shall be no less than the grant for the 2002-2003 school  
18 year. For the 2007-2008 school year only, the grant shall be no  
19 less than the grant for the 2002-2003 school year multiplied by  
20 0.66. For the 2008-2009 school year only, the grant shall be no  
21 less than the grant for the 2002-2003 school year multiplied by  
22 0.33. Notwithstanding the provisions of this paragraph to the  
23 contrary, if for any school year supplemental general State aid  
24 grants are prorated as provided in paragraph (1) of this  
25 subsection (H), then the grants under this paragraph shall be  
26 prorated.

1           For the 2003-2004 school year only, the grant shall be no  
2 greater than the grant received during the 2002-2003 school  
3 year added to the product of 0.25 multiplied by the difference  
4 between the grant amount calculated under subsection (a) or (b)  
5 of this paragraph (2.10), whichever is applicable, and the  
6 grant received during the 2002-2003 school year. For the  
7 2004-2005 school year only, the grant shall be no greater than  
8 the grant received during the 2002-2003 school year added to  
9 the product of 0.50 multiplied by the difference between the  
10 grant amount calculated under subsection (a) or (b) of this  
11 paragraph (2.10), whichever is applicable, and the grant  
12 received during the 2002-2003 school year. For the 2005-2006  
13 school year only, the grant shall be no greater than the grant  
14 received during the 2002-2003 school year added to the product  
15 of 0.75 multiplied by the difference between the grant amount  
16 calculated under subsection (a) or (b) of this paragraph  
17 (2.10), whichever is applicable, and the grant received during  
18 the 2002-2003 school year.

19           (3) School districts with an Average Daily Attendance of  
20 more than 1,000 and less than 50,000 that qualify for  
21 supplemental general State aid pursuant to this subsection  
22 shall submit a plan to the State Board of Education prior to  
23 October 30 of each year for the use of the funds resulting from  
24 this grant of supplemental general State aid for the  
25 improvement of instruction in which priority is given to  
26 meeting the education needs of disadvantaged children. Such

1 plan shall be submitted in accordance with rules and  
2 regulations promulgated by the State Board of Education.

3 (4) School districts with an Average Daily Attendance of  
4 50,000 or more that qualify for supplemental general State aid  
5 pursuant to this subsection shall be required to distribute  
6 from funds available pursuant to this Section, no less than  
7 \$261,000,000 in accordance with the following requirements:

8 (a) The required amounts shall be distributed to the  
9 attendance centers within the district in proportion to the  
10 number of pupils enrolled at each attendance center who are  
11 eligible to receive free or reduced-price lunches or  
12 breakfasts under the federal Child Nutrition Act of 1966  
13 and under the National School Lunch Act during the  
14 immediately preceding school year.

15 (b) The distribution of these portions of supplemental  
16 and general State aid among attendance centers according to  
17 these requirements shall not be compensated for or  
18 contravened by adjustments of the total of other funds  
19 appropriated to any attendance centers, and the Board of  
20 Education shall utilize funding from one or several sources  
21 in order to fully implement this provision annually prior  
22 to the opening of school.

23 (c) Each attendance center shall be provided by the  
24 school district a distribution of noncategorical funds and  
25 other categorical funds to which an attendance center is  
26 entitled under law in order that the general State aid and

1 supplemental general State aid provided by application of  
2 this subsection supplements rather than supplants the  
3 noncategorical funds and other categorical funds provided  
4 by the school district to the attendance centers.

5 (d) Any funds made available under this subsection that  
6 by reason of the provisions of this subsection are not  
7 required to be allocated and provided to attendance centers  
8 may be used and appropriated by the board of the district  
9 for any lawful school purpose.

10 (e) Funds received by an attendance center pursuant to  
11 this subsection shall be used by the attendance center at  
12 the discretion of the principal and local school council  
13 for programs to improve educational opportunities at  
14 qualifying schools through the following programs and  
15 services: early childhood education, reduced class size or  
16 improved adult to student classroom ratio, enrichment  
17 programs, remedial assistance, attendance improvement, and  
18 other educationally beneficial expenditures which  
19 supplement the regular and basic programs as determined by  
20 the State Board of Education. Funds provided shall not be  
21 expended for any political or lobbying purposes as defined  
22 by board rule.

23 (f) Each district subject to the provisions of this  
24 subdivision (H) (4) shall submit an acceptable plan to meet  
25 the educational needs of disadvantaged children, in  
26 compliance with the requirements of this paragraph, to the

1 State Board of Education prior to July 15 of each year.  
2 This plan shall be consistent with the decisions of local  
3 school councils concerning the school expenditure plans  
4 developed in accordance with part 4 of Section 34-2.3. The  
5 State Board shall approve or reject the plan within 60 days  
6 after its submission. If the plan is rejected, the district  
7 shall give written notice of intent to modify the plan  
8 within 15 days of the notification of rejection and then  
9 submit a modified plan within 30 days after the date of the  
10 written notice of intent to modify. Districts may amend  
11 approved plans pursuant to rules promulgated by the State  
12 Board of Education.

13 Upon notification by the State Board of Education that  
14 the district has not submitted a plan prior to July 15 or a  
15 modified plan within the time period specified herein, the  
16 State aid funds affected by that plan or modified plan  
17 shall be withheld by the State Board of Education until a  
18 plan or modified plan is submitted.

19 If the district fails to distribute State aid to  
20 attendance centers in accordance with an approved plan, the  
21 plan for the following year shall allocate funds, in  
22 addition to the funds otherwise required by this  
23 subsection, to those attendance centers which were  
24 underfunded during the previous year in amounts equal to  
25 such underfunding.

26 For purposes of determining compliance with this

1 subsection in relation to the requirements of attendance  
2 center funding, each district subject to the provisions of  
3 this subsection shall submit as a separate document by  
4 December 1 of each year a report of expenditure data for  
5 the prior year in addition to any modification of its  
6 current plan. If it is determined that there has been a  
7 failure to comply with the expenditure provisions of this  
8 subsection regarding contravention or supplanting, the  
9 State Superintendent of Education shall, within 60 days of  
10 receipt of the report, notify the district and any affected  
11 local school council. The district shall within 45 days of  
12 receipt of that notification inform the State  
13 Superintendent of Education of the remedial or corrective  
14 action to be taken, whether by amendment of the current  
15 plan, if feasible, or by adjustment in the plan for the  
16 following year. Failure to provide the expenditure report  
17 or the notification of remedial or corrective action in a  
18 timely manner shall result in a withholding of the affected  
19 funds.

20 The State Board of Education shall promulgate rules and  
21 regulations to implement the provisions of this  
22 subsection. No funds shall be released under this  
23 subdivision (H) (4) to any district that has not submitted a  
24 plan that has been approved by the State Board of  
25 Education.

1 (I) (Blank).

2 (J) Supplementary Grants in Aid.

3 (1) Notwithstanding any other provisions of this Section,  
4 the amount of the aggregate general State aid in combination  
5 with supplemental general State aid under this Section for  
6 which each school district is eligible shall be no less than  
7 the amount of the aggregate general State aid entitlement that  
8 was received by the district under Section 18-8 (exclusive of  
9 amounts received under subsections 5(p) and 5(p-5) of that  
10 Section) for the 1997-98 school year, pursuant to the  
11 provisions of that Section as it was then in effect. If a  
12 school district qualifies to receive a supplementary payment  
13 made under this subsection (J), the amount of the aggregate  
14 general State aid in combination with supplemental general  
15 State aid under this Section which that district is eligible to  
16 receive for each school year shall be no less than the amount  
17 of the aggregate general State aid entitlement that was  
18 received by the district under Section 18-8 (exclusive of  
19 amounts received under subsections 5(p) and 5(p-5) of that  
20 Section) for the 1997-1998 school year, pursuant to the  
21 provisions of that Section as it was then in effect.

22 (2) If, as provided in paragraph (1) of this subsection  
23 (J), a school district is to receive aggregate general State  
24 aid in combination with supplemental general State aid under  
25 this Section for the 1998-99 school year and any subsequent



1 school year that in any such school year is less than the  
2 amount of the aggregate general State aid entitlement that the  
3 district received for the 1997-98 school year, the school  
4 district shall also receive, from a separate appropriation made  
5 for purposes of this subsection (J), a supplementary payment  
6 that is equal to the amount of the difference in the aggregate  
7 State aid figures as described in paragraph (1).

8 (3) (Blank).

9 (K) Grants to Laboratory and Alternative Schools.

10 In calculating the amount to be paid to the governing board  
11 of a public university that operates a laboratory school under  
12 this Section or to any alternative school that is operated by a  
13 regional superintendent of schools, the State Board of  
14 Education shall require by rule such reporting requirements as  
15 it deems necessary.

16 As used in this Section, "laboratory school" means a public  
17 school which is created and operated by a public university and  
18 approved by the State Board of Education. The governing board  
19 of a public university which receives funds from the State  
20 Board under this subsection (K) may not increase the number of  
21 students enrolled in its laboratory school from a single  
22 district, if that district is already sending 50 or more  
23 students, except under a mutual agreement between the school  
24 board of a student's district of residence and the university  
25 which operates the laboratory school. A laboratory school may

1 not have more than 1,000 students, excluding students with  
2 disabilities in a special education program.

3 As used in this Section, "alternative school" means a  
4 public school which is created and operated by a Regional  
5 Superintendent of Schools and approved by the State Board of  
6 Education. Such alternative schools may offer courses of  
7 instruction for which credit is given in regular school  
8 programs, courses to prepare students for the high school  
9 equivalency testing program or vocational and occupational  
10 training. A regional superintendent of schools may contract  
11 with a school district or a public community college district  
12 to operate an alternative school. An alternative school serving  
13 more than one educational service region may be established by  
14 the regional superintendents of schools of the affected  
15 educational service regions. An alternative school serving  
16 more than one educational service region may be operated under  
17 such terms as the regional superintendents of schools of those  
18 educational service regions may agree.

19 Each laboratory and alternative school shall file, on forms  
20 provided by the State Superintendent of Education, an annual  
21 State aid claim which states the Average Daily Attendance of  
22 the school's students by month. The best 3 months' Average  
23 Daily Attendance shall be computed for each school. The general  
24 State aid entitlement shall be computed by multiplying the  
25 applicable Average Daily Attendance by the Foundation Level as  
26 determined under this Section.

1 (L) Payments, Additional Grants in Aid and Other Requirements.

2 (1) For a school district operating under the financial  
3 supervision of an Authority created under Article 34A, the  
4 general State aid otherwise payable to that district under this  
5 Section, but not the supplemental general State aid, shall be  
6 reduced by an amount equal to the budget for the operations of  
7 the Authority as certified by the Authority to the State Board  
8 of Education, and an amount equal to such reduction shall be  
9 paid to the Authority created for such district for its  
10 operating expenses in the manner provided in Section 18-11. The  
11 remainder of general State school aid for any such district  
12 shall be paid in accordance with Article 34A when that Article  
13 provides for a disposition other than that provided by this  
14 Article.

15 (2) (Blank).

16 (3) Summer school. Summer school payments shall be made as  
17 provided in Section 18-4.3.

18 (M) Education Funding Advisory Board.

19 The Education Funding Advisory Board, hereinafter in this  
20 subsection (M) referred to as the "Board", is hereby created.  
21 The Board shall consist of 5 members who are appointed by the  
22 Governor, by and with the advice and consent of the Senate. The  
23 members appointed shall include representatives of education,  
24 business, and the general public. One of the members so

1 appointed shall be designated by the Governor at the time the  
2 appointment is made as the chairperson of the Board. The  
3 initial members of the Board may be appointed any time after  
4 the effective date of this amendatory Act of 1997. The regular  
5 term of each member of the Board shall be for 4 years from the  
6 third Monday of January of the year in which the term of the  
7 member's appointment is to commence, except that of the 5  
8 initial members appointed to serve on the Board, the member who  
9 is appointed as the chairperson shall serve for a term that  
10 commences on the date of his or her appointment and expires on  
11 the third Monday of January, 2002, and the remaining 4 members,  
12 by lots drawn at the first meeting of the Board that is held  
13 after all 5 members are appointed, shall determine 2 of their  
14 number to serve for terms that commence on the date of their  
15 respective appointments and expire on the third Monday of  
16 January, 2001, and 2 of their number to serve for terms that  
17 commence on the date of their respective appointments and  
18 expire on the third Monday of January, 2000. All members  
19 appointed to serve on the Board shall serve until their  
20 respective successors are appointed and confirmed. Vacancies  
21 shall be filled in the same manner as original appointments. If  
22 a vacancy in membership occurs at a time when the Senate is not  
23 in session, the Governor shall make a temporary appointment  
24 until the next meeting of the Senate, when he or she shall  
25 appoint, by and with the advice and consent of the Senate, a  
26 person to fill that membership for the unexpired term. If the

1 Senate is not in session when the initial appointments are  
2 made, those appointments shall be made as in the case of  
3 vacancies.

4 The Education Funding Advisory Board shall be deemed  
5 established, and the initial members appointed by the Governor  
6 to serve as members of the Board shall take office, on the date  
7 that the Governor makes his or her appointment of the fifth  
8 initial member of the Board, whether those initial members are  
9 then serving pursuant to appointment and confirmation or  
10 pursuant to temporary appointments that are made by the  
11 Governor as in the case of vacancies.

12 The State Board of Education shall provide such staff  
13 assistance to the Education Funding Advisory Board as is  
14 reasonably required for the proper performance by the Board of  
15 its responsibilities.

16 For school years after the 2000-2001 school year, the  
17 Education Funding Advisory Board, in consultation with the  
18 State Board of Education, shall make recommendations as  
19 provided in this subsection (M) to the General Assembly for the  
20 foundation level under subdivision (B)(3) of this Section and  
21 for the supplemental general State aid grant level under  
22 subsection (H) of this Section for districts with high  
23 concentrations of children from poverty. The recommended  
24 foundation level shall be determined based on a methodology  
25 which incorporates the basic education expenditures of  
26 low-spending schools exhibiting high academic performance. The

1 Education Funding Advisory Board shall make such  
2 recommendations to the General Assembly on January 1 of odd  
3 numbered years, beginning January 1, 2001.

4 (N) (Blank).

5 (O) References.

6 (1) References in other laws to the various subdivisions of  
7 Section 18-8 as that Section existed before its repeal and  
8 replacement by this Section 18-8.05 shall be deemed to refer to  
9 the corresponding provisions of this Section 18-8.05, to the  
10 extent that those references remain applicable.

11 (2) References in other laws to State Chapter 1 funds shall  
12 be deemed to refer to the supplemental general State aid  
13 provided under subsection (H) of this Section.

14 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
15 changes to this Section. Under Section 6 of the Statute on  
16 Statutes there is an irreconcilable conflict between Public Act  
17 93-808 and Public Act 93-838. Public Act 93-838, being the last  
18 acted upon, is controlling. The text of Public Act 93-838 is  
19 the law regardless of the text of Public Act 93-808.

20 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,  
21 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,  
22 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,  
23 eff. 7-10-06; revised 8-3-06.)

1 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

2 Sec. 19-1. Debt limitations of school districts.

3 (a) School districts shall not be subject to the provisions  
4 limiting their indebtedness prescribed in "An Act to limit the  
5 indebtedness of counties having a population of less than  
6 500,000 and townships, school districts and other municipal  
7 corporations having a population of less than 300,000",  
8 approved February 15, 1928, as amended.

9 No school districts maintaining grades K through 8 or 9  
10 through 12 shall become indebted in any manner or for any  
11 purpose to an amount, including existing indebtedness, in the  
12 aggregate exceeding 6.9% on the value of the taxable property  
13 therein to be ascertained by the last assessment for State and  
14 county taxes or, until January 1, 1983, if greater, the sum  
15 that is produced by multiplying the school district's 1978  
16 equalized assessed valuation by the debt limitation percentage  
17 in effect on January 1, 1979, previous to the incurring of such  
18 indebtedness.

19 No school districts maintaining grades K through 12 shall  
20 become indebted in any manner or for any purpose to an amount,  
21 including existing indebtedness, in the aggregate exceeding  
22 13.8% on the value of the taxable property therein to be  
23 ascertained by the last assessment for State and county taxes  
24 or, until January 1, 1983, if greater, the sum that is produced  
25 by multiplying the school district's 1978 equalized assessed

1 valuation by the debt limitation percentage in effect on  
2 January 1, 1979, previous to the incurring of such  
3 indebtedness.

4 No partial elementary unit district, as defined in Article  
5 11E of this Code, shall become indebted in any manner or for  
6 any purpose in an amount, including existing indebtedness, in  
7 the aggregate exceeding 6.9% of the value of the taxable  
8 property of the entire district, to be ascertained by the last  
9 assessment for State and county taxes, plus an amount,  
10 including existing indebtedness, in the aggregate exceeding  
11 6.9% of the value of the taxable property of that portion of  
12 the district included in the elementary and high school  
13 classification, to be ascertained by the last assessment for  
14 State and county taxes. Moreover, no partial elementary unit  
15 district, as defined in Article 11E of this Code, shall become  
16 indebted on account of bonds issued by the district for high  
17 school purposes in the aggregate exceeding 6.9% of the value of  
18 the taxable property of the entire district, to be ascertained  
19 by the last assessment for State and county taxes, nor shall  
20 the district become indebted on account of bonds issued by the  
21 district for elementary purposes in the aggregate exceeding  
22 6.9% of the value of the taxable property for that portion of  
23 the district included in the elementary and high school  
24 classification, to be ascertained by the last assessment for  
25 State and county taxes.

26 Notwithstanding the provisions of any other law to the



1 contrary, in any case in which the voters of a school district  
2 have approved a proposition for the issuance of bonds of such  
3 school district at an election held prior to January 1, 1979,  
4 and all of the bonds approved at such election have not been  
5 issued, the debt limitation applicable to such school district  
6 during the calendar year 1979 shall be computed by multiplying  
7 the value of taxable property therein, including personal  
8 property, as ascertained by the last assessment for State and  
9 county taxes, previous to the incurring of such indebtedness,  
10 by the percentage limitation applicable to such school district  
11 under the provisions of this subsection (a).

12 (b) Notwithstanding the debt limitation prescribed in  
13 subsection (a) of this Section, additional indebtedness may be  
14 incurred in an amount not to exceed the estimated cost of  
15 acquiring or improving school sites or constructing and  
16 equipping additional building facilities under the following  
17 conditions:

18 (1) Whenever the enrollment of students for the next  
19 school year is estimated by the board of education to  
20 increase over the actual present enrollment by not less  
21 than 35% or by not less than 200 students or the actual  
22 present enrollment of students has increased over the  
23 previous school year by not less than 35% or by not less  
24 than 200 students and the board of education determines  
25 that additional school sites or building facilities are  
26 required as a result of such increase in enrollment; and

1           (2) When the Regional Superintendent of Schools having  
2 jurisdiction over the school district and the State  
3 Superintendent of Education concur in such enrollment  
4 projection or increase and approve the need for such  
5 additional school sites or building facilities and the  
6 estimated cost thereof; and

7           (3) When the voters in the school district approve a  
8 proposition for the issuance of bonds for the purpose of  
9 acquiring or improving such needed school sites or  
10 constructing and equipping such needed additional building  
11 facilities at an election called and held for that purpose.  
12 Notice of such an election shall state that the amount of  
13 indebtedness proposed to be incurred would exceed the debt  
14 limitation otherwise applicable to the school district.  
15 The ballot for such proposition shall state what percentage  
16 of the equalized assessed valuation will be outstanding in  
17 bonds if the proposed issuance of bonds is approved by the  
18 voters; or

19           (4) Notwithstanding the provisions of paragraphs (1)  
20 through (3) of this subsection (b), if the school board  
21 determines that additional facilities are needed to  
22 provide a quality educational program and not less than 2/3  
23 of those voting in an election called by the school board  
24 on the question approve the issuance of bonds for the  
25 construction of such facilities, the school district may  
26 issue bonds for this purpose; or

1           (5) Notwithstanding the provisions of paragraphs (1)  
2 through (3) of this subsection (b), if (i) the school  
3 district has previously availed itself of the provisions of  
4 paragraph (4) of this subsection (b) to enable it to issue  
5 bonds, (ii) the voters of the school district have not  
6 defeated a proposition for the issuance of bonds since the  
7 referendum described in paragraph (4) of this subsection  
8 (b) was held, (iii) the school board determines that  
9 additional facilities are needed to provide a quality  
10 educational program, and (iv) a majority of those voting in  
11 an election called by the school board on the question  
12 approve the issuance of bonds for the construction of such  
13 facilities, the school district may issue bonds for this  
14 purpose.

15           In no event shall the indebtedness incurred pursuant to  
16 this subsection (b) and the existing indebtedness of the school  
17 district exceed 15% of the value of the taxable property  
18 therein to be ascertained by the last assessment for State and  
19 county taxes, previous to the incurring of such indebtedness  
20 or, until January 1, 1983, if greater, the sum that is produced  
21 by multiplying the school district's 1978 equalized assessed  
22 valuation by the debt limitation percentage in effect on  
23 January 1, 1979.

24           The indebtedness provided for by this subsection (b) shall  
25 be in addition to and in excess of any other debt limitation.

26           (c) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section, in any case in which a public  
2 question for the issuance of bonds of a proposed school  
3 district maintaining grades kindergarten through 12 received  
4 at least 60% of the valid ballots cast on the question at an  
5 election held on or prior to November 8, 1994, and in which the  
6 bonds approved at such election have not been issued, the  
7 school district pursuant to the requirements of Section 11A-10  
8 (now repealed) may issue the total amount of bonds approved at  
9 such election for the purpose stated in the question.

10 (d) Notwithstanding the debt limitation prescribed in  
11 subsection (a) of this Section, a school district that meets  
12 all the criteria set forth in paragraphs (1) and (2) of this  
13 subsection (d) may incur an additional indebtedness in an  
14 amount not to exceed \$4,500,000, even though the amount of the  
15 additional indebtedness authorized by this subsection (d),  
16 when incurred and added to the aggregate amount of indebtedness  
17 of the district existing immediately prior to the district  
18 incurring the additional indebtedness authorized by this  
19 subsection (d), causes the aggregate indebtedness of the  
20 district to exceed the debt limitation otherwise applicable to  
21 that district under subsection (a):

22 (1) The additional indebtedness authorized by this  
23 subsection (d) is incurred by the school district through  
24 the issuance of bonds under and in accordance with Section  
25 17-2.11a for the purpose of replacing a school building  
26 which, because of mine subsidence damage, has been closed

1 as provided in paragraph (2) of this subsection (d) or  
2 through the issuance of bonds under and in accordance with  
3 Section 19-3 for the purpose of increasing the size of, or  
4 providing for additional functions in, such replacement  
5 school buildings, or both such purposes.

6 (2) The bonds issued by the school district as provided  
7 in paragraph (1) above are issued for the purposes of  
8 construction by the school district of a new school  
9 building pursuant to Section 17-2.11, to replace an  
10 existing school building that, because of mine subsidence  
11 damage, is closed as of the end of the 1992-93 school year  
12 pursuant to action of the regional superintendent of  
13 schools of the educational service region in which the  
14 district is located under Section 3-14.22 or are issued for  
15 the purpose of increasing the size of, or providing for  
16 additional functions in, the new school building being  
17 constructed to replace a school building closed as the  
18 result of mine subsidence damage, or both such purposes.

19 (e) (Blank).

20 (f) Notwithstanding the provisions of subsection (a) of  
21 this Section or of any other law, bonds in not to exceed the  
22 aggregate amount of \$5,500,000 and issued by a school district  
23 meeting the following criteria shall not be considered  
24 indebtedness for purposes of any statutory limitation and may  
25 be issued in an amount or amounts, including existing  
26 indebtedness, in excess of any heretofore or hereafter imposed

1 statutory limitation as to indebtedness:

2 (1) At the time of the sale of such bonds, the board of  
3 education of the district shall have determined by  
4 resolution that the enrollment of students in the district  
5 is projected to increase by not less than 7% during each of  
6 the next succeeding 2 school years.

7 (2) The board of education shall also determine by  
8 resolution that the improvements to be financed with the  
9 proceeds of the bonds are needed because of the projected  
10 enrollment increases.

11 (3) The board of education shall also determine by  
12 resolution that the projected increases in enrollment are  
13 the result of improvements made or expected to be made to  
14 passenger rail facilities located in the school district.

15 Notwithstanding the provisions of subsection (a) of this  
16 Section or of any other law, a school district that has availed  
17 itself of the provisions of this subsection (f) prior to July  
18 22, 2004 (the effective date of Public Act 93-799) may also  
19 issue bonds approved by referendum up to an amount, including  
20 existing indebtedness, not exceeding 25% of the equalized  
21 assessed value of the taxable property in the district if all  
22 of the conditions set forth in items (1), (2), and (3) of this  
23 subsection (f) are met.

24 (g) Notwithstanding the provisions of subsection (a) of  
25 this Section or any other law, bonds in not to exceed an  
26 aggregate amount of 25% of the equalized assessed value of the

1 taxable property of a school district and issued by a school  
2 district meeting the criteria in paragraphs (i) through (iv) of  
3 this subsection shall not be considered indebtedness for  
4 purposes of any statutory limitation and may be issued pursuant  
5 to resolution of the school board in an amount or amounts,  
6 including existing indebtedness, in excess of any statutory  
7 limitation of indebtedness heretofore or hereafter imposed:

8 (i) The bonds are issued for the purpose of  
9 constructing a new high school building to replace two  
10 adjacent existing buildings which together house a single  
11 high school, each of which is more than 65 years old, and  
12 which together are located on more than 10 acres and less  
13 than 11 acres of property.

14 (ii) At the time the resolution authorizing the  
15 issuance of the bonds is adopted, the cost of constructing  
16 a new school building to replace the existing school  
17 building is less than 60% of the cost of repairing the  
18 existing school building.

19 (iii) The sale of the bonds occurs before July 1, 1997.

20 (iv) The school district issuing the bonds is a unit  
21 school district located in a county of less than 70,000 and  
22 more than 50,000 inhabitants, which has an average daily  
23 attendance of less than 1,500 and an equalized assessed  
24 valuation of less than \$29,000,000.

25 (h) Notwithstanding any other provisions of this Section or  
26 the provisions of any other law, until January 1, 1998, a

1 community unit school district maintaining grades K through 12  
2 may issue bonds up to an amount, including existing  
3 indebtedness, not exceeding 27.6% of the equalized assessed  
4 value of the taxable property in the district, if all of the  
5 following conditions are met:

6 (i) The school district has an equalized assessed  
7 valuation for calendar year 1995 of less than \$24,000,000;

8 (ii) The bonds are issued for the capital improvement,  
9 renovation, rehabilitation, or replacement of existing  
10 school buildings of the district, all of which buildings  
11 were originally constructed not less than 40 years ago;

12 (iii) The voters of the district approve a proposition  
13 for the issuance of the bonds at a referendum held after  
14 March 19, 1996; and

15 (iv) The bonds are issued pursuant to Sections 19-2  
16 through 19-7 of this Code.

17 (i) Notwithstanding any other provisions of this Section or  
18 the provisions of any other law, until January 1, 1998, a  
19 community unit school district maintaining grades K through 12  
20 may issue bonds up to an amount, including existing  
21 indebtedness, not exceeding 27% of the equalized assessed value  
22 of the taxable property in the district, if all of the  
23 following conditions are met:

24 (i) The school district has an equalized assessed  
25 valuation for calendar year 1995 of less than \$44,600,000;

26 (ii) The bonds are issued for the capital improvement,



1 renovation, rehabilitation, or replacement of existing  
2 school buildings of the district, all of which existing  
3 buildings were originally constructed not less than 80  
4 years ago;

5 (iii) The voters of the district approve a proposition  
6 for the issuance of the bonds at a referendum held after  
7 December 31, 1996; and

8 (iv) The bonds are issued pursuant to Sections 19-2  
9 through 19-7 of this Code.

10 (j) Notwithstanding any other provisions of this Section or  
11 the provisions of any other law, until January 1, 1999, a  
12 community unit school district maintaining grades K through 12  
13 may issue bonds up to an amount, including existing  
14 indebtedness, not exceeding 27% of the equalized assessed value  
15 of the taxable property in the district if all of the following  
16 conditions are met:

17 (i) The school district has an equalized assessed  
18 valuation for calendar year 1995 of less than \$140,000,000  
19 and a best 3 months average daily attendance for the  
20 1995-96 school year of at least 2,800;

21 (ii) The bonds are issued to purchase a site and build  
22 and equip a new high school, and the school district's  
23 existing high school was originally constructed not less  
24 than 35 years prior to the sale of the bonds;

25 (iii) At the time of the sale of the bonds, the board  
26 of education determines by resolution that a new high

1 school is needed because of projected enrollment  
2 increases;

3 (iv) At least 60% of those voting in an election held  
4 after December 31, 1996 approve a proposition for the  
5 issuance of the bonds; and

6 (v) The bonds are issued pursuant to Sections 19-2  
7 through 19-7 of this Code.

8 (k) Notwithstanding the debt limitation prescribed in  
9 subsection (a) of this Section, a school district that meets  
10 all the criteria set forth in paragraphs (1) through (4) of  
11 this subsection (k) may issue bonds to incur an additional  
12 indebtedness in an amount not to exceed \$4,000,000 even though  
13 the amount of the additional indebtedness authorized by this  
14 subsection (k), when incurred and added to the aggregate amount  
15 of indebtedness of the school district existing immediately  
16 prior to the school district incurring such additional  
17 indebtedness, causes the aggregate indebtedness of the school  
18 district to exceed or increases the amount by which the  
19 aggregate indebtedness of the district already exceeds the debt  
20 limitation otherwise applicable to that school district under  
21 subsection (a):

22 (1) the school district is located in 2 counties, and a  
23 referendum to authorize the additional indebtedness was  
24 approved by a majority of the voters of the school district  
25 voting on the proposition to authorize that indebtedness;

26 (2) the additional indebtedness is for the purpose of

1 financing a multi-purpose room addition to the existing  
2 high school;

3 (3) the additional indebtedness, together with the  
4 existing indebtedness of the school district, shall not  
5 exceed 17.4% of the value of the taxable property in the  
6 school district, to be ascertained by the last assessment  
7 for State and county taxes; and

8 (4) the bonds evidencing the additional indebtedness  
9 are issued, if at all, within 120 days of the effective  
10 date of this amendatory Act of 1998.

11 (1) Notwithstanding any other provisions of this Section or  
12 the provisions of any other law, until January 1, 2000, a  
13 school district maintaining grades kindergarten through 8 may  
14 issue bonds up to an amount, including existing indebtedness,  
15 not exceeding 15% of the equalized assessed value of the  
16 taxable property in the district if all of the following  
17 conditions are met:

18 (i) the district has an equalized assessed valuation  
19 for calendar year 1996 of less than \$10,000,000;

20 (ii) the bonds are issued for capital improvement,  
21 renovation, rehabilitation, or replacement of one or more  
22 school buildings of the district, which buildings were  
23 originally constructed not less than 70 years ago;

24 (iii) the voters of the district approve a proposition  
25 for the issuance of the bonds at a referendum held on or  
26 after March 17, 1998; and

1 (iv) the bonds are issued pursuant to Sections 19-2  
2 through 19-7 of this Code.

3 (m) Notwithstanding any other provisions of this Section or  
4 the provisions of any other law, until January 1, 1999, an  
5 elementary school district maintaining grades K through 8 may  
6 issue bonds up to an amount, excluding existing indebtedness,  
7 not exceeding 18% of the equalized assessed value of the  
8 taxable property in the district, if all of the following  
9 conditions are met:

10 (i) The school district has an equalized assessed  
11 valuation for calendar year 1995 or less than \$7,700,000;

12 (ii) The school district operates 2 elementary  
13 attendance centers that until 1976 were operated as the  
14 attendance centers of 2 separate and distinct school  
15 districts;

16 (iii) The bonds are issued for the construction of a  
17 new elementary school building to replace an existing  
18 multi-level elementary school building of the school  
19 district that is not handicapped accessible at all levels  
20 and parts of which were constructed more than 75 years ago;

21 (iv) The voters of the school district approve a  
22 proposition for the issuance of the bonds at a referendum  
23 held after July 1, 1998; and

24 (v) The bonds are issued pursuant to Sections 19-2  
25 through 19-7 of this Code.

26 (n) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section or any other provisions of this  
2 Section or of any other law, a school district that meets all  
3 of the criteria set forth in paragraphs (i) through (vi) of  
4 this subsection (n) may incur additional indebtedness by the  
5 issuance of bonds in an amount not exceeding the amount  
6 certified by the Capital Development Board to the school  
7 district as provided in paragraph (iii) of this subsection (n),  
8 even though the amount of the additional indebtedness so  
9 authorized, when incurred and added to the aggregate amount of  
10 indebtedness of the district existing immediately prior to the  
11 district incurring the additional indebtedness authorized by  
12 this subsection (n), causes the aggregate indebtedness of the  
13 district to exceed the debt limitation otherwise applicable by  
14 law to that district:

15 (i) The school district applies to the State Board of  
16 Education for a school construction project grant and  
17 submits a district facilities plan in support of its  
18 application pursuant to Section 5-20 of the School  
19 Construction Law.

20 (ii) The school district's application and facilities  
21 plan are approved by, and the district receives a grant  
22 entitlement for a school construction project issued by,  
23 the State Board of Education under the School Construction  
24 Law.

25 (iii) The school district has exhausted its bonding  
26 capacity or the unused bonding capacity of the district is

1 less than the amount certified by the Capital Development  
2 Board to the district under Section 5-15 of the School  
3 Construction Law as the dollar amount of the school  
4 construction project's cost that the district will be  
5 required to finance with non-grant funds in order to  
6 receive a school construction project grant under the  
7 School Construction Law.

8 (iv) The bonds are issued for a "school construction  
9 project", as that term is defined in Section 5-5 of the  
10 School Construction Law, in an amount that does not exceed  
11 the dollar amount certified, as provided in paragraph (iii)  
12 of this subsection (n), by the Capital Development Board to  
13 the school district under Section 5-15 of the School  
14 Construction Law.

15 (v) The voters of the district approve a proposition  
16 for the issuance of the bonds at a referendum held after  
17 the criteria specified in paragraphs (i) and (iii) of this  
18 subsection (n) are met.

19 (vi) The bonds are issued pursuant to Sections 19-2  
20 through 19-7 of the School Code.

21 (o) Notwithstanding any other provisions of this Section or  
22 the provisions of any other law, until November 1, 2007, a  
23 community unit school district maintaining grades K through 12  
24 may issue bonds up to an amount, including existing  
25 indebtedness, not exceeding 20% of the equalized assessed value  
26 of the taxable property in the district if all of the following

1 conditions are met:

2 (i) the school district has an equalized assessed  
3 valuation for calendar year 2001 of at least \$737,000,000  
4 and an enrollment for the 2002-2003 school year of at least  
5 8,500;

6 (ii) the bonds are issued to purchase school sites,  
7 build and equip a new high school, build and equip a new  
8 junior high school, build and equip 5 new elementary  
9 schools, and make technology and other improvements and  
10 additions to existing schools;

11 (iii) at the time of the sale of the bonds, the board  
12 of education determines by resolution that the sites and  
13 new or improved facilities are needed because of projected  
14 enrollment increases;

15 (iv) at least 57% of those voting in a general election  
16 held prior to January 1, 2003 approved a proposition for  
17 the issuance of the bonds; and

18 (v) the bonds are issued pursuant to Sections 19-2  
19 through 19-7 of this Code.

20 (p) Notwithstanding any other provisions of this Section or  
21 the provisions of any other law, a community unit school  
22 district maintaining grades K through 12 may issue bonds up to  
23 an amount, including indebtedness, not exceeding 27% of the  
24 equalized assessed value of the taxable property in the  
25 district if all of the following conditions are met:

26 (i) The school district has an equalized assessed

1 valuation for calendar year 2001 of at least \$295,741,187  
2 and a best 3 months' average daily attendance for the  
3 2002-2003 school year of at least 2,394.

4 (ii) The bonds are issued to build and equip 3  
5 elementary school buildings; build and equip one middle  
6 school building; and alter, repair, improve, and equip all  
7 existing school buildings in the district.

8 (iii) At the time of the sale of the bonds, the board  
9 of education determines by resolution that the project is  
10 needed because of expanding growth in the school district  
11 and a projected enrollment increase.

12 (iv) The bonds are issued pursuant to Sections 19-2  
13 through 19-7 of this Code.

14 (p-5) Notwithstanding any other provisions of this Section  
15 or the provisions of any other law, bonds issued by a community  
16 unit school district maintaining grades K through 12 shall not  
17 be considered indebtedness for purposes of any statutory  
18 limitation and may be issued in an amount or amounts, including  
19 existing indebtedness, in excess of any heretofore or hereafter  
20 imposed statutory limitation as to indebtedness, if all of the  
21 following conditions are met:

22 (i) For each of the 4 most recent years, residential  
23 property comprises more than 80% of the equalized assessed  
24 valuation of the district.

25 (ii) At least 2 school buildings that were constructed  
26 40 or more years prior to the issuance of the bonds will be



1 demolished and will be replaced by new buildings or  
2 additions to one or more existing buildings.

3 (iii) Voters of the district approve a proposition for  
4 the issuance of the bonds at a regularly scheduled  
5 election.

6 (iv) At the time of the sale of the bonds, the school  
7 board determines by resolution that the new buildings or  
8 building additions are needed because of an increase in  
9 enrollment projected by the school board.

10 (v) The principal amount of the bonds, including  
11 existing indebtedness, does not exceed 25% of the equalized  
12 assessed value of the taxable property in the district.

13 (vi) The bonds are issued prior to January 1, 2007,  
14 pursuant to Sections 19-2 through 19-7 of this Code.

15 (p-10) Notwithstanding any other provisions of this  
16 Section or the provisions of any other law, bonds issued by a  
17 community consolidated school district maintaining grades K  
18 through 8 shall not be considered indebtedness for purposes of  
19 any statutory limitation and may be issued in an amount or  
20 amounts, including existing indebtedness, in excess of any  
21 heretofore or hereafter imposed statutory limitation as to  
22 indebtedness, if all of the following conditions are met:

23 (i) For each of the 4 most recent years, residential  
24 and farm property comprises more than 80% of the equalized  
25 assessed valuation of the district.

26 (ii) The bond proceeds are to be used to acquire and

1 improve school sites and build and equip a school building.

2 (iii) Voters of the district approve a proposition for  
3 the issuance of the bonds at a regularly scheduled  
4 election.

5 (iv) At the time of the sale of the bonds, the school  
6 board determines by resolution that the school sites and  
7 building additions are needed because of an increase in  
8 enrollment projected by the school board.

9 (v) The principal amount of the bonds, including  
10 existing indebtedness, does not exceed 20% of the equalized  
11 assessed value of the taxable property in the district.

12 (vi) The bonds are issued prior to January 1, 2007,  
13 pursuant to Sections 19-2 through 19-7 of this Code.

14 (q) A school district must notify the State Board of  
15 Education prior to issuing any form of long-term or short-term  
16 debt that will result in outstanding debt that exceeds 75% of  
17 the debt limit specified in this Section or any other provision  
18 of law.

19 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;  
20 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.  
21 1-6-06; 94-952, eff. 6-27-06; 94-1019, eff. 7-10-06; revised  
22 8-3-06.)

23 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

24 Sec. 21-1b. Subject endorsement on certificates. All  
25 certificates initially issued under this Article after June 30,

1 1986, shall be specifically endorsed by the State Board of  
2 Education for each subject the holder of the certificate is  
3 legally qualified to teach, such endorsements to be made in  
4 accordance with standards promulgated by the State Board of  
5 Education in consultation with the State Teacher Certification  
6 Board. The regional superintendent of schools, however, has the  
7 duty, after appropriate training, to accept and review all  
8 transcripts for new initial certificate applications and  
9 ensure that each applicant has met all of the criteria  
10 established by the State Board of Education in consultation  
11 with with the State Teacher Certification Board. All  
12 certificates which are issued under this Article prior to July  
13 1, 1986 may, by application to the State Board of Education, be  
14 specifically endorsed for each subject the holder is legally  
15 qualified to teach. Endorsements issued under this Section  
16 shall not apply to substitute teacher's certificates issued  
17 under Section 21-9 of this Code.

18 Commencing July 1, 1999, each application for endorsement  
19 of an existing teaching certificate shall be accompanied by a  
20 \$30 nonrefundable fee. There is hereby created a Teacher  
21 Certificate Fee Revolving Fund as a special fund within the  
22 State Treasury. The proceeds of each \$30 fee shall be paid into  
23 the Teacher Certificate Fee Revolving Fund; and the moneys in  
24 that Fund shall be appropriated and used to provide the  
25 technology and other resources necessary for the timely and  
26 efficient processing of certification requests.

1           The State Board of Education and each regional office of  
2 education are authorized to charge a service or convenience fee  
3 for the use of credit cards for the payment of certification  
4 fees. This service or convenience fee may not exceed the amount  
5 required by the credit card processing company or vendor that  
6 has entered into a contract with the State Board or regional  
7 office of education for this purpose, and the fee must be paid  
8 to that company or vendor.

9           (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;  
10 revised 10-22-04.)

11           (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

12           Sec. 21-12. Printing; Seal; Signature; Credentials. All  
13 certificates shall be printed by and bear the signatures of the  
14 chairman and of the secretary of the State Teacher  
15 Certification Board. Each certificate shall show the  
16 integrally printed seal of the State Teacher Certification  
17 Board. All college credentials offered as the basis of a  
18 certificate shall be presented to the secretary of the State  
19 Teacher Certification Board for inspection and approval. The  
20 regional superintendent of schools, however, has the duty,  
21 after appropriate training, to accept and review all  
22 transcripts for new initial certificate applications and  
23 ensure that each applicant has met all of the criteria  
24 established by the State Board of Education in consultation  
25 with the State Teacher Certification Board.

1 Commencing July 1, 1999, each application for a certificate  
2 or evaluation of credentials shall be accompanied by an  
3 evaluation fee of \$30 payable to the State Superintendent of  
4 Education, which is not refundable, except that no application  
5 or evaluation fee shall be required for a Master Certificate  
6 issued pursuant to subsection (d) of Section 21-2 of this Code.  
7 The proceeds of each \$30 fee shall be paid into the Teacher  
8 Certificate Fee Revolving Fund, created under Section 21-1b of  
9 this Code; and the moneys in that Fund shall be appropriated  
10 and used to provide the technology and other resources  
11 necessary for the timely and efficient processing of  
12 certification requests.

13 The State Board of Education and each regional office of  
14 education are authorized to charge a service or convenience fee  
15 for the use of credit cards for the payment of certification  
16 fees. This service or convenience fee may not exceed the amount  
17 required by the credit card processing company or vendor that  
18 has entered into a contract with the State Board or regional  
19 office of education for this purpose, and the fee must be paid  
20 to that company or vendor.

21 When evaluation verifies the requirements for a valid  
22 certificate, the applicant shall be issued an entitlement card  
23 that may be presented to a regional superintendent of schools  
24 for issuance of a certificate.

25 The applicant shall be notified of any deficiencies.

26 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;

1 revised 10-22-04.)

2 (105 ILCS 5/21-14) (from Ch. 122, par. 21-14)

3 Sec. 21-14. Registration and renewal of certificates.

4 (a) A limited four-year certificate or a certificate issued  
5 after July 1, 1955, shall be renewable at its expiration or  
6 within 60 days thereafter by the county superintendent of  
7 schools having supervision and control over the school where  
8 the teacher is teaching upon certified evidence of meeting the  
9 requirements for renewal as required by this Act and prescribed  
10 by the State Board of Education in consultation with the State  
11 Teacher Certification Board. An elementary supervisory  
12 certificate shall not be renewed at the end of the first  
13 four-year period covered by the certificate unless the holder  
14 thereof has filed certified evidence with the State Teacher  
15 Certification Board that he has a master's degree or that he  
16 has earned 8 semester hours of credit in the field of  
17 educational administration and supervision in a recognized  
18 institution of higher learning. The holder shall continue to  
19 earn 8 semester hours of credit each four-year period until  
20 such time as he has earned a master's degree.

21 All certificates not renewed or registered as herein  
22 provided shall lapse after a period of 5 years from the  
23 expiration of the last year of registration. Such certificates  
24 may be reinstated for a one year period upon payment of all  
25 accumulated registration fees. Such reinstated certificates

1 shall only be renewed: (1) by earning 5 semester hours of  
2 credit in a recognized institution of higher learning in the  
3 field of professional education or in courses related to the  
4 holder's contractual teaching duties; or (2) by presenting  
5 evidence of holding a valid regular certificate of some other  
6 type. Any certificate may be voluntarily surrendered by the  
7 certificate holder. A voluntarily surrendered certificate  
8 shall be treated as a revoked certificate.

9 (b) When those teaching certificates issued before  
10 February 15, 2000 are renewed for the first time after February  
11 15, 2000, all such teaching certificates shall be exchanged for  
12 Standard Teaching Certificates as provided in subsection (c) of  
13 Section 21-2. All Initial and Standard Teaching Certificates,  
14 including those issued to persons who previously held teaching  
15 certificates issued before February 15, 2000, shall be  
16 renewable under the conditions set forth in this subsection  
17 (b).

18 Initial Teaching Certificates are valid for 4 years of  
19 teaching, as provided in subsection (b) of Section 21-2 of this  
20 Code, and are renewable every 4 years until the person  
21 completes 4 years of teaching. If the holder of an Initial  
22 Certificate has completed 4 years of teaching but has not  
23 completed the requirements set forth in paragraph (2) of  
24 subsection (c) of Section 21-2 of this Code, then the Initial  
25 Certificate may be reinstated for one year, during which the  
26 requirements must be met. A holder of an Initial Certificate

1 who has not completed 4 years of teaching may continuously  
2 register the certificate for additional 4-year periods without  
3 penalty. Initial Certificates that are not registered shall  
4 lapse consistent with subsection (a) of this Section and may be  
5 reinstated only in accordance with subsection (a). Standard  
6 Teaching Certificates are renewable every 5 years as provided  
7 in subsection (c) of Section 21-2 and subsection (c) of this  
8 Section. For purposes of this Section, "teaching" is defined as  
9 employment and performance of services in an Illinois public or  
10 State-operated elementary school, secondary school, or  
11 cooperative or joint agreement with a governing body or board  
12 of control, in a certificated teaching position, or a charter  
13 school operating in compliance with the Charter Schools Law.

14 (c) In compliance with subsection (c) of Section 21-2 of  
15 this Code, which provides that a Standard Teaching Certificate  
16 may be renewed by the State Teacher Certification Board based  
17 upon proof of continuing professional development, the State  
18 Board of Education and the State Teacher Certification Board  
19 shall jointly:

20 (1) establish a procedure for renewing Standard  
21 Teaching Certificates, which shall include but not be  
22 limited to annual timelines for the renewal process and the  
23 components set forth in subsections (d) through (k) of this  
24 Section;

25 (2) establish the standards for certificate renewal;

26 (3) approve or disapprove the providers of continuing



1 professional development activities;

2 (4) determine the maximum credit for each category of  
3 continuing professional development activities, based upon  
4 recommendations submitted by a continuing professional  
5 development activity task force, which shall consist of 6  
6 staff members from the State Board of Education, appointed  
7 by the State Superintendent of Education, and 6 teacher  
8 representatives, 3 of whom are selected by the Illinois  
9 Education Association and 3 of whom are selected by the  
10 Illinois Federation of Teachers;

11 (5) designate the type and amount of documentation  
12 required to show that continuing professional development  
13 activities have been completed; and

14 (6) provide, on a timely basis to all Illinois  
15 teachers, certificate holders, regional superintendents of  
16 schools, school districts, and others with an interest in  
17 continuing professional development, information about the  
18 standards and requirements established pursuant to this  
19 subsection (c).

20 (d) Any Standard Teaching Certificate held by an individual  
21 employed and performing services in an Illinois public or  
22 State-operated elementary school, secondary school, or  
23 cooperative or joint agreement with a governing body or board  
24 of control in a certificated teaching position or a charter  
25 school in compliance with the Charter Schools Law must be  
26 maintained Valid and Active through certificate renewal

1 activities specified in the certificate renewal procedure  
2 established pursuant to subsection (c) of this Section,  
3 provided that a holder of a Valid and Active certificate who is  
4 only employed on either a part-time basis or day-to-day basis  
5 as a substitute teacher shall pay only the required  
6 registration fee to renew his or her certificate and maintain  
7 it as Valid and Active. All other Standard Teaching  
8 Certificates held may be maintained as Valid and Exempt through  
9 the registration process provided for in the certificate  
10 renewal procedure established pursuant to subsection (c) of  
11 this Section. A Valid and Exempt certificate must be  
12 immediately activated, through procedures developed jointly by  
13 the State Board of Education and the State Teacher  
14 Certification Board, upon the certificate holder becoming  
15 employed and performing services in an Illinois public or  
16 State-operated elementary school, secondary school, or  
17 cooperative or joint agreement with a governing body or board  
18 of control in a certificated teaching position or a charter  
19 school operating in compliance with the Charter Schools Law. A  
20 holder of a Valid and Exempt certificate may activate his or  
21 her certificate through procedures provided for in the  
22 certificate renewal procedure established pursuant to  
23 subsection (c) of this Section.

24 (e)(1) A Standard Teaching Certificate that has been  
25 maintained as Valid and Active for the 5 years of the  
26 certificate's validity shall be renewed as Valid and Active

1 upon the certificate holder: (i) completing an advanced degree  
2 from an approved institution in an education-related field;  
3 (ii) completing at least 8 semester hours of coursework as  
4 described in subdivision (B) of paragraph (3) of this  
5 subsection (e); (iii) earning at least 24 continuing education  
6 units as described in subdivision (C) of paragraph (3) of this  
7 subsection (e); (iv) completing the National Board for  
8 Professional Teaching Standards process as described in  
9 subdivision (D) of paragraph (3) of this subsection (e); or (v)  
10 earning 120 continuing professional development units ("CPDU")  
11 as described in subdivision (E) of paragraph (3) of this  
12 subsection (e). The maximum continuing professional  
13 development units for each continuing professional development  
14 activity identified in subdivisions (F) through (J) of  
15 paragraph (3) of this subsection (e) shall be jointly  
16 determined by the State Board of Education and the State  
17 Teacher Certification Board. If, however, the certificate  
18 holder has maintained the certificate as Valid and Exempt for a  
19 portion of the 5-year period of validity, the number of  
20 continuing professional development units needed to renew the  
21 certificate as Valid and Active shall be proportionately  
22 reduced by the amount of time the certificate was Valid and  
23 Exempt. Furthermore, if a certificate holder is employed and  
24 performs teaching services on a part-time basis for all or a  
25 portion of the certificate's 5-year period of validity, the  
26 number of continuing professional development units needed to

1 renew the certificate as Valid and Active shall be reduced by  
2 50% for the amount of time the certificate holder has been  
3 employed and performed teaching services on a part-time basis.  
4 Part-time shall be defined as less than 50% of the school day  
5 or school term.

6 Notwithstanding any other requirements to the contrary, if  
7 a Standard Teaching Certificate has been maintained as Valid  
8 and Active for the 5 years of the certificate's validity and  
9 the certificate holder has completed his or her certificate  
10 renewal plan before July 1, 2002, the certificate shall be  
11 renewed as Valid and Active.

12 (2) Beginning July 1, 2004, in order to satisfy the  
13 requirements for continuing professional development provided  
14 for in subsection (c) of Section 21-2 of this Code, each Valid  
15 and Active Standard Teaching Certificate holder shall complete  
16 professional development activities that address the  
17 certificate or those certificates that are required of his or  
18 her certificated teaching position, if the certificate holder  
19 is employed and performing services in an Illinois public or  
20 State-operated elementary school, secondary school, or  
21 cooperative or joint agreement with a governing body or board  
22 of control, or that certificate or those certificates most  
23 closely related to his or her teaching position, if the  
24 certificate holder is employed in a charter school. Except as  
25 otherwise provided in this subsection (e), the certificate  
26 holder's activities must address purposes (A), (B), (C), or (D)

1 and must reflect purpose (E) of the following continuing  
2 professional development purposes:

3 (A) Advance both the certificate holder's knowledge  
4 and skills as a teacher consistent with the Illinois  
5 Professional Teaching Standards and the Illinois Content  
6 Area Standards in the certificate holder's areas of  
7 certification, endorsement, or teaching assignment in  
8 order to keep the certificate holder current in those  
9 areas.

10 (B) Develop the certificate holder's knowledge and  
11 skills in areas determined to be critical for all Illinois  
12 teachers, as defined by the State Board of Education, known  
13 as "State priorities".

14 (C) Address the knowledge, skills, and goals of the  
15 certificate holder's local school improvement plan, if the  
16 teacher is employed in an Illinois public or State-operated  
17 elementary school, secondary school, or cooperative or  
18 joint agreement with a governing body or board of control.

19 (D) Expand the certificate holder's knowledge and  
20 skills in an additional teaching field or toward the  
21 acquisition of another teaching certificate, endorsement,  
22 or relevant education degree.

23 (E) Address the needs of serving students with  
24 disabilities, including adapting and modifying the general  
25 curriculum related to the Illinois Learning Standards to  
26 meet the needs of students with disabilities and serving

1 such students in the least restrictive environment.  
2 Teachers who hold certificates endorsed for special  
3 education must devote at least 50% of their continuing  
4 professional development activities to this purpose.  
5 Teachers holding other certificates must devote at least  
6 20% of their activities to this purpose.

7 A speech-language pathologist or audiologist who is  
8 licensed under the Illinois Speech-Language Pathology and  
9 Audiology Practice Act and who has met the continuing education  
10 requirements of that Act and the rules promulgated under that  
11 Act shall be deemed to have satisfied the continuing  
12 professional development requirements established by the State  
13 Board of Education and the Teacher Certification Board to renew  
14 a Standard Certificate.

15 (3) Continuing professional development activities may  
16 include, but are not limited to, the following activities:

17 (A) completion of an advanced degree from an approved  
18 institution in an education-related field;

19 (B) at least 8 semester hours of coursework in an  
20 approved education-related program, of which at least 2  
21 semester hours relate to the continuing professional  
22 development purpose set forth in purpose (A) of paragraph  
23 (2) of this subsection (e), completion of which means no  
24 other continuing professional development activities are  
25 required;

26 (C) continuing education units that satisfy the

1 continuing professional development purposes set forth in  
2 paragraph (2) of this subsection (e), with each continuing  
3 education unit equal to 5 clock hours, provided that a plan  
4 that includes at least 24 continuing education units (or  
5 120 clock/contact hours) need not include any other  
6 continuing professional development activities;

7 (D) completion of the National Board for Professional  
8 Teaching Standards ("NBPTS") process for certification or  
9 recertification, completion of which means no other  
10 continuing professional development activities are  
11 required;

12 (E) completion of 120 continuing professional  
13 development units that satisfy the continuing professional  
14 development purposes set forth in paragraph (2) of this  
15 subsection (e) and may include without limitation the  
16 activities identified in subdivisions (F) through (J) of  
17 this paragraph (3);

18 (F) collaboration and partnership activities related  
19 to improving the teacher's knowledge and skills as a  
20 teacher, including the following:

21 (i) participating on collaborative planning and  
22 professional improvement teams and committees;

23 (ii) peer review and coaching;

24 (iii) mentoring in a formal mentoring program,  
25 including service as a consulting teacher  
26 participating in a remediation process formulated

1 under Section 24A-5 of this Code;

2 (iv) participating in site-based management or  
3 decision making teams, relevant committees, boards, or  
4 task forces directly related to school improvement  
5 plans;

6 (v) coordinating community resources in schools,  
7 if the project is a specific goal of the school  
8 improvement plan;

9 (vi) facilitating parent education programs for a  
10 school, school district, or regional office of  
11 education directly related to student achievement or  
12 school improvement plans;

13 (vii) participating in business, school, or  
14 community partnerships directly related to student  
15 achievement or school improvement plans; or

16 (viii) supervising a student teacher or teacher  
17 education candidate in clinical supervision, provided  
18 that the supervision may only be counted once during  
19 the course of 5 years;

20 (G) college or university coursework related to  
21 improving the teacher's knowledge and skills as a teacher  
22 as follows:

23 (i) completing undergraduate or graduate credit  
24 earned from a regionally accredited institution in  
25 coursework relevant to the certificate area being  
26 renewed, including coursework that incorporates



1 induction activities and development of a portfolio of  
2 both student and teacher work that provides experience  
3 in reflective practices, provided the coursework meets  
4 Illinois Professional Teaching Standards or Illinois  
5 Content Area Standards and supports the essential  
6 characteristics of quality professional development;  
7 or

8 (ii) teaching college or university courses in  
9 areas relevant to the certificate area being renewed,  
10 provided that the teaching may only be counted once  
11 during the course of 5 years;

12 (H) conferences, workshops, institutes, seminars, and  
13 symposiums related to improving the teacher's knowledge  
14 and skills as a teacher, subject to disapproval of the  
15 activity or event by the State Teacher Certification Board  
16 acting jointly with the State Board of Education, including  
17 the following:

18 (i) completing non-university credit directly  
19 related to student achievement, school improvement  
20 plans, or State priorities;

21 (ii) participating in or presenting at workshops,  
22 seminars, conferences, institutes, and symposiums;

23 (iii) training as external reviewers for Quality  
24 Assurance; or

25 (iv) training as reviewers of university teacher  
26 preparation programs.

1 A teacher, however, may not receive credit for conferences,  
2 workshops, institutes, seminars, or symposiums that are  
3 designed for entertainment, promotional, or commercial  
4 purposes or that are solely inspirational or motivational.  
5 The State Superintendent of Education and regional  
6 superintendents of schools are authorized to review the  
7 activities and events provided or to be provided under this  
8 subdivision (H) and to investigate complaints regarding  
9 those activities and events, and either the State  
10 Superintendent of Education or a regional superintendent  
11 of schools may recommend that the State Teacher  
12 Certification Board and the State Board of Education  
13 jointly disapprove those activities and events considered  
14 to be inconsistent with this subdivision (H);

15 (I) other educational experiences related to improving  
16 the teacher's knowledge and skills as a teacher, including  
17 the following:

18 (i) participating in action research and inquiry  
19 projects;

20 (ii) observing programs or teaching in schools,  
21 related businesses, or industry that is systematic,  
22 purposeful, and relevant to certificate renewal;

23 (iii) traveling related to one's teaching  
24 assignment, directly related to student achievement or  
25 school improvement plans and approved by the regional  
26 superintendent of schools or his or her designee at

1           least 30 days prior to the travel experience, provided  
2           that the traveling shall not include time spent  
3           commuting to destinations where the learning  
4           experience will occur;

5           (iv) participating in study groups related to  
6           student achievement or school improvement plans;

7           (v) serving on a statewide education-related  
8           committee, including but not limited to the State  
9           Teacher Certification Board, State Board of Education  
10          strategic agenda teams, or the State Advisory Council  
11          on Education of Children with Disabilities;

12          (vi) participating in work/learn programs or  
13          internships; or

14          (vii) developing a portfolio of student and  
15          teacher work;

16          (J) professional leadership experiences related to  
17          improving the teacher's knowledge and skills as a teacher,  
18          including the following:

19               (i) participating in curriculum development or  
20               assessment activities at the school, school district,  
21               regional office of education, State, or national  
22               level;

23               (ii) participating in team or department  
24               leadership in a school or school district;

25               (iii) participating on external or internal school  
26               or school district review teams;

1 (iv) publishing educational articles, columns, or  
2 books relevant to the certificate area being renewed;

3 or

4 (v) participating in non-strike related  
5 professional association or labor organization service  
6 or activities related to professional development;

7 (K) receipt of a subsequent Illinois certificate or  
8 endorsement pursuant to this Article; ~~or~~

9 (L) completion of requirements for meeting the  
10 Illinois criteria for becoming "highly qualified" (for  
11 purposes of the No Child Left Behind Act of 2001, Public  
12 Law 107-110) in an additional teaching area; ~~or~~

13 (M) successful completion of 4 semester hours of  
14 graduate-level coursework on the assessment of one's own  
15 performance in relation to the Illinois Teaching  
16 Standards, as described in clause (B) of paragraph (2) of  
17 subsection (c) of Section 21-2 of this Code; or ~~or~~

18 (N) successful completion of a minimum of 4 semester  
19 hours of graduate-level coursework addressing preparation  
20 to meet the requirements for certification by the National  
21 Board for Professional Teaching Standards, as described in  
22 clause (C) of paragraph (2) of subsection (c) of Section  
23 21-2 of this Code.

24 (4) A person must complete the requirements of this  
25 subsection (e) before the expiration of his or her Standard  
26 Teaching Certificate and must submit assurance to the regional

1 superintendent of schools or, if applicable, a local  
2 professional development committee authorized by the regional  
3 superintendent to submit recommendations to him or her for this  
4 purpose. The statement of assurance shall contain a list of the  
5 activities completed, the provider offering each activity, the  
6 number of credits earned for each activity, and the purposes to  
7 which each activity is attributed. The certificate holder shall  
8 maintain the evidence of completion of each activity for at  
9 least one certificate renewal cycle. The certificate holder  
10 shall affirm under penalty of perjury that he or she has  
11 completed the activities listed and will maintain the required  
12 evidence of completion. The State Board of Education or the  
13 regional superintendent of schools for each region shall  
14 conduct random audits of assurance statements and supporting  
15 documentation.

16 (5) (Blank).

17 (6) (Blank).

18 (f) Notwithstanding any other provisions of this Code, a  
19 school district is authorized to enter into an agreement with  
20 the exclusive bargaining representative, if any, to form a  
21 local professional development committee (LPDC). The  
22 membership and terms of members of the LPDC may be determined  
23 by the agreement. Provisions regarding LPDCs contained in a  
24 collective bargaining agreement in existence on the effective  
25 date of this amendatory Act of the 93rd General Assembly  
26 between a school district and the exclusive bargaining

1 representative shall remain in full force and effect for the  
2 term of the agreement, unless terminated by mutual agreement.  
3 The LPDC shall make recommendations to the regional  
4 superintendent of schools on renewal of teaching certificates.  
5 The regional superintendent of schools for each region shall  
6 perform the following functions:

7 (1) review recommendations for certificate renewal, if  
8 any, received from LPDCs;

9 (2) (blank);

10 (3) (blank);

11 (4) (blank);

12 (5) determine whether certificate holders have met the  
13 requirements for certificate renewal and notify  
14 certificate holders if the decision is not to renew the  
15 certificate;

16 (6) provide a certificate holder with the opportunity  
17 to appeal a recommendation made by a LPDC, if any, not to  
18 renew the certificate to the regional professional  
19 development review committee;

20 (7) issue and forward recommendations for renewal or  
21 nonrenewal of certificate holders' Standard Teaching  
22 Certificates to the State Teacher Certification Board; and

23 (8) (blank).

24 (g)(1) Each regional superintendent of schools shall  
25 review and concur or nonconcur with each recommendation for  
26 renewal or nonrenewal of a Standard Teaching Certificate he or

1 she receives from a local professional development committee,  
2 if any, or, if a certificate holder appeals the recommendation  
3 to the regional professional development review committee, the  
4 recommendation for renewal or nonrenewal he or she receives  
5 from a regional professional development review committee and,  
6 within 14 days of receipt of the recommendation, shall provide  
7 the State Teacher Certification Board with verification of the  
8 following, if applicable:

9 (A) the certificate holder has satisfactorily  
10 completed professional development and continuing  
11 education activities set forth in paragraph (3) of  
12 subsection (e) of this Section;

13 (B) the certificate holder has submitted the statement  
14 of assurance required under paragraph (4) of subsection (e)  
15 of this Section, and this statement has been attached to  
16 the application for renewal;

17 (C) the local professional development committee, if  
18 any, has recommended the renewal of the certificate  
19 holder's Standard Teaching Certificate and forwarded the  
20 recommendation to the regional superintendent of schools;

21 (D) the certificate holder has appealed his or her  
22 local professional development committee's recommendation  
23 of nonrenewal, if any, to the regional professional  
24 development review committee and the result of that appeal;

25 (E) the regional superintendent of schools has  
26 concurred or nonconcurred with the local professional

1 development committee's or regional professional  
2 development review committee's recommendation, if any, to  
3 renew or nonrenew the certificate holder's Standard  
4 Teaching Certificate and made a recommendation to that  
5 effect; and

6 (F) the established registration fee for the Standard  
7 Teaching Certificate has been paid.

8 If the notice required by this subsection (g) includes a  
9 recommendation of certificate nonrenewal, then, at the same  
10 time the regional superintendent of schools provides the State  
11 Teacher Certification Board with the notice, he or she shall  
12 also notify the certificate holder in writing, by certified  
13 mail, return receipt requested, that this notice has been  
14 provided to the State Teacher Certification Board.

15 (2) Each certificate holder shall have the right to appeal  
16 his or her local professional development committee's  
17 recommendation of nonrenewal, if any, to the regional  
18 professional development review committee, within 14 days of  
19 receipt of notice that the recommendation has been sent to the  
20 regional superintendent of schools. Each regional  
21 superintendent of schools shall establish a regional  
22 professional development review committee or committees for  
23 the purpose of advising the regional superintendent of schools,  
24 upon request, and handling certificate holder appeals. This  
25 committee shall consist of at least 4 classroom teachers, one  
26 non-administrative certificated educational employee, 2



1 administrators, and one at-large member who shall be either (i)  
2 a parent, (ii) a member of the business community, (iii) a  
3 community member, or (iv) an administrator, with preference  
4 given to an individual chosen from among those persons listed  
5 in items (i), (ii), and (iii) in order to secure representation  
6 of an interest not already represented on the committee. The  
7 teacher and non-administrative certificated educational  
8 employee members of the review committee shall be selected by  
9 their exclusive representative, if any, and the administrators  
10 and at-large member shall be selected by the regional  
11 superintendent of schools. A regional superintendent of  
12 schools may add additional members to the committee, provided  
13 that the same proportion of teachers to administrators and  
14 at-large members on the committee is maintained. Any additional  
15 teacher and non-administrative certificated educational  
16 employee members shall be selected by their exclusive  
17 representative, if any. Vacancies in positions on a regional  
18 professional development review committee shall be filled in  
19 the same manner as the original selections. Committee members  
20 shall serve staggered 3-year terms. All individuals selected to  
21 serve on regional professional development review committees  
22 must be known to demonstrate the best practices in teaching or  
23 their respective field of practice.

24 (h) (1) The State Teacher Certification Board shall review  
25 the regional superintendent of schools' recommendations to  
26 renew or nonrenew Standard Teaching Certificates and notify

1 certificate holders in writing whether their certificates have  
2 been renewed or nonrenewed within 90 days of receipt of the  
3 recommendations, unless a certificate holder has appealed a  
4 regional superintendent of schools' recommendation of  
5 nonrenewal, as provided in paragraph (2) of this subsection  
6 (h). The State Teacher Certification Board shall verify that  
7 the certificate holder has met the renewal criteria set forth  
8 in paragraph (1) of subsection (g) of this Section.

9 (2) Each certificate holder shall have the right to appeal  
10 a regional superintendent of school's recommendation to  
11 nonrenew his or her Standard Teaching Certificate to the State  
12 Teacher Certification Board, within 14 days of receipt of  
13 notice that the decision has been sent to the State Teacher  
14 Certification Board, which shall hold an appeal hearing within  
15 60 days of receipt of the appeal. When such an appeal is taken,  
16 the certificate holder's Standard Teaching Certificate shall  
17 continue to be valid until the appeal is finally determined.  
18 The State Teacher Certification Board shall review the regional  
19 superintendent of school's recommendation, the regional  
20 professional development review committee's recommendation, if  
21 any, and the local professional development committee's  
22 recommendation, if any, and all relevant documentation to  
23 verify whether the certificate holder has met the renewal  
24 criteria set forth in paragraph (1) of subsection (g) of this  
25 Section. The State Teacher Certification Board may request that  
26 the certificate holder appear before it. All actions taken by

1 the State Teacher Certification Board shall require a quorum  
2 and be by a simple majority of those present and voting. A  
3 record of all votes shall be maintained. The State Teacher  
4 Certification Board shall notify the certificate holder in  
5 writing, within 7 days of completing the review, whether his or  
6 her Standard Teaching Certificate has been renewed or  
7 nonrenewed, provided that if the State Teacher Certification  
8 Board determines to nonrenew a certificate, the written notice  
9 provided to the certificate holder shall be by certified mail,  
10 return receipt requested. All certificate renewal or  
11 nonrenewal decisions of the State Teacher Certification Board  
12 are final and subject to administrative review, as set forth in  
13 Section 21-24 of this Code.

14 (i) Holders of Master Teaching Certificates shall meet the  
15 same requirements and follow the same procedures as holders of  
16 Standard Teaching Certificates, except that their renewal  
17 cycle shall be as set forth in subsection (d) of Section 21-2  
18 of this Code and their renewal requirements shall be subject to  
19 paragraph (8) of subsection (c) of Section 21-2 of this Code.

20 A holder of a teaching certificate endorsed as a  
21 speech-language pathologist who has been granted the  
22 Certificate of Clinical Competence by the American  
23 Speech-Language Hearing Association may renew his or her  
24 Standard Teaching Certificate pursuant to the 10-year renewal  
25 cycle set forth in subsection (d) of Section 21-2 of this Code.

26 (j) Holders of Valid and Exempt Standard and Master

1 Teaching Certificates who are not employed and performing  
2 services in an Illinois public or State-operated elementary  
3 school, secondary school, or cooperative or joint agreement  
4 with a governing body or board of control, in a certificated  
5 teaching position, may voluntarily activate their certificates  
6 through the regional superintendent of schools of the regional  
7 office of education for the geographic area where their  
8 teaching is done. These certificate holders shall follow the  
9 same renewal criteria and procedures as all other Standard and  
10 Master Teaching Certificate holders, except that their  
11 continuing professional development activities need not  
12 reflect or address the knowledge, skills, and goals of a local  
13 school improvement plan.

14 (k) (Blank).

15 (l) (Blank).

16 (m) The changes made to this Section by this amendatory Act  
17 of the 93rd General Assembly that affect renewal of Standard  
18 and Master Certificates shall apply to those persons who hold  
19 Standard or Master Certificates on or after the effective date  
20 of this amendatory Act of the 93rd General Assembly and shall  
21 be given effect upon renewal of those certificates.

22 (Source: P.A. 92-510, eff. 6-1-02; 92-796, eff. 8-10-02; 93-81,  
23 eff. 7-2-03; 93-679, eff. 6-30-04; revised 9-20-06.)

24 (105 ILCS 5/22-35)

25 Sec. 22-35. Sharing information on school lunch

1 applicants; consent. Before an entity shares with the  
2 Department of Healthcare and Family Services ~~Public Aid~~  
3 information on an applicant for free or reduced-price lunches  
4 under Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of this Code  
5 or Section 10 of the School Breakfast and Lunch Program Act,  
6 that entity must obtain, in writing, the consent of the  
7 applicant's parent or legal guardian. The Department of  
8 Healthcare and Family Services ~~Public Aid~~ may not seek any  
9 punitive action against or withhold any benefit or subsidy from  
10 an applicant for a free or reduced-price lunch due to the  
11 applicant's parent or legal guardian withholding consent.

12 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

13 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

14 Sec. 27-6. Courses in physical education required; special  
15 activities.

16 (a) Pupils enrolled in the public schools and State  
17 universities engaged in preparing teachers shall be required to  
18 engage daily during the school day, except on block scheduled  
19 days for those public schools engaged in block scheduling, in  
20 courses of physical education for such periods as are  
21 compatible with the optimum growth and developmental needs of  
22 individuals at the various age levels except when appropriate  
23 excuses are submitted to the school by a pupil's parent or  
24 guardian or by a person licensed under the Medical Practice Act  
25 of 1987 and except as provided in subsection (b) of this

1 Section.

2 Special activities in physical education shall be provided  
3 for pupils whose physical or emotional condition, as determined  
4 by a person licensed under the Medical Practice Act of 1987,  
5 prevents their participation in the courses provided for normal  
6 children.

7 (b) A school board is authorized to excuse pupils enrolled  
8 in grades 11 and 12 from engaging in physical education courses  
9 if those pupils request to be excused for any of the following  
10 reasons: (1) for ongoing participation in an interscholastic  
11 athletic program; (2) to enroll in academic classes which are  
12 required for admission to an institution of higher learning,  
13 provided that failure to take such classes will result in the  
14 pupil being denied admission to the institution of his or her  
15 choice; or (3) to enroll in academic classes which are required  
16 for graduation from high school, provided that failure to take  
17 such classes will result in the pupil being unable to graduate.  
18 A school board may also excuse pupils in grades 9 through 12  
19 enrolled in a marching band program for credit from engaging in  
20 physical education courses if those pupils request to be  
21 excused for ongoing participation in such marching band  
22 program. In addition, a school board may excuse pupils in  
23 grades 9 through 12 if those pupils must utilize the time set  
24 aside for physical education to receive special education  
25 support and services. A school board may also excuse pupils in  
26 grades 9 through 12 enrolled in a Reserve Officer's Training

1 Corps (ROTC) program sponsored by the school district from  
2 engaging in physical education courses. School boards which  
3 choose to exercise this authority shall establish a policy to  
4 excuse pupils on an individual basis.

5 (c) The provisions of this Section are subject to the  
6 provisions of Section 27-22.05.

7 (Source: P.A. 94-189, eff. 7-12-05; 94-198, eff. 1-1-06;  
8 94-200, eff. 7-12-05; revised 8-19-05.)

9 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

10 Sec. 27-8.1. Health examinations and immunizations.

11 (1) In compliance with rules and regulations which the  
12 Department of Public Health shall promulgate, and except as  
13 hereinafter provided, all children in Illinois shall have a  
14 health examination as follows: within one year prior to  
15 entering kindergarten or the first grade of any public,  
16 private, or parochial elementary school; upon entering the  
17 fifth and ninth grades of any public, private, or parochial  
18 school; prior to entrance into any public, private, or  
19 parochial nursery school; and, irrespective of grade,  
20 immediately prior to or upon entrance into any public, private,  
21 or parochial school or nursery school, each child shall present  
22 proof of having been examined in accordance with this Section  
23 and the rules and regulations promulgated hereunder.

24 A tuberculosis skin test screening shall be included as a  
25 required part of each health examination included under this

1 Section if the child resides in an area designated by the  
2 Department of Public Health as having a high incidence of  
3 tuberculosis. Additional health examinations of pupils,  
4 including vision examinations, may be required when deemed  
5 necessary by school authorities. Parents are encouraged to have  
6 their children undergo vision examinations at the same points  
7 in time required for health examinations.

8 (1.5) In compliance with rules adopted by the Department of  
9 Public Health and except as otherwise provided in this Section,  
10 all children in kindergarten and the second and sixth grades of  
11 any public, private, or parochial school shall have a dental  
12 examination. Each of these children shall present proof of  
13 having been examined by a dentist in accordance with this  
14 Section and rules adopted under this Section before May 15th of  
15 the school year. If a child in the second or sixth grade fails  
16 to present proof by May 15th, the school may hold the child's  
17 report card until one of the following occurs: (i) the child  
18 presents proof of a completed dental examination or (ii) the  
19 child presents proof that a dental examination will take place  
20 within 60 days after May 15th. The Department of Public Health  
21 shall establish, by rule, a waiver for children who show an  
22 undue burden or a lack of access to a dentist. Each public,  
23 private, and parochial school must give notice of this dental  
24 examination requirement to the parents and guardians of  
25 students at least 60 days before May 15th of each school year.

26 (2) The Department of Public Health shall promulgate rules



1 and regulations specifying the examinations and procedures  
2 that constitute a health examination, which shall include the  
3 collection of data relating to obesity, (including at a  
4 minimum, date of birth, gender, height, weight, blood pressure,  
5 and date of exam), and a dental examination and may recommend  
6 by rule that certain additional examinations be performed. The  
7 rules and regulations of the Department of Public Health shall  
8 specify that a tuberculosis skin test screening shall be  
9 included as a required part of each health examination included  
10 under this Section if the child resides in an area designated  
11 by the Department of Public Health as having a high incidence  
12 of tuberculosis. The Department of Public Health shall specify  
13 that a diabetes screening as defined by rule shall be included  
14 as a required part of each health examination. Diabetes testing  
15 is not required.

16 Physicians licensed to practice medicine in all of its  
17 branches, advanced practice nurses who have a written  
18 collaborative agreement with a collaborating physician which  
19 authorizes them to perform health examinations, or physician  
20 assistants who have been delegated the performance of health  
21 examinations by their supervising physician shall be  
22 responsible for the performance of the health examinations,  
23 other than dental examinations and vision and hearing  
24 screening, and shall sign all report forms required by  
25 subsection (4) of this Section that pertain to those portions  
26 of the health examination for which the physician, advanced

1 practice nurse, or physician assistant is responsible. If a  
2 registered nurse performs any part of a health examination,  
3 then a physician licensed to practice medicine in all of its  
4 branches must review and sign all required report forms.  
5 Licensed dentists shall perform all dental examinations and  
6 shall sign all report forms required by subsection (4) of this  
7 Section that pertain to the dental examinations. Physicians  
8 licensed to practice medicine in all its branches, or licensed  
9 optometrists, shall perform all vision exams required by school  
10 authorities and shall sign all report forms required by  
11 subsection (4) of this Section that pertain to the vision exam.  
12 Vision and hearing screening tests, which shall not be  
13 considered examinations as that term is used in this Section,  
14 shall be conducted in accordance with rules and regulations of  
15 the Department of Public Health, and by individuals whom the  
16 Department of Public Health has certified. In these rules and  
17 regulations, the Department of Public Health shall require that  
18 individuals conducting vision screening tests give a child's  
19 parent or guardian written notification, before the vision  
20 screening is conducted, that states, "Vision screening is not a  
21 substitute for a complete eye and vision evaluation by an eye  
22 doctor. Your child is not required to undergo this vision  
23 screening if an optometrist or ophthalmologist has completed  
24 and signed a report form indicating that an examination has  
25 been administered within the previous 12 months."

26 (3) Every child shall, at or about the same time as he or

1 she receives a health examination required by subsection (1) of  
2 this Section, present to the local school proof of having  
3 received such immunizations against preventable communicable  
4 diseases as the Department of Public Health shall require by  
5 rules and regulations promulgated pursuant to this Section and  
6 the Communicable Disease Prevention Act.

7 (4) The individuals conducting the health examination or  
8 dental examination shall record the fact of having conducted  
9 the examination, and such additional information as required,  
10 including for a health examination data relating to obesity,  
11 (including at a minimum, date of birth, gender, height, weight,  
12 blood pressure, and date of exam), on uniform forms which the  
13 Department of Public Health and the State Board of Education  
14 shall prescribe for statewide use. The examiner shall summarize  
15 on the report form any condition that he or she suspects  
16 indicates a need for special services, including for a health  
17 examination factors relating to obesity. The individuals  
18 confirming the administration of required immunizations shall  
19 record as indicated on the form that the immunizations were  
20 administered.

21 (5) If a child does not submit proof of having had either  
22 the health examination or the immunization as required, then  
23 the child shall be examined or receive the immunization, as the  
24 case may be, and present proof by October 15 of the current  
25 school year, or by an earlier date of the current school year  
26 established by a school district. To establish a date before

1 October 15 of the current school year for the health  
2 examination or immunization as required, a school district must  
3 give notice of the requirements of this Section 60 days prior  
4 to the earlier established date. If for medical reasons one or  
5 more of the required immunizations must be given after October  
6 15 of the current school year, or after an earlier established  
7 date of the current school year, then the child shall present,  
8 by October 15, or by the earlier established date, a schedule  
9 for the administration of the immunizations and a statement of  
10 the medical reasons causing the delay, both the schedule and  
11 the statement being issued by the physician, advanced practice  
12 nurse, physician assistant, registered nurse, or local health  
13 department that will be responsible for administration of the  
14 remaining required immunizations. If a child does not comply by  
15 October 15, or by the earlier established date of the current  
16 school year, with the requirements of this subsection, then the  
17 local school authority shall exclude that child from school  
18 until such time as the child presents proof of having had the  
19 health examination as required and presents proof of having  
20 received those required immunizations which are medically  
21 possible to receive immediately. During a child's exclusion  
22 from school for noncompliance with this subsection, the child's  
23 parents or legal guardian shall be considered in violation of  
24 Section 26-1 and subject to any penalty imposed by Section  
25 26-10. This subsection (5) does not apply to dental  
26 examinations.

1           (6) Every school shall report to the State Board of  
2 Education by November 15, in the manner which that agency shall  
3 require, the number of children who have received the necessary  
4 immunizations and the health examination (other than a dental  
5 examination) as required, indicating, of those who have not  
6 received the immunizations and examination as required, the  
7 number of children who are exempt from health examination and  
8 immunization requirements on religious or medical grounds as  
9 provided in subsection (8). Every school shall report to the  
10 State Board of Education by June 30, in the manner that the  
11 State Board requires, the number of children who have received  
12 the required dental examination, indicating, of those who have  
13 not received the required dental examination, the number of  
14 children who are exempt from the dental examination on  
15 religious grounds as provided in subsection (8) of this Section  
16 and the number of children who have received a waiver under  
17 subsection (1.5) of this Section. This reported information  
18 shall be provided to the Department of Public Health by the  
19 State Board of Education.

20           (7) Upon determining that the number of pupils who are  
21 required to be in compliance with subsection (5) of this  
22 Section is below 90% of the number of pupils enrolled in the  
23 school district, 10% of each State aid payment made pursuant to  
24 Section 18-8.05 to the school district for such year shall be  
25 withheld by the regional superintendent until the number of  
26 students in compliance with subsection (5) is the applicable

1 specified percentage or higher.

2 (8) Parents or legal guardians who object to health or  
3 dental examinations or any part thereof, or to immunizations,  
4 on religious grounds shall not be required to submit their  
5 children or wards to the examinations or immunizations to which  
6 they so object if such parents or legal guardians present to  
7 the appropriate local school authority a signed statement of  
8 objection, detailing the grounds for the objection. If the  
9 physical condition of the child is such that any one or more of  
10 the immunizing agents should not be administered, the examining  
11 physician, advanced practice nurse, or physician assistant  
12 responsible for the performance of the health examination shall  
13 endorse that fact upon the health examination form. Exempting a  
14 child from the health or dental examination does not exempt the  
15 child from participation in the program of physical education  
16 training provided in Sections 27-5 through 27-7 of this Code.

17 (9) For the purposes of this Section, "nursery schools"  
18 means those nursery schools operated by elementary school  
19 systems or secondary level school units or institutions of  
20 higher learning.

21 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
22 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;  
23 revised 12-1-05.)

24 (105 ILCS 5/27-20.6)

25 Sec. 27-20.6. "Irish Famine" study. Every public

1 elementary school and high school may include in its curriculum  
2 a unit of instruction studying the causes and effects of mass  
3 starvation in mid-19th century Ireland. This period in world  
4 history is known as the "Irish Famine", in which millions of  
5 Irish died or emigrated. The study of this material is a  
6 reaffirmation of the commitment of free people of all nations  
7 to eradicate the causes of famine that exist in the modern  
8 world.

9 The State Superintendent of Education may prepare and make  
10 available to all school boards instructional materials that may  
11 be used as guidelines for development of a unit of instruction  
12 under this Section; provided, however, that each school board  
13 shall itself determine the minimum amount of instruction time  
14 that shall qualify as a unit of instruction satisfying the  
15 requirements of this Section.

16 (Source: P.A. 90-566, eff. 1-2-98; revised 9-21-06.)

17 (105 ILCS 5/27-23.5)

18 Sec. 27-23.5. Organ/tissue and blood donor and  
19 transplantation programs. Each school district that maintains  
20 grades 9 and 10 may include in its curriculum and teach to the  
21 students of either such grade one unit of instruction on  
22 organ/tissue and blood donor and transplantation programs. No  
23 student shall be required to take or participate in instruction  
24 on organ/tissue and blood donor and transplantation programs if  
25 a parent or guardian files written objection thereto on

1 constitutional grounds, and refusal to take or participate in  
2 such instruction on those grounds shall not be reason for  
3 suspension or expulsion of a student or result in any academic  
4 penalty.

5 The regional superintendent of schools in which a school  
6 district that maintains grades 9 and 10 is located shall obtain  
7 and distribute to each school that maintains grades 9 and 10 in  
8 his or her district information and data, including  
9 instructional materials provided at no cost by America's Blood  
10 Centers, the American Red Cross, and Gift of Hope, that may be  
11 used by the school in developing a unit of instruction under  
12 this Section. However, each school board shall determine the  
13 minimum amount of instructional time that shall qualify as a  
14 unit of instruction satisfying the requirements of this  
15 Section.

16 (Source: P.A. 93-547, eff. 8-19-03; 93-794, eff. 7-22-04;  
17 revised 10-22-04.)

18 (105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

19 Sec. 27-24.4. Reimbursement amount. Each school district  
20 shall be entitled to reimbursement, for each pupil, excluding  
21 each resident of the district over age 55, who finishes either  
22 the classroom instruction part or the practice driving part of  
23 a driver education course that meets the minimum requirements  
24 of this Act. However, if a school district has adopted a policy  
25 to permit proficiency examinations for the practice driving



1 part of the driver education course as provided under Section  
2 27-24.3, then the school district is entitled to only one-half  
3 of the reimbursement amount for the practice driving part for  
4 each pupil who has passed the proficiency examination, and the  
5 State Board of Education shall adjust the reimbursement formula  
6 accordingly. Reimbursement under this Act is payable from the  
7 Drivers Education Fund in the State treasury.

8 Each year all funds appropriated from the Drivers ~~Driver~~  
9 Education Fund to the State Board of Education, with the  
10 exception of those funds necessary for administrative purposes  
11 of the State Board of Education, shall be distributed in the  
12 manner provided in this paragraph to school districts by the  
13 State Board of Education for reimbursement of claims from the  
14 previous school year. As soon as may be after each quarter of  
15 the year, if moneys are available in the Drivers ~~Driver~~  
16 Education Fund in the State treasury for payments under this  
17 Section, the State Comptroller shall draw his or her warrants  
18 upon the State Treasurer as directed by the State Board of  
19 Education. The warrant for each quarter shall be in an amount  
20 equal to one-fourth of the total amount to be distributed to  
21 school districts for the year. Payments shall be made to school  
22 districts as soon as may be after receipt of the warrants.

23 The base reimbursement amount shall be calculated by the  
24 State Board by dividing the total amount appropriated for  
25 distribution by the total of: (a) the number of students,  
26 excluding residents of the district over age 55, who have

1 completed the classroom instruction part for whom valid claims  
2 have been made times 0.2; plus (b) the number of students,  
3 excluding residents of the district over age 55, who have  
4 completed the practice driving instruction part for whom valid  
5 claims have been made times 0.8.

6 The amount of reimbursement to be distributed on each claim  
7 shall be 0.2 times the base reimbursement amount for each  
8 validly claimed student, excluding residents of the district  
9 over age 55, who has completed the classroom instruction part,  
10 plus 0.8 times the base reimbursement amount for each validly  
11 claimed student, excluding residents of the district over age  
12 55, who has completed the practice driving instruction part.  
13 The school district which is the residence of a pupil who  
14 attends a nonpublic school in another district that has  
15 furnished the driver education course shall reimburse the  
16 district offering the course, the difference between the actual  
17 per capita cost of giving the course the previous school year  
18 and the amount reimbursed by the State.

19 By April 1 the nonpublic school shall notify the district  
20 offering the course of the names and district numbers of the  
21 nonresident students desiring to take such course the next  
22 school year. The district offering such course shall notify the  
23 district of residence of those students affected by April 15.  
24 The school district furnishing the course may claim the  
25 nonresident pupil for the purpose of making a claim for State  
26 reimbursement under this Act.

1 (Source: P.A. 94-440, eff. 8-4-05; 94-525, eff. 1-1-06; revised  
2 8-19-05.)

3 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

4 Sec. 34-8.1. Principals. Principals shall be employed to  
5 supervise the operation of each attendance center. Their powers  
6 and duties shall include but not be limited to the authority  
7 (i) to direct, supervise, evaluate, and suspend with or without  
8 pay or otherwise discipline all teachers, assistant  
9 principals, and other employees assigned to the attendance  
10 center in accordance with board rules and policies and (ii) to  
11 direct all other persons assigned to the attendance center  
12 pursuant to a contract with a third party to provide services  
13 to the school system. The right to employ, discharge, and  
14 layoff shall be vested solely with the board, provided that  
15 decisions to discharge or suspend non-certified employees,  
16 including disciplinary layoffs, and the termination of  
17 certified employees from employment pursuant to a layoff or  
18 reassignment policy are subject to review under the grievance  
19 resolution procedure adopted pursuant to subsection (c) of  
20 Section 10 of the Illinois Educational Labor Relations Act. The  
21 grievance resolution procedure adopted by the board shall  
22 provide for final and binding arbitration, and,  
23 notwithstanding any other provision of law to the contrary, the  
24 arbitrator's decision may include all make-whole relief,  
25 including without limitation reinstatement. The principal

1 shall fill positions by appointment as provided in this Section  
2 and may make recommendations to the board regarding the  
3 employment, discharge, or layoff of any individual. The  
4 authority of the principal shall include the authority to  
5 direct the hours during which the attendance center shall be  
6 open and available for use provided the use complies with board  
7 rules and policies, to determine when and what operations shall  
8 be conducted within those hours, and to schedule staff within  
9 those hours. Under the direction of, and subject to the  
10 authority of the principal, the Engineer In Charge shall be  
11 accountable for the safe, economical operation of the plant and  
12 grounds and shall also be responsible for orientation,  
13 training, and supervising the work of Engineers, Trainees,  
14 school maintenance assistants, custodial workers and other  
15 plant operation employees under his or her direction.

16 There shall be established by the board a system of  
17 semi-annual evaluations conducted by the principal as to  
18 performance of the engineer in charge. Nothing in this Section  
19 shall prevent the principal from conducting additional  
20 evaluations. An overall numerical rating shall be given by the  
21 principal based on the evaluation conducted by the principal.  
22 An unsatisfactory numerical rating shall result in  
23 disciplinary action, which may include, without limitation and  
24 in the judgment of the principal, loss of promotion or bidding  
25 procedure, reprimand, suspension with or without pay, or  
26 recommended dismissal. The board shall establish procedures

1 for conducting the evaluation and reporting the results to the  
2 engineer in charge.

3 Under the direction of, and subject to the authority of,  
4 the principal, the Food Service Manager is responsible at all  
5 times for the proper operation and maintenance of the lunch  
6 room to which he is assigned and shall also be responsible for  
7 the orientation, training, and supervising the work of cooks,  
8 bakers, porters, and lunchroom attendants under his or her  
9 direction.

10 There shall be established by the Board a system of  
11 semi-annual evaluations conducted by the principal as to the  
12 performance of the food service manager. Nothing in this  
13 Section shall prevent the principal from conducting additional  
14 evaluations. An overall numerical rating shall be given by the  
15 principal based on the evaluation conducted by the principal.  
16 An unsatisfactory numerical rating shall result in  
17 disciplinary action which may include, without limitation and  
18 in the judgment of the principal, loss of promotion or bidding  
19 procedure, reprimand, suspension with or without pay, or  
20 recommended dismissal. The board shall establish rules for  
21 conducting the evaluation and reporting the results to the food  
22 service manager.

23 Nothing in this Section shall be interpreted to require the  
24 employment or assignment of an Engineer-In-Charge or a Food  
25 Service Manager for each attendance center.

26 Principals shall be employed to supervise the educational

1 operation of each attendance center. If a principal is absent  
2 due to extended illness or leave or absence, an assistant  
3 principal may be assigned as acting principal for a period not  
4 to exceed 100 school days. Each principal shall assume  
5 administrative responsibility and instructional leadership, in  
6 accordance with reasonable rules and regulations of the board,  
7 for the planning, operation and evaluation of the educational  
8 program of the attendance center to which he is assigned. The  
9 principal shall submit recommendations to the general  
10 superintendent concerning the appointment, dismissal,  
11 retention, promotion, and assignment of all personnel assigned  
12 to the attendance center; provided, that from and after  
13 September 1, 1989: (i) if any vacancy occurs in a position at  
14 the attendance center or if an additional or new position is  
15 created at the attendance center, that position shall be filled  
16 by appointment made by the principal in accordance with  
17 procedures established and provided by the Board whenever the  
18 majority of the duties included in that position are to be  
19 performed at the attendance center which is under the  
20 principal's supervision, and each such appointment so made by  
21 the principal shall be made and based upon merit and ability to  
22 perform in that position without regard to seniority or length  
23 of service, provided, that such appointments shall be subject  
24 to the Board's desegregation obligations, including but not  
25 limited to the Consent Decree and Desegregation Plan in U.S. v.  
26 Chicago Board of Education; (ii) the principal shall submit

1 recommendations based upon merit and ability to perform in the  
2 particular position, without regard to seniority or length of  
3 service, to the general superintendent concerning the  
4 appointment of any teacher, teacher aide, counselor, clerk,  
5 hall guard, security guard and any other personnel which is to  
6 be made by the general superintendent whenever less than a  
7 majority of the duties of that teacher, teacher aide,  
8 counselor, clerk, hall guard, and security guard and any other  
9 personnel are to be performed at the attendance center which is  
10 under the principal's supervision; and (iii) subject to law and  
11 the applicable collective bargaining agreements, the authority  
12 and responsibilities of a principal with respect to the  
13 evaluation of all teachers and other personnel assigned to an  
14 attendance center shall commence immediately upon his or her  
15 appointment as principal of the attendance center, without  
16 regard to the length of time that he or she has been the  
17 principal of that attendance center.

18 Notwithstanding the existence of any other law of this  
19 State, nothing in this Act shall prevent the board from  
20 entering into a contract with a third party for services  
21 currently performed by any employee or bargaining unit member.

22 Notwithstanding any other provision of this Article, each  
23 principal may approve contracts, binding on the board, in the  
24 amount of no more than \$10,000, if the contract is endorsed by  
25 the Local School Council.

26 Unless otherwise prohibited by law or by rule of the board,

1 the principal shall provide to local school council members  
2 copies of all internal audits and any other pertinent  
3 information generated by any audits or reviews of the programs  
4 and operation of the attendance center.

5 Each principal shall hold a valid administrative  
6 certificate issued or exchanged in accordance with Article 21  
7 and endorsed as required by that Article for the position of  
8 principal. The board may establish or impose academic,  
9 educational, examination, and experience requirements and  
10 criteria that are in addition to those established and required  
11 by Article 21 for issuance of a valid certificate endorsed for  
12 the position of principal as a condition of the nomination,  
13 selection, appointment, employment, or continued employment of  
14 a person as principal of any attendance center, or as a  
15 condition of the renewal of any principal's performance  
16 contract.

17 The board shall specify in its formal job description for  
18 principals, and from and after July 1, 1990 shall specify in  
19 the 4 year performance contracts for use with respect to all  
20 principals, that his or her primary responsibility is in the  
21 improvement of instruction. A majority of the time spent by a  
22 principal shall be spent on curriculum and staff development  
23 through both formal and informal activities, establishing  
24 clear lines of communication regarding school goals,  
25 accomplishments, practices and policies with parents and  
26 teachers. The principal, with the assistance of the local



1 school council, shall develop a school improvement plan as  
2 provided in Section 34-2.4 and, upon approval of the plan by  
3 the local school council, shall be responsible for directing  
4 implementation of the plan. The principal, with the assistance  
5 of the professional personnel leadership committee, shall  
6 develop the specific methods and contents of the school's  
7 curriculum within the board's system-wide curriculum standards  
8 and objectives and the requirements of the school improvement  
9 plan. The board shall ensure that all principals are evaluated  
10 on their instructional leadership ability and their ability to  
11 maintain a positive education and learning climate. It shall  
12 also be the responsibility of the principal to utilize  
13 resources of proper law enforcement agencies when the safety  
14 and welfare of students and teachers are threatened by illegal  
15 use of drugs and alcohol, by illegal use or possession of  
16 weapons, or by illegal gang activity.

17 On or before October 1, 1989, the Board of Education, in  
18 consultation with any professional organization representing  
19 principals in the district, shall promulgate rules and  
20 implement a lottery for the purpose of determining whether a  
21 principal's existing performance contract (including the  
22 performance contract applicable to any principal's position in  
23 which a vacancy then exists) expires on June 30, 1990 or on  
24 June 30, 1991, and whether the ensuing 4 year performance  
25 contract begins on July 1, 1990 or July 1, 1991. The Board of  
26 Education shall establish and conduct the lottery in such

1 manner that of all the performance contracts of principals  
2 (including the performance contracts applicable to all  
3 principal positions in which a vacancy then exists), 50% of  
4 such contracts shall expire on June 30, 1990, and 50% shall  
5 expire on June 30, 1991. All persons serving as principal on  
6 May 1, 1989, and all persons appointed as principal after May  
7 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner  
8 other than as provided by Section 34-2.3, shall be deemed by  
9 operation of law to be serving under a performance contract  
10 which expires on June 30, 1990 or June 30, 1991; and unless  
11 such performance contract of any such principal is renewed (or  
12 such person is again appointed to serve as principal) in the  
13 manner provided by Section 34-2.2 or 34-2.3, the employment of  
14 such person as principal shall terminate on June 30, 1990 or  
15 June 30, 1991.

16 Commencing on July 1, 1990, or on July 1, 1991, and  
17 thereafter, the principal of each attendance center shall be  
18 the person selected in the manner provided by Section 34-2.3 to  
19 serve as principal of that attendance center under a 4 year  
20 performance contract. All performance contracts of principals  
21 expiring after July 1, 1990, or July 1, 1991, shall commence on  
22 the date specified in the contract, and the renewal of their  
23 performance contracts and the appointment of principals when  
24 their performance contracts are not renewed shall be governed  
25 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office  
26 of a principal occurs for any reason, the vacancy shall be

1 filled by the selection of a new principal to serve under a 4  
2 year performance contract in the manner provided by Section  
3 34-2.3.

4 The board of education shall develop and prepare, in  
5 consultation with the organization representing principals, a  
6 performance contract for use at all attendance centers, and  
7 shall furnish the same to each local school council. The term  
8 of the performance contract shall be 4 years, unless the  
9 principal is retained by the decision of a hearing officer  
10 pursuant to subdivision 1.5 of Section 34-2.3, in which case  
11 the contract shall be extended for 2 years. The performance  
12 contract of each principal shall consist of the uniform  
13 performance contract, as developed or from time to time  
14 modified by the board, and such additional criteria as are  
15 established by a local school council pursuant to Section  
16 34-2.3 for the performance contract of its principal.

17 During the term of his or her performance contract, a  
18 principal may be removed only as provided for in the  
19 performance contract except for cause. He or she shall also be  
20 obliged to follow the rules of the board of education  
21 concerning conduct and efficiency.

22 In the event the performance contract of a principal is not  
23 renewed or a principal is not reappointed as principal under a  
24 new performance contract, or in the event a principal is  
25 appointed to any position of superintendent or higher position,  
26 or voluntarily resigns his position of principal, his or her

1 employment as a principal shall terminate and such former  
2 principal shall not be reinstated to the position from which he  
3 or she was promoted to principal, except that he or she, if  
4 otherwise qualified and certified in accordance with Article  
5 21, shall be placed by the board on appropriate eligibility  
6 lists which it prepares for use in the filling of vacant or  
7 additional or newly created positions for teachers. The  
8 principal's total years of service to the board as both a  
9 teacher and a principal, or in other professional capacities,  
10 shall be used in calculating years of experience for purposes  
11 of being selected as a teacher into new, additional or vacant  
12 positions.

13 In the event the performance contract of a principal is not  
14 renewed or a principal is not reappointed as principal under a  
15 new performance contract, such principal shall be eligible to  
16 continue to receive his or her previously provided level of  
17 health insurance benefits for a period of 90 days following the  
18 non-renewal of the contract at no expense to the principal,  
19 provided that such principal has not retired.

20 (Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised  
21 9-11-03.)

22 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

23 Sec. 34-18.5. Criminal history records checks and checks of  
24 the Statewide Sex Offender Database and Statewide Child  
25 Murderer and Violent Offender Against Youth Database.

1           (a) Certified and noncertified applicants for employment  
2 with the school district are required as a condition of  
3 employment to authorize a fingerprint-based criminal history  
4 records check to determine if such applicants have been  
5 convicted of any of the enumerated criminal or drug offenses in  
6 subsection (c) of this Section or have been convicted, within 7  
7 years of the application for employment with the school  
8 district, of any other felony under the laws of this State or  
9 of any offense committed or attempted in any other state or  
10 against the laws of the United States that, if committed or  
11 attempted in this State, would have been punishable as a felony  
12 under the laws of this State. Authorization for the check shall  
13 be furnished by the applicant to the school district, except  
14 that if the applicant is a substitute teacher seeking  
15 employment in more than one school district, or a teacher  
16 seeking concurrent part-time employment positions with more  
17 than one school district (as a reading specialist, special  
18 education teacher or otherwise), or an educational support  
19 personnel employee seeking employment positions with more than  
20 one district, any such district may require the applicant to  
21 furnish authorization for the check to the regional  
22 superintendent of the educational service region in which are  
23 located the school districts in which the applicant is seeking  
24 employment as a substitute or concurrent part-time teacher or  
25 concurrent educational support personnel employee. Upon  
26 receipt of this authorization, the school district or the

1 appropriate regional superintendent, as the case may be, shall  
2 submit the applicant's name, sex, race, date of birth, social  
3 security number, fingerprint images, and other identifiers, as  
4 prescribed by the Department of State Police, to the  
5 Department. The regional superintendent submitting the  
6 requisite information to the Department of State Police shall  
7 promptly notify the school districts in which the applicant is  
8 seeking employment as a substitute or concurrent part-time  
9 teacher or concurrent educational support personnel employee  
10 that the check of the applicant has been requested. The  
11 Department of State Police and the Federal Bureau of  
12 Investigation shall furnish, pursuant to a fingerprint-based  
13 criminal history records check, records of convictions, until  
14 expunged, to the president of the school board for the school  
15 district that requested the check, or to the regional  
16 superintendent who requested the check. The Department shall  
17 charge the school district or the appropriate regional  
18 superintendent a fee for conducting such check, which fee shall  
19 be deposited in the State Police Services Fund and shall not  
20 exceed the cost of the inquiry; and the applicant shall not be  
21 charged a fee for such check by the school district or by the  
22 regional superintendent. Subject to appropriations for these  
23 purposes, the State Superintendent of Education shall  
24 reimburse the school district and regional superintendent for  
25 fees paid to obtain criminal history records checks under this  
26 Section.

1           (a-5) The school district or regional superintendent shall  
2 further perform a check of the Statewide Sex Offender Database,  
3 as authorized by the Sex Offender Community Notification Law,  
4 for each applicant.

5           (a-6) The school district or regional superintendent shall  
6 further perform a check of the Statewide Child Murderer and  
7 Violent Offender Against Youth Database, as authorized by the  
8 Child Murderer and Violent Offender Against Youth Community  
9 Notification Law, for each applicant.

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 Department of State Police by the  
19 regional superintendent, the State Superintendent of  
20 Education, the State Teacher Certification Board or any other  
21 person necessary to the decision of hiring the applicant for  
22 employment. A copy of the record of convictions obtained from  
23 the Department of State Police shall be provided to the  
24 applicant for employment. Upon the check of the Statewide Sex  
25 Offender Database, the school district or regional  
26 superintendent shall notify an applicant as to whether or not

1 the applicant has been identified in the Database as a sex  
2 offender. If a check of an applicant for employment as a  
3 substitute or concurrent part-time teacher or concurrent  
4 educational support personnel employee in more than one school  
5 district was requested by the regional superintendent, and the  
6 Department of State Police upon a check ascertains that the  
7 applicant has not been convicted of any of the enumerated  
8 criminal or drug offenses in subsection (c) or has not been  
9 convicted, within 7 years of the application for employment  
10 with the school district, of any other felony under the laws of  
11 this State or of any offense committed or attempted in any  
12 other state or against the laws of the United States that, if  
13 committed or attempted in this State, would have been  
14 punishable as a felony under the laws of this State and so  
15 notifies the regional superintendent and if the regional  
16 superintendent upon a check ascertains that the applicant has  
17 not been identified in the Sex Offender Database as a sex  
18 offender, then the regional superintendent shall issue to the  
19 applicant a certificate evidencing that as of the date  
20 specified by the Department of State Police the applicant has  
21 not been convicted of any of the enumerated criminal or drug  
22 offenses in subsection (c) or has not been convicted, within 7  
23 years of the application for employment with the school  
24 district, of any other felony under the laws of this State or  
25 of any offense committed or attempted in any other state or  
26 against the laws of the United States that, if committed or



1 attempted in this State, would have been punishable as a felony  
2 under the laws of this State and evidencing that as of the date  
3 that the regional superintendent conducted a check of the  
4 Statewide Sex Offender Database, the applicant has not been  
5 identified in the Database as a sex offender. The school board  
6 of any school district may rely on the certificate issued by  
7 any regional superintendent to that substitute teacher,  
8 concurrent part-time teacher, or concurrent educational  
9 support personnel employee or may initiate its own criminal  
10 history records check of the applicant through the Department  
11 of State Police and its own check of the Statewide Sex Offender  
12 Database as provided in subsection (a). Any person who releases  
13 any confidential information concerning any criminal  
14 convictions of an applicant for employment shall be guilty of a  
15 Class A misdemeanor, unless the release of such information is  
16 authorized by this Section.

17 (c) The board of education shall not knowingly employ a  
18 person who has been convicted for committing attempted first  
19 degree murder or for committing or attempting to commit first  
20 degree murder or a Class X felony or any one or more of the  
21 following offenses: (i) those defined in Sections 11-6, 11-9,  
22 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,  
23 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15  
24 and 12-16 of the Criminal Code of 1961; (ii) those defined in  
25 the Cannabis Control Act, except those defined in Sections  
26 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the

1 Illinois Controlled Substances Act; (iv) those defined in the  
2 Methamphetamine Control and Community Protection Act; and (v)  
3 any offense committed or attempted in any other state or  
4 against the laws of the United States, which if committed or  
5 attempted in this State, would have been punishable as one or  
6 more of the foregoing offenses. Further, the board of education  
7 shall not knowingly employ a person who has been found to be  
8 the perpetrator of sexual or physical abuse of any minor under  
9 18 years of age pursuant to proceedings under Article II of the  
10 Juvenile Court Act of 1987.

11 (d) The board of education shall not knowingly employ a  
12 person for whom a criminal history records check and a  
13 Statewide Sex Offender Database check has not been initiated.

14 (e) Upon receipt of the record of a conviction of or a  
15 finding of child abuse by a holder of any certificate issued  
16 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
17 Code, the board of education or the State Superintendent of  
18 Education shall initiate the certificate suspension and  
19 revocation proceedings authorized by law.

20 (f) After March 19, 1990, the provisions of this Section  
21 shall apply to all employees of persons or firms holding  
22 contracts with any school district including, but not limited  
23 to, food service workers, school bus drivers and other  
24 transportation employees, who have direct, daily contact with  
25 the pupils of any school in such district. For purposes of  
26 criminal history records checks and checks of the Statewide Sex

1 Offender Database on employees of persons or firms holding  
2 contracts with more than one school district and assigned to  
3 more than one school district, the regional superintendent of  
4 the educational service region in which the contracting school  
5 districts are located may, at the request of any such school  
6 district, be responsible for receiving the authorization for a  
7 criminal history records check prepared by each such employee  
8 and submitting the same to the Department of State Police and  
9 for conducting a check of the Statewide Sex Offender Database  
10 for each employee. Any information concerning the record of  
11 conviction and identification as a sex offender of any such  
12 employee obtained by the regional superintendent shall be  
13 promptly reported to the president of the appropriate school  
14 board or school boards.

15 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;  
16 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff.  
17 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

18 (105 ILCS 5/34-18.23)

19 Sec. 34-18.23. Medical information form for bus drivers and  
20 emergency medical technicians. The school district is  
21 encouraged to create and use an emergency medical information  
22 form for bus drivers and emergency medical technicians for  
23 those students with special needs or medical conditions. The  
24 form may include without limitation information to be provided  
25 by the student's parent or legal guardian concerning the

1 student's relevant medical conditions, medications that the  
2 student is taking, the student's communication skills, and how  
3 a bus driver or an emergency medical technician is to respond  
4 to certain behaviors of the student. If the form is used, the  
5 school district is encouraged to notify parents and legal  
6 guardians of the availability of the form. The parent or legal  
7 guardian of the student may fill out the form and submit it to  
8 the school that the student is attending. The school district  
9 is encouraged to keep one copy of the form on file at the  
10 school and another copy on the student's school bus in a secure  
11 location.

12 (Source: P.A. 92-580, eff. 7-1-02.)

13 (105 ILCS 5/34-18.25)

14 Sec. 34-18.25 ~~34-18.23~~. Psychotropic or psychostimulant  
15 medication; disciplinary action.

16 (a) In this Section:

17 "Psychostimulant medication" means medication that  
18 produces increased levels of mental and physical energy and  
19 alertness and an elevated mood by stimulating the central  
20 nervous system.

21 "Psychotropic medication" means psychotropic medication as  
22 defined in Section 1-121.1 of the Mental Health and  
23 Developmental Disabilities Code.

24 (b) The board must adopt and implement a policy that  
25 prohibits any disciplinary action that is based totally or in

1 part on the refusal of a student's parent or guardian to  
2 administer or consent to the administration of psychotropic or  
3 psychostimulant medication to the student.

4 The policy must require that, at least once every 2 years,  
5 the in-service training of certified school personnel and  
6 administrators include training on current best practices  
7 regarding the identification and treatment of attention  
8 deficit disorder and attention deficit hyperactivity disorder,  
9 the application of non-aversive behavioral interventions in  
10 the school environment, and the use of psychotropic or  
11 psychostimulant medication for school-age children.

12 (c) This Section does not prohibit school medical staff, an  
13 individualized educational program team, or a professional  
14 worker (as defined in Section 14-1.10 of this Code) from  
15 recommending that a student be evaluated by an appropriate  
16 medical practitioner or prohibit school personnel from  
17 consulting with the practitioner with the consent of the  
18 student's parents or guardian.

19 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

20 (105 ILCS 5/34-18.26)

21 Sec. 34-18.26. Sharing information on school lunch  
22 applicants. The board shall, whenever requested by the  
23 Department of Healthcare and Family Services (formerly  
24 Department of Public Aid), agree in writing with the Department  
25 of Healthcare and Family Services ~~Public Aid~~ (as the State

1 agency that administers the State Medical Assistance Program as  
2 provided in Title XIX of the federal Social Security Act and  
3 the State Children's Health Insurance Program as provided in  
4 Title XXI of the federal Social Security Act) to share with the  
5 Department of Healthcare and Family Services ~~Public Aid~~  
6 information on applicants for free or reduced-price lunches.  
7 The board shall, whenever requested by the Department of  
8 Healthcare and Family Services (formerly Department of Public  
9 Aid), require each of its schools to agree in writing with the  
10 Department of Healthcare and Family Services ~~Public Aid~~ to  
11 share with the Department of Healthcare and Family Services  
12 ~~Public Aid~~ information on applicants for free or reduced-price  
13 lunches. This sharing of information shall be for the sole  
14 purpose of helping the Department of Healthcare and Family  
15 Services ~~Public Aid~~ identify and enroll children in the State  
16 Medical Assistance Program or the State Children's Health  
17 Insurance Program or both as allowed under 42 U.S.C. Sec.  
18 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in  
19 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).  
20 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

21 (105 ILCS 5/34-18.27)

22 Sec. 34-18.27 ~~34-18.26~~. Summer kindergarten. The board may  
23 establish, maintain, and operate, in connection with the  
24 kindergarten program of the school district, a summer  
25 kindergarten program that begins 2 months before the beginning

1 of the regular school year and a summer kindergarten program  
2 for grade one readiness for those pupils making unsatisfactory  
3 progress during the regular kindergarten session that will  
4 continue for 2 months after the regular school year. The summer  
5 kindergarten program may be held within the school district or,  
6 pursuant to a contract that must be approved by the State Board  
7 of Education, may be operated by 2 or more adjacent school  
8 districts or by a public or private university or college.  
9 Transportation for students attending the summer kindergarten  
10 program shall be the responsibility of the school district. The  
11 expense of establishing, maintaining, and operating the summer  
12 kindergarten program may be paid from funds contributed or  
13 otherwise made available to the school district for that  
14 purpose by federal or State appropriation.

15 (Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)

16 (105 ILCS 5/34-18.28)

17 Sec. 34-18.28 ~~34-18.26~~. Prison tour pilot program. The  
18 board shall establish a pilot program to prevent crime by  
19 developing guidelines to identify students at risk of  
20 committing crimes. "Students at risk of committing crimes"  
21 shall be limited to those students who have engaged in serious  
22 acts of misconduct in violation of the board's policy on  
23 discipline. This program, in cooperation with the Department of  
24 Corrections, shall include a guided tour of a prison for each  
25 student so identified in order to discourage criminal behavior.

1 The touring of a prison under this Section shall be subject to  
2 approval, in writing, of a student's parent or guardian.

3 (Source: P.A. 93-538, eff. 1-1-04; revised 9-24-03.)

4 (105 ILCS 5/34-18.29)

5 Sec. 34-18.29 ~~34-18.26~~. Provision of student information  
6 prohibited. The school district may not provide a student's  
7 name, address, telephone number, social security number,  
8 e-mail address, or other personal identifying information to a  
9 business organization or financial institution that issues  
10 credit or debit cards.

11 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

12 (105 ILCS 5/34-18.30)

13 Sec. 34-18.30. Dependents of military personnel; no  
14 tuition charge. If, at the time of enrollment, a dependent of  
15 United States military personnel is housed in temporary housing  
16 located outside of the school district, but will be living  
17 within the district within 60 days after the time of initial  
18 enrollment, the dependent must be allowed to enroll, subject to  
19 the requirements of this Section, and must not be charged  
20 tuition. Any United States military personnel attempting to  
21 enroll a dependent under this Section shall provide proof that  
22 the dependent will be living within the district within 60 days  
23 after the time of initial enrollment. Proof of residency may  
24 include, but is not limited to, postmarked mail addressed to



1 the military personnel and sent to an address located within  
2 the district, a lease agreement for occupancy of a residence  
3 located within the district, or proof of ownership of a  
4 residence located within the district. Non-resident dependents  
5 of United States military personnel attending school on a  
6 tuition-free basis may be counted for the purposes of  
7 determining the apportionment of State aid provided under  
8 Section 18-8.05 of this Code.

9 (Source: P.A. 93-740, eff. 7-15-04.)

10 (105 ILCS 5/34-18.31)

11 Sec. 34-18.31 ~~34-18.30~~. Highly qualified teachers; No  
12 Child Left Behind Act funds. If the school district has an  
13 overall shortage of highly qualified teachers, as defined by  
14 the federal No Child Left Behind Act of 2001 (Public Law  
15 107-110), or a shortage of highly qualified teachers in the  
16 subject area of mathematics, science, reading, or special  
17 education, then the school board must spend at least 40% of the  
18 money it receives from Title 2 grants under the Act on  
19 recruitment and retention initiatives to assist in recruiting  
20 and retaining highly qualified teachers (in a specific subject  
21 area is applicable) as specified in paragraphs (1) (B), (2) (A),  
22 (2) (B), (4) (A), (4) (B), and (4) (C) of subsection (a) of Section  
23 2123 of the Act until there is no longer a shortage of highly  
24 qualified teachers (in a specific subject area if applicable).  
25 As the number of highly qualified teachers in the district

1 increases, however, the school board may spend any surplus of  
2 the minimum 40% of funds dedicated to addressing the highly  
3 qualified teacher shortage in any manner the school board deems  
4 appropriate.

5 (Source: P.A. 93-997, eff. 8-23-04; revised 10-14-04.)

6 Section 545. The Illinois School Student Records Act is  
7 amended by changing Section 6 as follows:

8 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

9 Sec. 6. (a) No school student records or information  
10 contained therein may be released, transferred, disclosed or  
11 otherwise disseminated, except as follows:

12 (1) To a parent or student or person specifically  
13 designated as a representative by a parent, as provided in  
14 paragraph (a) of Section 5;

15 (2) To an employee or official of the school or school  
16 district or State Board with current demonstrable  
17 educational or administrative interest in the student, in  
18 furtherance of such interest;

19 (3) To the official records custodian of another school  
20 within Illinois or an official with similar  
21 responsibilities of a school outside Illinois, in which the  
22 student has enrolled, or intends to enroll, upon the  
23 request of such official or student;

24 (4) To any person for the purpose of research,

1 statistical reporting or planning, provided that no  
2 student or parent can be identified from the information  
3 released and the person to whom the information is released  
4 signs an affidavit agreeing to comply with all applicable  
5 statutes and rules pertaining to school student records;

6 (5) Pursuant to a court order, provided that the parent  
7 shall be given prompt written notice upon receipt of such  
8 order of the terms of the order, the nature and substance  
9 of the information proposed to be released in compliance  
10 with such order and an opportunity to inspect and copy the  
11 school student records and to challenge their contents  
12 pursuant to Section 7;

13 (6) To any person as specifically required by State or  
14 federal law;

15 (6.5) To juvenile authorities when necessary for the  
16 discharge of their official duties who request information  
17 prior to adjudication of the student and who certify in  
18 writing that the information will not be disclosed to any  
19 other party except as provided under law or order of court.  
20 For purposes of this Section "juvenile authorities" means:  
21 (i) a judge of the circuit court and members of the staff  
22 of the court designated by the judge; (ii) parties to the  
23 proceedings under the Juvenile Court Act of 1987 and their  
24 attorneys; (iii) probation officers and court appointed  
25 advocates for the juvenile authorized by the judge hearing  
26 the case; (iv) any individual, public or private agency

1 having custody of the child pursuant to court order; (v)  
2 any individual, public or private agency providing  
3 education, medical or mental health service to the child  
4 when the requested information is needed to determine the  
5 appropriate service or treatment for the minor; (vi) any  
6 potential placement provider when such release is  
7 authorized by the court for the limited purpose of  
8 determining the appropriateness of the potential  
9 placement; (vii) law enforcement officers and prosecutors;  
10 (viii) adult and juvenile prisoner review boards; (ix)  
11 authorized military personnel; (x) individuals authorized  
12 by court;

13 (7) Subject to regulations of the State Board, in  
14 connection with an emergency, to appropriate persons if the  
15 knowledge of such information is necessary to protect the  
16 health or safety of the student or other persons;

17 (8) To any person, with the prior specific dated  
18 written consent of the parent designating the person to  
19 whom the records may be released, provided that at the time  
20 any such consent is requested or obtained, the parent shall  
21 be advised in writing that he has the right to inspect and  
22 copy such records in accordance with Section 5, to  
23 challenge their contents in accordance with Section 7 and  
24 to limit any such consent to designated records or  
25 designated portions of the information contained therein;

26 (9) To a governmental agency, or social service agency

1           contracted by a governmental agency, in furtherance of an  
2           investigation of a student's school attendance pursuant to  
3           the compulsory student attendance laws of this State,  
4           provided that the records are released to the employee or  
5           agent designated by the agency;

6           (10) To those SHOCAP committee members who fall within  
7           the meaning of "state and local officials and authorities",  
8           as those terms are used within the meaning of the federal  
9           Family Educational Rights and Privacy Act, for the purposes  
10          of identifying serious habitual juvenile offenders and  
11          matching those offenders with community resources pursuant  
12          to Section 5-145 of the Juvenile Court Act of 1987, but  
13          only to the extent that the release, transfer, disclosure,  
14          or dissemination is consistent with the Family Educational  
15          Rights and Privacy Act; or

16          (11) To the Department of Healthcare and Family  
17          Services ~~Public Aid~~ in furtherance of the requirements of  
18          Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School  
19          Code or Section 10 of the School Breakfast and Lunch  
20          Program Act.

21          (b) No information may be released pursuant to  
22          subparagraphs (3) or (6) of paragraph (a) of this Section 6  
23          unless the parent receives prior written notice of the nature  
24          and substance of the information proposed to be released, and  
25          an opportunity to inspect and copy such records in accordance  
26          with Section 5 and to challenge their contents in accordance

1 with Section 7. Provided, however, that such notice shall be  
2 sufficient if published in a local newspaper of general  
3 circulation or other publication directed generally to the  
4 parents involved where the proposed release of information is  
5 pursuant to subparagraph 6 of paragraph (a) in this Section 6  
6 and relates to more than 25 students.

7 (c) A record of any release of information pursuant to this  
8 Section must be made and kept as a part of the school student  
9 record and subject to the access granted by Section 5. Such  
10 record of release shall be maintained for the life of the  
11 school student records and shall be available only to the  
12 parent and the official records custodian. Each record of  
13 release shall also include:

14 (1) The nature and substance of the information  
15 released;

16 (2) The name and signature of the official records  
17 custodian releasing such information;

18 (3) The name of the person requesting such information,  
19 the capacity in which such a request has been made, and the  
20 purpose of such request;

21 (4) The date of the release; and

22 (5) A copy of any consent to such release.

23 (d) Except for the student and his parents, no person to  
24 whom information is released pursuant to this Section and no  
25 person specifically designated as a representative by a parent  
26 may permit any other person to have access to such information

1 without a prior consent of the parent obtained in accordance  
2 with the requirements of subparagraph (8) of paragraph (a) of  
3 this Section.

4 (e) Nothing contained in this Act shall prohibit the  
5 publication of student directories which list student names,  
6 addresses and other identifying information and similar  
7 publications which comply with regulations issued by the State  
8 Board.

9 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

10 Section 550. The Illinois Peace Corps Fellowship Program  
11 Law is amended by changing Section 2-3 as follows:

12 (105 ILCS 30/2-3) (from Ch. 122, par. 2003)

13 Sec. 2-3. Program description. The University of Illinois,  
14 Southern Illinois University, the several universities and  
15 colleges under the governance of the Board of Governors of  
16 State Colleges and Universities, and the several Regency  
17 Universities under the jurisdiction of the Board of Regents are  
18 hereby authorized to become participants in the Illinois Peace  
19 Corps Fellowship Program. Any such participating public  
20 institution of higher education may conduct and administer this  
21 program to augment the number of Illinois public school  
22 teachers by bringing the teaching skills of recently returned  
23 United States Peace Corps volunteers to those school districts,  
24 including the school districts situated within the City of

1 Chicago and the City of East St. Louis or any other school  
2 district designated by the State Board of Education, which  
3 enter into cooperative agreements required for implementation  
4 of the program. In designating such school districts, the State  
5 Board of Education may consider districts that have a high  
6 proportion of drop-out students, a high percentage of minority  
7 students, a high proportion of low income families and high  
8 truancy rates. The program shall utilize former United States  
9 ~~State~~ Peace Corps volunteers with two years of Peace Corps  
10 experience by placing them in the designated cooperating school  
11 districts as full time teachers or teacher aides. In return for  
12 making a two-year commitment to teaching and being placed in a  
13 full-time salaried teacher aide or certificated teaching  
14 position at a public school located in a designated cooperating  
15 school district, the former Peace Corps volunteer may be  
16 awarded a fellowship to the participating public institution of  
17 higher education to complete (in the case of teacher aides who  
18 are not yet certificated) the courses required for issuance of  
19 a teaching certificate under Article 21 of The School Code, or  
20 to pursue a master's degree program in education. The  
21 fellowships may consist of tuition waivers applicable toward  
22 enrollment at the participating public institution of higher  
23 education to complete required courses for teacher  
24 certification and to pursue a master's degree program in  
25 education; and the award of such tuition waivers may be  
26 supported by funds and grants made available to the



1 participating university or universities through private or  
2 public sources. A participating university may also consider an  
3 authorization under which all fellowship recipients are  
4 allowed to pay in-state tuition rates while enrolled for credit  
5 in a master's degree program.

6 An annual salary for the fellowship recipient to teach in a  
7 designated school district for a period of two years may be  
8 provided by the designated cooperating school district at which  
9 the fellowship recipient shall teach, and may be set at an  
10 amount equal to that paid to other teacher aides and  
11 certificated teachers in a comparable position.

12 (Source: P.A. 86-1467; revised 10-11-05.)

13 Section 555. The School Breakfast and Lunch Program Act is  
14 amended by changing Section 10 as follows:

15 (105 ILCS 125/10)

16 Sec. 10. Sharing information on school lunch applicants.  
17 Each private school that receives funds for free or  
18 reduced-price lunches under this Act shall, whenever requested  
19 by the Department of Healthcare and Family Services (formerly  
20 Public Aid), agree in writing with the Department of Healthcare  
21 and Family Services ~~Public Aid~~ (as the State agency that  
22 administers the State Medical Assistance Program as provided in  
23 Title XIX of the federal Social Security Act and the State  
24 Children's Health Insurance Program as provided in Title XXI of

1 the federal Social Security Act) to share with the Department  
2 of Healthcare and Family Services ~~Public Aid~~ information on  
3 applicants for free or reduced-price lunches. This sharing of  
4 information shall be for the sole purpose of helping the  
5 Department of Healthcare and Family Services ~~Public Aid~~  
6 identify and enroll children in the State Medical Assistance  
7 Program or the State Children's Health Insurance Program or  
8 both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and  
9 under the restrictions set forth in 42 U.S.C. Sec.  
10 1758(b)(2)(C)(vi) and (vii).

11 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

12 Section 560. The Public Community College Act is amended by  
13 changing Section 2-16.08 as follows:

14 (110 ILCS 805/2-16.08)

15 Sec. 2-16.08. ICCB Federal Trust Fund. The ICCB Federal  
16 Trust Fund is created as a special fund in the State treasury.  
17 Money recovered from federal programs for general  
18 administration that is ~~are~~ received by the State Board shall be  
19 deposited into the ICCB Federal Trust Fund. All money in the  
20 ICCB Federal Trust Fund shall be used, subject to appropriation  
21 by the General Assembly, by the State Board for the ordinary  
22 and contingent expenses of the State Board.

23 (Source: P.A. 93-153, eff. 7-10-03; revised 1-14-04.)

1 Section 565. The Higher Education Loan Act is amended by  
2 changing Sections 3, 3.01, and 5 as follows:

3 (110 ILCS 945/3) (from Ch. 144, par. 1603)

4 Sec. 3. Definitions. In this Act, unless the context  
5 otherwise requires, the terms specified in Sections 3.01  
6 through 3.13 of this Act and the Illinois Finance ~~Facilities~~  
7 Authority Act have the meanings ascribed to them in those Acts.  
8 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

9 (110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

10 Sec. 3.01. Authority. "Authority" means the Illinois ~~State~~  
11 Finance Authority created by the Illinois ~~State~~ Finance  
12 Authority Act.

13 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

14 (110 ILCS 945/5) (from Ch. 144, par. 1605)

15 Sec. 5. Transfer of functions from the Illinois Educational  
16 Facilities Authority to the Illinois Finance Authority. The  
17 Illinois Finance Authority created by the Illinois Finance  
18 Authority Act shall succeed to, assume and exercise all rights,  
19 powers, duties and responsibilities formerly exercised by the  
20 Illinois Educational Facilities Authority prior to the  
21 abolition of that Authority by this amendatory Act of the 93rd  
22 General Assembly. All books, records, papers, documents and  
23 pending business in any way pertaining to the former Illinois

1 Educational Facilities Authority are transferred to the  
2 Illinois ~~State~~ Finance Authority, but any rights or obligations  
3 of any person under any contract made by, or under any rules,  
4 regulations, uniform standards, criteria and guidelines  
5 established or approved by, such former Illinois Educational  
6 Facilities Authority shall be unaffected thereby. All bonds,  
7 notes or other evidences of indebtedness outstanding on the  
8 effective date of this amendatory Act of the 93rd General  
9 Assembly shall be unaffected by the transfer of functions to  
10 the Illinois Finance Authority. No rule, regulation, standard,  
11 criteria or guideline promulgated, established or approved by  
12 the former Illinois Educational Facilities Authority pursuant  
13 to an exercise of any right, power, duty or responsibility  
14 assumed by and transferred to the Illinois Finance Authority  
15 shall be affected by this amendatory Act of the 93rd General  
16 Assembly, and all such rules, regulations, standards, criteria  
17 and guidelines shall become those of the Illinois Finance  
18 Authority until such time as they are amended or repealed by  
19 the Authority.

20 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

21 Section 570. The Nursing Education Scholarship Law is  
22 amended by changing Section 3 as follows:

23 (110 ILCS 975/3) (from Ch. 144, par. 2753)

24 Sec. 3. Definitions.

1           The following terms, whenever used or referred to, have the  
2 following meanings except where the context clearly indicates  
3 otherwise:

4           (1) "Board" means the Board of Higher Education created by  
5 the Board of Higher Education Act.

6           (2) "Department" means the Illinois Department of Public  
7 Health.

8           (3) "Approved institution" means a public community  
9 college, private junior college, hospital-based diploma in  
10 nursing program, or public or private college or university  
11 located in this State that has approval by the Department of  
12 Professional Regulation for an associate degree in nursing  
13 program, associate degree in applied sciences in nursing  
14 program, hospital-based diploma in nursing program,  
15 baccalaureate degree in nursing program, graduate degree in  
16 nursing program, or certificate in practical nursing program.

17           (4) "Baccalaureate degree in nursing program" means a  
18 program offered by an approved institution and leading to a  
19 bachelor of science degree in nursing.

20           (5) "Enrollment" means the establishment and maintenance  
21 of an individual's status as a student in an approved  
22 institution, regardless of the terms used at the institution to  
23 describe such status.

24           (6) "Academic year" means the period of time from September  
25 1 of one year through August 31 of the next year or as  
26 otherwise defined by the academic institution.

1           (7) "Associate degree in nursing program or hospital-based  
2 diploma in nursing program" means a program offered by an  
3 approved institution and leading to an associate degree in  
4 nursing, associate degree in applied sciences in nursing, or  
5 hospital-based diploma in nursing.

6           (8) "Graduate degree in nursing program" means a program  
7 offered by an approved institution and leading to a master of  
8 science degree in nursing or a doctorate of philosophy or  
9 doctorate of nursing degree in nursing.

10          (9) "Director" means the Director of the Illinois  
11 Department of Public Health.

12          (10) "Accepted for admission" means a student has completed  
13 the requirements for entry into an associate degree in nursing  
14 program, associate degree in applied sciences in nursing  
15 program, hospital-based diploma in nursing program,  
16 baccalaureate degree in nursing program, graduate degree in  
17 nursing program, or certificate in practical nursing program at  
18 an approved institution, as documented by the institution.

19          (11) "Fees" means those mandatory charges, in addition to  
20 tuition, that all enrolled students must pay, including  
21 required course or lab fees.

22          (12) "Full-time student" means a student enrolled for at  
23 least 12 hours per term or as otherwise determined by the  
24 academic institution.

25          (13) "Law" means the Nursing Education Scholarship Law.

26          (14) "Nursing employment obligation" means employment in

1 this State as a registered professional nurse or licensed  
2 practical nurse in direct patient care or as a nurse educator  
3 in the case of a graduate degree in nursing program recipient  
4 for at least one year for each year of scholarship assistance  
5 received through the Nursing Education Scholarship Program.

6 (15) "Part-time student" means a person who is enrolled for  
7 at least one-third of the number of hours required per term by  
8 a school for its full-time students.

9 (16) "Practical nursing program" means a program offered by  
10 an approved institution leading to a certificate in practical  
11 nursing.

12 (17) "Registered professional nurse" means a person who is  
13 currently licensed as a registered professional nurse by the  
14 Department of Professional Regulation under the Nursing and  
15 Advanced Practice Nursing Act.

16 (18) "Licensed practical nurse" means a person who is  
17 currently licensed as a licensed practical nurse by the  
18 Department of Professional Regulation under the Nursing and  
19 Advanced Practice Nursing Act.

20 (19) "School term" means an academic term, such as a  
21 semester, quarter, trimester, or number of clock hours, as  
22 defined by an approved institution.

23 (20) "Student in good standing" means a student maintaining  
24 a cumulative grade point average equivalent to at least the  
25 academic grade of a "C".

26 (21) "Total and permanent disability" means a physical or

1 mental impairment, disease, or loss of a permanent nature that  
2 prevents nursing employment with or without reasonable  
3 accommodation. Proof of disability shall be a declaration from  
4 the social security administration, Illinois Workers'  
5 Compensation Commission, Department of Defense, or an insurer  
6 authorized to transact business in Illinois who is providing  
7 disability insurance coverage to a contractor.

8 (22) "Tuition" means the established charges of an  
9 institution of higher learning for instruction at that  
10 institution.

11 (23) "Nurse educator" means a person who is currently  
12 licensed as a registered nurse by the Department of  
13 Professional Regulation under the Nursing and Advanced  
14 Practice Nursing Act, who has a graduate degree in nursing, and  
15 who is employed by an approved academic institution to educate  
16 registered nursing students, licensed practical nursing  
17 students, and registered nurses pursuing graduate degrees.

18 (Source: P.A. 92-43, eff. 1-1-02; 93-721, eff. 1-1-05; 93-879,  
19 eff. 1-1-05; revised 10-25-04.)

20 Section 575. The Illinois Educational Labor Relations Act  
21 is amended by changing Sections 2 and 7 as follows:

22 (115 ILCS 5/2) (from Ch. 48, par. 1702)

23 Sec. 2. Definitions. As used in this Act:

24 (a) "Educational employer" or "employer" means the



1 governing body of a public school district, combination of  
2 public school districts, including the governing body of joint  
3 agreements of any type formed by 2 or more school districts,  
4 public community college district or State college or  
5 university, and any State agency whose major function is  
6 providing educational services. "Educational employer" or  
7 "employer" does not include a Financial Oversight Panel created  
8 pursuant to Section 1A-8 of the School Code due to a district  
9 violating a financial plan but does include a School Finance  
10 Authority created under Article 1E or 1F of the School Code.

11 (b) "Educational employee" or "employee" means any  
12 individual, excluding supervisors, managerial, confidential,  
13 short term employees, student, and part-time academic  
14 employees of community colleges employed full or part time by  
15 an educational employer, but shall not include elected  
16 officials and appointees of the Governor with the advice and  
17 consent of the Senate, firefighters as defined by subsection  
18 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
19 and peace officers employed by a State university. For the  
20 purposes of this Act, part-time academic employees of community  
21 colleges shall be defined as those employees who provide less  
22 than 3 credit hours of instruction per academic semester. In  
23 this subsection (b), the term "student" includes graduate  
24 students who are research assistants primarily performing  
25 duties that involve research or graduate assistants primarily  
26 performing duties that are pre-professional, but excludes

1 graduate students who are teaching assistants primarily  
2 performing duties that involve the delivery and support of  
3 instruction and all other graduate assistants.

4 (c) "Employee organization" or "labor organization" means  
5 an organization of any kind in which membership includes  
6 educational employees, and which exists for the purpose, in  
7 whole or in part, of dealing with employers concerning  
8 grievances, employee-employer disputes, wages, rates of pay,  
9 hours of employment, or conditions of work, but shall not  
10 include any organization which practices discrimination in  
11 membership because of race, color, creed, age, gender, national  
12 origin or political affiliation.

13 (d) "Exclusive representative" means the labor  
14 organization which has been designated by the Illinois  
15 Educational Labor Relations Board as the representative of the  
16 majority of educational employees in an appropriate unit, or  
17 recognized by an educational employer prior to January 1, 1984  
18 as the exclusive representative of the employees in an  
19 appropriate unit or, after January 1, 1984, recognized by an  
20 employer upon evidence that the employee organization has been  
21 designated as the exclusive representative by a majority of the  
22 employees in an appropriate unit.

23 (e) "Board" means the Illinois Educational Labor Relations  
24 Board.

25 (f) "Regional Superintendent" means the regional  
26 superintendent of schools provided for in Articles 3 and 3A of

1 The School Code.

2 (g) "Supervisor" means any individual having authority in  
3 the interests of the employer to hire, transfer, suspend, lay  
4 off, recall, promote, discharge, reward or discipline other  
5 employees within the appropriate bargaining unit and adjust  
6 their grievances, or to effectively recommend such action if  
7 the exercise of such authority is not of a merely routine or  
8 clerical nature but requires the use of independent judgment.  
9 The term "supervisor" includes only those individuals who  
10 devote a preponderance of their employment time to such  
11 exercising authority.

12 (h) "Unfair labor practice" or "unfair practice" means any  
13 practice prohibited by Section 14 of this Act.

14 (i) "Person" includes an individual, educational employee,  
15 educational employer, legal representative, or employee  
16 organization.

17 (j) "Wages" means salaries or other forms of compensation  
18 for services rendered.

19 (k) "Professional employee" means, in the case of a public  
20 community college, State college or university, State agency  
21 whose major function is providing educational services, the  
22 Illinois School for the Deaf, and the Illinois School for the  
23 Visually Impaired, (1) any employee engaged in work (i)  
24 predominantly intellectual and varied in character as opposed  
25 to routine mental, manual, mechanical, or physical work; (ii)  
26 involving the consistent exercise of discretion and judgment in

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

16 (l) "Professional employee" means, in the case of any  
17 public school district, or combination of school districts  
18 pursuant to joint agreement, any employee who has a certificate  
19 issued under Article 21 or Section 34-83 of the School Code, as  
20 now or hereafter amended.

21 (m) "Unit" or "bargaining unit" means any group of  
22 employees for which an exclusive representative is selected.

23 (n) "Confidential employee" means an employee, who (i) in  
24 the regular course of his or her duties, assists and acts in a  
25 confidential capacity to persons who formulate, determine and  
26 effectuate management policies with regard to labor relations

1 or who (ii) in the regular course of his or her duties has  
2 access to information relating to the effectuation or review of  
3 the employer's collective bargaining policies.

4 (o) "Managerial employee" means an individual who is  
5 engaged predominantly in executive and management functions  
6 and is charged with the responsibility of directing the  
7 effectuation of such management policies and practices.

8 (p) "Craft employee" means a skilled journeyman, craft  
9 person, and his or her apprentice or helper.

10 (q) "Short-term employee" is an employee who is employed  
11 for less than 2 consecutive calendar quarters during a calendar  
12 year and who does not have a reasonable expectation that he or  
13 she will be rehired by the same employer for the same service  
14 in a subsequent calendar year. Nothing in this subsection shall  
15 affect the employee status of individuals who were covered by a  
16 collective bargaining agreement on the effective date of this  
17 amendatory Act of 1991.

18 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;  
19 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; 93-1044, eff.  
20 10-14-04; revised 10-25-04.)

21 (115 ILCS 5/7) (from Ch. 48, par. 1707)

22 Sec. 7. Recognition of exclusive bargaining  
23 representatives - unit determination. The Board is empowered to  
24 administer the recognition of bargaining representatives of  
25 employees of public school districts, including employees of

1 districts which have entered into joint agreements, or  
2 employees of public community college districts, or any State  
3 college or university, and any State agency whose major  
4 function is providing educational services, making certain  
5 that each bargaining unit contains employees with an  
6 identifiable community of interest and that no unit includes  
7 both professional employees and nonprofessional employees  
8 unless a majority of employees in each group vote for inclusion  
9 in the unit.

10 (a) In determining the appropriateness of a unit, the Board  
11 shall decide in each case, in order to ensure employees the  
12 fullest freedom in exercising the rights guaranteed by this  
13 Act, the unit appropriate for the purpose of collective  
14 bargaining, based upon but not limited to such factors as  
15 historical pattern of recognition, community of interest,  
16 including employee skills and functions, degree of functional  
17 integration, interchangeability and contact among employees,  
18 common supervision, wages, hours and other working conditions  
19 of the employees involved, and the desires of the employees.  
20 Nothing in this Act, except as herein provided, shall interfere  
21 with or negate the current representation rights or patterns  
22 and practices of employee organizations which have  
23 historically represented employees for the purposes of  
24 collective bargaining, including but not limited to the  
25 negotiations of wages, hours and working conditions,  
26 resolutions of employees' grievances, or resolution of

1 jurisdictional disputes, or the establishment and maintenance  
2 of prevailing wage rates, unless a majority of the employees so  
3 represented expresses a contrary desire under the procedures  
4 set forth in this Act. This Section, however, does not prohibit  
5 multi-unit bargaining. Notwithstanding the above factors,  
6 where the majority of public employees of a craft so decide,  
7 the Board shall designate such craft as a unit appropriate for  
8 the purposes of collective bargaining.

9 The sole appropriate bargaining unit for tenured and  
10 tenure-track academic faculty at each campus of the University  
11 of Illinois shall be a unit that is comprised of  
12 non-supervisory academic faculty employed more than half-time  
13 and that includes all tenured and tenure-track faculty of that  
14 University campus employed by the board of trustees in all of  
15 the campus's undergraduate, graduate, and professional schools  
16 and degree and non-degree programs (with the exception of the  
17 college of medicine, the college of pharmacy, the college of  
18 dentistry, the college of law, and the college of veterinary  
19 medicine, each of which shall have its own separate unit),  
20 regardless of current or historical representation rights or  
21 patterns or the application of any other factors. Any decision,  
22 rule, or regulation promulgated by the Board to the contrary  
23 shall be null and void.

24 (b) An educational employer shall voluntarily recognize a  
25 labor organization for collective bargaining purposes if that  
26 organization appears to represent a majority of employees in

1 the unit. The employer shall post notice of its intent to so  
2 recognize for a period of at least 20 school days on bulletin  
3 boards or other places used or reserved for employee notices.  
4 Thereafter, the employer, if satisfied as to the majority  
5 status of the employee organization, shall send written  
6 notification of such recognition to the Board for  
7 certification. Any dispute regarding the majority status of a  
8 labor organization shall be resolved by the Board which shall  
9 make the determination of majority status.

10 Within the 20 day notice period, however, any other  
11 interested employee organization may petition the Board to seek  
12 recognition as the exclusive representative of the unit in the  
13 manner specified by rules and regulations prescribed by the  
14 Board, if such interested employee organization has been  
15 designated by at least 15% of the employees in an appropriate  
16 bargaining unit which includes all or some of the employees in  
17 the unit intended to be recognized by the employer. In such  
18 event, the Board shall proceed with the petition in the same  
19 manner as provided in paragraph (c) of this Section.

20 (c) A labor organization may also gain recognition as the  
21 exclusive representative by an election of the employees in the  
22 unit. Petitions requesting an election may be filed with the  
23 Board:

24 (1) by an employee or group of employees or any labor  
25 organizations acting on their behalf alleging and  
26 presenting evidence that 30% or more of the employees in a



1 bargaining unit wish to be represented for collective  
2 bargaining or that the labor organization which has been  
3 acting as the exclusive bargaining representative is no  
4 longer representative of a majority of the employees in the  
5 unit; or

6 (2) by an employer alleging that one or more labor  
7 organizations have presented a claim to be recognized as an  
8 exclusive bargaining representative of a majority of the  
9 employees in an appropriate unit and that it doubts the  
10 majority status of any of the organizations or that it  
11 doubts the majority status of an exclusive bargaining  
12 representative.

13 The Board shall investigate the petition and if it has  
14 reasonable cause to suspect that a question of representation  
15 exists, it shall give notice and conduct a hearing. If it finds  
16 upon the record of the hearing that a question of  
17 representation exists, it shall direct an election, which shall  
18 be held no later than 90 days after the date the petition was  
19 filed. Nothing prohibits the waiving of hearings by the parties  
20 and the conduct of consent elections.

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

1 ascertain the employees' choice of employee organization, on  
2 the basis of dues deduction authorization and other evidence,  
3 or, if necessary, by conducting an election. If either party  
4 provides to the Board, before the designation of a  
5 representative, clear and convincing evidence that the dues  
6 deduction authorizations, and other evidence upon which the  
7 Board would otherwise rely to ascertain the employees' choice  
8 of representative, are fraudulent or were obtained through  
9 coercion, the Board shall promptly thereafter conduct an  
10 election. The Board shall also investigate and consider a  
11 party's allegations that the dues deduction authorizations and  
12 other evidence submitted in support of a designation of  
13 representative without an election were subsequently changed,  
14 altered, withdrawn, or withheld as a result of employer fraud,  
15 coercion, or any other unfair labor practice by the employer.  
16 If the Board determines that a labor organization would have  
17 had a majority interest but for an employer's fraud, coercion,  
18 or unfair labor practice, it shall designate the labor  
19 organization as an exclusive representative without conducting  
20 an election.

21 (d) An order of the Board dismissing a representation  
22 petition, determining and certifying that a labor organization  
23 has been fairly and freely chosen by a majority of employees in  
24 an appropriate bargaining unit, determining and certifying  
25 that a labor organization has not been fairly and freely chosen  
26 by a majority of employees in the bargaining unit or certifying

1 a labor organization as the exclusive representative of  
2 employees in an appropriate bargaining unit because of a  
3 determination by the Board that the labor organization is the  
4 historical bargaining representative of employees in the  
5 bargaining unit, is a final order. Any person aggrieved by any  
6 such order issued on or after the effective date of this  
7 amendatory Act of 1987 may apply for and obtain judicial review  
8 in accordance with provisions of the Administrative Review Law,  
9 as now or hereafter amended, except that such review shall be  
10 afforded directly in the Appellate Court of a judicial district  
11 in which the Board maintains an office. Any direct appeal to  
12 the Appellate Court shall be filed within 35 days from the date  
13 that a copy of the decision sought to be reviewed was served  
14 upon the party affected by the decision.

15 No election may be conducted in any bargaining unit during  
16 the term of a collective bargaining agreement covering such  
17 unit or subdivision thereof, except the Board may direct an  
18 election after the filing of a petition between January 15 and  
19 March 1 of the final year of a collective bargaining agreement.  
20 Nothing in this Section prohibits the negotiation of a  
21 collective bargaining agreement covering a period not  
22 exceeding 3 years. A collective bargaining agreement of less  
23 than 3 years may be extended up to 3 years by the parties if the  
24 extension is agreed to in writing before the filing of a  
25 petition under this Section. In such case, the final year of  
26 the extension is the final year of the collective bargaining

1 agreement. No election may be conducted in a bargaining unit,  
2 or subdivision thereof, in which a valid election has been held  
3 within the preceding 12 month period.

4 (Source: P.A. 93-444, eff. 8-5-03; 93-445, eff. 1-1-04; revised  
5 9-11-03.)

6 Section 580. The Illinois Banking Act is amended by  
7 changing Section 48.4 as follows:

8 (205 ILCS 5/48.4)

9 Sec. 48.4. Enforcement of child support.

10 (a) Any bank governed by this Act shall encumber or  
11 surrender accounts or assets held by the bank on behalf of any  
12 responsible relative who is subject to a child support lien,  
13 upon notice of the lien or levy of the Department of Healthcare  
14 and Family Services (formerly Illinois Department of Public  
15 Aid) or its successor agency pursuant to Section 10-25.5 of the  
16 Illinois Public Aid Code, or upon notice of interstate lien or  
17 levy from any other state's agency responsible for implementing  
18 the child support enforcement program set forth in Title IV,  
19 Part D of the Social Security Act.

20 (b) Within 90 days after receiving notice from the  
21 Department of Healthcare and Family Services (formerly  
22 Department of Public Aid) that the Department has adopted a  
23 child support enforcement debit authorization form as required  
24 under the Illinois Public Aid Code, each bank governed by this

1 Act shall take all appropriate steps to implement the use of  
2 the form in relation to accounts held by the bank. Upon  
3 receiving from the Department of Healthcare and Family Services  
4 (formerly Department of Public Aid) a copy of a child support  
5 enforcement debit authorization form signed by an obligor, a  
6 bank holding an account on behalf of the obligor shall debit  
7 the account and transfer the debited amounts to the State  
8 Disbursement Unit according to the instructions in the child  
9 support enforcement debit authorization form.

10 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;  
11 revised 12-15-05.)

12 Section 585. The Illinois Savings and Loan Act of 1985 is  
13 amended by changing Section 1-6d and by setting forth and  
14 renumbering multiple versions of Section 1-6e as follows:

15 (205 ILCS 105/1-6d)

16 Sec. 1-6d. Enforcement of child support.

17 (a) Any association governed by this Act shall encumber or  
18 surrender accounts or assets held by the association on behalf  
19 of any responsible relative who is subject to a child support  
20 lien, upon notice of the lien or levy of the Department of  
21 Healthcare and Family Services (formerly Illinois Department  
22 of Public Aid) or its successor agency pursuant to Section  
23 10-25.5 of the Illinois Public Aid Code, or upon notice of  
24 interstate lien or levy from any other state's agency

1 responsible for implementing the child support enforcement  
2 program set forth in Title IV, Part D of the Social Security  
3 Act.

4 (b) Within 90 days after receiving notice from the  
5 Department of Healthcare and Family Services (formerly  
6 Department of Public Aid) that the Department has adopted a  
7 child support enforcement debit authorization form as required  
8 under the Illinois Public Aid Code, each association governed  
9 by this Act shall take all appropriate steps to implement the  
10 use of the form in relation to accounts held by the  
11 association. Upon receiving from the Department of Healthcare  
12 and Family Services (formerly Department of Public Aid) a copy  
13 of a child support enforcement debit authorization form signed  
14 by an obligor, an association holding an account on behalf of  
15 the obligor shall debit the account and transfer the debited  
16 amounts to the State Disbursement Unit according to the  
17 instructions in the child support enforcement debit  
18 authorization form.

19 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;  
20 revised 12-15-05.)

21 (205 ILCS 105/1-6e)

22 Sec. 1-6e. Reverse mortgage; disclosure. At the time a  
23 reverse mortgage loan is made, the lender must provide to the  
24 mortgagor a separate document that informs the mortgagor that  
25 by obtaining the reverse mortgage the mortgagor's eligibility

1 to obtain a tax deferral under the Senior Citizens Real Estate  
2 Tax Deferral Act may be adversely affected. The mortgagor must  
3 sign the disclosure document as part of the reverse mortgage  
4 transaction.

5 (Source: P.A. 92-577, eff. 6-26-02.)

6 (205 ILCS 105/1-6f)

7 Sec. 1-6f ~~1-6e~~. Non-English language transactions. An  
8 association may conduct transactions in a language other than  
9 English through an employee or agent acting as interpreter or  
10 through an interpreter provided by the customer.

11 (Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

12 Section 590. The Savings Bank Act is amended by changing  
13 Section 7007 as follows:

14 (205 ILCS 205/7007)

15 Sec. 7007. Enforcement of child support.

16 (a) Any savings bank governed by this Act shall encumber or  
17 surrender accounts or assets held by the savings bank on behalf  
18 of any responsible relative who is subject to a child support  
19 lien, upon notice of the lien or levy of the Department of  
20 Healthcare and Family Services (formerly Illinois Department  
21 of Public Aid) or its successor agency pursuant to Section  
22 10-25.5 of the Illinois Public Aid Code, or upon notice of  
23 interstate lien or levy from any other state's agency

1 responsible for implementing the child support enforcement  
2 program set forth in Title IV, Part D of the Social Security  
3 Act.

4 (b) Within 90 days after receiving notice from the  
5 Department of Healthcare and Family Services (formerly  
6 Department of Public Aid) that the Department has adopted a  
7 child support enforcement debit authorization form as required  
8 under the Illinois Public Aid Code, each savings bank governed  
9 by this Act shall take all appropriate steps to implement the  
10 use of the form in relation to accounts held by the savings  
11 bank. Upon receiving from the Department of Healthcare and  
12 Family Services (formerly Department of Public Aid) a copy of a  
13 child support enforcement debit authorization form signed by an  
14 obligor, a savings bank holding an account on behalf of the  
15 obligor shall debit the account and transfer the debited  
16 amounts to the State Disbursement Unit according to the  
17 instructions in the child support enforcement debit  
18 authorization form.

19 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;  
20 revised 12-15-05.)

21 Section 595. The Illinois Credit Union Act is amended by  
22 changing Section 43.1 as follows:

23 (205 ILCS 305/43.1)

24 Sec. 43.1. Enforcement of child support.



1 (a) Any credit union governed by this Act shall encumber or  
2 surrender accounts or assets held by the credit union on behalf  
3 of any responsible relative who is subject to a child support  
4 lien, upon notice of the lien or levy of the Department of  
5 Healthcare and Family Services (formerly Illinois Department  
6 of Public Aid) or its successor agency pursuant to Section  
7 10-25.5 of the Illinois Public Aid Code, or upon notice of  
8 interstate lien from any other state's agency responsible for  
9 implementing the child support enforcement program set forth in  
10 Title IV, Part D of the Social Security Act.

11 (b) Within 90 days after receiving notice from the  
12 Department of Healthcare and Family Services (formerly  
13 Department of Public Aid) that the Department has adopted a  
14 child support enforcement debit authorization form as required  
15 under the Illinois Public Aid Code, each credit union governed  
16 by this Act shall take all appropriate steps to implement the  
17 use of the form in relation to accounts held by the credit  
18 union. Upon receiving from the Department of Healthcare and  
19 Family Services (formerly Department of Public Aid) a copy of a  
20 child support enforcement debit authorization form signed by an  
21 obligor, a credit union holding an account on behalf of the  
22 obligor shall debit the account and transfer the debited  
23 amounts to the State Disbursement Unit according to the  
24 instructions in the child support enforcement debit  
25 authorization form.

26 (Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

1           Section 600. The Residential Mortgage License Act of 1987  
2 is amended by changing Section 2-4 as follows:

3           (205 ILCS 635/2-4) (from Ch. 17, par. 2322-4)

4           Sec. 2-4. Averments of Licensee. Each application for  
5 license or for the renewal of a license shall be accompanied by  
6 the following averments stating that the applicant:

7           (a) Will maintain at least one full service office  
8 within the State of Illinois pursuant to Section 3-4 of  
9 this Act;

10           (b) Will maintain staff reasonably adequate to meet the  
11 requirements of Section 3-4 of this Act;

12           (c) Will keep and maintain for 36 months the same  
13 written records as required by the federal Equal Credit  
14 Opportunity Act, and any other information required by  
15 regulations of the Commissioner regarding any home  
16 mortgage in the course of the conduct of its residential  
17 mortgage business;

18           (d) Will file with the Commissioner, when due, any  
19 report or reports which it is required to file under any of  
20 the provisions of this Act;

21           (e) Will not engage, whether as principal or agent, in  
22 the practice of rejecting residential mortgage  
23 applications without reasonable cause, or varying terms or  
24 application procedures without reasonable cause, for home

1 mortgages on real estate within any specific geographic  
2 area from the terms or procedures generally provided by the  
3 licensee within other geographic areas of the State;

4 (f) Will not engage in fraudulent home mortgage  
5 underwriting practices;

6 (g) Will not make payment, whether directly or  
7 indirectly, of any kind to any in house or fee appraiser of  
8 any government or private money lending agency with which  
9 an application for a home mortgage has been filed for the  
10 purpose of influencing the independent judgment of the  
11 appraiser with respect to the value of any real estate  
12 which is to be covered by such home mortgage;

13 (h) Has filed tax returns (State and Federal) for the  
14 past 3 years or filed with the Commissioner an accountant's  
15 or attorney's statement as to why no return was filed;

16 (i) Will not engage in any discrimination or redlining  
17 activities prohibited by Section 3-8 of this Act;

18 (j) Will not knowingly make any false promises likely  
19 to influence or persuade, or pursue a course of  
20 misrepresentation and false promises through agents,  
21 solicitors, advertising or otherwise;

22 (k) Will not knowingly misrepresent, circumvent or  
23 conceal, through whatever subterfuge or device, any of the  
24 material particulars or the nature thereof, regarding a  
25 transaction to which it is a party to the injury of another  
26 party thereto;

1           (l) Will disburse funds in accordance with its  
2 agreements;

3           (m) Has not committed a crime against the law of this  
4 State, any other state or of the United States, involving  
5 moral turpitude, fraudulent or dishonest dealing, and that  
6 no final judgment has been entered against it in a civil  
7 action upon grounds of fraud, misrepresentation or deceit  
8 which has not been previously reported to the Commissioner;

9           (n) Will account or deliver to any person any personal  
10 property such as money, fund, deposit, check, draft,  
11 mortgage, other document or thing of value, which has come  
12 into its possession, and which is not its property, or  
13 which it is not in law or equity entitled to retain under  
14 the circumstances, at the time which has been agreed upon  
15 or is required by law, or, in the absence of a fixed time,  
16 upon demand of the person entitled to such accounting and  
17 delivery;

18           (o) Has not engaged in any conduct which would be cause  
19 for denial of a license;

20           (p) Has not become insolvent;

21           (q) Has not submitted an application for a license  
22 under this Act which contains a material misstatement;

23           (r) Has not demonstrated by course of conduct,  
24 negligence or incompetence in performing any act for which  
25 it is required to hold a license under this Act;

26           (s) Will advise the Commissioner in writing of any

1 changes to the information submitted on the most recent  
2 application for license within 30 days of said change. The  
3 written notice must be signed in the same form as the  
4 application for license being amended;

5 (t) Will comply with the provisions of this Act, or  
6 with any lawful order, rule or regulation made or issued  
7 under the provisions of this Act;

8 (u) Will submit to periodic examination by the  
9 Commissioner as required by this Act;

10 (v) Will advise the Commissioner in writing of  
11 judgments entered against, and bankruptcy petitions by,  
12 the license applicant within 5 days of occurrence;

13 (w) Will advise the Commissioner in writing within 30  
14 days when the license applicant requests a licensee under  
15 this Act to repurchase a loan, and the circumstances  
16 therefor; ~~and~~

17 (x) Will advise the Commissioner in writing within 30  
18 days when the license applicant is requested by another  
19 entity to repurchase a loan, and the circumstances  
20 therefor; ~~and~~

21 (y) Will at all times act in a manner consistent with  
22 subsections (a) and (b) of Section 1-2 of this Act; ~~and~~

23 (z) ~~(x)~~ Will not knowingly hire or employ a loan  
24 originator who is not registered with the Commissioner as  
25 required under Section 7-1 of this Act.

26 A licensee who fails to fulfill obligations of an averment,

1 to comply with averments made, or otherwise violates any of the  
2 averments made under this Section shall be subject to the  
3 penalties in Section 4-5 of this Act.

4 (Source: P.A. 93-561, eff. 1-1-04; revised 10-9-03.)

5 Section 605. The Foreign Banking Office Act is amended by  
6 changing Section 20 as follows:

7 (205 ILCS 645/20)

8 Sec. 20. Enforcement of child support.

9 (a) Any foreign banking corporation governed by this Act  
10 shall encumber or surrender accounts or assets held by the  
11 foreign banking corporation on behalf of any responsible  
12 relative who is subject to a child support lien, upon notice of  
13 the lien or levy of the Department of Healthcare and Family  
14 Services (formerly Illinois Department of Public Aid) or its  
15 successor agency pursuant to Section 10-25.5 of the Illinois  
16 Public Aid Code, or upon notice of interstate lien from any  
17 other state's agency responsible for implementing the child  
18 support enforcement program set forth in Title IV, Part D of  
19 the Social Security Act.

20 (b) Within 90 days after receiving notice from the  
21 Department of Healthcare and Family Services (formerly  
22 Department of Public Aid) that the Department has adopted a  
23 child support enforcement debit authorization form as required  
24 under the Illinois Public Aid Code, each foreign banking

1 corporation governed by this Act shall take all appropriate  
2 steps to implement the use of the form in relation to accounts  
3 held by the corporation. Upon receiving from the Department of  
4 Healthcare and Family Services (formerly Department of Public  
5 Aid) a copy of a child support enforcement debit authorization  
6 form signed by an obligor, a foreign banking corporation  
7 holding an account on behalf of the obligor shall debit the  
8 account and transfer the debited amounts to the State  
9 Disbursement Unit according to the instructions in the child  
10 support enforcement debit authorization form.

11 (Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

12 Section 610. The Debt Management Service Act is amended by  
13 changing Section 2 as follows:

14 (205 ILCS 665/2) (from Ch. 17, par. 5302)

15 Sec. 2. Definitions. As used in this Act:

16 "Debt management service" means the planning and  
17 management of the financial affairs of a debtor for a fee and  
18 the receiving of money from the debtor for the purpose of  
19 distributing it, directly or indirectly, to the debtor's  
20 creditors in payment or partial payment of the debtor's  
21 obligations or soliciting financial contributions from  
22 creditors. The business of debt management is conducted in this  
23 State if the debt management business, its employees, or its  
24 agents are located in this State or if the debt management

1 business solicits or contracts with debtors located in this  
2 State.

3 This term shall not include the following when engaged in  
4 the regular course of their respective businesses and  
5 professions:

6 (a) Attorneys at law.

7 (b) Banks, fiduciaries, credit unions, savings and  
8 loan associations, and savings banks as duly authorized and  
9 admitted to transact business in the State of Illinois and  
10 performing credit and financial adjusting service in the  
11 regular course of their principal business.

12 (c) Title insurers and abstract companies, while doing  
13 an escrow business.

14 (d) Judicial officers or others acting pursuant to  
15 court order.

16 (e) Employers for their employees.

17 (f) Bill payment services, as defined in the  
18 Transmitters of Money Act.

19 "Director" means Director of Financial Institutions.

20 "Debtor" means the person or persons for whom the debt  
21 management service is performed.

22 "Person" means an individual, firm, partnership,  
23 association, limited liability company, corporation, or  
24 not-for-profit corporation.

25 "Licensee" means a person licensed under this Act.

26 ~~"Director" means the Director of the Department of~~



1 ~~Financial Institutions.~~

2 (Source: P.A. 92-400, eff. 1-1-02; 93-903, eff. 8-10-04;  
3 revised 9-21-04.)

4 Section 615. The Alternative Health Care Delivery Act is  
5 amended by changing Sections 15, 30, and 35 as follows:

6 (210 ILCS 3/15)

7 Sec. 15. License required. No health care facility or  
8 program that meets the definition and scope of an alternative  
9 health care model shall operate as such unless it is a  
10 participant in a demonstration program under this Act and  
11 licensed by the Department as an alternative health care model.  
12 The provisions of this Section as they relate to subacute care  
13 hospitals shall not apply to hospitals licensed under the  
14 Illinois Hospital Licensing Act or skilled nursing facilities  
15 licensed under the Illinois Nursing Home Care Act; provided,  
16 however, that the facilities shall not hold themselves out to  
17 the public as subacute care hospitals. The provisions of this  
18 Act concerning children's respite care centers shall not apply  
19 to any facility licensed under the Hospital Licensing Act, the  
20 Nursing Home Care Act, or the University of Illinois Hospital  
21 Act that provides respite care services to children.

22 (Source: P.A. 88-490; 89-393, eff. 8-20-95; revised 9-15-06.)

23 (210 ILCS 3/30)

1           Sec. 30. Demonstration program requirements. The  
2 requirements set forth in this Section shall apply to  
3 demonstration programs.

4           (a) There shall be no more than:

5                 (i) 3 subacute care hospital alternative health care  
6 models in the City of Chicago (one of which shall be  
7 located on a designated site and shall have been licensed  
8 as a hospital under the Illinois Hospital Licensing Act  
9 within the 10 years immediately before the application for  
10 a license);

11                (ii) 2 subacute care hospital alternative health care  
12 models in the demonstration program for each of the  
13 following areas:

14                         (1) Cook County outside the City of Chicago.

15                         (2) DuPage, Kane, Lake, McHenry, and Will  
16 Counties.

17                         (3) Municipalities with a population greater than  
18 50,000 not located in the areas described in item (i)  
19 of subsection (a) and paragraphs (1) and (2) of item  
20 (ii) of subsection (a); and

21                 (iii) 4 subacute care hospital alternative health care  
22 models in the demonstration program for rural areas.

23           In selecting among applicants for these licenses in rural  
24 areas, the Health Facilities Planning Board and the Department  
25 shall give preference to hospitals that may be unable for  
26 economic reasons to provide continued service to the community

1 in which they are located unless the hospital were to receive  
2 an alternative health care model license.

3 (a-5) There shall be no more than a total of 12  
4 postsurgical recovery care center alternative health care  
5 models in the demonstration program, located as follows:

6 (1) Two in the City of Chicago.

7 (2) Two in Cook County outside the City of Chicago. At  
8 least one of these shall be owned or operated by a hospital  
9 devoted exclusively to caring for children.

10 (3) Two in Kane, Lake, and McHenry Counties.

11 (4) Four in municipalities with a population of 50,000  
12 or more not located in the areas described in paragraphs  
13 (1), (2), and (3), 3 of which shall be owned or operated by  
14 hospitals, at least 2 of which shall be located in counties  
15 with a population of less than 175,000, according to the  
16 most recent decennial census for which data are available,  
17 and one of which shall be owned or operated by an  
18 ambulatory surgical treatment center.

19 (5) Two in rural areas, both of which shall be owned or  
20 operated by hospitals.

21 There shall be no postsurgical recovery care center  
22 alternative health care models located in counties with  
23 populations greater than 600,000 but less than 1,000,000. A  
24 proposed postsurgical recovery care center must be owned or  
25 operated by a hospital if it is to be located within, or will  
26 primarily serve the residents of, a health service area in

1 which more than 60% of the gross patient revenue of the  
2 hospitals within that health service area are derived from  
3 Medicaid and Medicare, according to the most recently available  
4 calendar year data from the Illinois Health Care Cost  
5 Containment Council. Nothing in this paragraph shall preclude a  
6 hospital and an ambulatory surgical treatment center from  
7 forming a joint venture or developing a collaborative agreement  
8 to own or operate a postsurgical recovery care center.

9 (a-10) There shall be no more than a total of 8 children's  
10 respite care center alternative health care models in the  
11 demonstration program, which shall be located as follows:

12 (1) One in the City of Chicago.

13 (2) One in Cook County outside the City of Chicago.

14 (3) A total of 2 in the area comprised of DuPage, Kane,  
15 Lake, McHenry, and Will counties.

16 (4) A total of 2 in municipalities with a population of  
17 50,000 or more and not located in the areas described in  
18 paragraphs (1), (2), or (3).

19 (5) A total of 2 in rural areas, as defined by the  
20 Health Facilities Planning Board.

21 No more than one children's respite care model owned and  
22 operated by a licensed skilled pediatric facility shall be  
23 located in each of the areas designated in this subsection  
24 (a-10).

25 (a-15) There shall be an authorized community-based  
26 residential rehabilitation center alternative health care

1 model in the demonstration program. The community-based  
2 residential rehabilitation center shall be located in the area  
3 of Illinois south of Interstate Highway 70.

4 (a-20) There shall be an authorized Alzheimer's disease  
5 management center alternative health care model in the  
6 demonstration program. The Alzheimer's disease management  
7 center shall be located in Will County, owned by a  
8 not-for-profit entity, and endorsed by a resolution approved by  
9 the county board before the effective date of this amendatory  
10 Act of the 91st General Assembly.

11 (b) Alternative health care models, other than a model  
12 authorized under subsection (a-20), shall obtain a certificate  
13 of need from the Illinois Health Facilities Planning Board  
14 under the Illinois Health Facilities Planning Act before  
15 receiving a license by the Department. If, after obtaining its  
16 initial certificate of need, an alternative health care  
17 delivery model that is a community based residential  
18 rehabilitation center seeks to increase the bed capacity of  
19 that center, it must obtain a certificate of need from the  
20 Illinois Health Facilities Planning Board before increasing  
21 the bed capacity. Alternative health care models in medically  
22 underserved areas shall receive priority in obtaining a  
23 certificate of need.

24 (c) An alternative health care model license shall be  
25 issued for a period of one year and shall be annually renewed  
26 if the facility or program is in substantial compliance with

1 the Department's rules adopted under this Act. A licensed  
2 alternative health care model that continues to be in  
3 substantial compliance after the conclusion of the  
4 demonstration program shall be eligible for annual renewals  
5 unless and until a different licensure program for that type of  
6 health care model is established by legislation. The Department  
7 may issue a provisional license to any alternative health care  
8 model that does not substantially comply with the provisions of  
9 this Act and the rules adopted under this Act if (i) the  
10 Department finds that the alternative health care model has  
11 undertaken changes and corrections which upon completion will  
12 render the alternative health care model in substantial  
13 compliance with this Act and rules and (ii) the health and  
14 safety of the patients of the alternative health care model  
15 will be protected during the period for which the provisional  
16 license is issued. The Department shall advise the licensee of  
17 the conditions under which the provisional license is issued,  
18 including the manner in which the alternative health care model  
19 fails to comply with the provisions of this Act and rules, and  
20 the time within which the changes and corrections necessary for  
21 the alternative health care model to substantially comply with  
22 this Act and rules shall be completed.

23 (d) Alternative health care models shall seek  
24 certification under Titles XVIII and XIX of the federal Social  
25 Security Act. In addition, alternative health care models shall  
26 provide charitable care consistent with that provided by

1 comparable health care providers in the geographic area.

2 (d-5) The Department of Healthcare and Family Services  
3 (formerly Illinois Department of Public Aid), in cooperation  
4 with the Illinois Department of Public Health, shall develop  
5 and implement a reimbursement methodology for all facilities  
6 participating in the demonstration program. The Department of  
7 Healthcare and Family Services ~~Illinois Department of Public~~  
8 ~~Aid~~ shall keep a record of services provided under the  
9 demonstration program to recipients of medical assistance  
10 under the Illinois Public Aid Code and shall submit an annual  
11 report of that information to the Illinois Department of Public  
12 Health.

13 (e) Alternative health care models shall, to the extent  
14 possible, link and integrate their services with nearby health  
15 care facilities.

16 (f) Each alternative health care model shall implement a  
17 quality assurance program with measurable benefits and at  
18 reasonable cost.

19 (Source: P.A. 91-65, eff. 7-9-99; 91-838, eff. 6-16-00; revised  
20 12-15-05.)

21 (210 ILCS 3/35)

22 Sec. 35. Alternative health care models authorized.  
23 Notwithstanding any other law to the contrary, alternative  
24 health care models described in this Section may be established  
25 on a demonstration basis.

1           (1) Alternative health care model; subacute care  
2 hospital. A subacute care hospital is a designated site  
3 which provides medical specialty care for patients who need  
4 a greater intensity or complexity of care than generally  
5 provided in a skilled nursing facility but who no longer  
6 require acute hospital care. The average length of stay for  
7 patients treated in subacute care hospitals shall not be  
8 less than 20 days, and for individual patients, the  
9 expected length of stay at the time of admission shall not  
10 be less than 10 days. Variations from minimum lengths of  
11 stay shall be reported to the Department. There shall be no  
12 more than 13 subacute care hospitals authorized to operate  
13 by the Department. Subacute care includes physician  
14 supervision, registered nursing, and physiological  
15 monitoring on a continual basis. A subacute care hospital  
16 is either a freestanding building or a distinct physical  
17 and operational entity within a hospital or nursing home  
18 building. A subacute care hospital shall only consist of  
19 beds currently existing in licensed hospitals or skilled  
20 nursing facilities, except, in the City of Chicago, on a  
21 designated site that was licensed as a hospital under the  
22 Illinois Hospital Licensing Act within the 10 years  
23 immediately before the application for an alternative  
24 health care model license. During the period of operation  
25 of the demonstration project, the existing licensed beds  
26 shall remain licensed as hospital or skilled nursing



1 facility beds as well as being licensed under this Act. In  
2 order to handle cases of complications, emergencies, or  
3 exigent circumstances, a subacute care hospital shall  
4 maintain a contractual relationship, including a transfer  
5 agreement, with a general acute care hospital. If a  
6 subacute care model is located in a general acute care  
7 hospital, it shall utilize all or a portion of the bed  
8 capacity of that existing hospital. In no event shall a  
9 subacute care hospital use the word "hospital" in its  
10 advertising or marketing activities or represent or hold  
11 itself out to the public as a general acute care hospital.

12 (2) Alternative health care delivery model;  
13 postsurgical recovery care center. A postsurgical recovery  
14 care center is a designated site which provides  
15 postsurgical recovery care for generally healthy patients  
16 undergoing surgical procedures that require overnight  
17 nursing care, pain control, or observation that would  
18 otherwise be provided in an inpatient setting. A  
19 postsurgical recovery care center is either freestanding  
20 or a defined unit of an ambulatory surgical treatment  
21 center or hospital. No facility, or portion of a facility,  
22 may participate in a demonstration program as a  
23 postsurgical recovery care center unless the facility has  
24 been licensed as an ambulatory surgical treatment center or  
25 hospital for at least 2 years before August 20, 1993 (the  
26 effective date of Public Act 88-441). The maximum length of

1 stay for patients in a postsurgical recovery care center is  
2 not to exceed 48 hours unless the treating physician  
3 requests an extension of time from the recovery center's  
4 medical director on the basis of medical or clinical  
5 documentation that an additional care period is required  
6 for the recovery of a patient and the medical director  
7 approves the extension of time. In no case, however, shall  
8 a patient's length of stay in a postsurgical recovery care  
9 center be longer than 72 hours. If a patient requires an  
10 additional care period after the expiration of the 72-hour  
11 limit, the patient shall be transferred to an appropriate  
12 facility. Reports on variances from the 48-hour limit shall  
13 be sent to the Department for its evaluation. The reports  
14 shall, before submission to the Department, have removed  
15 from them all patient and physician identifiers. In order  
16 to handle cases of complications, emergencies, or exigent  
17 circumstances, every postsurgical recovery care center as  
18 defined in this paragraph shall maintain a contractual  
19 relationship, including a transfer agreement, with a  
20 general acute care hospital. A postsurgical recovery care  
21 center shall be no larger than 20 beds. A postsurgical  
22 recovery care center shall be located within 15 minutes  
23 travel time from the general acute care hospital with which  
24 the center maintains a contractual relationship, including  
25 a transfer agreement, as required under this paragraph.

26 No postsurgical recovery care center shall

1 discriminate against any patient requiring treatment  
2 because of the source of payment for services, including  
3 Medicare and Medicaid recipients.

4 The Department shall adopt rules to implement the  
5 provisions of Public Act 88-441 concerning postsurgical  
6 recovery care centers within 9 months after August 20,  
7 1993.

8 (3) Alternative health care delivery model; children's  
9 community-based health care center. A children's  
10 community-based health care center model is a designated  
11 site that provides nursing care, clinical support  
12 services, and therapies for a period of one to 14 days for  
13 short-term stays and 120 days to facilitate transitions to  
14 home or other appropriate settings for medically fragile  
15 children, technology dependent children, and children with  
16 special health care needs who are deemed clinically stable  
17 by a physician and are younger than 22 years of age. This  
18 care is to be provided in a home-like environment that  
19 serves no more than 12 children at a time. Children's  
20 community-based health care center services must be  
21 available through the model to all families, including  
22 those whose care is paid for through the Department of  
23 Healthcare and Family Services ~~Public Aid~~, the Department  
24 of Children and Family Services, the Department of Human  
25 Services, and insurance companies who cover home health  
26 care services or private duty nursing care in the home.

1           Each children's community-based health care center  
2 model location shall be physically separate and apart from  
3 any other facility licensed by the Department of Public  
4 Health under this or any other Act and shall provide the  
5 following services: respite care, registered nursing or  
6 licensed practical nursing care, transitional care to  
7 facilitate home placement or other appropriate settings  
8 and reunite families, medical day care, weekend camps, and  
9 diagnostic studies typically done in the home setting.

10           Coverage for the services provided by the ~~Illinois~~  
11 Department of Healthcare and Family Services ~~Public Aid~~  
12 under this paragraph (3) is contingent upon federal waiver  
13 approval and is provided only to Medicaid eligible clients  
14 participating in the home and community based services  
15 waiver designated in Section 1915(c) of the Social Security  
16 Act for medically frail and technologically dependent  
17 children or children in Department of Children and Family  
18 Services foster care who receive home health benefits.

19           (4) Alternative health care delivery model; community  
20 based residential rehabilitation center. A community-based  
21 residential rehabilitation center model is a designated  
22 site that provides rehabilitation or support, or both, for  
23 persons who have experienced severe brain injury, who are  
24 medically stable, and who no longer require acute  
25 rehabilitative care or intense medical or nursing  
26 services. The average length of stay in a community-based

1 residential rehabilitation center shall not exceed 4  
2 months. As an integral part of the services provided,  
3 individuals are housed in a supervised living setting while  
4 having immediate access to the community. The residential  
5 rehabilitation center authorized by the Department may  
6 have more than one residence included under the license. A  
7 residence may be no larger than 12 beds and shall be  
8 located as an integral part of the community. Day treatment  
9 or individualized outpatient services shall be provided  
10 for persons who reside in their own home. Functional  
11 outcome goals shall be established for each individual.  
12 Services shall include, but are not limited to, case  
13 management, training and assistance with activities of  
14 daily living, nursing consultation, traditional therapies  
15 (physical, occupational, speech), functional interventions  
16 in the residence and community (job placement, shopping,  
17 banking, recreation), counseling, self-management  
18 strategies, productive activities, and multiple  
19 opportunities for skill acquisition and practice  
20 throughout the day. The design of individualized program  
21 plans shall be consistent with the outcome goals that are  
22 established for each resident. The programs provided in  
23 this setting shall be accredited by the Commission on  
24 Accreditation of Rehabilitation Facilities (CARF). The  
25 program shall have been accredited by CARF as a Brain  
26 Injury Community-Integrative Program for at least 3 years.

1           (5)   Alternative health care delivery model;  
2    Alzheimer's disease management center. An Alzheimer's  
3    disease management center model is a designated site that  
4    provides a safe and secure setting for care of persons  
5    diagnosed with Alzheimer's disease. An Alzheimer's disease  
6    management center model shall be a facility separate from  
7    any other facility licensed by the Department of Public  
8    Health under this or any other Act. An Alzheimer's disease  
9    management center shall conduct and document an assessment  
10   of each resident every 6 months. The assessment shall  
11   include an evaluation of daily functioning, cognitive  
12   status, other medical conditions, and behavioral problems.  
13   An Alzheimer's disease management center shall develop and  
14   implement an ongoing treatment plan for each resident. The  
15   treatment plan shall have defined goals. The Alzheimer's  
16   disease management center shall treat behavioral problems  
17   and mood disorders using nonpharmacologic approaches such  
18   as environmental modification, task simplification, and  
19   other appropriate activities. All staff must have  
20   necessary training to care for all stages of Alzheimer's  
21   Disease. An Alzheimer's disease management center shall  
22   provide education and support for residents and  
23   caregivers. The education and support shall include  
24   referrals to support organizations for educational  
25   materials on community resources, support groups, legal  
26   and financial issues, respite care, and future care needs

1 and options. The education and support shall also include a  
2 discussion of the resident's need to make advance  
3 directives and to identify surrogates for medical and legal  
4 decision-making. The provisions of this paragraph  
5 establish the minimum level of services that must be  
6 provided by an Alzheimer's disease management center. An  
7 Alzheimer's disease management center model shall have no  
8 more than 100 residents. Nothing in this paragraph (5)  
9 shall be construed as prohibiting a person or facility from  
10 providing services and care to persons with Alzheimer's  
11 disease as otherwise authorized under State law.

12 (Source: P.A. 93-402, eff. 1-1-04; revised 12-15-05.)

13 Section 620. The Assisted Living and Shared Housing Act is  
14 amended by changing Sections 75 and 125 as follows:

15 (210 ILCS 9/75)

16 Sec. 75. Residency Requirements.

17 (a) No individual shall be accepted for residency or remain  
18 in residence if the establishment cannot provide or secure  
19 appropriate services, if the individual requires a level of  
20 service or type of service for which the establishment is not  
21 licensed or which the establishment does not provide, or if the  
22 establishment does not have the staff appropriate in numbers  
23 and with appropriate skill to provide such services.

24 (b) Only adults may be accepted for residency.

1 (c) A person shall not be accepted for residency if:

2 (1) the person poses a serious threat to himself or  
3 herself or to others;

4 (2) the person is not able to communicate his or her  
5 needs and no resident representative residing in the  
6 establishment, and with a prior relationship to the person,  
7 has been appointed to direct the provision of services;

8 (3) the person requires total assistance with 2 or more  
9 activities of daily living;

10 (4) the person requires the assistance of more than one  
11 paid caregiver at any given time with an activity of daily  
12 living;

13 (5) the person requires more than minimal assistance in  
14 moving to a safe area in an emergency;

15 (6) the person has a severe mental illness, which for  
16 the purposes of this Section means a condition that is  
17 characterized by the presence of a major mental disorder as  
18 classified in the Diagnostic and Statistical Manual of  
19 Mental Disorders, Fourth Edition (DSM-IV) (American  
20 Psychiatric Association, 1994), where the individual is  
21 substantially disabled due to mental illness in the areas  
22 of self-maintenance, social functioning, activities of  
23 community living and work skills, and the disability  
24 specified is expected to be present for a period of not  
25 less than one year, but does not mean Alzheimer's disease  
26 and other forms of dementia based on organic or physical



1 disorders;

2 (7) the person requires intravenous therapy or  
3 intravenous feedings unless self-administered or  
4 administered by a qualified, licensed health care  
5 professional;

6 (8) the person requires gastrostomy feedings unless  
7 self-administered or administered by a licensed health  
8 care professional;

9 (9) the person requires insertion, sterile irrigation,  
10 and replacement of catheter, except for routine  
11 maintenance of urinary catheters, unless the catheter care  
12 is self-administered or administered by a licensed health  
13 care professional;

14 (10) the person requires sterile wound care unless care  
15 is self-administered or administered by a licensed health  
16 care professional;

17 (11) the person requires sliding scale insulin  
18 administration unless self-performed or administered by a  
19 licensed health care professional;

20 (12) the person is a diabetic requiring routine insulin  
21 injections unless the injections are self-administered or  
22 administered by a licensed health care professional;

23 (13) the person requires treatment of stage 3 or stage  
24 4 decubitus ulcers or exfoliative dermatitis;

25 (14) the person requires 5 or more skilled nursing  
26 visits per week for conditions other than those listed in

1 items (13) and (15) of this subsection for a period of 3  
2 consecutive weeks or more except when the course of  
3 treatment is expected to extend beyond a 3 week period for  
4 rehabilitative purposes and is certified as temporary by a  
5 physician; or

6 (15) other reasons prescribed by the Department by  
7 rule.

8 (d) A resident with a condition listed in items (1) through  
9 (15) of subsection (c) shall have his or her residency  
10 terminated.

11 (e) Residency shall be terminated when services available  
12 to the resident in the establishment are no longer adequate to  
13 meet the needs of the resident. This provision shall not be  
14 interpreted as limiting the authority of the Department to  
15 require the residency termination of individuals.

16 (f) Subsection (d) of this Section shall not apply to  
17 terminally ill residents who receive or would qualify for  
18 hospice care and such care is coordinated by a hospice program  
19 licensed under the Hospice Program Licensing Act or other  
20 licensed health care professional employed by a licensed home  
21 health agency and the establishment and all parties agree to  
22 the continued residency.

23 (g) Items (3), (4), (5), and (9) of subsection (c) shall  
24 not apply to a quadriplegic, paraplegic, or individual with  
25 neuro-muscular diseases, such as muscular dystrophy and  
26 multiple sclerosis, or other chronic diseases and conditions as

1 defined by rule if the individual is able to communicate his or  
2 her needs and does not require assistance with complex medical  
3 problems, and the establishment is able to accommodate the  
4 individual's needs. The Department shall prescribe rules  
5 pursuant to this Section that address special safety and  
6 service needs of these individuals.

7 (h) For the purposes of items (7) through (10) of  
8 subsection (c), a licensed health care professional may not be  
9 employed by the owner or operator of the establishment, its  
10 parent entity, or any other entity with ownership common to  
11 either the owner or operator of the establishment or parent  
12 entity, including but not limited to an affiliate of the owner  
13 or operator of the establishment. Nothing in this Section is  
14 meant to limit a resident's right to choose his or her health  
15 care provider.

16 (Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05;  
17 94-570, eff. 8-12-05; revised 8-19-05.)

18 (210 ILCS 9/125)

19 Sec. 125. Assisted Living and Shared Housing Standards and  
20 Quality of Life Advisory Board.

21 (a) The Governor shall appoint the Assisted Living and  
22 Shared Housing Standards and Quality of Life Advisory Board  
23 which shall be responsible for advising the Director in all  
24 aspects of the administration of the Act. The Board shall give  
25 advice to the Department concerning activities of the assisted

1 living ombudsman and all other matters deemed relevant by the  
2 Director and to the Director concerning the delivery of  
3 personal care services, the unique needs and concerns of  
4 seniors residing in housing projects, and all other issues  
5 affecting the quality of life of residents.

6 (b) The Board shall be comprised of the following persons:

7 (1) the Director who shall serve as chair, ex officio  
8 and nonvoting;

9 (2) the Director of Aging who shall serve as  
10 vice-chair, ex officio and nonvoting;

11 (3) one representative each of the Departments of  
12 Public Health, Healthcare and Family Services ~~Public Aid~~,  
13 and Human Services, the Office of the State Fire Marshal,  
14 and the Illinois Housing Development Authority, and 2  
15 representatives of the Department on Aging, all nonvoting  
16 members;

17 (4) the State Ombudsman or his or her designee;

18 (5) one representative of the Association of Area  
19 Agencies on Aging;

20 (6) four members selected from the recommendations by  
21 provider organizations whose membership consist of nursing  
22 care or assisted living establishments;

23 (7) one member selected from the recommendations of  
24 provider organizations whose membership consists of home  
25 health agencies;

26 (8) two residents of assisted living or shared housing

1 establishments;

2 (9) three members selected from the recommendations of  
3 consumer organizations which engage solely in advocacy or  
4 legal representation on behalf of the senior population;

5 (10) one member who shall be a physician;

6 (11) one member who shall be a registered professional  
7 nurse selected from the recommendations of professional  
8 nursing associations;

9 (12) two citizen members with expertise in the area of  
10 gerontology research or legal research regarding  
11 implementation of assisted living statutes;

12 (13) two members representing providers of community  
13 care services; and

14 (14) one member representing agencies providing case  
15 coordination services.

16 (c) Members of the Board appointed under paragraphs (5)  
17 through (14) of subsection (b) shall be appointed to serve for  
18 terms of 3 years except as otherwise provided in this Section.  
19 All members shall be appointed by January 1, 2001, except that  
20 the 2 members representing the Department on Aging appointed  
21 under paragraph (3) of subsection (b) and the members appointed  
22 under paragraphs (13) and (14) of subsection (b) shall be  
23 appointed by January 1, 2005. One third of the Board members'  
24 initial terms shall expire in one year; one third in 2 years,  
25 and one third in 3 years. Of the 3 members appointed under  
26 paragraphs (13) and (14) of subsection (b), one shall serve for

1 an initial term of one year, one shall serve for an initial  
2 term of 2 years, and one shall serve for an initial term of 3  
3 years. A member's term does not expire until a successor is  
4 appointed by the Governor. Any member appointed to fill a  
5 vacancy occurring prior to the expiration of the term for which  
6 his or her predecessor was appointed shall be appointed for the  
7 remainder of that term. The Board shall meet at the call of the  
8 Director. The affirmative vote of 10 members of the Board shall  
9 be necessary for Board action. Members of this Board shall  
10 receive no compensation for their services, however, resident  
11 members shall be reimbursed for their actual expenses.

12 (d) The Board shall be provided copies of all  
13 administrative rules and changes to administrative rules for  
14 review and comment prior to notice being given to the public.  
15 If the Board, having been asked for its review, fails to advise  
16 the Department within 90 days, the rules shall be considered  
17 acted upon.

18 (Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

19 Section 625. The Abused and Neglected Long Term Care  
20 Facility Residents Reporting Act is amended by changing Section  
21 6.2 as follows:

22 (210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

23 Sec. 6.2. Inspector General.

24 (a) The Governor shall appoint, and the Senate shall

1 confirm, an Inspector General. The Inspector General shall be  
2 appointed for a term of 4 years and shall function within the  
3 Department of Human Services and report to the Secretary of  
4 Human Services and the Governor. The Inspector General shall  
5 function independently within the Department of Human Services  
6 with respect to the operations of the office, including the  
7 performance of investigations and issuance of findings and  
8 recommendations. The appropriation for the Office of Inspector  
9 General shall be separate from the overall appropriation for  
10 the Department of Human Services. The Inspector General shall  
11 investigate reports of suspected abuse or neglect (as those  
12 terms are defined in Section 3 of this Act) of patients or  
13 residents in any mental health or developmental disabilities  
14 facility operated by the Department of Human Services and shall  
15 have authority to investigate and take immediate action on  
16 reports of abuse or neglect of recipients, whether patients or  
17 residents, in any mental health or developmental disabilities  
18 facility or program that is licensed or certified by the  
19 Department of Human Services (as successor to the Department of  
20 Mental Health and Developmental Disabilities) or that is funded  
21 by the Department of Human Services (as successor to the  
22 Department of Mental Health and Developmental Disabilities)  
23 and is not licensed or certified by any agency of the State. At  
24 the specific, written request of an agency of the State other  
25 than the Department of Human Services (as successor to the  
26 Department of Mental Health and Developmental Disabilities),

1 the Inspector General may cooperate in investigating reports of  
2 abuse and neglect of persons with mental illness or persons  
3 with developmental disabilities. The Inspector General shall  
4 have no supervision over or involvement in routine,  
5 programmatic, licensure, or certification operations of the  
6 Department of Human Services or any of its funded agencies.

7 The Inspector General shall promulgate rules establishing  
8 minimum requirements for reporting allegations of abuse and  
9 neglect and initiating, conducting, and completing  
10 investigations. The promulgated rules shall clearly set forth  
11 that in instances where 2 or more State agencies could  
12 investigate an allegation of abuse or neglect, the Inspector  
13 General shall not conduct an investigation that is redundant to  
14 an investigation conducted by another State agency. The rules  
15 shall establish criteria for determining, based upon the nature  
16 of the allegation, the appropriate method of investigation,  
17 which may include, but need not be limited to, site visits,  
18 telephone contacts, or requests for written responses from  
19 agencies. The rules shall also clarify how the Office of the  
20 Inspector General shall interact with the licensing unit of the  
21 Department of Human Services in investigations of allegations  
22 of abuse or neglect. Any allegations or investigations of  
23 reports made pursuant to this Act shall remain confidential  
24 until a final report is completed. The resident or patient who  
25 allegedly was abused or neglected and his or her legal guardian  
26 shall be informed by the facility or agency of the report of



1 alleged abuse or neglect. Final reports regarding  
2 unsubstantiated or unfounded allegations shall remain  
3 confidential, except that final reports may be disclosed  
4 pursuant to Section 6 of this Act.

5 For purposes of this Section, "required reporter" means a  
6 person who suspects, witnesses, or is informed of an allegation  
7 of abuse or neglect at a State-operated facility or a community  
8 agency and who is either: (i) a person employed at a  
9 State-operated facility or a community agency on or off site  
10 who is providing or monitoring services to an individual or  
11 individuals or is providing services to the State-operated  
12 facility or the community agency; or (ii) any person or  
13 contractual agent of the Department of Human Services involved  
14 in providing, monitoring, or administering mental health or  
15 developmental disability services, including, but not limited  
16 to, payroll personnel, contractors, subcontractors, and  
17 volunteers. A required reporter shall report the allegation of  
18 abuse or neglect, or cause a report to be made, to the Office  
19 of the Inspector General (OIG) Hotline no later than 4 hours  
20 after the initial discovery of the incident of alleged abuse or  
21 neglect. A required reporter as defined in this paragraph who  
22 willfully fails to comply with the reporting requirement is  
23 guilty of a Class A misdemeanor.

24 For purposes of this Section, "State-operated facility"  
25 means a mental health facility or a developmental disability  
26 facility as defined in Sections 1-114 and 1-107 of the Mental

1 Health and Developmental Disabilities Code.

2 For purposes of this Section, "community agency" or  
3 "agency" means any community entity or program providing mental  
4 health or developmental disabilities services that is  
5 licensed, certified, or funded by the Department of Human  
6 Services and is not licensed or certified by any other human  
7 services agency of the State (for example, the Department of  
8 Public Health, the Department of Children and Family Services,  
9 or the Department of Healthcare and Family Services).

10 When the Office of the Inspector General has substantiated  
11 a case of abuse or neglect, the Inspector General shall include  
12 in the final report any mitigating or aggravating circumstances  
13 that were identified during the investigation. Upon  
14 determination that a report of neglect is substantiated, the  
15 Inspector General shall then determine whether such neglect  
16 rises to the level of egregious neglect.

17 (b) The Inspector General shall, within 24 hours after  
18 determining that a reported allegation of suspected abuse or  
19 neglect indicates that any possible criminal act has been  
20 committed or that special expertise is required in the  
21 investigation, immediately notify the Department of State  
22 Police or the appropriate law enforcement entity. The  
23 Department of State Police shall investigate any report from a  
24 State-operated facility indicating a possible murder, rape, or  
25 other felony. All investigations conducted by the Inspector  
26 General shall be conducted in a manner designed to ensure the

1 preservation of evidence for possible use in a criminal  
2 prosecution.

3 (b-5) The Inspector General shall make a determination to  
4 accept or reject a preliminary report of the investigation of  
5 alleged abuse or neglect based on established investigative  
6 procedures. Notice of the Inspector General's determination  
7 must be given to the person who claims to be the victim of the  
8 abuse or neglect, to the person or persons alleged to have been  
9 responsible for abuse or neglect, and to the facility or  
10 agency. The facility or agency or the person or persons alleged  
11 to have been responsible for the abuse or neglect and the  
12 person who claims to be the victim of the abuse or neglect may  
13 request clarification or reconsideration based on additional  
14 information. For cases where the allegation of abuse or neglect  
15 is substantiated, the Inspector General shall require the  
16 facility or agency to submit a written response. The written  
17 response from a facility or agency shall address in a concise  
18 and reasoned manner the actions that the agency or facility  
19 will take or has taken to protect the resident or patient from  
20 abuse or neglect, prevent reoccurrences, and eliminate  
21 problems identified and shall include implementation and  
22 completion dates for all such action.

23 (c) The Inspector General shall, within 10 calendar days  
24 after the transmittal date of a completed investigation where  
25 abuse or neglect is substantiated or administrative action is  
26 recommended, provide a complete report on the case to the

1 Secretary of Human Services and to the agency in which the  
2 abuse or neglect is alleged to have happened. The complete  
3 report shall include a written response from the agency or  
4 facility operated by the State to the Inspector General that  
5 addresses in a concise and reasoned manner the actions that the  
6 agency or facility will take or has taken to protect the  
7 resident or patient from abuse or neglect, prevent  
8 reoccurrences, and eliminate problems identified and shall  
9 include implementation and completion dates for all such  
10 action. The Secretary of Human Services shall accept or reject  
11 the response and establish how the Department will determine  
12 whether the facility or program followed the approved response.  
13 The Secretary may require Department personnel to visit the  
14 facility or agency for training, technical assistance,  
15 programmatic, licensure, or certification purposes.  
16 Administrative action, including sanctions, may be applied  
17 should the Secretary reject the response or should the facility  
18 or agency fail to follow the approved response. Within 30 days  
19 after the Secretary has approved a response, the facility or  
20 agency making the response shall provide an implementation  
21 report to the Inspector General on the status of the corrective  
22 action implemented. Within 60 days after the Secretary has  
23 approved the response, the facility or agency shall send notice  
24 of the completion of the corrective action or shall send an  
25 updated implementation report. The facility or agency shall  
26 continue sending updated implementation reports every 60 days

1 until the facility or agency sends a notice of the completion  
2 of the corrective action. The Inspector General shall review  
3 any implementation plan that takes more than 120 days. The  
4 Inspector General shall monitor compliance through a random  
5 review of completed corrective actions. This monitoring may  
6 include, but need not be limited to, site visits, telephone  
7 contacts, or requests for written documentation from the  
8 facility or agency to determine whether the facility or agency  
9 is in compliance with the approved response. The facility or  
10 agency shall inform the resident or patient and the legal  
11 guardian whether the reported allegation was substantiated,  
12 unsubstantiated, or unfounded. There shall be an appeals  
13 process for any person or agency that is subject to any action  
14 based on a recommendation or recommendations.

15 (d) The Inspector General may recommend to the Departments  
16 of Public Health and Human Services sanctions to be imposed  
17 against mental health and developmental disabilities  
18 facilities under the jurisdiction of the Department of Human  
19 Services for the protection of residents, including  
20 appointment of on-site monitors or receivers, transfer or  
21 relocation of residents, and closure of units. The Inspector  
22 General may seek the assistance of the Attorney General or any  
23 of the several State's attorneys in imposing such sanctions.  
24 Whenever the Inspector General issues any recommendations to  
25 the Secretary of Human Services, the Secretary shall provide a  
26 written response.

1           (e) The Inspector General shall establish and conduct  
2 periodic training programs for Department of Human Services  
3 employees concerning the prevention and reporting of neglect  
4 and abuse.

5           (f) The Inspector General shall at all times be granted  
6 access to any mental health or developmental disabilities  
7 facility operated by the Department of Human Services, shall  
8 establish and conduct unannounced site visits to those  
9 facilities at least once annually, and shall be granted access,  
10 for the purpose of investigating a report of abuse or neglect,  
11 to the records of the Department of Human Services and to any  
12 facility or program funded by the Department of Human Services  
13 that is subject under the provisions of this Section to  
14 investigation by the Inspector General for a report of abuse or  
15 neglect.

16           (g) Nothing in this Section shall limit investigations by  
17 the Department of Human Services that may otherwise be required  
18 by law or that may be necessary in that Department's capacity  
19 as the central administrative authority responsible for the  
20 operation of State mental health and developmental disability  
21 facilities.

22           (g-5) After notice and an opportunity for a hearing that is  
23 separate and distinct from the Office of the Inspector  
24 General's appeals process as implemented under subsection (c)  
25 of this Section, the Inspector General shall report to the  
26 Department of Public Health's nurse aide registry under Section

1 3-206.01 of the Nursing Home Care Act the identity of  
2 individuals against whom there has been a substantiated finding  
3 of physical or sexual abuse or egregious neglect of a service  
4 recipient.

5 Nothing in this subsection shall diminish or impair the  
6 rights of a person who is a member of a collective bargaining  
7 unit pursuant to the Illinois Public Labor Relations Act or  
8 pursuant to any federal labor statute. An individual who is a  
9 member of a collective bargaining unit as described above shall  
10 not be reported to the Department of Public Health's nurse aide  
11 registry until the exhaustion of that individual's grievance  
12 and arbitration rights, or until 3 months after the initiation  
13 of the grievance process, whichever occurs first, provided that  
14 the Department of Human Services' hearing under this subsection  
15 regarding the reporting of an individual to the Department of  
16 Public Health's nurse aide registry has concluded.  
17 Notwithstanding anything hereinafter or previously provided,  
18 if an action taken by an employer against an individual as a  
19 result of the circumstances that led to a finding of physical  
20 or sexual abuse or egregious neglect is later overturned under  
21 a grievance or arbitration procedure provided for in Section 8  
22 of the Illinois Public Labor Relations Act or under a  
23 collective bargaining agreement, the report must be removed  
24 from the registry.

25 The Department of Human Services shall promulgate or amend  
26 rules as necessary or appropriate to establish procedures for

1 reporting to the registry, including the definition of  
2 egregious neglect, procedures for notice to the individual and  
3 victim, appeal and hearing procedures, and petition for removal  
4 of the report from the registry. The portion of the rules  
5 pertaining to hearings shall provide that, at the hearing, both  
6 parties may present written and oral evidence. The Department  
7 shall be required to establish by a preponderance of the  
8 evidence that the Office of the Inspector General's finding of  
9 physical or sexual abuse or egregious neglect warrants  
10 reporting to the Department of Public Health's nurse aide  
11 registry under Section 3-206.01 of the Nursing Home Care Act.

12 Notice to the individual shall include a clear and concise  
13 statement of the grounds on which the report to the registry is  
14 based and notice of the opportunity for a hearing to contest  
15 the report. The Department of Human Services shall provide the  
16 notice by certified mail to the last known address of the  
17 individual. The notice shall give the individual an opportunity  
18 to contest the report in a hearing before the Department of  
19 Human Services or to submit a written response to the findings  
20 instead of requesting a hearing. If the individual does not  
21 request a hearing or if after notice and a hearing the  
22 Department of Human Services finds that the report is valid,  
23 the finding shall be included as part of the registry, as well  
24 as a brief statement from the reported individual if he or she  
25 chooses to make a statement. The Department of Public Health  
26 shall make available to the public information reported to the



1 registry. In a case of inquiries concerning an individual  
2 listed in the registry, any information disclosed concerning a  
3 finding of abuse or neglect shall also include disclosure of  
4 the individual's brief statement in the registry relating to  
5 the reported finding or include a clear and accurate summary of  
6 the statement.

7 At any time after the report of the registry, an individual  
8 may petition the Department of Human Services for removal from  
9 the registry of the finding against him or her. Upon receipt of  
10 such a petition, the Department of Human Services shall conduct  
11 an investigation and hearing on the petition. Upon completion  
12 of the investigation and hearing, the Department of Human  
13 Services shall report the removal of the finding to the  
14 registry unless the Department of Human Services determines  
15 that removal is not in the public interest.

16 (Source: P.A. 93-636, eff. 12-31-03; 94-428, eff. 8-2-05;  
17 94-853, eff. 6-13-06; 94-934, eff. 6-26-06; revised 8-3-06.)

18 Section 630. The Nursing Home Care Act is amended by  
19 changing Sections 1-105, 2-101.1, 2-106, 2-106.1, 2-202,  
20 2-204, 2-205, 2-211, 3-108, 3-109, 3-117, 3-119, 3-208, 3-304,  
21 3-401.1, 3-405, 3-406, 3-411, 3-414, 3-508, 3-805, and 3A-101  
22 as follows:

23 (210 ILCS 45/1-105) (from Ch. 111 1/2, par. 4151-105)

24 Sec. 1-105. "Administrator" means a person who is charged

1 with the general administration and supervision of a facility  
2 and licensed, if required, under the "Nursing Home  
3 Administrators Licensing and Disciplinary Act", as now or  
4 hereafter amended.

5 (Source: P.A. 81-1349; revised 9-15-06.)

6 (210 ILCS 45/2-101.1) (from Ch. 111 1/2, par. 4152-101.1)

7 Sec. 2-101.1. Spousal impoverishment. All new residents  
8 and their spouses shall be informed on admittance of their  
9 spousal impoverishment rights as defined at Section 5-4 of the  
10 Illinois Public Aid Code, as now or hereafter amended and at  
11 Section 303 of Title III of the Medicare Catastrophic Coverage  
12 Act of 1988 (P.L. 100-360).

13 (Source: P.A. 86-410; revised 9-21-06.)

14 (210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

15 Sec. 2-106. (a) For purposes of this Act, (i) a physical  
16 restraint is any manual method or physical or mechanical  
17 device, material, or equipment attached or adjacent to a  
18 resident's body that the resident cannot remove easily and  
19 restricts freedom of movement or normal access to one's body.  
20 Devices used for positioning, including but not limited to bed  
21 rails, gait belts, and cushions, shall not be considered to be  
22 restraints for purposes of this Section; (ii) a chemical  
23 restraint is any drug used for discipline or convenience and  
24 not required to treat medical symptoms. The Department shall by

1 rule, designate certain devices as restraints, including at  
2 least all those devices which have been determined to be  
3 restraints by the United States Department of Health and Human  
4 Services in interpretive guidelines issued for the purposes of  
5 administering Titles XVIII and XIX ~~18 and 19~~ of the Social  
6 Security Act ~~Acts~~.

7 (b) Neither restraints nor confinements shall be employed  
8 for the purpose of punishment or for the convenience of any  
9 facility personnel. No restraints or confinements shall be  
10 employed except as ordered by a physician who documents the  
11 need for such restraints or confinements in the resident's  
12 clinical record. Each facility licensed under this Act must  
13 have a written policy to address the use of restraints and  
14 seclusion. The Department shall establish by rule the  
15 provisions that the policy must include, which, to the extent  
16 practicable, should be consistent with the requirements for  
17 participation in the federal Medicare program. Each policy  
18 shall include periodic review of the use of restraints.

19 (c) A restraint may be used only with the informed consent  
20 of the resident, the resident's guardian, or other authorized  
21 representative. A restraint may be used only for specific  
22 periods, if it is the least restrictive means necessary to  
23 attain and maintain the resident's highest practicable  
24 physical, mental or psychosocial well-being, including brief  
25 periods of time to provide necessary life-saving treatment. A  
26 restraint may be used only after consultation with appropriate

1 health professionals, such as occupational or physical  
2 therapists, and a trial of less restrictive measures has led to  
3 the determination that the use of less restrictive measures  
4 would not attain or maintain the resident's highest practicable  
5 physical, mental or psychosocial well-being. However, if the  
6 resident needs emergency care, restraints may be used for brief  
7 periods to permit medical treatment to proceed unless the  
8 facility has notice that the resident has previously made a  
9 valid refusal of the treatment in question.

10 (d) A restraint may be applied only by a person trained in  
11 the application of the particular type of restraint.

12 (e) Whenever a period of use of a restraint is initiated,  
13 the resident shall be advised of his or her right to have a  
14 person or organization of his or her choosing, including the  
15 Guardianship and Advocacy Commission, notified of the use of  
16 the restraint. A recipient who is under guardianship may  
17 request that a person or organization of his or her choosing be  
18 notified of the restraint, whether or not the guardian approves  
19 the notice. If the resident so chooses, the facility shall make  
20 the notification within 24 hours, including any information  
21 about the period of time that the restraint is to be used.  
22 Whenever the Guardianship and Advocacy Commission is notified  
23 that a resident has been restrained, it shall contact the  
24 resident to determine the circumstances of the restraint and  
25 whether further action is warranted.

26 (f) Whenever a restraint is used on a resident whose

1 primary mode of communication is sign language, the resident  
2 shall be permitted to have his or her hands free from restraint  
3 for brief periods each hour, except when this freedom may  
4 result in physical harm to the resident or others.

5 (g) The requirements of this Section are intended to  
6 control in any conflict with the requirements of Sections 1-126  
7 and 2-108 of the Mental Health and Developmental Disabilities  
8 Code.

9 (Source: P.A. 93-636, eff. 6-1-04; revised 9-18-06.)

10 (210 ILCS 45/2-106.1)

11 Sec. 2-106.1. Drug treatment.

12 (a) A resident shall not be given unnecessary drugs. An  
13 unnecessary drug is any drug used in an excessive dose,  
14 including in duplicative therapy; for excessive duration;  
15 without adequate monitoring; without adequate indications for  
16 its use; or in the presence of adverse consequences that  
17 indicate the drugs should be reduced or discontinued. The  
18 Department shall adopt, by rule, the standards for unnecessary  
19 drugs contained in interpretive guidelines issued by the United  
20 States Department of Health and Human Services for the purposes  
21 of administering Titles XVIII and XIX ~~titles 18 and 19~~ of the  
22 Social Security Act.

23 (b) Psychotropic medication shall not be prescribed  
24 without the informed consent of the resident, the resident's  
25 guardian, or other authorized representative. "Psychotropic

1 medication" means medication that is used for or listed as used  
2 for antipsychotic, antidepressant, antimanic, or antianxiety  
3 behavior modification or behavior management purposes in the  
4 latest editions of the AMA Drug Evaluations or the Physician's  
5 Desk Reference.

6 (c) The requirements of this Section are intended to  
7 control in a conflict with the requirements of Sections 2-102  
8 and 2-107.2 of the Mental Health and Developmental Disabilities  
9 Code with respect to the administration of psychotropic  
10 medication.

11 (Source: P.A. 93-636, eff. 6-1-04; revised 9-18-06.)

12 (210 ILCS 45/2-202) (from Ch. 111 1/2, par. 4152-202)

13 Sec. 2-202. (a) Before a person is admitted to a facility,  
14 or at the expiration of the period of previous contract, or  
15 when the source of payment for the resident's care changes from  
16 private to public funds or from public to private funds, a  
17 written contract shall be executed between a licensee and the  
18 following in order of priority:

19 (1) the person, or if the person is a minor, his parent  
20 or guardian; or

21 (2) the person's guardian, if any, or agent, if any, as  
22 defined in Section 2-3 of the Illinois Power of Attorney  
23 Act; or

24 (3) a member of the person's immediate family.

25 An adult person shall be presumed to have the capacity to

1 contract for admission to a long term care facility unless he  
2 has been adjudicated a "disabled person" within the meaning of  
3 Section 11a-2 of the Probate Act of 1975, or unless a petition  
4 for such an adjudication is pending in a circuit court of  
5 Illinois.

6 If there is no guardian, agent or member of the person's  
7 immediate family available, able or willing to execute the  
8 contract required by this Section and a physician determines  
9 that a person is so disabled as to be unable to consent to  
10 placement in a facility, or if a person has already been found  
11 to be a "disabled person", but no order has been entered  
12 allowing residential placement of the person, that person may  
13 be admitted to a facility before the execution of a contract  
14 required by this Section; provided that a petition for  
15 guardianship or for modification of guardianship is filed  
16 within 15 days of the person's admission to a facility, and  
17 provided further that such a contract is executed within 10  
18 days of the disposition of the petition.

19 No adult shall be admitted to a facility if he objects,  
20 orally or in writing, to such admission, except as otherwise  
21 provided in Chapters III and IV of the Mental Health and  
22 Developmental Disabilities Code or Section 11a-14.1 of the  
23 Probate Act of 1975.

24 If a person has not executed a contract as required by this  
25 Section, then such a contract shall be executed on or before  
26 July 1, 1981, or within 10 days after the disposition of a

1 petition for guardianship or modification of guardianship that  
2 was filed prior to July 1, 1981, whichever is later.

3 Before a licensee enters a contract under this Section, it  
4 shall provide the prospective resident and his guardian, if  
5 any, with written notice of the licensee's policy regarding  
6 discharge of a resident whose private funds for payment of care  
7 are exhausted.

8 (b) A resident shall not be discharged or transferred at  
9 the expiration of the term of a contract, except as provided in  
10 Sections 3-401 through 3-423.

11 (c) At the time of the resident's admission to the  
12 facility, a copy of the contract shall be given to the  
13 resident, his guardian, if any, and any other person who  
14 executed the contract.

15 (d) A copy of the contract for a resident who is supported  
16 by nonpublic funds other than the resident's own funds shall be  
17 made available to the person providing the funds for the  
18 resident's support.

19 (e) The original or a copy of the contract shall be  
20 maintained in the facility and be made available upon request  
21 to representatives of the Department and the Department of  
22 Healthcare and Family Services ~~Public Aid~~.

23 (f) The contract shall be written in clear and unambiguous  
24 language and shall be printed in not less than 12-point type.  
25 The general form of the contract shall be prescribed by the  
26 Department.



1 (g) The contract shall specify:

2 (1) the term of the contract;

3 (2) the services to be provided under the contract and  
4 the charges for the services;

5 (3) the services that may be provided to supplement the  
6 contract and the charges for the services;

7 (4) the sources liable for payments due under the  
8 contract;

9 (5) the amount of deposit paid; and

10 (6) the rights, duties and obligations of the resident,  
11 except that the specification of a resident's rights may be  
12 furnished on a separate document which complies with the  
13 requirements of Section 2-211.

14 (h) The contract shall designate the name of the resident's  
15 representative, if any. The resident shall provide the facility  
16 with a copy of the written agreement between the resident and  
17 the resident's representative which authorizes the resident's  
18 representative to inspect and copy the resident's records and  
19 authorizes the resident's representative to execute the  
20 contract on behalf of the resident required by this Section.

21 (i) The contract shall provide that if the resident is  
22 compelled by a change in physical or mental health to leave the  
23 facility, the contract and all obligations under it shall  
24 terminate on 7 days notice. No prior notice of termination of  
25 the contract shall be required, however, in the case of a  
26 resident's death. The contract shall also provide that in all

1 other situations, a resident may terminate the contract and all  
2 obligations under it with 30 days notice. All charges shall be  
3 prorated as of the date on which the contract terminates, and,  
4 if any payments have been made in advance, the excess shall be  
5 refunded to the resident. This provision shall not apply to  
6 life-care contracts through which a facility agrees to provide  
7 maintenance and care for a resident throughout the remainder of  
8 his life nor to continuing-care contracts through which a  
9 facility agrees to supplement all available forms of financial  
10 support in providing maintenance and care for a resident  
11 throughout the remainder of his life.

12 (j) In addition to all other contract specifications  
13 contained in this Section admission contracts shall also  
14 specify:

15 (1) whether the facility accepts Medicaid clients;

16 (2) whether the facility requires a deposit of the  
17 resident or his family prior to the establishment of  
18 Medicaid eligibility;

19 (3) in the event that a deposit is required, a clear  
20 and concise statement of the procedure to be followed for  
21 the return of such deposit to the resident or the  
22 appropriate family member or guardian of the person;

23 (4) that all deposits made to a facility by a resident,  
24 or on behalf of a resident, shall be returned by the  
25 facility within 30 days of the establishment of Medicaid  
26 eligibility, unless such deposits must be drawn upon or

1 encumbered in accordance with Medicaid eligibility  
2 requirements established by the ~~Illinois~~ Department of  
3 Healthcare and Family Services ~~Public Aid~~.

4 (k) It shall be a business offense for a facility to  
5 knowingly and intentionally both retain a resident's deposit  
6 and accept Medicaid payments on behalf of that resident.

7 (Source: P.A. 87-225; 87-895; 88-154; revised 12-15-05.)

8 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

9 Sec. 2-204. The Director shall appoint a Long-Term Care  
10 Facility Advisory Board to consult with the Department and the  
11 residents' advisory councils created under Section 2-203.

12 (a) The Board shall be comprised of the following persons:

13 (1) The Director who shall serve as chairman, ex  
14 officio and nonvoting; and

15 (2) One representative each of the Department of  
16 Healthcare and Family Services ~~Public Aid~~, the Department  
17 of Human Services, the Department on Aging, and the Office  
18 of the State Fire Marshal, all nonvoting members;

19 (3) One member who shall be a physician licensed to  
20 practice medicine in all its branches;

21 (4) One member who shall be a registered nurse selected  
22 from the recommendations of professional nursing  
23 associations;

24 (5) Four members who shall be selected from the  
25 recommendations by organizations whose membership consists

1 of facilities;

2 (6) Two members who shall represent the general public  
3 who are not members of a residents' advisory council  
4 established under Section 2-203 and who have no  
5 responsibility for management or formation of policy or  
6 financial interest in a facility;

7 (7) One member who is a member of a residents' advisory  
8 council established under Section 2-203 and is capable of  
9 actively participating on the Board; and

10 (8) One member who shall be selected from the  
11 recommendations of consumer organizations which engage  
12 solely in advocacy or legal representation on behalf of  
13 residents and their immediate families.

14 (b) The terms of those members of the Board appointed prior  
15 to the effective date of this amendatory Act of 1988 shall  
16 expire on December 31, 1988. Members of the Board created by  
17 this amendatory Act of 1988 shall be appointed to serve for  
18 terms as follows: 3 for 2 years, 3 for 3 years and 3 for 4  
19 years. The member of the Board added by this amendatory Act of  
20 1989 shall be appointed to serve for a term of 4 years. Each  
21 successor member shall be appointed for a term of 4 years. Any  
22 member appointed to fill a vacancy occurring prior to the  
23 expiration of the term for which his predecessor was appointed  
24 shall be appointed for the remainder of such term. The Board  
25 shall meet as frequently as the chairman deems necessary, but  
26 not less than 4 times each year. Upon request by 4 or more

1 members the chairman shall call a meeting of the Board. The  
2 affirmative vote of 6 members of the Board shall be necessary  
3 for Board action. A member of the Board can designate a  
4 replacement to serve at the Board meeting and vote in place of  
5 the member by submitting a letter of designation to the  
6 chairman prior to or at the Board meeting. The Board members  
7 shall be reimbursed for their actual expenses incurred in the  
8 performance of their duties.

9 (c) The Advisory Board shall advise the Department of  
10 Public Health on all aspects of its responsibilities under this  
11 Act, including the format and content of any rules promulgated  
12 by the Department of Public Health. Any such rules, except  
13 emergency rules promulgated pursuant to Section 5-45 of the  
14 Illinois Administrative Procedure Act, promulgated without  
15 obtaining the advice of the Advisory Board are null and void.  
16 In the event that the Department fails to follow the advice of  
17 the Board, the Department shall, prior to the promulgation of  
18 such rules, transmit a written explanation of the reason  
19 thereof to the Board. During its review of rules, the Board  
20 shall analyze the economic and regulatory impact of those  
21 rules. If the Advisory Board, having been asked for its advice,  
22 fails to advise the Department within 90 days, the rules shall  
23 be considered acted upon.

24 (Source: P.A. 88-45; 89-507, eff. 7-1-97; revised 12-15-05.)

25 (210 ILCS 45/2-205) (from Ch. 111 1/2, par. 4152-205)

1           Sec. 2-205. The following information is subject to  
2 disclosure to the public from the Department or the Department  
3 of Healthcare and Family Services ~~Public Aid~~:

4           (1) Information submitted under Sections 3-103 and 3-207  
5 except information concerning the remuneration of personnel  
6 licensed, registered, or certified by the Department of  
7 Professional Regulation and monthly charges for an individual  
8 private resident;

9           (2) Records of license and certification inspections,  
10 surveys, and evaluations of facilities, other reports of  
11 inspections, surveys, and evaluations of resident care, and  
12 reports concerning a facility prepared pursuant to Titles XVIII  
13 and XIX of the Social Security Act, subject to the provisions  
14 of the Social Security Act;

15           (3) Cost and reimbursement reports submitted by a facility  
16 under Section 3-208, reports of audits of facilities, and other  
17 public records concerning costs incurred by, revenues received  
18 by, and reimbursement of facilities; and

19           (4) Complaints filed against a facility and complaint  
20 investigation reports, except that a complaint or complaint  
21 investigation report shall not be disclosed to a person other  
22 than the complainant or complainant's representative before it  
23 is disclosed to a facility under Section 3-702, and, further,  
24 except that a complainant or resident's name shall not be  
25 disclosed except under Section 3-702.

26           The Department shall disclose information under this

1 Section in accordance with provisions for inspection and  
2 copying of public records required by The Freedom of  
3 Information Act.

4 However, the disclosure of information described in  
5 subsection (1) shall not be restricted by any provision of The  
6 Freedom of Information Act.

7 (Source: P.A. 85-1209; 85-1378; revised 12-15-05.)

8 (210 ILCS 45/2-211) (from Ch. 111 1/2, par. 4152-211)

9 Sec. 2-211. Each resident and resident's guardian or other  
10 person acting for the resident shall be given a written  
11 explanation, prepared by the Office of the State Long Term Care  
12 Ombudsman, of all the rights enumerated in Part 1 of this  
13 Article and in Part 4 of Article III. For residents of  
14 facilities participating in Title XVIII or XIX ~~18 or 19~~ of the  
15 Social Security Act, the explanation shall include an  
16 explanation of residents' rights enumerated in that Act. The  
17 explanation shall be given at the time of admission to a  
18 facility or as soon thereafter as the condition of the resident  
19 permits, but in no event later than 48 hours after admission,  
20 and again at least annually thereafter. At the time of the  
21 implementation of this Act each resident shall be given a  
22 written summary of all the rights enumerated in Part 1 of this  
23 Article.

24 If a resident is unable to read such written explanation,  
25 it shall be read to the resident in a language the resident

1 understands. In the case of a minor or a person having a  
2 guardian or other person acting for him, both the resident and  
3 the parent, guardian or other person acting for the resident  
4 shall be fully informed of these rights.

5 (Source: P.A. 87-549; revised 9-18-06.)

6 (210 ILCS 45/3-108) (from Ch. 111 1/2, par. 4153-108)

7 Sec. 3-108. The Department shall coordinate the functions  
8 within State government affecting facilities licensed under  
9 this Act and shall cooperate with other State agencies which  
10 establish standards or requirements for facilities to assure  
11 necessary, equitable, and consistent State supervision of  
12 licensees without unnecessary duplication of survey,  
13 evaluation, and consultation services or complaint  
14 investigations. The Department shall cooperate with the  
15 Department of Human Services in regard to facilities containing  
16 more than 20% of residents for whom the Department of Human  
17 Services has mandated follow-up responsibilities under the  
18 Mental Health and Developmental Disabilities Administrative  
19 Act.

20 The Department shall cooperate with the Department of  
21 Healthcare and Family Services ~~Public Aid~~ in regard to  
22 facilities where recipients of public aid are residents.

23 The Department shall immediately refer to the Department of  
24 Professional Regulation for investigation any credible  
25 evidence of which it has knowledge that an individual licensed



1 by that Department has violated this Act or any rule issued  
2 under this Act.

3 The Department shall enter into agreements with other State  
4 Departments, agencies or commissions to effectuate the purpose  
5 of this Section.

6 (Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97;  
7 revised 12-15-05.)

8 (210 ILCS 45/3-109) (from Ch. 111 1/2, par. 4153-109)

9 Sec. 3-109. Upon receipt and review of an application for a  
10 license made under this Article and inspection of the applicant  
11 facility under this Article, the Director shall issue a license  
12 if he finds:

13 (1) that the individual applicant, or the corporation,  
14 partnership or other entity if the applicant is not an  
15 individual, is a person responsible and suitable to operate or  
16 to direct or participate in the operation of a facility by  
17 virtue of financial capacity, appropriate business or  
18 professional experience, a record of compliance with lawful  
19 orders of the Department and lack of revocation of a license  
20 during the previous 5 years;

21 (2) that the facility is under the supervision of an  
22 administrator who is licensed, if required, under the "Nursing  
23 Home Administrators Licensing and Disciplinary Act", as now or  
24 hereafter amended; and

25 (3) that the facility is in substantial compliance with

1 this Act, and such other requirements for a license as the  
2 Department by rule may establish under this Act.

3 (Source: P.A. 81-1349; revised 9-15-06.)

4 (210 ILCS 45/3-117) (from Ch. 111 1/2, par. 4153-117)

5 Sec. 3-117. An application for a license may be denied for  
6 any of the following reasons:

7 (1) Failure to meet any of the minimum standards set forth  
8 by this Act or by rules and regulations promulgated by the  
9 Department under this Act.~~+~~

10 (2) Conviction of the applicant, or if the applicant is a  
11 firm, partnership or association, of any of its members, or if  
12 a corporation, the conviction of the corporation or any of its  
13 officers or stockholders, or of the person designated to manage  
14 or supervise the facility, of a felony, or of 2 or more  
15 misdemeanors involving moral turpitude, during the previous 5  
16 years as shown by a certified copy of the record of the court  
17 of conviction.~~+~~

18 (3) Personnel insufficient in number or unqualified by  
19 training or experience to properly care for the proposed number  
20 and type of residents.~~+~~

21 (4) Insufficient financial or other resources to operate  
22 and conduct the facility in accordance with standards  
23 promulgated by the Department under this Act.~~+~~

24 (5) Revocation of a facility license during the previous 5  
25 years, if such prior license was issued to the individual

1 applicant, a controlling owner or controlling combination of  
2 owners of the applicant; or any affiliate of the individual  
3 applicant or controlling owner of the applicant and such  
4 individual applicant, controlling owner of the applicant or  
5 affiliate of the applicant was a controlling owner of the prior  
6 license; provided, however, that the denial of an application  
7 for a license pursuant to this subsection must be supported by  
8 evidence that such prior revocation renders the applicant  
9 unqualified or incapable of meeting or maintaining a facility  
10 in accordance with the standards and rules promulgated by the  
11 Department under this Act.~~† or~~

12 (6) That the facility is not under the direct supervision  
13 of a full-time administrator, as defined by regulation, who is  
14 licensed, if required, under the Nursing Home Administrators  
15 Licensing and Disciplinary Act.

16 (Source: P.A. 85-1337; revised 9-15-06.)

17 (210 ILCS 45/3-119) (from Ch. 111 1/2, par. 4153-119)

18 Sec. 3-119. (a) The Department, after notice to the  
19 applicant or licensee, may suspend, revoke or refuse to renew a  
20 license in any case in which the Department finds any of the  
21 following:

22 (1) There has been a substantial failure to comply with  
23 this Act or the rules and regulations promulgated by the  
24 Department under this Act.~~†~~

25 (2) Conviction of the licensee, or of the person

1 designated to manage or supervise the facility, of a  
2 felony, or of 2 or more misdemeanors involving moral  
3 turpitude, during the previous 5 years as shown by a  
4 certified copy of the record of the court of conviction.†

5 (3) Personnel is insufficient in number or unqualified  
6 by training or experience to properly care for the number  
7 and type of residents served by the facility.†

8 (4) Financial or other resources are insufficient to  
9 conduct and operate the facility in accordance with  
10 standards promulgated by the Department under this Act.†

11 ~~and~~

12 (5) The facility is not under the direct supervision of  
13 a full-time administrator, as defined by regulation, who is  
14 licensed, if required, under the Nursing Home  
15 Administrators Licensing and Disciplinary Act.

16 (b) Notice under this Section shall include a clear and  
17 concise statement of the violations on which the nonrenewal or  
18 revocation is based, the statute or rule violated and notice of  
19 the opportunity for a hearing under Section 3-703.

20 (c) If a facility desires to contest the nonrenewal or  
21 revocation of a license, the facility shall, within 10 days  
22 after receipt of notice under subsection (b) of this Section,  
23 notify the Department in writing of its request for a hearing  
24 under Section 3-703. Upon receipt of the request the Department  
25 shall send notice to the facility and hold a hearing as  
26 provided under Section 3-703.

1 (d) The effective date of nonrenewal or revocation of a  
2 license by the Department shall be any of the following:

3 (1) Until otherwise ordered by the circuit court,  
4 revocation is effective on the date set by the Department  
5 in the notice of revocation, or upon final action after  
6 hearing under Section 3-703, whichever is later.~~†~~

7 (2) Until otherwise ordered by the circuit court,  
8 nonrenewal is effective on the date of expiration of any  
9 existing license, or upon final action after hearing under  
10 Section 3-703, whichever is later; however, a license shall  
11 not be deemed to have expired if the Department fails to  
12 timely respond to a timely request for renewal under this  
13 Act or for a hearing to contest nonrenewal under paragraph  
14 (c).~~† or~~

15 (3) The Department may extend the effective date of  
16 license revocation or expiration in any case in order to  
17 permit orderly removal and relocation of residents.

18 The Department may refuse to issue or may suspend the  
19 license of any person who fails to file a return, or to pay the  
20 tax, penalty or interest shown in a filed return, or to pay any  
21 final assessment of tax, penalty or interest, as required by  
22 any tax Act administered by the Illinois Department of Revenue,  
23 until such time as the requirements of any such tax Act are  
24 satisfied.

25 (Source: P.A. 85-1337; revised 9-15-06.)

1 (210 ILCS 45/3-208) (from Ch. 111 1/2, par. 4153-208)

2 Sec. 3-208. (a) Each licensee shall file annually, or more  
3 often as the Director shall by rule prescribe, an attested  
4 financial statement. The Director may order an audited  
5 financial statement of a particular facility by an auditor of  
6 the Director's choice, provided the cost of such audit is paid  
7 by the Department.

8 (b) No public funds shall be expended for the maintenance  
9 of any resident in a facility which has failed to file the  
10 financial statement required under this Section and no public  
11 funds shall be paid to or on behalf of a facility which has  
12 failed to file a statement.

13 (c) The Director of Public Health and the Director of  
14 Healthcare and Family Services ~~Public Aid~~ shall promulgate  
15 under Sections 3-801 and 3-802, one set of regulations for the  
16 filing of these financial statements, and shall provide in  
17 these regulations for forms, required information, intervals  
18 and dates of filing and such other provisions as they may deem  
19 necessary.

20 (d) The Director of Public Health and the Director of  
21 Healthcare and Family Services ~~Public Aid~~ shall seek the advice  
22 and comments of other State and federal agencies which require  
23 the submission of financial data from facilities licensed under  
24 this Act and shall incorporate the information requirements of  
25 these agencies so as to impose the least possible burden on  
26 licensees. No other State agency may require submission of

1 financial data except as expressly authorized by law or as  
2 necessary to meet requirements of federal statutes or  
3 regulations. Information obtained under this Section shall be  
4 made available, upon request, by the Department to any other  
5 State agency or legislative commission to which such  
6 information is necessary for investigations or required for the  
7 purposes of State or federal law or regulation.

8 (Source: P.A. 81-1349; revised 12-15-05.)

9 (210 ILCS 45/3-304) (from Ch. 111 1/2, par. 4153-304)

10 Sec. 3-304. (a) The Department shall prepare on a quarterly  
11 basis a list containing the names and addresses of all  
12 facilities against which the Department during the previous  
13 quarter has:

14 (1) sent a notice under Section 3-307 regarding a  
15 penalty assessment under subsection (1) of Section 3-305;

16 (2) sent a notice of license revocation under Section  
17 3-119;

18 (3) sent a notice refusing renewal of a license under  
19 Section 3-119;

20 (4) sent a notice to suspend a license under Section  
21 3-119;

22 (5) issued a conditional license for violations that  
23 have not been corrected under Section 3-303 or penalties or  
24 fines described under Section 3-305 have been assessed  
25 under Section 3-307 or 3-308;

1 (6) placed a monitor under subsections (a), (b) and (c)  
2 of Section 3-501 and under subsection (d) of such Section  
3 where license revocation or nonrenewal notices have also  
4 been issued;

5 (7) initiated an action to appoint a receiver;

6 (8) recommended to the Director of Healthcare and  
7 Family Services (formerly Director of the Department of  
8 Public Aid), or the Secretary of the United States  
9 Department of Health and Human Services, the  
10 decertification for violations in relation to patient care  
11 of a facility pursuant to Titles XVIII and XIX of the  
12 federal Social Security Act.

13 (b) In addition to the name and address of the facility,  
14 the list shall include the name and address of the person or  
15 licensee against whom the action has been initiated, a  
16 self-explanatory summary of the facts which warranted the  
17 initiation of each action, the type of action initiated, the  
18 date of the initiation of the action, the amount of the penalty  
19 sought to be assessed, if any, and the final disposition of the  
20 action, if completed.

21 (c) The list shall be available to any member of the public  
22 upon oral or written request without charge.

23 (Source: P.A. 85-1378; revised 12-15-05.)

24 (210 ILCS 45/3-401.1) (from Ch. 111 1/2, par. 4153-401.1)

25 Sec. 3-401.1. (a) A facility participating in the Medical



1 Assistance Program is prohibited from failing or refusing to  
2 retain as a resident any person because he or she is a  
3 recipient of or an applicant for the Medical Assistance  
4 Program.

5 (a-5) After the effective date of this amendatory Act of  
6 1997, a facility of which only a distinct part is certified to  
7 participate in the Medical Assistance Program may refuse to  
8 retain as a resident any person who resides in a part of the  
9 facility that does not participate in the Medical Assistance  
10 Program and who is unable to pay for his or her care in the  
11 facility without Medical Assistance only if:

12 (1) the facility, no later than at the time of  
13 admission and at the time of the resident's contract  
14 renewal, explains to the resident (unless he or she is  
15 incompetent), and to the resident's representative, and to  
16 the person making payment on behalf of the resident for the  
17 resident's stay, in writing, that the facility may  
18 discharge the resident if the resident is no longer able to  
19 pay for his or her care in the facility without Medical  
20 Assistance;

21 (2) the resident (unless he or she is incompetent), the  
22 resident's representative, and the person making payment  
23 on behalf of the resident for the resident's stay,  
24 acknowledge in writing that they have received the written  
25 explanation.

26 (a-10) For the purposes of this Section, a recipient or

1 applicant shall be considered a resident in the facility during  
2 any hospital stay totaling 10 days or less following a hospital  
3 admission. The ~~Illinois~~ Department of Healthcare and Family  
4 Services ~~Public Aid~~ shall recoup funds from a facility when, as  
5 a result of the facility's refusal to readmit a recipient after  
6 hospitalization for 10 days or less, the recipient incurs  
7 hospital bills in an amount greater than the amount that would  
8 have been paid by that Department (formerly the Illinois  
9 Department of Public Aid) for care of the recipient in the  
10 facility. The amount of the recoupment shall be the difference  
11 between the Department of Healthcare and Family Services'  
12 (formerly the Illinois Department of Public Aid's) payment for  
13 hospital care and the amount that Department would have paid  
14 for care in the facility.

15 (b) A facility which violates this Section shall be guilty  
16 of a business offense and fined not less than \$500 nor more  
17 than \$1,000 for the first offense and not less than \$1,000 nor  
18 more than \$5,000 for each subsequent offense.

19 (Source: P.A. 90-310, eff. 8-1-97; revised 12-15-05.)

20 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

21 Sec. 3-405. A copy of the notice required by Section 3-402  
22 shall be placed in the resident's clinical record and a copy  
23 shall be transmitted to the Department, the resident, the  
24 resident's representative, and, if the resident's care is paid  
25 for in whole or part through Title XIX, ~~to~~ the Department of

1 Healthcare and Family Services ~~Public Aid~~.

2 (Source: P.A. 81-223; revised 12-15-05.)

3 (210 ILCS 45/3-406) (from Ch. 111 1/2, par. 4153-406)

4 Sec. 3-406. When the basis for an involuntary transfer or  
5 discharge is the result of an action by the Department of  
6 Healthcare and Family Services (formerly Department of Public  
7 Aid) with respect to a recipient of Title XIX and a hearing  
8 request is filed with the Department of Healthcare and Family  
9 Services (formerly Department of Public Aid), the 21-day  
10 written notice period shall not begin until a final decision in  
11 the matter is rendered by the Department of Healthcare and  
12 Family Services (formerly Department of Public Aid) or a court  
13 of competent jurisdiction and notice of that final decision is  
14 received by the resident and the facility.

15 (Source: P.A. 81-223; revised 12-15-05.)

16 (210 ILCS 45/3-411) (from Ch. 111 1/2, par. 4153-411)

17 Sec. 3-411. The Department of Public Health, when the basis  
18 for involuntary transfer or discharge is other than action by  
19 the Department of Healthcare and Family Services (formerly  
20 Department of Public Aid) with respect to the Title XIX  
21 Medicaid recipient, shall hold a hearing at the resident's  
22 facility not later than 10 days after a hearing request is  
23 filed, and render a decision within 14 days after the filing of  
24 the hearing request.

1 (Source: P.A. 81-1349; revised 12-15-05.)

2 (210 ILCS 45/3-414) (from Ch. 111 1/2, par. 4153-414)

3 Sec. 3-414. The Department of Healthcare and Family  
4 Services ~~Public Aid~~ shall continue Title XIX Medicaid funding  
5 during the appeal, transfer, or discharge period for those  
6 residents who are Title XIX recipients affected by Section  
7 3-401.

8 (Source: P.A. 81-223; revised 12-15-05.)

9 (210 ILCS 45/3-508) (from Ch. 111 1/2, par. 4153-508)

10 Sec. 3-508. A receiver appointed under this Act:

11 (a) Shall exercise those powers and shall perform those  
12 duties set out by the court. ~~†~~

13 (b) Shall operate the facility in such a manner as to  
14 assure safety and adequate health care for the residents. ~~†~~

15 (c) Shall have the same rights to possession of the  
16 building in which the facility is located and of all goods and  
17 fixtures in the building at the time the petition for  
18 receivership is filed as the owner would have had if the  
19 receiver had not been appointed, and of all assets of the  
20 facility. The receiver shall take such action as is reasonably  
21 necessary to protect or conserve the assets or property of  
22 which the receiver takes possession, or the proceeds from any  
23 transfer thereof, and may use them only in the performance of  
24 the powers and duties set forth in this Section and by order of

1 the court.+

2 (d) May use the building, fixtures, furnishings and any  
3 accompanying consumable goods in the provision of care and  
4 services to residents and to any other persons receiving  
5 services from the facility at the time the petition for  
6 receivership was filed. The receiver shall collect payments for  
7 all goods and services provided to residents or others during  
8 the period of the receivership at the same rate of payment  
9 charged by the owners at the time the petition for receivership  
10 was filed.+

11 (e) May correct or eliminate any deficiency in the  
12 structure or furnishings of the facility which endangers the  
13 safety or health of residents while they remain in the  
14 facility, provided the total cost of correction does not exceed  
15 \$3,000. The court may order expenditures for this purpose in  
16 excess of \$3,000 on application from the receiver after notice  
17 to the owner and hearing.+

18 (f) May let contracts and hire agents and employees to  
19 carry out the powers and duties of the receiver under this  
20 Section.+

21 (g) Except as specified in Section 3-510, shall honor all  
22 leases, mortgages and secured transactions governing the  
23 building in which the facility is located and all goods and  
24 fixtures in the building of which the receiver has taken  
25 possession, but only to the extent of payments which, in the  
26 case of a rental agreement, are for the use of the property

1 during the period of the receivership, or which, in the case of  
2 a purchase agreement, come due during the period of the  
3 receivership.

4 (h) Shall have full power to direct and manage and to  
5 discharge employees of the facility, subject to any contract  
6 rights they may have. The receiver shall pay employees at the  
7 same rate of compensation, including benefits, that the  
8 employees would have received from the owner. Receivership does  
9 not relieve the owner of any obligation to employees not  
10 carried out by the receiver. ~~+~~

11 (i) Shall, if any resident is transferred or discharged,  
12 follow the procedures set forth in Part 4 of this Article.

13 (j) Shall be entitled to and shall take possession of all  
14 property or assets of residents which are in the possession of  
15 a facility or its owner. The receiver shall preserve all  
16 property, assets and records of residents of which the receiver  
17 takes possession and shall provide for the prompt transfer of  
18 the property, assets and records to the new placement of any  
19 transferred resident.

20 (k) Shall report to the court on any actions he has taken  
21 to bring the facility into compliance with this Act or with  
22 Title XVIII or XIX ~~18 or 19~~ of the Social Security Act that he  
23 believes should be continued when the receivership is  
24 terminated in order to protect the health, safety or welfare of  
25 the residents.

26 (Source: P.A. 90-655, eff. 7-30-98; revised 9-18-06.)

1 (210 ILCS 45/3-805) (from Ch. 111 1/2, par. 4153-805)

2 Sec. 3-805. (a) The Department shall conduct a pilot  
3 project to examine, study and contrast the Joint Commission on  
4 the Accreditation of Health Care Organizations ("Commission")  
5 accreditation review process with the current regulations and  
6 licensure surveys process conducted by the Department for  
7 long-term care facilities. This pilot project will enable  
8 qualified facilities to apply for participation in the project,  
9 in which surveys completed by the Commission are accepted by  
10 the Department in lieu of inspections required by this Act, as  
11 provided in subsection (b) of this Section. It is intended that  
12 this pilot project shall commence on January 1, 1990, and shall  
13 conclude on December 31, 2000, with a final report to be  
14 submitted to the Governor and the General Assembly by June 30,  
15 2001.

16 (b) (1) In lieu of conducting an inspection for license  
17 renewal under this Act, the Department may accept from a  
18 facility that is accredited by the Commission under the  
19 Commission's long-term care standards the facility's most  
20 recent annual accreditation review by the Commission. In  
21 addition to such review, the facility shall submit any fee or  
22 other license renewal report or information required by law.  
23 The Department may accept such review for so long as the  
24 Commission maintains an annual inspection or review program. If  
25 the Commission does not conduct an on-site annual inspection or

1 review, the Department shall conduct an inspection as otherwise  
2 required by this Act. If the Department determines that an  
3 annual on-site inspection or review conducted by the Commission  
4 does not meet minimum standards set by the Department, the  
5 Department shall not accept the Commission's accreditation  
6 review and shall conduct an inspection as otherwise required by  
7 this Act.

8 The Department shall establish procedures applicable to  
9 the pilot project conducted pursuant to this Section. The  
10 procedures shall provide for a review of the Commission's  
11 survey findings that may be Type "A" or Type "B" violations  
12 under this Act requiring immediate correction, the taking of  
13 necessary and appropriate action to determine whether such  
14 violations exist, and steps to effect corrective action in  
15 cooperation with the Commission, or otherwise under this Act,  
16 as may be necessary. The Department shall also establish  
17 procedures to require the Commission to immediately report to  
18 the Department any survey finding that constitutes a condition  
19 or occurrence relating to the operation and maintenance of a  
20 facility which presents a substantial probability that death or  
21 serious mental or physical harm to a resident will result  
22 therefrom, so as to enable the Department to take necessary and  
23 appropriate action under this Act.

24 (2) This subsection (b) does not limit the Department in  
25 performing any inspections or other duties authorized by this  
26 Act, or under any contract relating to the medical assistance



1 program administered by the ~~Illinois~~ Department of Healthcare  
2 and Family Services ~~Public Aid~~, or under Title XVIII or Title  
3 XIX of the Social Security Act.

4 (3) No facility shall be required to obtain accreditation  
5 from the Commission.

6 (c) Participation in the pilot project shall be limited to  
7 facilities selected at random by the Director, provided that:

8 (1) facilities shall apply to the Director for  
9 selection to participate;

10 (2) facilities which are currently accredited by the  
11 Commission may apply to participate;

12 (3) any facility not accredited by the Commission at  
13 the time of application to participate in the pilot project  
14 shall apply for such accreditation;

15 (4) the number of facilities so selected shall be no  
16 greater than 15% of the total number of long-term care  
17 facilities licensed under this Act;

18 (5) the number of facilities so selected shall be  
19 divided equally between facilities having fewer than 100  
20 beds and facilities having 100 or more beds;

21 (6) facilities so selected shall have been licensed for  
22 more than 2 years and shall not have been issued a  
23 conditional license within 2 years before applying for  
24 participation in the pilot project; and

25 (7) no facilities so selected shall have been issued a  
26 notice of a Type "A" violation within one year before

1 applying for participation in the pilot project.

2 (d) Inspections and surveys conducted by the Commission  
3 under the pilot project for initial or continued accreditation  
4 shall not be announced in advance to the facility being  
5 inspected or surveyed, and shall provide for participation in  
6 the inspection or survey process by residents of the facility  
7 and the public.

8 (e) With respect to any facility accredited by the  
9 Commission, the Commission shall submit to the Department  
10 copies of:

11 (1) the accreditation award letter;

12 (2) the accreditation report, including  
13 recommendations and comments by the Commission; and

14 (3) any correspondence directly related to the  
15 accreditation.

16 (f) No facility which is denied initial or continued  
17 accreditation by the Commission shall participate in the pilot  
18 project.

19 (g) The Director shall meet at least once every 6 months  
20 with the director of the Commission's long-term care facility  
21 accreditation program to review, coordinate and modify as  
22 necessary the services performed by the Commission under the  
23 pilot project. On or before June 30, 1993, the Director shall  
24 submit to the Governor and to the General Assembly a report  
25 evaluating the pilot project and making any recommendations  
26 deemed necessary.

1 (h) This Section does not limit the Department in  
2 performing any inspections or other duties authorized by this  
3 Act, or under any contract relating to the medical assistance  
4 program administered by the ~~Illinois~~ Department of Healthcare  
5 and Family Services ~~Public Aid~~, or under Title XVIII or Title  
6 XIX of the Social Security Act.

7 (Source: P.A. 89-171, eff. 7-19-95; 89-381, eff. 8-18-95;  
8 89-626, eff. 8-9-96; 90-353, eff. 8-8-97; revised 12-15-05.)

9 (210 ILCS 45/3A-101)

10 Sec. 3A-101. Cooperative arrangements. Not later than June  
11 30, 1996, the Department shall enter into one or more  
12 cooperative arrangements with the Illinois Department of  
13 Public Aid, the Department on Aging, the Office of the State  
14 Fire Marshal, and any other appropriate entity for the purpose  
15 of developing a single survey for nursing facilities, including  
16 but not limited to facilities funded under Title XVIII or Title  
17 XIX of the federal Social Security Act, or both, which shall be  
18 administered and conducted solely by the Department. The  
19 Departments shall test the single survey process on a pilot  
20 basis, with both the Departments of Public Aid and Public  
21 Health represented on the consolidated survey team. The pilot  
22 will sunset June 30, 1997. After June 30, 1997, unless  
23 otherwise determined by the Governor, a single survey shall be  
24 implemented by the Department of Public Health which would not  
25 preclude staff from the Department of Healthcare and Family

1 Services (formerly Department of Public Aid) from going on-site  
2 to nursing facilities to perform necessary audits and reviews  
3 which shall not replicate the single State agency survey  
4 required by this Act. This Article shall not apply to community  
5 or intermediate care facilities for the developmentally  
6 disabled.

7 (Source: P.A. 89-415, eff. 1-1-96; revised 12-15-05.)

8 Section 635. The Home Health, Home Services, and Home  
9 Nursing Agency Licensing Act is amended by changing Sections 2  
10 and 11 as follows:

11 (210 ILCS 55/2) (from Ch. 111 1/2, par. 2802)

12 Sec. 2. As used in this Act, unless the context requires  
13 otherwise, the terms defined in the following Sections  
14 preceding ~~proceeding~~ Section 3 have the meanings ascribed to  
15 them in those Sections.

16 (Source: P.A. 94-379, eff. 1-1-06; revised 9-27-05.)

17 (210 ILCS 55/11) (from Ch. 111 1/2, par. 2811)

18 Sec. 11. (a) Each licensee shall file annually, or more  
19 often as the Director shall by rule prescribe, an attested  
20 financial statement. An audited financial statement may be  
21 required of a particular facility, if the Director determines  
22 that additional information is needed.

23 (b) No public funds shall be expended for the services of a

1 home health agency which has failed to file the financial  
2 statement required by this Section.

3 (c) The Director of the Illinois Department of Public  
4 Health and the Director of the ~~Illinois~~ Department of  
5 Healthcare and Family Services ~~Public Aid~~ shall promulgate one  
6 set of regulations for the filing of financial statements, and  
7 shall provide in these regulations for forms, information  
8 required, intervals and dates of filing, and such other  
9 provisions as he may deem necessary. Regulations shall be  
10 published in sufficient time to permit those licensees who must  
11 first file financial statements time in which to do so.

12 (d) The Director shall seek the advice and comments of  
13 other State and Federal agencies which require the submission  
14 of financial data from home health agencies licensed under this  
15 Act and shall incorporate the information requirements of these  
16 agencies into the forms it adopts or issues under this Act and  
17 shall otherwise coordinate its regulations with the  
18 requirements of these agencies so as to impose the least  
19 possible burden on licensees. No other State agency may require  
20 submission of financial data except as expressly authorized by  
21 law or as necessary to meet requirements of federal law or  
22 regulation. Information obtained under this Section shall be  
23 made available, upon request, by the Department to any other  
24 State agency or legislative commission to which such  
25 information is necessary for investigations or to execute the  
26 intent of State or Federal law or regulation.

1 (Source: P.A. 80-804; revised 12-15-05.)

2 Section 640. The Supportive Residences Licensing Act is  
3 amended by changing Sections 20 and 30 as follows:

4 (210 ILCS 65/20) (from Ch. 111 1/2, par. 9020)

5 Sec. 20. Licensing standards.

6 (a) The Department shall promulgate rules establishing  
7 minimum standards for licensing and operating Supportive  
8 Residences in municipalities with a population over 500,000. No  
9 such municipality shall have more than 12 Supportive  
10 Residences. These rules shall regulate the operation and  
11 conduct of Supportive Residences and shall include but not be  
12 limited to:

13 (1) development and maintenance of a case management  
14 system by which an integrated care plan is to be created  
15 for each resident;

16 (2) the training and qualifications of personnel  
17 directly responsible for providing care to residents;

18 (3) provisions and criteria for admission, discharge,  
19 and transfer of residents;

20 (4) provisions for residents to receive appropriate  
21 programming and support services commensurate with their  
22 individual needs;

23 (5) agreements between Supportive Residences and  
24 hospitals or other health care providers;

1 (6) residents' rights and responsibilities and those  
2 of their families and guardians;

3 (7) fee and other contractual agreements between  
4 Supportive Residences and residents;

5 (8) medical and supportive services for residents;

6 (9) the safety, cleanliness, and general adequacy of  
7 the premises, including provision for maintenance of fire  
8 and health standards that conform to State laws and  
9 municipal codes, to provide for the physical comfort,  
10 well-being, care, and protection of the residents;

11 (10) maintenance of records and residents' rights of  
12 access to those records; and

13 (11) procedures for reporting abuse or neglect of  
14 residents.

15 (b) The rules shall also regulate the general financial  
16 ability, competence, character, and qualifications of the  
17 applicant to provide appropriate care and comply with this Act.

18 (c) The Department may promulgate special rules and  
19 regulations establishing minimum standards for Supportive  
20 ~~Support~~ Residences that permit the admission of:

21 (1) residents who are parents with children, whether  
22 either or both have HIV Disease; or

23 (2) residents with HIV Disease who are also  
24 developmentally or physically disabled.

25 (d) Nothing in this Act shall be construed to impair or  
26 abridge the power of municipalities to enforce municipal zoning

1 or land use ordinances.

2 (Source: P.A. 87-840; 88-500; revised 9-18-06.)

3 (210 ILCS 65/30) (from Ch. 111 1/2, par. 9030)

4 Sec. 30. Departmental inspection.

5 (a) The Department may inspect the records and premises of  
6 a Supportive Residence whenever the Department determines it to  
7 be appropriate.

8 (b) The Department shall investigate all reports of  
9 violations from any other governmental entity that also has  
10 monitoring responsibilities for Supportive ~~Support~~ Residences.

11 (c) If the Department determines that a Supportive  
12 Residence is not in compliance with this Act, the Department  
13 shall promptly serve a notice of violation upon the licensee.  
14 Each notice of violation shall be prepared in writing and shall  
15 specify the nature of the violation, the statutory provision or  
16 rule alleged to have been violated, and the requirement that  
17 the licensee submit a plan of correction to the Department. The  
18 notice shall also inform the licensee of any other action the  
19 Department might take under this Act and of his right to a  
20 hearing under Section 55 of this Act.

21 (Source: P.A. 87-840; revised 9-18-06.)

22 Section 645. The Hospital Licensing Act is amended by  
23 changing Section 10.4 as follows:



1 (210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

2 Sec. 10.4. Medical staff privileges.

3 (a) Any hospital licensed under this Act or any hospital  
4 organized under the University of Illinois Hospital Act shall,  
5 prior to the granting of any medical staff privileges to an  
6 applicant, or renewing a current medical staff member's  
7 privileges, request of the Director of Professional Regulation  
8 information concerning the licensure status and any  
9 disciplinary action taken against the applicant's or medical  
10 staff member's license, except: (1) for medical personnel who  
11 enter a hospital to obtain organs and tissues for transplant  
12 from a donor in accordance with the Illinois Anatomical Gift  
13 Act; or (2) for medical personnel who have been granted  
14 disaster privileges pursuant to the procedures and  
15 requirements established by rules adopted by the Department.  
16 Any hospital and any employees of the hospital or others  
17 involved in granting privileges who that, in good faith, grant  
18 ~~grants~~ disaster privileges pursuant to this Section to respond  
19 to an emergency shall not, as a result of their ~~his, her, or~~  
20 ~~its~~ acts or omissions, be liable for civil damages for granting  
21 or denying disaster privileges except in the event of willful  
22 and wanton misconduct, as that term is defined in Section 10.2  
23 of this Act. Individuals granted privileges who provide care in  
24 an emergency situation, in good faith and without direct  
25 compensation, shall not, as a result of their ~~his or her~~ acts  
26 or omissions, except for acts or omissions involving willful

1 and wanton misconduct, as that term is defined in Section 10.2  
2 of this Act, on the part of the person, be liable for civil  
3 damages. The Director of Professional Regulation shall  
4 transmit, in writing and in a timely fashion, such information  
5 regarding the license of the applicant or the medical staff  
6 member, including the record of imposition of any periods of  
7 supervision or monitoring as a result of alcohol or substance  
8 abuse, as provided by Section 23 of the Medical Practice Act of  
9 1987, and such information as may have been submitted to the  
10 Department indicating that the application or medical staff  
11 member has been denied, or has surrendered, medical staff  
12 privileges at a hospital licensed under this Act, or any  
13 equivalent facility in another state or territory of the United  
14 States. The Director of Professional Regulation shall define by  
15 rule the period for timely response to such requests.

16 No transmittal of information by the Director of  
17 Professional Regulation, under this Section shall be to other  
18 than the president, chief operating officer, chief  
19 administrative officer, or chief of the medical staff of a  
20 hospital licensed under this Act, a hospital organized under  
21 the University of Illinois Hospital Act, or a hospital operated  
22 by the United States, or any of its instrumentalities. The  
23 information so transmitted shall be afforded the same status as  
24 is information concerning medical studies by Part 21 of Article  
25 VIII of the Code of Civil Procedure, as now or hereafter  
26 amended.

1           (b) All hospitals licensed under this Act, except county  
2 hospitals as defined in subsection (c) of Section 15-1 of the  
3 Illinois Public Aid Code, shall comply with, and the medical  
4 staff bylaws of these hospitals shall include rules consistent  
5 with, the provisions of this Section in granting, limiting,  
6 renewing, or denying medical staff membership and clinical  
7 staff privileges. Hospitals that require medical staff members  
8 to possess faculty status with a specific institution of higher  
9 education are not required to comply with subsection (1) below  
10 when the physician does not possess faculty status.

11           (1) Minimum procedures for pre-applicants and  
12 applicants for medical staff membership shall include the  
13 following:

14           (A) Written procedures relating to the acceptance  
15 and processing of pre-applicants or applicants for  
16 medical staff membership, which should be contained in  
17 medical staff bylaws.

18           (B) Written procedures to be followed in  
19 determining a pre-applicant's or an applicant's  
20 qualifications for being granted medical staff  
21 membership and privileges.

22           (C) Written criteria to be followed in evaluating a  
23 pre-applicant's or an applicant's qualifications.

24           (D) An evaluation of a pre-applicant's or an  
25 applicant's current health status and current license  
26 status in Illinois.

1 (E) A written response to each pre-applicant or  
2 applicant that explains the reason or reasons for any  
3 adverse decision (including all reasons based in whole  
4 or in part on the applicant's medical qualifications or  
5 any other basis, including economic factors).

6 (2) Minimum procedures with respect to medical staff  
7 and clinical privilege determinations concerning current  
8 members of the medical staff shall include the following:

9 (A) A written notice of an adverse decision.

10 (B) An explanation of the reasons for an adverse  
11 decision including all reasons based on the quality of  
12 medical care or any other basis, including economic  
13 factors.

14 (C) A statement of the medical staff member's right  
15 to request a fair hearing on the adverse decision  
16 before a hearing panel whose membership is mutually  
17 agreed upon by the medical staff and the hospital  
18 governing board. The hearing panel shall have  
19 independent authority to recommend action to the  
20 hospital governing board. Upon the request of the  
21 medical staff member or the hospital governing board,  
22 the hearing panel shall make findings concerning the  
23 nature of each basis for any adverse decision  
24 recommended to and accepted by the hospital governing  
25 board.

26 (i) Nothing in this subparagraph (C) limits a

1 hospital's or medical staff's right to summarily  
2 suspend, without a prior hearing, a person's  
3 medical staff membership or clinical privileges if  
4 the continuation of practice of a medical staff  
5 member constitutes an immediate danger to the  
6 public, including patients, visitors, and hospital  
7 employees and staff. A fair hearing shall be  
8 commenced within 15 days after the suspension and  
9 completed without delay.

10 (ii) Nothing in this subparagraph (C) limits a  
11 medical staff's right to permit, in the medical  
12 staff bylaws, summary suspension of membership or  
13 clinical privileges in designated administrative  
14 circumstances as specifically approved by the  
15 medical staff. This bylaw provision must  
16 specifically describe both the administrative  
17 circumstance that can result in a summary  
18 suspension and the length of the summary  
19 suspension. The opportunity for a fair hearing is  
20 required for any administrative summary  
21 suspension. Any requested hearing must be  
22 commenced within 15 days after the summary  
23 suspension and completed without delay. Adverse  
24 decisions other than suspension or other  
25 restrictions on the treatment or admission of  
26 patients may be imposed summarily and without a

1 hearing under designated administrative  
2 circumstances as specifically provided for in the  
3 medical staff bylaws as approved by the medical  
4 staff.

5 (iii) If a hospital exercises its option to  
6 enter into an exclusive contract and that contract  
7 results in the total or partial termination or  
8 reduction of medical staff membership or clinical  
9 privileges of a current medical staff member, the  
10 hospital shall provide the affected medical staff  
11 member 60 days prior notice of the effect on his or  
12 her medical staff membership or privileges. An  
13 affected medical staff member desiring a hearing  
14 under subparagraph (C) of this paragraph (2) must  
15 request the hearing within 14 days after the date  
16 he or she is so notified. The requested hearing  
17 shall be commenced and completed (with a report and  
18 recommendation to the affected medical staff  
19 member, hospital governing board, and medical  
20 staff) within 30 days after the date of the medical  
21 staff member's request. If agreed upon by both the  
22 medical staff and the hospital governing board,  
23 the medical staff bylaws may provide for longer  
24 time periods.

25 (D) A statement of the member's right to inspect  
26 all pertinent information in the hospital's possession

1 with respect to the decision.

2 (E) A statement of the member's right to present  
3 witnesses and other evidence at the hearing on the  
4 decision.

5 (F) A written notice and written explanation of the  
6 decision resulting from the hearing.

7 (F-5) A written notice of a final adverse decision  
8 by a hospital governing board.

9 (G) Notice given 15 days before implementation of  
10 an adverse medical staff membership or clinical  
11 privileges decision based substantially on economic  
12 factors. This notice shall be given after the medical  
13 staff member exhausts all applicable procedures under  
14 this Section, including item (iii) of subparagraph (C)  
15 of this paragraph (2), and under the medical staff  
16 bylaws in order to allow sufficient time for the  
17 orderly provision of patient care.

18 (H) Nothing in this paragraph (2) of this  
19 subsection (b) limits a medical staff member's right to  
20 waive, in writing, the rights provided in  
21 subparagraphs (A) through (G) of this paragraph (2) of  
22 this subsection (b) upon being granted the written  
23 exclusive right to provide particular services at a  
24 hospital, either individually or as a member of a  
25 group. If an exclusive contract is signed by a  
26 representative of a group of physicians, a waiver

1 contained in the contract shall apply to all members of  
2 the group unless stated otherwise in the contract.

3 (3) Every adverse medical staff membership and  
4 clinical privilege decision based substantially on  
5 economic factors shall be reported to the Hospital  
6 Licensing Board before the decision takes effect. These  
7 reports shall not be disclosed in any form that reveals the  
8 identity of any hospital or physician. These reports shall  
9 be utilized to study the effects that hospital medical  
10 staff membership and clinical privilege decisions based  
11 upon economic factors have on access to care and the  
12 availability of physician services. The Hospital Licensing  
13 Board shall submit an initial study to the Governor and the  
14 General Assembly by January 1, 1996, and subsequent reports  
15 shall be submitted periodically thereafter.

16 (4) As used in this Section:

17 "Adverse decision" means a decision reducing,  
18 restricting, suspending, revoking, denying, or not  
19 renewing medical staff membership or clinical privileges.

20 "Economic factor" means any information or reasons for  
21 decisions unrelated to quality of care or professional  
22 competency.

23 "Pre-applicant" means a physician licensed to practice  
24 medicine in all its branches who requests an application  
25 for medical staff membership or privileges.

26 "Privilege" means permission to provide medical or



1 other patient care services and permission to use hospital  
2 resources, including equipment, facilities and personnel  
3 that are necessary to effectively provide medical or other  
4 patient care services. This definition shall not be  
5 construed to require a hospital to acquire additional  
6 equipment, facilities, or personnel to accommodate the  
7 granting of privileges.

8 (5) Any amendment to medical staff bylaws required  
9 because of this amendatory Act of the 91st General Assembly  
10 shall be adopted on or before July 1, 2001.

11 (c) All hospitals shall consult with the medical staff  
12 prior to closing membership in the entire or any portion of the  
13 medical staff or a department. If the hospital closes  
14 membership in the medical staff, any portion of the medical  
15 staff, or the department over the objections of the medical  
16 staff, then the hospital shall provide a detailed written  
17 explanation for the decision to the medical staff 10 days prior  
18 to the effective date of any closure. No applications need to  
19 be provided when membership in the medical staff or any  
20 relevant portion of the medical staff is closed.

21 (Source: P.A. 93-794, eff. 7-22-04; 93-829, eff. 7-28-04;  
22 revised 11-22-05.)

23 Section 650. The Mobile Home Park Act is amended by  
24 changing Section 2.2 as follows:

1 (210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

2 Sec. 2.2. Permanent habitation. "Permanent habitation"  
3 means habitation for a period of 2 or more months.

4 (Source: P.A. 77-1472; revised 10-11-05.)

5 Section 655. The Illinois Insurance Code is amended by  
6 changing Sections 155.21, 238, 238.1, 299.1a, 299.1b, 337.1,  
7 352, 356b, 356r, 367b, 370c, 416, 500-135, 512-3, 531.06, and  
8 1204, by setting forth and renumbering multiple versions of  
9 Sections 155.39, 356z.2, and 356z.4, and by renumbering Section  
10 370r as follows:

11 (215 ILCS 5/155.21) (from Ch. 73, par. 767.21)

12 Sec. 155.21. A company writing medical liability insurance  
13 shall not refuse to offer insurance to a physician, hospital or  
14 other health care provider on the grounds that the physician,  
15 hospital or health care provider has entered or intends to  
16 enter an arbitration agreement pursuant to the Health Care  
17 ~~"Malpractice Arbitration Act"~~.

18 As used in this Section, medical liability insurance means  
19 insurance on risks based upon negligence by a physician,  
20 hospital or other health care provider.

21 (Source: P.A. 79-1435; revised 10-11-05.)

22 (215 ILCS 5/155.39)

23 Sec. 155.39. Vehicle protection products.

1 (a) As used in this Section:

2 "Administrator" means a third party other than the  
3 warrantor who is designated by the warrantor to be responsible  
4 for the administration of vehicle protection product  
5 warranties.

6 "Incidental costs" means expenses specified in the vehicle  
7 protection product warranty incurred by the warranty holder  
8 related to the failure of the vehicle protection product to  
9 perform as provided in the warranty. Incidental costs may  
10 include, without limitation, insurance policy deductibles,  
11 rental vehicle charges, the difference between the actual value  
12 of the stolen vehicle at the time of theft and the cost of a  
13 replacement vehicle, sales taxes, registration fees,  
14 transaction fees, and mechanical inspection fees.

15 "Vehicle protection product" means a vehicle protection  
16 device, system, or service that is (i) installed on or applied  
17 to a vehicle, (ii) is designed to prevent loss or damage to a  
18 vehicle from a specific cause, (iii) includes a written  
19 warranty by a warrantor that provides if the vehicle protection  
20 product fails to prevent loss or damage to a vehicle from a  
21 specific cause, that the warranty holder shall be paid  
22 specified incidental costs by the warrantor as a result of the  
23 failure of the vehicle protection product to perform pursuant  
24 to the terms of the warranty, and (iv) the warrantor's  
25 liability is covered by a warranty reimbursement insurance  
26 policy. The term "vehicle protection product" shall include,

1 without limitation, alarm systems, body part marking products,  
2 steering locks, window etch products, pedal and ignition locks,  
3 fuel and ignition kill switches, and electronic, radio, and  
4 satellite tracking devices.

5 "Vehicle protection product warrantor" or "warrantor"  
6 means a person who is contractually obligated to the warranty  
7 holder under the terms of the vehicle protection product.  
8 Warrantor does not include an authorized insurer.

9 "Warranty reimbursement insurance policy" means a policy  
10 of insurance issued to the vehicle protection product warrantor  
11 to pay on behalf of the warrantor all covered contractual  
12 obligations incurred by the warrantor under the terms and  
13 conditions of the insured vehicle protection product  
14 warranties sold by the warrantor. The warranty reimbursement  
15 insurance policy shall be issued by an insurer authorized to do  
16 business in this State that has filed its policy form with the  
17 Department.

18 (b) No vehicle protection product sold or offered for sale  
19 in this State shall be subject to the provisions of this  
20 Code. Vehicle protection product warrantors and related  
21 vehicle protection product sellers and warranty administrators  
22 complying with this Section are not required to comply with and  
23 are not subject to any other provision of this Code. The  
24 vehicle protection products' written warranties are express  
25 warranties and not insurance.

26 (c) This Section applies to all vehicle protection products

1 sold or offered for sale prior to, on, or after the effective  
2 date of this amendatory Act of the 93rd General Assembly. The  
3 enactment of this Section does not imply that vehicle  
4 protection products should have been subject to regulation  
5 under this Code prior to the enactment of this Section.

6 (Source: P.A. 93-218, eff. 7-18-03.)

7 (215 ILCS 5/155.40)

8 Sec. 155.40 ~~155.39~~. Auto insurance; application; false  
9 address.

10 (a) An applicant for a policy of insurance that insures  
11 against any loss or liability resulting from or incident to the  
12 ownership, maintenance, or use of a motor vehicle shall not  
13 provide to the insurer to which the application for coverage is  
14 made any address for the applicant other than the address at  
15 which the applicant resides.

16 (b) A person who knowingly violates this Section is guilty  
17 of a business offense. The penalty is a fine of not less than  
18 \$1,001 and not more than \$1,200.

19 (Source: P.A. 93-269, eff. 1-1-04; revised 9-19-03.)

20 (215 ILCS 5/155.41)

21 Sec. 155.41 ~~155.39~~. Slave era policies.

22 (a) The General Assembly finds and declares all of the  
23 following:

24 (1) Insurance policies from the slavery era have been

1 discovered in the archives of several insurance companies,  
2 documenting insurance coverage for slaveholders for damage  
3 to or death of their slaves, issued by a predecessor  
4 insurance firm. These documents provide the first evidence  
5 of ill-gotten profits from slavery, which profits in part  
6 capitalized insurers whose successors remain in existence  
7 today.

8 (2) Legislation has been introduced in Congress for the  
9 past 10 years demanding an inquiry into slavery and its  
10 continuing legacies.

11 (3) The Director of Insurance and the Department of  
12 Insurance are entitled to seek information from the files  
13 of insurers licensed and doing business in this State,  
14 including licensed Illinois subsidiaries of international  
15 insurance corporations, regarding insurance policies  
16 issued to slaveholders by predecessor corporations. The  
17 people of Illinois are entitled to significant historical  
18 information of this nature.

19 (b) The Department shall request and obtain information  
20 from insurers licensed and doing business in this State  
21 regarding any records of slaveholder insurance policies issued  
22 by any predecessor corporation during the slavery era.

23 (c) The Department shall obtain the names of any  
24 slaveholders or slaves described in those insurance records,  
25 and shall make the information available to the public and the  
26 General Assembly.

1           (d) Any insurer licensed and doing business in this State  
2 shall research and report to the Department with respect to any  
3 records within the insurer's possession or knowledge relating  
4 to insurance policies issued to slaveholders that provided  
5 coverage for damage to or death of their slaves.

6           (e) Descendants of slaves, whose ancestors were defined as  
7 private property, dehumanized, divided from their families,  
8 forced to perform labor without appropriate compensation or  
9 benefits, and whose ancestors' owners were compensated for  
10 damages by insurers, are entitled to full disclosure.

11           (Source: P.A. 93-333, eff. 1-1-04; revised 9-19-03.)

12           (215 ILCS 5/238) (from Ch. 73, par. 850)

13           Sec. 238. Exemption.

14           (a) All proceeds payable because of the death of the  
15 insured and the aggregate net cash value of any or all life and  
16 endowment policies and annuity contracts payable to a wife or  
17 husband of the insured, or to a child, parent or other person  
18 dependent upon the insured, whether the power to change the  
19 beneficiary is reserved to the insured or not, and whether the  
20 insured or his estate is a contingent beneficiary or not, shall  
21 be exempt from execution, attachment, garnishment or other  
22 process, for the debts or liabilities of the insured incurred  
23 subsequent to the effective date of this Code, except as to  
24 premiums paid in fraud of creditors within the period limited  
25 by law for the recovery thereof.

1 (b) Any insurance company doing business in this State and  
2 governed by this Code shall encumber or surrender accounts as  
3 defined in Section 10-24 of the Illinois Public Aid Code held  
4 by the insurance company owned by any responsible relative who  
5 is subject to a child support lien, upon notice of the lien or  
6 levy by the Department of Healthcare and Family Services  
7 (formerly Illinois Department of Public Aid) or its successor  
8 agency pursuant to Section 10-25.5 of the Illinois Public Aid  
9 Code, or upon notice of interstate lien from any other state's  
10 agency responsible for implementing the child support  
11 enforcement program set forth in Title IV, Part D of the Social  
12 Security Act.

13 This Section does not prohibit the furnishing of  
14 information in accordance with the federal Personal  
15 Responsibility and Work Opportunity Reconciliation Act of  
16 1996. Any insurance company governed by this Code shall enter  
17 into an agreement for data exchanges with the Department of  
18 Healthcare and Family Services ~~Public Aid~~ provided the  
19 Department of Healthcare and Family Services ~~Public Aid~~ pays to  
20 the insurance company a reasonable fee not to exceed its actual  
21 cost incurred. An insurance company providing information in  
22 accordance with this item shall not be liable to any owner of  
23 an account as defined in Section 10-24 of the Illinois Public  
24 Aid Code or other person for any disclosure of information to  
25 the Department of Healthcare and Family Services (formerly  
26 Department of Public Aid), for encumbering or surrendering any



1 accounts as defined in Section 10-24 of the Illinois Public Aid  
2 Code held by the insurance company in response to a lien or  
3 order to withhold and deliver issued by a State agency, or for  
4 any other action taken pursuant to this item, including  
5 individual or mechanical errors, provided the action does not  
6 constitute gross negligence or willful misconduct. An  
7 insurance company shall have no obligation to hold, encumber,  
8 or surrender any accounts as defined in Section 10-24 of the  
9 Illinois Public Aid Code until it has been served with a  
10 subpoena, summons, warrant, court or administrative order,  
11 lien, or levy requiring that action.

12 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

13 (215 ILCS 5/238.1)

14 Sec. 238.1. Data exchanges; administrative liens.

15 (a) Any insurance company doing business in the State and  
16 governed by this Code shall enter into an agreement for data  
17 exchanges with the ~~Illinois~~ Department of Healthcare and Family  
18 Services ~~Public Aid~~ for the purpose of locating accounts as  
19 defined in Section 10-24 of the Illinois Public Aid Code of  
20 responsible relatives to satisfy past-due child support owed by  
21 responsible relatives under an order for support entered by a  
22 court or administrative body of this or any other State on  
23 behalf of resident or non-resident persons.

24 (b) Notwithstanding any provisions in this Code to the  
25 contrary, an insurance company shall not be liable to any

1 person:

2 (1) for any disclosure of information to the Department  
3 of Healthcare and Family Services (formerly Illinois  
4 Department of Public Aid) under subsection (a);

5 (2) for encumbering or surrendering any accounts as  
6 defined in Section 10-24 of the Illinois Public Aid Code  
7 held by such insurance company in response to a notice of  
8 lien or levy issued by the Department of Healthcare and  
9 Family Services (formerly Illinois Department of Public  
10 Aid), or by any other state's child support enforcement  
11 agency, as provided for in Section 238 of this Code; or

12 (3) for any other action taken in good faith to comply  
13 with the requirements of subsection (a).

14 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

15 (215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)

16 Sec. 299.1a. Benefits not Attachable.

17 (a) No money or other charity, relief or aid to be paid,  
18 provided or rendered by any society shall be liable to  
19 attachment, garnishment or other process or to be seized,  
20 taken, appropriated or applied by any legal or equitable  
21 process or operation of law to pay any debt or liability of a  
22 member or beneficiary, or any other person who may have a right  
23 thereunder, either before or after payment by the society.

24 (b) Any benefit association doing business in this State  
25 and governed by this Article XVII shall encumber or surrender

1 accounts as defined in Section 10-24 of the Illinois Public Aid  
2 Code held by the benefit association owned by any responsible  
3 relative who is subject to a child support lien, upon notice of  
4 the lien or levy by the Department of Healthcare and Family  
5 Services (formerly Illinois Department of Public Aid) or its  
6 successor agency pursuant to Section 10-25.5 of the Illinois  
7 Public Aid Code, or upon notice of interstate lien from any  
8 other state's agency responsible for implementing the child  
9 support enforcement program set forth in Title IV, Part D of  
10 the Social Security Act.

11 This Section shall not prohibit the furnishing of  
12 information in accordance with the federal Personal  
13 Responsibility and Work Opportunity Reconciliation Act of  
14 1996. Any benefit association governed by this Article XVII  
15 shall enter into an agreement for data exchanges with the  
16 Department of Healthcare and Family Services ~~Public Aid~~  
17 provided the Department of Healthcare and Family Services  
18 ~~Public Aid~~ pays to the benefit association a reasonable fee not  
19 to exceed its actual cost incurred. A benefit association  
20 providing information in accordance with this item shall not be  
21 liable to any account holder or other person for any disclosure  
22 of information to a State agency, for encumbering or  
23 surrendering any accounts as defined in Section 10-24 of the  
24 Illinois Public Aid Code held by the benefit association in  
25 response to a lien or order to withhold and deliver issued by a  
26 State agency, or for any other action taken pursuant to this

1 item, including individual or mechanical errors, provided the  
2 action does not constitute gross negligence or willful  
3 misconduct. A benefit association shall have no obligation to  
4 hold, encumber, or surrender accounts until it has been served  
5 with a subpoena, summons, warrant, court or administrative  
6 order, lien, or levy requiring that action.

7 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

8 (215 ILCS 5/299.1b)

9 Sec. 299.1b. Data exchanges; administrative liens.

10 (a) Any benefit association doing business in the State and  
11 governed by this Code shall enter into an agreement for data  
12 exchanges with the ~~Illinois~~ Department of Healthcare and Family  
13 Services ~~Public Aid~~ for the purpose of locating accounts as  
14 defined in Section 10-24 of the Illinois Public Aid Code of  
15 responsible relatives to satisfy past-due child support owed by  
16 responsible relatives under an order for support entered by a  
17 court or administrative body of this or any other State on  
18 behalf of resident or non-resident persons.

19 (b) Notwithstanding any provisions in this Code to the  
20 contrary, a benefit association shall not be liable to any  
21 person:

22 (1) for any disclosure of information to the Department  
23 of Healthcare and Family Services (formerly Illinois  
24 Department of Public Aid) under subsection (a);

25 (2) for encumbering or surrendering any accounts as

1 defined in Section 10-24 of the Illinois Public Aid Code  
2 held by such benefit association in response to a notice of  
3 lien or levy issued by the Department of Healthcare and  
4 Family Services (formerly Illinois Department of Public  
5 Aid), or by any other state's child support enforcement  
6 agency, as provided for in Section 299.1a of this Code; or

7 (3) for any other action taken in good faith to comply  
8 with the requirements of subsection (a).

9 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

10 (215 ILCS 5/337.1)

11 Sec. 337.1. Data exchanges; administrative liens.

12 (a) Any benefit association governed by this Article XVIII  
13 shall encumber or surrender accounts as defined in Section  
14 10-24 of the Illinois Public Aid Code held by the benefit  
15 association on behalf of any responsible relative who is  
16 subject to a child support lien, upon notice of the lien or  
17 levy by the Department of Healthcare and Family Services  
18 (formerly Illinois Department of Public Aid) or its successor  
19 agency pursuant to Section 10-25.5 of the Illinois Public Aid  
20 Code, or upon notice of interstate lien from any other state's  
21 agency responsible for implementing the child support  
22 enforcement program set forth in Title IV, Part D of the Social  
23 Security Act.

24 (b) This Section shall not prohibit the furnishing of  
25 information in accordance with the federal Personal

1 Responsibility and Work Opportunity Reconciliation Act of  
2 1996. Any benefit association governed by this Article XVIII  
3 shall enter into an agreement for data exchanges with the  
4 Department of Healthcare and Family Services ~~Public Aid~~  
5 provided the Department of Healthcare and Family Services  
6 ~~Public Aid~~ pays to the benefit association a reasonable fee not  
7 to exceed its actual cost incurred. A benefit association  
8 providing information in accordance with this item shall not be  
9 liable to any owner of an account as defined in Section 10-24  
10 of the Illinois Public Aid Code or other person for any  
11 disclosure of information to the Department of Healthcare and  
12 Family Services (formerly Department of Public Aid), for  
13 encumbering or surrendering any accounts held by the benefit  
14 association in response to a lien or order to withhold and  
15 deliver issued by the Department of Healthcare and Family  
16 Services (formerly Department of Public Aid), or for any other  
17 action taken pursuant to this item, including individual or  
18 mechanical errors, provided the action does not constitute  
19 gross negligence or willful misconduct. A benefit association  
20 shall have no obligation to hold, encumber, or surrender the  
21 accounts or portions thereof as defined in Section 10-24 of the  
22 Illinois Public Aid Code until it has been served with a  
23 subpoena, summons, warrant, court or administrative order,  
24 lien, or levy.

25 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

1 (215 ILCS 5/352) (from Ch. 73, par. 964)

2 Sec. 352. Scope of Article.

3 (a) Except as provided in subsections (b), (c), (d), and  
4 (e), this Article shall apply to all companies transacting in  
5 this State the kinds of business enumerated in clause (b) of  
6 Class 1 and clause (a) of Class 2 of section 4. Nothing in this  
7 Article shall apply to, or in any way affect policies or  
8 contracts described in clause (a) of Class 1 of Section 4;  
9 however, this Article shall apply to policies and contracts  
10 which contain benefits providing reimbursement for the  
11 expenses of long term health care which are certified or  
12 ordered by a physician including but not limited to  
13 professional nursing care, custodial nursing care, and  
14 non-nursing custodial care provided in a nursing home or at a  
15 residence of the insured.

16 (b) This Article does not apply to policies of accident and  
17 health insurance issued in compliance with Article XIXB of this  
18 Code.

19 (c) A policy issued and delivered in this State that  
20 provides coverage under that policy for certificate holders who  
21 are neither residents of nor employed in this State does not  
22 need to provide to those nonresident certificate holders who  
23 are not employed in this State the coverages or services  
24 mandated by this Article.

25 (d) Stop-loss insurance is exempt from all Sections of this  
26 Article, except this Section and Sections 353a, 354, 357.30,

1 and 370. For purposes of this exemption, stop-loss insurance is  
2 further defined as follows:

3 (1) The policy must be issued to and insure an  
4 employer, trustee, or other sponsor of the plan, or the  
5 plan itself, but not employees, members, or participants.

6 (2) Payments by the insurer must be made to the  
7 employer, trustee, or other sponsors of the plan, or the  
8 plan itself, but not to the employees, members,  
9 participants, or health care providers.

10 (e) A policy issued or delivered in this State to the  
11 Department of Healthcare and Family Services (formerly  
12 Illinois Department of Public Aid) and providing coverage,  
13 under clause (b) of Class 1 or clause (a) of Class 2 as  
14 described in Section 4, to persons who are enrolled under  
15 Article V of the Illinois Public Aid Code or under the  
16 Children's Health Insurance Program Act is exempt from all  
17 restrictions, limitations, standards, rules, or regulations  
18 respecting benefits imposed by or under authority of this Code,  
19 except those specified by subsection (1) of Section 143.  
20 Nothing in this subsection, however, affects the total medical  
21 services available to persons eligible for medical assistance  
22 under the Illinois Public Aid Code.

23 (Source: P.A. 92-370, eff. 8-15-01; revised 12-15-05.)

24 (215 ILCS 5/356b) (from Ch. 73, par. 968b)

25 Sec. 356b. (a) This Section applies to the hospital and



1 medical expense provisions of an accident or health insurance  
2 policy.

3 (b) If a policy provides that coverage of a dependent  
4 person terminates upon attainment of the limiting age for  
5 dependent persons specified in the policy, the attainment of  
6 such limiting age does not operate to terminate the hospital  
7 and medical coverage of a person who, because of a handicapped  
8 condition that occurred before attainment of the limiting age,  
9 is incapable of self-sustaining employment and is dependent on  
10 his or her parents or other care providers for lifetime care  
11 and supervision.

12 (c) For purposes of subsection (b), "dependent on other  
13 care providers" is defined as requiring a Community Integrated  
14 Living Arrangement, group home, supervised apartment, or other  
15 residential services licensed or certified by the Department of  
16 Human Services (as successor to the Department of Mental Health  
17 and Developmental Disabilities), the Department of Public  
18 Health, or the Department of Healthcare and Family Services  
19 (formerly Department of Public Aid).

20 (d) The insurer may inquire of the policyholder 2 months  
21 prior to attainment by a dependent of the limiting age set  
22 forth in the policy, or at any reasonable time thereafter,  
23 whether such dependent is in fact a disabled and dependent  
24 person and, in the absence of proof submitted within 60 days of  
25 such inquiry that such dependent is a disabled and dependent  
26 person may terminate coverage of such person at or after

1 attainment of the limiting age. In the absence of such inquiry,  
2 coverage of any disabled and dependent person shall continue  
3 through the term of such policy or any extension or renewal  
4 thereof.

5 (e) This amendatory Act of 1969 is applicable to policies  
6 issued or renewed more than 60 days after the effective date of  
7 this amendatory Act of 1969.

8 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

9 (215 ILCS 5/356r)

10 Sec. 356r. Woman's principal health care provider.

11 (a) An individual or group policy of accident and health  
12 insurance or a managed care plan amended, delivered, issued, or  
13 renewed in this State after November 14, 1996 that requires an  
14 insured or enrollee to designate an individual to coordinate  
15 care or to control access to health care services shall also  
16 permit a female insured or enrollee to designate a  
17 participating woman's principal health care provider, and the  
18 insurer or managed care plan shall provide the following  
19 written notice to all female insureds or enrollees no later  
20 than 120 days after the effective date of this amendatory Act  
21 of 1998; to all new enrollees at the time of enrollment; and  
22 thereafter to all existing enrollees at least annually, as a  
23 part of a regular publication or informational mailing:

24 "NOTICE TO ALL FEMALE PLAN MEMBERS:

25 YOUR RIGHT TO SELECT A WOMAN'S PRINCIPAL

1 HEALTH CARE PROVIDER.

2 Illinois law allows you to select "a woman's principal  
3 health care provider" in addition to your selection of a  
4 primary care physician. A woman's principal health care  
5 provider is a physician licensed to practice medicine in  
6 all its branches specializing in obstetrics or gynecology  
7 or specializing in family practice. A woman's principal  
8 health care provider may be seen for care without referrals  
9 from your primary care physician. If you have not already  
10 selected a woman's principal health care provider, you may  
11 do so now or at any other time. You are not required to  
12 have or to select a woman's principal health care provider.

13 Your woman's principal health care provider must be a  
14 part of your plan. You may get the list of participating  
15 obstetricians, gynecologists, and family practice  
16 specialists from your employer's employee benefits  
17 coordinator, or for your own copy of the current list, you  
18 may call [insert plan's toll free number]. The list will be  
19 sent to you within 10 days after your call. To designate a  
20 woman's principal health care provider from the list, call  
21 [insert plan's toll free number] and tell our staff the  
22 name of the physician you have selected."

23 If the insurer or managed care plan exercises the option set  
24 forth in subsection (a-5), the notice shall also state:

25 "Your plan requires that your primary care physician  
26 and your woman's principal health care provider have a

1 referral arrangement with one another. If the woman's  
2 principal health care provider that you select does not  
3 have a referral arrangement with your primary care  
4 physician, you will have to select a new primary care  
5 physician who has a referral arrangement with your woman's  
6 principal health care provider or you may select a woman's  
7 principal health care provider who has a referral  
8 arrangement with your primary care physician. The list of  
9 woman's principal health care providers will also have the  
10 names of the primary care physicians and their referral  
11 arrangements.".

12 No later than 120 days after the effective date of this  
13 amendatory Act of 1998, the insurer or managed care plan shall  
14 provide each employer who has a policy of insurance or a  
15 managed care plan with the insurer or managed care plan with a  
16 list of physicians licensed to practice medicine in all its  
17 branches specializing in obstetrics or gynecology or  
18 specializing in family practice who have contracted with the  
19 plan. At the time of enrollment and thereafter within 10 days  
20 after a request by an insured or enrollee, the insurer or  
21 managed care plan also shall provide this list directly to the  
22 insured or enrollee. The list shall include each physician's  
23 address, telephone number, and specialty. No insurer or plan  
24 formal or informal policy may restrict a female insured's or  
25 enrollee's right to designate a woman's principal health care  
26 provider, except as set forth in subsection (a-5). If the

1 female enrollee is an enrollee of a managed care plan under  
2 contract with the Department of Healthcare and Family Services  
3 ~~Public Aid~~, the physician chosen by the enrollee as her woman's  
4 principal health care provider must be a Medicaid-enrolled  
5 provider. This requirement does not require a female insured or  
6 enrollee to make a selection of a woman's principal health care  
7 provider. The female insured or enrollee may designate a  
8 physician licensed to practice medicine in all its branches  
9 specializing in family practice as her woman's principal health  
10 care provider.

11 (a-5) The insured or enrollee may be required by the  
12 insurer or managed care plan to select a woman's principal  
13 health care provider who has a referral arrangement with the  
14 insured's or enrollee's individual who coordinates care or  
15 controls access to health care services if such referral  
16 arrangement exists or to select a new individual to coordinate  
17 care or to control access to health care services who has a  
18 referral arrangement with the woman's principal health care  
19 provider chosen by the insured or enrollee, if such referral  
20 arrangement exists. If an insurer or a managed care plan  
21 requires an insured or enrollee to select a new physician under  
22 this subsection (a-5), the insurer or managed care plan must  
23 provide the insured or enrollee with both options to select a  
24 new physician provided in this subsection (a-5).

25 Notwithstanding a plan's restrictions of the frequency or  
26 timing of making designations of primary care providers, a

1 female enrollee or insured who is subject to the selection  
2 requirements of this subsection, may, at any time, effect a  
3 change in primary care physicians in order to make a selection  
4 of a woman's principal health care provider.

5 (a-6) If an insurer or managed care plan exercises the  
6 option in subsection (a-5), the list to be provided under  
7 subsection (a) shall identify the referral arrangements that  
8 exist between the individual who coordinates care or controls  
9 access to health care services and the woman's principal health  
10 care provider in order to assist the female insured or enrollee  
11 to make a selection within the insurer's or managed care plan's  
12 requirement.

13 (b) If a female insured or enrollee has designated a  
14 woman's principal health care provider, then the insured or  
15 enrollee must be given direct access to the woman's principal  
16 health care provider for services covered by the policy or plan  
17 without the need for a referral or prior approval. Nothing  
18 shall prohibit the insurer or managed care plan from requiring  
19 prior authorization or approval from either a primary care  
20 provider or the woman's principal health care provider for  
21 referrals for additional care or services.

22 (c) For the purposes of this Section the following terms  
23 are defined:

24 (1) "Woman's principal health care provider" means a  
25 physician licensed to practice medicine in all of its  
26 branches specializing in obstetrics or gynecology or

1 specializing in family practice.

2 (2) "Managed care entity" means any entity including a  
3 licensed insurance company, hospital or medical service  
4 plan, health maintenance organization, limited health  
5 service organization, preferred provider organization,  
6 third party administrator, an employer or employee  
7 organization, or any person or entity that establishes,  
8 operates, or maintains a network of participating  
9 providers.

10 (3) "Managed care plan" means a plan operated by a  
11 managed care entity that provides for the financing of  
12 health care services to persons enrolled in the plan  
13 through:

14 (A) organizational arrangements for ongoing  
15 quality assurance, utilization review programs, or  
16 dispute resolution; or

17 (B) financial incentives for persons enrolled in  
18 the plan to use the participating providers and  
19 procedures covered by the plan.

20 (4) "Participating provider" means a physician who has  
21 contracted with an insurer or managed care plan to provide  
22 services to insureds or enrollees as defined by the  
23 contract.

24 (d) The original provisions of this Section became law on  
25 July 17, 1996 and took effect November 14, 1996, which is 120  
26 days after becoming law.

1 (Source: P.A. 89-514; 90-14, eff. 7-1-97; 90-741, eff. 8-13-98;  
2 revised 12-15-05.)

3 (215 ILCS 5/356z.2)

4 Sec. 356z.2. Coverage for adjunctive services in dental  
5 care.

6 (a) An individual or group policy of accident and health  
7 insurance amended, delivered, issued, or renewed after the  
8 effective date of this amendatory Act of the 92nd General  
9 Assembly shall cover charges incurred, and anesthetics  
10 provided, in conjunction with dental care that is provided to a  
11 covered individual in a hospital or an ambulatory surgical  
12 treatment center if any of the following applies:

13 (1) the individual is a child age 6 or under;

14 (2) the individual has a medical condition that  
15 requires hospitalization or general anesthesia for dental  
16 care; or

17 (3) the individual is disabled.

18 (b) For purposes of this Section, "ambulatory surgical  
19 treatment center" has the meaning given to that term in Section  
20 3 of the Ambulatory Surgical Treatment Center Act.

21 For purposes of this Section, "disabled" means a person,  
22 regardless of age, with a chronic disability if the chronic  
23 disability meets all of the following conditions:

24 (1) It is attributable to a mental or physical  
25 impairment or combination of mental and physical



1           impairments.

2           (2) It is likely to continue.

3           (3) It results in substantial functional limitations  
4           in one or more of the following areas of major life  
5           activity:

6                   (A) self-care;

7                   (B) receptive and expressive language;

8                   (C) learning;

9                   (D) mobility;

10                   (E) capacity for independent living; or

11                   (F) economic self-sufficiency.

12           (c) The coverage required under this Section may be subject  
13           to any limitations, exclusions, or cost-sharing provisions  
14           that apply generally under the insurance policy.

15           (d) This Section does not apply to a policy that covers  
16           only dental care.

17           (e) Nothing in this Section requires that the dental  
18           services be covered.

19           (f) The provisions of this Section do not apply to  
20           short-term travel, accident-only, limited, or specified  
21           disease policies, nor to policies or contracts designed for  
22           issuance to persons eligible for coverage under Title XVIII of  
23           the Social Security Act, known as Medicare, or any other  
24           similar coverage under State or federal governmental plans.

25           (Source: P.A. 92-764, eff. 1-1-03.)

1 (215 ILCS 5/356z.3)

2 Sec. 356z.3 ~~356z.2~~. Disclosure of limited benefit. An  
3 insurer that issues, delivers, amends, or renews an individual  
4 or group policy of accident and health insurance in this State  
5 after the effective date of this amendatory Act of the 92nd  
6 General Assembly and arranges, contracts with, or administers  
7 contracts with a provider whereby beneficiaries are provided an  
8 incentive to use the services of such provider must include the  
9 following disclosure on its contracts and evidences of  
10 coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN  
11 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that  
12 when you elect to utilize the services of a non-participating  
13 provider for a covered service in non-emergency situations,  
14 benefit payments to such non-participating provider are not  
15 based upon the amount billed. The basis of your benefit payment  
16 will be determined according to your policy's fee schedule,  
17 usual and customary charge (which is determined by comparing  
18 charges for similar services adjusted to the geographical area  
19 where the services are performed), or other method as defined  
20 by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE  
21 AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS  
22 REQUIRED PORTION. Non-participating providers may bill members  
23 for any amount up to the billed charge after the plan has paid  
24 its portion of the bill. Participating providers have agreed to  
25 accept discounted payments for services with no additional  
26 billing to the member other than co-insurance and deductible

1 amounts. You may obtain further information about the  
2 participating status of professional providers and information  
3 on out-of-pocket expenses by calling the toll free telephone  
4 number on your identification card."

5 (Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)

6 (215 ILCS 5/356z.4)

7 Sec. 356z.4. Coverage for contraceptives.

8 (a) An individual or group policy of accident and health  
9 insurance amended, delivered, issued, or renewed in this State  
10 after the effective date of this amendatory Act of the 93rd  
11 General Assembly that provides coverage for outpatient  
12 services and outpatient prescription drugs or devices must  
13 provide coverage for the insured and any dependent of the  
14 insured covered by the policy for all outpatient contraceptive  
15 services and all outpatient contraceptive drugs and devices  
16 approved by the Food and Drug Administration. Coverage required  
17 under this Section may not impose any deductible, coinsurance,  
18 waiting period, or other cost-sharing or limitation that is  
19 greater than that required for any outpatient service or  
20 outpatient prescription drug or device otherwise covered by the  
21 policy.

22 (b) As used in this Section, "outpatient contraceptive  
23 service" means consultations, examinations, procedures, and  
24 medical services, provided on an outpatient basis and related  
25 to the use of contraceptive methods (including natural family

1 planning) to prevent an unintended pregnancy.

2 (c) Nothing in this Section shall be construed to require  
3 an insurance company to cover services related to an abortion  
4 as the term "abortion" is defined in the Illinois Abortion Law  
5 of 1975.

6 (d) Nothing in this Section shall be construed to require  
7 an insurance company to cover services related to permanent  
8 sterilization that requires a surgical procedure.

9 (Source: P.A. 93-102, eff. 1-1-04.)

10 (215 ILCS 5/356z.5)

11 Sec. 356z.5 ~~356z.4~~. Prescription inhalants. A group or  
12 individual policy of accident and health insurance or managed  
13 care plan amended, delivered, issued, or renewed after the  
14 effective date of this amendatory Act of the 93rd General  
15 Assembly that provides coverage for prescription drugs may not  
16 deny or limit coverage for prescription inhalants to enable  
17 persons to breathe when suffering from asthma or other  
18 life-threatening bronchial ailments based upon any restriction  
19 on the number of days before an inhaler refill may be obtained  
20 if, contrary to those restrictions, the inhalants have been  
21 ordered or prescribed by the treating physician and are  
22 medically appropriate.

23 (Source: P.A. 93-529, eff. 8-14-03; revised 9-25-03.)

24 (215 ILCS 5/356z.7) (was 215 ILCS 5/370r)

1           Sec. 356z.7 ~~370~~. Prescription drugs; cancer treatment. No  
2 group policy of accident or health insurance that provides  
3 coverage for prescribed drugs approved by the federal Food and  
4 Drug Administration for the treatment of certain types of  
5 cancer shall exclude coverage of any drug on the basis that the  
6 drug has been prescribed for the treatment of a type of cancer  
7 for which the drug has not been approved by the federal Food  
8 and Drug Administration. The drug, however, must be approved by  
9 the federal Food and Drug Administration and must be recognized  
10 for the treatment of the specific type of cancer for which the  
11 drug has been prescribed in any one of the following  
12 established reference compendia:

13           (a) the American Medical Association Drug Evaluations;

14           (b) the American Hospital Formulary Service Drug  
15 Information; or

16           (c) the United States Pharmacopeia Drug Information;

17 or if not in the compendia, recommended for that particular  
18 type of cancer in formal clinical studies, the results of which  
19 have been published in at least two peer reviewed professional  
20 medical journals published in the United States or Great  
21 Britain.

22           Any coverage required by this Section shall also include  
23 those medically necessary services associated with the  
24 administration of a drug.

25           Despite the provisions of this Section, coverage shall not  
26 be required for any experimental or investigational drugs or

1 any drug that the federal Food and Drug Administration has  
2 determined to be contraindicated for treatment of the specific  
3 type of cancer for which the drug has been prescribed. This  
4 Section shall apply only to cancer drugs. Nothing in this  
5 Section shall be construed, expressly or by implication, to  
6 create, impair, alter, limit, notify, enlarge, abrogate or  
7 prohibit reimbursement for drugs used in the treatment of any  
8 other disease or condition.

9 (Source: P.A. 87-980; revised 10-19-05.)

10 (215 ILCS 5/367b) (from Ch. 73, par. 979b)

11 Sec. 367b. (a) This Section applies to the hospital and  
12 medical expense provisions of a group accident or health  
13 insurance policy.

14 (b) If a policy provides that coverage of a dependent of an  
15 employee or other member of the covered group terminates upon  
16 attainment of the limiting age for dependent persons specified  
17 in the policy, the attainment of such limiting age does not  
18 operate to terminate the hospital and medical coverage of a  
19 person who, because of a handicapped condition that occurred  
20 before attainment of the limiting age, is incapable of  
21 self-sustaining employment and is dependent on his or her  
22 parents or other care providers for lifetime care and  
23 supervision.

24 (c) For purposes of subsection (b), "dependent on other  
25 care providers" is defined as requiring a Community Integrated

1 Living Arrangement, group home, supervised apartment, or other  
2 residential services licensed or certified by the Department of  
3 Human Services (as successor to the Department of Mental Health  
4 and Developmental Disabilities), the Department of Public  
5 Health, or the Department of Healthcare and Family Services  
6 (formerly Department of Public Aid).

7 (d) The insurer may inquire of the person insured 2 months  
8 prior to attainment by a dependent of the limiting age set  
9 forth in the policy, or at any reasonable time thereafter,  
10 whether such dependent is in fact a disabled and dependent  
11 person and, in the absence of proof submitted within 31 days of  
12 such inquiry that such dependent is a disabled and dependent  
13 person may terminate coverage of such person at or after  
14 attainment of the limiting age. In the absence of such inquiry,  
15 coverage of any disabled and dependent person shall continue  
16 through the term of such policy or any extension or renewal.

17 (e) This amendatory Act of 1969 is applicable to policies  
18 issued or renewed more than 60 days after the effective date of  
19 this amendatory Act of 1969.

20 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

21 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

22 Sec. 370c. Mental and emotional disorders.

23 (a) (1) On and after the effective date of this Section,  
24 every insurer which delivers, issues for delivery or renews or  
25 modifies group A&H policies providing coverage for hospital or

1 medical treatment or services for illness on an  
2 expense-incurred basis shall offer to the applicant or group  
3 policyholder subject to the insurers standards of  
4 insurability, coverage for reasonable and necessary treatment  
5 and services for mental, emotional or nervous disorders or  
6 conditions, other than serious mental illnesses as defined in  
7 item (2) of subsection (b), up to the limits provided in the  
8 policy for other disorders or conditions, except (i) the  
9 insured may be required to pay up to 50% of expenses incurred  
10 as a result of the treatment or services, and (ii) the annual  
11 benefit limit may be limited to the lesser of \$10,000 or 25% of  
12 the lifetime policy limit.

13 (2) Each insured that is covered for mental, emotional or  
14 nervous disorders or conditions shall be free to select the  
15 physician licensed to practice medicine in all its branches,  
16 licensed clinical psychologist, licensed clinical social  
17 worker, or licensed clinical professional counselor of his  
18 choice to treat such disorders, and the insurer shall pay the  
19 covered charges of such physician licensed to practice medicine  
20 in all its branches, licensed clinical psychologist, licensed  
21 clinical social worker, or licensed clinical professional  
22 counselor up to the limits of coverage, provided (i) the  
23 disorder or condition treated is covered by the policy, and  
24 (ii) the physician, licensed psychologist, licensed clinical  
25 social worker, or licensed clinical professional counselor is  
26 authorized to provide said services under the statutes of this



1 State and in accordance with accepted principles of his  
2 profession.

3 (3) Insofar as this Section applies solely to licensed  
4 clinical social workers and licensed clinical professional  
5 counselors, those persons who may provide services to  
6 individuals shall do so after the licensed clinical social  
7 worker or licensed clinical professional counselor has  
8 informed the patient of the desirability of the patient  
9 conferring with the patient's primary care physician and the  
10 licensed clinical social worker or licensed clinical  
11 professional counselor has provided written notification to  
12 the patient's primary care physician, if any, that services are  
13 being provided to the patient. That notification may, however,  
14 be waived by the patient on a written form. Those forms shall  
15 be retained by the licensed clinical social worker or licensed  
16 clinical professional counselor for a period of not less than 5  
17 years.

18 (b) (1) An insurer that provides coverage for hospital or  
19 medical expenses under a group policy of accident and health  
20 insurance or health care plan amended, delivered, issued, or  
21 renewed after the effective date of this amendatory Act of the  
22 92nd General Assembly shall provide coverage under the policy  
23 for treatment of serious mental illness under the same terms  
24 and conditions as coverage for hospital or medical expenses  
25 related to other illnesses and diseases. The coverage required  
26 under this Section must provide for same durational limits,

1 amount limits, deductibles, and co-insurance requirements for  
2 serious mental illness as are provided for other illnesses and  
3 diseases. This subsection does not apply to coverage provided  
4 to employees by employers who have 50 or fewer employees.

5 (2) "Serious mental illness" means the following  
6 psychiatric illnesses as defined in the most current edition of  
7 the Diagnostic and Statistical Manual (DSM) published by the  
8 American Psychiatric Association:

9 (A) schizophrenia;

10 (B) paranoid and other psychotic disorders;

11 (C) bipolar disorders (hypomanic, manic, depressive,  
12 and mixed);

13 (D) major depressive disorders (single episode or  
14 recurrent);

15 (E) schizoaffective disorders (bipolar or depressive);

16 (F) pervasive developmental disorders;

17 (G) obsessive-compulsive disorders;

18 (H) depression in childhood and adolescence;

19 (I) panic disorder; and

20 (J) post-traumatic stress disorders (acute, chronic,  
21 or with delayed onset).

22 (3) Upon request of the reimbursing insurer, a provider of  
23 treatment of serious mental illness shall furnish medical  
24 records or other necessary data that substantiate that initial  
25 or continued treatment is at all times medically necessary. An  
26 insurer shall provide a mechanism for the timely review by a

1 provider holding the same license and practicing in the same  
2 specialty as the patient's provider, who is unaffiliated with  
3 the insurer, jointly selected by the patient (or the patient's  
4 next of kin or legal representative if the patient is unable to  
5 act for himself or herself), the patient's provider, and the  
6 insurer in the event of a dispute between the insurer and  
7 patient's provider regarding the medical necessity of a  
8 treatment proposed by a patient's provider. If the reviewing  
9 provider determines the treatment to be medically necessary,  
10 the insurer shall provide reimbursement for the treatment.  
11 Future contractual or employment actions by the insurer  
12 regarding the patient's provider may not be based on the  
13 provider's participation in this procedure. Nothing prevents  
14 the insured from agreeing in writing to continue treatment at  
15 his or her expense. When making a determination of the medical  
16 necessity for a treatment modality for serious mental illness,  
17 an insurer must make the determination in a manner that is  
18 consistent with the manner used to make that determination with  
19 respect to other diseases or illnesses covered under the  
20 policy, including an appeals process.

21 (4) A group health benefit plan:

22 (A) shall provide coverage based upon medical  
23 necessity for the following treatment of mental illness in  
24 each calendar year:

25 (i) 45 days of inpatient treatment; and

26 (ii) beginning on June 26, 2006 (the effective date

1 of Public Act 94-921) ~~this amendatory Act of the 94th~~  
2 ~~General Assembly~~, 60 visits for outpatient treatment  
3 including group and individual outpatient treatment;  
4 and

5 (iii) for plans or policies delivered, issued for  
6 delivery, renewed, or modified after January 1, 2007  
7 (the effective date of Public Act 94-906) ~~this~~  
8 ~~amendatory Act of the 94th General Assembly~~, 20  
9 additional outpatient visits for speech therapy for  
10 treatment of pervasive developmental disorders that  
11 will be in addition to speech therapy provided pursuant  
12 to item (ii) of this subparagraph (A);

13 (B) may not include a lifetime limit on the number of  
14 days of inpatient treatment or the number of outpatient  
15 visits covered under the plan; and

16 (C) shall include the same amount limits, deductibles,  
17 copayments, and coinsurance factors for serious mental  
18 illness as for physical illness.

19 (5) An issuer of a group health benefit plan may not count  
20 toward the number of outpatient visits required to be covered  
21 under this Section an outpatient visit for the purpose of  
22 medication management and shall cover the outpatient visits  
23 under the same terms and conditions as it covers outpatient  
24 visits for the treatment of physical illness.

25 (6) An issuer of a group health benefit plan may provide or  
26 offer coverage required under this Section through a managed

1 care plan.

2 (7) This Section shall not be interpreted to require a  
3 group health benefit plan to provide coverage for treatment of:

4 (A) an addiction to a controlled substance or cannabis  
5 that is used in violation of law; or

6 (B) mental illness resulting from the use of a  
7 controlled substance or cannabis in violation of law.

8 (8) (Blank).

9 (Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05;  
10 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; revised 8-3-06.)

11 (215 ILCS 5/416)

12 Sec. 416. Illinois Workers' Compensation Commission  
13 Operations Fund Surcharge.

14 (a) As of July 30, 2004 (the effective date of Public Act  
15 93-840) ~~this amendatory Act of 2004~~, every company licensed or  
16 authorized by the Illinois Department of Insurance and insuring  
17 employers' liabilities arising under the Workers' Compensation  
18 Act or the Workers' Occupational Diseases Act shall remit to  
19 the Director a surcharge based upon the annual direct written  
20 premium, as reported under Section 136 of this Act, of the  
21 company in the manner provided in this Section. Such proceeds  
22 shall be deposited into the Illinois Workers' Compensation  
23 Commission Operations Fund as established in the Workers'  
24 Compensation Act. If a company survives or was formed by a  
25 merger, consolidation, reorganization, or reincorporation, the

1 direct written premiums of all companies party to the merger,  
2 consolidation, reorganization, or reincorporation shall, for  
3 purposes of determining the amount of the fee imposed by this  
4 Section, be regarded as those of the surviving or new company.

5 (b)(1) Except as provided in subsection (b)(2) of this  
6 Section, beginning on July 30, 2004 (the effective date of  
7 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of  
8 each year thereafter, the Director shall charge an annual  
9 Illinois Workers' Compensation Commission Operations Fund  
10 Surcharge from every company subject to subsection (a) of this  
11 Section equal to 1.01% of its direct written premium for  
12 insuring employers' liabilities arising under the Workers'  
13 Compensation Act or Workers' Occupational Diseases Act as  
14 reported in each company's annual statement filed for the  
15 previous year as required by Section 136. The Illinois Workers'  
16 Compensation Commission Operations Fund Surcharge shall be  
17 collected by companies subject to subsection (a) of this  
18 Section as a separately stated surcharge on insured employers  
19 at the rate of 1.01% of direct written premium. The Illinois  
20 Workers' Compensation ~~Industrial~~ Commission Operations Fund  
21 Surcharge shall not be collected by companies subject to  
22 subsection (a) of this Section from any employer that  
23 self-insures its liabilities arising under the Workers'  
24 Compensation Act or Workers' Occupational Diseases Act,  
25 provided that the employer has paid the Illinois Workers'  
26 Compensation ~~Industrial~~ Commission Operations Fund Fee

1 pursuant to Section 4d of the Workers' Compensation Act. All  
2 sums collected by the Department of Insurance under the  
3 provisions of this Section shall be paid promptly after the  
4 receipt of the same, accompanied by a detailed statement  
5 thereof, into the Illinois Workers' Compensation Commission  
6 Operations Fund in the State treasury.

7 (b) (2) The surcharge due pursuant to Public Act 93-840 ~~this~~  
8 ~~amendatory Act of 2004~~ shall be collected instead of the  
9 surcharge due on July 1, 2004 under Public Act 93-32. Payment  
10 of the surcharge due under Public Act 93-840 ~~this amendatory~~  
11 ~~Act of 2004~~ shall discharge the employer's obligations due on  
12 July 1, 2004.

13 (c) In addition to the authority specifically granted under  
14 Article XXV of this Code, the Director shall have such  
15 authority to adopt rules or establish forms as may be  
16 reasonably necessary for purposes of enforcing this Section.  
17 The Director shall also have authority to defer, waive, or  
18 abate the surcharge or any penalties imposed by this Section if  
19 in the Director's opinion the company's solvency and ability to  
20 meet its insured obligations would be immediately threatened by  
21 payment of the surcharge due.

22 (d) When a company fails to pay the full amount of any  
23 annual Illinois Workers' Compensation Commission Operations  
24 Fund Surcharge of \$100 or more due under this Section, there  
25 shall be added to the amount due as a penalty the greater of  
26 \$1,000 or an amount equal to 5% of the deficiency for each

1 month or part of a month that the deficiency remains unpaid.

2 (e) The Department of Insurance may enforce the collection  
3 of any delinquent payment, penalty, or portion thereof by legal  
4 action or in any other manner by which the collection of debts  
5 due the State of Illinois may be enforced under the laws of  
6 this State.

7 (f) Whenever it appears to the satisfaction of the Director  
8 that a company has paid pursuant to this Act an Illinois  
9 Workers' Compensation Commission Operations Fund Surcharge in  
10 an amount in excess of the amount legally collectable from the  
11 company, the Director shall issue a credit memorandum for an  
12 amount equal to the amount of such overpayment. A credit  
13 memorandum may be applied for the 2-year period from the date  
14 of issuance, against the payment of any amount due during that  
15 period under the surcharge imposed by this Section or, subject  
16 to reasonable rule of the Department of Insurance including  
17 requirement of notification, may be assigned to any other  
18 company subject to regulation under this Act. Any application  
19 of credit memoranda after the period provided for in this  
20 Section is void.

21 (g) Annually, the Governor may direct a transfer of up to  
22 2% of all moneys collected under this Section to the Insurance  
23 Financial Regulation Fund.

24 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,  
25 eff. 7-30-04; revised 12-29-04.)



1 (215 ILCS 5/500-135)

2 Sec. 500-135. Fees.

3 (a) The fees required by this Article are as follows:

4 (1) a fee of \$180 for a person who is a resident of  
5 Illinois, and \$250 for a person who is not a resident of  
6 Illinois, payable once every 2 years for an insurance  
7 producer license;

8 (2) a fee of \$50 for the issuance of a temporary  
9 insurance producer license;

10 (3) a fee of \$150 payable once every 2 years for a  
11 business entity;

12 (4) an annual \$50 fee for a limited line producer  
13 license issued under items (1) through (7) of subsection  
14 (a) of Section 500-100;

15 (5) a \$50 application fee for the processing of a  
16 request to take the written examination for an insurance  
17 producer license;

18 (6) an annual registration fee of \$1,000 for  
19 registration of an education provider;

20 (7) a certification fee of \$50 for each certified  
21 pre-licensing or continuing education course and an annual  
22 fee of \$20 for renewing the certification of each such  
23 course;

24 (8) a fee of \$180 for a person who is a resident of  
25 Illinois, and \$250 for a person who is not a resident of  
26 Illinois, payable once every 2 years for a car rental

1 limited line license;

2 (9) a fee of \$200 payable once every 2 years for a  
3 limited lines license other than the licenses issued under  
4 items (1) through (7) of subsection (a) of Section 500-100,  
5 a car rental limited line license, or a self-service  
6 storage facility limited line license;

7 (10) a fee of \$50 payable once every 2 years for a  
8 self-service storage facility limited line license.

9 (b) Except as otherwise provided, all fees paid to and  
10 collected by the Director under this Section shall be paid  
11 promptly after receipt thereof, together with a detailed  
12 statement of such fees, into a special fund in the State  
13 Treasury to be known as the Insurance Producer Administration  
14 Fund. The moneys deposited into the Insurance Producer  
15 Administration Fund may be used only for payment of the  
16 expenses of the Department in the execution, administration,  
17 and enforcement of the insurance laws of this State, and shall  
18 be appropriated as otherwise provided by law for the payment of  
19 those expenses with first priority being any expenses incident  
20 to or associated with the administration and enforcement of  
21 this Article.

22 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03; 93-288,  
23 eff. 1-1-04; revised 9-12-03.)

24 (215 ILCS 5/512-3) (from Ch. 73, par. 1065.59-3)

25 Sec. 512-3. Definitions. For the purposes of this Article,

1 unless the context otherwise requires, the terms defined in  
2 this Article have the meanings ascribed to them herein:

3 (a) "Third party prescription program" or "program" means  
4 any system of providing for the reimbursement of pharmaceutical  
5 services and prescription drug products offered or operated in  
6 this State under a contractual arrangement or agreement between  
7 a provider of such services and another party who is not the  
8 consumer of those services and products. Such programs may  
9 include, but need not be limited to, employee benefit plans  
10 whereby a consumer receives prescription drugs or other  
11 pharmaceutical services and those services are paid for by an  
12 agent of the employer or others.

13 (b) "Third party program administrator" or "administrator"  
14 means any person, partnership or corporation who issues or  
15 causes to be issued any payment or reimbursement to a provider  
16 for services rendered pursuant to a third party prescription  
17 program, but does not include the Director of Healthcare and  
18 Family Services ~~Public Aid~~ or any agent authorized by the  
19 Director to reimburse a provider of services rendered pursuant  
20 to a program of which the Department of Healthcare and Family  
21 Services ~~Public Aid~~ is the third party.

22 (Source: P.A. 90-372, eff. 7-1-98; revised 12-15-05.)

23 (215 ILCS 5/531.06) (from Ch. 73, par. 1065.80-6)

24 Sec. 531.06. Creation of the Association. There is created  
25 a non-profit legal entity to be known as the Illinois Life and

1 Health Insurance Guaranty Association. All member insurers are  
2 and must remain members of the Association as a condition of  
3 their authority to transact insurance in this State. The  
4 Association must perform its functions under the plan of  
5 operation established and approved under Section 531.10 and  
6 must exercise its powers through a board of directors  
7 established under Section 531.07. For purposes of  
8 administration and assessment, the Association must maintain 2  
9 accounts:

10 (1) The life insurance and annuity account which includes  
11 the following subaccounts:

12 (a) Life Insurance Account;

13 (b) Annuity account; and

14 (c) Unallocated Annuity Account which shall include  
15 contracts qualified under Section 403(b) of the United States  
16 ~~State~~ Internal Revenue Code.

17 (2) The health insurance account.

18 The Association shall be supervised by the Director and is  
19 subject to the applicable provisions of the Illinois Insurance  
20 Code.

21 (Source: P.A. 86-753; revised 10-11-05.)

22 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

23 Sec. 1204. (A) The Secretary shall promulgate rules and  
24 regulations which shall require each insurer licensed to write  
25 property or casualty insurance in the State and each syndicate

1 doing business on the Illinois Insurance Exchange to record and  
2 report its loss and expense experience and other data as may be  
3 necessary to assess the relationship of insurance premiums and  
4 related income as compared to insurance costs and expenses. The  
5 Secretary may designate one or more rate service organizations  
6 or advisory organizations to gather and compile such experience  
7 and data. The Secretary shall require each insurer licensed to  
8 write property or casualty insurance in this State and each  
9 syndicate doing business on the Illinois Insurance Exchange to  
10 submit a report, on a form furnished by the Secretary, showing  
11 its direct writings in this State and companywide.

12 (B) Such report required by subsection (A) of this Section  
13 may include, but not be limited to, the following specific  
14 types of insurance written by such insurer:

15 (1) Political subdivision liability insurance reported  
16 separately in the following categories:

17 (a) municipalities;

18 (b) school districts;

19 (c) other political subdivisions;

20 (2) Public official liability insurance;

21 (3) Dram shop liability insurance;

22 (4) Day care center liability insurance;

23 (5) Labor, fraternal or religious organizations  
24 liability insurance;

25 (6) Errors and omissions liability insurance;

26 (7) Officers and directors liability insurance

1 reported separately as follows:

2 (a) non-profit entities;

3 (b) for-profit entities;

4 (8) Products liability insurance;

5 (9) Medical malpractice insurance;

6 (10) Attorney malpractice insurance;

7 (11) Architects and engineers malpractice insurance;

8 and

9 (12) Motor vehicle insurance reported separately for  
10 commercial and private passenger vehicles as follows:

11 (a) motor vehicle physical damage insurance;

12 (b) motor vehicle liability insurance.

13 (C) Such report may include, but need not be limited to the  
14 following data, both specific to this State and companywide, in  
15 the aggregate or by type of insurance for the previous year on  
16 a calendar year basis:

17 (1) Direct premiums written;

18 (2) Direct premiums earned;

19 (3) Number of policies;

20 (4) Net investment income, using appropriate estimates

21 where necessary;

22 (5) Losses paid;

23 (6) Losses incurred;

24 (7) Loss reserves:

25 (a) Losses unpaid on reported claims;

26 (b) Losses unpaid on incurred but not reported

1 claims;

2 (8) Number of claims:

3 (a) Paid claims;

4 (b) Arising claims;

5 (9) Loss adjustment expenses:

6 (a) Allocated loss adjustment expenses;

7 (b) Unallocated loss adjustment expenses;

8 (10) Net underwriting gain or loss;

9 (11) Net operation gain or loss, including net  
10 investment income;

11 (12) Any other information requested by the Secretary.

12 (C-3) ~~(C-5)~~ Additional information by an advisory  
13 organization as defined in Section 463 of this Code.

14 (1) An advisory organization as defined in Section 463  
15 of this Code shall report annually the following  
16 information in such format as may be prescribed by the  
17 Secretary:

18 (a) paid and incurred losses for each of the past  
19 10 years;

20 (b) medical payments and medical charges, if  
21 collected, for each of the past 10 years;

22 (c) the following indemnity payment information:  
23 cumulative payments by accident year by calendar year  
24 of development. This array will show payments made and  
25 frequency of claims in the following categories:  
26 medical only, permanent partial disability (PPD),

1 permanent total disability (PTD), temporary total  
2 disability (TTD), and fatalities;

3 (d) injuries by frequency and severity;

4 (e) by class of employee.

5 (2) The report filed with the Secretary of Financial  
6 and Professional Regulation under paragraph (1) of this  
7 subsection (C-3) ~~(C-5)~~ shall be made available, on an  
8 aggregate basis, to the General Assembly and to the general  
9 public. The identity of the petitioner, the respondent, the  
10 attorneys, and the insurers shall not be disclosed.

11 (3) Reports required under this subsection (C-3) ~~(C-5)~~  
12 shall be filed with the Secretary no later than September 1  
13 in 2006 and no later than September 1 of each year  
14 thereafter.

15 (C-5) Additional information required from medical  
16 malpractice insurers.

17 (1) In addition to the other requirements of this  
18 Section, the following information shall be included in the  
19 report required by subsection (A) of this Section in such  
20 form and under such terms and conditions as may be  
21 prescribed by the Secretary:

22 (a) paid and incurred losses by county for each of  
23 the past 10 policy years;

24 (b) earned exposures by ISO code, policy type, and  
25 policy year by county for each of the past 10 years;  
26 and



1 (c) the following actuarial information:

2 (i) Base class and territory equivalent  
3 exposures by report year by relative accident  
4 year.

5 (ii) Cumulative loss array by accident year by  
6 calendar year of development. This array will show  
7 frequency of claims in the following categories:  
8 open, closed with indemnity (CWI), closed with  
9 expense (CWE), and closed no pay (CNP); paid  
10 severity in the following categories: indemnity  
11 and allocated loss adjustment expenses (ALAE) on  
12 closed claims; and indemnity and expense reserves  
13 on pending claims.

14 (iii) Cumulative loss array by report year by  
15 calendar year of development. This array will show  
16 frequency of claims in the following categories:  
17 open, closed with indemnity (CWI), closed with  
18 expense (CWE), and closed no pay (CNP); paid  
19 severity in the following categories: indemnity  
20 and allocated loss adjustment expenses (ALAE) on  
21 closed claims; and indemnity and expense reserves  
22 on pending claims.

23 (iv) Maturity year and tail factors.

24 (v) Any expense, contingency ddr (death,  
25 disability, and retirement), commission, tax,  
26 and/or off-balance factors.

1           (2) The following information must also be annually  
2 provided to the Department:

3           (a) copies of the company's reserve and surplus  
4 studies; and

5           (b) consulting actuarial report and data  
6 supporting the company's rate filing.

7           (3) All information collected by the Secretary under  
8 paragraphs (1) and (2) shall be made available, on a  
9 company-by-company basis, to the General Assembly and the  
10 general public. This provision shall supersede any other  
11 provision of State law that may otherwise protect such  
12 information from public disclosure as confidential.

13           (D) In addition to the information which may be requested  
14 under subsection (C), the Secretary may also request on a  
15 companywide, aggregate basis, Federal Income Tax recoverable,  
16 net realized capital gain or loss, net unrealized capital gain  
17 or loss, and all other expenses not requested in subsection (C)  
18 above.

19           (E) Violations - Suspensions - Revocations.

20           (1) Any company or person subject to this Article, who  
21 willfully or repeatedly fails to observe or who otherwise  
22 violates any of the provisions of this Article or any rule  
23 or regulation promulgated by the Secretary under authority  
24 of this Article or any final order of the Secretary entered  
25 under the authority of this Article shall by civil penalty  
26 forfeit to the State of Illinois a sum not to exceed

1           \$2,000. Each day during which a violation occurs  
2 constitutes a separate offense.

3           (2) No forfeiture liability under paragraph (1) of this  
4 subsection may attach unless a written notice of apparent  
5 liability has been issued by the Secretary and received by  
6 the respondent, or the Secretary sends written notice of  
7 apparent liability by registered or certified mail, return  
8 receipt requested, to the last known address of the  
9 respondent. Any respondent so notified must be granted an  
10 opportunity to request a hearing within 10 days from  
11 receipt of notice, or to show in writing, why he should not  
12 be held liable. A notice issued under this Section must set  
13 forth the date, facts and nature of the act or omission  
14 with which the respondent is charged and must specifically  
15 identify the particular provision of this Article, rule,  
16 regulation or order of which a violation is charged.

17           (3) No forfeiture liability under paragraph (1) of this  
18 subsection may attach for any violation occurring more than  
19 2 years prior to the date of issuance of the notice of  
20 apparent liability and in no event may the total civil  
21 penalty forfeiture imposed for the acts or omissions set  
22 forth in any one notice of apparent liability exceed  
23 \$100,000.

24           (4) All administrative hearings conducted pursuant to  
25 this Article are subject to 50 Ill. Adm. Code 2402 and all  
26 administrative hearings are subject to the Administrative

1 Review Law.

2 (5) The civil penalty forfeitures provided for in this  
3 Section are payable to the General Revenue Fund of the  
4 State of Illinois, and may be recovered in a civil suit in  
5 the name of the State of Illinois brought in the Circuit  
6 Court in Sangamon County or in the Circuit Court of the  
7 county where the respondent is domiciled or has its  
8 principal operating office.

9 (6) In any case where the Secretary issues a notice of  
10 apparent liability looking toward the imposition of a civil  
11 penalty forfeiture under this Section that fact may not be  
12 used in any other proceeding before the Secretary to the  
13 prejudice of the respondent to whom the notice was issued,  
14 unless (a) the civil penalty forfeiture has been paid, or  
15 (b) a court has ordered payment of the civil penalty  
16 forfeiture and that order has become final.

17 (7) When any person or company has a license or  
18 certificate of authority under this Code and knowingly  
19 fails or refuses to comply with a lawful order of the  
20 Secretary requiring compliance with this Article, entered  
21 after notice and hearing, within the period of time  
22 specified in the order, the Secretary may, in addition to  
23 any other penalty or authority provided, revoke or refuse  
24 to renew the license or certificate of authority of such  
25 person or company, or may suspend the license or  
26 certificate of authority of such person or company until

1 compliance with such order has been obtained.

2 (8) When any person or company has a license or  
3 certificate of authority under this Code and knowingly  
4 fails or refuses to comply with any provisions of this  
5 Article, the Secretary may, after notice and hearing, in  
6 addition to any other penalty provided, revoke or refuse to  
7 renew the license or certificate of authority of such  
8 person or company, or may suspend the license or  
9 certificate of authority of such person or company, until  
10 compliance with such provision of this Article has been  
11 obtained.

12 (9) No suspension or revocation under this Section may  
13 become effective until 5 days from the date that the notice  
14 of suspension or revocation has been personally delivered  
15 or delivered by registered or certified mail to the company  
16 or person. A suspension or revocation under this Section is  
17 stayed upon the filing, by the company or person, of a  
18 petition for judicial review under the Administrative  
19 Review Law.

20 (Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677,  
21 eff. 8-25-05; revised 8-29-05.)

22 Section 660. The Comprehensive Health Insurance Plan Act is  
23 amended by setting forth and renumbering multiple versions of  
24 Section 15 as follows:

1 (215 ILCS 105/14.05)

2 Sec. 14.05 ~~15~~. Alternative portable coverage for federally  
3 eligible individuals.

4 (a) Notwithstanding the requirements of subsection a. of  
5 Section 7 and except as otherwise provided in this Section, any  
6 federally eligible individual for whom a Plan application, and  
7 such enclosures and supporting documentation as the Board may  
8 require, is received by the Board within 90 days after the  
9 termination of prior creditable coverage shall qualify to  
10 enroll in the Plan under the portability provisions of this  
11 Section.

12 A federally eligible person who has been certified as  
13 eligible pursuant to the federal Trade Act of 2002 and whose  
14 Plan application and enclosures and supporting documentation  
15 as the Board may require is received by the Board within 63  
16 days after the termination of previous creditable coverage  
17 shall qualify to enroll in the Plan under the portability  
18 provisions of this Section.

19 (b) Any federally eligible individual seeking Plan  
20 coverage under this Section must submit with his or her  
21 application evidence, including acceptable written  
22 certification of previous creditable coverage, that will  
23 establish to the Board's satisfaction, that he or she meets all  
24 of the requirements to be a federally eligible individual and  
25 is currently and permanently residing in this State (as of the  
26 date his or her application was received by the Board).

1           (c) Except as otherwise provided in this Section, a period  
2 of creditable coverage shall not be counted, with respect to  
3 qualifying an applicant for Plan coverage as a federally  
4 eligible individual under this Section, if after such period  
5 and before the application for Plan coverage was received by  
6 the Board, there was at least a 90 day period during all of  
7 which the individual was not covered under any creditable  
8 coverage.

9           For a federally eligible person who has been certified as  
10 eligible pursuant to the federal Trade Act of 2002, a period of  
11 creditable coverage shall not be counted, with respect to  
12 qualifying an applicant for Plan coverage as a federally  
13 eligible individual under this Section, if after such period  
14 and before the application for Plan coverage was received by  
15 the Board, there was at least a 63 day period during all of  
16 which the individual was not covered under any creditable  
17 coverage.

18           (d) Any federally eligible individual who the Board  
19 determines qualifies for Plan coverage under this Section shall  
20 be offered his or her choice of enrolling in one of alternative  
21 portability health benefit plans which the Board is authorized  
22 under this Section to establish for these federally eligible  
23 individuals and their dependents.

24           (e) The Board shall offer a choice of health care coverages  
25 consistent with major medical coverage under the alternative  
26 health benefit plans authorized by this Section to every

1 federally eligible individual. The coverages to be offered  
2 under the plans, the schedule of benefits, deductibles,  
3 co-payments, exclusions, and other limitations shall be  
4 approved by the Board. One optional form of coverage shall be  
5 comparable to comprehensive health insurance coverage offered  
6 in the individual market in this State or a standard option of  
7 coverage available under the group or individual health  
8 insurance laws of the State. The standard benefit plan that is  
9 authorized by Section 8 of this Act may be used for this  
10 purpose. The Board may also offer a preferred provider option  
11 and such other options as the Board determines may be  
12 appropriate for these federally eligible individuals who  
13 qualify for Plan coverage pursuant to this Section.

14 (f) Notwithstanding the requirements of subsection f. of  
15 Section 8, any plan coverage that is issued to federally  
16 eligible individuals who qualify for the Plan pursuant to the  
17 portability provisions of this Section shall not be subject to  
18 any preexisting conditions exclusion, waiting period, or other  
19 similar limitation on coverage.

20 (g) Federally eligible individuals who qualify and enroll  
21 in the Plan pursuant to this Section shall be required to pay  
22 such premium rates as the Board shall establish and approve in  
23 accordance with the requirements of Section 7.1 of this Act.

24 (h) A federally eligible individual who qualifies and  
25 enrolls in the Plan pursuant to this Section must satisfy on an  
26 ongoing basis all of the other eligibility requirements of this



1 Act to the extent not inconsistent with the federal Health  
2 Insurance Portability and Accountability Act of 1996 in order  
3 to maintain continued eligibility for coverage under the Plan.  
4 (Source: P.A. 92-153, eff. 7-25-01; 93-33, eff. 6-23-03; 93-34,  
5 eff. 6-23-03; 93-622, eff. 12-18-03; revised 3-22-06.)

6 (215 ILCS 105/15)

7 Sec. 15. This Act takes effect July 1, 1987.

8 (Source: P.A. 84-1478.)

9 Section 665. The Children's Health Insurance Program Act is  
10 amended by changing Sections 10 and 15 as follows:

11 (215 ILCS 106/10)

12 Sec. 10. Definitions. As used in this Act:

13 "Benchmarking" means health benefits coverage as defined  
14 in Section 2103 of the Social Security Act.

15 "Child" means a person under the age of 19.

16 "Department" means the Department of Healthcare and Family  
17 Services ~~Public Aid~~.

18 "Medical assistance" means health care benefits provided  
19 under Article V of the Illinois Public Aid Code.

20 "Medical visit" means a hospital, dental, physician,  
21 optical, or other health care visit where services are provided  
22 pursuant to this Act.

23 "Program" means the Children's Health Insurance Program,

1 which includes subsidizing the cost of privately sponsored  
2 health insurance and purchasing or providing health care  
3 benefits for eligible children.

4 "Resident" means a person who meets the residency  
5 requirements as defined in Section 5-3 of the Illinois Public  
6 Aid Code.

7 (Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

8 (215 ILCS 106/15)

9 Sec. 15. Operation of the Program. There is hereby created  
10 a Children's Health Insurance Program. The Program shall  
11 operate subject to appropriation and shall be administered by  
12 the Department of Healthcare and Family Services ~~Public Aid~~.  
13 The Department shall have the powers and authority granted to  
14 the Department under the Illinois Public Aid Code. The  
15 Department may contract with a Third Party Administrator or  
16 other entities to administer and oversee any portion of this  
17 Program.

18 (Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

19 Section 670. The Health Maintenance Organization Act is  
20 amended by changing Sections 2-1, 4-9.1, 4-17, and 6-8 as  
21 follows:

22 (215 ILCS 125/2-1) (from Ch. 111 1/2, par. 1403)

23 Sec. 2-1. Certificate of authority - Exception for

1 corporate employee programs - Applications - Material  
2 modification of operation.

3 (a) No organization shall establish or operate a Health  
4 Maintenance Organization in this State without obtaining a  
5 certificate of authority under this Act. No person other than  
6 an organization may lawfully establish or operate a Health  
7 Maintenance Organization in this State. This Act shall not  
8 apply to the establishment and operation of a Health  
9 Maintenance Organization exclusively providing or arranging  
10 for health care services to employees of a corporate affiliate  
11 of such Health Maintenance Organization. This exclusion shall  
12 be available only to those Health Maintenance Organizations  
13 which require employee contributions which equal less than 50%  
14 of the total cost of the health care plan, with the remainder  
15 of the cost being paid by the corporate affiliate which is the  
16 employer of the participants in the plan. This Act shall not  
17 apply to the establishment and operation of a Health  
18 Maintenance Organization exclusively providing or arranging  
19 health care services under contract with the State to persons  
20 committed to the custody of the Illinois Department of  
21 Corrections.

22 This Act does not apply to the establishment and operation  
23 of managed care community networks that are certified as  
24 risk-bearing entities under Section 5-11 of the Illinois Public  
25 Aid Code and that contract with the Department of Healthcare  
26 and Family Services (formerly Illinois Department of Public

1 Aid) pursuant to that Section.

2 (b) Any organization may apply to the Director for and  
3 obtain a certificate of authority to establish and operate a  
4 Health Maintenance Organization in compliance with this Act. A  
5 foreign corporation may qualify under this Act, subject to its  
6 registration to do business in this State as a foreign  
7 corporation.

8 (c) Each application for a certificate of authority shall  
9 be filed in triplicate and verified by an officer or authorized  
10 representative of the applicant, shall be in a form prescribed  
11 by the Director, and shall set forth, without limiting what may  
12 be required by the Director, the following:

13 (1) A copy of the organizational document;

14 (2) A copy of the bylaws, rules and regulations, or  
15 similar document regulating the conduct of the internal  
16 affairs of the applicant, which shall include a mechanism  
17 to afford the enrollees an opportunity to participate in an  
18 advisory capacity in matters of policy and operations;

19 (3) A list of the names, addresses, and official  
20 positions of the persons who are to be responsible for the  
21 conduct of the affairs of the applicant; including, but not  
22 limited to, all members of the board of directors,  
23 executive committee, the principal officers, and any  
24 person or entity owning or having the right to acquire 10%  
25 or more of the voting securities or subordinated debt of  
26 the applicant;

1           (4) A statement generally describing the applicant,  
2           geographic area to be served, its facilities, personnel and  
3           the health care services to be offered;

4           (5) A copy of the form of any contract made or to be  
5           made between the applicant and any providers regarding the  
6           provision of health care services to enrollees;

7           (6) A copy of the form of any contract made or to be  
8           made between the applicant and any person listed in  
9           paragraph (3) of this subsection;

10          (7) A copy of the form of any contract made or to be  
11          made between the applicant and any person, corporation,  
12          partnership or other entity for the performance on the  
13          applicant's behalf of any functions including, but not  
14          limited to, marketing, administration, enrollment,  
15          investment management and subcontracting for the provision  
16          of health services to enrollees;

17          (8) A copy of the form of any group contract which is  
18          to be issued to employers, unions, trustees, or other  
19          organizations and a copy of any form of evidence of  
20          coverage to be issued to any enrollee or subscriber and any  
21          advertising material;

22          (9) Descriptions of the applicant's procedures for  
23          resolving enrollee grievances which must include  
24          procedures providing for enrollees participation in the  
25          resolution of grievances;

26          (10) A copy of the applicant's most recent financial

1 statements audited by an independent certified public  
2 accountant. If the financial affairs of the applicant's  
3 parent company are audited by an independent certified  
4 public accountant but those of the applicant are not, then  
5 a copy of the most recent audited financial statement of  
6 the applicant's parent, attached to which shall be  
7 consolidating financial statements of the parent including  
8 separate unaudited financial statements of the applicant,  
9 unless the Director determines that additional or more  
10 recent financial information is required for the proper  
11 administration of this Act;

12 (11) A copy of the applicant's financial plan,  
13 including a three-year projection of anticipated operating  
14 results, a statement of the sources of working capital, and  
15 any other sources of funding and provisions for  
16 contingencies;

17 (12) A description of rate methodology;

18 (13) A description of the proposed method of marketing;

19 (14) A copy of every filing made with the Illinois  
20 Secretary of State which relates to the applicant's  
21 registered agent or registered office;

22 (15) A description of the complaint procedures to be  
23 established and maintained as required under Section 4-6 of  
24 this Act;

25 (16) A description, in accordance with regulations  
26 promulgated by the Illinois Department of Public Health, of

1 the quality assessment and utilization review procedures  
2 to be utilized by the applicant;

3 (17) The fee for filing an application for issuance of  
4 a certificate of authority provided in Section 408 of the  
5 Illinois Insurance Code, as now or hereafter amended; and

6 (18) Such other information as the Director may  
7 reasonably require to make the determinations required by  
8 this Act.

9 (Source: P.A. 92-370, eff. 8-15-01; revised 12-15-05.)

10 (215 ILCS 125/4-9.1) (from Ch. 111 1/2, par. 1409.2-1)  
11 Sec. 4-9.1. Dependent Coverage Termination.

12 (a) The attainment of a limiting age under a group contract  
13 or evidence of coverage which provides that coverage of a  
14 dependent person of an enrollee shall terminate upon attainment  
15 of the limiting age for dependent persons does not operate to  
16 terminate the coverage of a person who, because of a  
17 handicapped condition that occurred before attainment of the  
18 limiting age, is incapable of self-sustaining employment and is  
19 dependent on his or her parents or other care providers for  
20 lifetime care and supervision.

21 (b) For purposes of subsection (a), "dependent on other  
22 care providers" is defined as requiring a Community Integrated  
23 Living Arrangement, group home, supervised apartment, or other  
24 residential services licensed or certified by the Department of  
25 Human Services (as successor to the Department of Mental Health

1 and Developmental Disabilities), the Department of Public  
2 Health, or the Department of Healthcare and Family Services  
3 (formerly Department of Public Aid).

4 (c) Proof of such incapacity and dependency shall be  
5 furnished to the health maintenance organization by the  
6 enrollee within 31 days of a request for the information by the  
7 health maintenance organization and subsequently as may be  
8 required by the health maintenance organization, but not more  
9 frequently than annually. In the absence of proof submitted  
10 within 31 days of such inquiry that such dependent is a  
11 disabled and dependent person, the health maintenance  
12 organization may terminate coverage of such person at or after  
13 attainment of the limiting age. In the absence of such inquiry,  
14 coverage of any disabled and dependent person shall continue  
15 through the term of the group contract or evidence of coverage  
16 or any extension or renewal thereof.

17 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

18 (215 ILCS 125/4-17)

19 Sec. 4-17. Basic outpatient preventive and primary health  
20 care services for children. In order to attempt to address the  
21 needs of children in Illinois (i) without health care coverage,  
22 either through a parent's employment, through medical  
23 assistance under the Illinois Public Aid Code, or any other  
24 health plan or (ii) who lose medical assistance if and when  
25 their parents move from welfare to work and do not find



1 employment that offers health care coverage, a health  
2 maintenance organization may undertake to provide or arrange  
3 for and to pay for or reimburse the cost of basic outpatient  
4 preventive and primary health care services. The Department  
5 shall promulgate rules to establish minimum coverage and  
6 disclosure requirements. These requirements at a minimum shall  
7 include routine physical examinations and immunizations, sick  
8 visits, diagnostic x-rays and laboratory services, and  
9 emergency outpatient services. Coverage may also include  
10 preventive dental services, vision screening and one pair of  
11 eyeglasses, prescription drugs, and mental health services.  
12 The coverage may include any reasonable co-payments,  
13 deductibles, and benefit maximums subject to limitations  
14 established by the Director by rule. Coverage shall be limited  
15 to children who are 18 years of age or under, who have resided  
16 in the State of Illinois for at least 30 days, and who do not  
17 qualify for medical assistance under the Illinois Public Aid  
18 Code. Any such coverage shall be made available to an adult on  
19 behalf of such children and shall not be funded through State  
20 appropriations. In counties with populations in excess of  
21 3,000,000, the Director shall not approve any arrangement under  
22 this Section unless and until an arrangement for at least one  
23 health maintenance organization under contract with the  
24 Department of Healthcare and Family Services (formerly  
25 Illinois Department of Public Aid) for furnishing health  
26 services pursuant to Section 5-11 of the Illinois Public Aid

1 Code and for which the requirements of 42 CFR 434.26(a) have  
2 been waived is approved.

3 (Source: P.A. 90-376, eff. 8-14-97; 90-655, eff. 7-30-98;  
4 revised 12-15-05.)

5 (215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

6 Sec. 6-8. Powers and duties of the Association. In addition  
7 to the powers and duties enumerated in other Sections of this  
8 Article, the Association shall have the powers set forth in  
9 this Section.

10 (1) If a domestic organization is an impaired organization,  
11 the Association may, subject to any conditions imposed by the  
12 Association other than those which impair the contractual  
13 obligations of the impaired organization, and approved by the  
14 impaired organization and the Director:

15 (a) guarantee or reinsure, or cause to be guaranteed,  
16 assumed or reinsured, any or all of the covered health care  
17 plan certificates of covered persons of the impaired  
18 organization;

19 (b) provide such monies, pledges, notes, guarantees,  
20 or other means as are proper to effectuate paragraph (a),  
21 and assure payment of the contractual obligations of the  
22 impaired organization pending action under paragraph (a);  
23 and

24 (c) loan money to the impaired organization.

25 (2) If a domestic, foreign, or alien organization is an

1 insolvent organization, the Association shall, subject to the  
2 approval of the Director:

3 (a) guarantee, assume, indemnify or reinsure or cause  
4 to be guaranteed, assumed, indemnified or reinsured the  
5 covered health care plan benefits of covered persons of the  
6 insolvent organization; however, in the event that the  
7 Director of Healthcare and Family Services (formerly  
8 Director of the Department of Public Aid) assigns  
9 individuals that are recipients of public aid from an  
10 insolvent organization to another organization, the  
11 Director of Healthcare and Family Services ~~the Department~~  
12 ~~of Public Aid~~ shall, before fixing the rates to be paid by  
13 the Department of Healthcare and Family Services ~~Public Aid~~  
14 to the transferee organization on account of such  
15 individuals, consult with the Director of the Department of  
16 Insurance as to the reasonableness of such rates in light  
17 of the health care needs of such individuals and the costs  
18 of providing health care services to such individuals;

19 (b) assure payment of the contractual obligations of  
20 the insolvent organization to covered persons;

21 (c) make payments to providers of health care, or  
22 indemnity payments to covered persons, so as to assure the  
23 continued payment of benefits substantially similar to  
24 those provided for under covered health care plan  
25 certificate issued by the insolvent organization to  
26 covered persons; and

1           (d) provide such monies, pledges, notes, guaranties,  
2           or other means as are reasonably necessary to discharge  
3           such duties.

4           This subsection (2) shall not apply when the Director has  
5           determined that the foreign or alien organization's  
6           domiciliary jurisdiction or state of entry provides, by  
7           statute, protection substantially similar to that provided by  
8           this Article for residents of this State and such protection  
9           will be provided in a timely manner.

10          (3) There shall be no liability on the part of and no cause  
11          of action shall arise against the Association or against any  
12          transferee from the Association in connection with the transfer  
13          by reinsurance or otherwise of all or any part of an impaired  
14          or insolvent organization's business by reason of any action  
15          taken or any failure to take any action by the impaired or  
16          insolvent organization at any time.

17          (4) If the Association fails to act within a reasonable  
18          period of time as provided in subsection (2) of this Section  
19          with respect to an insolvent organization, the Director shall  
20          have the powers and duties of the Association under this  
21          Article with regard to such insolvent organization.

22          (5) The Association or its designated representatives may  
23          render assistance and advice to the Director, upon his request,  
24          concerning rehabilitation, payment of claims, continuations of  
25          coverage, or the performance of other contractual obligations  
26          of any impaired or insolvent organization.

1           (6) The Association has standing to appear before any court  
2 concerning all matters germane to the powers and duties of the  
3 Association, including, but not limited to, proposals for  
4 reinsuring or guaranteeing the covered health care plan  
5 certificates of the impaired or insolvent organization and the  
6 determination of the covered health care plan certificates and  
7 contractual obligations.

8           (7) (a) Any person receiving benefits under this Article is  
9 deemed to have assigned the rights under the covered health  
10 care plan certificates to the Association to the extent of the  
11 benefits received because of this Article whether the benefits  
12 are payments of contractual obligations or continuation of  
13 coverage. The Association may require an assignment to it of  
14 such rights by any payee, enrollee or beneficiary as a  
15 condition precedent to the receipt of any rights or benefits  
16 conferred by this Article upon such person. The Association is  
17 subrogated to these rights against the assets of any insolvent  
18 organization and against any other party who may be liable to  
19 such payee, enrollee or beneficiary.

20           (b) The subrogation rights of the Association under this  
21 subsection have the same priority against the assets of the  
22 insolvent organization as that possessed by the person entitled  
23 to receive benefits under this Article.

24           (8) (a) The contractual obligations of the insolvent  
25 organization for which the Association becomes or may become  
26 liable are as great as but no greater than the contractual

1 obligations of the insolvent organization would have been in  
2 the absence of an insolvency unless such obligations are  
3 reduced as permitted by subsection (3), but the aggregate  
4 liability of the Association shall not exceed \$300,000 with  
5 respect to any one natural person.

6 (b) Furthermore, the Association shall not be required to  
7 pay, and shall have no liability to, any provider of health  
8 care services to an enrollee:

9 (i) if such provider, or his or its affiliates or  
10 members of his immediate family, at any time within the one  
11 year prior to the date of the issuance of the first order,  
12 by a court of competent jurisdiction, of conservation,  
13 rehabilitation or liquidation pertaining to the health  
14 maintenance organization:

15 (A) was a securityholder of such organization (but  
16 excluding any securityholder holding an equity  
17 interest of 5% or less);

18 (B) exercised control over the organization by  
19 means such as serving as an officer or director,  
20 through a management agreement or as a principal member  
21 of a not-for-profit organization;

22 (C) had a representative serving by virtue of his  
23 or her official position as a representative of such  
24 provider on the board of any entity which exercised  
25 control over the organization;

26 (D) received provider payments made by such

1 organization pursuant to a contract which was not a  
2 product of arms-length bargaining; or

3 (E) received distributions other than for  
4 physician services from a not-for-profit organization  
5 on account of such provider's status as a member of  
6 such organization.

7 For purposes of this subparagraph (i), the terms  
8 "affiliate," "person," "control" and "securityholder"  
9 shall have the meanings ascribed to such terms in Section  
10 131.1 of the Illinois Insurance Code; or

11 (ii) if and to the extent such a provider has agreed by  
12 contract not to seek payment from the enrollee for services  
13 provided to such enrollee or if, and to the extent, as a  
14 matter of law such provider may not seek payment from the  
15 enrollee for services provided to such enrollee.

16 (c) In no event shall the Association be required to pay  
17 any provider participating in the insolvent organization any  
18 amount for in-plan services rendered by such provider prior to  
19 the insolvency of the organization in excess of (1) the amount  
20 provided by a capitation contract between a physician provider  
21 and the insolvent organization for such services; or (2) the  
22 amounts provided by contract between a hospital provider and  
23 the Department of Healthcare and Family Services (formerly  
24 Department of Public Aid) for similar services to recipients of  
25 public aid; or (3) in the event neither (1) nor (2) above is  
26 applicable, then the amounts paid under the Medicare area

1 prevailing rate for the area where the services were provided,  
2 or if no such rate exists with respect to such services, then  
3 80% of the usual and customary rates established by the Health  
4 Insurance Association of America. The payments required to be  
5 made by the Association under this Section shall constitute  
6 full and complete payment for such provider services to the  
7 enrollee.

8 (d) The Association shall not be required to pay more than  
9 an aggregate of \$300,000 for any organization which is declared  
10 to be insolvent prior to July 1, 1987, and such funds shall be  
11 distributed first to enrollees who are not public aid  
12 recipients pursuant to a plan recommended by the Association  
13 and approved by the Director and the court having jurisdiction  
14 over the liquidation.

15 (9) The Association may:

16 (a) Enter into such contracts as are necessary or  
17 proper to carry out the provisions and purposes of this  
18 Article.

19 (b) Sue or be sued, including taking any legal actions  
20 necessary or proper for recovery of any unpaid assessments  
21 under Section 6-9. The Association shall not be liable for  
22 punitive or exemplary damages.

23 (c) Borrow money to effect the purposes of this  
24 Article. Any notes or other evidence of indebtedness of the  
25 Association not in default are legal investments for  
26 domestic organizations and may be carried as admitted



1 assets.

2 (d) Employ or retain such persons as are necessary to  
3 handle the financial transactions of the Association, and  
4 to perform such other functions as become necessary or  
5 proper under this Article.

6 (e) Negotiate and contract with any liquidator,  
7 rehabilitator, conservator, or ancillary receiver to carry  
8 out the powers and duties of the Association.

9 (f) Take such legal action as may be necessary to avoid  
10 payment of improper claims.

11 (g) Exercise, for the purposes of this Article and to  
12 the extent approved by the Director, the powers of a  
13 domestic organization, but in no case may the Association  
14 issue evidence of coverage other than that issued to  
15 perform the contractual obligations of the impaired or  
16 insolvent organization.

17 (h) Exercise all the rights of the Director under  
18 Section 193(4) of the Illinois Insurance Code with respect  
19 to covered health care plan certificates after the  
20 association becomes obligated by statute.

21 (10) The obligations of the Association under this Article  
22 shall not relieve any reinsurer, insurer or other person of its  
23 obligations to the insolvent organization (or its conservator,  
24 rehabilitator, liquidator or similar official) or its  
25 enrollees, including without limitation any reinsurer, insurer  
26 or other person liable to the insolvent insurer (or its

1 conservator, rehabilitator, liquidator or similar official) or  
2 its enrollees under any contract of reinsurance, any contract  
3 providing stop loss coverage or similar coverage or any health  
4 care contract. With respect to covered health care plan  
5 certificates for which the Association becomes obligated after  
6 an entry of an order of liquidation or rehabilitation, the  
7 Association may elect to succeed to the rights of the insolvent  
8 organization arising after the date of the order of liquidation  
9 or rehabilitation under any contract of reinsurance, any  
10 contract providing stop loss coverage or similar coverages or  
11 any health care service contract to which the insolvent  
12 organization was a party, on the terms set forth under such  
13 contract, to the extent that such contract provides coverage  
14 for health care services provided after the date of the order  
15 of liquidation or rehabilitation. As a condition to making this  
16 election, the Association must pay premiums for coverage  
17 relating to periods after the date of the order of liquidation  
18 or rehabilitation.

19 (11) The Association shall be entitled to collect premiums  
20 due under or with respect to covered health care certificates  
21 for a period from the date on which the domestic, foreign, or  
22 alien organization became an insolvent organization until the  
23 Association no longer has obligations under subsection (2) of  
24 this Section with respect to such certificates. The  
25 Association's obligations under subsection (2) of this Section  
26 with respect to any covered health care plan certificates shall

1 terminate in the event that all such premiums due under or with  
2 respect to such covered health care plan certificates are not  
3 paid to the Association (i) within 30 days of the Association's  
4 demand therefor, or (ii) in the event that such certificates  
5 provide for a longer grace period for payment of premiums after  
6 notice of non-payment or demand therefor, within the lesser of  
7 (A) the period provided for in such certificates or (B) 60  
8 days.

9 (Source: P.A. 90-655, eff. 7-30-98; revised 12-15-05.)

10 Section 675. The Voluntary Health Services Plans Act is  
11 amended by changing Sections 2, 10, 15a, and 25 as follows:

12 (215 ILCS 165/2) (from Ch. 32, par. 596)

13 Sec. 2. For the purposes of this Act, the following terms  
14 have the respective meanings set forth in this section, unless  
15 different meanings are plainly indicated by the context:

16 (a) "Health Services Plan Corporation" means a corporation  
17 organized under the terms of this Act for the purpose of  
18 establishing and operating a voluntary health services plan and  
19 providing other medically related services.

20 (b) "Voluntary health services plan" means either a plan or  
21 system under which medical, hospital, nursing and relating  
22 health services may be rendered to a subscriber or beneficiary  
23 at the expense of a health services plan corporation, or any  
24 contractual arrangement to provide, either directly or through

1 arrangements with others, dental care services to subscribers  
2 and beneficiaries.

3 (c) "Subscriber" means a natural person to whom a  
4 subscription certificate has been issued by a health services  
5 plan corporation. Persons eligible under Section 5-2 of the  
6 Illinois Public Aid Code may be subscribers if a written  
7 agreement exists, as specified in Section 25 of this Act,  
8 between the Health Services Plan Corporation and the Department  
9 of Healthcare and Family Services ~~Public Aid~~. A subscription  
10 certificate may be issued to such persons at no cost.

11 (d) "Beneficiary" means a person designated in a  
12 subscription certificate as one entitled to receive health  
13 services.

14 (e) "Health services" means those services ordinarily  
15 rendered by physicians licensed in Illinois to practice  
16 medicine in all of its branches, by podiatrists licensed in  
17 Illinois to practice podiatric medicine, by dentists and dental  
18 surgeons licensed to practice in Illinois, by nurses registered  
19 in Illinois, by dental hygienists licensed to practice in  
20 Illinois, and by assistants and technicians acting under  
21 professional supervision; it likewise means hospital services  
22 as usually and customarily rendered in Illinois, and the  
23 compounding and dispensing of drugs and medicines by  
24 pharmacists and assistant pharmacists registered in Illinois.

25 (f) "Subscription certificate" means a certificate issued  
26 to a subscriber by a health services plan corporation, setting

1     forth the terms and conditions upon which health services shall  
2     be rendered to a subscriber or a beneficiary.

3           (g) "Physician rendering service for a plan" means a  
4     physician licensed in Illinois to practice medicine in all of  
5     its branches who has undertaken or agreed, upon terms and  
6     conditions acceptable both to himself and to the health  
7     services plan corporation involved, to furnish medical service  
8     to the plan's subscribers and beneficiaries.

9           (h) "Dentist or dental surgeon rendering service for a  
10    plan" means a dentist or dental surgeon licensed in Illinois to  
11    practice dentistry or dental surgery who has undertaken or  
12    agreed, upon terms and conditions acceptable both to himself  
13    and to the health services plan corporation involved, to  
14    furnish dental or dental surgical services to the plan's  
15    subscribers and beneficiaries.

16           (i) "Director" means the Director of Insurance of the State  
17    of Illinois.

18           (j) "Person" means any of the following: a natural person,  
19    corporation, partnership or unincorporated association.

20           (k) "Podiatrist or podiatric surgeon rendering service for  
21    a plan" means any podiatrist or podiatric surgeon licensed in  
22    Illinois to practice podiatry, who has undertaken or agreed,  
23    upon terms and conditions acceptable both to himself and to the  
24    health services plan corporation involved, to furnish  
25    podiatric or podiatric surgical services to the plan's  
26    subscribers and beneficiaries.

1 (Source: P.A. 83-254; revised 12-15-05.)

2 (215 ILCS 165/10) (from Ch. 32, par. 604)

3 Sec. 10. Application of Insurance Code provisions. Health  
4 services plan corporations and all persons interested therein  
5 or dealing therewith shall be subject to the provisions of  
6 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,  
7 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x,  
8 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2,  
9 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and  
10 paragraphs (7) and (15) of Section 367 of the Illinois  
11 Insurance Code.

12 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;  
13 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04;  
14 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff.  
15 1-1-05; revised 10-14-04.)

16 (215 ILCS 165/15a) (from Ch. 32, par. 609a)

17 Sec. 15a. Dependent Coverage Termination.

18 (a) The attainment of a limiting age under a voluntary  
19 health services plan which provides that coverage of a  
20 dependent of a subscriber terminates upon attainment of the  
21 limiting age for dependent persons specified in the  
22 subscription certificate does not operate to terminate the  
23 coverage of a person who, because of a handicapped condition  
24 that occurred before attainment of the limiting age, is

1 incapable of self-sustaining employment and is dependent on his  
2 or her parents or other care providers for lifetime care and  
3 supervision.

4 (b) For purposes of subsection (a), "dependent on other  
5 care providers" is defined as requiring a Community Integrated  
6 Living Arrangement, group home, supervised apartment, or other  
7 residential services licensed or certified by the Department of  
8 Human Services (as successor to the Department of Mental Health  
9 and Developmental Disabilities), the Department of Public  
10 Health, or the Department of Healthcare and Family Services  
11 (formerly Department of Public Aid).

12 (c) The corporation may require, at reasonable intervals  
13 from the date of the first claim filed on behalf of the  
14 disabled and dependent person or from the date the corporation  
15 receives notice of a covered person's disability and  
16 dependency, proof of the person's disability and dependency.

17 (d) This amendatory Act of 1969 is applicable to  
18 subscription certificates issued or renewed after October 27,  
19 1969.

20 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

21 (215 ILCS 165/25) (from Ch. 32, par. 619)

22 Sec. 25. A health services plan corporation may receive and  
23 accept from governmental or private agencies or from other  
24 persons as defined in this Act, payments covering all or part  
25 of the cost of subscriptions to provide health services for

1 needy and other individuals. However, all contracts for health  
2 services concerning persons other than recipients of public aid  
3 shall be between the corporation and the person to receive such  
4 services. No payments shall be made by the Department of  
5 Healthcare and Family Services ~~Public Aid~~ to any Health  
6 Services Plan Corporation except where the payment is made for  
7 a covered service included in the Medical Assistance Program at  
8 the rate established by the Department of Healthcare and Family  
9 Services ~~Public Aid~~, and where the service was rendered to a  
10 public aid recipient, and where there was in full force and  
11 effect, at the time the service was rendered, a written  
12 agreement governing such provision of services between such  
13 Health Services Plan Corporation and the Department.

14 (Source: P.A. 81-1203; revised 12-15-05.)

15 Section 680. The Public Utilities Act is amended by  
16 changing Sections 5-109, 8-206, 13-301.1, and 16-111 as  
17 follows:

18 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

19 Sec. 5-109. Reports; false reports; penalty. Each public  
20 utility in the State, other than a commercial mobile radio  
21 service provider, shall each year furnish to the Commission, in  
22 such form as the Commission shall require, annual reports as to  
23 all the items mentioned in the preceding Sections of this  
24 Article, and in addition such other items, whether of a nature



1 similar to those therein enumerated or otherwise, as the  
2 Commission may prescribe. Such annual reports shall contain all  
3 the required information for the period of 12 months ending on  
4 June 30 in each year, or ending on December 31 in each year, as  
5 the Commission may by order prescribe for each class of public  
6 utilities, except commercial mobile radio service providers,  
7 and shall be filed with the Commission at its office in  
8 Springfield within 3 months after the close of the year for  
9 which the report is made. The Commission shall have authority  
10 to require any public utility to file monthly reports of  
11 earnings and expenses of such utility, and to file other  
12 periodical or special, or both periodical and special reports  
13 concerning any matter about which the Commission is authorized  
14 by law to keep itself informed. All reports shall be under  
15 oath.

16 When any report is erroneous or defective or appears to the  
17 Commission to be erroneous or defective, the Commission may  
18 notify the public utility to amend such report within 30 days,  
19 and before or after the termination of such period the  
20 Commission may examine the officers, agents, or employees, and  
21 books, records, accounts, vouchers, plant, equipment and  
22 property of such public utility, and correct such items in the  
23 report as upon such examination the Commission may find  
24 defective or erroneous.

25 All reports made to the Commission by any public utility  
26 and the contents thereof shall be open to public inspection,

1 unless otherwise ordered by the Commission. Such reports shall  
2 be preserved in the office of the Commission.

3 Any public utility which fails to make and file any report  
4 called for by the Commission within the time specified; or to  
5 make specific answer to any question propounded by the  
6 Commission within 30 days from the time it is lawfully required  
7 to do so, or within such further time, not to exceed 90 days,  
8 as may in its discretion be allowed by the Commission, shall  
9 forfeit up to \$100 for each and every day it may so be in  
10 default if the utility collects less than \$100,000 annually in  
11 gross revenue; and if the utility collects \$100,000 or more  
12 annually in gross revenue, it shall forfeit \$1,000 per day for  
13 each and every day it is in default.

14 Any person who willfully makes any false return or report  
15 to the Commission or to any member, officer, or employee  
16 thereof, any person who willfully, in a return or report,  
17 withholds or fails to provide material information to which the  
18 Commission is entitled under this Act and which information is  
19 either required to be filed by statute, rule, regulation,  
20 order, or decision of the Commission or has been requested by  
21 the Commission, and any person who willfully aids or abets such  
22 person shall be guilty of a Class A misdemeanor.

23 (Source: P.A. 93-132, eff. 7-10-03; 93-457, eff. 8-8-03;  
24 revised 9-12-03.)

25 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

1           Sec. 8-206. Winter termination for nonpayment.

2           (a) Notwithstanding any other provision of this Act, no  
3 electric or gas public utility shall disconnect service to any  
4 residential customer or mastermeters apartment building for  
5 nonpayment of a bill or deposit where gas or electricity is  
6 used as the primary source of space heating or is used to  
7 control or operate the primary source of space heating  
8 equipment at the premises during the period of time from  
9 December 1 through and including March 31 of the immediately  
10 succeeding calendar year, unless:

11           (1) The utility (i) has offered the customer a deferred  
12 payment arrangement allowing for payment of past due amounts  
13 over a period of not less than 4 months not to extend beyond  
14 the following November and the option to enter into a levelized  
15 payment plan for the payment of future bills. The maximum down  
16 payment requirements shall not exceed 10% of the amount past  
17 due and owing at the time of entering into the agreement; and  
18 (ii) has provided the customer with the names, addresses and  
19 telephone numbers of governmental and private agencies which  
20 may provide assistance to customers of public utilities in  
21 paying their utility bills; the utility shall obtain the  
22 approval of an agency before placing the name of that agency on  
23 any list which will be used to provide such information to  
24 customers;

25           (2) The customer has refused or failed to enter into a  
26 deferred payment arrangement as described in paragraph (1) of

1 this subsection (a); and

2 (3) All notice requirements as provided by law and rules or  
3 regulations of the Commission have been met.

4 (b) Prior to termination of service for any residential  
5 customer or mastermetered apartment building during the period  
6 from December 1 through and including March 31 of the  
7 immediately succeeding calendar year, all electric and gas  
8 public utilities shall, in addition to all other notices:

9 (1) Notify the customer or an adult residing at the  
10 customer's premises by telephone, a personal visit to the  
11 customer's premises or by first class mail, informing the  
12 customer that:

13 (i) the customer's account is in arrears and the customer's  
14 service is subject to termination for nonpayment of a bill;

15 (ii) the customer can avoid disconnection of service by  
16 entering into a deferred payment agreement to pay past due  
17 amounts over a period not to extend beyond the following  
18 November and the customer has the option to enter into a  
19 levelized payment plan for the payment of future bills;

20 (iii) the customer may apply for any available assistance  
21 to aid in the payment of utility bills from any governmental or  
22 private agencies from the list of such agencies provided to the  
23 customer by the utility.

24 Provided, however, that a public utility shall be required  
25 to make only one such contact with the customer during any such  
26 period from December 1 through and including March 31 of the

1 immediately succeeding calendar year.

2 (2) Each public utility shall maintain records which shall  
3 include, but not necessarily be limited to, the manner by which  
4 the customer was notified and the time, date and manner by  
5 which any prior but unsuccessful attempts to contact were made.  
6 These records shall also describe the terms of the deferred  
7 payment arrangements offered to the customer and those entered  
8 into by the utility and customers. These records shall indicate  
9 the total amount past due, the down payment, the amount  
10 remaining to be paid and the number of months allowed to pay  
11 the outstanding balance. No public utility shall be required to  
12 retain records pertaining to unsuccessful attempts to contact  
13 or deferred payment arrangements rejected by the customer after  
14 such customer has entered into a deferred payment arrangement  
15 with such utility.

16 (c) No public utility shall disconnect service for  
17 nonpayment of a bill until the lapse of 6 business days after  
18 making the notification required by paragraph (1) of subsection  
19 (b) so as to allow the customer an opportunity to:

20 (1) Enter into a deferred payment arrangement and the  
21 option to enter into a levelized payment plan for the payment  
22 of future bills.

23 (2) Contact a governmental or private agency that may  
24 provide assistance to customers for the payment of public  
25 utility bills.

26 (d) Any residential customer who enters into a deferred

1 payment arrangement pursuant to this Act, and subsequently  
2 during that period of time set forth in subsection (a) becomes  
3 subject to termination, shall be given notice as required by  
4 law and any rule or regulation of the Commission prior to  
5 termination of service.

6 (e) During that time period set forth in subsection (a), a  
7 utility shall not require a down payment for a deposit from a  
8 residential customer in excess of 20% of the total deposit  
9 requested. An additional 4 months shall be allowed to pay the  
10 remainder of the deposit. This provision shall not apply to  
11 mastermeters apartment buildings or other nonresidential  
12 customers.

13 (f) During that period of time set forth in subsection (a),  
14 no utility may refuse to offer a deferred payment agreement to  
15 a residential customer who has defaulted on such an agreement  
16 within the past 12 months. However, no utility shall be  
17 required to enter into more than one deferred payment  
18 arrangement under this Section with any residential customer or  
19 mastermeters apartment building during the period from  
20 December 1 through and including March 31 of the immediately  
21 succeeding calendar year.

22 (g) In order to enable customers to take advantage of  
23 energy assistance programs, customers who can demonstrate that  
24 their applications for a local, state or federal energy  
25 assistance program have been approved may request that the  
26 amount they will be entitled to receive as a regular energy

1 assistance payment be deducted and set aside from the amount  
2 past due on which they make deferred payment arrangements.  
3 Payment on the set-aside amount shall be credited when the  
4 energy assistance voucher or check is received, according to  
5 the utility's common business practice.

6 (h) In no event shall any utility send a final notice to  
7 any customer who has entered into a current deferred payment  
8 agreement and has not defaulted on that deferred payment  
9 agreement, unless the final notice pertains to a deposit  
10 request.

11 (i) Each utility shall include with each disconnection  
12 notice sent during the period for December 1 through and  
13 including March 31 of the immediately succeeding calendar year  
14 to a residential customer an insert explaining the above  
15 provisions and providing a telephone number of the utility  
16 company which the consumer may call to receive further  
17 information.

18 (j) Each utility shall file with the Commission prior to  
19 December 1 of each year a plan detailing the implementation of  
20 this Section. This plan shall contain, but not be limited to:

21 (1) a description of the methods to be used to notify  
22 residential customers as required in this Section, including  
23 the forms of written and oral notices which shall be required  
24 to include all the information contained in subsection (b) of  
25 this Section.

26 (2) a listing of the names, addresses and telephone numbers

1 of governmental and private agencies which may provide  
2 assistance to residential customers in paying their utility  
3 bills;

4 (3) the program of employee education and information which  
5 shall be used by the company in the implementation of this  
6 Section.

7 (4) a description of methods to be utilized to inform  
8 residential customers of those governmental and private  
9 agencies and current and planned methods of cooperation with  
10 those agencies to identify the customers who qualify for  
11 assistance in paying their utility bills.

12 A utility which has a plan on file with the Commission need  
13 not resubmit a new plan each year. However, any alteration of  
14 the plan on file must be submitted and approved prior to  
15 December 1 of any year.

16 All plans are subject to review and approval by the  
17 Commission. The Commission may direct a utility to alter its  
18 plan to comply with the requirements of this Section.

19 (k) Notwithstanding any other provision of this Act, no  
20 electric or gas public utility shall disconnect service to any  
21 residential customer who is a participant under Section 6 of  
22 the Energy Assistance Act ~~of 1989~~ for nonpayment of a bill or  
23 deposit where gas or electricity is used as the primary source  
24 of space heating or is used to control or operate the primary  
25 source of space heating equipment at the premises during the  
26 period of time from December 1 through and including March 31



1 of the immediately succeeding calendar year.

2 (Source: P.A. 93-289, eff. 7-22-03; revised 9-20-06.)

3 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

4 (Section scheduled to be repealed on July 1, 2007)

5 Sec. 13-301.1. Universal Telephone Service Assistance  
6 Program.

7 (a) The Commission shall by rule or regulation establish a  
8 Universal Telephone Service Assistance Program for low income  
9 residential customers. The program shall provide for a  
10 reduction of access line charges, a reduction of connection  
11 charges, or any other alternative to increase accessibility to  
12 telephone service that the Commission deems advisable subject  
13 to the availability of funds for the program as provided in  
14 subsection (d). The Commission shall establish eligibility  
15 requirements for benefits under the program.

16 (b) The Commission shall adopt rules providing for enhanced  
17 enrollment for eligible consumers to receive lifeline service.  
18 Enhanced enrollment may include, but is not limited to, joint  
19 marketing, joint application, or joint processing with the  
20 Low-Income Home Energy Assistance Program, the Medicaid  
21 Program, and the Food Stamp Program. The Department of Human  
22 Services, the Department of Healthcare and Family Services  
23 ~~Public Aid~~, and the Department of Commerce and Economic  
24 Opportunity, upon request of the Commission, shall assist in  
25 the adoption and implementation of those rules. The Commission

1 and the Department of Human Services, the Department of  
2 Healthcare and Family Services ~~Public Aid~~, and the Department  
3 of Commerce and Economic Opportunity may enter into memoranda  
4 of understanding establishing the respective duties of the  
5 Commission and the Departments in relation to enhanced  
6 enrollment.

7 (c) In this Section, "lifeline service" means a retail  
8 local service offering described by 47 C.F.R. Section  
9 54.401(a), as amended.

10 (d) The Commission shall require by rule or regulation that  
11 each telecommunications carrier providing local exchange  
12 telecommunications services notify its customers that if the  
13 customer wishes to participate in the funding of the Universal  
14 Telephone Service Assistance Program he may do so by electing  
15 to contribute, on a monthly basis, a fixed amount that will be  
16 included in the customer's monthly bill. The customer may cease  
17 contributing at any time upon providing notice to the  
18 telecommunications carrier providing local exchange  
19 telecommunications services. The notice shall state that any  
20 contribution made will not reduce the customer's bill for  
21 telecommunications services. Failure to remit the amount of  
22 increased payment will reduce the contribution accordingly.  
23 The Commission shall specify the monthly fixed amount or  
24 amounts that customers wishing to contribute to the funding of  
25 the Universal Telephone Service Assistance Program may choose  
26 from in making their contributions. Every telecommunications

1 carrier providing local exchange telecommunications services  
2 shall remit the amounts contributed in accordance with the  
3 terms of the Universal Telephone Service Assistance Program.

4 (Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

5 (220 ILCS 5/16-111)

6 Sec. 16-111. Rates and restructuring transactions during  
7 mandatory transition period.

8 (a) During the mandatory transition period,  
9 notwithstanding any provision of Article IX of this Act, and  
10 except as provided in subsections (b), (d), (e), and (f) of  
11 this Section, the Commission shall not (i) initiate, authorize  
12 or order any change by way of increase (other than in  
13 connection with a request for rate increase which was filed  
14 after September 1, 1997 but prior to October 15, 1997, by an  
15 electric utility serving less than 12,500 customers in this  
16 State), (ii) initiate or, unless requested by the electric  
17 utility, authorize or order any change by way of decrease,  
18 restructuring or unbundling (except as provided in Section  
19 16-109A), in the rates of any electric utility that were in  
20 effect on October 1, 1996, or (iii) in any order approving any  
21 application for a merger pursuant to Section 7-204 that was  
22 pending as of May 16, 1997, impose any condition requiring any  
23 filing for an increase, decrease, or change in, or other review  
24 of, an electric utility's rates or enforce any such condition  
25 of any such order; provided, however, that this subsection

1 shall not prohibit the Commission from:

2 (1) approving the application of an electric utility to  
3 implement an alternative to rate of return regulation or a  
4 regulatory mechanism that rewards or penalizes the  
5 electric utility through adjustment of rates based on  
6 utility performance, pursuant to Section 9-244;

7 (2) authorizing an electric utility to eliminate its  
8 fuel adjustment clause and adjust its base rate tariffs in  
9 accordance with subsection (b), (d), or (f) of Section  
10 9-220 of this Act, to fix its fuel adjustment factor in  
11 accordance with subsection (c) of Section 9-220 of this  
12 Act, or to eliminate its fuel adjustment clause in  
13 accordance with subsection (e) of Section 9-220 of this  
14 Act;

15 (3) ordering into effect tariffs for delivery services  
16 and transition charges in accordance with Sections 16-104  
17 and 16-108, for real-time pricing in accordance with  
18 Section 16-107, or the options required by Section 16-110  
19 and subsection (n) of 16-112, allowing a billing experiment  
20 in accordance with Section 16-106, or modifying delivery  
21 services tariffs in accordance with Section 16-109; or

22 (4) ordering or allowing into effect any tariff to  
23 recover charges pursuant to Sections 9-201.5, 9-220.1,  
24 9-221, 9-222 (except as provided in Section 9-222.1),  
25 16-108, and 16-114 of this Act, Section 5-5 of the  
26 Electricity Infrastructure Maintenance Fee Law, Section

1           6-5 of the Renewable Energy, Energy Efficiency, and Coal  
2           Resources Development Law of 1997, and Section 13 of the  
3           Energy Assistance Act.

4           After December 31, 2004, the provisions of this subsection  
5           (a) shall not apply to an electric utility whose average  
6           residential retail rate was less than or equal to 90% of the  
7           average residential retail rate for the "Midwest Utilities", as  
8           that term is defined in subsection (b) of this Section, based  
9           on data reported on Form 1 to the Federal Energy Regulatory  
10          Commission for calendar year 1995, and which served between  
11          150,000 and 250,000 retail customers in this State on January  
12          1, 1995 unless the electric utility or its holding company has  
13          been acquired by or merged with an affiliate of another  
14          electric utility subsequent to January 1, 2002. This exemption  
15          shall be limited to this subsection (a) and shall not extend to  
16          any other provisions of this Act.

17          (b) Notwithstanding the provisions of subsection (a), each  
18          Illinois electric utility serving more than 12,500 customers in  
19          Illinois shall file tariffs (i) reducing, effective August 1,  
20          1998, each component of its base rates to residential retail  
21          customers by 15% from the base rates in effect immediately  
22          prior to January 1, 1998 and (ii) if the public utility  
23          provides electric service to (A) more than 500,000 customers  
24          but less than 1,000,000 customers in this State on January 1,  
25          1999, reducing, effective May 1, 2002, each component of its  
26          base rates to residential retail customers by an additional 5%

1 from the base rates in effect immediately prior to January 1,  
2 1998, or (B) at least 1,000,000 customers in this State on  
3 January 1, 1999, reducing, effective October 1, 2001, each  
4 component of its base rates to residential retail customers by  
5 an additional 5% from the base rates in effect immediately  
6 prior to January 1, 1998. Provided, however, that (A) if an  
7 electric utility's average residential retail rate is less than  
8 or equal to the average residential retail rate for a group of  
9 Midwest Utilities (consisting of all investor-owned electric  
10 utilities with annual system peaks in excess of 1000 megawatts  
11 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,  
12 Missouri, Ohio, and Wisconsin), based on data reported on Form  
13 1 to the Federal Energy Regulatory Commission for calendar year  
14 1995, then it shall only be required to file tariffs (i)  
15 reducing, effective August 1, 1998, each component of its base  
16 rates to residential retail customers by 5% from the base rates  
17 in effect immediately prior to January 1, 1998, (ii) reducing,  
18 effective October 1, 2000, each component of its base rates to  
19 residential retail customers by the lesser of 5% of the base  
20 rates in effect immediately prior to January 1, 1998 or the  
21 percentage by which the electric utility's average residential  
22 retail rate exceeds the average residential retail rate of the  
23 Midwest Utilities, based on data reported on Form 1 to the  
24 Federal Energy Regulatory Commission for calendar year 1999,  
25 and (iii) reducing, effective October 1, 2002, each component  
26 of its base rates to residential retail customers by an

1 additional amount equal to the lesser of 5% of the base rates  
2 in effect immediately prior to January 1, 1998 or the  
3 percentage by which the electric utility's average residential  
4 retail rate exceeds the average residential retail rate of the  
5 Midwest Utilities, based on data reported on Form 1 to the  
6 Federal Energy Regulatory Commission for calendar year 2001;  
7 and (B) if the average residential retail rate of an electric  
8 utility serving between 150,000 and 250,000 retail customers in  
9 this State on January 1, 1995 is less than or equal to 90% of  
10 the average residential retail rate for the Midwest Utilities,  
11 based on data reported on Form 1 to the Federal Energy  
12 Regulatory Commission for calendar year 1995, then it shall  
13 only be required to file tariffs (i) reducing, effective August  
14 1, 1998, each component of its base rates to residential retail  
15 customers by 2% from the base rates in effect immediately prior  
16 to January 1, 1998; (ii) reducing, effective October 1, 2000,  
17 each component of its base rates to residential retail  
18 customers by 2% from the base rate in effect immediately prior  
19 to January 1, 1998; and (iii) reducing, effective October 1,  
20 2002, each component of its base rates to residential retail  
21 customers by 1% from the base rates in effect immediately prior  
22 to January 1, 1998. Provided, further, that any electric  
23 utility for which a decrease in base rates has been or is  
24 placed into effect between October 1, 1996 and the dates  
25 specified in the preceding sentences of this subsection, other  
26 than pursuant to the requirements of this subsection, shall be

1 entitled to reduce the amount of any reduction or reductions in  
2 its base rates required by this subsection by the amount of  
3 such other decrease. The tariffs required under this subsection  
4 shall be filed 45 days in advance of the effective date.  
5 Notwithstanding anything to the contrary in Section 9-220 of  
6 this Act, no restatement of base rates in conjunction with the  
7 elimination of a fuel adjustment clause under that Section  
8 shall result in a lesser decrease in base rates than customers  
9 would otherwise receive under this subsection had the electric  
10 utility's fuel adjustment clause not been eliminated.

11 (c) Any utility reducing its base rates by 15% on August 1,  
12 1998 pursuant to subsection (b) shall include the following  
13 statement on its bills for residential customers from August 1  
14 through December 31, 1998: "Effective August 1, 1998, your  
15 rates have been reduced by 15% by the Electric Service Customer  
16 Choice and Rate Relief Law of 1997 passed by the Illinois  
17 General Assembly.". Any utility reducing its base rates by 5%  
18 on August 1, 1998, pursuant to subsection (b) shall include the  
19 following statement on its bills for residential customers from  
20 August 1 through December 31, 1998: "Effective August 1, 1998,  
21 your rates have been reduced by 5% by the Electric Service  
22 Customer Choice and Rate Relief Law of 1997 passed by the  
23 Illinois General Assembly.".

24 Any utility reducing its base rates by 2% on August 1, 1998  
25 pursuant to subsection (b) shall include the following  
26 statement on its bills for residential customers from August 1



1 through December 31, 1998: "Effective August 1, 1998, your  
2 rates have been reduced by 2% by the Electric Service Customer  
3 Choice and Rate Relief Law of 1997 passed by the Illinois  
4 General Assembly."

5 (d) During the mandatory transition period, but not before  
6 January 1, 2000, and notwithstanding the provisions of  
7 subsection (a), an electric utility may request an increase in  
8 its base rates if the electric utility demonstrates that the  
9 2-year average of its earned rate of return on common equity,  
10 calculated as its net income applicable to common stock divided  
11 by the average of its beginning and ending balances of common  
12 equity using data reported in the electric utility's Form 1  
13 report to the Federal Energy Regulatory Commission but adjusted  
14 to remove the effects of accelerated depreciation or  
15 amortization or other transition or mitigation measures  
16 implemented by the electric utility pursuant to subsection (g)  
17 of this Section and the effect of any refund paid pursuant to  
18 subsection (e) of this Section, is below the 2-year average for  
19 the same 2 years of the monthly average yields of 30-year U.S.  
20 Treasury bonds published by the Board of Governors of the  
21 Federal Reserve System in its weekly H.15 Statistical Release  
22 or successor publication. The Commission shall review the  
23 electric utility's request, and may review the justness and  
24 reasonableness of all rates for tariffed services, in  
25 accordance with the provisions of Article IX of this Act,  
26 provided that the Commission shall consider any special or

1 negotiated adjustments to the revenue requirement agreed to  
2 between the electric utility and the other parties to the  
3 proceeding. In setting rates under this Section, the Commission  
4 shall exclude the costs and revenues that are associated with  
5 competitive services and any billing or pricing experiments  
6 conducted under Section 16-106.

7 (e) For the purposes of this subsection (e) all  
8 calculations and comparisons shall be performed for the  
9 Illinois operations of multijurisdictional utilities. During  
10 the mandatory transition period, notwithstanding the  
11 provisions of subsection (a), if the 2-year average of an  
12 electric utility's earned rate of return on common equity,  
13 calculated as its net income applicable to common stock divided  
14 by the average of its beginning and ending balances of common  
15 equity using data reported in the electric utility's Form 1  
16 report to the Federal Energy Regulatory Commission but adjusted  
17 to remove the effect of any refund paid under this subsection  
18 (e), and further adjusted to include the annual amortization of  
19 any difference between the consideration received by an  
20 affiliated interest of the electric utility in the sale of an  
21 asset which had been sold or transferred by the electric  
22 utility to the affiliated interest subsequent to the effective  
23 date of this amendatory Act of 1997 and the consideration for  
24 which such asset had been sold or transferred to the affiliated  
25 interest, with such difference to be amortized ratably from the  
26 date of the sale by the affiliated interest to December 31,

1 2006, exceeds the 2-year average of the Index for the same 2  
2 years by 1.5 or more percentage points, the electric utility  
3 shall make refunds to customers beginning the first billing day  
4 of April in the following year in the manner described in  
5 paragraph (3) of this subsection. For purposes of this  
6 subsection (e), the "Index" shall be the sum of (A) the average  
7 for the 12 months ended September 30 of the monthly average  
8 yields of 30-year U.S. Treasury bonds published by the Board of  
9 Governors of the Federal Reserve System in its weekly H.15  
10 Statistical Release or successor publication for each year 1998  
11 through 2006, and (B) (i) 4.00 percentage points for each of  
12 the 12-month periods ending September 30, 1998 through  
13 September 30, 1999 or 8.00 percentage points if the electric  
14 utility's average residential retail rate is less than or equal  
15 to 90% of the average residential retail rate for the "Midwest  
16 Utilities", as that term is defined in subsection (b) of this  
17 Section, based on data reported on Form 1 to the Federal Energy  
18 Regulatory Commission for calendar year 1995, and the electric  
19 utility served between 150,000 and 250,000 retail customers on  
20 January 1, 1995, (ii) 7.00 percentage points for each of the  
21 12-month periods ending September 30, 2000 through September  
22 30, 2006 if the electric utility was providing service to at  
23 least 1,000,000 customers in this State on January 1, 1999, or  
24 9.00 percentage points if the electric utility's average  
25 residential retail rate is less than or equal to 90% of the  
26 average residential retail rate for the "Midwest Utilities", as

1 that term is defined in subsection (b) of this Section, based  
2 on data reported on Form 1 to the Federal Energy Regulatory  
3 Commission for calendar year 1995 and the electric utility  
4 served between 150,000 and 250,000 retail customers in this  
5 State on January 1, 1995, (iii) 11.00 percentage points for  
6 each of the 12-month periods ending September 30, 2000 through  
7 September 30, 2006, but only if the electric utility's average  
8 residential retail rate is less than or equal to 90% of the  
9 average residential retail rate for the "Midwest Utilities", as  
10 that term is defined in subsection (b) of this Section, based  
11 on data reported on Form 1 to the Federal Energy Regulatory  
12 Commission for calendar year 1995, the electric utility served  
13 between 150,000 and 250,000 retail customers in this State on  
14 January 1, 1995, and the electric utility offers delivery  
15 services on or before June 1, 2000 to retail customers whose  
16 annual electric energy use comprises 33% of the kilowatt hour  
17 sales to that group of retail customers that are classified  
18 under Division D, Groups 20 through 39 of the Standard  
19 Industrial Classifications set forth in the Standard  
20 Industrial Classification Manual published by the United  
21 States Office of Management and Budget, excluding the kilowatt  
22 hour sales to those customers that are eligible for delivery  
23 services pursuant to Section 16-104(a)(1)(i), and offers  
24 delivery services to its remaining retail customers classified  
25 under Division D, Groups 20 through 39 on or before October 1,  
26 2000, and, provided further, that the electric utility commits

1 not to petition pursuant to Section 16-108(f) for entry of an  
2 order by the Commission authorizing the electric utility to  
3 implement transition charges for an additional period after  
4 December 31, 2006, or (iv) 5.00 percentage points for each of  
5 the 12-month periods ending September 30, 2000 through  
6 September 30, 2006 for all other electric utilities or 7.00  
7 percentage points for such utilities for each of the 12-month  
8 periods ending September 30, 2000 through September 30, 2006  
9 for any such utility that commits not to petition pursuant to  
10 Section 16-108(f) for entry of an order by the Commission  
11 authorizing the electric utility to implement transition  
12 charges for an additional period after December 31, 2006 or  
13 11.00 percentage points for each of the 12-month periods ending  
14 September 30, 2005 and September 30, 2006 for each electric  
15 utility providing service to fewer than 6,500, or between  
16 75,000 and 150,000, electric retail customers in this State on  
17 January 1, 1995 if such utility commits not to petition  
18 pursuant to Section 16-108(f) for entry of an order by the  
19 Commission authorizing the electric utility to implement  
20 transition charges for an additional period after December 31,  
21 2006.

22 (1) For purposes of this subsection (e), "excess  
23 earnings" means the difference between (A) the 2-year  
24 average of the electric utility's earned rate of return on  
25 common equity, less (B) the 2-year average of the sum of  
26 (i) the Index applicable to each of the 2 years and (ii)

1           1.5 percentage points; provided, that "excess earnings"  
2 shall never be less than zero.

3           (2) On or before March 31 of each year 2000 through  
4 2007 each electric utility shall file a report with the  
5 Commission showing its earned rate of return on common  
6 equity, calculated in accordance with this subsection, for  
7 the preceding calendar year and the average for the  
8 preceding 2 calendar years.

9           (3) If an electric utility has excess earnings,  
10 determined in accordance with paragraphs (1) and (2) of  
11 this subsection, the refunds which the electric utility  
12 shall pay to its customers beginning the first billing day  
13 of April in the following year shall be calculated and  
14 applied as follows:

15           (i) The electric utility's excess earnings shall  
16 be multiplied by the average of the beginning and  
17 ending balances of the electric utility's common  
18 equity for the 2-year period in which excess earnings  
19 occurred.

20           (ii) The result of the calculation in (i) shall be  
21 multiplied by 0.50 and then divided by a number equal  
22 to 1 minus the electric utility's composite federal and  
23 State income tax rate.

24           (iii) The result of the calculation in (ii) shall  
25 be divided by the sum of the electric utility's  
26 projected total kilowatt-hour sales to retail

1 customers plus projected kilowatt-hours to be  
2 delivered to delivery services customers over a one  
3 year period beginning with the first billing date in  
4 April in the succeeding year to determine a cents per  
5 kilowatt-hour refund factor.

6 (iv) The cents per kilowatt-hour refund factor  
7 calculated in (iii) shall be credited to the electric  
8 utility's customers by applying the factor on the  
9 customer's monthly bills to each kilowatt-hour sold or  
10 delivered until the total amount calculated in (ii) has  
11 been paid to customers.

12 (f) During the mandatory transition period, an electric  
13 utility may file revised tariffs reducing the price of any  
14 tariffed service offered by the electric utility for all  
15 customers taking that tariffed service, which shall be  
16 effective 7 days after filing.

17 (g) During the mandatory transition period, an electric  
18 utility may, without obtaining any approval of the Commission  
19 other than that provided for in this subsection and  
20 notwithstanding any other provision of this Act or any rule or  
21 regulation of the Commission that would require such approval:

22 (1) implement a reorganization, other than a merger of  
23 2 or more public utilities as defined in Section 3-105 or  
24 their holding companies;

25 (2) retire generating plants from service;

26 (3) sell, assign, lease or otherwise transfer assets to

1 an affiliated or unaffiliated entity and as part of such  
2 transaction enter into service agreements, power purchase  
3 agreements, or other agreements with the transferee;  
4 provided, however, that the prices, terms and conditions of  
5 any power purchase agreement must be approved or allowed  
6 into effect by the Federal Energy Regulatory Commission; or

7 (4) use any accelerated cost recovery method including  
8 accelerated depreciation, accelerated amortization or  
9 other capital recovery methods, or record reductions to the  
10 original cost of its assets.

11 In order to implement a reorganization, retire generating  
12 plants from service, or sell, assign, lease or otherwise  
13 transfer assets pursuant to this Section, the electric utility  
14 shall comply with subsections (c) and (d) of Section 16-128, if  
15 applicable, and subsection (k) of this Section, if applicable,  
16 and provide the Commission with at least 30 days notice of the  
17 proposed reorganization or transaction, which notice shall  
18 include the following information:

19 (i) a complete statement of the entries that the  
20 electric utility will make on its books and records of  
21 account to implement the proposed reorganization or  
22 transaction together with a certification from an  
23 independent certified public accountant that such  
24 entries are in accord with generally accepted  
25 accounting principles and, if the Commission has  
26 previously approved guidelines for cost allocations



1           between the utility and its affiliates, a  
2           certification from the chief accounting officer of the  
3           utility that such entries are in accord with those cost  
4           allocation guidelines;

5           (ii) a description of how the electric utility will  
6           use proceeds of any sale, assignment, lease or transfer  
7           to retire debt or otherwise reduce or recover the costs  
8           of services provided by such electric utility;

9           (iii) a list of all federal approvals or approvals  
10          required from departments and agencies of this State,  
11          other than the Commission, that the electric utility  
12          has or will obtain before implementing the  
13          reorganization or transaction;

14          (iv) an irrevocable commitment by the electric  
15          utility that it will not, as a result of the  
16          transaction, impose any stranded cost charges that it  
17          might otherwise be allowed to charge retail customers  
18          under federal law or increase the transition charges  
19          that it is otherwise entitled to collect under this  
20          Article XVI; and

21          (v) if the electric utility proposes to sell,  
22          assign, lease or otherwise transfer a generating plant  
23          that brings the amount of net dependable generating  
24          capacity transferred pursuant to this subsection to an  
25          amount equal to or greater than 15% of the electric  
26          utility's net dependable capacity as of the effective

1 date of this amendatory Act of 1997, and enters into a  
2 power purchase agreement with the entity to which such  
3 generating plant is sold, assigned, leased, or  
4 otherwise transferred, the electric utility also  
5 agrees, if its fuel adjustment clause has not already  
6 been eliminated, to eliminate its fuel adjustment  
7 clause in accordance with subsection (b) of Section  
8 9-220 for a period of time equal to the length of any  
9 such power purchase agreement or successor agreement,  
10 or until January 1, 2005, whichever is longer; if the  
11 capacity of the generating plant so transferred and  
12 related power purchase agreement does not result in the  
13 elimination of the fuel adjustment clause under this  
14 subsection, and the fuel adjustment clause has not  
15 already been eliminated, the electric utility shall  
16 agree that the costs associated with the transferred  
17 plant that are included in the calculation of the rate  
18 per kilowatt-hour to be applied pursuant to the  
19 electric utility's fuel adjustment clause during such  
20 period shall not exceed the per kilowatt-hour cost  
21 associated with such generating plant included in the  
22 electric utility's fuel adjustment clause during the  
23 full calendar year preceding the transfer, with such  
24 limit to be adjusted each year thereafter by the Gross  
25 Domestic Product Implicit Price Deflator.

26 (vi) In addition, if the electric utility proposes

1 to sell, assign, or lease, (A) either (1) an amount of  
2 generating plant that brings the amount of net  
3 dependable generating capacity transferred pursuant to  
4 this subsection to an amount equal to or greater than  
5 15% of its net dependable capacity on the effective  
6 date of this amendatory Act of 1997, or (2) one or more  
7 generating plants with a total net dependable capacity  
8 of 1100 megawatts, or (B) transmission and  
9 distribution facilities that either (1) bring the  
10 amount of transmission and distribution facilities  
11 transferred pursuant to this subsection to an amount  
12 equal to or greater than 15% of the electric utility's  
13 total depreciated original cost investment in such  
14 facilities, or (2) represent an investment of  
15 \$25,000,000 in terms of total depreciated original  
16 cost, the electric utility shall provide, in addition  
17 to the information listed in subparagraphs (i) through  
18 (v), the following information: (A) a description of  
19 how the electric utility will meet its service  
20 obligations under this Act in a safe and reliable  
21 manner and (B) the electric utility's projected earned  
22 rate of return on common equity, calculated in  
23 accordance with subsection (d) of this Section, for  
24 each year from the date of the notice through December  
25 31, 2006 both with and without the proposed  
26 transaction. If the Commission has not issued an order

1           initiating a hearing on the proposed transaction  
2           within 30 days after the date the electric utility's  
3           notice is filed, the transaction shall be deemed  
4           approved. The Commission may, after notice and  
5           hearing, prohibit the proposed transaction if it makes  
6           either or both of the following findings: (1) that the  
7           proposed transaction will render the electric utility  
8           unable to provide its tariffed services in a safe and  
9           reliable manner, or (2) that there is a strong  
10          likelihood that consummation of the proposed  
11          transaction will result in the electric utility being  
12          entitled to request an increase in its base rates  
13          during the mandatory transition period pursuant to  
14          subsection (d) of this Section. Any hearing initiated  
15          by the Commission into the proposed transaction shall  
16          be completed, and the Commission's final order  
17          approving or prohibiting the proposed transaction  
18          shall be entered, within 90 days after the date the  
19          electric utility's notice was filed. Provided,  
20          however, that a sale, assignment, or lease of  
21          transmission facilities to an independent system  
22          operator that meets the requirements of Section 16-126  
23          shall not be subject to Commission approval under this  
24          Section.

25                 In any proceeding conducted by the Commission  
26                 pursuant to this subparagraph (vi), intervention shall

1 be limited to parties with a direct interest in the  
2 transaction which is the subject of the hearing and any  
3 statutory consumer protection agency as defined in  
4 subsection (d) of Section 9-102.1. Notwithstanding the  
5 provisions of Section 10-113 of this Act, any  
6 application seeking rehearing of an order issued under  
7 this subparagraph (vi), whether filed by the electric  
8 utility or by an intervening party, shall be filed  
9 within 10 days after service of the order.

10 The Commission shall not in any subsequent proceeding or  
11 otherwise, review such a reorganization or other transaction  
12 authorized by this Section, but shall retain the authority to  
13 allocate costs as stated in Section 16-111(i). An entity to  
14 which an electric utility sells, assigns, leases or transfers  
15 assets pursuant to this subsection (g) shall not, as a result  
16 of the transactions specified in this subsection (g), be deemed  
17 a public utility as defined in Section 3-105. Nothing in this  
18 subsection (g) shall change any requirement under the  
19 jurisdiction of the Illinois Department of Nuclear Safety  
20 including, but not limited to, the payment of fees. Nothing in  
21 this subsection (g) shall exempt a utility from obtaining a  
22 certificate pursuant to Section 8-406 of this Act for the  
23 construction of a new electric generating facility. Nothing in  
24 this subsection (g) is intended to exempt the transactions  
25 hereunder from the operation of the federal or State antitrust  
26 laws. Nothing in this subsection (g) shall require an electric

1 utility to use the procedures specified in this subsection for  
2 any of the transactions specified herein. Any other procedure  
3 available under this Act may, at the electric utility's  
4 election, be used for any such transaction.

5 (h) During the mandatory transition period, the Commission  
6 shall not establish or use any rates of depreciation, which for  
7 purposes of this subsection shall include amortization, for any  
8 electric utility other than those established pursuant to  
9 subsection (c) of Section 5-104 of this Act or utilized  
10 pursuant to subsection (g) of this Section. Provided, however,  
11 that in any proceeding to review an electric utility's rates  
12 for tariffed services pursuant to Section 9-201, 9-202, 9-250  
13 or 16-111(d) of this Act, the Commission may establish new  
14 rates of depreciation for the electric utility in the same  
15 manner provided in subsection (d) of Section 5-104 of this Act.  
16 An electric utility implementing an accelerated cost recovery  
17 method including accelerated depreciation, accelerated  
18 amortization or other capital recovery methods, or recording  
19 reductions to the original cost of its assets, pursuant to  
20 subsection (g) of this Section, shall file a statement with the  
21 Commission describing the accelerated cost recovery method to  
22 be implemented or the reduction in the original cost of its  
23 assets to be recorded. Upon the filing of such statement, the  
24 accelerated cost recovery method or the reduction in the  
25 original cost of assets shall be deemed to be approved by the  
26 Commission as though an order had been entered by the

1 Commission.

2 (i) Subsequent to the mandatory transition period, the  
3 Commission, in any proceeding to establish rates and charges  
4 for tariffed services offered by an electric utility, shall  
5 consider only (1) the then current or projected revenues,  
6 costs, investments and cost of capital directly or indirectly  
7 associated with the provision of such tariffed services; (2)  
8 collection of transition charges in accordance with Sections  
9 16-102 and 16-108 of this Act; (3) recovery of any employee  
10 transition costs as described in Section 16-128 which the  
11 electric utility is continuing to incur, including recovery of  
12 any unamortized portion of such costs previously incurred or  
13 committed, with such costs to be equitably allocated among  
14 bundled services, delivery services, and contracts with  
15 alternative retail electric suppliers; and (4) recovery of the  
16 costs associated with the electric utility's compliance with  
17 decommissioning funding requirements; and shall not consider  
18 any other revenues, costs, investments or cost of capital of  
19 either the electric utility or of any affiliate of the electric  
20 utility that are not associated with the provision of tariffed  
21 services. In setting rates for tariffed services, the  
22 Commission shall equitably allocate joint and common costs and  
23 investments between the electric utility's competitive and  
24 tariffed services. In determining the justness and  
25 reasonableness of the electric power and energy component of an  
26 electric utility's rates for tariffed services subsequent to

1 the mandatory transition period and prior to the time that the  
2 provision of such electric power and energy is declared  
3 competitive, the Commission shall consider the extent to which  
4 the electric utility's tariffed rates for such component for  
5 each customer class exceed the market value determined pursuant  
6 to Section 16-112, and, if the electric power and energy  
7 component of such tariffed rate exceeds the market value by  
8 more than 10% for any customer class, may establish such  
9 electric power and energy component at a rate equal to the  
10 market value plus 10%. In any such case, the Commission may  
11 also elect to extend the provisions of Section 16-111(e) for  
12 any period in which the electric utility is collecting  
13 transition charges, using information applicable to such  
14 period.

15 (j) During the mandatory transition period, an electric  
16 utility may elect to transfer to a non-operating income account  
17 under the Commission's Uniform System of Accounts either or  
18 both of (i) an amount of unamortized investment tax credit that  
19 is in addition to the ratable amount which is credited to the  
20 electric utility's operating income account for the year in  
21 accordance with Section 46(f)(2) of the federal Internal  
22 Revenue Code of 1986, as in effect prior to P.L. 101-508, or  
23 (ii) "excess tax reserves", as that term is defined in Section  
24 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided  
25 that (A) the amount transferred may not exceed the amount of  
26 the electric utility's assets that were created pursuant to



1 Statement of Financial Accounting Standards No. 71 which the  
2 electric utility has written off during the mandatory  
3 transition period, and (B) the transfer shall not be effective  
4 until approved by the Internal Revenue Service. An electric  
5 utility electing to make such a transfer shall file a statement  
6 with the Commission stating the amount and timing of the  
7 transfer for which it intends to request approval of the  
8 Internal Revenue Service, along with a copy of its proposed  
9 request to the Internal Revenue Service for a ruling. The  
10 Commission shall issue an order within 14 days after the  
11 electric utility's filing approving, subject to receipt of  
12 approval from the Internal Revenue Service, the proposed  
13 transfer.

14 (k) If an electric utility is selling or transferring to a  
15 single buyer 5 or more generating plants located in this State  
16 with a total net dependable capacity of 5000 megawatts or more  
17 pursuant to subsection (g) of this Section and has obtained a  
18 sale price or consideration that exceeds 200% of the book value  
19 of such plants, the electric utility must provide to the  
20 Governor, the President of the Illinois Senate, the Minority  
21 Leader of the Illinois Senate, the Speaker of the Illinois  
22 House of Representatives, and the Minority Leader of the  
23 Illinois House of Representatives no later than 15 days after  
24 filing its notice under subsection (g) of this Section or 5  
25 days after the date on which this subsection (k) becomes law,  
26 whichever is later, a written commitment in which such electric

1 utility agrees to expend \$2 billion outside the corporate  
2 limits of any municipality with 1,000,000 or more inhabitants  
3 within such electric utility's service area, over a 6-year  
4 period beginning with the calendar year in which the notice is  
5 filed, on projects, programs, and improvements within its  
6 service area relating to transmission and distribution  
7 including, without limitation, infrastructure expansion,  
8 repair and replacement, capital investments, operations and  
9 maintenance, and vegetation management.

10 (Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690,  
11 eff. 7-18-02; revised 9-10-02.)

12 Section 685. The Illinois Dental Practice Act is amended by  
13 changing Section 23a as follows:

14 (225 ILCS 25/23a) (from Ch. 111, par. 2323a)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 23a. The Director of the Department may, upon receipt  
17 of a written communication from the Secretary of Human Services  
18 or the Director of the Department of Healthcare and Family  
19 Services (formerly Department of Public Aid) or Department of  
20 Public Health, that continuation of practice of a person  
21 licensed under this Act constitutes an immediate danger to the  
22 public, immediately suspend the license of such person without  
23 a hearing. In instances in which the Director immediately  
24 suspends a license under this Section, a hearing upon such

1 person's license must be convened by the Board within 15 days  
2 after such suspension and completed without appreciable delay,  
3 such hearing held to determine whether to recommend to the  
4 Director that the person's license be revoked, suspended,  
5 placed on probationary status or reinstated, or such person be  
6 subject to other disciplinary action. In such hearing, the  
7 written communication and any other evidence submitted  
8 therewith may be introduced as evidence against such person;  
9 provided however, the person, or his counsel, shall have the  
10 opportunity to discredit or impeach such evidence and submit  
11 evidence rebutting same.

12 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

13 Section 690. The Illinois Funeral or Burial Funds Act is  
14 amended by changing Section 4 as follows:

15 (225 ILCS 45/4) (from Ch. 111 1/2, par. 73.104)

16 Sec. 4. Withdrawal of funds; revocability of contract.

17 (a) The amount or amounts so deposited into trust, with  
18 interest thereon, if any, shall not be withdrawn until the  
19 death of the person or persons for whose funeral or burial such  
20 funds were paid, unless sooner withdrawn and repaid to the  
21 person who originally paid the money under or in connection  
22 with the pre-need contract or to his or her legal  
23 representative. The life insurance policies or tax-deferred  
24 annuities shall not be surrendered until the death of the

1 person or persons for whose funeral or burial the policies or  
2 annuities were purchased, unless sooner surrendered and repaid  
3 to the owner of the policy purchased under or in connection  
4 with the pre-need contract or to his or her legal  
5 representative. If, however, the agreement or series of  
6 agreements provides for forfeiture and retention of any or all  
7 payments as and for liquidated damages as provided in Section  
8 6, then the trustee may withdraw the deposits. In addition,  
9 nothing in this Section (i) prohibits the change of depositary  
10 by the trustee and the transfer of trust funds from one  
11 depositary to another or (ii) prohibits a contract purchaser  
12 who is or may become eligible for public assistance under any  
13 applicable federal or State law or local ordinance including,  
14 but not limited to, eligibility under 24 C.F.R., Part 913  
15 relating to family insurance under federal Housing and Urban  
16 Development Policy from irrevocably waiving, in writing, and  
17 renouncing the right to cancel a pre-need contract for funeral  
18 services in an amount prescribed by rule of the ~~Illinois~~  
19 Department of Healthcare and Family Services ~~Public Aid~~. No  
20 guaranteed price pre-need funeral contract may prohibit a  
21 purchaser from making a contract irrevocable to the extent that  
22 federal law or regulations require that such a contract be  
23 irrevocable for purposes of the purchaser's eligibility for  
24 Supplemental Security Income benefits, Medicaid, or another  
25 public assistance program, as permitted under federal law.

26 (b) If for any reason a seller or provider who has engaged

1 in pre-need sales has refused, cannot, or does not comply with  
2 the terms of the pre-need contract within a reasonable time  
3 after he or she is required to do so, the purchaser or his or  
4 her heirs or assigns or duly authorized representative shall  
5 have the right to a refund of an amount equal to the sales  
6 price paid for undelivered merchandise or services plus  
7 otherwise earned undistributed interest amounts held in trust  
8 attributable to the contract, within 30 days of the filing of a  
9 sworn affidavit with the trustee setting forth the existence of  
10 the contract and the fact of breach. A copy of this affidavit  
11 shall be filed with the Comptroller and the seller. In the  
12 event a seller is prevented from performing by strike, shortage  
13 of materials, civil disorder, natural disaster, or any like  
14 occurrence beyond the control of the seller or provider, the  
15 seller or provider's time for performance shall be extended by  
16 the length of the delay. Nothing in this Section shall relieve  
17 the seller or provider from any liability for non-performance  
18 of his or her obligations under the pre-need contract.

19 (c) After final payment on a pre-need contract, any  
20 purchaser may, upon written demand to a seller, demand that the  
21 pre-need contract with the seller be terminated. The seller  
22 shall, within 30 days, initiate a refund to the purchaser of  
23 the entire amount held in trust attributable to undelivered  
24 merchandise and unperformed services, including otherwise  
25 earned undistributed interest earned thereon or the cash  
26 surrender value of a life insurance policy or tax-deferred

1 annuity.

2 (c-5) If no funeral merchandise or services are provided or  
3 if the funeral is conducted by another person, the seller may  
4 keep no more than 10% of the payments made under the pre-need  
5 contract or \$300, whichever sum is less. The remainder of the  
6 trust funds or insurance or annuity proceeds shall be forwarded  
7 to the legal heirs of the deceased or as determined by probate  
8 action.

9 (d) The placement and retention of all or a portion of a  
10 casket, combination casket-vault, urn, or outer burial  
11 container comprised of materials which are designed to  
12 withstand prolonged storage in the manner set forth in this  
13 paragraph without adversely affecting the structural integrity  
14 or aesthetic characteristics of such merchandise in a specific  
15 burial space in which the person or persons for whose funeral  
16 or burial the merchandise was intended has a right of  
17 interment, or the placement of the merchandise in a specific  
18 mausoleum crypt or lawn crypt in which such person has a right  
19 of entombment, or the placement of the merchandise in a  
20 specific niche in which such person has a right of inurnment,  
21 or delivery to such person and retention by such person until  
22 the time of need shall constitute actual delivery to the person  
23 who originally paid the money under or in connection with said  
24 agreement or series of agreements. Actual delivery shall  
25 eliminate, from and after the date of actual delivery, any  
26 requirement under this Act to place or retain in trust any

1 funds received for the sale of such merchandise. The delivery,  
2 prior to the time of need, of any funeral or burial merchandise  
3 in any manner other than authorized by this Section shall not  
4 constitute actual delivery and shall not eliminate any  
5 requirement under this Act to place or retain in trust any  
6 funds received for the sale of such merchandise.

7 (Source: P.A. 92-419, eff. 1-1-02; revised 12-15-05.)

8 Section 695. The Health Care Worker Background Check Act is  
9 amended by changing Sections 15, 65, and 70 as follows:

10 (225 ILCS 46/15)

11 Sec. 15. Definitions. For the purposes of this Act, the  
12 following definitions apply:

13 "Applicant" means an individual seeking employment with a  
14 health care employer who has received a bona fide conditional  
15 offer of employment.

16 "Conditional offer of employment" means a bona fide offer  
17 of employment by a health care employer to an applicant, which  
18 is contingent upon the receipt of a report from the Department  
19 of State Police indicating that the applicant does not have a  
20 record of conviction of any of the criminal offenses enumerated  
21 in Section 25.

22 "Direct care" means the provision of nursing care or  
23 assistance with feeding, dressing, movement, bathing,  
24 toileting, or other personal needs, including home services as

1 defined in the Home Health, Home Services, and Home Nursing  
2 Agency Licensing Act. The entity responsible for inspecting and  
3 licensing, certifying, or registering the health care employer  
4 may, by administrative rule, prescribe guidelines for  
5 interpreting this definition with regard to the health care  
6 employers that it licenses.

7 "Health care employer" means:

8 (1) the owner or licensee of any of the following:

9 (i) a community living facility, as defined in the  
10 Community Living Facilities Act;

11 (ii) a life care facility, as defined in the Life  
12 Care Facilities Act;

13 (iii) a long-term care facility, as defined in the  
14 Nursing Home Care Act;

15 (iv) a home health agency, home services agency, or  
16 home nursing agency as defined in the Home Health, Home  
17 Services, and Home Nursing Agency Licensing Act;

18 (v) a comprehensive hospice program or volunteer  
19 hospice program, as defined in the Hospice Program  
20 Licensing Act;

21 (vi) a hospital, as defined in the Hospital  
22 Licensing Act;

23 (vii) a community residential alternative, as  
24 defined in the Community Residential Alternatives  
25 Licensing Act;

26 (viii) a nurse agency, as defined in the Nurse



1 Agency Licensing Act;

2 (ix) a respite care provider, as defined in the  
3 Respite Program Act;

4 (ix-a) an establishment licensed under the  
5 Assisted Living and Shared Housing Act;

6 (x) a supportive living program, as defined in the  
7 Illinois Public Aid Code;

8 (xi) early childhood intervention programs as  
9 described in 59 Ill. Adm. Code 121;

10 (xii) the University of Illinois Hospital,  
11 Chicago;

12 (xiii) programs funded by the Department on Aging  
13 through the Community Care Program;

14 (xiv) programs certified to participate in the  
15 Supportive Living Program authorized pursuant to  
16 Section 5-5.01a of the Illinois Public Aid Code;

17 (xv) programs listed by the Emergency Medical  
18 Services (EMS) Systems Act as Freestanding Emergency  
19 Centers;

20 (xvi) locations licensed under the Alternative  
21 Health Care Delivery Act;

22 (2) a day training program certified by the Department  
23 of Human Services;

24 (3) a community integrated living arrangement operated  
25 by a community mental health and developmental service  
26 agency, as defined in the Community-Integrated Living

1 Arrangements Licensing and Certification Act; or  
2 (4) the State Long Term Care Ombudsman Program,  
3 including any regional long term care ombudsman programs  
4 under Section 4.04 of the Illinois Act on the Aging, only  
5 for the purpose of securing background checks.

6 "Initiate" means the obtaining of the authorization for a  
7 record check from a student, applicant, or employee. The  
8 educational entity or health care employer or its designee  
9 shall transmit all necessary information and fees to the  
10 Illinois State Police within 10 working days after receipt of  
11 the authorization.

12 "Long-term care facility" means a facility licensed by the  
13 State or certified under federal law as a long-term care  
14 facility, a supportive living facility, an assisted living  
15 establishment, or a shared housing establishment or registered  
16 as a board and care home.

17 (Source: P.A. 93-878, eff. 1-1-05; 94-379, eff. 1-1-06; 94-570,  
18 eff. 8-12-05; 94-665, eff. 1-1-06; revised 8-29-05.)

19 (225 ILCS 46/65)

20 Sec. 65. Health Care Worker Task Force. A Health Care  
21 Worker Task Force shall be appointed to study and make  
22 recommendations on statutory changes to this Act.

23 (a) The Task Force shall monitor the status of the  
24 implementation of this Act and monitor complaint  
25 investigations relating to this Act by the Department on Aging,

1 Department of Public Health, Department of Professional  
2 Regulation, and the Department of Human Services to determine  
3 the criminal background, if any, of health care workers who  
4 have had findings of abuse, theft, or exploitation.

5 (b) The Task Force shall make recommendations concerning  
6 modifications to the list of offenses enumerated in Section 25,  
7 including time limits on all or some of the disqualifying  
8 offenses, and any other necessary or desirable changes to the  
9 Act.

10 (c) The Task Force shall issue an interim report to the  
11 Governor and General Assembly no later than January 1, 2004.  
12 The final report shall be issued no later than September 30,  
13 2005, and shall include specific statutory changes  
14 recommended, if any.

15 (d) The Task Force shall be composed of the following  
16 members, who shall serve without pay:

17 (1) a chairman knowledgeable about health care issues,  
18 who shall be appointed by the Governor;

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

21 (3) the Director of State Police or his or her  
22 designee;

23 (3.5) the Director of Healthcare and Family Services  
24 ~~Public Aid~~ or his or her designee;

25 (3.6) the Secretary of Human Services or his or her  
26 designee;

- 1 (3.7) the Director of Aging or his or her designee;
- 2 (4) 2 representatives of health care providers, who
- 3 shall be appointed by the Governor;
- 4 (5) 2 representatives of health care employees, who
- 5 shall be appointed by the Governor;
- 6 (5.5) a representative of a Community Care homemaker
- 7 program, who shall be appointed by the Governor;
- 8 (6) a representative of the general public who has an
- 9 interest in health care, who shall be appointed by the
- 10 Governor; and
- 11 (7) 4 members of the General Assembly, one appointed by
- 12 the Speaker of the House, one appointed by the House
- 13 Minority Leader, one appointed by the President of the
- 14 Senate, and one appointed by the Senate Minority Leader.

15 (Source: P.A. 93-224, eff. 7-18-03; revised 12-15-05.)

16 (225 ILCS 46/70)

17 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)

18 grant.

19 (a) In this Section:

20 "Centers for Medicare and Medicaid Services (CMMS) grant"

21 means the grant awarded to and distributed by the Department of

22 Public Health to enhance the conduct of criminal history

23 records checks of certain health care employees. The CMMS grant

24 is authorized by Section 307 of the federal Medicare

25 Prescription Drug, Improvement, and Modernization Act of 2003,

1 which establishes the framework for a program to evaluate  
2 national and state background checks on prospective employees  
3 with direct access to patients of long-term care facilities or  
4 providers.

5 "Selected health care employer" means any of the following  
6 selected to participate in the CMMS grant:

7 (1) a community living facility as defined in the  
8 Community Living Facility Act;

9 (2) a long-term care facility as defined in the Nursing  
10 Home Care Act;

11 (3) a home health agency as defined in the Home Health,  
12 Home Services, and Home Nursing Agency Licensing Act;

13 (4) a full hospice as defined in the Hospice Licensing  
14 Act;

15 (5) an establishment licensed under the Assisted  
16 Living and Shared Housing Act;

17 (6) a supportive living facility as defined in the  
18 Illinois Public Aid Code;

19 (7) a day training program certified by the Department  
20 of Human Services;

21 (8) a community integrated living arrangement operated  
22 by a community mental health and developmental service  
23 agency as defined in the Community Integrated Living  
24 Arrangements Licensing and Certification Act; or

25 (9) a long-term care hospital or hospital with swing  
26 beds.

1 (b) Selected health care employers shall be phased in to  
2 participate in the CMMS grant between January 1, 2006 and  
3 January 1, 2007, as prescribed by the Department of Public  
4 Health by rule.

5 (c) With regards to individuals hired on or after January  
6 1, 2006 who have direct access to residents, patients, or  
7 clients of the selected health care employer, selected health  
8 care employers must comply with Section 25 of this Act.

9 "Individuals who have direct access" includes, but is not  
10 limited to, (i) direct care workers as described in subsection  
11 (a) of Section 25; (ii) individuals licensed by the Department  
12 of Financial and Professional Regulation, such as nurses,  
13 social workers, physical therapists, occupational therapists,  
14 and pharmacists; (iii) individuals who provide services on  
15 site, through contract; and (iv) non-direct care workers, such  
16 as those who work in environmental services, food service, and  
17 administration.

18 "Individuals who have direct access" does not include  
19 physicians or volunteers.

20 The Department of Public Health may further define  
21 "individuals who have direct access" by rule.

22 (d) Each applicant seeking employment in a position  
23 described in subsection (c) of this Section with a selected  
24 health care employer shall, as a condition of employment, have  
25 his or her fingerprints submitted to the Department of State  
26 Police in an electronic format that complies with the form and

1 manner for requesting and furnishing criminal history record  
2 information by the Department of State Police and the Federal  
3 Bureau of Investigation criminal history record databases now  
4 and hereafter filed. The Department of State Police shall  
5 forward the fingerprints to the Federal Bureau of Investigation  
6 for a national criminal history records check. The Department  
7 of State Police shall charge a fee for conducting the criminal  
8 history records check, which shall not exceed the actual cost  
9 of the records check and shall be deposited into the State  
10 Police Services Fund. The Department of State Police shall  
11 furnish, pursuant to positive identification, records of  
12 Illinois convictions to the Department of Public Health.

13 (e) A selected health care employer who makes a conditional  
14 offer of employment to an applicant shall:

15 (1) ensure that the applicant has complied with the  
16 fingerprinting requirements of this Section;

17 (2) complete documentation relating to any criminal  
18 history record, as revealed by the applicant, as prescribed  
19 by rule by the Department of Public Health;

20 (3) complete documentation of the applicant's personal  
21 identifiers as prescribed by rule by the Department of  
22 Public Health; and

23 (4) provide supervision, as prescribed by rule by the  
24 licensing agency, if the applicant is hired and allowed to  
25 work prior to the results of the criminal history records  
26 check being obtained.

1 (f) A selected health care employer having actual knowledge  
2 from a source that an individual with direct access to a  
3 resident, patient, or client has been convicted of committing  
4 or attempting to commit one of the offenses enumerated in  
5 Section 25 of this Act shall contact the licensing agency or  
6 follow other instructions as prescribed by administrative  
7 rule.

8 (g) A fingerprint-based criminal history records check  
9 submitted in accordance with subsection (d) of this Section  
10 must be submitted as a fee applicant inquiry in the form and  
11 manner prescribed by the Department of State Police.

12 (h) This Section shall be inapplicable upon the conclusion  
13 of the CMMS grant.

14 (Source: P.A. 94-665, eff. 1-1-06; 94-931, eff. 6-26-06;  
15 revised 10-19-06.)

16 Section 700. The Medical Practice Act of 1987 is amended by  
17 changing Sections 22 and 25 as follows:

18 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

19 (Section scheduled to be repealed on January 1, 2007)

20 Sec. 22. Disciplinary action.

21 (A) The Department may revoke, suspend, place on  
22 probationary status, refuse to renew, or take any other  
23 disciplinary action as the Department may deem proper with  
24 regard to the license or visiting professor permit of any



1 person issued under this Act to practice medicine, or to treat  
2 human ailments without the use of drugs and without operative  
3 surgery upon any of the following grounds:

4 (1) Performance of an elective abortion in any place,  
5 locale, facility, or institution other than:

6 (a) a facility licensed pursuant to the Ambulatory  
7 Surgical Treatment Center Act;

8 (b) an institution licensed under the Hospital  
9 Licensing Act; or

10 (c) an ambulatory surgical treatment center or  
11 hospitalization or care facility maintained by the  
12 State or any agency thereof, where such department or  
13 agency has authority under law to establish and enforce  
14 standards for the ambulatory surgical treatment  
15 centers, hospitalization, or care facilities under its  
16 management and control; or

17 (d) ambulatory surgical treatment centers,  
18 hospitalization or care facilities maintained by the  
19 Federal Government; or

20 (e) ambulatory surgical treatment centers,  
21 hospitalization or care facilities maintained by any  
22 university or college established under the laws of  
23 this State and supported principally by public funds  
24 raised by taxation.

25 (2) Performance of an abortion procedure in a wilful  
26 and wanton manner on a woman who was not pregnant at the

1 time the abortion procedure was performed.

2 (3) The conviction of a felony in this or any other  
3 jurisdiction, except as otherwise provided in subsection B  
4 of this Section, whether or not related to practice under  
5 this Act, or the entry of a guilty or nolo contendere plea  
6 to a felony charge.

7 (4) Gross negligence in practice under this Act.

8 (5) Engaging in dishonorable, unethical or  
9 unprofessional conduct of a character likely to deceive,  
10 defraud or harm the public.

11 (6) Obtaining any fee by fraud, deceit, or  
12 misrepresentation.

13 (7) Habitual or excessive use or abuse of drugs defined  
14 in law as controlled substances, of alcohol, or of any  
15 other substances which results in the inability to practice  
16 with reasonable judgment, skill or safety.

17 (8) Practicing under a false or, except as provided by  
18 law, an assumed name.

19 (9) Fraud or misrepresentation in applying for, or  
20 procuring, a license under this Act or in connection with  
21 applying for renewal of a license under this Act.

22 (10) Making a false or misleading statement regarding  
23 their skill or the efficacy or value of the medicine,  
24 treatment, or remedy prescribed by them at their direction  
25 in the treatment of any disease or other condition of the  
26 body or mind.

1           (11) Allowing another person or organization to use  
2 their license, procured under this Act, to practice.

3           (12) Disciplinary action of another state or  
4 jurisdiction against a license or other authorization to  
5 practice as a medical doctor, doctor of osteopathy, doctor  
6 of osteopathic medicine or doctor of chiropractic, a  
7 certified copy of the record of the action taken by the  
8 other state or jurisdiction being prima facie evidence  
9 thereof.

10          (13) Violation of any provision of this Act or of the  
11 Medical Practice Act prior to the repeal of that Act, or  
12 violation of the rules, or a final administrative action of  
13 the Secretary, after consideration of the recommendation  
14 of the Disciplinary Board.

15          (14) Dividing with anyone other than physicians with  
16 whom the licensee practices in a partnership, Professional  
17 Association, limited liability company, or Medical or  
18 Professional Corporation any fee, commission, rebate or  
19 other form of compensation for any professional services  
20 not actually and personally rendered. Nothing contained in  
21 this subsection prohibits persons holding valid and  
22 current licenses under this Act from practicing medicine in  
23 partnership under a partnership agreement, including a  
24 limited liability partnership, in a limited liability  
25 company under the Limited Liability Company Act, in a  
26 corporation authorized by the Medical Corporation Act, as

1 an association authorized by the Professional Association  
2 Act, or in a corporation under the Professional Corporation  
3 Act or from pooling, sharing, dividing or apportioning the  
4 fees and monies received by them or by the partnership,  
5 corporation or association in accordance with the  
6 partnership agreement or the policies of the Board of  
7 Directors of the corporation or association. Nothing  
8 contained in this subsection prohibits 2 or more  
9 corporations authorized by the Medical Corporation Act,  
10 from forming a partnership or joint venture of such  
11 corporations, and providing medical, surgical and  
12 scientific research and knowledge by employees of these  
13 corporations if such employees are licensed under this Act,  
14 or from pooling, sharing, dividing, or apportioning the  
15 fees and monies received by the partnership or joint  
16 venture in accordance with the partnership or joint venture  
17 agreement. Nothing contained in this subsection shall  
18 abrogate the right of 2 or more persons, holding valid and  
19 current licenses under this Act, to each receive adequate  
20 compensation for concurrently rendering professional  
21 services to a patient and divide a fee; provided, the  
22 patient has full knowledge of the division, and, provided,  
23 that the division is made in proportion to the services  
24 performed and responsibility assumed by each.

25 (15) A finding by the Medical Disciplinary Board that  
26 the registrant after having his or her license placed on

1 probationary status or subjected to conditions or  
2 restrictions violated the terms of the probation or failed  
3 to comply with such terms or conditions.

4 (16) Abandonment of a patient.

5 (17) Prescribing, selling, administering,  
6 distributing, giving or self-administering any drug  
7 classified as a controlled substance (designated product)  
8 or narcotic for other than medically accepted therapeutic  
9 purposes.

10 (18) Promotion of the sale of drugs, devices,  
11 appliances or goods provided for a patient in such manner  
12 as to exploit the patient for financial gain of the  
13 physician.

14 (19) Offering, undertaking or agreeing to cure or treat  
15 disease by a secret method, procedure, treatment or  
16 medicine, or the treating, operating or prescribing for any  
17 human condition by a method, means or procedure which the  
18 licensee refuses to divulge upon demand of the Department.

19 (20) Immoral conduct in the commission of any act  
20 including, but not limited to, commission of an act of  
21 sexual misconduct related to the licensee's practice.

22 (21) Wilfully making or filing false records or reports  
23 in his or her practice as a physician, including, but not  
24 limited to, false records to support claims against the  
25 medical assistance program of the Department of Healthcare  
26 and Family Services (formerly Department of Public Aid)

1 under the Illinois Public Aid Code.

2 (22) Wilful omission to file or record, or wilfully  
3 impeding the filing or recording, or inducing another  
4 person to omit to file or record, medical reports as  
5 required by law, or wilfully failing to report an instance  
6 of suspected abuse or neglect as required by law.

7 (23) Being named as a perpetrator in an indicated  
8 report by the Department of Children and Family Services  
9 under the Abused and Neglected Child Reporting Act, and  
10 upon proof by clear and convincing evidence that the  
11 licensee has caused a child to be an abused child or  
12 neglected child as defined in the Abused and Neglected  
13 Child Reporting Act.

14 (24) Solicitation of professional patronage by any  
15 corporation, agents or persons, or profiting from those  
16 representing themselves to be agents of the licensee.

17 (25) Gross and wilful and continued overcharging for  
18 professional services, including filing false statements  
19 for collection of fees for which services are not rendered,  
20 including, but not limited to, filing such false statements  
21 for collection of monies for services not rendered from the  
22 medical assistance program of the Department of Healthcare  
23 and Family Services (formerly Department of Public Aid)  
24 under the Illinois Public Aid Code.

25 (26) A pattern of practice or other behavior which  
26 demonstrates incapacity or incompetence to practice under

1           this Act.

2           (27) Mental illness or disability which results in the  
3           inability to practice under this Act with reasonable  
4           judgment, skill or safety.

5           (28) Physical illness, including, but not limited to,  
6           deterioration through the aging process, or loss of motor  
7           skill which results in a physician's inability to practice  
8           under this Act with reasonable judgment, skill or safety.

9           (29) Cheating on or attempt to subvert the licensing  
10          examinations administered under this Act.

11          (30) Wilfully or negligently violating the  
12          confidentiality between physician and patient except as  
13          required by law.

14          (31) The use of any false, fraudulent, or deceptive  
15          statement in any document connected with practice under  
16          this Act.

17          (32) Aiding and abetting an individual not licensed  
18          under this Act in the practice of a profession licensed  
19          under this Act.

20          (33) Violating state or federal laws or regulations  
21          relating to controlled substances, legend drugs, or  
22          ephedra, as defined in the Ephedra Prohibition Act.

23          (34) Failure to report to the Department any adverse  
24          final action taken against them by another licensing  
25          jurisdiction (any other state or any territory of the  
26          United States or any foreign state or country), by any peer

1 review body, by any health care institution, by any  
2 professional society or association related to practice  
3 under this Act, by any governmental agency, by any law  
4 enforcement agency, or by any court for acts or conduct  
5 similar to acts or conduct which would constitute grounds  
6 for action as defined in this Section.

7 (35) Failure to report to the Department surrender of a  
8 license or authorization to practice as a medical doctor, a  
9 doctor of osteopathy, a doctor of osteopathic medicine, or  
10 doctor of chiropractic in another state or jurisdiction, or  
11 surrender of membership on any medical staff or in any  
12 medical or professional association or society, while  
13 under disciplinary investigation by any of those  
14 authorities or bodies, for acts or conduct similar to acts  
15 or conduct which would constitute grounds for action as  
16 defined in this Section.

17 (36) Failure to report to the Department any adverse  
18 judgment, settlement, or award arising from a liability  
19 claim related to acts or conduct similar to acts or conduct  
20 which would constitute grounds for action as defined in  
21 this Section.

22 (37) Failure to transfer copies of medical records as  
23 required by law.

24 (38) Failure to furnish the Department, its  
25 investigators or representatives, relevant information,  
26 legally requested by the Department after consultation



1 with the Chief Medical Coordinator or the Deputy Medical  
2 Coordinator.

3 (39) Violating the Health Care Worker Self-Referral  
4 Act.

5 (40) Willful failure to provide notice when notice is  
6 required under the Parental Notice of Abortion Act of 1995.

7 (41) Failure to establish and maintain records of  
8 patient care and treatment as required by this law.

9 (42) Entering into an excessive number of written  
10 collaborative agreements with licensed advanced practice  
11 nurses resulting in an inability to adequately collaborate  
12 and provide medical direction.

13 (43) Repeated failure to adequately collaborate with  
14 or provide medical direction to a licensed advanced  
15 practice nurse.

16 Except for actions involving the ground numbered (26), all  
17 proceedings to suspend, revoke, place on probationary status,  
18 or take any other disciplinary action as the Department may  
19 deem proper, with regard to a license on any of the foregoing  
20 grounds, must be commenced within 5 years next after receipt by  
21 the Department of a complaint alleging the commission of or  
22 notice of the conviction order for any of the acts described  
23 herein. Except for the grounds numbered (8), (9), (26), and  
24 (29), no action shall be commenced more than 10 years after the  
25 date of the incident or act alleged to have violated this  
26 Section. For actions involving the ground numbered (26), a

1 pattern of practice or other behavior includes all incidents  
2 alleged to be part of the pattern of practice or other behavior  
3 that occurred or a report pursuant to Section 23 of this Act  
4 received within the 10-year period preceding the filing of the  
5 complaint. In the event of the settlement of any claim or cause  
6 of action in favor of the claimant or the reduction to final  
7 judgment of any civil action in favor of the plaintiff, such  
8 claim, cause of action or civil action being grounded on the  
9 allegation that a person licensed under this Act was negligent  
10 in providing care, the Department shall have an additional  
11 period of 2 years from the date of notification to the  
12 Department under Section 23 of this Act of such settlement or  
13 final judgment in which to investigate and commence formal  
14 disciplinary proceedings under Section 36 of this Act, except  
15 as otherwise provided by law. The time during which the holder  
16 of the license was outside the State of Illinois shall not be  
17 included within any period of time limiting the commencement of  
18 disciplinary action by the Department.

19 The entry of an order or judgment by any circuit court  
20 establishing that any person holding a license under this Act  
21 is a person in need of mental treatment operates as a  
22 suspension of that license. That person may resume their  
23 practice only upon the entry of a Departmental order based upon  
24 a finding by the Medical Disciplinary Board that they have been  
25 determined to be recovered from mental illness by the court and  
26 upon the Disciplinary Board's recommendation that they be

1 permitted to resume their practice.

2 The Department may refuse to issue or take disciplinary  
3 action concerning the license of any person who fails to file a  
4 return, or to pay the tax, penalty or interest shown in a filed  
5 return, or to pay any final assessment of tax, penalty or  
6 interest, as required by any tax Act administered by the  
7 Illinois Department of Revenue, until such time as the  
8 requirements of any such tax Act are satisfied as determined by  
9 the Illinois Department of Revenue.

10 The Department, upon the recommendation of the  
11 Disciplinary Board, shall adopt rules which set forth standards  
12 to be used in determining:

13 (a) when a person will be deemed sufficiently  
14 rehabilitated to warrant the public trust;

15 (b) what constitutes dishonorable, unethical or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud, or harm the public;

18 (c) what constitutes immoral conduct in the commission  
19 of any act, including, but not limited to, commission of an  
20 act of sexual misconduct related to the licensee's  
21 practice; and

22 (d) what constitutes gross negligence in the practice  
23 of medicine.

24 However, no such rule shall be admissible into evidence in  
25 any civil action except for review of a licensing or other  
26 disciplinary action under this Act.

1           In enforcing this Section, the Medical Disciplinary Board,  
2 upon a showing of a possible violation, may compel any  
3 individual licensed to practice under this Act, or who has  
4 applied for licensure or a permit pursuant to this Act, to  
5 submit to a mental or physical examination, or both, as  
6 required by and at the expense of the Department. The examining  
7 physician or physicians shall be those specifically designated  
8 by the Disciplinary Board. The Medical Disciplinary Board or  
9 the Department may order the examining physician to present  
10 testimony concerning this mental or physical examination of the  
11 licensee or applicant. No information shall be excluded by  
12 reason of any common law or statutory privilege relating to  
13 communication between the licensee or applicant and the  
14 examining physician. The individual to be examined may have, at  
15 his or her own expense, another physician of his or her choice  
16 present during all aspects of the examination. Failure of any  
17 individual to submit to mental or physical examination, when  
18 directed, shall be grounds for suspension of his or her license  
19 until such time as the individual submits to the examination if  
20 the Disciplinary Board finds, after notice and hearing, that  
21 the refusal to submit to the examination was without reasonable  
22 cause. If the Disciplinary Board finds a physician unable to  
23 practice because of the reasons set forth in this Section, the  
24 Disciplinary Board shall require such physician to submit to  
25 care, counseling, or treatment by physicians approved or  
26 designated by the Disciplinary Board, as a condition for

1 continued, reinstated, or renewed licensure to practice. Any  
2 physician, whose license was granted pursuant to Sections 9,  
3 17, or 19 of this Act, or, continued, reinstated, renewed,  
4 disciplined or supervised, subject to such terms, conditions or  
5 restrictions who shall fail to comply with such terms,  
6 conditions or restrictions, or to complete a required program  
7 of care, counseling, or treatment, as determined by the Chief  
8 Medical Coordinator or Deputy Medical Coordinators, shall be  
9 referred to the Secretary for a determination as to whether the  
10 licensee shall have their license suspended immediately,  
11 pending a hearing by the Disciplinary Board. In instances in  
12 which the Secretary immediately suspends a license under this  
13 Section, a hearing upon such person's license must be convened  
14 by the Disciplinary Board within 15 days after such suspension  
15 and completed without appreciable delay. The Disciplinary  
16 Board shall have the authority to review the subject  
17 physician's record of treatment and counseling regarding the  
18 impairment, to the extent permitted by applicable federal  
19 statutes and regulations safeguarding the confidentiality of  
20 medical records.

21 An individual licensed under this Act, affected under this  
22 Section, shall be afforded an opportunity to demonstrate to the  
23 Disciplinary Board that they can resume practice in compliance  
24 with acceptable and prevailing standards under the provisions  
25 of their license.

26 The Department may promulgate rules for the imposition of

1 fines in disciplinary cases, not to exceed \$10,000 for each  
2 violation of this Act. Fines may be imposed in conjunction with  
3 other forms of disciplinary action, but shall not be the  
4 exclusive disposition of any disciplinary action arising out of  
5 conduct resulting in death or injury to a patient. Any funds  
6 collected from such fines shall be deposited in the Medical  
7 Disciplinary Fund.

8 (B) The Department shall revoke the license or visiting  
9 permit of any person issued under this Act to practice medicine  
10 or to treat human ailments without the use of drugs and without  
11 operative surgery, who has been convicted a second time of  
12 committing any felony under the Illinois Controlled Substances  
13 Act or the Methamphetamine Control and Community Protection  
14 Act, or who has been convicted a second time of committing a  
15 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois  
16 Public Aid Code. A person whose license or visiting permit is  
17 revoked under this subsection B of Section 22 of this Act shall  
18 be prohibited from practicing medicine or treating human  
19 ailments without the use of drugs and without operative  
20 surgery.

21 (C) The Medical Disciplinary Board shall recommend to the  
22 Department civil penalties and any other appropriate  
23 discipline in disciplinary cases when the Board finds that a  
24 physician willfully performed an abortion with actual  
25 knowledge that the person upon whom the abortion has been  
26 performed is a minor or an incompetent person without notice as

1 required under the Parental Notice of Abortion Act of 1995.  
2 Upon the Board's recommendation, the Department shall impose,  
3 for the first violation, a civil penalty of \$1,000 and for a  
4 second or subsequent violation, a civil penalty of \$5,000.  
5 (Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05;  
6 revised 12-15-05.)

7 (225 ILCS 60/25) (from Ch. 111, par. 4400-25)

8 (Section scheduled to be repealed on January 1, 2007)

9 Sec. 25. The Director of the Department may, upon receipt  
10 of a written communication from the Secretary of Human  
11 Services, the Director of Healthcare and Family Services  
12 (formerly Director of Public Aid), or the Director of Public  
13 Health that continuation of practice of a person licensed under  
14 this Act constitutes an immediate danger to the public, and  
15 after consultation with the Chief Medical Coordinator or Deputy  
16 Medical Coordinator, immediately suspend the license of such  
17 person without a hearing. In instances in which the Director  
18 immediately suspends a license under this Section, a hearing  
19 upon such person's license must be convened by the Disciplinary  
20 Board within 15 days after such suspension and completed  
21 without appreciable delay. Such hearing is to be held to  
22 determine whether to recommend to the Director that the  
23 person's license be revoked, suspended, placed on probationary  
24 status or reinstated, or whether such person should be subject  
25 to other disciplinary action. In the hearing, the written

1 communication and any other evidence submitted therewith may be  
2 introduced as evidence against such person; provided however,  
3 the person, or their counsel, shall have the opportunity to  
4 discredit, impeach and submit evidence rebutting such  
5 evidence.

6 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

7 Section 705. The Naprapathic Practice Act is amended by  
8 changing Section 110 as follows:

9 (225 ILCS 63/110)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 110. Grounds for disciplinary action; refusal,  
12 revocation, suspension.

13 (a) The Department may refuse to issue or to renew, or may  
14 revoke, suspend, place on probation, reprimand or take other  
15 disciplinary action as the Department may deem proper,  
16 including fines not to exceed \$5,000 for each violation, with  
17 regard to any licensee or license for any one or combination of  
18 the following causes:

19 (1) Violations of this Act or its rules.

20 (2) Material misstatement in furnishing information to  
21 the Department.

22 (3) Conviction of any crime under the laws of any U.S.  
23 jurisdiction that is (i) a felony, (ii) a misdemeanor, an  
24 essential element of which is dishonesty, or (iii) directly



1 related to the practice of the profession.

2 (4) Making any misrepresentation for the purpose of  
3 obtaining a license.

4 (5) Professional incompetence or gross negligence.

5 (6) Gross malpractice.

6 (7) Aiding or assisting another person in violating any  
7 provision of this Act or its rules.

8 (8) Failing to provide information within 60 days in  
9 response to a written request made by the Department.

10 (9) Engaging in dishonorable, unethical, or  
11 unprofessional conduct of a character likely to deceive,  
12 defraud, or harm the public.

13 (10) Habitual or excessive use or addiction to alcohol,  
14 narcotics, stimulants, or any other chemical agent or drug  
15 that results in the inability to practice with reasonable  
16 judgment, skill, or safety.

17 (11) Discipline by another U.S. jurisdiction or  
18 foreign nation if at least one of the grounds for the  
19 discipline is the same or substantially equivalent to those  
20 set forth in this Act.

21 (12) Directly or indirectly giving to or receiving from  
22 any person, firm, corporation, partnership, or association  
23 any fee, commission, rebate, or other form of compensation  
24 for any professional services not actually or personally  
25 rendered. This shall not be deemed to include rent or other  
26 remunerations paid to an individual, partnership, or

1 corporation by a naprapath for the lease, rental, or use of  
2 space, owned or controlled by the individual, partnership,  
3 corporation or association.

4 (13) Using the title "Doctor" or its abbreviation  
5 without further clarifying that title or abbreviation with  
6 the word "naprapath" or "naprapathy" or the designation  
7 "D.N.".

8 (14) A finding by the Department that the licensee,  
9 after having his or her license placed on probationary  
10 status, has violated the terms of probation.

11 (15) Abandonment of a patient without cause.

12 (16) Willfully making or filing false records or  
13 reports relating to a licensee's practice, including but  
14 not limited to, false records filed with State agencies or  
15 departments.

16 (17) Willfully failing to report an instance of  
17 suspected child abuse or neglect as required by the Abused  
18 and Neglected Child Reporting Act.

19 (18) Physical illness, including but not limited to,  
20 deterioration through the aging process or loss of motor  
21 skill that results in the inability to practice the  
22 profession with reasonable judgment, skill, or safety.

23 (19) Solicitation of professional services by means  
24 other than permitted advertising.

25 (20) Failure to provide a patient with a copy of his or  
26 her record upon the written request of the patient.

1           (21) Conviction by any court of competent  
2 jurisdiction, either within or without this State, of any  
3 violation of any law governing the practice of naprapathy,  
4 conviction in this or another state of any crime which is a  
5 felony under the laws of this State or conviction of a  
6 felony in a federal court, if the Department determines,  
7 after investigation, that the person has not been  
8 sufficiently rehabilitated to warrant the public trust.

9           (22) A finding that licensure has been applied for or  
10 obtained by fraudulent means.

11           (23) Continued practice by a person knowingly having an  
12 infectious or contagious disease.

13           (24) Being named as a perpetrator in an indicated  
14 report by the Department of Children and Family Services  
15 under the Abused and Neglected Child Reporting Act and upon  
16 proof by clear and convincing evidence that the licensee  
17 has caused a child to be an abused child or a neglected  
18 child as defined in the Abused and Neglected Child  
19 Reporting Act.

20           (25) Practicing or attempting to practice under a name  
21 other than the full name shown on the license.

22           (26) Immoral conduct in the commission of any act, such  
23 as sexual abuse, sexual misconduct, or sexual  
24 exploitation, related to the licensee's practice.

25           (27) Maintaining a professional relationship with any  
26 person, firm, or corporation when the naprapath knows, or

1 should know, that the person, firm, or corporation is  
2 violating this Act.

3 (28) Promotion of the sale of food supplements,  
4 devices, appliances, or goods provided for a client or  
5 patient in such manner as to exploit the patient or client  
6 for financial gain of the licensee.

7 (29) Having treated ailments of human beings other than  
8 by the practice of naprapathy as defined in this Act, or  
9 having treated ailments of human beings as a licensed  
10 naprapath independent of a documented referral or  
11 documented current and relevant diagnosis from a  
12 physician, dentist, or podiatrist, or having failed to  
13 notify the physician, dentist, or podiatrist who  
14 established a documented current and relevant diagnosis  
15 that the patient is receiving naprapathic treatment  
16 pursuant to that diagnosis.

17 (30) Use by a registered naprapath of the word  
18 "infirmary", "hospital", "school", "university", in  
19 English or any other language, in connection with the place  
20 where naprapathy may be practiced or demonstrated.

21 (31) Continuance of a naprapath in the employ of any  
22 person, firm, or corporation, or as an assistant to any  
23 naprapath or naprapaths, directly or indirectly, after his  
24 or her employer or superior has been found guilty of  
25 violating or has been enjoined from violating the laws of  
26 the State of Illinois relating to the practice of

1           naprapathy when the employer or superior persists in that  
2           violation.

3           (32) The performance of naprapathic service in  
4           conjunction with a scheme or plan with another person,  
5           firm, or corporation known to be advertising in a manner  
6           contrary to this Act or otherwise violating the laws of the  
7           State of Illinois concerning the practice of naprapathy.

8           (33) Failure to provide satisfactory proof of having  
9           participated in approved continuing education programs as  
10          determined by the Committee and approved by the Director.  
11          Exceptions for extreme hardships are to be defined by the  
12          rules of the Department.

13          (34) Willfully making or filing false records or  
14          reports in the practice of naprapathy, including, but not  
15          limited to, false records to support claims against the  
16          medical assistance program of the Department of Healthcare  
17          and Family Services (formerly Department of Public Aid)  
18          under the Illinois Public Aid Code.

19          (35) Gross or willful overcharging for professional  
20          services including filing false statements for collection  
21          of fees for which services are not rendered, including, but  
22          not limited to, filing false statements for collection of  
23          monies for services not rendered from the medical  
24          assistance program of the Department of Healthcare and  
25          Family Services (formerly Department of Public Aid) under  
26          the Illinois Public Aid Code.

1           (36) Mental illness, including, but not limited to,  
2           deterioration through the aging process or loss of motor  
3           skill that results in the inability to practice the  
4           profession with reasonable judgment, skill, or safety.

5           The Department may refuse to issue or may suspend the  
6           license of any person who fails to (i) file a return or to pay  
7           the tax, penalty or interest shown in a filed return or (ii)  
8           pay any final assessment of the tax, penalty, or interest as  
9           required by any tax Act administered by the Illinois Department  
10          of Revenue, until the time that the requirements of that tax  
11          Act are satisfied.

12          (b) The determination by a circuit court that a licensee is  
13          subject to involuntary admission or judicial admission as  
14          provided in the Mental Health and Developmental Disabilities  
15          Code operates as an automatic suspension. The suspension will  
16          end only upon a finding by a court that the patient is no  
17          longer subject to involuntary admission or judicial admission,  
18          the issuance of an order so finding and discharging the  
19          patient, and the recommendation of the Committee to the  
20          Director that the licensee be allowed to resume his or her  
21          practice.

22          (c) In enforcing this Section, the Department, upon a  
23          showing of a possible violation, may compel any person licensed  
24          to practice under this Act or who has applied for licensure or  
25          certification pursuant to this Act to submit to a mental or  
26          physical examination, or both, as required by and at the

1 expense of the Department. The examining physicians shall be  
2 those specifically designated by the Department. The  
3 Department may order the examining physician to present  
4 testimony concerning this mental or physical examination of the  
5 licensee or applicant. No information shall be excluded by  
6 reason of any common law or statutory privilege relating to  
7 communications between the licensee or applicant and the  
8 examining physician. The person to be examined may have, at his  
9 or her own expense, another physician of his or her choice  
10 present during all aspects of the examination. Failure of any  
11 person to submit to a mental or physical examination, when  
12 directed, shall be grounds for suspension of a license until  
13 the person submits to the examination if the Department finds,  
14 after notice and hearing, that the refusal to submit to the  
15 examination was without reasonable cause.

16 If the Department finds an individual unable to practice  
17 because of the reasons set forth in this Section, the  
18 Department may require that individual to submit to care,  
19 counseling, or treatment by physicians approved or designated  
20 by the Department, as a condition, term, or restriction for  
21 continued, reinstated, or renewed licensure to practice or, in  
22 lieu of care, counseling, or treatment, the Department may file  
23 a complaint to immediately suspend, revoke, or otherwise  
24 discipline the license of the individual.

25 Any person whose license was granted, continued,  
26 reinstated, renewed, disciplined, or supervised subject to

1 such terms, conditions, or restrictions and who fails to comply  
2 with such terms, conditions, or restrictions shall be referred  
3 to the Director for a determination as to whether the person  
4 shall have his or her license suspended immediately, pending a  
5 hearing by the Department.

6 In instances in which the Director immediately suspends a  
7 person's license under this Section, a hearing on that person's  
8 license must be convened by the Department within 15 days after  
9 the suspension and completed without appreciable delay. The  
10 Department shall have the authority to review the subject  
11 person's record of treatment and counseling regarding the  
12 impairment, to the extent permitted by applicable federal  
13 statutes and regulations safeguarding the confidentiality of  
14 medical records.

15 A person licensed under this Act and affected under this  
16 Section shall be afforded an opportunity to demonstrate to the  
17 Department that he or she can resume practice in compliance  
18 with acceptable and prevailing standards under the provisions  
19 of his or her license.

20 (Source: P.A. 92-655, eff. 7-16-02; revised 12-15-05.)

21 Section 710. The Nursing and Advanced Practice Nursing Act  
22 is amended by changing Sections 10-45, 20-40, and 20-55 as  
23 follows:

24 (225 ILCS 65/10-45)



1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 10-45. Grounds for disciplinary action.

3 (a) The Department may, upon recommendation of the Board,  
4 refuse to issue or to renew, or may revoke, suspend, place on  
5 probation, reprimand, or take other disciplinary action as the  
6 Department may deem appropriate with regard to a license for  
7 any one or combination of the causes set forth in subsection  
8 (b) below. Fines up to \$2,500 may be imposed in conjunction  
9 with other forms of disciplinary action for those violations  
10 that result in monetary gain for the licensee. Fines shall not  
11 be the exclusive disposition of any disciplinary action arising  
12 out of conduct resulting in death or injury to a patient. Fines  
13 shall not be assessed in disciplinary actions involving mental  
14 or physical illness or impairment. All fines collected under  
15 this Section shall be deposited in the Nursing Dedicated and  
16 Professional Fund.

17 (b) Grounds for disciplinary action include the following:

18 (1) Material deception in furnishing information to  
19 the Department.

20 (2) Material violations of any provision of this Act or  
21 violation of the rules of or final administrative action of  
22 the Director, after consideration of the recommendation of  
23 the Board.

24 (3) Conviction of any crime under the laws of any  
25 jurisdiction of the United States: (i) which is a felony;  
26 or (ii) which is a misdemeanor, an essential element of

1           which is dishonesty, or (iii) of any crime which is  
2           directly related to the practice of the profession.

3           (4) A pattern of practice or other behavior which  
4           demonstrates incapacity or incompetency to practice under  
5           this Act.

6           (5) Knowingly aiding or assisting another person in  
7           violating any provision of this Act or rules.

8           (6) Failing, within 90 days, to provide a response to a  
9           request for information in response to a written request  
10          made by the Department by certified mail.

11          (7) Engaging in dishonorable, unethical or  
12          unprofessional conduct of a character likely to deceive,  
13          defraud or harm the public, as defined by rule.

14          (8) Unlawful sale or distribution of any drug,  
15          narcotic, or prescription device, or unlawful conversion  
16          of any drug, narcotic or prescription device.

17          (9) Habitual or excessive use or addiction to alcohol,  
18          narcotics, stimulants, or any other chemical agent or drug  
19          which results in a licensee's inability to practice with  
20          reasonable judgment, skill or safety.

21          (10) Discipline by another U.S. jurisdiction or  
22          foreign nation, if at least one of the grounds for the  
23          discipline is the same or substantially equivalent to those  
24          set forth in this Section.

25          (11) A finding that the licensee, after having her or  
26          his license placed on probationary status, has violated the

1 terms of probation.

2 (12) Being named as a perpetrator in an indicated  
3 report by the Department of Children and Family Services  
4 and under the Abused and Neglected Child Reporting Act, and  
5 upon proof by clear and convincing evidence that the  
6 licensee has caused a child to be an abused child or  
7 neglected child as defined in the Abused and Neglected  
8 Child Reporting Act.

9 (13) Willful omission to file or record, or willfully  
10 impeding the filing or recording or inducing another person  
11 to omit to file or record medical reports as required by  
12 law or willfully failing to report an instance of suspected  
13 child abuse or neglect as required by the Abused and  
14 Neglected Child Reporting Act.

15 (14) Gross negligence in the practice of nursing.

16 (15) Holding oneself out to be practicing nursing under  
17 any name other than one's own.

18 (16) Fraud, deceit or misrepresentation in applying  
19 for or procuring a license under this Act or in connection  
20 with applying for renewal of a license under this Act.

21 (17) Allowing another person or organization to use the  
22 licensees' license to deceive the public.

23 (18) Willfully making or filing false records or  
24 reports in the licensee's practice, including but not  
25 limited to false records to support claims against the  
26 medical assistance program of the Department of Healthcare

1       and Family Services (formerly Department of Public Aid)  
2       under the Illinois Public Aid Code.

3           (19) Attempting to subvert or cheat on a nurse  
4       licensing examination administered under this Act.

5           (20) Immoral conduct in the commission of an act, such  
6       as sexual abuse, sexual misconduct, or sexual  
7       exploitation, related to the licensee's practice.

8           (21) Willfully or negligently violating the  
9       confidentiality between nurse and patient except as  
10      required by law.

11          (22) Practicing under a false or assumed name, except  
12      as provided by law.

13          (23) The use of any false, fraudulent, or deceptive  
14      statement in any document connected with the licensee's  
15      practice.

16          (24) Directly or indirectly giving to or receiving from  
17      a person, firm, corporation, partnership, or association a  
18      fee, commission, rebate, or other form of compensation for  
19      professional services not actually or personally rendered.

20          (25) Failure of a licensee to report to the Department  
21      any adverse final action taken against such licensee by  
22      another licensing jurisdiction (any other jurisdiction of  
23      the United States or any foreign state or country), by any  
24      peer review body, by any health care institution, by any  
25      professional or nursing society or association, by any  
26      governmental agency, by any law enforcement agency, or by

1 any court or a nursing liability claim related to acts or  
2 conduct similar to acts or conduct that would constitute  
3 grounds for action as defined in this Section.

4 (26) Failure of a licensee to report to the Department  
5 surrender by the licensee of a license or authorization to  
6 practice nursing in another state or jurisdiction, or  
7 current surrender by the licensee of membership on any  
8 nursing staff or in any nursing or professional association  
9 or society while under disciplinary investigation by any of  
10 those authorities or bodies for acts or conduct similar to  
11 acts or conduct that would constitute grounds for action as  
12 defined by this Section.

13 (27) A violation of the Health Care Worker  
14 Self-Referral Act.

15 (28) Physical illness, including but not limited to  
16 deterioration through the aging process or loss of motor  
17 skill, mental illness, or disability that results in the  
18 inability to practice the profession with reasonable  
19 judgment, skill, or safety.

20 (c) The determination by a circuit court that a licensee is  
21 subject to involuntary admission or judicial admission as  
22 provided in the Mental Health and Developmental Disabilities  
23 Code, as amended, operates as an automatic suspension. The  
24 suspension will end only upon a finding by a court that the  
25 patient is no longer subject to involuntary admission or  
26 judicial admission and issues an order so finding and

1 discharging the patient; and upon the recommendation of the  
2 Board to the Director that the licensee be allowed to resume  
3 his or her practice.

4 (d) The Department may refuse to issue or may suspend the  
5 license of any person who fails to file a return, or to pay the  
6 tax, penalty or interest shown in a filed return, or to pay any  
7 final assessment of the tax, penalty, or interest as required  
8 by any tax Act administered by the Illinois Department of  
9 Revenue, until such time as the requirements of any such tax  
10 Act are satisfied.

11 (e) In enforcing this Section, the Department or Board upon  
12 a showing of a possible violation may compel an individual  
13 licensed to practice under this Act, or who has applied for  
14 licensure under this Act, to submit to a mental or physical  
15 examination, or both, as required by and at the expense of the  
16 Department. The Department or Board may order the examining  
17 physician to present testimony concerning the mental or  
18 physical examination of the licensee or applicant. No  
19 information shall be excluded by reason of any common law or  
20 statutory privilege relating to communications between the  
21 licensee or applicant and the examining physician. The  
22 examining physicians shall be specifically designated by the  
23 Board or Department. The individual to be examined may have, at  
24 his or her own expense, another physician of his or her choice  
25 present during all aspects of this examination. Failure of an  
26 individual to submit to a mental or physical examination, when

1 directed, shall be grounds for suspension of his or her license  
2 until the individual submits to the examination if the  
3 Department finds, after notice and hearing, that the refusal to  
4 submit to the examination was without reasonable cause.

5 If the Department or Board finds an individual unable to  
6 practice because of the reasons set forth in this Section, the  
7 Department or Board may require that individual to submit to  
8 care, counseling, or treatment by physicians approved or  
9 designated by the Department or Board, as a condition, term, or  
10 restriction for continued, reinstated, or renewed licensure to  
11 practice; or, in lieu of care, counseling, or treatment, the  
12 Department may file, or the Board may recommend to the  
13 Department to file, a complaint to immediately suspend, revoke,  
14 or otherwise discipline the license of the individual. An  
15 individual whose license was granted, continued, reinstated,  
16 renewed, disciplined or supervised subject to such terms,  
17 conditions, or restrictions, and who fails to comply with such  
18 terms, conditions, or restrictions, shall be referred to the  
19 Director for a determination as to whether the individual shall  
20 have his or her license suspended immediately, pending a  
21 hearing by the Department.

22 In instances in which the Director immediately suspends a  
23 person's license under this Section, a hearing on that person's  
24 license must be convened by the Department within 15 days after  
25 the suspension and completed without appreciable delay. The  
26 Department and Board shall have the authority to review the

1 subject individual's record of treatment and counseling  
2 regarding the impairment to the extent permitted by applicable  
3 federal statutes and regulations safeguarding the  
4 confidentiality of medical records.

5 An individual licensed under this Act and affected under  
6 this Section shall be afforded an opportunity to demonstrate to  
7 the Department or Board that he or she can resume practice in  
8 compliance with acceptable and prevailing standards under the  
9 provisions of his or her license.

10 (Source: P.A. 90-742, eff. 8-13-98; revised 12-15-05.)

11 (225 ILCS 65/20-40)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 20-40. Fund. There is hereby created within the State  
14 Treasury the Nursing Dedicated and Professional Fund. The  
15 monies in the Fund may be used by and at the direction of the  
16 Department for the administration and enforcement of this Act,  
17 including but not limited to:

18 (a) Distribution and publication of the Nursing and  
19 Advanced Practice Nursing Act and the rules at the time of  
20 renewal to all persons licensed by the Department under  
21 this Act.

22 (b) Employment of secretarial, nursing,  
23 administrative, enforcement, and other staff for the  
24 administration of this Act.

25 (c) Conducting a survey, as prescribed by rule of the



1 Department, once every 4 years during the license renewal  
2 period.

3 (d) Conducting of training seminars for licensees  
4 under this Act relating to the obligations,  
5 responsibilities, enforcement and other provisions of the  
6 Act and its rules.

7 (e) Disposition of Fees:

8 (i) (Blank).

9 (ii) All of the fees and fines collected pursuant  
10 to this Act shall be deposited in the Nursing Dedicated  
11 and Professional Fund.

12 (iii) For the fiscal year beginning July 1, 1988,  
13 the moneys deposited in the Nursing Dedicated and  
14 Professional Fund shall be appropriated to the  
15 Department for expenses of the Department and the Board  
16 in the administration of this Act. All earnings  
17 received from investment of moneys in the Nursing  
18 Dedicated and Professional Fund shall be deposited in  
19 the Nursing Dedicated and Professional Fund and shall  
20 be used for the same purposes as fees deposited in the  
21 Fund.

22 (iv) For the fiscal year beginning July 1, 2004 and  
23 for each fiscal year thereafter, \$1,200,000 of the  
24 moneys deposited in the Nursing Dedicated and  
25 Professional Fund each year shall be set aside and  
26 appropriated to the Illinois Department of Public

1 Health for nursing scholarships awarded pursuant to  
2 the Nursing Education Scholarship Law. Representatives  
3 of the Department and the Nursing Education  
4 Scholarship Program Advisory Council shall review this  
5 requirement and the scholarship awards every 2 years.

6 (v) Moneys in the Fund may be transferred to the  
7 Professions Indirect Cost Fund as authorized under  
8 Section 2105-300 of the Department of Professional  
9 Regulation Law (20 ILCS 2105/2105-300).

10 (f) Moneys set aside for nursing scholarships awarded  
11 pursuant to the Nursing Education Scholarship Law as  
12 provided in item (iv) of subsection (e) of this Section may  
13 not be transferred under Section 8h of the State Finance  
14 Act.

15 (Source: P.A. 92-46, eff. 7-1-01; 93-806, eff. 7-24-04;  
16 93-1054, eff. 11-18-04; revised 12-1-04.)

17 (225 ILCS 65/20-55)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 20-55. Suspension for imminent danger. The Director of  
20 the Department may, upon receipt of a written communication  
21 from the Secretary of Human Services, the Director of  
22 Healthcare and Family Services (formerly Director of Public  
23 Aid), or the Director of Public Health that continuation of  
24 practice of a person licensed under this Act constitutes an  
25 immediate danger to the public, immediately suspend the license

1 of such person without a hearing. In instances in which the  
2 Director immediately suspends a license under this Section, a  
3 hearing upon such person's license must be convened by the  
4 Department within 30 days after such suspension and completed  
5 without appreciable delay, such hearing held to determine  
6 whether to recommend to the Director that the person's license  
7 be revoked, suspended, placed on probationary status or  
8 reinstated, or such person be subject to other disciplinary  
9 action. In such hearing, the written communication and any  
10 other evidence submitted therewith may be introduced as  
11 evidence against such person; provided, however, the person, or  
12 his or her counsel, shall have the opportunity to discredit or  
13 impeach and submit evidence rebutting such evidence.

14 (Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97;  
15 90-742, eff. 8-13-98; revised 12-15-05.)

16 Section 715. The Mail Order Contact Lens Act is amended by  
17 changing Section 20 as follows:

18 (225 ILCS 83/20)

19 Sec. 20. Nonresident mail-order ophthalmic ~~ophthalmic~~  
20 provider registration.

21 (a) The Department shall require and provide for an annual  
22 registration for all mail-order ophthalmic providers located  
23 outside of this State, including those providing services via  
24 the Internet, that dispense contact lenses to Illinois

1 residents. A mail-order ophthalmic provider's registration  
2 shall be granted by the Department upon the disclosure and  
3 certification by a mail-order ophthalmic provider of all of the  
4 following:

5 (1) That it is licensed or registered to distribute  
6 contact lenses in the state in which the dispensing  
7 facility is located and from which the contact lenses are  
8 dispensed, if required.

9 (2) The location, names, and titles of all principal  
10 corporate officers and the person who is responsible for  
11 overseeing the dispensing of contact lenses to residents of  
12 this State.

13 (3) That it complies with all lawful directions and  
14 appropriate requests for information from the appropriate  
15 agency of each state in which it is licensed or registered.

16 (4) That it will respond directly to all communications  
17 from the Department concerning emergency circumstances  
18 arising from the dispensing of contact lenses to residents  
19 of this State.

20 (5) That it maintains its records of contact lenses  
21 dispensed to residents of this State so that the records  
22 are readily retrievable.

23 (6) That it cooperates with the Department in providing  
24 information to the appropriate agency of the state in which  
25 it is licensed or registered concerning matters related to  
26 the dispensing of contact lenses to residents of this

1 State.

2 (7) That it conducts business in a manner that conforms  
3 with Section 10 of this Act.

4 (8) That it provides a toll-free telephone service for  
5 responding to patient questions and complaints during its  
6 regular hours of operation. The toll-free number shall be  
7 included in literature provided with mailed contact  
8 lenses. All questions relating to eye care for the lenses  
9 prescribed shall be referred back to the contact lens  
10 prescriber.

11 (9) That it provides the following or a substantially  
12 equivalent written notification to the patient whenever  
13 contact lenses are supplied: WARNING: IF YOU ARE HAVING ANY  
14 OF THE FOLLOWING SYMPTOMS REMOVE YOUR LENSES IMMEDIATELY  
15 AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR  
16 LENSES AGAIN: UNEXPLAINED EYE DISCOMFORT, WATERING, VISION  
17 CHANGE, OR REDNESS.

18 (b) The Department shall provide a copy of this Act and its  
19 rules, and the Illinois Optometric Practice Act of 1987 and its  
20 rules, with each application for registration.

21 (Source: P.A. 91-421, eff. 1-1-00; revised 10-13-05.)

22 Section 720. The Pharmacy Practice Act of 1987 is amended  
23 by changing Sections 30 and 33 as follows:

24 (225 ILCS 85/30) (from Ch. 111, par. 4150)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 30. (a) In accordance with Section 11 of this Act, the  
3 Department may refuse to issue, restore, or renew, or may  
4 revoke, suspend, place on probation, reprimand or take other  
5 disciplinary action as the Department may deem proper with  
6 regard to any license or certificate of registration for any  
7 one or combination of the following causes:

8 1. Material misstatement in furnishing information to  
9 the Department.

10 2. Violations of this Act, or the rules promulgated  
11 hereunder.

12 3. Making any misrepresentation for the purpose of  
13 obtaining licenses.

14 4. A pattern of conduct which demonstrates  
15 incompetence or unfitness to practice.

16 5. Aiding or assisting another person in violating any  
17 provision of this Act or rules.

18 6. Failing, within 60 days, to respond to a written  
19 request made by the Department for information.

20 7. Engaging in dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud or harm the public.

23 8. Discipline by another U.S. jurisdiction or foreign  
24 nation, if at least one of the grounds for the discipline  
25 is the same or substantially equivalent to those set forth  
26 herein.

1           9. Directly or indirectly giving to or receiving from  
2 any person, firm, corporation, partnership or association  
3 any fee, commission, rebate or other form of compensation  
4 for any professional services not actually or personally  
5 rendered.

6           10. A finding by the Department that the licensee,  
7 after having his license placed on probationary status has  
8 violated the terms of probation.

9           11. Selling or engaging in the sale of drug samples  
10 provided at no cost by drug manufacturers.

11           12. Physical illness, including but not limited to,  
12 deterioration through the aging process, or loss of motor  
13 skill which results in the inability to practice the  
14 profession with reasonable judgment, skill or safety.

15           13. A finding that licensure or registration has been  
16 applied for or obtained by fraudulent means.

17           14. The applicant, or licensee has been convicted in  
18 state or federal court of any crime which is a felony or  
19 any misdemeanor related to the practice of pharmacy, of  
20 which an essential element is dishonesty.

21           15. Habitual or excessive use or addiction to alcohol,  
22 narcotics, stimulants or any other chemical agent or drug  
23 which results in the inability to practice with reasonable  
24 judgment, skill or safety.

25           16. Willfully making or filing false records or reports  
26 in the practice of pharmacy, including, but not limited to

1 false records to support claims against the medical  
2 assistance program of the Department of Healthcare and  
3 Family Services (formerly Department of Public Aid) under  
4 the Public Aid Code.

5 17. Gross and willful overcharging for professional  
6 services including filing false statements for collection  
7 of fees for which services are not rendered, including, but  
8 not limited to, filing false statements for collection of  
9 monies for services not rendered from the medical  
10 assistance program of the Department of Healthcare and  
11 Family Services (formerly Department of Public Aid) under  
12 the Public Aid Code.

13 18. Repetitiously dispensing prescription drugs  
14 without receiving a written or oral prescription.

15 19. Upon a finding of a substantial discrepancy in a  
16 Department audit of a prescription drug, including  
17 controlled substances, as that term is defined in this Act  
18 or in the Illinois Controlled Substances Act.

19 20. Physical illness which results in the inability to  
20 practice with reasonable judgment, skill or safety, or  
21 mental incompetency as declared by a court of competent  
22 jurisdiction.

23 21. Violation of the Health Care Worker Self-Referral  
24 Act.

25 22. Failing to sell or dispense any drug, medicine, or  
26 poison in good faith. "Good faith", for the purposes of



1           this Section, has the meaning ascribed to it in subsection  
2           (u) of Section 102 of the Illinois Controlled Substances  
3           Act.

4           23. Interfering with the professional judgment of a  
5           pharmacist by any registrant under this Act, or his or her  
6           agents or employees.

7           (b) The Department may refuse to issue or may suspend the  
8           license or registration of any person who fails to file a  
9           return, or to pay the tax, penalty or interest shown in a filed  
10          return, or to pay any final assessment of tax, penalty or  
11          interest, as required by any tax Act administered by the  
12          Illinois Department of Revenue, until such time as the  
13          requirements of any such tax Act are satisfied.

14          (c) The Department shall revoke the license or certificate  
15          of registration issued under the provisions of this Act or any  
16          prior Act of this State of any person who has been convicted a  
17          second time of committing any felony under the Illinois  
18          Controlled Substances Act, or who has been convicted a second  
19          time of committing a Class 1 felony under Sections 8A-3 and  
20          8A-6 of the Illinois Public Aid Code. A person whose license or  
21          certificate of registration issued under the provisions of this  
22          Act or any prior Act of this State is revoked under this  
23          subsection (c) shall be prohibited from engaging in the  
24          practice of pharmacy in this State.

25          (d) In any order issued in resolution of a disciplinary  
26          proceeding, the Board may request any licensee found guilty of

1 a charge involving a significant violation of subsection (a) of  
2 Section 5, or paragraph 19 of Section 30 as it pertains to  
3 controlled substances, to pay to the Department a fine not to  
4 exceed \$2,000.

5 (e) In any order issued in resolution of a disciplinary  
6 proceeding, in addition to any other disciplinary action, the  
7 Board may request any licensee found guilty of noncompliance  
8 with the continuing education requirements of Section 12 to pay  
9 the Department a fine not to exceed \$1000.

10 (f) The Department shall issue quarterly to the Board a  
11 status of all complaints related to the profession received by  
12 the Department.

13 (Source: P.A. 92-880, eff. 1-1-04; revised 12-15-05.)

14 (225 ILCS 85/33) (from Ch. 111, par. 4153)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 33. The Director of the Department may, upon receipt  
17 of a written communication from the Secretary of Human  
18 Services, the Director of Healthcare and Family Services  
19 (formerly Director of Public Aid), or the Director of Public  
20 Health that continuation of practice of a person licensed or  
21 registered under this Act constitutes an immediate danger to  
22 the public, immediately suspend the license or registration of  
23 such person without a hearing. In instances in which the  
24 Director immediately suspends a license or registration under  
25 this Act, a hearing upon such person's license must be convened

1 by the Board within 15 days after such suspension and completed  
2 without appreciable delay, such hearing held to determine  
3 whether to recommend to the Director that the person's license  
4 be revoked, suspended, placed on probationary status or  
5 reinstated, or such person be subject to other disciplinary  
6 action. In such hearing, the written communication and any  
7 other evidence submitted therewith may be introduced as  
8 evidence against such person; provided however, the person, or  
9 his counsel, shall have the opportunity to discredit or impeach  
10 such evidence and submit evidence rebutting same.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-655, eff. 7-30-98;  
12 revised 12-15-05.)

13 Section 725. The Podiatric Medical Practice Act of 1987 is  
14 amended by changing Section 24 as follows:

15 (225 ILCS 100/24) (from Ch. 111, par. 4824)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 24. Refusal to issue or suspension or revocation of  
18 license; grounds. The Department may refuse to issue, may  
19 refuse to renew, may refuse to restore, may suspend, or may  
20 revoke any license, or may place on probation, reprimand or  
21 take other disciplinary action as the Department may deem  
22 proper, including fines not to exceed \$5,000 for each violation  
23 upon anyone licensed under this Act for any of the following  
24 reasons:

1           (1) Making a material misstatement in furnishing  
2 information to the Department.

3           (2) Violations of this Act, or of the rules or regulations  
4 promulgated hereunder.

5           (3) Conviction of any crime under the laws of any United  
6 States jurisdiction that is a felony or a misdemeanor, of which  
7 an essential element is dishonesty, or of any crime that is  
8 directly related to the practice of the profession.

9           (4) Making any misrepresentation for the purpose of  
10 obtaining licenses, or violating any provision of this Act or  
11 the rules promulgated thereunder pertaining to advertising.

12           (5) Professional incompetence.

13           (6) Gross or repeated malpractice or negligence.

14           (7) Aiding or assisting another person in violating any  
15 provision of this Act or rules.

16           (8) Failing, within 60 days, to provide information in  
17 response to a written request made by the Department.

18           (9) Engaging in dishonorable, unethical or unprofessional  
19 conduct of a character likely to deceive, defraud or harm the  
20 public.

21           (10) Habitual or excessive use of alcohol, narcotics,  
22 stimulants or other chemical agent or drug that results in the  
23 inability to practice podiatric medicine with reasonable  
24 judgment, skill or safety.

25           (11) Discipline by another United States jurisdiction if at  
26 least one of the grounds for the discipline is the same or

1 substantially equivalent to those set forth in this Section.

2 (12) Directly or indirectly giving to or receiving from any  
3 person, firm, corporation, partnership or association any fee,  
4 commission, rebate or other form of compensation for any  
5 professional services not actually or personally rendered.  
6 This shall not be deemed to include rent or other remunerations  
7 paid to an individual, partnership, or corporation, by a  
8 licensee, for the lease, rental or use of space, owned or  
9 controlled, by the individual, partnership or corporation.

10 (13) A finding by the Podiatric Medical Licensing Board  
11 that the licensee, after having his or her license placed on  
12 probationary status, has violated the terms of probation.

13 (14) Abandonment of a patient.

14 (15) Willfully making or filing false records or reports in  
15 his or her practice, including but not limited to false records  
16 filed with state agencies or departments.

17 (16) Willfully failing to report an instance of suspected  
18 child abuse or neglect as required by the Abused and Neglected  
19 Child Report Act.

20 (17) Physical illness, including but not limited to,  
21 deterioration through the aging process, or loss of motor skill  
22 that results in the inability to practice the profession with  
23 reasonable judgment, skill or safety.

24 (18) Solicitation of professional services other than  
25 permitted advertising.

26 (19) The determination by a circuit court that a licensed

1     podiatric physician is subject to involuntary admission or  
2     judicial admission as provided in the Mental Health and  
3     Developmental Disabilities Code operates as an automatic  
4     suspension. Such suspension will end only upon a finding by a  
5     court that the patient is no longer subject to involuntary  
6     admission or judicial admission and issues an order so finding  
7     and discharging the patient; and upon the recommendation of the  
8     Podiatric Medical Licensing Board to the Director that the  
9     licensee be allowed to resume his or her practice.

10       (20) Holding oneself out to treat human ailments under any  
11     name other than his or her own, or the impersonation of any  
12     other physician.

13       (21) Revocation or suspension or other action taken with  
14     respect to a podiatric medical license in another jurisdiction  
15     that would constitute disciplinary action under this Act.

16       (22) Promotion of the sale of drugs, devices, appliances or  
17     goods provided for a patient in such manner as to exploit the  
18     patient for financial gain of the podiatric physician.

19       (23) Gross, willful, and continued overcharging for  
20     professional services including filing false statements for  
21     collection of fees for those services, including, but not  
22     limited to, filing false statement for collection of monies for  
23     services not rendered from the medical assistance program of  
24     the Department of Healthcare and Family Services (formerly  
25     Department of Public Aid) under the Illinois Public Aid Code or  
26     other private or public third party payor.

1           (24) Being named as a perpetrator in an indicated report by  
2 the Department of Children and Family Services under the Abused  
3 and Neglected Child Reporting Act, and upon proof by clear and  
4 convincing evidence that the licensee has caused a child to be  
5 an abused child or neglected child as defined in the Abused and  
6 Neglected Child Reporting Act.

7           (25) Willfully making or filing false records or reports in  
8 the practice of podiatric medicine, including, but not limited  
9 to, false records to support claims against the medical  
10 assistance program of the Department of Healthcare and Family  
11 Services (formerly Department of Public Aid) under the Illinois  
12 Public Aid Code.

13           (26) Mental illness or disability that results in the  
14 inability to practice with reasonable judgment, skill or  
15 safety.

16           (27) Immoral conduct in the commission of any act  
17 including, sexual abuse, sexual misconduct, or sexual  
18 exploitation, related to the licensee's practice.

19           (28) Violation of the Health Care Worker Self-Referral Act.

20           (29) Failure to report to the Department any adverse final  
21 action taken against him or her by another licensing  
22 jurisdiction (another state or a territory of the United States  
23 or a foreign state or country) by a peer review body, by any  
24 health care institution, by a professional society or  
25 association related to practice under this Act, by a  
26 governmental agency, by a law enforcement agency, or by a court

1 for acts or conduct similar to acts or conduct that would  
2 constitute grounds for action as defined in this Section.

3 The Department may refuse to issue or may suspend the  
4 license of any person who fails to file a return, or to pay the  
5 tax, penalty or interest shown in a filed return, or to pay any  
6 final assessment of tax, penalty or interest, as required by  
7 any tax Act administered by the Illinois Department of Revenue,  
8 until such time as the requirements of any such tax Act are  
9 satisfied.

10 Upon receipt of a written communication from the Secretary  
11 of Human Services, the Director of Healthcare and Family  
12 Services (formerly Director of Public Aid), or the Director of  
13 Public Health that continuation of practice of a person  
14 licensed under this Act constitutes an immediate danger to the  
15 public, the Director may immediately suspend the license of  
16 such person without a hearing. In instances in which the  
17 Director immediately suspends a license under this Section, a  
18 hearing upon such person's license must be convened by the  
19 Board within 15 days after such suspension and completed  
20 without appreciable delay, such hearing held to determine  
21 whether to recommend to the Director that the person's license  
22 be revoked, suspended, placed on probationary status or  
23 reinstated, or such person be subject to other disciplinary  
24 action. In such hearing, the written communication and any  
25 other evidence submitted therewith may be introduced as  
26 evidence against such person; provided, however, the person or



1 his counsel shall have the opportunity to discredit or impeach  
2 such evidence and submit evidence rebutting the same.

3 All proceedings to suspend, revoke, place on probationary  
4 status, or take any other disciplinary action as the Department  
5 may deem proper, with regard to a license on any of the  
6 foregoing grounds, must be commenced within 3 years after  
7 receipt by the Department of a complaint alleging the  
8 commission of or notice of the conviction order for any of the  
9 acts described in this Section. Except for fraud in procuring a  
10 license, no action shall be commenced more than 5 years after  
11 the date of the incident or act alleged to have been a  
12 violation of this Section. In the event of the settlement of  
13 any claim or cause of action in favor of the claimant or the  
14 reduction to final judgment of any civil action in favor of the  
15 plaintiff, such claim, cause of action, or civil action being  
16 grounded on the allegation that a person licensed under this  
17 Act was negligent in providing care, the Department shall have  
18 an additional period of one year from the date of notification  
19 to the Department under Section 26 of this Act of such  
20 settlement or final judgment in which to investigate and  
21 commence formal disciplinary proceedings under Section 24 of  
22 this Act, except as otherwise provided by law. The time during  
23 which the holder of the license was outside the State of  
24 Illinois shall not be included within any period of time  
25 limiting the commencement of disciplinary action by the  
26 Department.

1           In enforcing this Section, the Department or Board upon a  
2 showing of a possible violation may compel an individual  
3 licensed to practice under this Act, or who has applied for  
4 licensure under this Act, to submit to a mental or physical  
5 examination, or both, as required by and at the expense of the  
6 Department. The Department or Board may order the examining  
7 physician to present testimony concerning the mental or  
8 physical examination of the licensee or applicant. No  
9 information shall be excluded by reason of any common law or  
10 statutory privilege relating to communications between the  
11 licensee or applicant and the examining physician. The  
12 examining physicians shall be specifically designated by the  
13 Board or Department. The individual to be examined may have, at  
14 his or her own expense, another physician of his or her choice  
15 present during all aspects of this examination. Failure of an  
16 individual to submit to a mental or physical examination, when  
17 directed, shall be grounds for suspension of his or her license  
18 until the individual submits to the examination if the  
19 Department finds, after notice and hearing, that the refusal to  
20 submit to the examination was without reasonable cause.

21           If the Department or Board finds an individual unable to  
22 practice because of the reasons set forth in this Section, the  
23 Department or Board may require that individual to submit to  
24 care, counseling, or treatment by physicians approved or  
25 designated by the Department or Board, as a condition, term, or  
26 restriction for continued, reinstated, or renewed licensure to

1 practice; or, in lieu of care, counseling, or treatment, the  
2 Department may file, or the Board may recommend to the  
3 Department to file, a complaint to immediately suspend, revoke,  
4 or otherwise discipline the license of the individual. An  
5 individual whose license was granted, continued, reinstated,  
6 renewed, disciplined or supervised subject to such terms,  
7 conditions, or restrictions, and who fails to comply with such  
8 terms, conditions, or restrictions, shall be referred to the  
9 Director for a determination as to whether the individual shall  
10 have his or her license suspended immediately, pending a  
11 hearing by the Department.

12 In instances in which the Director immediately suspends a  
13 person's license under this Section, a hearing on that person's  
14 license must be convened by the Department within 15 days after  
15 the suspension and completed without appreciable delay. The  
16 Department and Board shall have the authority to review the  
17 subject individual's record of treatment and counseling  
18 regarding the impairment to the extent permitted by applicable  
19 federal statutes and regulations safeguarding the  
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under  
22 this Section shall be afforded an opportunity to demonstrate to  
23 the Department or Board that he or she can resume practice in  
24 compliance with acceptable and prevailing standards under the  
25 provisions of his or her license.

26 (Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97;

1 revised 12-15-05.)

2 Section 730. The Illinois Speech-Language Pathology and  
3 Audiology Practice Act is amended by changing Section 16 as  
4 follows:

5 (225 ILCS 110/16) (from Ch. 111, par. 7916)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 16. Refusal, revocation or suspension of licenses.

8 (1) The Department may refuse to issue or renew, or may  
9 revoke, suspend, place on probation, censure, reprimand or take  
10 other disciplinary action as the Department may deem proper,  
11 including fines not to exceed \$5,000 for each violation, with  
12 regard to any license for any one or combination of the  
13 following causes:

14 (a) Fraud in procuring the license.

15 (b) Habitual intoxication or addiction to the use of  
16 drugs.

17 (c) Willful or repeated violations of the rules of the  
18 Department of Public Health.

19 (d) Division of fees or agreeing to split or divide the  
20 fees received for speech-language pathology or audiology  
21 services with any person for referring an individual, or  
22 assisting in the care or treatment of an individual,  
23 without the knowledge of the individual or his or her legal  
24 representative.

1           (e) Employing, procuring, inducing, aiding or abetting  
2           a person not licensed as a speech-language pathologist or  
3           audiologist to engage in the unauthorized practice of  
4           speech-language pathology or audiology.

5           (e-5) Employing, procuring, inducing, aiding, or  
6           abetting a person not licensed as a speech-language  
7           pathology assistant to perform the functions and duties of  
8           a speech-language pathology assistant.

9           (f) Making any misrepresentations or false promises,  
10          directly or indirectly, to influence, persuade or induce  
11          patronage.

12          (g) Professional connection or association with, or  
13          lending his or her name to another for the illegal practice  
14          of speech-language pathology or audiology by another, or  
15          professional connection or association with any person,  
16          firm or corporation holding itself out in any manner  
17          contrary to this Act.

18          (h) Obtaining or seeking to obtain checks, money, or  
19          any other things of value by false or fraudulent  
20          representations, including but not limited to, engaging in  
21          such fraudulent practice to defraud the medical assistance  
22          program of the Department of Healthcare and Family Services  
23          (formerly Department of Public Aid).

24          (i) Practicing under a name other than his or her own.

25          (j) Improper, unprofessional or dishonorable conduct  
26          of a character likely to deceive, defraud or harm the

1 public.

2 (k) Conviction in this or another state of any crime  
3 which is a felony under the laws of this State or  
4 conviction of a felony in a federal court, if the  
5 Department determines, after investigation, that such  
6 person has not been sufficiently rehabilitated to warrant  
7 the public trust.

8 (l) Permitting a person under his or her supervision to  
9 perform any function not authorized by this Act.

10 (m) A violation of any provision of this Act or rules  
11 promulgated thereunder.

12 (n) Revocation by another state, the District of  
13 Columbia, territory, or foreign nation of a license to  
14 practice speech-language pathology or audiology or a  
15 license to practice as a speech-language pathology  
16 assistant in its jurisdiction if at least one of the  
17 grounds for that revocation is the same as or the  
18 equivalent of one of the grounds for revocation set forth  
19 herein.

20 (o) Willfully failing to report an instance of  
21 suspected child abuse or neglect as required by the Abused  
22 and Neglected Child Reporting Act.

23 (p) Gross or repeated malpractice resulting in injury  
24 or death of an individual.

25 (q) Willfully making or filing false records or reports  
26 in his or her practice as a speech-language pathologist,

1 speech-language pathology assistant, or audiologist,  
2 including, but not limited to, false records to support  
3 claims against the public assistance program of the  
4 Department of Healthcare and Family Services (formerly  
5 Illinois Department of Public Aid).

6 (r) Professional incompetence as manifested by poor  
7 standards of care or mental incompetence as declared by a  
8 court of competent jurisdiction.

9 (s) Repeated irregularities in billing a third party  
10 for services rendered to an individual. For purposes of  
11 this Section, "irregularities in billing" shall include:

12 (i) reporting excessive charges for the purpose of  
13 obtaining a total payment in excess of that usually  
14 received by the speech-language pathologist,  
15 speech-language pathology assistant, or audiologist  
16 for the services rendered;

17 (ii) reporting charges for services not rendered;

18 or

19 (iii) incorrectly reporting services rendered for  
20 the purpose of obtaining payment not earned.

21 (t) (Blank).

22 (u) Violation of the Health Care Worker Self-Referral  
23 Act.

24 (v) Physical illness, including but not limited to  
25 deterioration through the aging process or loss of motor  
26 skill, mental illness, or disability that results in the

1 inability to practice the profession with reasonable  
2 judgment, skill, or safety.

3 (w) Violation of the Hearing Instrument Consumer  
4 Protection Act.

5 (x) Failure by a speech-language pathology assistant  
6 and supervising speech-language pathologist to comply with  
7 the supervision requirements set forth in Section 8.8.

8 (y) Wilfully exceeding the scope of duties customarily  
9 undertaken by speech-language pathology assistants set  
10 forth in Section 8.7 that results in, or may result in,  
11 harm to the public.

12 (2) The Department shall deny a license or renewal  
13 authorized by this Act to any person who has defaulted on an  
14 educational loan guaranteed by the Illinois State Scholarship  
15 Commission; however, the Department may issue a license or  
16 renewal if the aforementioned persons have established a  
17 satisfactory repayment record as determined by the Illinois  
18 State Scholarship Commission.

19 (3) The entry of an order by a circuit court establishing  
20 that any person holding a license under this Act is subject to  
21 involuntary admission or judicial admission as provided for in  
22 the Mental Health and Developmental Disabilities Code,  
23 operates as an automatic suspension of that license. That  
24 person may have his or her license restored only upon the  
25 determination by a circuit court that the patient is no longer  
26 subject to involuntary admission or judicial admission and the



1 issuance of an order so finding and discharging the patient,  
2 and upon the Board's recommendation to the Department that the  
3 license be restored. Where the circumstances so indicate, the  
4 Board may recommend to the Department that it require an  
5 examination prior to restoring any license automatically  
6 suspended under this subsection.

7 (4) The Department may refuse to issue or may suspend the  
8 license of any person who fails to file a return, or to pay the  
9 tax, penalty, or interest shown in a filed return, or to pay  
10 any final assessment of the tax penalty or interest, as  
11 required by any tax Act administered by the Department of  
12 Revenue, until such time as the requirements of any such tax  
13 Act are satisfied.

14 (5) In enforcing this Section, the Board upon a showing of  
15 a possible violation may compel an individual licensed to  
16 practice under this Act, or who has applied for licensure  
17 pursuant to this Act, to submit to a mental or physical  
18 examination, or both, as required by and at the expense of the  
19 Department. The examining physicians or clinical psychologists  
20 shall be those specifically designated by the Board. The  
21 individual to be examined may have, at his or her own expense,  
22 another physician or clinical psychologist of his or her choice  
23 present during all aspects of this examination. Failure of any  
24 individual to submit to a mental or physical examination, when  
25 directed, shall be grounds for suspension of his or her license  
26 until the individual submits to the examination if the Board

1 finds, after notice and hearing, that the refusal to submit to  
2 the examination was without reasonable cause.

3 If the Board finds an individual unable to practice because  
4 of the reasons set forth in this Section, the Board may require  
5 that individual to submit to care, counseling, or treatment by  
6 physicians or clinical psychologists approved or designated by  
7 the Board, as a condition, term, or restriction for continued,  
8 reinstated, or renewed licensure to practice; or, in lieu of  
9 care, counseling, or treatment, the Board may recommend to the  
10 Department to file a complaint to immediately suspend, revoke,  
11 or otherwise discipline the license of the individual. Any  
12 individual whose license was granted, continued, reinstated,  
13 renewed, disciplined or supervised subject to such terms,  
14 conditions, or restrictions, and who fails to comply with such  
15 terms, conditions, or restrictions, shall be referred to the  
16 Director for a determination as to whether the individual shall  
17 have his or her license suspended immediately, pending a  
18 hearing by the Board.

19 In instances in which the Director immediately suspends a  
20 person's license under this Section, a hearing on that person's  
21 license must be convened by the Board within 15 days after the  
22 suspension and completed without appreciable delay. The Board  
23 shall have the authority to review the subject individual's  
24 record of treatment and counseling regarding the impairment to  
25 the extent permitted by applicable federal statutes and  
26 regulations safeguarding the confidentiality of medical

1 records.

2 An individual licensed under this Act and affected under  
3 this Section shall be afforded an opportunity to demonstrate to  
4 the Board that he or she can resume practice in compliance with  
5 acceptable and prevailing standards under the provisions of his  
6 or her license.

7 (Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised  
8 12-15-05.)

9 Section 735. The Pyrotechnic Distributor and Operator  
10 Licensing Act is amended by changing Section 5 and by  
11 renumbering Section 99 as follows:

12 (225 ILCS 227/5)

13 Sec. 5. Definitions. In this Act:

14 "1.3G fireworks" means fireworks that are used for  
15 professional outdoor displays and classified as fireworks  
16 UN0333, UN0334, or UN0335 by the United States Department of  
17 Transportation under 49 C.F.R. 172.101.

18 "BATFE" means the federal Bureau of Alcohol, Tobacco and  
19 Firearms Enforcement.

20 "Consumer fireworks" means fireworks that must comply with  
21 the construction, chemical composition, and labeling  
22 regulations of the U.S. Consumer Products Safety Commission, as  
23 set forth in 16 C.F.R. Parts 1500 and 1507, and classified as  
24 fireworks UN0336 or UN0337 by the United States Department of

1 Transportation under 49 C.F.R. 172.101. "Consumer fireworks"  
2 does not include a substance or article exempted under the  
3 Fireworks Use Act.

4 "Display fireworks" means 1.3G explosive or special  
5 effects fireworks.

6 "Facility" means an area being used for the conducting of a  
7 pyrotechnic display business, but does not include residential  
8 premises except for the portion of any residential premises  
9 that is actually used in the conduct of a pyrotechnic display  
10 business.

11 "Flame effect" means the detonation, ignition, or  
12 deflagration of flammable gases, liquids, or special materials  
13 to produce a thermal, physical, visual, or audible effect  
14 before the public, invitees, or licensees, regardless of  
15 whether admission is charged in accordance with NFPA 160.

16 "Lead pyrotechnic operator" means the individual with  
17 overall responsibility for the safety, setup, discharge, and  
18 supervision of a pyrotechnic display.

19 "Office" means Office of the State Fire Marshal.

20 "Person" means an individual, firm, corporation,  
21 association, partnership, company, consortium, joint venture,  
22 commercial entity, state, municipality, or political  
23 subdivision of a state or any agency, department, or  
24 instrumentality of the United States and any officer, agent, or  
25 employee of these entities.

26 "Pyrotechnic display" or "display" means the detonation,

1 ignition, or deflagration of display fireworks or flame effects  
2 to produce a visual or audible effect of an exhibitional nature  
3 before the public, invitees, or licensees, regardless of  
4 whether admission is charged.

5 "Pyrotechnic distributor" means any person, company,  
6 association, group of persons, or corporation who distributes  
7 display fireworks for sale in the State of Illinois or provides  
8 them as part of a pyrotechnic display service in the State of  
9 Illinois or provides only pyrotechnic services.

10 "Special effects fireworks" means pyrotechnic devices used  
11 for special effects by professionals in the performing arts in  
12 conjunction with theatrical, musical, or other productions  
13 that are similar to consumer fireworks in chemical compositions  
14 and construction, but are not intended for consumer use and are  
15 not labeled as such or identified as "intended for indoor use".  
16 "Special effects fireworks" are classified as fireworks UN0431  
17 or UN0432 by the United States Department of Transportation  
18 under 49 C.F.R. 172.101.

19 (Source: P.A. 93-263, eff. 7-22-03; 94-385, eff. 7-29-05;  
20 94-658, eff. 1-1-06; revised 8-29-05.)

21 (225 ILCS 227/999) (was 225 ILCS 227/99)

22 Sec. 999 ~~99~~. Effective date. This Act takes effect upon  
23 becoming law.

24 (Source: P.A. 93-263, eff. 7-22-03; revised 9-19-03.)

1 Section 740. The Illinois Plumbing License Law is amended  
2 by changing Section 13.1 as follows:

3 (225 ILCS 320/13.1)

4 Sec. 13.1. Plumbing contractors; registration;  
5 applications.

6 (1) On and after May 1, 2002, all persons or corporations  
7 desiring to engage in the business of plumbing contractor,  
8 other than any entity that maintains an audited net worth of  
9 shareholders' equity equal to or exceeding \$100,000,000, shall  
10 register in accordance with the provisions of this Act.

11 (2) Application for registration shall be filed with the  
12 Department each year, on or before the last day of September,  
13 in writing and on forms prepared and furnished by the  
14 Department. All plumbing contractor registrations expire on  
15 the last day of September of each year.

16 (3) Applications shall contain the name, address, and  
17 telephone number of the person and the plumbing license of (i)  
18 the individual, if a sole proprietorship; (ii) the partner, if  
19 a partnership; or (iii) an officer, if a corporation. The  
20 application shall contain the business name, address, and  
21 telephone number, a current copy of the plumbing license, and  
22 any other information the Department may require by rule.

23 (4) Applicants shall submit an original certificate of  
24 insurance documenting that the contractor carries general  
25 liability insurance with a minimum of \$100,000 per occurrence,

1 a minimum of \$300,000 aggregate for bodily injury, property  
2 damage insurance with a minimum of \$50,000 or a minimum of  
3 \$300,000 combined single limit, and workers compensation  
4 insurance with a minimum \$500,000 employer's liability. No  
5 registration may be issued in the absence of this certificate.  
6 Certificates must be in force at all times for registration to  
7 remain valid.

8 (5) Applicants shall submit, on a form provided by the  
9 Department, an indemnification bond in the amount of \$20,000 or  
10 a letter of credit in the same amount for work performed in  
11 accordance with this Act and the rules promulgated under this  
12 Act.

13 (6) All employees of a registered plumbing contractor who  
14 engage in plumbing work shall be licensed plumbers or  
15 apprentice plumbers in accordance with this Act.

16 (7) Plumbing contractors shall submit an annual  
17 registration fee in an amount to be established by rule.

18 (8) The Department shall be notified in advance of any  
19 changes in the business structure, name, or location or of the  
20 addition or deletion of the owner or officer who is the  
21 licensed plumber listed on the application. Failure to notify  
22 the Department of this information is grounds for suspension or  
23 revocation of the plumbing contractor's registration.

24 (9) In the event that the plumber's license on the  
25 application for registration of a plumbing contractor is a  
26 license issued by the City of Chicago, it shall be the

1 responsibility of the applicant to forward a copy of the  
2 plumber's license to the Department, noting the name of the  
3 registered plumbing contractor, when it is renewed.

4 (Source: P.A. 94-55, eff. 6-17-05; 94-258, eff. 7-19-05;  
5 revised 8-19-05.)

6 Section 745. The Auction License Act is amended by changing  
7 Sections 10-40 and 20-20 as follows:

8 (225 ILCS 407/10-40)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 10-40. Restoration.

11 (a) A licensee whose license has lapsed or expired shall  
12 have 2 years from the expiration date to restore his or her  
13 license without examination. The expired licensee shall make  
14 application to the OBRE on forms provided by the OBRE,  
15 including a properly completed 45-day permit sponsor card,  
16 provide evidence of successful completion of 12 hours of  
17 approved continuing education during the period of time the  
18 license had lapsed, and pay all lapsed fees and penalties as  
19 established by administrative rule.

20 (b) Notwithstanding any other provisions of this Act to the  
21 contrary, any licensee whose license under this Act has expired  
22 is eligible to restore such license without paying any lapsed  
23 fees and penalties provided that the license expired while the  
24 licensee was:



1           (1) on active duty with the United States Army, United  
2           States ~~State~~ Marine Corps, United States Navy, United  
3           States Air Force, United States Coast Guard, the State  
4           Militia called into service or training;

5           (2) engaged in training or education under the  
6           supervision of the United States prior to induction into  
7           military service; or

8           (3) serving as an employee of the OBRE, while the  
9           employee was required to surrender his or her license due  
10          to a possible conflict of interest.

11          A licensee shall be eligible to restore a license under the  
12          provisions of this subsection for a period of 2 years following  
13          the termination of the service, education, or training by  
14          providing a properly completed application and 45-day permit  
15          sponsor card, provided that the termination was by other than  
16          dishonorable discharge and provided that the licensee  
17          furnishes the OBRE with an affidavit specifying that the  
18          licensee has been so engaged.

19          (c) At any time after the suspension, revocation, placement  
20          on probationary status, or other disciplinary action taken  
21          under this Act with reference to any license, the OBRE may  
22          restore the license to the licensee without examination upon  
23          the order of the Commissioner, if the licensee submits a  
24          properly completed application and 45-day permit sponsor card,  
25          pays appropriate fees, and otherwise complies with the  
26          conditions of the order.

1 (Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)

2 (225 ILCS 407/20-20)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 20-20. Termination without hearing for failure to pay  
5 taxes, child support, or a student loan. OBRE may terminate or  
6 otherwise discipline any license issued under this Act without  
7 hearing if the appropriate administering agency provides  
8 adequate information and proof that the licensee has:

9 (1) failed to file a return, to pay the tax, penalty,  
10 or interest shown in a filed return, or to pay any final  
11 assessment of tax, penalty, or interest, as required by any  
12 tax act administered by the Illinois Department of Revenue  
13 until the requirements of the tax act are satisfied;

14 (2) failed to pay any court ordered child support as  
15 determined by a court order or by referral from the  
16 Department of Healthcare and Family Services (formerly  
17 Illinois Department of Public Aid); or

18 (3) failed to repay any student loan or assistance as  
19 determined by the Illinois Student Assistance  
20 Commission. If a license is terminated or otherwise  
21 disciplined pursuant to this Section, the licensee may  
22 request a hearing as provided by this Act within 30 days of  
23 notice of termination or discipline.

24 (Source: P.A. 91-603, eff. 1-1-00; revised 12-15-05.)

1 Section 750. The Home Inspector License Act is amended by  
2 changing Section 15-50 as follows:

3 (225 ILCS 441/15-50)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 15-50. Nonpayment of child support. In cases where the  
6 Department of Healthcare and Family Services (formerly  
7 Department of Public Aid) has previously determined that a  
8 licensee or a potential licensee is more than 30 days  
9 delinquent in the payment of child support and has subsequently  
10 certified the delinquency to OBRE, OBRE may refuse to issue or  
11 renew or may revoke or suspend that person's license or may  
12 take other disciplinary action against that person based solely  
13 upon the certification of delinquency made by the Department of  
14 Healthcare and Family Services (formerly Department of Public  
15 Aid). Redetermination of the delinquency by OBRE shall not be  
16 required. In cases regarding the renewal of a license, OBRE  
17 shall not renew any license if the Department of Healthcare and  
18 Family Services (formerly Department of Public Aid) has  
19 certified the licensee to be more than 30 days delinquent in  
20 the payment of child support unless the licensee has arranged  
21 for payment of past and current child support obligations in a  
22 manner satisfactory to the Department of Healthcare and Family  
23 Services (formerly Department of Public Aid). OBRE may impose  
24 conditions, restrictions, or disciplinary action upon that  
25 renewal.

1 (Source: P.A. 92-239, eff. 8-3-01; revised 12-15-05.)

2 Section 755. The Private Detective, Private Alarm, Private  
3 Security, and Locksmith Act of 2004 is amended by changing  
4 Sections 35-30 and 40-40 as follows:

5 (225 ILCS 447/35-30)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 35-30. Employee requirements. All employees of a  
8 licensed agency, other than those exempted, shall apply for a  
9 permanent employee registration card. The holder of an agency  
10 license issued under this Act, known in this Section as  
11 "employer", may employ in the conduct of his or her business  
12 employees under the following provisions:

13 (a) ~~(1)~~ No person shall be issued a permanent employee  
14 registration card who:

15 (1) ~~(A)~~ Is younger than 18 years of age.

16 (2) ~~(B)~~ Is younger than 21 years of age if the services  
17 will include being armed.

18 (3) ~~(C)~~ Has been determined by the Department to be  
19 unfit by reason of conviction of an offense in this or  
20 another state, other than a traffic offense. The Department  
21 shall adopt rules for making those determinations that  
22 shall afford the applicant due process of law.

23 (4) ~~(D)~~ Has had a license or permanent employee  
24 registration card denied, suspended, or revoked under this

1 Act (i) within one year before the date the person's  
2 application for permanent employee registration card is  
3 received by the Department; and (ii) that refusal, denial,  
4 suspension, or revocation was based on any provision of  
5 this Act other than Section 40-50, item (6) or (8) of  
6 subsection (a) of Section 15-10, subsection (b) of Section  
7 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
8 subsection (b) of Section 20-10, item (6) or (8) of  
9 subsection (a) of Section 25-10, subsection (b) of Section  
10 25-10, item (7) of subsection (a) of Section 30-10,  
11 subsection (b) of Section 30-10, or Section 10-40.

12 (5) ~~(E)~~ Has been declared incompetent by any court of  
13 competent jurisdiction by reason of mental disease or  
14 defect and has not been restored.

15 (6) ~~(F)~~ Has been dishonorably discharged from the armed  
16 services of the United States.

17 (b) ~~(2)~~ No person may be employed by a private detective  
18 agency, private security contractor agency, private alarm  
19 contractor agency, or locksmith agency under this Section until  
20 he or she has executed and furnished to the employer, on forms  
21 furnished by the Department, a verified statement to be known  
22 as "Employee's Statement" setting forth:

23 (1) ~~(A)~~ The person's full name, age, and residence  
24 address.

25 (2) ~~(B)~~ The business or occupation engaged in for the 5  
26 years immediately before the date of the execution of the

1 statement, the place where the business or occupation was  
2 engaged in, and the names of employers, if any.

3 (3) ~~(C)~~ That the person has not had a license or  
4 employee registration denied, revoked, or suspended under  
5 this Act (i) within one year before the date the person's  
6 application for permanent employee registration card is  
7 received by the Department; and (ii) that refusal, denial,  
8 suspension, or revocation was based on any provision of  
9 this Act other than Section 40-50, item (6) or (8) of  
10 subsection (a) of Section 15-10, subsection (b) of Section  
11 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
12 subsection (b) of Section 20-10, item (6) or (8) of  
13 subsection (a) of Section 25-10, subsection (b) of Section  
14 25-10, item (7) of subsection (a) of Section 30-10,  
15 subsection (b) of Section 30-10, or Section 10-40.

16 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

17 (5) ~~(E)~~ Any declaration of incompetence by a court of  
18 competent jurisdiction that has not been restored.

19 (6) ~~(F)~~ Any dishonorable discharge from the armed  
20 services of the United States.

21 (7) ~~(G)~~ Any other information as may be required by any  
22 rule of the Department to show the good character,  
23 competency, and integrity of the person executing the  
24 statement.

25 (c) Each applicant for a permanent employee registration  
26 card shall have his or her fingerprints submitted to the

1 Department of State Police in an electronic format that  
2 complies with the form and manner for requesting and furnishing  
3 criminal history record information as prescribed by the  
4 Department of State Police. These fingerprints shall be checked  
5 against the Department of State Police and Federal Bureau of  
6 Investigation criminal history record databases now and  
7 hereafter filed. The Department of State Police shall charge  
8 applicants a fee for conducting the criminal history records  
9 check, which shall be deposited in the State Police Services  
10 Fund and shall not exceed the actual cost of the records check.  
11 The Department of State Police shall furnish, pursuant to  
12 positive identification, records of Illinois convictions to  
13 the Department. The Department may require applicants to pay a  
14 separate fingerprinting fee, either to the Department or  
15 directly to the vendor. The Department, in its discretion, may  
16 allow an applicant who does not have reasonable access to a  
17 designated vendor to provide his or her fingerprints in an  
18 alternative manner. The Department, in its discretion, may also  
19 use other procedures in performing or obtaining criminal  
20 background checks of applicants. Instead of submitting his or  
21 her fingerprints, an individual may submit proof that is  
22 satisfactory to the Department that an equivalent security  
23 clearance has been conducted. Also, an individual who has  
24 retired as a peace officer within 12 months of application may  
25 submit verification, on forms provided by the Department and  
26 signed by his or her employer, of his or her previous full-time

1 employment as a peace officer.

2 (d) The Department shall issue a permanent employee  
3 registration card, in a form the Department prescribes, to all  
4 qualified applicants. The holder of a permanent employee  
5 registration card shall carry the card at all times while  
6 actually engaged in the performance of the duties of his or her  
7 employment. Expiration and requirements for renewal of  
8 permanent employee registration cards shall be established by  
9 rule of the Department. Possession of a permanent employee  
10 registration card does not in any way imply that the holder of  
11 the card is employed by an agency unless the permanent employee  
12 registration card is accompanied by the employee  
13 identification card required by subsection (f) of this Section.

14 (e) Each employer shall maintain a record of each employee  
15 that is accessible to the duly authorized representatives of  
16 the Department. The record shall contain the following  
17 information:

18 (1) A photograph taken within 10 days of the date that  
19 the employee begins employment with the employer. The  
20 photograph shall be replaced with a current photograph  
21 every 3 calendar years.

22 (2) The Employee's Statement specified in subsection  
23 (b) of this Section.

24 (3) All correspondence or documents relating to the  
25 character and integrity of the employee received by the  
26 employer from any official source or law enforcement



1 agency.

2 (4) In the case of former employees, the employee  
3 identification card of that person issued under subsection  
4 (f) of this Section. Each employee record shall duly note  
5 if the employee is employed in an armed capacity. Armed  
6 employee files shall contain a copy of an active firearm  
7 owner's identification card and a copy of an active firearm  
8 authorization card. Each employer shall maintain a record  
9 for each armed employee of each instance in which the  
10 employee's weapon was discharged during the course of his  
11 or her professional duties or activities. The record shall  
12 be maintained on forms provided by the Department, a copy  
13 of which must be filed with the Department within 15 days  
14 of an instance. The record shall include the date and time  
15 of the occurrence, the circumstances involved in the  
16 occurrence, and any other information as the Department may  
17 require. Failure to provide this information to the  
18 Department or failure to maintain the record as a part of  
19 each armed employee's permanent file is grounds for  
20 disciplinary action. The Department, upon receipt of a  
21 report, shall have the authority to make any investigation  
22 it considers appropriate into any occurrence in which an  
23 employee's weapon was discharged and to take disciplinary  
24 action as may be appropriate.

25 (5) The Department may, by rule, prescribe further  
26 record requirements.

1           (f) Every employer shall furnish an employee  
2 identification card to each of his or her employees. This  
3 employee identification card shall contain a recent photograph  
4 of the employee, the employee's name, the name and agency  
5 license number of the employer, the employee's personal  
6 description, the signature of the employer, the signature of  
7 that employee, the date of issuance, and an employee  
8 identification card number.

9           (g) No employer may issue an employee identification card  
10 to any person who is not employed by the employer in accordance  
11 with this Section or falsely state or represent that a person  
12 is or has been in his or her employ. It is unlawful for an  
13 applicant for registered employment to file with the Department  
14 the fingerprints of a person other than himself or herself.

15           (h) Every employer shall obtain the identification card of  
16 every employee who terminates employment with him or her.

17           (i) Every employer shall maintain a separate roster of the  
18 names of all employees currently working in an armed capacity  
19 and submit the roster to the Department on request.

20           (j) No agency may employ any person to perform a licensed  
21 activity under this Act unless the person possesses a valid  
22 permanent employee registration card or a valid license under  
23 this Act, or is exempt pursuant to subsection (n).

24           (k) Notwithstanding the provisions of subsection (j), an  
25 agency may employ a person in a temporary capacity if all of  
26 the following conditions are met:

1           (1) The agency completes in its entirety and submits to  
2 the Department an application for a permanent employee  
3 registration card, including the required fingerprint  
4 receipt and fees.

5           (2) The agency has verification from the Department  
6 that the applicant has no record of any criminal conviction  
7 pursuant to the criminal history check conducted by the  
8 Department of State Police. The agency shall maintain the  
9 verification of the results of the Department of State  
10 Police criminal history check as part of the employee  
11 record as required under subsection (e) of this Section.

12           (3) The agency exercises due diligence to ensure that  
13 the person is qualified under the requirements of the Act  
14 to be issued a permanent employee registration card.

15           (4) The agency maintains a separate roster of the names  
16 of all employees whose applications are currently pending  
17 with the Department and submits the roster to the  
18 Department on a monthly basis. Rosters are to be maintained  
19 by the agency for a period of at least 24 months.

20           An agency may employ only a permanent employee applicant  
21 for which it either submitted a permanent employee application  
22 and all required forms and fees or it confirms with the  
23 Department that a permanent employee application and all  
24 required forms and fees have been submitted by another agency,  
25 licensee or the permanent employee and all other requirements  
26 of this Section are met.

1           The Department shall have the authority to revoke, without  
2 a hearing, the temporary authority of an individual to work  
3 upon receipt of Federal Bureau of Investigation fingerprint  
4 data or a report of another official authority indicating a  
5 criminal conviction. If the Department has not received a  
6 temporary employee's Federal Bureau of Investigation  
7 fingerprint data within 120 days of the date the Department  
8 received the Department of State Police fingerprint data, the  
9 Department may, at its discretion, revoke the employee's  
10 temporary authority to work with 15 days written notice to the  
11 individual and the employing agency.

12           An agency may not employ a person in a temporary capacity  
13 if it knows or reasonably should have known that the person has  
14 been convicted of a crime under the laws of this State, has  
15 been convicted in another state of any crime that is a crime  
16 under the laws of this State, has been convicted of any crime  
17 in a federal court, or has been posted as an unapproved  
18 applicant by the Department. Notice by the Department to the  
19 agency, via certified mail, personal delivery, electronic  
20 mail, or posting on the Department's Internet site accessible  
21 to the agency that the person has been convicted of a crime  
22 shall be deemed constructive knowledge of the conviction on the  
23 part of the agency. The Department may adopt rules to implement  
24 this subsection (k).

25           (1) No person may be employed under this Section in any  
26 capacity if:

1           (1) the person, while so employed, is being paid by the  
2           United States or any political subdivision for the time so  
3           employed in addition to any payments he or she may receive  
4           from the employer; or

5           (2) the person wears any portion of his or her official  
6           uniform, emblem of authority, or equipment while so  
7           employed.

8           (m) If information is discovered affecting the  
9           registration of a person whose fingerprints were submitted  
10          under this Section, the Department shall so notify the agency  
11          that submitted the fingerprints on behalf of that person.

12          (n) Peace officers shall be exempt from the requirements of  
13          this Section relating to permanent employee registration  
14          cards. The agency shall remain responsible for any peace  
15          officer employed under this exemption, regardless of whether  
16          the peace officer is compensated as an employee or as an  
17          independent contractor and as further defined by rule.

18          (o) Persons who have no access to confidential or security  
19          information and who otherwise do not provide traditional  
20          security services are exempt from employee registration.  
21          Examples of exempt employees include, but are not limited to,  
22          employees working in the capacity of ushers, directors, ticket  
23          takers, cashiers, drivers, and reception personnel.  
24          Confidential or security information is that which pertains to  
25          employee files, scheduling, client contracts, or technical  
26          security and alarm data.

1 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

2 (225 ILCS 447/40-40)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 40-40. Nonpayment of child support. In cases where the  
5 Department of Healthcare and Family Services (formerly  
6 Department of Public Aid) or any circuit court has previously  
7 determined that a licensee or a potential licensee is more than  
8 30 days delinquent in the payment of child support and has  
9 subsequently certified the delinquency to the Department, the  
10 Department may refuse to issue or renew or may revoke or  
11 suspend that person's license or may take other disciplinary  
12 action against that person based solely upon the certification  
13 of delinquency made by the Department of Healthcare and Family  
14 Services (formerly Department of Public Aid) or a circuit  
15 court. Redetermination of the delinquency by the Department  
16 shall not be required. In cases regarding the renewal of a  
17 license, the Department shall not renew any license if the  
18 Department of Healthcare and Family Services (formerly  
19 Department of Public Aid) or a circuit court has certified the  
20 licensee to be more than 30 days delinquent in the payment of  
21 child support, unless the licensee has arranged for payment of  
22 past and current child support obligations in a manner  
23 satisfactory to the Department of Healthcare and Family  
24 Services (formerly Department of Public Aid) or circuit court.  
25 The Department may impose conditions, restrictions or

1 disciplinary action upon that renewal in accordance with  
2 Section 40-10 of this Act.

3 (Source: P.A. 93-438, eff. 8-5-03; revised 12-15-05.)

4 Section 760. The Illinois Public Accounting Act is amended  
5 by changing Sections 14.1 and 28 as follows:

6 (225 ILCS 450/14.1)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 14.1. Foreign accountants. The Department shall issue  
9 a license to a holder of a foreign designation, granted in a  
10 foreign country entitling the holder thereof to engage in the  
11 practice of public accounting, provided that:

12 (a) the applicant is the holder of a certificate as a  
13 certified public accountant from the Board or a  
14 registration as a registered certified public accountant  
15 from the Department issued under this Act; ~~and~~

16 (b) the foreign authority that granted the designation  
17 makes similar provision to allow a person who holds a valid  
18 license issued by this State to obtain a foreign  
19 authority's comparable designation; ~~and~~

20 (c) the foreign designation (i) was duly issued by a  
21 foreign authority that regulates the practice of public  
22 accounting and the foreign designation has not expired or  
23 been revoked or suspended; (ii) entitles the holder to  
24 issue reports upon financial statements; and (iii) was

1 issued upon the basis of educational, examination, and  
2 experience requirements established by the foreign  
3 authority or by law; and

4 (d) the applicant (i) received the designation based on  
5 standards substantially equivalent to those in effect in  
6 this State at the time the foreign designation was granted;  
7 and (ii) completed an experience requirement,  
8 substantially equivalent to the requirement set out in  
9 Section 14, in the jurisdiction that granted the foreign  
10 designation or has completed 5 years of experience in the  
11 practice of public accounting in this State, or meets  
12 equivalent requirements prescribed by the Department by  
13 rule, within the 10 years immediately preceding the  
14 application.

15 ~~(e)~~ Applicants have 3 years from the date of application to  
16 complete the application process. If the process has not been  
17 completed in 3 years, the application shall be denied, the fee  
18 shall be forfeited, and the applicant must reapply and meet the  
19 requirements in effect at the time of reapplication.

20 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised  
21 10-11-05.)

22 (225 ILCS 450/28) (from Ch. 111, par. 5534)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 28. Penalties. Each of the following acts perpetrated  
25 in the State of Illinois is a Class B misdemeanor.



1 (a) The practice of public accounting insofar as it  
2 consists in rendering service as described in Section 8,  
3 without licensure, in violation of the provisions of this  
4 Act;

5 (b) The obtaining or attempting to obtain licensure as  
6 a licensed certified public accountant or registration as a  
7 registered certified public accountant by fraud;

8 (c) The use of the title "Certified Public Accountant"  
9 or the abbreviation "C.P.A." or use of any similar words or  
10 letters indicating the user is a certified public  
11 accountant, the title "Registered Certified Public  
12 Accountant", the abbreviation "R.C.P.A.", any similar  
13 words or letters indicating the user is a certified public  
14 accountant or a registered certified public accountant by  
15 any person in contravention of this Act;

16 (c-5) The use of the title "Certified Public  
17 Accountant" or "Licensed Certified Public Accountant" or  
18 the abbreviation "C.P.A." or "L.C.P.A." or any similar  
19 words or letters indicating the user is a certified public  
20 accountant by any person in contravention with this Act;

21 (d) The use of the title "Certified Public Accountant"  
22 or the abbreviation "C.P.A." or any similar words or  
23 letters indicating that the members are certified public  
24 accountants, by any partnership, limited liability  
25 company, corporation, or other entity unless all members  
26 thereof personally engaged in the practice of public

1 accounting in this State are licensed as licensed certified  
2 public accountants by the Department, and are holders of an  
3 effective unrevoked license, and the partnership, limited  
4 liability company, corporation, or other entity is  
5 licensed as licensed certified public accountants by the  
6 Board with an effective unrevoked license;

7 (e) The use of the title "Licensed Certified Public  
8 Accountant", or the abbreviation "L.C.P.A." or any similar  
9 words or letters indicating such person is a licensed  
10 certified public accountant, by any person not licensed as  
11 a licensed certified public accountant by the Department,  
12 and holding an effective unrevoked license; provided  
13 nothing in this Act shall prohibit the use of the title  
14 "Accountant" or "Bookkeeper" by any person;

15 (f) The use of the title "Licensed Certified Public  
16 Accountants", "Public Accountants" or the abbreviation  
17 "P.A.'s" or any similar words or letters indicating that  
18 the members are public accountants by any partnership,  
19 limited liability company, corporation, or other entity  
20 unless all members thereof personally engaged in the  
21 practice of public accounting in this State are licensed as  
22 licensed certified public accountants by the Department  
23 and are holders of effective unrevoked licenses, and the  
24 partnership is licensed as a public accounting firm by the  
25 Department with an effective unrevoked license ~~licenses~~;

26 (g) Making false statements to the Department

1           regarding compliance with continuing professional  
2           education requirements;

3           (h) The use of the title "Certified Public Accountant"  
4           or the abbreviation "C.P.A." or any similar words or  
5           letters indicating that the members are certified public  
6           accountants, by any partnership unless all members thereof  
7           personally engaged in the practice of public accounting in  
8           this State have received certificates as certified public  
9           accountants from the Board, are licensed as public  
10          accountants by the Department, and are holders of an  
11          effective unrevoked license, and the partnership is  
12          licensed as public accountants by the Department with an  
13          effective unrevoked license.

14          This Section does not prohibit a firm partnership, limited  
15          liability company, corporation, or other entity who does not  
16          practice public accounting as set forth in Section 8 of this  
17          Act and whose members residing in Illinois are registered with  
18          the Department from using the title "Certified Public  
19          Accountant" or the abbreviation "C.P.A." or "CPA" or similar  
20          words or letters indicating that the members are certified  
21          public accountants.

22          (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised  
23          11-5-04.)

24          Section 765. The Real Estate License Act of 2000 is amended  
25          by changing Section 20-45 as follows:

1 (225 ILCS 454/20-45)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 20-45. Nonpayment of child support. In cases in which  
4 the Department of Healthcare and Family Services (formerly  
5 Department of Public Aid) has previously determined that a  
6 licensee or a potential licensee is more than 30 days  
7 delinquent in the payment of child support and has subsequently  
8 certified the delinquency to OBRE, OBRE may refuse to issue or  
9 renew or may revoke or suspend that person's license or may  
10 take other disciplinary action against that person based solely  
11 upon the certification of delinquency made by the Department of  
12 Healthcare and Family Services (formerly Department of Public  
13 Aid). Redetermination of the delinquency by OBRE shall not be  
14 required. In cases regarding the renewal of a license, OBRE  
15 shall not renew any license if the Department of Healthcare and  
16 Family Services (formerly Department of Public Aid) has  
17 certified the licensee to be more than 30 days delinquent in  
18 the payment of child support unless the licensee has arranged  
19 for payment of past and current child support obligations in a  
20 manner satisfactory to the Department of Healthcare and Family  
21 Services (formerly Department of Public Aid). OBRE may impose  
22 conditions, restrictions, or disciplinary action upon that  
23 renewal.

24 (Source: P.A. 91-245, eff. 12-31-99; revised 12-15-05.)

1 Section 770. The Real Estate Appraiser Licensing Act of  
2 2002 is amended by changing Section 15-50 as follows:

3 (225 ILCS 458/15-50)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 15-50. Nonpayment of child support. In cases where the  
6 Department of Healthcare and Family Services (formerly  
7 Department of Public Aid) has previously determined that a  
8 licensee or a potential licensee is more than 30 days  
9 delinquent in the payment of child support and has subsequently  
10 certified the delinquency to OBRE, OBRE may refuse to issue or  
11 renew or may revoke or suspend that person's license or may  
12 take other disciplinary action against that person based solely  
13 upon the certification of delinquency made by the Department of  
14 Healthcare and Family Services (formerly Department of Public  
15 Aid). Redetermination of the delinquency by OBRE shall not be  
16 required. In cases regarding the renewal of a license, OBRE  
17 shall not renew any license if the Department of Healthcare and  
18 Family Services (formerly Department of Public Aid) has  
19 certified the licensee to be more than 30 days delinquent in  
20 the payment of child support, unless the licensee has arranged  
21 for payment of past and current child support obligations in a  
22 manner satisfactory to the Department of Healthcare and Family  
23 Services (formerly Department of Public Aid). OBRE may impose  
24 conditions, restrictions, or disciplinary action upon that  
25 renewal.

1 (Source: P.A. 92-180, eff. 7-1-02; revised 12-15-05.)

2 Section 775. The Illinois Petroleum Education and  
3 Marketing Act is amended by changing Section 10 as follows:

4 (225 ILCS 728/10)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 10. Illinois Petroleum Resources Board.

7 (a) There is hereby created until January 1, 2008, the  
8 Illinois Petroleum Resources Board which shall be subject to  
9 the provisions of the Regulatory Sunset Act. The purpose of the  
10 Board is to coordinate a program designed to demonstrate to the  
11 general public the importance of the Illinois oil exploration  
12 and production industry, to encourage the wise and efficient  
13 use of energy, to promote environmentally sound production  
14 methods and technologies, to develop existing supplies of State  
15 oil resources, and to support research and educational  
16 activities concerning the oil exploration and production  
17 industry.

18 (b) The Board shall be composed of 12 members to be  
19 appointed by the Governor. The Governor shall make appointments  
20 from a list of names submitted by qualified producer  
21 associations, of which 10 shall be oil and gas producers.

22 (c) A member of the Board shall:

23 (1) be at least 25 years of age;

24 (2) be a resident of the State of Illinois; and

1           (3) have at least 5 years of active experience in the  
2           oil industry.

3           (d) Members shall serve for a term of 3 years, except that  
4           of the initial appointments, 4 members shall serve for one  
5           year, 4 members for 2 years, and 4 members for 3 years.

6           (e) Vacancies shall be filled for the unexpired term of  
7           office in the same manner as the original appointment.

8           (f) The Board shall, at its first meeting, elect one of its  
9           members as chairperson, who shall preside over meetings of the  
10          Board and perform other duties that may be required by the  
11          Board. The first meeting of the Board shall be called by the  
12          Governor.

13          (g) No member of the Board shall receive a salary or  
14          reimbursement for duties performed as a member of the Board,  
15          except that members are eligible to receive reimbursement for  
16          travel expenses incurred in the performance of Board duties.

17          (Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02;  
18          revised 8-12-02.)

19          Section 780. The Illinois Horse Racing Act of 1975 is  
20          amended by changing Section 1.3 as follows:

21                 (230 ILCS 5/1.3)

22                 Sec. 1.3. Legislative findings.

23                 (a) The General Assembly finds that the Illinois gaming  
24                 industry is a single industry consisting of horse racing and

1 riverboat gambling. Reports issued by the Economic and Fiscal  
2 Commission (now Commission on Government Forecasting and  
3 Accountability) in 1992, 1994, and 1998 have found that horse  
4 racing and riverboat gambling:

5 (1) "share many of the same characteristics" and are  
6 "more alike than different";

7 (2) are planned events;

8 (3) have similar odds of winning;

9 (4) occur in similar settings; and

10 (5) compete with each other for limited gaming dollars.

11 (b) The General Assembly declares it to be the public  
12 policy of this State to ensure the viability of both horse  
13 racing and riverboat aspects of the Illinois gaming industry.

14 (Source: P.A. 93-1067, eff. 1-15-05; revised 10-11-05.)

15 Section 785. The Riverboat Gambling Act is amended by  
16 changing Sections 4 and 13 as follows:

17 (230 ILCS 10/4) (from Ch. 120, par. 2404)

18 Sec. 4. Definitions. As used in this Act:

19 (a) "Board" means the Illinois Gaming Board.

20 (b) "Occupational license" means a license issued by the  
21 Board to a person or entity to perform an occupation which the  
22 Board has identified as requiring a license to engage in  
23 riverboat gambling in Illinois.

24 (c) "Gambling game" includes, but is not limited to,



1    baccarat, twenty-one, poker, craps, slot machine, video game of  
2    chance, roulette wheel, klondike table, punchboard, faro  
3    layout, keno layout, numbers ticket, push card, jar ticket, or  
4    pull tab which is authorized by the Board as a wagering device  
5    under this Act.

6           (d) "Riverboat" means a self-propelled excursion boat, a  
7    permanently moored barge, or permanently moored barges that are  
8    permanently fixed together to operate as one vessel, on which  
9    lawful gambling is authorized and licensed as provided in this  
10   Act.

11           (e) "Managers license" means a license issued by the Board  
12   to a person or entity to manage gambling operations conducted  
13   by the State pursuant to Section 7.3 ~~7.2~~.

14           (f) "Dock" means the location where a riverboat moors for  
15   the purpose of embarking passengers for and disembarking  
16   passengers from the riverboat.

17           (g) "Gross receipts" means the total amount of money  
18   exchanged for the purchase of chips, tokens or electronic cards  
19   by riverboat patrons.

20           (h) "Adjusted gross receipts" means the gross receipts less  
21   winnings paid to wagerers.

22           (i) "Cheat" means to alter the selection of criteria which  
23   determine the result of a gambling game or the amount or  
24   frequency of payment in a gambling game.

25           (j) "Department" means the Department of Revenue.

26           (k) "Gambling operation" means the conduct of authorized

1 gambling games upon a riverboat.

2 (l) "License bid" means the lump sum amount of money that  
3 an applicant bids and agrees to pay the State in return for an  
4 owners license that is re-issued on or after July 1, 2003.

5 (m) The terms "minority person" and "female" shall have the  
6 same meaning as defined in Section 2 of the Business Enterprise  
7 for Minorities, Females, and Persons with Disabilities Act.

8 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
9 revised 1-28-04.)

10 (230 ILCS 10/13) (from Ch. 120, par. 2413)

11 Sec. 13. Wagering tax; rate; distribution.

12 (a) Until January 1, 1998, a tax is imposed on the adjusted  
13 gross receipts received from gambling games authorized under  
14 this Act at the rate of 20%.

15 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
16 tax is imposed on persons engaged in the business of conducting  
17 riverboat gambling operations, based on the adjusted gross  
18 receipts received by a licensed owner from gambling games  
19 authorized under this Act at the following rates:

20 15% of annual adjusted gross receipts up to and  
21 including \$25,000,000;

22 20% of annual adjusted gross receipts in excess of  
23 \$25,000,000 but not exceeding \$50,000,000;

24 25% of annual adjusted gross receipts in excess of  
25 \$50,000,000 but not exceeding \$75,000,000;

1           30% of annual adjusted gross receipts in excess of  
2           \$75,000,000 but not exceeding \$100,000,000;

3           35% of annual adjusted gross receipts in excess of  
4           \$100,000,000.

5           (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
6 is imposed on persons engaged in the business of conducting  
7 riverboat gambling operations, other than licensed managers  
8 conducting riverboat gambling operations on behalf of the  
9 State, based on the adjusted gross receipts received by a  
10 licensed owner from gambling games authorized under this Act at  
11 the following rates:

12           15% of annual adjusted gross receipts up to and  
13 including \$25,000,000;

14           22.5% of annual adjusted gross receipts in excess of  
15 \$25,000,000 but not exceeding \$50,000,000;

16           27.5% of annual adjusted gross receipts in excess of  
17 \$50,000,000 but not exceeding \$75,000,000;

18           32.5% of annual adjusted gross receipts in excess of  
19 \$75,000,000 but not exceeding \$100,000,000;

20           37.5% of annual adjusted gross receipts in excess of  
21 \$100,000,000 but not exceeding \$150,000,000;

22           45% of annual adjusted gross receipts in excess of  
23 \$150,000,000 but not exceeding \$200,000,000;

24           50% of annual adjusted gross receipts in excess of  
25 \$200,000,000.

26           (a-3) Beginning July 1, 2003, a privilege tax is imposed on

1 persons engaged in the business of conducting riverboat  
2 gambling operations, other than licensed managers conducting  
3 riverboat gambling operations on behalf of the State, based on  
4 the adjusted gross receipts received by a licensed owner from  
5 gambling games authorized under this Act at the following  
6 rates:

7 15% of annual adjusted gross receipts up to and  
8 including \$25,000,000;

9 27.5% of annual adjusted gross receipts in excess of  
10 \$25,000,000 but not exceeding \$37,500,000;

11 32.5% of annual adjusted gross receipts in excess of  
12 \$37,500,000 but not exceeding \$50,000,000;

13 37.5% of annual adjusted gross receipts in excess of  
14 \$50,000,000 but not exceeding \$75,000,000;

15 45% of annual adjusted gross receipts in excess of  
16 \$75,000,000 but not exceeding \$100,000,000;

17 50% of annual adjusted gross receipts in excess of  
18 \$100,000,000 but not exceeding \$250,000,000;

19 70% of annual adjusted gross receipts in excess of  
20 \$250,000,000.

21 An amount equal to the amount of wagering taxes collected  
22 under this subsection (a-3) that are in addition to the amount  
23 of wagering taxes that would have been collected if the  
24 wagering tax rates under subsection (a-2) were in effect shall  
25 be paid into the Common School Fund.

26 The privilege tax imposed under this subsection (a-3) shall

1 no longer be imposed beginning on the earlier of (i) July 1,  
2 2005; (ii) the first date after June 20, 2003 that riverboat  
3 gambling operations are conducted pursuant to a dormant  
4 license; or (iii) the first day that riverboat gambling  
5 operations are conducted under the authority of an owners  
6 license that is in addition to the 10 owners licenses initially  
7 authorized under this Act. For the purposes of this subsection  
8 (a-3), the term "dormant license" means an owners license that  
9 is authorized by this Act under which no riverboat gambling  
10 operations are being conducted on June 20, 2003.

11 (a-4) Beginning on the first day on which the tax imposed  
12 under subsection (a-3) is no longer imposed, a privilege tax is  
13 imposed on persons engaged in the business of conducting  
14 riverboat gambling operations, other than licensed managers  
15 conducting riverboat gambling operations on behalf of the  
16 State, based on the adjusted gross receipts received by a  
17 licensed owner from gambling games authorized under this Act at  
18 the following rates:

19 15% of annual adjusted gross receipts up to and  
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of  
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of  
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of  
26 \$75,000,000 but not exceeding \$100,000,000;

1           37.5% of annual adjusted gross receipts in excess of  
2           \$100,000,000 but not exceeding \$150,000,000;

3           45% of annual adjusted gross receipts in excess of  
4           \$150,000,000 but not exceeding \$200,000,000;

5           50% of annual adjusted gross receipts in excess of  
6           \$200,000,000.

7           (a-8) Riverboat gambling operations conducted by a  
8           licensed manager on behalf of the State are not subject to the  
9           tax imposed under this Section.

10          (a-10) The taxes imposed by this Section shall be paid by  
11          the licensed owner to the Board not later than 3:00 o'clock  
12          p.m. of the day after the day when the wagers were made.

13          (a-15) If the privilege tax imposed under subsection (a-3)  
14          is no longer imposed pursuant to item (i) of the last paragraph  
15          of subsection (a-3), then by June 15 of each year, each owners  
16          licensee, other than an owners licensee that admitted 1,000,000  
17          persons or fewer in calendar year 2004, must, in addition to  
18          the payment of all amounts otherwise due under this Section,  
19          pay to the Board a reconciliation payment in the amount, if  
20          any, by which the licensed owner's base amount exceeds the  
21          amount of net privilege tax paid by the licensed owner to the  
22          Board in the then current State fiscal year. A licensed owner's  
23          net privilege tax obligation due for the balance of the State  
24          fiscal year shall be reduced up to the total of the amount paid  
25          by the licensed owner in its June 15 reconciliation payment.  
26          The obligation imposed by this subsection (a-15) is binding on

1 any person, firm, corporation, or other entity that acquires an  
2 ownership interest in any such owners license. The obligation  
3 imposed under this subsection (a-15) terminates on the earliest  
4 of: (i) July 1, 2007, (ii) the first day after the effective  
5 date of this amendatory Act of the 94th General Assembly that  
6 riverboat gambling operations are conducted pursuant to a  
7 dormant license, (iii) the first day that riverboat gambling  
8 operations are conducted under the authority of an owners  
9 license that is in addition to the 10 owners licenses initially  
10 authorized under this Act, or (iv) the first day that a  
11 licensee under the Illinois Horse Racing Act of 1975 conducts  
12 gaming operations with slot machines or other electronic gaming  
13 devices. The Board must reduce the obligation imposed under  
14 this subsection (a-15) by an amount the Board deems reasonable  
15 for any of the following reasons: (A) an act or acts of God,  
16 (B) an act of bioterrorism or terrorism or a bioterrorism or  
17 terrorism threat that was investigated by a law enforcement  
18 agency, or (C) a condition beyond the control of the owners  
19 licensee that does not result from any act or omission by the  
20 owners licensee or any of its agents and that poses a hazardous  
21 threat to the health and safety of patrons. If an owners  
22 licensee pays an amount in excess of its liability under this  
23 Section, the Board shall apply the overpayment to future  
24 payments required under this Section.

25 For purposes of this subsection (a-15):

26 "Act of God" means an incident caused by the operation of

1 an extraordinary force that cannot be foreseen, that cannot be  
2 avoided by the exercise of due care, and for which no person  
3 can be held liable.

4 "Base amount" means the following:

5 For a riverboat in Alton, \$31,000,000.

6 For a riverboat in East Peoria, \$43,000,000.

7 For the Empress riverboat in Joliet, \$86,000,000.

8 For a riverboat in Metropolis, \$45,000,000.

9 For the Harrah's riverboat in Joliet, \$114,000,000.

10 For a riverboat in Aurora, \$86,000,000.

11 For a riverboat in East St. Louis, \$48,500,000.

12 For a riverboat in Elgin, \$198,000,000.

13 "Dormant license" has the meaning ascribed to it in  
14 subsection (a-3).

15 "Net privilege tax" means all privilege taxes paid by a  
16 licensed owner to the Board under this Section, less all  
17 payments made from the State Gaming Fund pursuant to subsection  
18 (b) of this Section.

19 The changes made to this subsection (a-15) by Public Act  
20 94-839 ~~this amendatory Act of the 94th General Assembly~~ are  
21 intended to restate and clarify the intent of Public Act 94-673  
22 with respect to the amount of the payments required to be made  
23 under this subsection by an owners licensee to the Board.

24 (b) Until January 1, 1998, 25% of the tax revenue deposited  
25 in the State Gaming Fund under this Section shall be paid,  
26 subject to appropriation by the General Assembly, to the unit



1 of local government which is designated as the home dock of the  
2 riverboat. Beginning January 1, 1998, from the tax revenue  
3 deposited in the State Gaming Fund under this Section, an  
4 amount equal to 5% of adjusted gross receipts generated by a  
5 riverboat shall be paid monthly, subject to appropriation by  
6 the General Assembly, to the unit of local government that is  
7 designated as the home dock of the riverboat. From the tax  
8 revenue deposited in the State Gaming Fund pursuant to  
9 riverboat gambling operations conducted by a licensed manager  
10 on behalf of the State, an amount equal to 5% of adjusted gross  
11 receipts generated pursuant to those riverboat gambling  
12 operations shall be paid monthly, subject to appropriation by  
13 the General Assembly, to the unit of local government that is  
14 designated as the home dock of the riverboat upon which those  
15 riverboat gambling operations are conducted.

16 (c) Appropriations, as approved by the General Assembly,  
17 may be made from the State Gaming Fund to the Department of  
18 Revenue and the Department of State Police for the  
19 administration and enforcement of this Act, or to the  
20 Department of Human Services for the administration of programs  
21 to treat problem gambling.

22 (c-5) Before May 26, 2006 (the effective date of Public Act  
23 94-804) ~~this amendatory Act of the 94th General Assembly~~ and  
24 beginning 2 years after May 26, 2006 (the effective date of  
25 Public Act 94-804) ~~this amendatory Act of the 94th General~~  
26 ~~Assembly~~, after the payments required under subsections (b) and

1 (c) have been made, an amount equal to 15% of the adjusted  
2 gross receipts of (1) an owners licensee that relocates  
3 pursuant to Section 11.2, (2) an owners licensee conducting  
4 riverboat gambling operations pursuant to an owners license  
5 that is initially issued after June 25, 1999, or (3) the first  
6 riverboat gambling operations conducted by a licensed manager  
7 on behalf of the State under Section 7.3, whichever comes  
8 first, shall be paid from the State Gaming Fund into the Horse  
9 Racing Equity Fund.

10 (c-10) Each year the General Assembly shall appropriate  
11 from the General Revenue Fund to the Education Assistance Fund  
12 an amount equal to the amount paid into the Horse Racing Equity  
13 Fund pursuant to subsection (c-5) in the prior calendar year.

14 (c-15) After the payments required under subsections (b),  
15 (c), and (c-5) have been made, an amount equal to 2% of the  
16 adjusted gross receipts of (1) an owners licensee that  
17 relocates pursuant to Section 11.2, (2) an owners licensee  
18 conducting riverboat gambling operations pursuant to an owners  
19 license that is initially issued after June 25, 1999, or (3)  
20 the first riverboat gambling operations conducted by a licensed  
21 manager on behalf of the State under Section 7.3, whichever  
22 comes first, shall be paid, subject to appropriation from the  
23 General Assembly, from the State Gaming Fund to each home rule  
24 county with a population of over 3,000,000 inhabitants for the  
25 purpose of enhancing the county's criminal justice system.

26 (c-20) Each year the General Assembly shall appropriate

1 from the General Revenue Fund to the Education Assistance Fund  
2 an amount equal to the amount paid to each home rule county  
3 with a population of over 3,000,000 inhabitants pursuant to  
4 subsection (c-15) in the prior calendar year.

5 (c-25) After the payments required under subsections (b),  
6 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
7 the adjusted gross receipts of (1) an owners licensee that  
8 relocates pursuant to Section 11.2, (2) an owners licensee  
9 conducting riverboat gambling operations pursuant to an owners  
10 license that is initially issued after June 25, 1999, or (3)  
11 the first riverboat gambling operations conducted by a licensed  
12 manager on behalf of the State under Section 7.3, whichever  
13 comes first, shall be paid from the State Gaming Fund to  
14 Chicago State University.

15 (d) From time to time, the Board shall transfer the  
16 remainder of the funds generated by this Act into the Education  
17 Assistance Fund, created by Public Act 86-0018, of the State of  
18 Illinois.

19 (e) Nothing in this Act shall prohibit the unit of local  
20 government designated as the home dock of the riverboat from  
21 entering into agreements with other units of local government  
22 in this State or in other states to share its portion of the  
23 tax revenue.

24 (f) To the extent practicable, the Board shall administer  
25 and collect the wagering taxes imposed by this Section in a  
26 manner consistent with the provisions of Sections 4, 5, 5a, 5b,

1 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
3 Penalty and Interest Act.

4 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
5 eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06;  
6 revised 8-3-06.)

7 Section 790. The Liquor Control Act of 1934 is amended by  
8 changing Sections 5-1, 6-2, 6-11, 6-16.2, 7-5, 7-6, and 12-4  
9 and by setting forth and renumbering multiple versions of  
10 Section 6-33 as follows:

11 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

12 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
13 Commission shall be of the following classes:

14 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
15 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
16 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
17 First Class Winemaker, Class 7. Second Class Winemaker, Class  
18 8. Limited Wine Manufacturer,

19 (b) Distributor's license,

20 (c) Importing Distributor's license,

21 (d) Retailer's license,

22 (e) Special Event Retailer's license (not-for-profit),

23 (f) Railroad license,

24 (g) Boat license,

- 1 (h) Non-Beverage User's license,
- 2 (i) Wine-maker's premises license,
- 3 (j) Airplane license,
- 4 (k) Foreign importer's license,
- 5 (l) Broker's license,
- 6 (m) Non-resident dealer's license,
- 7 (n) Brew Pub license,
- 8 (o) Auction liquor license,
- 9 (p) Caterer retailer license,
- 10 (q) Special use permit license.

11 No person, firm, partnership, corporation, or other legal  
12 business entity that is engaged in the manufacturing of wine  
13 may concurrently obtain and hold a wine-maker's license and a  
14 wine manufacturer's license.

15 (a) A manufacturer's license shall allow the manufacture,  
16 importation in bulk, storage, distribution and sale of  
17 alcoholic liquor to persons without the State, as may be  
18 permitted by law and to licensees in this State as follows:

19 Class 1. A Distiller may make sales and deliveries of  
20 alcoholic liquor to distillers, rectifiers, importing  
21 distributors, distributors and non-beverage users and to no  
22 other licensees.

23 Class 2. A Rectifier, who is not a distiller, as defined  
24 herein, may make sales and deliveries of alcoholic liquor to  
25 rectifiers, importing distributors, distributors, retailers  
26 and non-beverage users and to no other licensees.

1           Class 3. A Brewer may make sales and deliveries of beer to  
2 importing distributors, distributors, and to non-licensees,  
3 and to retailers provided the brewer obtains an importing  
4 distributor's license or distributor's license in accordance  
5 with the provisions of this Act.

6           Class 4. A first class wine-manufacturer may make sales and  
7 deliveries of up to 50,000 gallons of wine to manufacturers,  
8 importing distributors and distributors, and to no other  
9 licensees.

10          Class 5. A second class Wine manufacturer may make sales  
11 and deliveries of more than 50,000 gallons of wine to  
12 manufacturers, importing distributors and distributors and to  
13 no other licensees.

14          Class 6. A first-class wine-maker's license shall allow the  
15 manufacture of up to 50,000 gallons of wine per year, and the  
16 storage and sale of such wine to distributors in the State and  
17 to persons without the State, as may be permitted by law. A  
18 first-class wine-maker's license shall allow the sale of no  
19 more than 5,000 gallons of the licensee's wine to retailers.  
20 The State Commission shall issue only one first-class  
21 wine-maker's license to any person, firm, partnership,  
22 corporation, or other legal business entity that is engaged in  
23 the making of less than 50,000 gallons of wine annually that  
24 applies for a first-class wine-maker's license. No subsidiary  
25 or affiliate thereof, nor any officer, associate, member,  
26 partner, representative, employee, agent, or shareholder may

1 be issued an additional wine-maker's license by the State  
2 Commission.

3 Class 7. A second-class wine-maker's license shall allow  
4 the manufacture of between 50,000 and 100,000 gallons of wine  
5 per year, and the storage and sale of such wine to distributors  
6 in this State and to persons without the State, as may be  
7 permitted by law. A second-class wine-maker's license shall  
8 allow the sale of no more than 10,000 gallons of the licensee's  
9 wine directly to retailers. The State Commission shall issue  
10 only one second-class wine-maker's license to any person, firm,  
11 partnership, corporation, or other legal business entity that  
12 is engaged in the making of less than 100,000 gallons of wine  
13 annually that applies for a second-class wine-maker's license.  
14 No subsidiary or affiliate thereof, or any officer, associate,  
15 member, partner, representative, employee, agent, or  
16 shareholder may be issued an additional wine-maker's license by  
17 the State Commission.

18 Class 8. A limited wine-manufacturer may make sales and  
19 deliveries not to exceed 40,000 gallons of wine per year to  
20 distributors, and to non-licensees in accordance with the  
21 provisions of this Act.

22 (a-1) A manufacturer which is licensed in this State to  
23 make sales or deliveries of alcoholic liquor and which enlists  
24 agents, representatives, or individuals acting on its behalf  
25 who contact licensed retailers on a regular and continual basis  
26 in this State must register those agents, representatives, or

1 persons acting on its behalf with the State Commission.

2 Registration of agents, representatives, or persons acting  
3 on behalf of a manufacturer is fulfilled by submitting a form  
4 to the Commission. The form shall be developed by the  
5 Commission and shall include the name and address of the  
6 applicant, the name and address of the manufacturer he or she  
7 represents, the territory or areas assigned to sell to or  
8 discuss pricing terms of alcoholic liquor, and any other  
9 questions deemed appropriate and necessary. All statements in  
10 the forms required to be made by law or by rule shall be deemed  
11 material, and any person who knowingly misstates any material  
12 fact under oath in an application is guilty of a Class B  
13 misdemeanor. Fraud, misrepresentation, false statements,  
14 misleading statements, evasions, or suppression of material  
15 facts in the securing of a registration are grounds for  
16 suspension or revocation of the registration.

17 (b) A distributor's license shall allow the wholesale  
18 purchase and storage of alcoholic liquors and sale of alcoholic  
19 liquors to licensees in this State and to persons without the  
20 State, as may be permitted by law.

21 (c) An importing distributor's license may be issued to and  
22 held by those only who are duly licensed distributors, upon the  
23 filing of an application by a duly licensed distributor, with  
24 the Commission and the Commission shall, without the payment of  
25 any fee, immediately issue such importing distributor's  
26 license to the applicant, which shall allow the importation of



1 alcoholic liquor by the licensee into this State from any point  
2 in the United States outside this State, and the purchase of  
3 alcoholic liquor in barrels, casks or other bulk containers and  
4 the bottling of such alcoholic liquors before resale thereof,  
5 but all bottles or containers so filled shall be sealed,  
6 labeled, stamped and otherwise made to comply with all  
7 provisions, rules and regulations governing manufacturers in  
8 the preparation and bottling of alcoholic liquors. The  
9 importing distributor's license shall permit such licensee to  
10 purchase alcoholic liquor from Illinois licensed non-resident  
11 dealers and foreign importers only.

12 (d) A retailer's license shall allow the licensee to sell  
13 and offer for sale at retail, only in the premises specified in  
14 the license, alcoholic liquor for use or consumption, but not  
15 for resale in any form: Provided that any retail license issued  
16 to a manufacturer shall only permit the manufacturer to sell  
17 beer at retail on the premises actually occupied by the  
18 manufacturer. For the purpose of further describing the type of  
19 business conducted at a retail licensed premises, a retailer's  
20 licensee may be designated by the State Commission as (i) an on  
21 premise consumption retailer, (ii) an off premise sale  
22 retailer, or (iii) a combined on premise consumption and off  
23 premise sale retailer.

24 Notwithstanding any other provision of this subsection  
25 (d), a retail licensee may sell alcoholic liquors to a special  
26 event retailer licensee for resale to the extent permitted

1 under subsection (e).

2 (e) A special event retailer's license (not-for-profit)  
3 shall permit the licensee to purchase alcoholic liquors from an  
4 Illinois licensed distributor (unless the licensee purchases  
5 less than \$500 of alcoholic liquors for the special event, in  
6 which case the licensee may purchase the alcoholic liquors from  
7 a licensed retailer) and shall allow the licensee to sell and  
8 offer for sale, at retail, alcoholic liquors for use or  
9 consumption, but not for resale in any form and only at the  
10 location and on the specific dates designated for the special  
11 event in the license. An applicant for a special event retailer  
12 license must (i) furnish with the application: (A) a resale  
13 number issued under Section 2c of the Retailers' Occupation Tax  
14 Act or evidence that the applicant is registered under Section  
15 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
16 exemption identification number issued under Section 1g of the  
17 Retailers' Occupation Tax Act, and a certification to the  
18 Commission that the purchase of alcoholic liquors will be a  
19 tax-exempt purchase, or (C) a statement that the applicant is  
20 not registered under Section 2a of the Retailers' Occupation  
21 Tax Act, does not hold a resale number under Section 2c of the  
22 Retailers' Occupation Tax Act, and does not hold an exemption  
23 number under Section 1g of the Retailers' Occupation Tax Act,  
24 in which event the Commission shall set forth on the special  
25 event retailer's license a statement to that effect; (ii)  
26 submit with the application proof satisfactory to the State

1 Commission that the applicant will provide dram shop liability  
2 insurance in the maximum limits; and (iii) show proof  
3 satisfactory to the State Commission that the applicant has  
4 obtained local authority approval.

5 (f) A railroad license shall permit the licensee to import  
6 alcoholic liquors into this State from any point in the United  
7 States outside this State and to store such alcoholic liquors  
8 in this State; to make wholesale purchases of alcoholic liquors  
9 directly from manufacturers, foreign importers, distributors  
10 and importing distributors from within or outside this State;  
11 and to store such alcoholic liquors in this State; provided  
12 that the above powers may be exercised only in connection with  
13 the importation, purchase or storage of alcoholic liquors to be  
14 sold or dispensed on a club, buffet, lounge or dining car  
15 operated on an electric, gas or steam railway in this State;  
16 and provided further, that railroad licensees exercising the  
17 above powers shall be subject to all provisions of Article VIII  
18 of this Act as applied to importing distributors. A railroad  
19 license shall also permit the licensee to sell or dispense  
20 alcoholic liquors on any club, buffet, lounge or dining car  
21 operated on an electric, gas or steam railway regularly  
22 operated by a common carrier in this State, but shall not  
23 permit the sale for resale of any alcoholic liquors to any  
24 licensee within this State. A license shall be obtained for  
25 each car in which such sales are made.

26 (g) A boat license shall allow the sale of alcoholic liquor

1 in individual drinks, on any passenger boat regularly operated  
 2 as a common carrier on navigable waters in this State or on any  
 3 riverboat operated under the Riverboat Gambling Act, which boat  
 4 or riverboat maintains a public dining room or restaurant  
 5 thereon.

6 (h) A non-beverage user's license shall allow the licensee  
 7 to purchase alcoholic liquor from a licensed manufacturer or  
 8 importing distributor, without the imposition of any tax upon  
 9 the business of such licensed manufacturer or importing  
 10 distributor as to such alcoholic liquor to be used by such  
 11 licensee solely for the non-beverage purposes set forth in  
 12 subsection (a) of Section 8-1 of this Act, and such licenses  
 13 shall be divided and classified and shall permit the purchase,  
 14 possession and use of limited and stated quantities of  
 15 alcoholic liquor as follows:

- 16 Class 1, not to exceed ..... 500 gallons
- 17 Class 2, not to exceed ..... 1,000 gallons
- 18 Class 3, not to exceed ..... 5,000 gallons
- 19 Class 4, not to exceed ..... 10,000 gallons
- 20 Class 5, not to exceed ..... 50,000 gallons

21 (i) A wine-maker's premises license shall allow a licensee  
 22 that concurrently holds a first-class wine-maker's license to  
 23 sell and offer for sale at retail in the premises specified in  
 24 such license not more than 50,000 gallons of the first-class  
 25 wine-maker's wine that is made at the first-class wine-maker's  
 26 licensed premises per year for use or consumption, but not for

1 resale in any form. A wine-maker's premises license shall allow  
2 a licensee who concurrently holds a second-class wine-maker's  
3 license to sell and offer for sale at retail in the premises  
4 specified in such license up to 100,000 gallons of the  
5 second-class wine-maker's wine that is made at the second-class  
6 wine-maker's licensed premises per year for use or consumption  
7 but not for resale in any form. A wine-maker's premises license  
8 shall allow a licensee that concurrently holds a first-class  
9 wine-maker's license or a second-class wine-maker's license to  
10 sell and offer for sale at retail at the premises specified in  
11 the wine-maker's premises license, for use or consumption but  
12 not for resale in any form, any beer, wine, and spirits  
13 purchased from a licensed distributor. Upon approval from the  
14 State Commission, a wine-maker's premises license shall allow  
15 the licensee to sell and offer for sale at (i) the wine-maker's  
16 licensed premises and (ii) at up to 2 additional locations for  
17 use and consumption and not for resale. Each location shall  
18 require additional licensing per location as specified in  
19 Section 5-3 of this Act.

20 (j) An airplane license shall permit the licensee to import  
21 alcoholic liquors into this State from any point in the United  
22 States outside this State and to store such alcoholic liquors  
23 in this State; to make wholesale purchases of alcoholic liquors  
24 directly from manufacturers, foreign importers, distributors  
25 and importing distributors from within or outside this State;  
26 and to store such alcoholic liquors in this State; provided

1 that the above powers may be exercised only in connection with  
2 the importation, purchase or storage of alcoholic liquors to be  
3 sold or dispensed on an airplane; and provided further, that  
4 airplane licensees exercising the above powers shall be subject  
5 to all provisions of Article VIII of this Act as applied to  
6 importing distributors. An airplane licensee shall also permit  
7 the sale or dispensing of alcoholic liquors on any passenger  
8 airplane regularly operated by a common carrier in this State,  
9 but shall not permit the sale for resale of any alcoholic  
10 liquors to any licensee within this State. A single airplane  
11 license shall be required of an airline company if liquor  
12 service is provided on board aircraft in this State. The annual  
13 fee for such license shall be as determined in Section 5-3.

14 (k) A foreign importer's license shall permit such licensee  
15 to purchase alcoholic liquor from Illinois licensed  
16 non-resident dealers only, and to import alcoholic liquor other  
17 than in bulk from any point outside the United States and to  
18 sell such alcoholic liquor to Illinois licensed importing  
19 distributors and to no one else in Illinois; provided that the  
20 foreign importer registers with the State Commission every  
21 brand of alcoholic liquor that it proposes to sell to Illinois  
22 licensees during the license period and provided further that  
23 the foreign importer complies with all of the provisions of  
24 Section 6-9 of this Act with respect to registration of such  
25 Illinois licensees as may be granted the right to sell such  
26 brands at wholesale.

1           (1) (i) A broker's license shall be required of all persons  
2 who solicit orders for, offer to sell or offer to supply  
3 alcoholic liquor to retailers in the State of Illinois, or who  
4 offer to retailers to ship or cause to be shipped or to make  
5 contact with distillers, rectifiers, brewers or manufacturers  
6 or any other party within or without the State of Illinois in  
7 order that alcoholic liquors be shipped to a distributor,  
8 importing distributor or foreign importer, whether such  
9 solicitation or offer is consummated within or without the  
10 State of Illinois.

11           No holder of a retailer's license issued by the Illinois  
12 Liquor Control Commission shall purchase or receive any  
13 alcoholic liquor, the order for which was solicited or offered  
14 for sale to such retailer by a broker unless the broker is the  
15 holder of a valid broker's license.

16           The broker shall, upon the acceptance by a retailer of the  
17 broker's solicitation of an order or offer to sell or supply or  
18 deliver or have delivered alcoholic liquors, promptly forward  
19 to the Illinois Liquor Control Commission a notification of  
20 said transaction in such form as the Commission may by  
21 regulations prescribe.

22           (ii) A broker's license shall be required of a person  
23 within this State, other than a retail licensee, who, for a fee  
24 or commission, promotes, solicits, or accepts orders for  
25 alcoholic liquor, for use or consumption and not for resale, to  
26 be shipped from this State and delivered to residents outside

1 of this State by an express company, common carrier, or  
2 contract carrier. This Section does not apply to any person who  
3 promotes, solicits, or accepts orders for wine as specifically  
4 authorized in Section 6-29 of this Act.

5 A broker's license under this subsection (1) shall not  
6 entitle the holder to buy or sell any alcoholic liquors for his  
7 own account or to take or deliver title to such alcoholic  
8 liquors.

9 This subsection (1) shall not apply to distributors,  
10 employees of distributors, or employees of a manufacturer who  
11 has registered the trademark, brand or name of the alcoholic  
12 liquor pursuant to Section 6-9 of this Act, and who regularly  
13 sells such alcoholic liquor in the State of Illinois only to  
14 its registrants thereunder.

15 Any agent, representative, or person subject to  
16 registration pursuant to subsection (a-1) of this Section shall  
17 not be eligible to receive a broker's license.

18 (m) A non-resident dealer's license shall permit such  
19 licensee to ship into and warehouse alcoholic liquor into this  
20 State from any point outside of this State, and to sell such  
21 alcoholic liquor to Illinois licensed foreign importers and  
22 importing distributors and to no one else in this State;  
23 provided that said non-resident dealer shall register with the  
24 Illinois Liquor Control Commission each and every brand of  
25 alcoholic liquor which it proposes to sell to Illinois  
26 licensees during the license period; and further provided that



1 it shall comply with all of the provisions of Section 6-9  
2 hereof with respect to registration of such Illinois licensees  
3 as may be granted the right to sell such brands at wholesale.

4 (n) A brew pub license shall allow the licensee to  
5 manufacture beer only on the premises specified in the license,  
6 to make sales of the beer manufactured on the premises to  
7 importing distributors, distributors, and to non-licensees for  
8 use and consumption, to store the beer upon the premises, and  
9 to sell and offer for sale at retail from the licensed  
10 premises, provided that a brew pub licensee shall not sell for  
11 off-premises consumption more than 50,000 gallons per year.

12 (o) A caterer retailer license shall allow the holder to  
13 serve alcoholic liquors as an incidental part of a food service  
14 that serves prepared meals which excludes the serving of snacks  
15 as the primary meal, either on or off-site whether licensed or  
16 unlicensed.

17 (p) An auction liquor license shall allow the licensee to  
18 sell and offer for sale at auction wine and spirits for use or  
19 consumption, or for resale by an Illinois liquor licensee in  
20 accordance with provisions of this Act. An auction liquor  
21 license will be issued to a person and it will permit the  
22 auction liquor licensee to hold the auction anywhere in the  
23 State. An auction liquor license must be obtained for each  
24 auction at least 14 days in advance of the auction date.

25 (q) A special use permit license shall allow an Illinois  
26 licensed retailer to transfer a portion of its alcoholic liquor

1 inventory from its retail licensed premises to the premises  
2 specified in the license hereby created, and to sell or offer  
3 for sale at retail, only in the premises specified in the  
4 license hereby created, the transferred alcoholic liquor for  
5 use or consumption, but not for resale in any form. A special  
6 use permit license may be granted for the following time  
7 periods: one day or less; 2 or more days to a maximum of 15 days  
8 per location in any 12 month period. An applicant for the  
9 special use permit license must also submit with the  
10 application proof satisfactory to the State Commission that the  
11 applicant will provide dram shop liability insurance to the  
12 maximum limits and have local authority approval.

13 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;  
14 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.  
15 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

16 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

17 Sec. 6-2. Issuance of licenses to certain persons  
18 prohibited.

19 (a) Except as otherwise provided in subsection (b) of this  
20 Section and in paragraph (1) of subsection (a) of Section 3-12,  
21 no license of any kind issued by the State Commission or any  
22 local commission shall be issued to:

23 (1) A person who is not a resident of any city, village  
24 or county in which the premises covered by the license are  
25 located; except in case of railroad or boat licenses.

1           (2) A person who is not of good character and  
2 reputation in the community in which he resides.

3           (3) A person who is not a citizen of the United States.

4           (4) A person who has been convicted of a felony under  
5 any Federal or State law, unless the Commission determines  
6 that such person has been sufficiently rehabilitated to  
7 warrant the public trust after considering matters set  
8 forth in such person's application and the Commission's  
9 investigation. The burden of proof of sufficient  
10 rehabilitation shall be on the applicant.

11           (5) A person who has been convicted of being the keeper  
12 or is keeping a house of ill fame.

13           (6) A person who has been convicted of pandering or  
14 other crime or misdemeanor opposed to decency and morality.

15           (7) A person whose license issued under this Act has  
16 been revoked for cause.

17           (8) A person who at the time of application for renewal  
18 of any license issued hereunder would not be eligible for  
19 such license upon a first application.

20           (9) A copartnership, if any general partnership  
21 thereof, or any limited partnership thereof, owning more  
22 than 5% of the aggregate limited partner interest in such  
23 copartnership would not be eligible to receive a license  
24 hereunder for any reason other than residence within the  
25 political subdivision, unless residency is required by  
26 local ordinance.

1           (10) A corporation or limited liability company, if any  
2 member, officer, manager or director thereof, or any  
3 stockholder or stockholders owning in the aggregate more  
4 than 5% of the stock of such corporation, would not be  
5 eligible to receive a license hereunder for any reason  
6 other than citizenship and residence within the political  
7 subdivision.

8           (10a) A corporation or limited liability company  
9 unless it is incorporated or organized in Illinois, or  
10 unless it is a foreign corporation or foreign limited  
11 liability company which is qualified under the Business  
12 Corporation Act of 1983 or the Limited Liability Company  
13 Act to transact business in Illinois. The Commission shall  
14 permit and accept from an applicant for a license under  
15 this Act proof prepared from the Secretary of State's  
16 website that the corporation or limited liability company  
17 is in good standing and is qualified under the Business  
18 Corporation Act of 1983 or the Limited Liability Company  
19 Act to transact business in Illinois.

20           (11) A person whose place of business is conducted by a  
21 manager or agent unless the manager or agent possesses the  
22 same qualifications required by the licensee.

23           (12) A person who has been convicted of a violation of  
24 any Federal or State law concerning the manufacture,  
25 possession or sale of alcoholic liquor, subsequent to the  
26 passage of this Act or has forfeited his bond to appear in

1 court to answer charges for any such violation.

2 (13) A person who does not beneficially own the  
3 premises for which a license is sought, or does not have a  
4 lease thereon for the full period for which the license is  
5 to be issued.

6 (14) Any law enforcing public official, including  
7 members of local liquor control commissions, any mayor,  
8 alderman, or member of the city council or commission, any  
9 president of the village board of trustees, any member of a  
10 village board of trustees, or any president or member of a  
11 county board; and no such official shall have a direct  
12 interest in the manufacture, sale, or distribution of  
13 alcoholic liquor, except that a license may be granted to  
14 such official in relation to premises that are not located  
15 within the territory subject to the jurisdiction of that  
16 official if the issuance of such license is approved by the  
17 State Liquor Control Commission and except that a license  
18 may be granted, in a city or village with a population of  
19 50,000 or less, to any alderman, member of a city council,  
20 or member of a village board of trustees in relation to  
21 premises that are located within the territory subject to  
22 the jurisdiction of that official if (i) the sale of  
23 alcoholic liquor pursuant to the license is incidental to  
24 the selling of food, (ii) the issuance of the license is  
25 approved by the State Commission, (iii) the issuance of the  
26 license is in accordance with all applicable local

1           ordinances in effect where the premises are located, and  
2           (iv) the official granted a license does not vote on  
3           alcoholic liquor issues pending before the board or council  
4           to which the license holder is elected. Notwithstanding any  
5           provision of this paragraph (14) to the contrary, an  
6           alderman or member of a city council or commission, a  
7           member of a village board of trustees other than the  
8           president of the village board of trustees, or a member of  
9           a county board other than the president of a county board  
10          may have a direct interest in the manufacture, sale, or  
11          distribution of alcoholic liquor as long as he or she is  
12          not a law enforcing public official, a mayor, a village  
13          board president, or president of a county board. To prevent  
14          any conflict of interest, the elected official with the  
15          direct interest in the manufacture, sale, or distribution  
16          of alcoholic liquor cannot participate in any meetings,  
17          hearings, or decisions on matters impacting the  
18          manufacture, sale, or distribution of alcoholic liquor.

19           (15) A person who is not a beneficial owner of the  
20          business to be operated by the licensee.

21           (16) A person who has been convicted of a gambling  
22          offense as proscribed by any of subsections (a) (3) through  
23          (a) (11) of Section 28-1 of, or as proscribed by Section  
24          28-1.1 or 28-3 of, the Criminal Code of 1961, or as  
25          proscribed by a statute replaced by any of the aforesaid  
26          statutory provisions.

1           (17) A person or entity to whom a federal wagering  
2 stamp has been issued by the federal government, unless the  
3 person or entity is eligible to be issued a license under  
4 the Raffles Act or the Illinois Pull Tabs and Jar Games  
5 Act.

6           (18) A person who intends to sell alcoholic liquors for  
7 use or consumption on his or her licensed retail premises  
8 who does not have liquor liability insurance coverage for  
9 that premises in an amount that is at least equal to the  
10 maximum liability amounts set out in subsection (a) of  
11 Section 6-21.

12           (b) A criminal conviction of a corporation is not grounds  
13 for the denial, suspension, or revocation of a license applied  
14 for or held by the corporation if the criminal conviction was  
15 not the result of a violation of any federal or State law  
16 concerning the manufacture, possession or sale of alcoholic  
17 liquor, the offense that led to the conviction did not result  
18 in any financial gain to the corporation and the corporation  
19 has terminated its relationship with each director, officer,  
20 employee, or controlling shareholder whose actions directly  
21 contributed to the conviction of the corporation. The  
22 Commission shall determine if all provisions of this subsection  
23 (b) have been met before any action on the corporation's  
24 license is initiated.

25           (Source: P.A. 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04; 94-5,  
26 eff. 6-3-05; 94-289, eff. 1-1-06; 94-381, eff. 7-29-05; revised

1 8-19-05.)

2 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

3 Sec. 6-11. Sale near churches, schools, and hospitals.

4 (a) No license shall be issued for the sale at retail of  
5 any alcoholic liquor within 100 feet of any church, school  
6 other than an institution of higher learning, hospital, home  
7 for aged or indigent persons or for veterans, their spouses or  
8 children or any military or naval station, provided, that this  
9 prohibition shall not apply to hotels offering restaurant  
10 service, regularly organized clubs, or to restaurants, food  
11 shops or other places where sale of alcoholic liquors is not  
12 the principal business carried on if the place of business so  
13 exempted is not located in a municipality of more than 500,000  
14 persons, unless required by local ordinance; nor to the renewal  
15 of a license for the sale at retail of alcoholic liquor on  
16 premises within 100 feet of any church or school where the  
17 church or school has been established within such 100 feet  
18 since the issuance of the original license. In the case of a  
19 church, the distance of 100 feet shall be measured to the  
20 nearest part of any building used for worship services or  
21 educational programs and not to property boundaries.

22 (b) Nothing in this Section shall prohibit the issuance of  
23 a retail license authorizing the sale of alcoholic liquor to a  
24 restaurant, the primary business of which is the sale of goods  
25 baked on the premises if (i) the restaurant is newly



1 constructed and located on a lot of not less than 10,000 square  
2 feet, (ii) the restaurant costs at least \$1,000,000 to  
3 construct, (iii) the licensee is the titleholder to the  
4 premises and resides on the premises, and (iv) the construction  
5 of the restaurant is completed within 18 months of the  
6 effective date of this amendatory Act of 1998.

7 (c) Nothing in this Section shall prohibit the issuance of  
8 a retail license authorizing the sale of alcoholic liquor  
9 incidental to a restaurant if (1) the primary business of the  
10 restaurant consists of the sale of food where the sale of  
11 liquor is incidental to the sale of food and the applicant is a  
12 completely new owner of the restaurant, (2) the immediately  
13 prior owner or operator of the premises where the restaurant is  
14 located operated the premises as a restaurant and held a valid  
15 retail license authorizing the sale of alcoholic liquor at the  
16 restaurant for at least part of the 24 months before the change  
17 of ownership, and (3) the restaurant is located 75 or more feet  
18 from a school.

19 (d) In the interest of further developing Illinois' economy  
20 in the area of commerce, tourism, convention, and banquet  
21 business, nothing in this Section shall prohibit issuance of a  
22 retail license authorizing the sale of alcoholic beverages to a  
23 restaurant, banquet facility, grocery store, or hotel having  
24 not fewer than 150 guest room accommodations located in a  
25 municipality of more than 500,000 persons, notwithstanding the  
26 proximity of such hotel, restaurant, banquet facility, or

1 grocery store to any church or school, if the licensed premises  
2 described on the license are located within an enclosed mall or  
3 building of a height of at least 6 stories, or 60 feet in the  
4 case of a building that has been registered as a national  
5 landmark, or in a grocery store having a minimum of 56,010  
6 square feet of floor space in a single story building in an  
7 open mall of at least 3.96 acres that is adjacent to a public  
8 school that opened as a boys technical high school in 1934, or  
9 in a grocery store having a minimum of 31,000 square feet of  
10 floor space in a single story building located a distance of  
11 more than 90 feet but less than 100 feet from a high school  
12 that opened in 1928 as a junior high school and became a senior  
13 high school in 1933, and in each of these cases if the sale of  
14 alcoholic liquors is not the principal business carried on by  
15 the licensee.

16 For purposes of this Section, a "banquet facility" is any  
17 part of a building that caters to private parties and where the  
18 sale of alcoholic liquors is not the principal business.

19 (e) Nothing in this Section shall prohibit the issuance of  
20 a license to a church or private school to sell at retail  
21 alcoholic liquor if any such sales are limited to periods when  
22 groups are assembled on the premises solely for the promotion  
23 of some common object other than the sale or consumption of  
24 alcoholic liquors.

25 (f) Nothing in this Section shall prohibit a church or  
26 church affiliated school located in a home rule municipality or

1 in a municipality with 75,000 or more inhabitants from locating  
2 within 100 feet of a property for which there is a preexisting  
3 license to sell alcoholic liquor at retail. In these instances,  
4 the local zoning authority may, by ordinance adopted  
5 simultaneously with the granting of an initial special use  
6 zoning permit for the church or church affiliated school,  
7 provide that the 100-foot restriction in this Section shall not  
8 apply to that church or church affiliated school and future  
9 retail liquor licenses.

10 (g) Nothing in this Section shall prohibit the issuance of  
11 a retail license authorizing the sale of alcoholic liquor at  
12 premises within 100 feet, but not less than 90 feet, of a  
13 public school if (1) the premises have been continuously  
14 licensed to sell alcoholic liquor for a period of at least 50  
15 years, (2) the premises are located in a municipality having a  
16 population of over 500,000 inhabitants, (3) the licensee is an  
17 individual who is a member of a family that has held the  
18 previous 3 licenses for that location for more than 25 years,  
19 (4) the principal of the school and the alderman of the ward in  
20 which the school is located have delivered a written statement  
21 to the local liquor control commissioner stating that they do  
22 not object to the issuance of a license under this subsection  
23 (g), and (5) the local liquor control commissioner has received  
24 the written consent of a majority of the registered voters who  
25 live within 200 feet of the premises.

26 (h) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance  
2 or renewal of a license authorizing the sale of alcoholic  
3 liquor within premises and at an outdoor patio area attached to  
4 premises that are located in a municipality with a population  
5 in excess of 300,000 inhabitants and that are within 100 feet  
6 of a church if:

7 (1) the sale of alcoholic liquor at the premises is  
8 incidental to the sale of food,

9 (2) the sale of liquor is not the principal business  
10 carried on by the licensee at the premises,

11 (3) the premises are less than 1,000 square feet,

12 (4) the premises are owned by the University of  
13 Illinois,

14 (5) the premises are immediately adjacent to property  
15 owned by a church and are not less than 20 nor more than 40  
16 feet from the church space used for worship services, and

17 (6) the principal religious leader at the place of  
18 worship has indicated his or her support for the issuance  
19 of the license in writing.

20 (i) ~~(h)~~ Notwithstanding any provision in this Section to  
21 the contrary, nothing in this Section shall prohibit the  
22 issuance or renewal of a license to sell alcoholic liquor at a  
23 premises that is located within a municipality with a  
24 population in excess of 300,000 inhabitants and is within 100  
25 feet of a church, synagogue, or other place of worship if:

26 (1) the primary entrance of the premises and the

1 primary entrance of the church, synagogue, or other place  
2 of worship are at least 100 feet apart, on parallel  
3 streets, and separated by an alley; and

4 (2) the principal religious leader at the place of  
5 worship has not indicated his or her opposition to the  
6 issuance or renewal of the license in writing.

7 (j) ~~(h)~~ Notwithstanding any provision in this Section to  
8 the contrary, nothing in this Section shall prohibit the  
9 issuance of a retail license authorizing the sale of alcoholic  
10 liquor at a theater that is within 100 feet of a church if (1)  
11 the church owns the theater, (2) the church leases the theater  
12 to one or more entities, and (3) the theater is used by at  
13 least 5 different not-for-profit theater groups.

14 (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;  
15 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;  
16 revised 10-14-04.)

17 (235 ILCS 5/6-16.2)

18 Sec. 6-16.2. Prohibited entry to a licensed premises. A  
19 municipality or county may prohibit a licensee or any officer,  
20 associate, member, representative, agent, or employee of a  
21 licensee from permitting a person under the age of 21 years to  
22 enter and remain in that portion of a licensed premises that  
23 sells, gives, or delivers alcoholic liquor for consumption on  
24 the premises. No prohibition under this Section, however, shall  
25 apply to any licensed premises, such as without limitation a

1 restaurant or food shop, where selling, giving, or delivering  
2 alcoholic liquor is not the principal business of the licensee  
3 at those premises.

4 In those instances where a person under the age of 21 years  
5 is prohibited from entering and remaining on the premises,  
6 proof that the defendant-licensee, or his employee or agent,  
7 demanded, was shown, and reasonably relied upon adequate  
8 written evidence for purposes of entering and remaining on the  
9 licensed premises is an affirmative defense in any criminal  
10 prosecution therefor or to any proceedings for the suspension  
11 or revocation of any license based thereon. It shall not,  
12 however, be an affirmative defense if the defendant-licensee  
13 ~~defendant-licensee~~, or his agent or employee, accepted the  
14 written evidence knowing it to be false or fraudulent.

15 Adequate written evidence of age and identity of the person  
16 is a document issued by a federal, state, county, or municipal  
17 government, or subdivision or agency thereof, including, but  
18 not limited to, a motor vehicle operator's license, a  
19 registration certificate issued under the Federal Selective  
20 Service Act, or an identification card issued to a member of  
21 the armed forces.

22 If a false or fraudulent Illinois driver's license or  
23 Illinois identification card is presented by a person less than  
24 21 years of age to a licensee or the licensee's agent or  
25 employee for the purpose of obtaining entry and remaining on a  
26 licensed premises, the law enforcement officer or agency

1 investigating the incident shall, upon the conviction of the  
2 person who presented the fraudulent license or identification,  
3 make a report of the matter to the Secretary of State on a form  
4 provided by the Secretary of State.

5 (Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)

6 (235 ILCS 5/6-33)

7 Sec. 6-33. Sealing and removal of open wine bottles from a  
8 restaurant. Notwithstanding any other provision of this Act, a  
9 restaurant licensed to sell alcoholic liquor in this State may  
10 permit a patron to remove one unsealed and partially consumed  
11 bottle of wine for off-premise consumption provided that the  
12 patron has purchased a meal and consumed a portion of the  
13 bottle of wine with the meal on the restaurant premises. A  
14 partially consumed bottle of wine that is to be removed from  
15 the premises pursuant to this Section shall be securely sealed  
16 by the licensee or an agent of the licensee prior to removal  
17 from the premises and placed in a transparent one-time use  
18 tamper-proof bag. The licensee or agent of the licensee shall  
19 provide a dated receipt for the bottle of wine to the patron.  
20 Wine that is resealed in accordance with the provisions of this  
21 Section and not tampered with shall not be deemed an unsealed  
22 container for the purposes of Section 11-502 of the Illinois  
23 Vehicle Code.

24 (Source: P.A. 94-1047, eff. 1-1-07.)

1 (235 ILCS 5/6-34)

2 Sec. 6-34 ~~6-33~~. Alcohol without liquid machines.

3 (a) No person shall bring into this State for use or sale  
4 any alcohol without liquid machine.

5 (b) For the purposes of this Section, "alcohol without  
6 liquid machine" means a device designed or marketed for the  
7 purposes of mixing alcohol with oxygen or another gas to  
8 produce a mist for inhalation for recreational purposes.

9 (Source: P.A. 94-745, eff. 5-8-06; revised 8-29-06.)

10 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

11 Sec. 7-5. The local liquor control commissioner may revoke  
12 or suspend any license issued by him if he determines that the  
13 licensee has violated any of the provisions of this Act or of  
14 any valid ordinance or resolution enacted by the particular  
15 city council, president, or board of trustees or county board  
16 (as the case may be) or any applicable rule or regulations  
17 established by the local liquor control commissioner or the  
18 State commission which is not inconsistent with law. Upon  
19 notification by the Illinois Department of Revenue, the State  
20 Commission, in accordance with Section 3-12, may refuse the  
21 issuance or renewal of a license, fine a licensee, or suspend  
22 or revoke any license issued by the State Commission if the  
23 licensee or license applicant has violated the provisions of  
24 Section 3 of the Retailers' Occupation Tax Act. In addition to  
25 the suspension, the local liquor control commissioner in any



1 county or municipality may levy a fine on the licensee for such  
2 violations. The fine imposed shall not exceed \$1000 for a first  
3 violation within a 12-month period, \$1,500 for a second  
4 violation within a 12-month period, and \$2,500 for a third or  
5 subsequent violation within a 12-month period. Each day on  
6 which a violation continues shall constitute a separate  
7 violation. Not more than \$15,000 in fines under this Section  
8 may be imposed against any licensee during the period of his  
9 license. Proceeds from such fines shall be paid into the  
10 general corporate fund of the county or municipal treasury, as  
11 the case may be.

12 However, no such license shall be so revoked or suspended  
13 and no licensee shall be fined except after a public hearing by  
14 the local liquor control commissioner with a 3 day written  
15 notice to the licensee affording the licensee an opportunity to  
16 appear and defend. All such hearings shall be open to the  
17 public and the local liquor control commissioner shall reduce  
18 all evidence to writing and shall maintain an official record  
19 of the proceedings. If the local liquor control commissioner  
20 has reason to believe that any continued operation of a  
21 particular licensed premises will immediately threaten the  
22 welfare of the community he may, upon the issuance of a written  
23 order stating the reason for such conclusion and without notice  
24 or hearing order the licensed premises closed for not more than  
25 7 days, giving the licensee an opportunity to be heard during  
26 that period, except that if such licensee shall also be engaged

1 in the conduct of another business or businesses on the  
2 licensed premises such order shall not be applicable to such  
3 other business or businesses.

4 The local liquor control commissioner shall within 5 days  
5 after such hearing, if he determines after such hearing that  
6 the license should be revoked or suspended or that the licensee  
7 should be fined, state the reason or reasons for such  
8 determination in a written order, and either the amount of the  
9 fine, the period of suspension, or that the license has been  
10 revoked, and shall serve a copy of such order within the 5 days  
11 upon the licensee.

12 If the premises for which the license was issued are  
13 located outside of a city, village or incorporated town having  
14 a population of 500,000 or more inhabitants, the licensee after  
15 the receipt of such order of suspension or revocation shall  
16 have the privilege within a period of 20 days after the receipt  
17 of such order of suspension or revocation of appealing the  
18 order to the State commission for a decision sustaining,  
19 reversing or modifying the order of the local liquor control  
20 commissioner. If the State commission affirms the local  
21 commissioner's order to suspend or revoke the license at the  
22 first hearing, the appellant shall cease to engage in the  
23 business for which the license was issued, until the local  
24 commissioner's order is terminated by its own provisions or  
25 reversed upon rehearing or by the courts.

26 If the premises for which the license was issued are

1 located within a city, village or incorporated town having a  
2 population of 500,000 or more inhabitants, the licensee shall  
3 have the privilege, within a period of 20 days after the  
4 receipt of such order of fine, suspension or revocation, of  
5 appealing the order to the local license appeal commission and  
6 upon the filing of such an appeal by the licensee the license  
7 appeal commission shall determine the appeal upon certified  
8 record of proceedings of the local liquor commissioner in  
9 accordance with the provisions of Section 7-9. Within 30 days  
10 after such appeal was heard the license appeal commission shall  
11 render a decision sustaining or reversing the order of the  
12 local liquor control commissioner.

13 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;  
14 93-1057, eff. 12-2-04; revised 12-6-04.)

15 (235 ILCS 5/7-6) (from Ch. 43, par. 150)

16 Sec. 7-6. All proceedings for the revocation or suspension  
17 of licenses of manufacturers, distributors, importing  
18 distributors, non-resident dealers, foreign importers,  
19 non-beverage users, railroads, airplanes and boats shall be  
20 before the State Commission. All such proceedings and all  
21 proceedings for the revocation or suspension of a retailer's  
22 license before the State commission shall be in accordance with  
23 rules and regulations established by it not inconsistent with  
24 law. However, no such license shall be so revoked or suspended  
25 except after a hearing by the State commission with reasonable

1 notice to the licensee served by registered or certified mail  
2 with return receipt requested at least 10 days prior to the  
3 hearings at the last known place of business of the licensee  
4 and after an opportunity to appear and defend. Such notice  
5 shall specify the time and place of the hearing, the nature of  
6 the charges, the specific provisions of the Act and rules  
7 violated, and the specific facts supporting the charges or  
8 violation. The findings of the Commission shall be predicated  
9 upon competent evidence. The revocation of a local license  
10 shall automatically result in the revocation of a State  
11 license. Upon notification by the Illinois Department of  
12 Revenue, the State Commission, in accordance with Section 3-12,  
13 may refuse the issuance or renewal of a license, fine a  
14 licensee, or suspend or revoke any license issued by the State  
15 Commission if the licensee or license applicant has violated  
16 the provisions of Section 3 of the Retailers' Occupation Tax  
17 Act. All procedures for the suspension or revocation of a  
18 license, as enumerated above, are applicable to the levying of  
19 fines for violations of this Act or any rule or regulation  
20 issued pursuant thereto.

21 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;  
22 93-1057, eff. 12-2-04; revised 12-6-04.)

23 (235 ILCS 5/12-4)

24 Sec. 12-4. Grape and Wine Resources Fund. Beginning July 1,  
25 1999 and ending June 30, 2003 ~~2006~~, on the first day of each

1 State fiscal year, or as soon thereafter as may be practical,  
2 the State Comptroller shall transfer the sum of \$500,000 from  
3 the General Revenue Fund to the Grape and Wine Resources Fund,  
4 which is hereby continued as a special fund in the State  
5 Treasury. By January 1, 2006, the Department of Commerce and  
6 Economic Opportunity ~~Community Affairs~~ shall review the  
7 activities of the Council and report to the General Assembly  
8 and the Governor its recommendation of whether or not the  
9 funding under this Section should be continued.

10 The Grape and Wine Resources Fund shall be administered by  
11 the Department of Commerce and Economic Opportunity ~~Community~~  
12 ~~Affairs~~, which shall serve as the lead administrative agency  
13 for allocation and auditing of funds as well as monitoring  
14 program implementation. The Department shall make an annual  
15 grant of moneys from the Fund to the Council, which shall be  
16 used to pay for the Council's operations and expenses. These  
17 moneys shall be used by the Council to achieve the Council's  
18 objectives and shall not be used for any political or  
19 legislative purpose. Money remaining in the Fund at the end of  
20 the fiscal year shall remain in the Fund for use during the  
21 following year and shall not be transferred to any other State  
22 fund.

23 (Source: P.A. 93-32, eff. 6-20-03; 93-512, eff. 1-1-04; revised  
24 12-17-03.)

25 Section 795. The Illinois Public Aid Code is amended by

1 changing Sections 2-12, 2-12.5, 2-14, 4-1.7, 4-4.1, 5-1.1,  
2 5-2.05, 5-4, 5-5, 5-5.01, 5-5.1, 5-5.3, 5-5.4, 5-5.4c, 5-5.5,  
3 5-5.5a, 5-5.7, 5-5.8a, 5-5.8b, 5-5d, 5-9, 5-11, 5-11.1, 5-16.1,  
4 5-16.4, 5-16.8, 5-21, 5-24, 5A-4, 5A-5, 5A-10, 5A-13, 6-11,  
5 9-1, 9-13, 9A-7, 9A-9.5, 10-1, 10-10, 10-10.4, 10-15, 10-16.7,  
6 10-17.9, 10-24.35, 10-24.40, 10-24.50, 11-3, 11-3.1, 11-3.3,  
7 11-9, 11-16, 12-1, 12-4.7c, 12-4.35, 12-4.201, 12-9, 12-10.2a,  
8 12-10.4, 12-10.5, 12-13.1, and 12-16 and by setting forth,  
9 renumbering, and changing multiple versions of Sections 5-5.23  
10 and 9A-15 as follows:

11 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

12 Sec. 2-12. "Illinois Department"; "Department". In this  
13 Code, "Illinois Department" or "Department", when a particular  
14 entity is not specified, means the following:

15 (1) In the case of a function performed before July 1, 1997  
16 (the effective date of the Department of Human Services Act),  
17 the term means the Department of Public Aid.

18 (2) In the case of a function to be performed on or after  
19 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term  
20 means the Department of Human Services as successor to the  
21 Illinois Department of Public Aid.

22 (3) In the case of a function to be performed on or after  
23 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,  
24 or XV, the term means the Department of Healthcare and Family  
25 Services (formerly Illinois Department of Public Aid).

1           (4) In the case of a function to be performed on or after  
2 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the  
3 term means the Department of Human Services (acting as  
4 successor to the Illinois Department of Public Aid) or the  
5 Department of Healthcare and Family Services (formerly  
6 Illinois Department of Public Aid) or both, according to  
7 whether that function, in the specific context, has been  
8 allocated to the Department of Human Services or the Department  
9 of Healthcare and Family Services (formerly Department of  
10 Public Aid) or both of those departments.

11 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

12           (305 ILCS 5/2-12.5)

13           Sec. 2-12.5. "Director of the Illinois Department";  
14 "Director of the Department"; "Director". In this Code,  
15 "Director of the Illinois Department", "Director of the  
16 Department", or "Director", when a particular official is not  
17 specified, means the following:

18           (1) In the case of a function performed before July 1, 1997  
19 (the effective date of the Department of Human Services Act),  
20 the term means the Director of Public Aid.

21           (2) In the case of a function to be performed on or after  
22 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term  
23 means the Secretary of Human Services.

24           (3) In the case of a function to be performed on or after  
25 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,

1 or XV, the term means the Director of Healthcare and Family  
2 Services (formerly Director of Public Aid).

3 (4) In the case of a function to be performed on or after  
4 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the  
5 term means the Secretary of Human Services or the Director of  
6 Healthcare and Family Services (formerly Director of Public  
7 Aid) or both, according to whether that function, in the  
8 specific context, has been allocated to the Department of Human  
9 Services or the Department of Healthcare and Family Services  
10 (formerly Department of Public Aid) or both of those  
11 departments.

12 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

13 (305 ILCS 5/2-14) (from Ch. 23, par. 2-14)

14 Sec. 2-14. "Local governmental unit". Every county, city,  
15 village, incorporated town or township charged with the duty of  
16 providing public aid under Article VI; and County Veterans  
17 Assistance Commissions providing general assistance to  
18 indigent war veterans and their families under Section 12-21.13  
19 of Article XII.

20 However, should any Section of this Code impose the  
21 obligation of providing medical assistance to persons who are  
22 non-residents of the State of Illinois upon a local  
23 governmental unit, the term "local governmental unit" shall not  
24 include townships. In such case the obligation for providing  
25 medical assistance to non-residents which would otherwise be



1 the duty of a township shall become the obligation of the  
2 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
3 ~~Aid~~.

4 (Source: P.A. 81-519; 81-1085; 81-1509; revised 12-15-05.)

5 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

6 Sec. 4-1.7. Enforcement of Parental Child Support  
7 Obligation. If the parent or parents of the child are failing  
8 to meet or are delinquent in their legal obligation to support  
9 the child, the parent or other person having custody of the  
10 child or the ~~Illinois~~ Department of Healthcare and Family  
11 Services ~~Public Aid~~ may request the law enforcement officer  
12 authorized or directed by law to so act to file action for the  
13 enforcement of such remedies as the law provides for the  
14 fulfillment of the child support obligation.

15 If a parent has a judicial remedy against the other parent  
16 to compel child support, or if, as the result of an action  
17 initiated by or in behalf of one parent against the other, a  
18 child support order has been entered in respect to which there  
19 is noncompliance or delinquency, or where the order so entered  
20 may be changed upon petition to the court to provide additional  
21 support, the parent or other person having custody of the child  
22 or the ~~Illinois~~ Department of Healthcare and Family Services  
23 ~~Public Aid~~ may request the appropriate law enforcement officer  
24 to seek enforcement of the remedy, or of the support order, or  
25 a change therein to provide additional support. If the law

1 enforcement officer is not authorized by law to so act in these  
2 instances, the parent, or if so authorized by law the other  
3 person having custody of the child, or the ~~Illinois~~ Department  
4 of Healthcare and Family Services ~~Public Aid~~ may initiate an  
5 action to enforce these remedies.

6 A parent or other person having custody of the child must  
7 comply with the requirements of Title IV of the federal Social  
8 Security Act, and the regulations duly promulgated thereunder,  
9 and any rules promulgated by the Illinois Department regarding  
10 enforcement of the child support obligation. The ~~Illinois~~  
11 Department of Healthcare and Family Services ~~Public Aid~~ and the  
12 Department of Human Services may provide by rule for the grant  
13 or continuation of aid to the person for a temporary period if  
14 he or she accepts counseling or other services designed to  
15 increase his or her motivation to seek enforcement of the child  
16 support obligation.

17 In addition to any other definition of failure or refusal  
18 to comply with the requirements of Title IV of the federal  
19 Social Security Act, or Illinois Department rule, in the case  
20 of failure to attend court hearings, the parent or other person  
21 can show cooperation by attending a court hearing or, if a  
22 court hearing cannot be scheduled within 14 days following the  
23 court hearing that was missed, by signing a statement that the  
24 parent or other person is now willing to cooperate in the child  
25 support enforcement process and will appear at any later  
26 scheduled court date. The parent or other person can show

1 cooperation by signing such a statement only once. If failure  
2 to attend the court hearing or other failure to cooperate  
3 results in the case being dismissed, such a statement may be  
4 signed after 2 months.

5 No denial or termination of medical assistance pursuant to  
6 this Section shall commence during pregnancy of the parent or  
7 other person having custody of the child or for 30 days after  
8 the termination of such pregnancy. The termination of medical  
9 assistance may commence thereafter if the ~~Illinois~~ Department  
10 of Healthcare and Family Services ~~Public Aid~~ determines that  
11 the failure or refusal to comply with this Section persists.  
12 Postponement of denial or termination of medical assistance  
13 during pregnancy under this paragraph shall be effective only  
14 to the extent it does not conflict with federal law or  
15 regulation.

16 Any evidence a parent or other person having custody of the  
17 child gives in order to comply with the requirements of this  
18 Section shall not render him or her liable to prosecution under  
19 Sections 11-7 or 11-8 of the "Criminal Code of 1961", approved  
20 July 28, 1961, as amended.

21 When so requested, the ~~Illinois~~ Department of Healthcare  
22 and Family Services ~~Public Aid~~ and the Department of Human  
23 Services shall provide such services and assistance as the law  
24 enforcement officer may require in connection with the filing  
25 of any action hereunder.

26 The ~~Illinois~~ Department of Healthcare and Family Services

1 ~~Public Aid~~ and the Department of Human Services, as an expense  
2 of administration, may also provide applicants for and  
3 recipients of aid with such services and assistance, including  
4 assumption of the reasonable costs of prosecuting any action or  
5 proceeding, as may be necessary to enable them to enforce the  
6 child support liability required hereunder.

7 Nothing in this Section shall be construed as a requirement  
8 that an applicant or recipient file an action for dissolution  
9 of marriage against his or her spouse.

10 (Source: P.A. 92-651, eff. 7-11-02; revised 12-15-05.)

11 (305 ILCS 5/4-4.1)

12 Sec. 4-4.1. Immunizations.

13 (a) The Department of Healthcare and Family Services  
14 (formerly Illinois Department of Public Aid) shall develop and  
15 implement and that Department and the Department of Human  
16 Services shall jointly continue by rule a program to ensure  
17 that children under 5 years of age living in assistance units  
18 that receive benefits under this Code are immunized. The  
19 Illinois Department of Public Aid shall report to the Governor  
20 and the General Assembly on the progress of the program on  
21 April 1, 1994 and 1995.

22 (b) Nothing in this Section shall be construed to require  
23 immunization of any child in contravention of the stated  
24 objections of a parent, guardian, or relative with custody of a  
25 child that the administration of immunizing agents conflicts

1 with his or her religious tenets and practices.

2 (Source: P.A. 88-342; 89-507, eff. 7-1-97; revised 12-15-05.)

3 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

4 Sec. 5-1.1. Definitions. The terms defined in this Section  
5 shall have the meanings ascribed to them, except when the  
6 context otherwise requires.

7 (a) "Skilled nursing facility" means a nursing home  
8 eligible to participate as a skilled nursing facility under  
9 Title XIX of the federal Social Security Act.

10 (b) "Intermediate care facility" means a nursing home  
11 eligible to participate as an intermediate care facility under  
12 Title XIX of the federal Social Security Act.

13 (c) "Standard services" means those services required for  
14 the care of all patients in the facility and shall as a minimum  
15 include the following: (1) administration; (2) dietary  
16 (standard); (3) housekeeping; (4) laundry and linen; (5)  
17 maintenance of property and equipment, including utilities;  
18 (6) medical records; (7) training of employees; (8) utilization  
19 review; (9) activities services; (10) social services; (11)  
20 disability services; and all other similar services required by  
21 either the laws of the State of Illinois or one of its  
22 political subdivisions or municipalities or by Title XIX of the  
23 Social Security Act.

24 (d) "Patient services" means those which vary with the  
25 number of personnel; professional and para-professional skills

1 of the personnel; specialized equipment, and reflect the  
2 intensity of the medical and psycho-social needs of the  
3 patients. Patient services shall as a minimum include: (1)  
4 physical services; (2) nursing services, including restorative  
5 nursing; (3) medical direction and patient care planning; (4)  
6 health related supportive and habilitative services and all  
7 similar services required by either the laws of the State of  
8 Illinois or one of its political subdivisions or municipalities  
9 or by Title XIX of the Social Security Act.

10 (e) "Ancillary services" means those services which  
11 require a specific physician's order and defined as under the  
12 medical assistance program as not being routine in nature for  
13 skilled nursing and intermediate care facilities. Such  
14 services generally must be authorized prior to delivery and  
15 payment as provided for under the rules of the Department of  
16 Healthcare and Family Services ~~Public Aid~~.

17 (f) "Capital" means the investment in a facility's assets  
18 for both debt and non-debt funds. Non-debt capital is the  
19 difference between an adjusted replacement value of the assets  
20 and the actual amount of debt capital.

21 (g) "Profit" means the amount which shall accrue to a  
22 facility as a result of its revenues exceeding its expenses as  
23 determined in accordance with generally accepted accounting  
24 principles.

25 (h) "Non-institutional services" means those services  
26 provided under paragraph (f) of Section 3 of the Disabled

1 Persons Rehabilitation Act and those services provided under  
2 Section 4.02 of the Illinois Act on the Aging.

3 (i) "Exceptional medical care" means the level of medical  
4 care required by persons who are medically stable for discharge  
5 from a hospital but who require acute intensity hospital level  
6 care for physician, nurse and ancillary specialist services,  
7 including persons with acquired immunodeficiency syndrome  
8 (AIDS) or a related condition. Such care shall consist of those  
9 services which the Department shall determine by rule.

10 (j) "Institutionalized person" means an individual who is  
11 an inpatient in an intermediate care or skilled nursing  
12 facility, or who is an inpatient in a medical institution  
13 receiving a level of care equivalent to that of an intermediate  
14 care or skilled nursing facility, or who is receiving services  
15 under Section 1915(c) of the Social Security Act.

16 (k) "Institutionalized spouse" means an institutionalized  
17 person who is expected to receive services at the same level of  
18 care for at least 30 days and is married to a spouse who is not  
19 an institutionalized person.

20 (l) "Community spouse" is the spouse of an  
21 institutionalized spouse.

22 (Source: P.A. 89-626, eff. 8-9-96; revised 12-15-05.)

23 (305 ILCS 5/5-2.05)

24 Sec. 5-2.05. Disabled children.

25 (a) The Department of Healthcare and Family Services ~~Public~~

1 ~~Aid~~ may offer, to children with developmental disabilities and  
2 severely mentally ill or emotionally disturbed children who  
3 otherwise would not qualify for medical assistance under this  
4 Article due to family income, home-based and community-based  
5 services instead of institutional placement, as allowed under  
6 paragraph 7 of Section 5-2.

7 (b) The Department of Public Aid, in conjunction with the  
8 Department of Human Services and the Division of Specialized  
9 Care for Children, University of Illinois-Chicago, shall ~~also~~  
10 report to the Governor and the General Assembly no later than  
11 January 1, 2004 regarding the status of existing services  
12 offered under paragraph 7 of Section 5-2. This report shall  
13 include, but not be limited to, the following information:

14 (1) The number of persons eligible for these services.

15 (2) The number of persons who applied for these  
16 services.

17 (3) The number of persons who currently receive these  
18 services.

19 (4) The nature, scope, and cost of services provided  
20 under paragraph 7 of Section 5-2.

21 (5) The comparative cost of providing those services in  
22 a hospital, skilled nursing facility, or intermediate care  
23 facility.

24 (6) The funding sources for the provision of services,  
25 including federal financial participation.

26 (7) The qualifications, skills, and availability of



1 caregivers for children receiving services.

2 The report shall also include information regarding the  
3 extent to which the existing programs could provide coverage  
4 for mentally disabled children who are currently being provided  
5 services in an institution who could otherwise be served in a  
6 less-restrictive, community-based setting for the same or a  
7 lower cost.

8 (Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

9 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

10 Sec. 5-4. Amount and nature of medical assistance. The  
11 amount and nature of medical assistance shall be determined by  
12 the County Departments in accordance with the standards, rules,  
13 and regulations of the ~~Illinois~~ Department of Healthcare and  
14 Family Services ~~Public Aid~~, with due regard to the requirements  
15 and conditions in each case, including contributions available  
16 from legally responsible relatives. However, the amount and  
17 nature of such medical assistance shall not be affected by the  
18 payment of any grant under the Senior Citizens and Disabled  
19 Persons Property Tax Relief and Pharmaceutical Assistance Act  
20 or any distributions or items of income described under  
21 subparagraph (X) of paragraph (2) of subsection (a) of Section  
22 203 of the Illinois Income Tax Act. The amount and nature of  
23 medical assistance shall not be affected by the receipt of  
24 donations or benefits from fundraisers in cases of serious  
25 illness, as long as neither the person nor members of the

1 person's family have actual control over the donations or  
2 benefits or the disbursement of the donations or benefits.

3 In determining the income and assets available to the  
4 institutionalized spouse and to the community spouse, the  
5 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
6 ~~Aid~~ shall follow the procedures established by federal law. The  
7 community spouse resource allowance shall be established and  
8 maintained at the maximum level permitted pursuant to Section  
9 1924(f)(2) of the Social Security Act, as now or hereafter  
10 amended, or an amount set after a fair hearing, whichever is  
11 greater. The monthly maintenance allowance for the community  
12 spouse shall be established and maintained at the maximum level  
13 permitted pursuant to Section 1924(d)(3)(C) of the Social  
14 Security Act, as now or hereafter amended. Subject to the  
15 approval of the Secretary of the United States Department of  
16 Health and Human Services, the provisions of this Section shall  
17 be extended to persons who but for the provision of home or  
18 community-based services under Section 4.02 of the Illinois Act  
19 on the Aging, would require the level of care provided in an  
20 institution, as is provided for in federal law.

21 The Department of Human Services shall notify in writing  
22 each institutionalized spouse who is a recipient of medical  
23 assistance under this Article, and each such person's community  
24 spouse, of the changes in treatment of income and resources,  
25 including provisions for protecting income for a community  
26 spouse and permitting the transfer of resources to a community

1 spouse, required by enactment of the federal Medicare  
2 Catastrophic Coverage Act of 1988 (Public Law 100-360). The  
3 notification shall be in language likely to be easily  
4 understood by those persons. The Department of Human Services  
5 also shall reassess the amount of medical assistance for which  
6 each such recipient is eligible as a result of the enactment of  
7 that federal Act, whether or not a recipient requests such a  
8 reassessment.

9 (Source: P.A. 90-655, eff. 7-30-98; 91-676, eff. 12-23-99;  
10 revised 12-15-05.)

11 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

12 Sec. 5-5. Medical services. The Illinois Department, by  
13 rule, shall determine the quantity and quality of and the rate  
14 of reimbursement for the medical assistance for which payment  
15 will be authorized, and the medical services to be provided,  
16 which may include all or part of the following: (1) inpatient  
17 hospital services; (2) outpatient hospital services; (3) other  
18 laboratory and X-ray services; (4) skilled nursing home  
19 services; (5) physicians' services whether furnished in the  
20 office, the patient's home, a hospital, a skilled nursing home,  
21 or elsewhere; (6) medical care, or any other type of remedial  
22 care furnished by licensed practitioners; (7) home health care  
23 services; (8) private duty nursing service; (9) clinic  
24 services; (10) dental services, including prevention and  
25 treatment of periodontal disease and dental caries disease for

1 pregnant women; (11) physical therapy and related services;  
2 (12) prescribed drugs, dentures, and prosthetic devices; and  
3 eyeglasses prescribed by a physician skilled in the diseases of  
4 the eye, or by an optometrist, whichever the person may select;  
5 (13) other diagnostic, screening, preventive, and  
6 rehabilitative services; (14) transportation and such other  
7 expenses as may be necessary; (15) medical treatment of sexual  
8 assault survivors, as defined in Section 1a of the Sexual  
9 Assault Survivors Emergency Treatment Act, for injuries  
10 sustained as a result of the sexual assault, including  
11 examinations and laboratory tests to discover evidence which  
12 may be used in criminal proceedings arising from the sexual  
13 assault; (16) the diagnosis and treatment of sickle cell  
14 anemia; and (17) any other medical care, and any other type of  
15 remedial care recognized under the laws of this State, but not  
16 including abortions, or induced miscarriages or premature  
17 births, unless, in the opinion of a physician, such procedures  
18 are necessary for the preservation of the life of the woman  
19 seeking such treatment, or except an induced premature birth  
20 intended to produce a live viable child and such procedure is  
21 necessary for the health of the mother or her unborn child. The  
22 Illinois Department, by rule, shall prohibit any physician from  
23 providing medical assistance to anyone eligible therefor under  
24 this Code where such physician has been found guilty of  
25 performing an abortion procedure in a wilful and wanton manner  
26 upon a woman who was not pregnant at the time such abortion

1 procedure was performed. The term "any other type of remedial  
2 care" shall include nursing care and nursing home service for  
3 persons who rely on treatment by spiritual means alone through  
4 prayer for healing.

5 Notwithstanding any other provision of this Section, a  
6 comprehensive tobacco use cessation program that includes  
7 purchasing prescription drugs or prescription medical devices  
8 approved by the Food and Drug administration shall be covered  
9 under the medical assistance program under this Article for  
10 persons who are otherwise eligible for assistance under this  
11 Article.

12 Notwithstanding any other provision of this Code, the  
13 Illinois Department may not require, as a condition of payment  
14 for any laboratory test authorized under this Article, that a  
15 physician's handwritten signature appear on the laboratory  
16 test order form. The Illinois Department may, however, impose  
17 other appropriate requirements regarding laboratory test order  
18 documentation.

19 The ~~Illinois~~ Department of Healthcare and Family Services  
20 ~~Public Aid~~ shall provide the following services to persons  
21 eligible for assistance under this Article who are  
22 participating in education, training or employment programs  
23 operated by the Department of Human Services as successor to  
24 the Department of Public Aid:

25 (1) dental services, which shall include but not be  
26 limited to prosthodontics; and

1           (2) eyeglasses prescribed by a physician skilled in the  
2           diseases of the eye, or by an optometrist, whichever the  
3           person may select.

4           The Illinois Department, by rule, may distinguish and  
5           classify the medical services to be provided only in accordance  
6           with the classes of persons designated in Section 5-2.

7           The Illinois Department shall authorize the provision of,  
8           and shall authorize payment for, screening by low-dose  
9           mammography for the presence of occult breast cancer for women  
10          35 years of age or older who are eligible for medical  
11          assistance under this Article, as follows: a baseline mammogram  
12          for women 35 to 39 years of age and an annual mammogram for  
13          women 40 years of age or older. All screenings shall include a  
14          physical breast exam, instruction on self-examination and  
15          information regarding the frequency of self-examination and  
16          its value as a preventative tool. As used in this Section,  
17          "low-dose mammography" means the x-ray examination of the  
18          breast using equipment dedicated specifically for mammography,  
19          including the x-ray tube, filter, compression device, image  
20          receptor, and cassettes, with an average radiation exposure  
21          delivery of less than one rad mid-breast, with 2 views for each  
22          breast.

23          Any medical or health care provider shall immediately  
24          recommend, to any pregnant woman who is being provided prenatal  
25          services and is suspected of drug abuse or is addicted as  
26          defined in the Alcoholism and Other Drug Abuse and Dependency

1 Act, referral to a local substance abuse treatment provider  
2 licensed by the Department of Human Services or to a licensed  
3 hospital which provides substance abuse treatment services.  
4 The Department of Healthcare and Family Services ~~Public Aid~~  
5 shall assure coverage for the cost of treatment of the drug  
6 abuse or addiction for pregnant recipients in accordance with  
7 the Illinois Medicaid Program in conjunction with the  
8 Department of Human Services.

9 All medical providers providing medical assistance to  
10 pregnant women under this Code shall receive information from  
11 the Department on the availability of services under the Drug  
12 Free Families with a Future or any comparable program providing  
13 case management services for addicted women, including  
14 information on appropriate referrals for other social services  
15 that may be needed by addicted women in addition to treatment  
16 for addiction.

17 The Illinois Department, in cooperation with the  
18 Departments of Human Services (as successor to the Department  
19 of Alcoholism and Substance Abuse) and Public Health, through a  
20 public awareness campaign, may provide information concerning  
21 treatment for alcoholism and drug abuse and addiction, prenatal  
22 health care, and other pertinent programs directed at reducing  
23 the number of drug-affected infants born to recipients of  
24 medical assistance.

25 Neither the ~~Illinois~~ Department of Healthcare and Family  
26 Services ~~Public Aid~~ nor the Department of Human Services shall

1 sanction the recipient solely on the basis of her substance  
2 abuse.

3 The Illinois Department shall establish such regulations  
4 governing the dispensing of health services under this Article  
5 as it shall deem appropriate. The Department should seek the  
6 advice of formal professional advisory committees appointed by  
7 the Director of the Illinois Department for the purpose of  
8 providing regular advice on policy and administrative matters,  
9 information dissemination and educational activities for  
10 medical and health care providers, and consistency in  
11 procedures to the Illinois Department.

12 The Illinois Department may develop and contract with  
13 Partnerships of medical providers to arrange medical services  
14 for persons eligible under Section 5-2 of this Code.  
15 Implementation of this Section may be by demonstration projects  
16 in certain geographic areas. The Partnership shall be  
17 represented by a sponsor organization. The Department, by rule,  
18 shall develop qualifications for sponsors of Partnerships.  
19 Nothing in this Section shall be construed to require that the  
20 sponsor organization be a medical organization.

21 The sponsor must negotiate formal written contracts with  
22 medical providers for physician services, inpatient and  
23 outpatient hospital care, home health services, treatment for  
24 alcoholism and substance abuse, and other services determined  
25 necessary by the Illinois Department by rule for delivery by  
26 Partnerships. Physician services must include prenatal and



1 obstetrical care. The Illinois Department shall reimburse  
2 medical services delivered by Partnership providers to clients  
3 in target areas according to provisions of this Article and the  
4 Illinois Health Finance Reform Act, except that:

5 (1) Physicians participating in a Partnership and  
6 providing certain services, which shall be determined by  
7 the Illinois Department, to persons in areas covered by the  
8 Partnership may receive an additional surcharge for such  
9 services.

10 (2) The Department may elect to consider and negotiate  
11 financial incentives to encourage the development of  
12 Partnerships and the efficient delivery of medical care.

13 (3) Persons receiving medical services through  
14 Partnerships may receive medical and case management  
15 services above the level usually offered through the  
16 medical assistance program.

17 Medical providers shall be required to meet certain  
18 qualifications to participate in Partnerships to ensure the  
19 delivery of high quality medical services. These  
20 qualifications shall be determined by rule of the Illinois  
21 Department and may be higher than qualifications for  
22 participation in the medical assistance program. Partnership  
23 sponsors may prescribe reasonable additional qualifications  
24 for participation by medical providers, only with the prior  
25 written approval of the Illinois Department.

26 Nothing in this Section shall limit the free choice of

1 practitioners, hospitals, and other providers of medical  
2 services by clients. In order to ensure patient freedom of  
3 choice, the Illinois Department shall immediately promulgate  
4 all rules and take all other necessary actions so that provided  
5 services may be accessed from therapeutically certified  
6 optometrists to the full extent of the Illinois Optometric  
7 Practice Act of 1987 without discriminating between service  
8 providers.

9 The Department shall apply for a waiver from the United  
10 States Health Care Financing Administration to allow for the  
11 implementation of Partnerships under this Section.

12 The Illinois Department shall require health care  
13 providers to maintain records that document the medical care  
14 and services provided to recipients of Medical Assistance under  
15 this Article. The Illinois Department shall require health care  
16 providers to make available, when authorized by the patient, in  
17 writing, the medical records in a timely fashion to other  
18 health care providers who are treating or serving persons  
19 eligible for Medical Assistance under this Article. All  
20 dispensers of medical services shall be required to maintain  
21 and retain business and professional records sufficient to  
22 fully and accurately document the nature, scope, details and  
23 receipt of the health care provided to persons eligible for  
24 medical assistance under this Code, in accordance with  
25 regulations promulgated by the Illinois Department. The rules  
26 and regulations shall require that proof of the receipt of

1 prescription drugs, dentures, prosthetic devices and  
2 eyeglasses by eligible persons under this Section accompany  
3 each claim for reimbursement submitted by the dispenser of such  
4 medical services. No such claims for reimbursement shall be  
5 approved for payment by the Illinois Department without such  
6 proof of receipt, unless the Illinois Department shall have put  
7 into effect and shall be operating a system of post-payment  
8 audit and review which shall, on a sampling basis, be deemed  
9 adequate by the Illinois Department to assure that such drugs,  
10 dentures, prosthetic devices and eyeglasses for which payment  
11 is being made are actually being received by eligible  
12 recipients. Within 90 days after the effective date of this  
13 amendatory Act of 1984, the Illinois Department shall establish  
14 a current list of acquisition costs for all prosthetic devices  
15 and any other items recognized as medical equipment and  
16 supplies reimbursable under this Article and shall update such  
17 list on a quarterly basis, except that the acquisition costs of  
18 all prescription drugs shall be updated no less frequently than  
19 every 30 days as required by Section 5-5.12.

20 The rules and regulations of the Illinois Department shall  
21 require that a written statement including the required opinion  
22 of a physician shall accompany any claim for reimbursement for  
23 abortions, or induced miscarriages or premature births. This  
24 statement shall indicate what procedures were used in providing  
25 such medical services.

26 The Illinois Department shall require all dispensers of

1 medical services, other than an individual practitioner or  
2 group of practitioners, desiring to participate in the Medical  
3 Assistance program established under this Article to disclose  
4 all financial, beneficial, ownership, equity, surety or other  
5 interests in any and all firms, corporations, partnerships,  
6 associations, business enterprises, joint ventures, agencies,  
7 institutions or other legal entities providing any form of  
8 health care services in this State under this Article.

9 The Illinois Department may require that all dispensers of  
10 medical services desiring to participate in the medical  
11 assistance program established under this Article disclose,  
12 under such terms and conditions as the Illinois Department may  
13 by rule establish, all inquiries from clients and attorneys  
14 regarding medical bills paid by the Illinois Department, which  
15 inquiries could indicate potential existence of claims or liens  
16 for the Illinois Department.

17 Enrollment of a vendor that provides non-emergency medical  
18 transportation, defined by the Department by rule, shall be  
19 conditional for 180 days. During that time, the Department of  
20 Healthcare and Family Services ~~Public Aid~~ may terminate the  
21 vendor's eligibility to participate in the medical assistance  
22 program without cause. That termination of eligibility is not  
23 subject to the Department's hearing process.

24 The Illinois Department shall establish policies,  
25 procedures, standards and criteria by rule for the acquisition,  
26 repair and replacement of orthotic and prosthetic devices and

1 durable medical equipment. Such rules shall provide, but not be  
2 limited to, the following services: (1) immediate repair or  
3 replacement of such devices by recipients without medical  
4 authorization; and (2) rental, lease, purchase or  
5 lease-purchase of durable medical equipment in a  
6 cost-effective manner, taking into consideration the  
7 recipient's medical prognosis, the extent of the recipient's  
8 needs, and the requirements and costs for maintaining such  
9 equipment. Such rules shall enable a recipient to temporarily  
10 acquire and use alternative or substitute devices or equipment  
11 pending repairs or replacements of any device or equipment  
12 previously authorized for such recipient by the Department.

13 The Department shall execute, relative to the nursing home  
14 prescreening project, written inter-agency agreements with the  
15 Department of Human Services and the Department on Aging, to  
16 effect the following: (i) intake procedures and common  
17 eligibility criteria for those persons who are receiving  
18 non-institutional services; and (ii) the establishment and  
19 development of non-institutional services in areas of the State  
20 where they are not currently available or are undeveloped.

21 The Illinois Department shall develop and operate, in  
22 cooperation with other State Departments and agencies and in  
23 compliance with applicable federal laws and regulations,  
24 appropriate and effective systems of health care evaluation and  
25 programs for monitoring of utilization of health care services  
26 and facilities, as it affects persons eligible for medical

1 assistance under this Code.

2 The Illinois Department shall report annually to the  
3 General Assembly, no later than the second Friday in April of  
4 1979 and each year thereafter, in regard to:

5 (a) actual statistics and trends in utilization of  
6 medical services by public aid recipients;

7 (b) actual statistics and trends in the provision of  
8 the various medical services by medical vendors;

9 (c) current rate structures and proposed changes in  
10 those rate structures for the various medical vendors; and

11 (d) efforts at utilization review and control by the  
12 Illinois Department.

13 The period covered by each report shall be the 3 years  
14 ending on the June 30 prior to the report. The report shall  
15 include suggested legislation for consideration by the General  
16 Assembly. The filing of one copy of the report with the  
17 Speaker, one copy with the Minority Leader and one copy with  
18 the Clerk of the House of Representatives, one copy with the  
19 President, one copy with the Minority Leader and one copy with  
20 the Secretary of the Senate, one copy with the Legislative  
21 Research Unit, and such additional copies with the State  
22 Government Report Distribution Center for the General Assembly  
23 as is required under paragraph (t) of Section 7 of the State  
24 Library Act shall be deemed sufficient to comply with this  
25 Section.

26 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;

1 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04;  
2 93-981, eff. 8-23-04; revised 12-15-05.)

3 (305 ILCS 5/5-5.01) (from Ch. 23, par. 5-5.01)

4 Sec. 5-5.01. The Department of Healthcare and Family  
5 Services ~~Public Aid~~ may establish and implement a pilot project  
6 for determining the feasibility of authorizing medical  
7 assistance payments for the costs of diagnosis and treatment of  
8 Alzheimer's disease.

9 (Source: P.A. 84-773; revised 12-15-05.)

10 (305 ILCS 5/5-5.1) (from Ch. 23, par. 5-5.1)

11 Sec. 5-5.1. Grouping of Facilities. The Department of  
12 Healthcare and Family Services ~~Public Aid~~ shall, for purposes  
13 of payment, provide for groupings of nursing facilities.  
14 Factors to be considered in grouping facilities may include,  
15 but are not limited to, size, age, patient mix or geographical  
16 area.

17 The groupings developed under this Section shall be  
18 considered in determining reasonable cost reimbursement  
19 formulas. However, this Section shall not preclude the  
20 Department from recognizing and evaluating the cost of capital  
21 on a facility-by-facility basis.

22 (Source: P.A. 80-1142; revised 12-15-05.)

23 (305 ILCS 5/5-5.3) (from Ch. 23, par. 5-5.3)

1           Sec. 5-5.3. Conditions of Payment - Prospective Rates -  
2 Accounting Principles. This amendatory Act establishes certain  
3 conditions for the Department of Public Aid (now Healthcare and  
4 Family Services) in instituting rates for the care of  
5 recipients of medical assistance in skilled nursing facilities  
6 and intermediate care facilities. Such conditions shall assure  
7 a method under which the payment for skilled nursing and  
8 intermediate care services, provided to recipients under the  
9 Medical Assistance Program shall be on a reasonable cost  
10 related basis, which is prospectively determined annually by  
11 the Department of Public Aid (now Healthcare and Family  
12 Services). The annually established payment rate shall take  
13 effect on July 1 in 1984 and subsequent years. There shall be  
14 no rate increase during calendar year 1983 and the first six  
15 months of calendar year 1984.

16           The determination of the payment shall be made on the basis  
17 of generally accepted accounting principles that shall take  
18 into account the actual costs to the facility of providing  
19 skilled nursing and intermediate care services to recipients  
20 under the medical assistance program.

21           The resultant total rate for a specified type of service  
22 shall be an amount which shall have been determined to be  
23 adequate to reimburse allowable costs of a facility that is  
24 economically and efficiently operated. The Department shall  
25 establish an effective date for each facility or group of  
26 facilities after which rates shall be paid on a reasonable cost



1 related basis which shall be no sooner than the effective date  
2 of this amendatory Act of 1977.

3 (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

4 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

5 Sec. 5-5.4. Standards of Payment - Department of Healthcare  
6 and Family Services. The Department of Healthcare and Family  
7 Services shall develop standards of payment of skilled nursing  
8 and intermediate care services in facilities providing such  
9 services under this Article which:

10 (1) Provide for the determination of a facility's payment  
11 for skilled nursing and intermediate care services on a  
12 prospective basis. The amount of the payment rate for all  
13 nursing facilities certified by the Department of Public Health  
14 under the Nursing Home Care Act as Intermediate Care for the  
15 Developmentally Disabled facilities, Long Term Care for Under  
16 Age 22 facilities, Skilled Nursing facilities, or Intermediate  
17 Care facilities under the medical assistance program shall be  
18 prospectively established annually on the basis of historical,  
19 financial, and statistical data reflecting actual costs from  
20 prior years, which shall be applied to the current rate year  
21 and updated for inflation, except that the capital cost element  
22 for newly constructed facilities shall be based upon projected  
23 budgets. The annually established payment rate shall take  
24 effect on July 1 in 1984 and subsequent years. No rate increase  
25 and no update for inflation shall be provided on or after July

1 1, 1994 and before July 1, 2007, unless specifically provided  
2 for in this Section. The changes made by Public Act 93-841  
3 extending the duration of the prohibition against a rate  
4 increase or update for inflation are effective retroactive to  
5 July 1, 2004.

6 For facilities licensed by the Department of Public Health  
7 under the Nursing Home Care Act as Intermediate Care for the  
8 Developmentally Disabled facilities or Long Term Care for Under  
9 Age 22 facilities, the rates taking effect on July 1, 1998  
10 shall include an increase of 3%. For facilities licensed by the  
11 Department of Public Health under the Nursing Home Care Act as  
12 Skilled Nursing facilities or Intermediate Care facilities,  
13 the rates taking effect on July 1, 1998 shall include an  
14 increase of 3% plus \$1.10 per resident-day, as defined by the  
15 Department. For facilities licensed by the Department of Public  
16 Health under the Nursing Home Care Act as Intermediate Care  
17 Facilities for the Developmentally Disabled or Long Term Care  
18 for Under Age 22 facilities, the rates taking effect on January  
19 1, 2006 shall include an increase of 3%.

20 For facilities licensed by the Department of Public Health  
21 under the Nursing Home Care Act as Intermediate Care for the  
22 Developmentally Disabled facilities or Long Term Care for Under  
23 Age 22 facilities, the rates taking effect on July 1, 1999  
24 shall include an increase of 1.6% plus \$3.00 per resident-day,  
25 as defined by the Department. For facilities licensed by the  
26 Department of Public Health under the Nursing Home Care Act as

1 Skilled Nursing facilities or Intermediate Care facilities,  
2 the rates taking effect on July 1, 1999 shall include an  
3 increase of 1.6% and, for services provided on or after October  
4 1, 1999, shall be increased by \$4.00 per resident-day, as  
5 defined by the Department.

6 For facilities licensed by the Department of Public Health  
7 under the Nursing Home Care Act as Intermediate Care for the  
8 Developmentally Disabled facilities or Long Term Care for Under  
9 Age 22 facilities, the rates taking effect on July 1, 2000  
10 shall include an increase of 2.5% per resident-day, as defined  
11 by the Department. For facilities licensed by the Department of  
12 Public Health under the Nursing Home Care Act as Skilled  
13 Nursing facilities or Intermediate Care facilities, the rates  
14 taking effect on July 1, 2000 shall include an increase of 2.5%  
15 per resident-day, as defined by the Department.

16 For facilities licensed by the Department of Public Health  
17 under the Nursing Home Care Act as skilled nursing facilities  
18 or intermediate care facilities, a new payment methodology must  
19 be implemented for the nursing component of the rate effective  
20 July 1, 2003. The Department of Public Aid (now Healthcare and  
21 Family Services) shall develop the new payment methodology  
22 using the Minimum Data Set (MDS) as the instrument to collect  
23 information concerning nursing home resident condition  
24 necessary to compute the rate. The Department shall develop the  
25 new payment methodology to meet the unique needs of Illinois  
26 nursing home residents while remaining subject to the

1 appropriations provided by the General Assembly. A transition  
2 period from the payment methodology in effect on June 30, 2003  
3 to the payment methodology in effect on July 1, 2003 shall be  
4 provided for a period not exceeding 3 years and 184 days after  
5 implementation of the new payment methodology as follows:

6 (A) For a facility that would receive a lower nursing  
7 component rate per patient day under the new system than  
8 the facility received effective on the date immediately  
9 preceding the date that the Department implements the new  
10 payment methodology, the nursing component rate per  
11 patient day for the facility shall be held at the level in  
12 effect on the date immediately preceding the date that the  
13 Department implements the new payment methodology until a  
14 higher nursing component rate of reimbursement is achieved  
15 by that facility.

16 (B) For a facility that would receive a higher nursing  
17 component rate per patient day under the payment  
18 methodology in effect on July 1, 2003 than the facility  
19 received effective on the date immediately preceding the  
20 date that the Department implements the new payment  
21 methodology, the nursing component rate per patient day for  
22 the facility shall be adjusted.

23 (C) Notwithstanding paragraphs (A) and (B), the  
24 nursing component rate per patient day for the facility  
25 shall be adjusted subject to appropriations provided by the  
26 General Assembly.

1           For facilities licensed by the Department of Public Health  
2 under the Nursing Home Care Act as Intermediate Care for the  
3 Developmentally Disabled facilities or Long Term Care for Under  
4 Age 22 facilities, the rates taking effect on March 1, 2001  
5 shall include a statewide increase of 7.85%, as defined by the  
6 Department.

7           For facilities licensed by the Department of Public Health  
8 under the Nursing Home Care Act as Intermediate Care for the  
9 Developmentally Disabled facilities or Long Term Care for Under  
10 Age 22 facilities, the rates taking effect on April 1, 2002  
11 shall include a statewide increase of 2.0%, as defined by the  
12 Department. This increase terminates on July 1, 2002; beginning  
13 July 1, 2002 these rates are reduced to the level of the rates  
14 in effect on March 31, 2002, as defined by the Department.

15           For facilities licensed by the Department of Public Health  
16 under the Nursing Home Care Act as skilled nursing facilities  
17 or intermediate care facilities, the rates taking effect on  
18 July 1, 2001 shall be computed using the most recent cost  
19 reports on file with the Department of Public Aid no later than  
20 April 1, 2000, updated for inflation to January 1, 2001. For  
21 rates effective July 1, 2001 only, rates shall be the greater  
22 of the rate computed for July 1, 2001 or the rate effective on  
23 June 30, 2001.

24           Notwithstanding any other provision of this Section, for  
25 facilities licensed by the Department of Public Health under  
26 the Nursing Home Care Act as skilled nursing facilities or

1 intermediate care facilities, the Illinois Department shall  
2 determine by rule the rates taking effect on July 1, 2002,  
3 which shall be 5.9% less than the rates in effect on June 30,  
4 2002.

5 Notwithstanding any other provision of this Section, for  
6 facilities licensed by the Department of Public Health under  
7 the Nursing Home Care Act as skilled nursing facilities or  
8 intermediate care facilities, if the payment methodologies  
9 required under Section 5A-12 and the waiver granted under 42  
10 CFR 433.68 are approved by the United States Centers for  
11 Medicare and Medicaid Services, the rates taking effect on July  
12 1, 2004 shall be 3.0% greater than the rates in effect on June  
13 30, 2004. These rates shall take effect only upon approval and  
14 implementation of the payment methodologies required under  
15 Section 5A-12.

16 Notwithstanding any other provisions of this Section, for  
17 facilities licensed by the Department of Public Health under  
18 the Nursing Home Care Act as skilled nursing facilities or  
19 intermediate care facilities, the rates taking effect on  
20 January 1, 2005 shall be 3% more than the rates in effect on  
21 December 31, 2004.

22 Notwithstanding any other provisions of this Section, for  
23 facilities licensed by the Department of Public Health under  
24 the Nursing Home Care Act as intermediate care facilities that  
25 are federally defined as Institutions for Mental Disease, a  
26 socio-development component rate equal to 6.6% of the

1 facility's nursing component rate as of January 1, 2006 shall  
2 be established and paid effective July 1, 2006. The Illinois  
3 Department may by rule adjust these socio-development  
4 component rates, but in no case may such rates be diminished.

5 For facilities licensed by the Department of Public Health  
6 under the Nursing Home Care Act as Intermediate Care for the  
7 Developmentally Disabled facilities or as long-term care  
8 facilities for residents under 22 years of age, the rates  
9 taking effect on July 1, 2003 shall include a statewide  
10 increase of 4%, as defined by the Department.

11 Notwithstanding any other provision of this Section, for  
12 facilities licensed by the Department of Public Health under  
13 the Nursing Home Care Act as skilled nursing facilities or  
14 intermediate care facilities, effective January 1, 2005,  
15 facility rates shall be increased by the difference between (i)  
16 a facility's per diem property, liability, and malpractice  
17 insurance costs as reported in the cost report filed with the  
18 Department of Public Aid and used to establish rates effective  
19 July 1, 2001 and (ii) those same costs as reported in the  
20 facility's 2002 cost report. These costs shall be passed  
21 through to the facility without caps or limitations, except for  
22 adjustments required under normal auditing procedures.

23 Rates established effective each July 1 shall govern  
24 payment for services rendered throughout that fiscal year,  
25 except that rates established on July 1, 1996 shall be  
26 increased by 6.8% for services provided on or after January 1,

1 1997. Such rates will be based upon the rates calculated for  
2 the year beginning July 1, 1990, and for subsequent years  
3 thereafter until June 30, 2001 shall be based on the facility  
4 cost reports for the facility fiscal year ending at any point  
5 in time during the previous calendar year, updated to the  
6 midpoint of the rate year. The cost report shall be on file  
7 with the Department no later than April 1 of the current rate  
8 year. Should the cost report not be on file by April 1, the  
9 Department shall base the rate on the latest cost report filed  
10 by each skilled care facility and intermediate care facility,  
11 updated to the midpoint of the current rate year. In  
12 determining rates for services rendered on and after July 1,  
13 1985, fixed time shall not be computed at less than zero. The  
14 Department shall not make any alterations of regulations which  
15 would reduce any component of the Medicaid rate to a level  
16 below what that component would have been utilizing in the rate  
17 effective on July 1, 1984.

18 (2) Shall take into account the actual costs incurred by  
19 facilities in providing services for recipients of skilled  
20 nursing and intermediate care services under the medical  
21 assistance program.

22 (3) Shall take into account the medical and psycho-social  
23 characteristics and needs of the patients.

24 (4) Shall take into account the actual costs incurred by  
25 facilities in meeting licensing and certification standards  
26 imposed and prescribed by the State of Illinois, any of its



1 political subdivisions or municipalities and by the U.S.  
2 Department of Health and Human Services pursuant to Title XIX  
3 of the Social Security Act.

4 The Department of Healthcare and Family Services shall  
5 develop precise standards for payments to reimburse nursing  
6 facilities for any utilization of appropriate rehabilitative  
7 personnel for the provision of rehabilitative services which is  
8 authorized by federal regulations, including reimbursement for  
9 services provided by qualified therapists or qualified  
10 assistants, and which is in accordance with accepted  
11 professional practices. Reimbursement also may be made for  
12 utilization of other supportive personnel under appropriate  
13 supervision.

14 (Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659,  
15 eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05;  
16 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05;  
17 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; revised 8-3-06.)

18 (305 ILCS 5/5-5.4c)

19 Sec. 5-5.4c. Bed reserves; approval. The Department of  
20 Healthcare and Family Services ~~Public Aid~~ shall approve bed  
21 reserves at a daily rate of 75% of an individual's current  
22 Medicaid per diem, for nursing facilities 90% or more of whose  
23 residents are Medicaid recipients and that have occupancy  
24 levels of at least 93% for resident bed reserves not exceeding  
25 10 days.

1 (Source: P.A. 93-841, eff. 7-30-04; revised 12-15-05.)

2 (305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

3 Sec. 5-5.5. Elements of Payment Rate.

4 (a) The Department of Healthcare and Family Services ~~Public~~  
5 ~~Aid~~ shall develop a prospective method for determining payment  
6 rates for skilled nursing and intermediate care services in  
7 nursing facilities composed of the following cost elements:

8 (1) Standard Services, with the cost of this component  
9 being determined by taking into account the actual costs to  
10 the facilities of these services subject to cost ceilings  
11 to be defined in the Department's rules.

12 (2) Resident Services, with the cost of this component  
13 being determined by taking into account the actual costs,  
14 needs and utilization of these services, as derived from an  
15 assessment of the resident needs in the nursing facilities.  
16 The Department shall adopt rules governing reimbursement  
17 for resident services as listed in Section 5-1.1. Surveys  
18 or assessments of resident needs under this Section shall  
19 include a review by the facility of the results of such  
20 assessments and a discussion of issues in dispute with  
21 authorized survey staff, unless the facility elects not to  
22 participate in such a review process. Surveys or  
23 assessments of resident needs under this Section may be  
24 conducted semi-annually and payment rates relating to  
25 resident services may be changed on a semi-annual basis.

1           The Illinois Department shall initiate a project, either on  
2           a pilot basis or Statewide, to reimburse the cost of  
3           resident services based on a methodology which utilizes an  
4           assessment of resident needs to determine the level of  
5           reimbursement. This methodology shall be different from  
6           the payment criteria for resident services utilized by the  
7           Illinois Department on July 1, 1981. On March 1, 1982, and  
8           each year thereafter, until such time when the Illinois  
9           Department adopts the methodology used in such project for  
10          use statewide, the Illinois Department shall report to the  
11          General Assembly on the implementation and progress of such  
12          project. The report shall include:

13                   (A) A statement of the Illinois Department's goals  
14                   and objectives for such project;

15                   (B) A description of such project, including the  
16                   number and type of nursing facilities involved in the  
17                   project;

18                   (C) A description of the methodology used in such  
19                   project;

20                   (D) A description of the Illinois Department's  
21                   application of the methodology;

22                   (E) A statement on the methodology's effect on the  
23                   quality of care given to residents in the sample  
24                   nursing facilities; and

25                   (F) A statement on the cost of the methodology used  
26                   in such project and a comparison of this cost with the

1 cost of the current payment criteria.

2 (3) Ancillary Services, with the payment rate being  
3 developed for each individual type of service. Payment  
4 shall be made only when authorized under procedures  
5 developed by the Department of Healthcare and Family  
6 Services ~~Public Aid~~.

7 (4) Nurse's Aide Training, with the cost of this  
8 component being determined by taking into account the  
9 actual cost to the facilities of such training.

10 (5) Real Estate Taxes, with the cost of this component  
11 being determined by taking into account the figures  
12 contained in the most currently available cost reports  
13 (with no imposition of maximums) updated to the midpoint of  
14 the current rate year for long term care services rendered  
15 between July 1, 1984 and June 30, 1985, and with the cost  
16 of this component being determined by taking into account  
17 the actual 1983 taxes for which the nursing homes were  
18 assessed (with no imposition of maximums) updated to the  
19 midpoint of the current rate year for long term care  
20 services rendered between July 1, 1985 and June 30, 1986.

21 (b) In developing a prospective method for determining  
22 payment rates for skilled nursing and intermediate care  
23 services in nursing facilities, the Department of Healthcare  
24 and Family Services ~~Public Aid~~ shall consider the following  
25 cost elements:

26 (1) Reasonable capital cost determined by utilizing

1 incurred interest rate and the current value of the  
2 investment, including land, utilizing composite rates, or  
3 by utilizing such other reasonable cost related methods  
4 determined by the Department. However, beginning with the  
5 rate reimbursement period effective July 1, 1987, the  
6 Department shall be prohibited from establishing,  
7 including, and implementing any depreciation factor in  
8 calculating the capital cost element.

9 (2) Profit, with the actual amount being produced and  
10 accruing to the providers in the form of a return on their  
11 total investment, on the basis of their ability to  
12 economically and efficiently deliver a type of service. The  
13 method of payment may assure the opportunity for a profit,  
14 but shall not guarantee or establish a specific amount as a  
15 cost.

16 (c) The Illinois Department may implement the amendatory  
17 changes to this Section made by this amendatory Act of 1991  
18 through the use of emergency rules in accordance with the  
19 provisions of Section 5.02 of the Illinois Administrative  
20 Procedure Act. For purposes of the Illinois Administrative  
21 Procedure Act, the adoption of rules to implement the  
22 amendatory changes to this Section made by this amendatory Act  
23 of 1991 shall be deemed an emergency and necessary for the  
24 public interest, safety and welfare.

25 (d) No later than January 1, 2001, the Department of Public  
26 Aid shall file with the Joint Committee on Administrative

1 Rules, pursuant to the Illinois Administrative Procedure Act, a  
2 proposed rule, or a proposed amendment to an existing rule,  
3 regarding payment for appropriate services, including  
4 assessment, care planning, discharge planning, and treatment  
5 provided by nursing facilities to residents who have a serious  
6 mental illness.

7 (Source: P.A. 93-632, eff. 2-1-04; revised 12-15-05.)

8 (305 ILCS 5/5-5.5a) (from Ch. 23, par. 5-5.5a)

9 Sec. 5-5.5a. Kosher kitchen and food service.

10 (a) The Department of Healthcare and Family Services ~~Public~~  
11 ~~Aid~~ may develop in its rate structure for skilled nursing  
12 facilities and intermediate care facilities an accommodation  
13 for fully kosher kitchen and food service operations,  
14 rabbinically approved or certified on an annual basis for a  
15 facility in which the only kitchen or all kitchens are fully  
16 kosher (a fully kosher facility). Beginning in the fiscal year  
17 after the fiscal year when this amendatory Act of 1990 becomes  
18 effective, the rate structure may provide for an additional  
19 payment to such facility not to exceed 50 cents per resident  
20 per day if 60% or more of the residents in the facility request  
21 kosher foods or food products prepared in accordance with  
22 Jewish religious dietary requirements for religious purposes  
23 in a fully kosher facility. Based upon food cost reports of the  
24 Illinois Department of Agriculture regarding kosher and  
25 non-kosher food available in the various regions of the State,

1 this rate structure may be periodically adjusted by the  
2 Department but may not exceed the maximum authorized under this  
3 subsection (a).

4 (b) The Department shall by rule determine how a facility  
5 with a fully kosher kitchen and food service may be determined  
6 to be eligible and apply for the rate accommodation specified  
7 in subsection (a).

8 (Source: P.A. 86-1464; revised 12-15-05.)

9 (305 ILCS 5/5-5.7) (from Ch. 23, par. 5-5.7)

10 Sec. 5-5.7. Cost Reports - Audits. The Department of  
11 Healthcare and Family Services ~~Public Aid~~ shall work with the  
12 Department of Public Health to use cost report information  
13 currently being collected under provisions of the "Nursing Home  
14 Care Act", approved August 23, 1979, as amended. The Department  
15 of Healthcare and Family Services ~~Public Aid~~ may, in  
16 conjunction with the Department of Public Health, develop in  
17 accordance with generally accepted accounting principles a  
18 uniform chart of accounts which each facility providing  
19 services under the medical assistance program shall adopt,  
20 after a reasonable period.

21 Nursing homes licensed under the Nursing Home Care Act and  
22 providers of adult developmental training services certified  
23 by the Department of Human Services pursuant to Section 15.2 of  
24 the Mental Health and Developmental Disabilities  
25 Administrative Act which provide services to clients eligible

1 for medical assistance under this Article are responsible for  
2 submitting the required annual cost report to the Department of  
3 Healthcare and Family Services ~~Public Aid~~.

4 The Department of Healthcare and Family Services ~~Public Aid~~  
5 shall audit the financial and statistical records of each  
6 provider participating in the medical assistance program as a  
7 skilled nursing or intermediate care facility over a 3 year  
8 period, beginning with the close of the first cost reporting  
9 year. Following the end of this 3-year term, audits of the  
10 financial and statistical records will be performed each year  
11 in at least 20% of the facilities participating in the medical  
12 assistance program with at least 10% being selected on a random  
13 sample basis, and the remainder selected on the basis of  
14 exceptional profiles. All audits shall be conducted in  
15 accordance with generally accepted auditing standards.

16 The Department of Healthcare and Family Services ~~Public Aid~~  
17 shall establish prospective payment rates for categories of  
18 service needed within the skilled nursing and intermediate care  
19 levels of services, in order to more appropriately recognize  
20 the individual needs of patients in nursing facilities.

21 The Department of Healthcare and Family Services ~~Public Aid~~  
22 shall provide, during the process of establishing the payment  
23 rate for skilled nursing and intermediate care services, or  
24 when a substantial change in rates is proposed, an opportunity  
25 for public review and comment on the proposed rates prior to  
26 their becoming effective.



1 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

2 (305 ILCS 5/5-5.8a) (from Ch. 23, par. 5-5.8a)

3 Sec. 5-5.8a. Payment for exceptional care.

4 (a) For the provision of exceptional medical care, the  
5 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
6 ~~Aid~~ may make payments only to skilled nursing facilities that  
7 substantially meet the licensure and certification  
8 requirements prescribed by the Department of Public Health.  
9 Only the Department of Public Health shall be responsible for  
10 determining whether licensure and certification requirements  
11 for skilled nursing care facilities have been substantially  
12 met. The rate of payment shall be negotiated with the  
13 facilities offering to provide the exceptional medical care. A  
14 facility's costs of providing exceptional care shall not be  
15 considered in determining the rate of payment to skilled  
16 nursing facilities under Sections 5-5.3 through 5-5.5. Payment  
17 for exceptional medical care shall not exceed the rate that the  
18 Illinois Department would be required to pay under the Medical  
19 Assistance Program for the same care in a hospital.

20 (b) The Illinois Department shall adopt rules and  
21 regulations under the Illinois Administrative Procedure Act to  
22 implement this Section. Those rules and regulations shall set  
23 forth the procedures to be followed by facilities when  
24 submitting an initial exceptional medical care certification  
25 request and exceptional medical care payment requests. The

1 rules and regulations shall also include the procedures and  
2 criteria used by the Illinois Department in determining whether  
3 to approve a skilled nursing facility's initial exceptional  
4 medical care certification request and exceptional medical  
5 care payment requests. The rules shall provide that the  
6 Illinois Department, upon receipt of a facility's request for  
7 payment for exceptional medical care and all necessary  
8 documentation, shall, after negotiations between the Illinois  
9 Department and the facility are completed, determine and notify  
10 the facility whether the request has been approved or denied.  
11 (Source: P.A. 88-412; revised 12-15-05.)

12 (305 ILCS 5/5-5.8b) (from Ch. 23, par. 5-5.8b)  
13 Sec. 5-5.8b. Payment to Campus Facilities. There is hereby  
14 established a separate payment category for campus facilities.  
15 A "campus facility" is defined as an entity which consists of a  
16 long term care facility (or group of facilities if the  
17 facilities are on the same contiguous parcel of real estate)  
18 which meets all of the following criteria as of May 1, 1987:  
19 the entity provides care for both children and adults;  
20 residents of the entity reside in three or more separate  
21 buildings with congregate and small group living arrangements  
22 on a single campus; the entity provides three or more separate  
23 licensed levels of care; the entity (or a part of the entity)  
24 is enrolled with the Department of Public Aid (now Department  
25 of Healthcare and Family Services) as a provider of long term

1 care services and receives payments from that ~~the~~ Department ~~of~~  
2 ~~Public Aid~~; the entity (or a part of the entity) receives  
3 funding from the Department of Mental Health and Developmental  
4 Disabilities (now the Department of Human Services); and the  
5 entity (or a part of the entity) holds a current license as a  
6 child care institution issued by the Department of Children and  
7 Family Services.

8 The Department of Healthcare and Family Services ~~Public~~  
9 ~~Aid~~, the Department of Human Services, and the Department of  
10 Children and Family Services shall develop jointly a rate  
11 methodology or methodologies for campus facilities. Such  
12 methodology or methodologies may establish a single rate to be  
13 paid by all the agencies, or a separate rate to be paid by each  
14 agency, or separate components to be paid to different parts of  
15 the campus facility. All campus facilities shall receive the  
16 same rate of payment for similar services. Any methodology  
17 developed pursuant to this section shall take into account the  
18 actual costs to the facility of providing services to  
19 residents, and shall be adequate to reimburse the allowable  
20 costs of a campus facility which is economically and  
21 efficiently operated. Any methodology shall be established on  
22 the basis of historical, financial, and statistical data  
23 submitted by campus facilities, and shall take into account the  
24 actual costs incurred by campus facilities in providing  
25 services, and in meeting licensing and certification standards  
26 imposed and prescribed by the State of Illinois, any of its

1 political subdivisions or municipalities and by the United  
2 States Department of Health and Human Services. Rates may be  
3 established on a prospective or retrospective basis. Any  
4 methodology shall provide reimbursement for appropriate  
5 payment elements, including the following: standard services,  
6 patient services, real estate taxes, and capital costs.

7 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

8 (305 ILCS 5/5-5.23)

9 Sec. 5-5.23. Children's mental health services.

10 (a) The Department of Healthcare and Family Services ~~Public~~  
11 ~~Aid~~, by rule, shall require the screening and assessment of a  
12 child prior to any Medicaid-funded admission to an inpatient  
13 hospital for psychiatric services to be funded by Medicaid. The  
14 screening and assessment shall include a determination of the  
15 appropriateness and availability of out-patient support  
16 services for necessary treatment. The Department, by rule,  
17 shall establish methods and standards of payment for the  
18 screening, assessment, and necessary alternative support  
19 services.

20 (b) The Department of Healthcare and Family Services ~~Public~~  
21 ~~Aid~~, to the extent allowable under federal law, shall secure  
22 federal financial participation for Individual Care Grant  
23 expenditures made by the Department of Human Services for the  
24 Medicaid optional service authorized under Section 1905(h) of  
25 the federal Social Security Act, pursuant to the provisions of

1 Section 7.1 of the Mental Health and Developmental Disabilities  
2 Administrative Act.

3 (c) The Department of Healthcare and Family Services ~~Public~~  
4 ~~Aid~~ shall work jointly with the Department of Human Services to  
5 implement subsections (a) and (b).

6 (Source: P.A. 93-495, eff. 8-8-03; revised 12-15-05.)

7 (305 ILCS 5/5-5.24)

8 Sec. 5-5.24 ~~5-5.23~~. Prenatal and perinatal care. The  
9 Department of Healthcare and Family Services ~~Public Aid~~ may  
10 provide reimbursement under this Article for all prenatal and  
11 perinatal health care services that are provided for the  
12 purpose of preventing low-birthweight infants, reducing the  
13 need for neonatal intensive care hospital services, and  
14 promoting perinatal health. These services may include  
15 comprehensive risk assessments for pregnant women, women with  
16 infants, and infants, lactation counseling, nutrition  
17 counseling, childbirth support, psychosocial counseling,  
18 treatment and prevention of periodontal disease, and other  
19 support services that have been proven to improve birth  
20 outcomes. The Department shall maximize the use of preventive  
21 prenatal and perinatal health care services consistent with  
22 federal statutes, rules, and regulations. The Department of  
23 Public Aid (now Department of Healthcare and Family Services)  
24 shall develop a plan for prenatal and perinatal preventive  
25 health care and shall present the plan to the General Assembly

1 by January 1, 2004. On or before January 1, 2006 and every 2  
2 years thereafter, the Department shall report to the General  
3 Assembly concerning the effectiveness of prenatal and  
4 perinatal health care services reimbursed under this Section in  
5 preventing low-birthweight infants and reducing the need for  
6 neonatal intensive care hospital services. Each such report  
7 shall include an evaluation of how the ratio of expenditures  
8 for treating low-birthweight infants compared with the  
9 investment in promoting healthy births and infants in local  
10 community areas throughout Illinois relates to healthy infant  
11 development in those areas.

12 (Source: P.A. 93-536, eff. 8-18-03; revised 12-15-05.)

13 (305 ILCS 5/5-5d)

14 Sec. 5-5d. Enhanced transition and follow-up services. The  
15 Department of Healthcare and Family Services ~~Public Aid~~ shall  
16 apply for any necessary waivers pursuant to Section 1915(c) of  
17 the Social Security Act to facilitate the transition from one  
18 residential setting to another and follow-up services. Nothing  
19 in this Section shall be construed ~~considered~~ as limiting  
20 current similar programs by the Department of Human Services or  
21 the Department on Aging.

22 (Source: P.A. 93-902, eff. 8-10-04; 93-1031, eff. 8-27-04;  
23 revised 12-15-05.)

24 (305 ILCS 5/5-9) (from Ch. 23, par. 5-9)

1           Sec. 5-9. Choice of Medical Dispensers. Applicants and  
2 recipients shall be entitled to free choice of those qualified  
3 practitioners, hospitals, nursing homes, and other dispensers  
4 of medical services meeting the requirements and complying with  
5 the rules and regulations of the Illinois Department. However,  
6 the Director of Healthcare and Family Services ~~Public Aid~~ may,  
7 after providing reasonable notice and opportunity for hearing,  
8 deny, suspend or terminate any otherwise qualified person,  
9 firm, corporation, association, agency, institution, or other  
10 legal entity, from participation as a vendor of goods or  
11 services under the medical assistance program authorized by  
12 this Article if the Director finds such vendor of medical  
13 services in violation of this Act or the policy or rules and  
14 regulations issued pursuant to this Act. Any physician who has  
15 been convicted of performing an abortion procedure in a wilful  
16 and wanton manner upon a woman who was not pregnant at the time  
17 such abortion procedure was performed shall be automatically  
18 removed from the list of physicians qualified to participate as  
19 a vendor of medical services under the medical assistance  
20 program authorized by this Article.

21           (Source: P.A. 82-263; revised 12-15-05.)

22           (305 ILCS 5/5-11) (from Ch. 23, par. 5-11)

23           Sec. 5-11. Co-operative arrangements; contracts with other  
24 State agencies, health care and rehabilitation organizations,  
25 and fiscal intermediaries.

1           (a) The Illinois Department may enter into co-operative  
2 arrangements with State agencies responsible for administering  
3 or supervising the administration of health services and  
4 vocational rehabilitation services to the end that there may be  
5 maximum utilization of such services in the provision of  
6 medical assistance.

7           The Illinois Department shall, not later than June 30,  
8 1993, enter into one or more co-operative arrangements with the  
9 Department of Mental Health and Developmental Disabilities  
10 providing that the Department of Mental Health and  
11 Developmental Disabilities will be responsible for  
12 administering or supervising all programs for services to  
13 persons in community care facilities for persons with  
14 developmental disabilities, including but not limited to  
15 intermediate care facilities, that are supported by State funds  
16 or by funding under Title XIX of the federal Social Security  
17 Act. The responsibilities of the Department of Mental Health  
18 and Developmental Disabilities under these agreements are  
19 transferred to the Department of Human Services as provided in  
20 the Department of Human Services Act.

21           The Department may also contract with such State health and  
22 rehabilitation agencies and other public or private health care  
23 and rehabilitation organizations to act for it in supplying  
24 designated medical services to persons eligible therefor under  
25 this Article. Any contracts with health services or health  
26 maintenance organizations shall be restricted to organizations



1 which have been certified as being in compliance with standards  
2 promulgated pursuant to the laws of this State governing the  
3 establishment and operation of health services or health  
4 maintenance organizations. The Department shall renegotiate  
5 the contracts with health maintenance organizations and  
6 managed care community networks that took effect August 1,  
7 2003, so as to produce \$70,000,000 savings to the Department  
8 net of resulting increases to the fee-for-service program for  
9 State fiscal year 2006. The Department may also contract with  
10 insurance companies or other corporate entities serving as  
11 fiscal intermediaries in this State for the Federal Government  
12 in respect to Medicare payments under Title XVIII of the  
13 Federal Social Security Act to act for the Department in paying  
14 medical care suppliers. The provisions of Section 9 of "An Act  
15 in relation to State finance", approved June 10, 1919, as  
16 amended, notwithstanding, such contracts with State agencies,  
17 other health care and rehabilitation organizations, or fiscal  
18 intermediaries may provide for advance payments.

19 (b) For purposes of this subsection (b), "managed care  
20 community network" means an entity, other than a health  
21 maintenance organization, that is owned, operated, or governed  
22 by providers of health care services within this State and that  
23 provides or arranges primary, secondary, and tertiary managed  
24 health care services under contract with the Illinois  
25 Department exclusively to persons participating in programs  
26 administered by the Illinois Department.

1           The Illinois Department may certify managed care community  
2 networks, including managed care community networks owned,  
3 operated, managed, or governed by State-funded medical  
4 schools, as risk-bearing entities eligible to contract with the  
5 Illinois Department as Medicaid managed care organizations.  
6 The Illinois Department may contract with those managed care  
7 community networks to furnish health care services to or  
8 arrange those services for individuals participating in  
9 programs administered by the Illinois Department. The rates for  
10 those provider-sponsored organizations may be determined on a  
11 prepaid, capitated basis. A managed care community network may  
12 choose to contract with the Illinois Department to provide only  
13 pediatric health care services. The Illinois Department shall  
14 by rule adopt the criteria, standards, and procedures by which  
15 a managed care community network may be permitted to contract  
16 with the Illinois Department and shall consult with the  
17 Department of Insurance in adopting these rules.

18           A county provider as defined in Section 15-1 of this Code  
19 may contract with the Illinois Department to provide primary,  
20 secondary, or tertiary managed health care services as a  
21 managed care community network without the need to establish a  
22 separate entity and shall be deemed a managed care community  
23 network for purposes of this Code only to the extent it  
24 provides services to participating individuals. A county  
25 provider is entitled to contract with the Illinois Department  
26 with respect to any contracting region located in whole or in

1 part within the county. A county provider is not required to  
2 accept enrollees who do not reside within the county.

3 In order to (i) accelerate and facilitate the development  
4 of integrated health care in contracting areas outside counties  
5 with populations in excess of 3,000,000 and counties adjacent  
6 to those counties and (ii) maintain and sustain the high  
7 quality of education and residency programs coordinated and  
8 associated with local area hospitals, the Illinois Department  
9 may develop and implement a demonstration program from managed  
10 care community networks owned, operated, managed, or governed  
11 by State-funded medical schools. The Illinois Department shall  
12 prescribe by rule the criteria, standards, and procedures for  
13 effecting this demonstration program.

14 A managed care community network that contracts with the  
15 Illinois Department to furnish health care services to or  
16 arrange those services for enrollees participating in programs  
17 administered by the Illinois Department shall do all of the  
18 following:

19 (1) Provide that any provider affiliated with the  
20 managed care community network may also provide services on  
21 a fee-for-service basis to Illinois Department clients not  
22 enrolled in such managed care entities.

23 (2) Provide client education services as determined  
24 and approved by the Illinois Department, including but not  
25 limited to (i) education regarding appropriate utilization  
26 of health care services in a managed care system, (ii)

1 written disclosure of treatment policies and restrictions  
2 or limitations on health services, including, but not  
3 limited to, physical services, clinical laboratory tests,  
4 hospital and surgical procedures, prescription drugs and  
5 biologics, and radiological examinations, and (iii)  
6 written notice that the enrollee may receive from another  
7 provider those covered services that are not provided by  
8 the managed care community network.

9 (3) Provide that enrollees within the system may choose  
10 the site for provision of services and the panel of health  
11 care providers.

12 (4) Not discriminate in enrollment or disenrollment  
13 practices among recipients of medical services or  
14 enrollees based on health status.

15 (5) Provide a quality assurance and utilization review  
16 program that meets the requirements established by the  
17 Illinois Department in rules that incorporate those  
18 standards set forth in the Health Maintenance Organization  
19 Act.

20 (6) Issue a managed care community network  
21 identification card to each enrollee upon enrollment. The  
22 card must contain all of the following:

23 (A) The enrollee's health plan.

24 (B) The name and telephone number of the enrollee's  
25 primary care physician or the site for receiving  
26 primary care services.

1 (C) A telephone number to be used to confirm  
2 eligibility for benefits and authorization for  
3 services that is available 24 hours per day, 7 days per  
4 week.

5 (7) Ensure that every primary care physician and  
6 pharmacy in the managed care community network meets the  
7 standards established by the Illinois Department for  
8 accessibility and quality of care. The Illinois Department  
9 shall arrange for and oversee an evaluation of the  
10 standards established under this paragraph (7) and may  
11 recommend any necessary changes to these standards.

12 (8) Provide a procedure for handling complaints that  
13 meets the requirements established by the Illinois  
14 Department in rules that incorporate those standards set  
15 forth in the Health Maintenance Organization Act.

16 (9) Maintain, retain, and make available to the  
17 Illinois Department records, data, and information, in a  
18 uniform manner determined by the Illinois Department,  
19 sufficient for the Illinois Department to monitor  
20 utilization, accessibility, and quality of care.

21 (10) Provide that the pharmacy formulary used by the  
22 managed care community network and its contract providers  
23 be no more restrictive than the Illinois Department's  
24 pharmaceutical program on the effective date of this  
25 amendatory Act of 1998 and as amended after that date.

26 The Illinois Department shall contract with an entity or

1 entities to provide external peer-based quality assurance  
2 review for the managed health care programs administered by the  
3 Illinois Department. The entity shall be representative of  
4 Illinois physicians licensed to practice medicine in all its  
5 branches and have statewide geographic representation in all  
6 specialities of medical care that are provided in managed  
7 health care programs administered by the Illinois Department.  
8 The entity may not be a third party payer and shall maintain  
9 offices in locations around the State in order to provide  
10 service and continuing medical education to physician  
11 participants within those managed health care programs  
12 administered by the Illinois Department. The review process  
13 shall be developed and conducted by Illinois physicians  
14 licensed to practice medicine in all its branches. In  
15 consultation with the entity, the Illinois Department may  
16 contract with other entities for professional peer-based  
17 quality assurance review of individual categories of services  
18 other than services provided, supervised, or coordinated by  
19 physicians licensed to practice medicine in all its branches.  
20 The Illinois Department shall establish, by rule, criteria to  
21 avoid conflicts of interest in the conduct of quality assurance  
22 activities consistent with professional peer-review standards.  
23 All quality assurance activities shall be coordinated by the  
24 Illinois Department.

25 Each managed care community network must demonstrate its  
26 ability to bear the financial risk of serving individuals under

1 this program. The Illinois Department shall by rule adopt  
2 standards for assessing the solvency and financial soundness of  
3 each managed care community network. Any solvency and financial  
4 standards adopted for managed care community networks shall be  
5 no more restrictive than the solvency and financial standards  
6 adopted under Section 1856(a) of the Social Security Act for  
7 provider-sponsored organizations under Part C of Title XVIII of  
8 the Social Security Act.

9 The Illinois Department may implement the amendatory  
10 changes to this Code made by this amendatory Act of 1998  
11 through the use of emergency rules in accordance with Section  
12 5-45 of the Illinois Administrative Procedure Act. For purposes  
13 of that Act, the adoption of rules to implement these changes  
14 is deemed an emergency and necessary for the public interest,  
15 safety, and welfare.

16 (c) Not later than June 30, 1996, the Illinois Department  
17 shall enter into one or more cooperative arrangements with the  
18 Department of Public Health for the purpose of developing a  
19 single survey for nursing facilities, including but not limited  
20 to facilities funded under Title XVIII or Title XIX of the  
21 federal Social Security Act or both, which shall be  
22 administered and conducted solely by the Department of Public  
23 Health. The Departments shall test the single survey process on  
24 a pilot basis, with both the Departments of Public Aid and  
25 Public Health represented on the consolidated survey team. The  
26 pilot will sunset June 30, 1997. After June 30, 1997, unless

1 otherwise determined by the Governor, a single survey shall be  
2 implemented by the Department of Public Health which would not  
3 preclude staff from the Department of Healthcare and Family  
4 Services (formerly Department of Public Aid) from going on-site  
5 to nursing facilities to perform necessary audits and reviews  
6 which shall not replicate the single State agency survey  
7 required by this Act. This Section shall not apply to community  
8 or intermediate care facilities for persons with developmental  
9 disabilities.

10 (d) Nothing in this Code in any way limits or otherwise  
11 impairs the authority or power of the Illinois Department to  
12 enter into a negotiated contract pursuant to this Section with  
13 a managed care community network or a health maintenance  
14 organization, as defined in the Health Maintenance  
15 Organization Act, that provides for termination or nonrenewal  
16 of the contract without cause, upon notice as provided in the  
17 contract, and without a hearing.

18 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

19 (305 ILCS 5/5-11.1)

20 Sec. 5-11.1. Cooperative arrangements; contracts. The  
21 Illinois Department may enter into cooperative arrangements  
22 with State agencies responsible for administering or  
23 supervising the administration of health services and  
24 vocational rehabilitation services to maximize utilization of  
25 these services in the provision of medical assistance.



1           The Illinois Department shall, not later than June 30,  
2 1994, enter into one or more cooperative arrangements with the  
3 Department of Mental Health and Developmental Disabilities  
4 providing that the Department of Mental Health and  
5 Developmental Disabilities will be responsible for  
6 administering or supervising all programs for services to  
7 persons in community care facilities for persons with mental  
8 illness, including but not limited to intermediate care  
9 facilities, that are supported by State funds or by funding  
10 under Title XIX of the federal Social Security Act. The  
11 responsibilities of the Department of Mental Health and  
12 Developmental Disabilities under these agreements are  
13 transferred to the Department of Human Services as provided in  
14 the Department of Human Services Act.

15           The Department may also contract with State health and  
16 rehabilitation agencies and other public or private health care  
17 and rehabilitation organizations to act for it in supplying  
18 designated medical services to persons eligible under this  
19 Section. Any contracts with health services or health  
20 maintenance organizations shall be restricted to organizations  
21 which have been certified as being in compliance with standards  
22 promulgated under the laws of this State governing the  
23 establishment and operation of health services or health  
24 maintenance organizations. The Department may also contract  
25 with insurance companies or other corporate entities serving as  
26 fiscal intermediaries in this State for the federal government

1 in respect to Medicare payments under Title XVIII of the  
2 federal Social Security Act to act for the Department in paying  
3 medical care suppliers. Nothing in this Section shall be  
4 construed to abrogate any existing doctor/patient  
5 relationships with ~~Illinois~~ Department of Healthcare and  
6 Family Services ~~Public Aid~~ recipients or the free choice of  
7 clients or their guardians to select a physician to provide  
8 medical care. The provisions of Section 9 of the State Finance  
9 Act notwithstanding, such contracts with State agencies, other  
10 health care and rehabilitation organizations, or fiscal  
11 intermediaries may provide for advance payments.

12 (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

13 (305 ILCS 5/5-16.1) (from Ch. 23, par. 5-16.1)

14 Sec. 5-16.1. Case Management Services. The Illinois  
15 Department may develop, implement and evaluate a Case  
16 Management Services Program which provides services consistent  
17 with the provisions of this Section, and the Inter-Agency  
18 Agreement between the Department of Healthcare and Family  
19 Services (formerly Department of Public Aid) and the Department  
20 of Public Health, for a targeted population on a less than  
21 Statewide basis in the State of Illinois. The purpose of this  
22 Case Management Services Program shall be to assist eligible  
23 participants in gaining access to needed medical, social,  
24 educational and other services thereby reducing the likelihood  
25 of long-term welfare dependency. The Case Management Services

1 Program shall have the following characteristics:

2 (a) It shall be conducted for a period of no less than  
3 5 consecutive fiscal years in one urban area containing a  
4 high proportion, as determined by Department of Healthcare  
5 and Family Services ~~Public Aid~~ and Department of Public  
6 Health records, of Medicaid eligible pregnant or parenting  
7 girls under 17 years of age at the time of the initial  
8 assessment and in one rural area containing a high  
9 proportion, as determined by Department of Healthcare and  
10 Family Services ~~Public Aid~~ and Department of Public Health  
11 records, of Medicaid eligible pregnant or parenting girls  
12 under 17 years of age at the time of the initial  
13 assessment.

14 (b) Providers participating in the program shall be  
15 paid an amount per patient per month, to be set by the  
16 Illinois Department, for the case management services  
17 provided.

18 (c) Providers eligible to participate in the program  
19 shall be nurses or social workers, licensed to practice in  
20 Illinois, who comply with the rules and regulations  
21 established by the Illinois Department and the  
22 Inter-Agency Agreement between the Department of  
23 Healthcare and Family Services (formerly Department of  
24 Public Aid) and the Department of Public Health. The  
25 Illinois Department may terminate a provider's  
26 participation in the program if the provider is determined

1 to have failed to comply with any applicable program  
2 standard or procedure established by the Illinois  
3 Department.

4 (d) Each eligible participant in an area where the Case  
5 Management Services Program is being conducted may  
6 voluntarily designate a case manager, of her own choosing  
7 to assume responsibility for her care.

8 (e) A participant may change her designated case  
9 manager provided that she informs the Illinois Department  
10 by the 20th day of the month in order for the change to be  
11 effective in the following month.

12 (f) The Illinois Department shall, by rule, establish  
13 procedures for providing case management services when the  
14 designated source becomes unavailable or wishes to  
15 withdraw from any obligation as case management services  
16 provider.

17 (g) In accordance with rules adopted by the Illinois  
18 Department, a participant may discontinue participation in  
19 the program upon timely notice to the Illinois Department,  
20 in which case the participant shall remain eligible for  
21 assistance under all applicable provisions of Article V of  
22 this Code.

23 The Illinois Department shall take any necessary steps to  
24 obtain authorization or waiver under federal law to implement a  
25 Case Management Services Program. Participation shall be  
26 voluntary for the provider and the recipient.

1 (Source: P.A. 87-685; revised 12-15-05.)

2 (305 ILCS 5/5-16.4)

3 Sec. 5-16.4. Medical Assistance Provider Payment Fund.

4 (a) There is created in the State treasury the Medical  
5 Assistance Provider Payment Fund. Interest earned by the Fund  
6 shall be credited to the Fund.

7 (b) The Fund is created for the purpose of disbursing  
8 moneys as follows:

9 (1) For medical services provided to recipients of aid  
10 under Articles V, VI, and XII.

11 (2) For payment of administrative expenses incurred by  
12 the Illinois Department or its agent in performing the  
13 activities authorized by this Section.

14 (3) For making transfers to the General Obligation Bond  
15 Retirement and Interest Fund, as those transfers are  
16 authorized in the proceedings authorizing debt under the  
17 Medicaid Liability Liquidity Borrowing Act, but transfers  
18 made under this paragraph (3) may not exceed the principal  
19 amount of debt issued under that Act.

20 Disbursements from the Fund, other than transfers to the  
21 General Obligation Bond Retirement and Interest Fund (which  
22 shall be made in accordance with the provisions of the Medicaid  
23 Liability Liquidity Borrowing Act), shall be by warrants drawn  
24 by the State Comptroller upon receipt of vouchers duly executed  
25 and certified by the Illinois Department.

1 (c) The Fund shall consist of the following:

2 (1) All federal matching funds received by the Illinois  
3 Department as a result of expenditures made by the Illinois  
4 Department that are attributable to moneys deposited into  
5 the Fund.

6 (2) Proceeds from any short-term borrowing directed to  
7 the Fund by the Governor pursuant to the Medicaid Liability  
8 Liquidity Borrowing Act.

9 (3) Amounts transferred into the Fund under subsection  
10 (d) of this Section.

11 (4) All other moneys received for the Fund from any  
12 other source, including interest earned on those moneys.

13 (d) Beginning July 1, 1995, on the 13th and 26th days of  
14 each month the State Comptroller and Treasurer shall transfer  
15 from the General Revenue Fund to the Medical Assistance  
16 Provider Payment Fund an amount equal to 1/48th of the annual  
17 Medical Assistance appropriation to the Department of  
18 Healthcare and Family Services (formerly Illinois Department  
19 of Public Aid) from the Medical Assistance Provider Payment  
20 Fund, plus cumulative deficiencies from those prior transfers.  
21 In addition to those transfers, the State Comptroller and  
22 Treasurer may transfer from the General Revenue Fund to the  
23 Medical Assistance Provider Payment Fund as much as is  
24 necessary to pay claims pursuant to the new twice-monthly  
25 payment schedule established in Section 5-16.5 and to avoid  
26 interest liabilities under the State Prompt Payment Act. No

1 transfers made pursuant to this subsection shall interfere with  
2 the timely payment of the general State aid payment made  
3 pursuant to Section 18-11 of the School Code.

4 (Source: P.A. 88-554, eff. 7-26-94; revised 12-15-05.)

5 (305 ILCS 5/5-16.8)

6 Sec. 5-16.8. Required health benefits. The medical  
7 assistance program shall (i) provide the post-mastectomy care  
8 benefits required to be covered by a policy of accident and  
9 health insurance under Section 356t and the coverage required  
10 under Sections 356u, 356w, 356x, and 356z.6 of the Illinois  
11 Insurance Code and (ii) be subject to the provisions of Section  
12 364.01 of the Illinois Insurance Code.

13 (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05;  
14 revised 10-14-04.)

15 (305 ILCS 5/5-21)

16 Sec. 5-21. Immunization. By July 1, 1994, the Illinois  
17 Department shall, in cooperation with the Department of Public  
18 Health, establish and implement a pilot program that will  
19 provide immunization services for children on a walk-in basis  
20 at local public aid offices. The Director shall determine the  
21 number and location of the local public aid offices that will  
22 participate in the pilot program. The Illinois Department shall  
23 submit a report on the effectiveness of the program to the  
24 General Assembly on or before December 31, 1995. The Department

1 of Healthcare and Family Services (formerly Department of  
2 Public Aid) and the Department of Human Services, in  
3 cooperation with the Department of Public Health, shall  
4 continue to implement the pilot program after the effective  
5 date of this amendatory Act of 1996.

6 (Source: P.A. 88-493; 88-670, eff. 12-2-94; 89-507, eff.  
7 7-1-97; revised 12-15-05.)

8 (305 ILCS 5/5-24)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 5-24. Disease management programs and services for  
11 chronic conditions; pilot project.

12 (a) In this Section, "disease management programs and  
13 services" means services administered to patients in order to  
14 improve their overall health and to prevent clinical  
15 exacerbations and complications, using cost-effective,  
16 evidence-based practice guidelines and patient self-management  
17 strategies. Disease management programs and services include  
18 all of the following:

19 (1) A population identification process.

20 (2) Evidence-based or consensus-based clinical  
21 practice guidelines, risk identification, and matching of  
22 interventions with clinical need.

23 (3) Patient self-management and disease education.

24 (4) Process and outcomes measurement, evaluation,  
25 management, and reporting.



1 (b) Subject to appropriations, the Department of  
2 Healthcare and Family Services ~~Public Aid~~ may undertake a pilot  
3 project to study patient outcomes, for patients with chronic  
4 diseases, associated with the use of disease management  
5 programs and services for chronic condition management.  
6 "Chronic diseases" include, but are not limited to, diabetes,  
7 congestive heart failure, and chronic obstructive pulmonary  
8 disease.

9 (c) The disease management programs and services pilot  
10 project shall examine whether chronic disease management  
11 programs and services for patients with specific chronic  
12 conditions do any or all of the following:

13 (1) Improve the patient's overall health in a more  
14 expeditious manner.

15 (2) Lower costs in other aspects of the medical  
16 assistance program, such as hospital admissions, days in  
17 skilled nursing homes, emergency room visits, or more  
18 frequent physician office visits.

19 (d) In carrying out the pilot project, the Department of  
20 Healthcare and Family Services ~~Public Aid~~ shall examine all  
21 relevant scientific literature and shall consult with health  
22 care practitioners including, but not limited to, physicians,  
23 surgeons, registered pharmacists, and registered nurses.

24 (e) The Department of Healthcare and Family Services ~~Public~~  
25 ~~Aid~~ shall consult with medical experts, disease advocacy  
26 groups, and academic institutions to develop criteria to be

1 used in selecting a vendor for the pilot project.

2 (f) The Department of Healthcare and Family Services ~~Public~~  
3 ~~Aid~~ may adopt rules to implement this Section.

4 (g) This Section is repealed 10 years after the effective  
5 date of this amendatory Act of the 93rd General Assembly.

6 (Source: P.A. 93-518, eff. 1-1-04; revised 12-15-05.)

7 (305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

8 Sec. 5A-4. Payment of assessment; penalty.

9 (a) The annual assessment imposed by Section 5A-2 for State  
10 fiscal year 2004 shall be due and payable on June 18 of the  
11 year. The assessment imposed by Section 5A-2 for State fiscal  
12 year 2005 shall be due and payable in quarterly installments,  
13 each equalling one-fourth of the assessment for the year, on  
14 July 19, October 19, January 18, and April 19 of the year. The  
15 assessment imposed by Section 5A-2 for State fiscal year 2006  
16 and each subsequent State fiscal year shall be due and payable  
17 in quarterly installments, each equaling one-fourth of the  
18 assessment for the year, on the fourteenth State business day  
19 of September, December, March, and May. No installment payment  
20 of an assessment imposed by Section 5A-2 shall be due and  
21 payable, however, until after: (i) the hospital provider  
22 receives written notice from the Department of Healthcare and  
23 Family Services (formerly Department of Public Aid) that the  
24 payment methodologies to hospitals required under Section  
25 5A-12 or Section 5A-12.1, whichever is applicable for that

1 fiscal year, have been approved by the Centers for Medicare and  
2 Medicaid Services of the U.S. Department of Health and Human  
3 Services and the waiver under 42 CFR 433.68 for the assessment  
4 imposed by Section 5A-2, if necessary, has been granted by the  
5 Centers for Medicare and Medicaid Services of the U.S.  
6 Department of Health and Human Services; and (ii) the hospital  
7 has received the payments required under Section 5A-12 or  
8 Section 5A-12.1, whichever is applicable for that fiscal year.  
9 Upon notification to the Department of approval of the payment  
10 methodologies required under Section 5A-12 or Section 5A-12.1,  
11 whichever is applicable for that fiscal year, and the waiver  
12 granted under 42 CFR 433.68, all quarterly installments  
13 otherwise due under Section 5A-2 prior to the date of  
14 notification shall be due and payable to the Department upon  
15 written direction from the Department and receipt of the  
16 payments required under Section 5A-12.1.

17 (b) The Illinois Department is authorized to establish  
18 delayed payment schedules for hospital providers that are  
19 unable to make installment payments when due under this Section  
20 due to financial difficulties, as determined by the Illinois  
21 Department.

22 (c) If a hospital provider fails to pay the full amount of  
23 an installment when due (including any extensions granted under  
24 subsection (b)), there shall, unless waived by the Illinois  
25 Department for reasonable cause, be added to the assessment  
26 imposed by Section 5A-2 a penalty assessment equal to the

1 lesser of (i) 5% of the amount of the installment not paid on  
2 or before the due date plus 5% of the portion thereof remaining  
3 unpaid on the last day of each 30-day period thereafter or (ii)  
4 100% of the installment amount not paid on or before the due  
5 date. For purposes of this subsection, payments will be  
6 credited first to unpaid installment amounts (rather than to  
7 penalty or interest), beginning with the most delinquent  
8 installments.

9 (Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04;  
10 93-1066, eff. 1-15-05; 94-242, eff. 7-18-05; revised  
11 12-15-05.)

12 (305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)

13 Sec. 5A-5. Notice; penalty; maintenance of records.

14 (a) The Department of Healthcare and Family Services ~~Public~~  
15 ~~Aid~~ shall send a notice of assessment to every hospital  
16 provider subject to assessment under this Article. The notice  
17 of assessment shall notify the hospital of its assessment and  
18 shall be sent after receipt by the Department of notification  
19 from the Centers for Medicare and Medicaid Services of the U.S.  
20 Department of Health and Human Services that the payment  
21 methodologies required under Section 5A-12 or Section 5A-12.1,  
22 whichever is applicable for that fiscal year, and, if  
23 necessary, the waiver granted under 42 CFR 433.68 have been  
24 approved. The notice shall be on a form prepared by the  
25 Illinois Department and shall state the following:

1 (1) The name of the hospital provider.

2 (2) The address of the hospital provider's principal  
3 place of business from which the provider engages in the  
4 occupation of hospital provider in this State, and the name  
5 and address of each hospital operated, conducted, or  
6 maintained by the provider in this State.

7 (3) The occupied bed days or adjusted gross hospital  
8 revenue of the hospital provider (whichever is  
9 applicable), the amount of assessment imposed under  
10 Section 5A-2 for the State fiscal year for which the notice  
11 is sent, and the amount of each quarterly installment to be  
12 paid during the State fiscal year.

13 (4) (Blank).

14 (5) Other reasonable information as determined by the  
15 Illinois Department.

16 (b) If a hospital provider conducts, operates, or maintains  
17 more than one hospital licensed by the Illinois Department of  
18 Public Health, the provider shall pay the assessment for each  
19 hospital separately.

20 (c) Notwithstanding any other provision in this Article, in  
21 the case of a person who ceases to conduct, operate, or  
22 maintain a hospital in respect of which the person is subject  
23 to assessment under this Article as a hospital provider, the  
24 assessment for the State fiscal year in which the cessation  
25 occurs shall be adjusted by multiplying the assessment computed  
26 under Section 5A-2 by a fraction, the numerator of which is the

1 number of days in the year during which the provider conducts,  
2 operates, or maintains the hospital and the denominator of  
3 which is 365. Immediately upon ceasing to conduct, operate, or  
4 maintain a hospital, the person shall pay the assessment for  
5 the year as so adjusted (to the extent not previously paid).

6 (d) Notwithstanding any other provision in this Article, a  
7 provider who commences conducting, operating, or maintaining a  
8 hospital, upon notice by the Illinois Department, shall pay the  
9 assessment computed under Section 5A-2 and subsection (e) in  
10 installments on the due dates stated in the notice and on the  
11 regular installment due dates for the State fiscal year  
12 occurring after the due dates of the initial notice.

13 (e) Notwithstanding any other provision in this Article,  
14 for State fiscal years 2004 and 2005, in the case of a hospital  
15 provider that did not conduct, operate, or maintain a hospital  
16 throughout calendar year 2001, the assessment for that State  
17 fiscal year shall be computed on the basis of hypothetical  
18 occupied bed days for the full calendar year as determined by  
19 the Illinois Department. Notwithstanding any other provision  
20 in this Article, for State fiscal years after 2005, in the case  
21 of a hospital provider that did not conduct, operate, or  
22 maintain a hospital in 2003, the assessment for that State  
23 fiscal year shall be computed on the basis of hypothetical  
24 adjusted gross hospital revenue for the hospital's first full  
25 fiscal year as determined by the Illinois Department (which may  
26 be based on annualization of the provider's actual revenues for

1 a portion of the year, or revenues of a comparable hospital for  
2 the year, including revenues realized by a prior provider of  
3 the same hospital during the year).

4 (f) Every hospital provider subject to assessment under  
5 this Article shall keep sufficient records to permit the  
6 determination of adjusted gross hospital revenue for the  
7 hospital's fiscal year. All such records shall be kept in the  
8 English language and shall, at all times during regular  
9 business hours of the day, be subject to inspection by the  
10 Illinois Department or its duly authorized agents and  
11 employees.

12 (g) The Illinois Department may, by rule, provide a  
13 hospital provider a reasonable opportunity to request a  
14 clarification or correction of any clerical or computational  
15 errors contained in the calculation of its assessment, but such  
16 corrections shall not extend to updating the cost report  
17 information used to calculate the assessment.

18 (h) (Blank).

19 (Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04;  
20 94-242, eff. 7-18-05; revised 12-15-05.)

21 (305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)

22 Sec. 5A-10. Applicability.

23 (a) The assessment imposed by Section 5A-2 shall not take  
24 effect or shall cease to be imposed, and any moneys remaining  
25 in the Fund shall be refunded to hospital providers in

1 proportion to the amounts paid by them, if:

2 (1) the sum of the appropriations for State fiscal  
3 years 2004 and 2005 from the General Revenue Fund for  
4 hospital payments under the medical assistance program is  
5 less than \$4,500,000,000 or the appropriation for each of  
6 State fiscal years 2006, 2007 and 2008 from the General  
7 Revenue Fund for hospital payments under the medical  
8 assistance program is less than \$2,500,000,000 increased  
9 annually to reflect any increase in the number of  
10 recipients; or

11 (2) the Department of Healthcare and Family Services  
12 (formerly Department of Public Aid) makes changes in its  
13 rules that reduce the hospital inpatient or outpatient  
14 payment rates, including adjustment payment rates, in  
15 effect on October 1, 2004, except for hospitals described  
16 in subsection (b) of Section 5A-3 and except for changes in  
17 the methodology for calculating outlier payments to  
18 hospitals for exceptionally costly stays, so long as those  
19 changes do not reduce aggregate expenditures below the  
20 amount expended in State fiscal year 2005 for such  
21 services; or

22 (3) the payments to hospitals required under Section  
23 5A-12 are changed or are not eligible for federal matching  
24 funds under Title XIX or XXI of the Social Security Act.

25 (b) The assessment imposed by Section 5A-2 shall not take  
26 effect or shall cease to be imposed if the assessment is



1 determined to be an impermissible tax under Title XIX of the  
2 Social Security Act. Moneys in the Hospital Provider Fund  
3 derived from assessments imposed prior thereto shall be  
4 disbursed in accordance with Section 5A-8 to the extent federal  
5 matching is not reduced due to the impermissibility of the  
6 assessments, and any remaining moneys shall be refunded to  
7 hospital providers in proportion to the amounts paid by them.

8 (Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05;  
9 revised 12-15-05.)

10 (305 ILCS 5/5A-13)

11 Sec. 5A-13. Emergency rulemaking. The Department of  
12 Healthcare and Family Services (formerly Department of Public  
13 Aid) may adopt rules necessary to implement this amendatory Act  
14 of the 94th General Assembly through the use of emergency  
15 rulemaking in accordance with Section 5-45 of the Illinois  
16 Administrative Procedure Act. For purposes of that Act, the  
17 General Assembly finds that the adoption of rules to implement  
18 this amendatory Act of the 94th General Assembly is deemed an  
19 emergency and necessary for the public interest, safety, and  
20 welfare.

21 (Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05;  
22 revised 12-15-05.)

23 (305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

24 Sec. 6-11. State funded General Assistance.

1           (a) Effective July 1, 1992, all State funded General  
2 Assistance and related medical benefits shall be governed by  
3 this Section. Other parts of this Code or other laws related to  
4 General Assistance shall remain in effect to the extent they do  
5 not conflict with the provisions of this Section. If any other  
6 part of this Code or other laws of this State conflict with the  
7 provisions of this Section, the provisions of this Section  
8 shall control.

9           (b) State funded General Assistance shall consist of 2  
10 separate programs. One program shall be for adults with no  
11 children and shall be known as State Transitional Assistance.  
12 The other program shall be for families with children and for  
13 pregnant women and shall be known as State Family and Children  
14 Assistance.

15           (c) (1) To be eligible for State Transitional Assistance on  
16 or after July 1, 1992, an individual must be ineligible for  
17 assistance under any other Article of this Code, must be  
18 determined chronically needy, and must be one of the following:

19                   (A) age 18 or over or

20                   (B) married and living with a spouse, regardless of  
21 age.

22           (2) The Illinois Department or the local governmental unit  
23 shall determine whether individuals are chronically needy as  
24 follows:

25                   (A) Individuals who have applied for Supplemental  
26 Security Income (SSI) and are awaiting a decision on

1 eligibility for SSI who are determined disabled by the  
2 Illinois Department using the SSI standard shall be  
3 considered chronically needy, except that individuals  
4 whose disability is based solely on substance addictions  
5 (drug abuse and alcoholism) and whose disability would  
6 cease were their addictions to end shall be eligible only  
7 for medical assistance and shall not be eligible for cash  
8 assistance under the State Transitional Assistance  
9 program.

10 (B) If an individual has been denied SSI due to a  
11 finding of "not disabled" (either at the Administrative Law  
12 Judge level or above, or at a lower level if that  
13 determination was not appealed), the Illinois Department  
14 shall adopt that finding and the individual shall not be  
15 eligible for State Transitional Assistance or any related  
16 medical benefits. Such an individual may not be determined  
17 disabled by the Illinois Department for a period of 12  
18 months, unless the individual shows that there has been a  
19 substantial change in his or her medical condition or that  
20 there has been a substantial change in other factors, such  
21 as age or work experience, that might change the  
22 determination of disability.

23 (C) The Illinois Department, by rule, may specify other  
24 categories of individuals as chronically needy; nothing in  
25 this Section, however, shall be deemed to require the  
26 inclusion of any specific category other than as specified

1 in paragraphs (A) and (B).

2 (3) For individuals in State Transitional Assistance,  
3 medical assistance shall be provided in an amount and nature  
4 determined by the ~~Illinois~~ Department of Healthcare and Family  
5 Services ~~Public Aid~~ by rule. The amount and nature of medical  
6 assistance provided need not be the same as that provided under  
7 paragraph (4) of subsection (d) of this Section, and nothing in  
8 this paragraph (3) shall be construed to require the coverage  
9 of any particular medical service. In addition, the amount and  
10 nature of medical assistance provided may be different for  
11 different categories of individuals determined chronically  
12 needy.

13 (4) The Illinois Department shall determine, by rule, those  
14 assistance recipients under Article VI who shall be subject to  
15 employment, training, or education programs including  
16 Earnfare, the content of those programs, and the penalties for  
17 failure to cooperate in those programs.

18 (5) The Illinois Department shall, by rule, establish  
19 further eligibility requirements, including but not limited to  
20 residence, need, and the level of payments.

21 (d) (1) To be eligible for State Family and Children  
22 Assistance, a family unit must be ineligible for assistance  
23 under any other Article of this Code and must contain a child  
24 who is:

25 (A) under age 18 or

26 (B) age 18 and a full-time student in a secondary

1 school or the equivalent level of vocational or technical  
2 training, and who may reasonably be expected to complete  
3 the program before reaching age 19.

4 Those children shall be eligible for State Family and  
5 Children Assistance.

6 (2) The natural or adoptive parents of the child living in  
7 the same household may be eligible for State Family and  
8 Children Assistance.

9 (3) A pregnant woman whose pregnancy has been verified  
10 shall be eligible for income maintenance assistance under the  
11 State Family and Children Assistance program.

12 (4) The amount and nature of medical assistance provided  
13 under the State Family and Children Assistance program shall be  
14 determined by the ~~Illinois~~ Department of Healthcare and Family  
15 Services ~~Public Aid~~ by rule. The amount and nature of medical  
16 assistance provided need not be the same as that provided under  
17 paragraph (3) of subsection (c) of this Section, and nothing in  
18 this paragraph (4) shall be construed to require the coverage  
19 of any particular medical service.

20 (5) The Illinois Department shall, by rule, establish  
21 further eligibility requirements, including but not limited to  
22 residence, need, and the level of payments.

23 (e) A local governmental unit that chooses to participate  
24 in a General Assistance program under this Section shall  
25 provide funding in accordance with Section 12-21.13 of this  
26 Act. Local governmental funds used to qualify for State funding

1 may only be expended for clients eligible for assistance under  
2 this Section 6-11 and related administrative expenses.

3 (f) In order to qualify for State funding under this  
4 Section, a local governmental unit shall be subject to the  
5 supervision and the rules and regulations of the Illinois  
6 Department.

7 (g) Notwithstanding any other provision in this Code, the  
8 Illinois Department is authorized to reduce payment levels used  
9 to determine cash grants provided to recipients of State  
10 Transitional Assistance at any time within a Fiscal Year in  
11 order to ensure that cash benefits for State Transitional  
12 Assistance do not exceed the amounts appropriated for those  
13 cash benefits. Changes in payment levels may be accomplished by  
14 emergency rule under Section 5-45 of the Illinois  
15 Administrative Procedure Act, except that the limitation on the  
16 number of emergency rules that may be adopted in a 24-month  
17 period shall not apply and the provisions of Sections 5-115 and  
18 5-125 of the Illinois Administrative Procedure Act shall not  
19 apply. This provision shall also be applicable to any reduction  
20 in payment levels made upon implementation of this amendatory  
21 Act of 1995.

22 (Source: P.A. 92-111, eff. 1-1-02; revised 12-15-05.)

23 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

24 Sec. 9-1. Declaration of Purpose. It is the purpose of this  
25 Article to aid applicants for and recipients of public aid

1 under Articles III, IV, V, and VI, to increase their capacities  
2 for self-support, self-care, and responsible citizenship, and  
3 to assist them in maintaining and strengthening family life. If  
4 authorized pursuant to Section 9-8, this Article may be  
5 extended to former and potential recipients and to persons  
6 whose income does not exceed the standard established to  
7 determine eligibility for aid as a medically indigent person  
8 under Article V. The Department, with the written consent of  
9 the Governor, may also:

10 (a) extend this Article to individuals and their families  
11 with income closely related to national indices of poverty who  
12 have special needs resulting from institutionalization of a  
13 family member or conditions that may lead to  
14 institutionalization or who live in impoverished areas or in  
15 facilities developed to serve persons of low income;

16 (b) establish, where indicated, schedules of payment for  
17 service provided based on ability to pay;

18 (c) provide for the coordinated delivery of the services  
19 described in this Article and related services offered by other  
20 public or private agencies or institutions, and cooperate with  
21 the Illinois Department on Aging to enable it to properly  
22 execute and fulfill its duties pursuant to the provisions of  
23 Section 4.01 of the "Illinois Act on the Aging", as now or  
24 hereafter amended;

25 (d) provide in-home care services, such as chore and  
26 housekeeping services or homemaker services, to recipients of

1 public aid under Articles IV and VI, the scope and eligibility  
2 criteria for such services to be determined by rule;

3 (e) contract with other State agencies for the purchase of  
4 social service under Title XX of the Social Security Act, such  
5 services to be provided pursuant to such other agencies'  
6 enabling legislation; and

7 (f) cooperate with the ~~Illinois~~ Department of Healthcare  
8 and Family Services ~~Public Aid~~ to provide services to public  
9 aid recipients for the treatment and prevention of alcoholism  
10 and substance abuse.

11 (Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02; 92-651,  
12 eff. 7-11-02; revised 12-15-05.)

13 (305 ILCS 5/9-13)

14 Sec. 9-13. Survey of teen parent services. The Social  
15 Services Advisory Committee shall conduct a survey of all  
16 policy related to the provision of teen parent services and  
17 make administrative and legislative recommendations to prevent  
18 duplication, correct inconsistencies, and generally improve  
19 the provision of services to teen parents within the Department  
20 of Public Aid (now Healthcare and Family Services). The results  
21 of the survey, including recommendations shall be submitted in  
22 written form to the General Assembly, no later than December 1,  
23 1994.

24 (Source: P.A. 88-412; revised 12-15-05.)



1 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

2 Sec. 9A-7. Good Cause and Pre-Sanction Process.

3 (a) The Department shall establish by rule what constitutes  
4 good cause for failure to participate in education, training  
5 and employment programs, failure to accept suitable employment  
6 or terminating employment or reducing earnings.

7 The Department shall establish, by rule, a pre-sanction  
8 process to assist in resolving disputes over proposed sanctions  
9 and in determining if good cause exists. Good cause shall  
10 include, but not be limited to:

11 (1) temporary illness for its duration;

12 (2) court required appearance or temporary  
13 incarceration;

14 (3) (blank);

15 (4) death in the family;

16 (5) (blank);

17 (6) (blank);

18 (7) (blank);

19 (8) (blank);

20 (9) extreme inclement weather;

21 (10) (blank);

22 (11) lack of any support service even though the  
23 necessary service is not specifically provided under the  
24 Department program, to the extent the lack of the needed  
25 service presents a significant barrier to participation;

26 (12) if an individual is engaged in employment or

1 training or both that is consistent with the employment  
2 related goals of the program, if such employment and  
3 training is later approved by Department staff;

4 (13) (blank);

5 (14) failure of Department staff to correctly forward  
6 the information to other Department staff;

7 (15) failure of the participant to cooperate because of  
8 attendance at a test or a mandatory class or function at an  
9 educational program (including college), when an education  
10 or training program is officially approved by the  
11 Department;

12 (16) failure of the participant due to his or her  
13 illiteracy;

14 (17) failure of the participant because it is  
15 determined that he or she should be in a different  
16 activity;

17 (18) non-receipt by the participant of a notice  
18 advising him or her of a participation requirement. If the  
19 non-receipt of mail occurs frequently, the Department  
20 shall explore an alternative means of providing notices of  
21 participation requests to participants;

22 (19) (blank);

23 (20) non-comprehension of English, either written or  
24 oral or both;

25 (21) (blank);

26 (22) (blank);

1           (23) child care (or day care for an incapacitated  
2 individual living in the same home as a dependent child) is  
3 necessary for the participation or employment and such care  
4 is not available for a child under age 13;

5           (24) failure to participate in an activity due to a  
6 scheduled job interview, medical appointment for the  
7 participant or a household member, or school appointment;

8           (25) the individual is homeless. Homeless individuals  
9 (including the family) have no current residence and no  
10 expectation of acquiring one in the next 30 days. This  
11 includes individuals residing in overnight and  
12 transitional (temporary) shelters. This does not include  
13 individuals who are sharing a residence with friends or  
14 relatives on a continuing basis;

15           (26) circumstances beyond the control of the  
16 participant which prevent the participant from completing  
17 program requirements; or

18           (27) (blank).

19           (b) (Blank).

20           (c) (1) The Department shall establish a reconciliation  
21 procedure to assist in resolving disputes related to any  
22 aspect of participation, including exemptions, good cause,  
23 sanctions or proposed sanctions, supportive services,  
24 assessments, responsibility and service plans, assignment  
25 to activities, suitability of employment, or refusals of  
26 offers of employment. Through the reconciliation process

1 the Department shall have a mechanism to identify good  
2 cause, ensure that the client is aware of the issue, and  
3 enable the client to perform required activities without  
4 facing sanction.

5 (2) A participant may request reconciliation and  
6 receive notice in writing of a meeting. At least one  
7 face-to-face meeting may be scheduled to resolve  
8 misunderstandings or disagreements related to program  
9 participation and situations which may lead to a potential  
10 sanction. The meeting will address the underlying reason  
11 for the dispute and plan a resolution to enable the  
12 individual to participate in TANF employment and work  
13 activity requirements.

14 (2.5) If the individual fails to appear at the  
15 reconciliation meeting without good cause, the  
16 reconciliation is unsuccessful and a sanction shall be  
17 imposed.

18 (3) The reconciliation process shall continue after it  
19 is determined that the individual did not have good cause  
20 for non-cooperation. Any necessary demonstration of  
21 cooperation on the part of the participant will be part of  
22 the reconciliation process. Failure to demonstrate  
23 cooperation will result in immediate sanction.

24 (4) For the first instance of non-cooperation, if the  
25 client reaches agreement to cooperate, the client shall be  
26 allowed 30 days to demonstrate cooperation before any

1 sanction activity may be imposed. In any subsequent  
2 instances of non-cooperation, the client shall be provided  
3 the opportunity to show good cause or remedy the situation  
4 by immediately complying with the requirement.

5 (5) The Department shall document in the case record  
6 the proceedings of the reconciliation and provide the  
7 client in writing with a reconciliation agreement.

8 (6) If reconciliation resolves the dispute, no  
9 sanction shall be imposed. If the client fails to comply  
10 with the reconciliation agreement, the Department shall  
11 then immediately impose the original sanction. If the  
12 dispute cannot be resolved during reconciliation, a  
13 sanction shall not be imposed until the reconciliation  
14 process is complete.

15 (Source: P.A. 93-598, eff. 8-26-03; revised 10-9-03.)

16 (305 ILCS 5/9A-9.5)

17 Sec. 9A-9.5. Health care advocates; committee. The  
18 Department of Human Services and the Department of Healthcare  
19 and Family Services ~~Public Aid~~ shall jointly establish an  
20 interagency committee to do the following:

21 (1) Assist the departments in making recommendations  
22 on incorporating health care advocates into education,  
23 training, and placement programs under this Article. The  
24 advocates should be individuals who are knowledgeable  
25 about various types of health insurance programs.

1           (2) Develop more outreach and educational materials to  
2           help TANF families make informed choices concerning health  
3           insurance and health care. The materials should target  
4           families that are transitioning from receipt of public aid  
5           to employment.

6           (3) Develop methods to simplify the process of applying  
7           for medical assistance under Article V.

8           (Source: P.A. 93-150, eff. 7-10-03; revised 12-15-05.)

9           (305 ILCS 5/9A-15)

10          Sec. 9A-15. College education assistance; pilot program.

11          (a) Subject to appropriation, the Department of Human  
12          Services shall establish a pilot program to provide recipients  
13          of assistance under Article IV with additional assistance in  
14          obtaining a post-secondary education degree to the extent  
15          permitted by the federal law governing the Temporary Assistance  
16          for Needy Families Program. This assistance may include, but is  
17          not limited to, moneys for the payment of tuition, but the  
18          Department may not use any moneys appropriated for the  
19          Temporary Assistance for Needy Families Program (TANF) under  
20          Article IV to pay for tuition under the pilot program. In  
21          addition to criteria, standards, and procedures related to  
22          post-secondary education required by rules applicable to the  
23          TANF program, the Department shall provide that the time that a  
24          pilot program participant spends in post-secondary classes  
25          shall apply toward the time that the recipient is required to

1 spend in education, placement, and training activities under  
2 this Article.

3 The Department shall define the pilot program by rule,  
4 including a determination of its duration and scope, the nature  
5 of the assistance to be provided, and the criteria, standards,  
6 and procedures for participation.

7 (b) The Department shall enter into an interagency  
8 agreement with the Illinois Student Assistance Commission for  
9 the administration of the pilot program.

10 (c) The Department shall evaluate the pilot program and  
11 report its findings and recommendations after 2 years of its  
12 operation to the Governor and the General Assembly, including  
13 proposed rules to modify or extend the pilot program beyond the  
14 scope and schedule upon which it was originally established.

15 (Source: P.A. 94-371, eff. 1-1-06.)

16 (305 ILCS 5/9A-16)

17 Sec. 9A-16 ~~9A-15~~. Work activity; applicable minimum wage.  
18 The State or federal minimum wage, whichever is higher, shall  
19 be used to calculate the required number of hours of  
20 participation in any earnfare or pay-after-performance  
21 activity under Section 9A-9 or any other Section of this Code  
22 in which a recipient of public assistance performs work as a  
23 condition of receiving the public assistance and the recipient  
24 is not paid wages for the work.

25 (Source: P.A. 94-533, eff. 8-10-05; revised 9-22-05.)

1 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

2 Sec. 10-1. Declaration of Public Policy - Persons Eligible  
3 for Child Support Enforcement Services - Fees for  
4 Non-Applicants and Non-Recipients.) It is the intent of this  
5 Code that the financial aid and social welfare services herein  
6 provided supplement rather than supplant the primary and  
7 continuing obligation of the family unit for self-support to  
8 the fullest extent permitted by the resources available to it.  
9 This primary and continuing obligation applies whether the  
10 family unit of parents and children or of husband and wife  
11 remains intact and resides in a common household or whether the  
12 unit has been broken by absence of one or more members of the  
13 unit. The obligation of the family unit is particularly  
14 applicable when a member is in necessitous circumstances and  
15 lacks the means of a livelihood compatible with health and  
16 well-being.

17 It is the purpose of this Article to provide for locating  
18 an absent parent or spouse, for determining his financial  
19 circumstances, and for enforcing his legal obligation of  
20 support, if he is able to furnish support, in whole or in part.  
21 The ~~Illinois~~ Department of Healthcare and Family Services  
22 ~~Public Aid~~ shall give priority to establishing, enforcing and  
23 collecting the current support obligation, and then to past due  
24 support owed to the family unit, except with respect to  
25 collections effected through the intercept programs provided



1 for in this Article.

2 The child support enforcement services provided hereunder  
3 shall be furnished dependents of an absent parent or spouse who  
4 are applicants for or recipients of financial aid under this  
5 Code. It is not, however, a condition of eligibility for  
6 financial aid that there be no responsible relatives who are  
7 reasonably able to provide support. Nor, except as provided in  
8 Sections 4-1.7 and 10-8, shall the existence of such relatives  
9 or their payment of support contributions disqualify a needy  
10 person for financial aid.

11 By accepting financial aid under this Code, a spouse or a  
12 parent or other person having custody of a child shall be  
13 deemed to have made assignment to the Illinois Department for  
14 aid under Articles III, IV, V and VII or to a local  
15 governmental unit for aid under Article VI of any and all  
16 rights, title, and interest in any support obligation,  
17 including statutory interest thereon, up to the amount of  
18 financial aid provided. The rights to support assigned to the  
19 Department of Healthcare and Family Services (formerly  
20 Illinois Department of Public Aid) or local governmental unit  
21 shall constitute an obligation owed the State or local  
22 governmental unit by the person who is responsible for  
23 providing the support, and shall be collectible under all  
24 applicable processes.

25 The ~~Illinois~~ Department of Healthcare and Family Services  
26 ~~Public Aid~~ shall also furnish the child support enforcement

1 services established under this Article in behalf of persons  
2 who are not applicants for or recipients of financial aid under  
3 this Code in accordance with the requirements of Title IV, Part  
4 D of the Social Security Act. The Department may establish a  
5 schedule of reasonable fees, to be paid for the services  
6 provided and may deduct a collection fee, not to exceed 10% of  
7 the amount collected, from such collection. The ~~Illinois~~  
8 Department of Healthcare and Family Services ~~Public Aid~~ shall  
9 cause to be published and distributed publications reasonably  
10 calculated to inform the public that individuals who are not  
11 recipients of or applicants for public aid under this Code are  
12 eligible for the child support enforcement services under this  
13 Article X. Such publications shall set forth an explanation, in  
14 plain language, that the child support enforcement services  
15 program is independent of any public aid program under the Code  
16 and that the receiving of child support enforcement services in  
17 no way implies that the person receiving such services is  
18 receiving public aid.

19 (Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

20 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

21 Sec. 10-10. Court enforcement; applicability also to  
22 persons who are not applicants or recipients. Except where the  
23 Illinois Department, by agreement, acts for the local  
24 governmental unit, as provided in Section 10-3.1, local  
25 governmental units shall refer to the State's Attorney or to

1 the proper legal representative of the governmental unit, for  
2 judicial enforcement as herein provided, instances of  
3 non-support or insufficient support when the dependents are  
4 applicants or recipients under Article VI. The Child and Spouse  
5 Support Unit established by Section 10-3.1 may institute in  
6 behalf of the Illinois Department any actions under this  
7 Section for judicial enforcement of the support liability when  
8 the dependents are (a) applicants or recipients under Articles  
9 III, IV, V or VII; (b) applicants or recipients in a local  
10 governmental unit when the Illinois Department, by agreement,  
11 acts for the unit; or (c) non-applicants or non-recipients who  
12 are receiving child support enforcement services under this  
13 Article X, as provided in Section 10-1. Where the Child and  
14 Spouse Support Unit has exercised its option and discretion not  
15 to apply the provisions of Sections 10-3 through 10-8, the  
16 failure by the Unit to apply such provisions shall not be a bar  
17 to bringing an action under this Section.

18 Action shall be brought in the circuit court to obtain  
19 support, or for the recovery of aid granted during the period  
20 such support was not provided, or both for the obtainment of  
21 support and the recovery of the aid provided. Actions for the  
22 recovery of aid may be taken separately or they may be  
23 consolidated with actions to obtain support. Such actions may  
24 be brought in the name of the person or persons requiring  
25 support, or may be brought in the name of the Illinois  
26 Department or the local governmental unit, as the case

1 requires, in behalf of such persons.

2 The court may enter such orders for the payment of moneys  
3 for the support of the person as may be just and equitable and  
4 may direct payment thereof for such period or periods of time  
5 as the circumstances require, including support for a period  
6 before the date the order for support is entered. The order may  
7 be entered against any or all of the defendant responsible  
8 relatives and may be based upon the proportionate ability of  
9 each to contribute to the person's support.

10 The Court shall determine the amount of child support  
11 (including child support for a period before the date the order  
12 for child support is entered) by using the guidelines and  
13 standards set forth in subsection (a) of Section 505 and in  
14 Section 505.2 of the Illinois Marriage and Dissolution of  
15 Marriage Act. For purposes of determining the amount of child  
16 support to be paid for a period before the date the order for  
17 child support is entered, there is a rebuttable presumption  
18 that the responsible relative's net income for that period was  
19 the same as his or her net income at the time the order is  
20 entered.

21 If (i) the responsible relative was properly served with a  
22 request for discovery of financial information relating to the  
23 responsible relative's ability to provide child support, (ii)  
24 the responsible relative failed to comply with the request,  
25 despite having been ordered to do so by the court, and (iii)  
26 the responsible relative is not present at the hearing to

1 determine support despite having received proper notice, then  
2 any relevant financial information concerning the responsible  
3 relative's ability to provide child support that was obtained  
4 pursuant to subpoena and proper notice shall be admitted into  
5 evidence without the need to establish any further foundation  
6 for its admission.

7 An order entered under this Section shall include a  
8 provision requiring the obligor to report to the obligee and to  
9 the clerk of court within 10 days each time the obligor obtains  
10 new employment, and each time the obligor's employment is  
11 terminated for any reason. The report shall be in writing and  
12 shall, in the case of new employment, include the name and  
13 address of the new employer. Failure to report new employment  
14 or the termination of current employment, if coupled with  
15 nonpayment of support for a period in excess of 60 days, is  
16 indirect criminal contempt. For any obligor arrested for  
17 failure to report new employment bond shall be set in the  
18 amount of the child support that should have been paid during  
19 the period of unreported employment. An order entered under  
20 this Section shall also include a provision requiring the  
21 obligor and obligee parents to advise each other of a change in  
22 residence within 5 days of the change except when the court  
23 finds that the physical, mental, or emotional health of a party  
24 or that of a minor child, or both, would be seriously  
25 endangered by disclosure of the party's address.

26 The Court shall determine the amount of maintenance using

1 the standards set forth in Section 504 of the Illinois Marriage  
2 and Dissolution of Marriage Act.

3 Any new or existing support order entered by the court  
4 under this Section shall be deemed to be a series of judgments  
5 against the person obligated to pay support thereunder, each  
6 such judgment to be in the amount of each payment or  
7 installment of support and each such judgment to be deemed  
8 entered as of the date the corresponding payment or installment  
9 becomes due under the terms of the support order. Each such  
10 judgment shall have the full force, effect and attributes of  
11 any other judgment of this State, including the ability to be  
12 enforced. Any such judgment is subject to modification or  
13 termination only in accordance with Section 510 of the Illinois  
14 Marriage and Dissolution of Marriage Act. A lien arises by  
15 operation of law against the real and personal property of the  
16 noncustodial parent for each installment of overdue support  
17 owed by the noncustodial parent.

18 When an order is entered for the support of a minor, the  
19 court may provide therein for reasonable visitation of the  
20 minor by the person or persons who provided support pursuant to  
21 the order. Whoever willfully refuses to comply with such  
22 visitation order or willfully interferes with its enforcement  
23 may be declared in contempt of court and punished therefor.

24 Except where the local governmental unit has entered into  
25 an agreement with the Illinois Department for the Child and  
26 Spouse Support Unit to act for it, as provided in Section

1 10-3.1, support orders entered by the court in cases involving  
2 applicants or recipients under Article VI shall provide that  
3 payments thereunder be made directly to the local governmental  
4 unit. Orders for the support of all other applicants or  
5 recipients shall provide that payments thereunder be made  
6 directly to the Illinois Department. In accordance with federal  
7 law and regulations, the Illinois Department may continue to  
8 collect current maintenance payments or child support  
9 payments, or both, after those persons cease to receive public  
10 assistance and until termination of services under Article X.  
11 The Illinois Department shall pay the net amount collected to  
12 those persons after deducting any costs incurred in making the  
13 collection or any collection fee from the amount of any  
14 recovery made. In both cases the order shall permit the local  
15 governmental unit or the Illinois Department, as the case may  
16 be, to direct the responsible relative or relatives to make  
17 support payments directly to the needy person, or to some  
18 person or agency in his behalf, upon removal of the person from  
19 the public aid rolls or upon termination of services under  
20 Article X.

21 If the notice of support due issued pursuant to Section  
22 10-7 directs that support payments be made directly to the  
23 needy person, or to some person or agency in his behalf, and  
24 the recipient is removed from the public aid rolls, court  
25 action may be taken against the responsible relative hereunder  
26 if he fails to furnish support in accordance with the terms of

1 such notice.

2       Actions may also be brought under this Section in behalf of  
3 any person who is in need of support from responsible  
4 relatives, as defined in Section 2-11 of Article II who is not  
5 an applicant for or recipient of financial aid under this Code.  
6 In such instances, the State's Attorney of the county in which  
7 such person resides shall bring action against the responsible  
8 relatives hereunder. If the Illinois Department, as authorized  
9 by Section 10-1, extends the child support enforcement services  
10 provided by this Article to spouses and dependent children who  
11 are not applicants or recipients under this Code, the Child and  
12 Spouse Support Unit established by Section 10-3.1 shall bring  
13 action against the responsible relatives hereunder and any  
14 support orders entered by the court in such cases shall provide  
15 that payments thereunder be made directly to the Illinois  
16 Department.

17       Whenever it is determined in a proceeding to establish or  
18 enforce a child support or maintenance obligation that the  
19 person owing a duty of support is unemployed, the court may  
20 order the person to seek employment and report periodically to  
21 the court with a diary, listing or other memorandum of his or  
22 her efforts in accordance with such order. Additionally, the  
23 court may order the unemployed person to report to the  
24 Department of Employment Security for job search services or to  
25 make application with the local Job Training Partnership Act  
26 provider for participation in job search, training or work



1 programs and where the duty of support is owed to a child  
2 receiving child support enforcement services under this  
3 Article X, the court may order the unemployed person to report  
4 to the Illinois Department for participation in job search,  
5 training or work programs established under Section 9-6 and  
6 Article IXA of this Code.

7 Whenever it is determined that a person owes past-due  
8 support for a child receiving assistance under this Code, the  
9 court shall order at the request of the Illinois Department:

10 (1) that the person pay the past-due support in  
11 accordance with a plan approved by the court; or

12 (2) if the person owing past-due support is unemployed,  
13 is subject to such a plan, and is not incapacitated, that  
14 the person participate in such job search, training, or  
15 work programs established under Section 9-6 and Article IXA  
16 of this Code as the court deems appropriate.

17 A determination under this Section shall not be  
18 administratively reviewable by the procedures specified in  
19 Sections 10-12, and 10-13 to 10-13.10. Any determination under  
20 these Sections, if made the basis of court action under this  
21 Section, shall not affect the de novo judicial determination  
22 required under this Section.

23 A one-time charge of 20% is imposable upon the amount of  
24 past-due child support owed on July 1, 1988 which has accrued  
25 under a support order entered by the court. The charge shall be  
26 imposed in accordance with the provisions of Section 10-21 of

1 this Code and shall be enforced by the court upon petition.

2 All orders for support, when entered or modified, shall  
3 include a provision requiring the non-custodial parent to  
4 notify the court and, in cases in which a party is receiving  
5 child support enforcement services under this Article X, the  
6 Illinois Department, within 7 days, (i) of the name, address,  
7 and telephone number of any new employer of the non-custodial  
8 parent, (ii) whether the non-custodial parent has access to  
9 health insurance coverage through the employer or other group  
10 coverage and, if so, the policy name and number and the names  
11 of persons covered under the policy, and (iii) of any new  
12 residential or mailing address or telephone number of the  
13 non-custodial parent. In any subsequent action to enforce a  
14 support order, upon a sufficient showing that a diligent effort  
15 has been made to ascertain the location of the non-custodial  
16 parent, service of process or provision of notice necessary in  
17 the case may be made at the last known address of the  
18 non-custodial parent in any manner expressly provided by the  
19 Code of Civil Procedure or this Code, which service shall be  
20 sufficient for purposes of due process.

21 An order for support shall include a date on which the  
22 current support obligation terminates. The termination date  
23 shall be no earlier than the date on which the child covered by  
24 the order will attain the age of 18. However, if the child will  
25 not graduate from high school until after attaining the age of  
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation  
2 will occur or the date on which the child will attain the age  
3 of 19. The order for support shall state that the termination  
4 date does not apply to any arrearage that may remain unpaid on  
5 that date. Nothing in this paragraph shall be construed to  
6 prevent the court from modifying the order or terminating the  
7 order in the event the child is otherwise emancipated.

8       If there is an unpaid arrearage or delinquency (as those  
9 terms are defined in the Income Withholding for Support Act)  
10 equal to at least one month's support obligation on the  
11 termination date stated in the order for support or, if there  
12 is no termination date stated in the order, on the date the  
13 child attains the age of majority or is otherwise emancipated,  
14 then the periodic amount required to be paid for current  
15 support of that child immediately prior to that date shall  
16 automatically continue to be an obligation, not as current  
17 support but as periodic payment toward satisfaction of the  
18 unpaid arrearage or delinquency. That periodic payment shall be  
19 in addition to any periodic payment previously required for  
20 satisfaction of the arrearage or delinquency. The total  
21 periodic amount to be paid toward satisfaction of the arrearage  
22 or delinquency may be enforced and collected by any method  
23 provided by law for the enforcement and collection of child  
24 support, including but not limited to income withholding under  
25 the Income Withholding for Support Act. Each order for support  
26 entered or modified on or after the effective date of this

1 amendatory Act of the 93rd General Assembly must contain a  
2 statement notifying the parties of the requirements of this  
3 paragraph. Failure to include the statement in the order for  
4 support does not affect the validity of the order or the  
5 operation of the provisions of this paragraph with regard to  
6 the order. This paragraph shall not be construed to prevent or  
7 affect the establishment or modification of an order for the  
8 support of a minor child or the establishment or modification  
9 of an order for the support of a non-minor child or educational  
10 expenses under Section 513 of the Illinois Marriage and  
11 Dissolution of Marriage Act.

12 Payments under this Section to the Illinois Department  
13 pursuant to the Child Support Enforcement Program established  
14 by Title IV-D of the Social Security Act shall be paid into the  
15 Child Support Enforcement Trust Fund. All payments under this  
16 Section to the Illinois Department of Human Services shall be  
17 deposited in the DHS Recoveries Trust Fund. Disbursements from  
18 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
19 of this Code. Payments received by a local governmental unit  
20 shall be deposited in that unit's General Assistance Fund.

21 To the extent the provisions of this Section are  
22 inconsistent with the requirements pertaining to the State  
23 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
24 Code, the requirements pertaining to the State Disbursement  
25 Unit shall apply.

26 (Source: P.A. 93-1061, eff. 1-1-05; 94-88, eff. 1-1-06; revised

1 8-9-05.)

2 (305 ILCS 5/10-10.4)

3 Sec. 10-10.4. Payment of Support to State Disbursement  
4 Unit.

5 (a) As used in this Section:

6 "Order for support", "obligor", "obligee", and "payor"  
7 mean those terms as defined in the Income Withholding for  
8 Support Act, except that "order for support" shall not mean  
9 orders providing for spousal maintenance under which there is  
10 no child support obligation.

11 (b) Notwithstanding any other provision of this Code to the  
12 contrary, each court or administrative order for support  
13 entered or modified on or after October 1, 1999 shall require  
14 that support payments be made to the State Disbursement Unit  
15 established under Section 10-26 if:

16 (1) a party to the order is receiving child support  
17 enforcement services under this Article X; or

18 (2) no party to the order is receiving child support  
19 enforcement services, but the support payments are made  
20 through income withholding.

21 (c) Support payments shall be made to the State  
22 Disbursement Unit if:

23 (1) the order for support was entered before October 1,  
24 1999, and a party to the order is receiving child support  
25 enforcement services under this Article X; or

1           (2) no party to the order is receiving child support  
2 enforcement services, and the support payments are being  
3 made through income withholding.

4           (c-5) If no party to the order is receiving child support  
5 enforcement services under this Article X, and the support  
6 payments are not being made through income withholding, then  
7 support payments shall be made as directed in the order for  
8 support.

9           (c-10) At any time, and notwithstanding the existence of an  
10 order directing payments to be made elsewhere, the Department  
11 of Healthcare and Family Services ~~Public Aid~~ may provide notice  
12 to the obligor and, where applicable, to the obligor's payor:

13           (1) to make support payments to the State Disbursement  
14 Unit if:

15           (A) a party to the order for support is receiving  
16 child support enforcement services under this Article  
17 X; or

18           (B) no party to the order for support is receiving  
19 child support enforcement services under this Article  
20 X, but the support payments are made through income  
21 withholding; or

22           (2) to make support payments to the State Disbursement  
23 Unit of another state upon request of another state's Title  
24 IV-D child support enforcement agency, in accordance with  
25 the requirements of Title IV, Part D of the Social Security  
26 Act and regulations promulgated under that Part D.

1 (c-15) Within 15 days after the effective date of this  
2 amendatory Act of the 91st General Assembly, the clerk of the  
3 circuit court shall provide written notice to the obligor to  
4 make payments directly to the clerk of the circuit court if no  
5 party to the order is receiving child support enforcement  
6 services under this Article X, the support payments are not  
7 made through income withholding, and the order for support  
8 requires support payments to be made directly to the clerk of  
9 the circuit court.

10 (c-20) If the State Disbursement Unit receives a support  
11 payment that was not appropriately made to the Unit under this  
12 Section, the Unit shall immediately return the payment to the  
13 sender, including, if possible, instructions detailing where  
14 to send the support payments.

15 (d) The notices under subsections (c-10) and (c-15) may be  
16 sent by ordinary mail, certified mail, return receipt  
17 requested, facsimile transmission, or other electronic  
18 process, or may be served upon the obligor or payor using any  
19 method provided by law for service of a summons. A copy of the  
20 notice shall be provided to the obligee and, when the order for  
21 support was entered by the court, to the clerk of the court.

22 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;  
23 92-590, eff. 7-1-02; revised 12-15-05.)

24 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

25 Sec. 10-15. Enforcement of administrative order; costs and

1 fees. If a responsible relative refuses, neglects, or fails to  
2 comply with a final administrative support or reimbursement  
3 order of the Illinois Department entered by the Child and  
4 Spouse Support Unit pursuant to Sections 10-11 or 10-11.1 or  
5 registered pursuant to Section 10-17.1, the Child and Spouse  
6 Support Unit may file suit against the responsible relative or  
7 relatives to secure compliance with the administrative order.

8 Suits shall be instituted in the name of the People of the  
9 State of Illinois on the relation of the Department of  
10 Healthcare and Family Services ~~Public Aid~~ of the State of  
11 Illinois and the spouse or dependent children for whom the  
12 support order has been issued.

13 The court shall order the payment of the support  
14 obligation, or orders for reimbursement of moneys for support  
15 provided, directly to the Illinois Department but the order  
16 shall permit the Illinois Department to direct the responsible  
17 relative or relatives to make payments of support directly to  
18 the spouse or dependent children, or to some person or agency  
19 in his or their behalf, as provided in Section 10-8 or 10-10,  
20 as applicable.

21 Whenever it is determined in a proceeding to enforce an  
22 administrative order that the responsible relative is  
23 unemployed, and support is sought on behalf of applicants for  
24 or recipients of financial aid under Article IV of this Code or  
25 other persons who are given access to the child support  
26 enforcement services of this Article as provided in Section



1 10-1, the court may order the responsible relative to seek  
2 employment and report periodically to the court with a diary,  
3 listing or other memorandum of his or her efforts in accordance  
4 with such order. In addition, the court may order the  
5 unemployed responsible relative to report to the Illinois  
6 Department for participation in job search, training or work  
7 programs established under Section 9-6 of this Code or to the  
8 Illinois Department of Employment Security for job search  
9 services or to make application with the local Job Training  
10 Partnership Act provider for participation in job search,  
11 training or work programs.

12 Charges imposed in accordance with the provisions of  
13 Section 10-21 shall be enforced by the Court in a suit filed  
14 under this Section.

15 To the extent the provisions of this Section are  
16 inconsistent with the requirements pertaining to the State  
17 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
18 Code, the requirements pertaining to the State Disbursement  
19 Unit shall apply.

20 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;  
21 92-590, eff. 7-1-02; revised 12-15-05.)

22 (305 ILCS 5/10-16.7)

23 Sec. 10-16.7. Child support enforcement debit  
24 authorization.

25 (a) For purposes of this Section:

1 "Financial institution" and "account" are defined as set  
2 forth in Section 10-24.

3 "Payor" is defined as set forth in Section 15 of the Income  
4 Withholding for Support Act.

5 "Order for support" means any order for periodic payment of  
6 funds to the State Disbursement Unit for the support of a child  
7 or, where applicable, for support of a child and a parent with  
8 whom the child resides, that is entered or modified under this  
9 Code or under the Illinois Marriage and Dissolution of Marriage  
10 Act, the Non-Support of Spouse and Children Act, the  
11 Non-Support Punishment Act, or the Illinois Parentage Act of  
12 1984, or that is entered or registered for modification or  
13 enforcement under the Uniform Interstate Family Support Act.

14 "Obligor" means an individual who owes a duty to make  
15 payments under an order for support in a case in which child  
16 support enforcement services are being provided under this  
17 Article X.

18 (b) The Department of Public Aid (now Healthcare and Family  
19 Services) shall adopt a child support enforcement debit  
20 authorization form that, upon being signed by an obligor,  
21 authorizes a financial institution holding an account on the  
22 obligor's behalf to debit the obligor's account periodically in  
23 an amount equal to the amount of child support that the obligor  
24 is required to pay periodically and transfer that amount to the  
25 State Disbursement Unit. The form shall include instructions to  
26 the financial institution concerning the debiting of accounts

1 held on behalf of obligors and the transfer of the debited  
2 amounts to the State Disbursement Unit. In adopting the form,  
3 the Department may consult with the Office of Banks and Real  
4 Estate and the Department of Financial Institutions. The  
5 Department must adopt the form within 6 months after the  
6 effective date of this amendatory Act of the 93rd General  
7 Assembly. Promptly after adopting the form, the Department must  
8 notify each financial institution conducting business in this  
9 State that the form has been adopted and is ready for use.

10 (c) An obligor who does not have a payor may sign a child  
11 support debit authorization form adopted by the Department  
12 under this Section. The obligor may sign a form in relation to  
13 any or all of the financial institutions holding an account on  
14 the obligor's behalf. Promptly after an obligor signs a child  
15 support debit authorization form, the Department shall send the  
16 original signed form to the appropriate financial institution.  
17 Subject to subsection (e), upon receiving the form, the  
18 financial institution shall debit the account and transfer the  
19 debited amounts to the State Disbursement Unit according to the  
20 instructions in the form. A financial institution that complies  
21 with a child support debit authorization form signed by an  
22 obligor and issued under this Section shall not be subject to  
23 civil liability with respect to any individual or any agency.

24 (d) The signing and issuance of a child support debit  
25 authorization form under this Section does not relieve the  
26 obligor from responsibility for compliance with any

1 requirement under the order for support.

2 (e) A financial institution is obligated to debit the  
3 account of an obligor pursuant to this Section only if or to  
4 the extent:

5 (1) the financial institution reasonably believes the  
6 debit authorization form is a true and authentic original  
7 document;

8 (2) there are finally collected funds in the account;  
9 and

10 (3) the account is not subject to offsetting claims of  
11 the financial institution, whether due at the time of  
12 receipt of the debit authorization form or thereafter to  
13 become due and whether liquidated or unliquidated.

14 To the extent the account of the obligor is pledged or held  
15 by the financial institution as security for a loan or other  
16 obligation, or that the financial institution has any other  
17 claim or lien against the account, the financial institution is  
18 entitled to retain the account.

19 (Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

20 (305 ILCS 5/10-17.9)

21 Sec. 10-17.9. Past due support information to State  
22 Department of Revenue.

23 (a) The Illinois Department may provide by rule for  
24 certification to the Illinois Department of Revenue of past due  
25 support owed by responsible relatives under a support order

1 entered by a court or administrative body of this or any other  
2 State on behalf of resident or non-resident persons. The rule  
3 shall provide for notice to and an opportunity to be heard by  
4 each responsible relative affected. Any final administrative  
5 decision rendered by the Department shall be reviewed only  
6 under and in accordance with the Administrative Review Law. A  
7 responsible relative may avoid certification to the Illinois  
8 Department of Revenue by establishing a satisfactory repayment  
9 record as determined by the Illinois Department of Healthcare  
10 and Family Services ~~Public Aid~~.

11 (b) A certified past due support amount shall be final. The  
12 certified amount shall be payable to the Illinois Department of  
13 Revenue upon written notification of the certification to the  
14 responsible relative by the Illinois Department of Revenue.

15 (c) In the event a responsible relative overpays pursuant  
16 to collection under this Section and the applicable Sections of  
17 the Illinois Income Tax Act, the overpayment shall be a credit  
18 against future support obligations. If the current support  
19 obligation of the responsible relative has terminated under  
20 operation of law or court order, any moneys overpaid but still  
21 in the possession of the Department shall be promptly returned  
22 to the responsible relative.

23 (d) Except as otherwise provided in this Article, any child  
24 support delinquency certified to the Illinois Department of  
25 Revenue shall be treated as a child support delinquency for all  
26 other purposes, and any collection action by the State's

1 Attorney or the Illinois Department of Revenue with respect to  
2 any delinquency certified under this Article shall have the  
3 same priority against attachment, execution, assignment, or  
4 other collection action as is provided by any other provision  
5 of State law.

6 (e) Any child support delinquency collected by the Illinois  
7 Department of Revenue, including those amounts that result in  
8 overpayment of a child support delinquency, shall be paid to  
9 the State Disbursement Unit established under Section 10-26.

10 (Source: P.A. 91-212, eff. 7-20-99; revised 12-15-05.)

11 (305 ILCS 5/10-24.35)

12 Sec. 10-24.35. Accommodation of financial institutions.  
13 The Illinois Department ~~of Public Aid~~ shall make a reasonable  
14 effort to accommodate those financial institutions on which the  
15 requirements of this Article X would impose a hardship. In the  
16 case of a non-automated financial institution, a paper copy  
17 including either social security numbers or tax identification  
18 numbers is an acceptable format. In order to allow for data  
19 processing implementation, no agreement shall become effective  
20 earlier than 90 days after its execution.

21 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

22 (305 ILCS 5/10-24.40)

23 Sec. 10-24.40. Financial institution's charges on account.

24 (a) If the Illinois Department ~~of Public Aid~~ requests a

1 financial institution to hold or encumber assets in an account  
2 as defined in Section 10-24, the financial institution at which  
3 the account as defined in Section 10-24 is maintained may  
4 charge and collect its normally scheduled account activity fees  
5 to maintain the account during the period of time the account  
6 assets are held or encumbered.

7 (b) If the Illinois Department ~~of Public Aid~~ takes any  
8 action to enforce a lien or levy imposed on an account, as  
9 defined in Section 10-24, under Section 10-25.5, the financial  
10 institution at which the account is maintained may charge to  
11 the account a fee of up to \$50 and shall deduct the amount of  
12 the fee from the account before remitting any moneys from the  
13 account to the Illinois Department ~~of Public Aid~~.

14 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

15 (305 ILCS 5/10-24.50)

16 Sec. 10-24.50. Financial institution's freedom from  
17 liability. A financial institution that provides information  
18 under Sections 10-24 through 10-24.50 shall not be liable to  
19 any account holder, owner, or other person in any civil,  
20 criminal, or administrative action for any of the following:

21 (1) Disclosing the required information to the  
22 Illinois Department ~~of Public Aid~~, any other provisions of  
23 the law notwithstanding.

24 (2) Holding, encumbering, or surrendering any of an  
25 individual's accounts as defined in Section 10-24 in

1 response to a lien or order to withhold and deliver issued  
2 by:

3 (A) the Illinois Department ~~of Public Aid~~ under  
4 Sections 10-25 and 10-25.5; or

5 (B) a person or entity acting on behalf of the  
6 Illinois Department ~~of Public Aid~~.

7 (3) Any other action taken or omission made in good  
8 faith to comply with Sections 10-24 through 10-24.50,  
9 including individual or mechanical errors, provided that  
10 the action or omission does not constitute gross negligence  
11 or willful misconduct.

12 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

13 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

14 Sec. 11-3. Assignment and attachment of aid prohibited.  
15 Except as provided below in this Section and in Section 11-3.3,  
16 all financial aid given under Articles III, IV, V, and VI and  
17 money payments for child care services provided by a child care  
18 provider under Articles IX and IXA shall not be subject to  
19 assignment, sale, attachment, garnishment, or otherwise.  
20 Provided, however, that a medical vendor may use his right to  
21 receive vendor payments as collateral for loans from financial  
22 institutions so long as such arrangements do not constitute any  
23 activity prohibited under Section 1902(a)(32) of the Social  
24 Security Act and regulations promulgated thereunder, or any  
25 other applicable laws or regulations. Provided further,



1 however, that a medical or other vendor or a service provider  
2 may assign, reassign, sell, pledge or grant a security interest  
3 in any such financial aid, vendor payments or money payments or  
4 grants which he has a right to receive ~~to the Illinois Finance~~  
5 ~~Authority, in connection with any financing program undertaken~~  
6 ~~by the Illinois Finance Authority, or to the Illinois Finance~~  
7 Authority, in connection with any financing program undertaken  
8 by the Illinois Finance Authority. Each Authority may utilize a  
9 trustee or agent to accept, accomplish, effectuate or realize  
10 upon any such assignment, reassignment, sale, pledge or grant  
11 on that Authority's behalf. Provided further, however, that  
12 nothing herein shall prevent the Illinois Department from  
13 collecting any assessment, fee, interest or penalty due under  
14 Article V-A, V-B, V-C, or V-E by withholding financial aid as  
15 payment of such assessment, fee, interest, or penalty. Any  
16 alienation in contravention of this statute does not diminish  
17 and does not affect the validity, legality or enforceability of  
18 any underlying obligations for which such alienation may have  
19 been made as collateral between the parties to the alienation.  
20 This amendatory Act shall be retroactive in application and  
21 shall pertain to obligations existing prior to its enactment.

22 (Source: P.A. 92-111, eff. 1-1-02; 93-205 (Sections 890-25 and  
23 890-40), eff. 1-1-04; revised 9-23-03.)

24 (305 ILCS 5/11-3.1) (from Ch. 23, par. 11-3.1)

25 Sec. 11-3.1. Any recipient of financial aid which is

1 payable to the recipient at regular intervals may elect to have  
2 the aid deposited, and the Illinois Department of Human  
3 Services is authorized to deposit the aid, directly in the  
4 recipient's savings account or checking account or in any  
5 electronic benefits transfer account or accounts in a financial  
6 institution approved by the Illinois Department of Human  
7 Services and in accordance with the rules and regulations of  
8 the Department of Human Services. The Illinois Department of  
9 Human Services and any electronic benefits transfer financial  
10 institutions or contractor shall encourage financial  
11 institutions to provide checking account and savings account  
12 services to recipients of public aid.

13 Any recipient of financial aid or benefits distributed by  
14 means other than electronic benefits transfer under Articles  
15 III, IV, and VI of this Code may elect to receive the aid by  
16 means of direct deposit transmittals to his or her account  
17 maintained at a bank, savings and loan association, or credit  
18 union or by means of electronic benefits transfer in a  
19 financial institution approved by the Illinois Department of  
20 Human Services and in accordance with rules and regulations of  
21 the Illinois Department of Human Services. The Illinois  
22 Department of Human Services may distribute financial aid or  
23 food stamp benefits by means of electronic benefits transfer  
24 and may require recipients to receive financial aid or food  
25 stamp benefits by means of electronic benefits transfer,  
26 provided that any electronic benefits transfer made under this

1 Section shall be accomplished in compliance with the Electronic  
2 Fund Transfer Act and any relevant rules promulgated  
3 thereunder. The Illinois Department of Human Services may  
4 provide for a method of compensation for services in accordance  
5 with the rules and regulations of the Illinois Department of  
6 Human Services, the United States Department of Agriculture,  
7 the United States Department of Health and Human Services, and  
8 the State Comptroller and the State Treasurer. The Illinois  
9 Department of Human Services shall require a convenient density  
10 of distribution points for recipients of public aid to have  
11 adequate options to access aid held in an electronic benefits  
12 transfer account. No fee may be charged to recipients for  
13 reasonable access to public aid benefits held in such an  
14 account. Deposits into a financial institution for electronic  
15 benefits transfer accounts shall be subject to community  
16 reinvestment and to serving public benefits recipients  
17 pursuant to relevant criteria of the State Treasurer,  
18 Comptroller, and the Illinois Department of Human Services. The  
19 Electronic Benefits Transfer Fund is hereby created for the  
20 purpose of electronically disbursing public aid benefits.

21 The electronic benefits transfer contractor shall inform  
22 the Department of Human Services whenever it has distributed  
23 financial aid to individuals by means of electronic benefits  
24 transfer. The Illinois Department of Human Services shall  
25 determine the amount to be reimbursed to the contractor and  
26 shall direct the State Treasurer to transfer this portion of

1 the amount previously vouchered by the Department of Human  
2 Services and approved by the Comptroller pursuant to Section  
3 9.05(c) of the State Comptroller Act to the contractor from the  
4 Electronic Benefits Transfer Fund created under Section  
5 9.05(b) of the State Comptroller Act in accordance with the  
6 rules and regulations of the Illinois Department of Human  
7 Services, the United States Department of Agriculture, the  
8 United States ~~State~~ Department of Health and Human Services,  
9 the State Comptroller, and the State Treasurer.

10 (Source: P.A. 88-412; 89-310, eff. 1-1-96; 89-507, eff. 7-1-97;  
11 revised 10-11-05.)

12 (305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

13 Sec. 11-3.3. Payment to provider or governmental agency or  
14 entity. Payments under this Code shall be made to the  
15 provider, except that the Department may issue or may agree to  
16 issue the payment directly to ~~the Illinois Finance Authority,~~  
17 the Illinois Finance Authority<sup>7</sup> or any other governmental  
18 agency or entity, including any bond trustee for that agency or  
19 entity, to whom the provider has assigned, reassigned, sold,  
20 pledged or granted a security interest in the payments that the  
21 provider has a right to receive, provided that the issuance or  
22 agreement to issue is not prohibited under Section 1902(a)(32)  
23 of the Social Security Act.

24 (Source: P.A. 93-205 (Sections 890-25 and 890-40), eff. 1-1-04;  
25 revised 9-23-03.)

1 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

2 Sec. 11-9. Protection of records - Exceptions. For the  
3 protection of applicants and recipients, the Illinois  
4 Department, the county departments and local governmental  
5 units and their respective officers and employees are  
6 prohibited, except as hereinafter provided, from disclosing  
7 the contents of any records, files, papers and communications,  
8 except for purposes directly connected with the administration  
9 of public aid under this Code.

10 In any judicial proceeding, except a proceeding directly  
11 concerned with the administration of programs provided for in  
12 this Code, such records, files, papers and communications, and  
13 their contents shall be deemed privileged communications and  
14 shall be disclosed only upon the order of the court, where the  
15 court finds such to be necessary in the interest of justice.

16 The Illinois Department shall establish and enforce  
17 reasonable rules and regulations governing the custody, use and  
18 preservation of the records, papers, files, and communications  
19 of the Illinois Department, the county departments and local  
20 governmental units receiving State or Federal funds or aid. The  
21 governing body of other local governmental units shall in like  
22 manner establish and enforce rules and regulations governing  
23 the same matters.

24 The contents of case files pertaining to recipients under  
25 Articles IV, V, and VI shall be made available without subpoena

1 or formal notice to the officers of any court, to all law  
2 enforcing agencies, and to such other persons or agencies as  
3 from time to time may be authorized by any court. In  
4 particular, the contents of those case files shall be made  
5 available upon request to a law enforcement agency for the  
6 purpose of determining the current address of a recipient with  
7 respect to whom an arrest warrant is outstanding, and the  
8 current address of a recipient who was a victim of a felony or  
9 a witness to a felony shall be made available upon request to a  
10 State's Attorney of this State or a State's Attorney's  
11 investigator. Information shall also be disclosed to the  
12 Illinois State Scholarship Commission pursuant to an  
13 investigation or audit by the Illinois State Scholarship  
14 Commission of a delinquent student loan or monetary award.

15 This Section does not prevent the Illinois Department and  
16 local governmental units from reporting to appropriate law  
17 enforcement officials the desertion or abandonment by a parent  
18 of a child, as a result of which financial aid has been  
19 necessitated under Articles IV, V, or VI, or reporting to  
20 appropriate law enforcement officials instances in which a  
21 mother under age 18 has a child out of wedlock and is an  
22 applicant for or recipient of aid under any Article of this  
23 Code. The Illinois Department may provide by rule for the  
24 county departments and local governmental units to initiate  
25 proceedings under the Juvenile Court Act of 1987 to have  
26 children declared to be neglected when they deem such action

1 necessary to protect the children from immoral influences  
2 present in their home or surroundings.

3 This Section does not preclude the full exercise of the  
4 powers of the Board of Public Aid Commissioners to inspect  
5 records and documents, as provided for all advisory boards  
6 pursuant to Section 5-505 of the Departments of State  
7 Government Law (20 ILCS 5/5-505).

8 This Section does not preclude exchanges of information  
9 among the Department of Healthcare and Family Services  
10 (formerly Illinois Department of Public Aid), the Department of  
11 Human Services (as successor to the Department of Public Aid),  
12 and the Illinois Department of Revenue for the purpose of  
13 verifying sources and amounts of income and for other purposes  
14 directly connected with the administration of this Code and of  
15 the Illinois Income Tax Act.

16 The provisions of this Section and of Section 11-11 as they  
17 apply to applicants and recipients of public aid under Article  
18 V shall be operative only to the extent that they do not  
19 conflict with any Federal law or regulation governing Federal  
20 grants to this State for such programs.

21 The ~~Illinois~~ Department of Healthcare and Family Services  
22 ~~Public Aid~~ and the Department of Human Services (as successor  
23 to the Illinois Department of Public Aid) shall enter into an  
24 inter-agency agreement with the Department of Children and  
25 Family Services to establish a procedure by which employees of  
26 the Department of Children and Family Services may have

1 immediate access to records, files, papers, and communications  
2 (except medical, alcohol or drug assessment or treatment,  
3 mental health, or any other medical records) of the Illinois  
4 Department, county departments, and local governmental units  
5 receiving State or federal funds or aid, if the Department of  
6 Children and Family Services determines the information is  
7 necessary to perform its duties under the Abused and Neglected  
8 Child Reporting Act, the Child Care Act of 1969, and the  
9 Children and Family Services Act.

10 (Source: P.A. 92-111, eff. 1-1-02; 93-311, eff. 1-1-04; revised  
11 12-15-05.)

12 (305 ILCS 5/11-16) (from Ch. 23, par. 11-16)

13 Sec. 11-16. Changes in grants; cancellations, revocations,  
14 suspensions.

15 (a) All grants of financial aid under this Code shall be  
16 considered as frequently as may be required by the rules of the  
17 Illinois Department. The Department of Healthcare and Family  
18 Services ~~Public Aid~~ shall consider grants of financial aid to  
19 children who are eligible under Article V of this Code at least  
20 annually and shall take into account those reports filed, or  
21 required to be filed, pursuant to Sections 11-18 and 11-19.  
22 After such investigation as may be necessary, the amount and  
23 manner of giving aid may be changed or the aid may be entirely  
24 withdrawn if the County Department, local governmental unit, or  
25 Illinois Department finds that the recipient's circumstances



1 have altered sufficiently to warrant such action. Financial aid  
2 may at any time be canceled or revoked for cause or suspended  
3 for such period as may be proper.

4 (b) Whenever any such grant of financial aid is cancelled,  
5 revoked, reduced, or terminated because of the failure of the  
6 recipient to cooperate with the Department, including but not  
7 limited to the failure to keep an appointment, attend a  
8 meeting, or produce proof or verification of eligibility or  
9 need, the grant shall be reinstated in full, retroactive to the  
10 date of the change in or termination of the grant, provided  
11 that within 10 working days after the first day the financial  
12 aid would have been available, the recipient cooperates with  
13 the Department and is not otherwise ineligible for benefits for  
14 the period in question. This subsection (b) does not apply to  
15 sanctions imposed for the failure of any recipient to  
16 participate as required in the child support enforcement  
17 program or in any educational, training, or employment program  
18 under this Code or any other sanction under Section 4-21, nor  
19 does this subsection (b) apply to any cancellation, revocation,  
20 reduction, termination, or sanction imposed for the failure of  
21 any recipient to cooperate in the monthly reporting process or  
22 the quarterly reporting process.

23 (Source: P.A. 91-357, eff. 7-29-99; 92-597, eff. 6-28-02;  
24 revised 12-15-05.)

1           Sec. 12-1. Administration of Code; ~~Illinois~~ Department of  
2 Healthcare and Family Services ~~Public Aid~~.

3           (a) This Code shall be administered by the Department of  
4 Human Services and the Department of Healthcare and Family  
5 Services (formerly Illinois Department of Public Aid) as  
6 provided in the Department of Human Services Act.

7           (b) The Department of Healthcare and Family Services ~~Public~~  
8 ~~Aid~~ shall be under the supervision and direction of the  
9 Director of Healthcare and Family Services ~~Public Aid~~, as  
10 provided in Section 5-20 of the Departments of State Government  
11 Law (20 ILCS 5/5-20). The Director shall be appointed pursuant  
12 to the provisions of Section 5-605 and meet the qualifications  
13 of Section 5-230 of that Law.

14           The Assistant Director of Healthcare and Family Services  
15 ~~Public Aid~~, created by Section 5-165 of the Departments of  
16 State Government Law (20 ILCS 5/5-165), shall be appointed  
17 pursuant to the provisions of Section 5-605 of that Law and  
18 shall meet the qualifications prescribed in Section 5-230 of  
19 that Law.

20           The salaries of the Director and the Assistant Director  
21 shall be those specified in Section 5-395 of the Departments of  
22 State Government Law (20 ILCS 5/5-395).

23           The ~~Illinois~~ Department of Healthcare and Family Services  
24 ~~Public Aid~~ and the Director of Healthcare and Family Services  
25 ~~Public Aid~~ shall comply with other provisions of the Civil  
26 Administrative Code of Illinois which are generally applicable

1 to the several departments of the State Government created by  
2 that Code.

3 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

4 (305 ILCS 5/12-4.7c)

5 Sec. 12-4.7c. Exchange of information after July 1, 1997.

6 (a) The Department of Human Services shall exchange with  
7 the ~~Illinois~~ Department of Healthcare and Family Services  
8 ~~Public Aid~~ information that may be necessary for the  
9 enforcement of child support orders entered pursuant to  
10 Sections 10-10 and 10-11 of this Code or pursuant to the  
11 Illinois Marriage and Dissolution of Marriage Act, the  
12 Non-Support of Spouse and Children Act, the Non-Support  
13 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
14 Support Act, the Uniform Interstate Family Support Act, or the  
15 Illinois Parentage Act of 1984.

16 (b) Notwithstanding any provisions in this Code to the  
17 contrary, the Department of Human Services shall not be liable  
18 to any person for any disclosure of information to the  
19 Department of Healthcare and Family Services (formerly  
20 Illinois Department of Public Aid) under subsection (a) or for  
21 any other action taken in good faith to comply with the  
22 requirements of subsection (a).

23 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
24 12-15-05.)

1 (305 ILCS 5/12-4.35)

2 Sec. 12-4.35. Medical services for certain noncitizens.

3 (a) Notwithstanding Section 1-11 of this Code or Section  
4 20(a) of the Children's Health Insurance Program Act, the  
5 Department of Healthcare and Family Services ~~Public Aid~~ may  
6 provide medical services to noncitizens who have not yet  
7 attained 19 years of age and who are not eligible for medical  
8 assistance under Article V of this Code or under the Children's  
9 Health Insurance Program created by the Children's Health  
10 Insurance Program Act due to their not meeting the otherwise  
11 applicable provisions of Section 1-11 of this Code or Section  
12 20(a) of the Children's Health Insurance Program Act. The  
13 medical services available, standards for eligibility, and  
14 other conditions of participation under this Section shall be  
15 established by rule by the Department; however, any such rule  
16 shall be at least as restrictive as the rules for medical  
17 assistance under Article V of this Code or the Children's  
18 Health Insurance Program created by the Children's Health  
19 Insurance Program Act.

20 (b) The Department is authorized to take any action,  
21 including without limitation cessation of enrollment,  
22 reduction of available medical services, and changing  
23 standards for eligibility, that is deemed necessary by the  
24 Department during a State fiscal year to assure that payments  
25 under this Section do not exceed available funds.

26 (c) Continued enrollment of individuals into the program

1 created under this Section in any fiscal year is contingent  
2 upon continued enrollment of individuals into the Children's  
3 Health Insurance Program during that fiscal year.

4 (d) (Blank).

5 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

6 (305 ILCS 5/12-4.201)

7 Sec. 12-4.201. (a) Data warehouse concerning medical and  
8 related services. The ~~Illinois~~ Department of Healthcare and  
9 Family Services ~~Public Aid~~ may purchase services and materials  
10 associated with the costs of developing and implementing a data  
11 warehouse comprised of management and decision making  
12 information in regard to the liability associated with, and  
13 utilization of, medical and related services, out of moneys  
14 available for that purpose.

15 (b) The Department of Healthcare and Family Services ~~Public~~  
16 ~~Aid~~ shall perform all necessary administrative functions to  
17 expand its linearly-scalable data warehouse to encompass other  
18 healthcare data sources at both the Department of Human  
19 Services and the Department of Public Health. The Department of  
20 Healthcare and Family Services ~~Public Aid~~ shall leverage the  
21 inherent capabilities of the data warehouse to accomplish this  
22 expansion with marginal additional technical administration.  
23 The purpose of this expansion is to allow for programmatic  
24 review and analysis including the interrelatedness among the  
25 various healthcare programs in order to ascertain

1 effectiveness toward, and ultimate impact on, clients.  
2 Beginning July 1, 2005, the Department of Healthcare and Family  
3 Services (formerly Department of Public Aid) shall supply  
4 quarterly reports to the Commission on Government Forecasting  
5 and Accountability detailing progress toward this mandate.

6 (Source: P.A. 94-267, eff. 7-19-05; revised 12-15-05.)

7 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

8 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The  
9 Public Aid Recoveries Trust Fund shall consist of (1)  
10 recoveries by the Department of Healthcare and Family Services  
11 (formerly Illinois Department of Public Aid) authorized by this  
12 Code in respect to applicants or recipients under Articles III,  
13 IV, V, and VI, including recoveries made by the Department of  
14 Healthcare and Family Services (formerly Illinois Department  
15 of Public Aid) from the estates of deceased recipients, (2)  
16 recoveries made by the Department of Healthcare and Family  
17 Services (formerly Illinois Department of Public Aid) in  
18 respect to applicants and recipients under the Children's  
19 Health Insurance Program, and (3) federal funds received on  
20 behalf of and earned by State universities and local  
21 governmental entities for services provided to applicants or  
22 recipients covered under this Code. The Fund shall be held as a  
23 special fund in the State Treasury.

24 Disbursements from this Fund shall be only (1) for the  
25 reimbursement of claims collected by the Department of

1 Healthcare and Family Services (formerly Illinois Department  
2 of Public Aid) through error or mistake, (2) for payment to  
3 persons or agencies designated as payees or co-payees on any  
4 instrument, whether or not negotiable, delivered to the  
5 Department of Healthcare and Family Services (formerly  
6 Illinois Department of Public Aid) as a recovery under this  
7 Section, such payment to be in proportion to the respective  
8 interests of the payees in the amount so collected, (3) for  
9 payments to the Department of Human Services for collections  
10 made by the Department of Healthcare and Family Services  
11 (formerly Illinois Department of Public Aid) on behalf of the  
12 Department of Human Services under this Code, (4) for payment  
13 of administrative expenses incurred in performing the  
14 activities authorized under this Code, (5) for payment of fees  
15 to persons or agencies in the performance of activities  
16 pursuant to the collection of monies owed the State that are  
17 collected under this Code, (6) for payments of any amounts  
18 which are reimbursable to the federal government which are  
19 required to be paid by State warrant by either the State or  
20 federal government, and (7) for payments to State universities  
21 and local governmental entities of federal funds for services  
22 provided to applicants or recipients covered under this Code.  
23 Disbursements from this Fund for purposes of items (4) and (5)  
24 of this paragraph shall be subject to appropriations from the  
25 Fund to the Department of Healthcare and Family Services  
26 (formerly Illinois Department of Public Aid).

1           The balance in this Fund on the first day of each calendar  
2 quarter, after payment therefrom of any amounts reimbursable to  
3 the federal government, and minus the amount reasonably  
4 anticipated to be needed to make the disbursements during that  
5 quarter authorized by this Section, shall be certified by the  
6 Director of Healthcare and Family Services ~~the Illinois~~  
7 ~~Department of Public Aid~~ and transferred by the State  
8 Comptroller to the Drug Rebate Fund or the General Revenue Fund  
9 in the State Treasury, as appropriate, within 30 days of the  
10 first day of each calendar quarter.

11           On July 1, 1999, the State Comptroller shall transfer the  
12 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund  
13 (formerly the Public Assistance Recoveries Trust Fund) into the  
14 DHS Recoveries Trust Fund.

15           (Source: P.A. 92-10, eff. 6-11-01; 92-16, eff. 6-28-01; 93-20,  
16 eff. 6-20-03; revised 12-15-05.)

17           (305 ILCS 5/12-10.2a)

18           Sec. 12-10.2a. Child Support Administrative Fund.

19           (a) Beginning July 1, 2002, the Child Support  
20 Administrative Fund is created as a special fund in the State  
21 treasury. Moneys in the Fund may be used, subject to  
22 appropriation, only for the Department of Healthcare and Family  
23 Services' (formerly Department of Public Aid's) child support  
24 administrative expenses, as defined in this Section.

25           (a-5) Moneys in the Child Support Administrative Fund shall



1 consist of the following:

2 (1) all federal grants received by the Illinois  
3 Department funded by Title IV-D of the Social Security Act,  
4 except those federal funds received under the Title IV-D  
5 program as reimbursement for expenditures from the General  
6 Revenue Fund;

7 (2) incentive payments received by the Illinois  
8 Department from other states or political subdivisions of  
9 other states for the enforcement and collection by the  
10 Department of an assigned child support obligation in  
11 behalf of those other states or their political  
12 subdivisions pursuant to the provisions of Title IV-D of  
13 the Social Security Act;

14 (3) incentive payments retained by the Illinois  
15 Department from the amounts that otherwise would be paid to  
16 the federal government to reimburse the federal  
17 government's share of the support collection for the  
18 Department's enforcement and collection of an assigned  
19 support obligation on behalf of the State of Illinois  
20 pursuant to the provisions of Title IV-D of the Social  
21 Security Act;

22 (4) all fees charged by the Department for child  
23 support enforcement services, as authorized under Title  
24 IV-D of the Social Security Act and Section 10-1 of this  
25 Code, and any other fees, costs, fines, recoveries, or  
26 penalties provided for by State or federal law and received

1 by the Department under the Child Support Enforcement  
2 Program established by Title IV-D of the Social Security  
3 Act;

4 (5) all amounts appropriated by the General Assembly  
5 for deposit into the Child Support Administrative Fund; and

6 (6) any gifts, grants, donations, or awards from  
7 individuals, private businesses, nonprofit associations,  
8 and governmental entities.

9 (a-10) The moneys identified in subsection (a-5) of this  
10 Section shall include moneys receipted on or after July 1,  
11 2002, regardless of the fiscal year in which the moneys were  
12 earned.

13 (b) As used in this Section, "child support administrative  
14 expenses" means administrative expenses, including payment to  
15 the Health Insurance Reserve Fund for group insurance costs at  
16 the rate certified by the Department of Central Management  
17 Services, except those required to be paid from the General  
18 Revenue Fund, including personal and contractual services,  
19 incurred by the Department of Healthcare and Family Services  
20 (formerly Department of Public Aid), either directly or under  
21 its contracts with SDU contractors as defined in Section  
22 10-26.2, in performing activities authorized by Article X of  
23 this Code, and including appropriations to other State agencies  
24 or offices. The term includes expenses incurred by the  
25 Department of Healthcare and Family Services (formerly  
26 Department of Public Aid) in administering the Child Support

1 Enforcement Trust Fund and the State Disbursement Unit  
2 Revolving Fund.

3 (c) Child support administrative expenses incurred in  
4 fiscal year 2003 or thereafter shall be paid only from moneys  
5 appropriated from the Child Support Administrative Fund.

6 (d) Before April 1, 2003 and before April 1 of each year  
7 thereafter, the Department of Healthcare and Family Services  
8 (formerly Department of Public Aid) shall provide notification  
9 to the General Assembly of the amount of the Department's child  
10 support administrative expenses expected to be incurred during  
11 the fiscal year beginning on the next July 1, including the  
12 estimated amount required for the operation of the State  
13 Disbursement Unit, which shall be separately identified in the  
14 annual administrative appropriation.

15 (e) For the fiscal year beginning July 1, 2002 and for each  
16 fiscal year thereafter, the State Comptroller and the State  
17 Treasurer shall transfer from the Child Support Enforcement  
18 Trust Fund to the Child Support Administrative Fund amounts as  
19 determined by the Department necessary to enable the Department  
20 to meet its child support administrative expenses for the  
21 then-current fiscal year. For any fiscal year, the State  
22 Comptroller and the State Treasurer may not transfer more than  
23 the total amount appropriated for the Department's child  
24 support administrative expenses for that fiscal year.

25 (f) By December 1, 2001, the Illinois Department shall  
26 provide a corrective action plan to the General Assembly

1 regarding the establishment of accurate accounts in the Child  
2 Support Enforcement Trust Fund. The plan shall include those  
3 tasks that may be required to establish accurate accounts, the  
4 estimated time for completion of each of those tasks and the  
5 plan, and the estimated cost for completion of each of the  
6 tasks and the plan.

7 (Source: P.A. 92-44, eff. 7-1-01; 92-570, eff. 6-26-02; revised  
8 12-15-05.)

9 (305 ILCS 5/12-10.4)

10 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid  
11 Matching Fund. There is created in the State Treasury the  
12 Juvenile Rehabilitation Services Medicaid Matching Fund.  
13 Deposits to this Fund shall consist of all moneys received from  
14 the federal government for behavioral health services secured  
15 by counties under the Medicaid Rehabilitation Option pursuant  
16 to Title XIX of the Social Security Act or under the Children's  
17 Health Insurance Program pursuant to the Children's Health  
18 Insurance Program Act and Title XXI of the Social Security Act  
19 for minors who are committed to mental health facilities by the  
20 Illinois court system and for residential placements secured by  
21 the Department of Juvenile Justice for minors as a condition of  
22 their parole.

23 Disbursements from the Fund shall be made, subject to  
24 appropriation, by the ~~Illinois~~ Department of Healthcare and  
25 Family Services ~~Public Aid~~ for grants to the Department of

1 Juvenile Justice and those counties which secure behavioral  
2 health services ordered by the courts and which have an  
3 interagency agreement with the Department and submit detailed  
4 bills according to standards determined by the Department.

5 (Source: P.A. 94-696, eff. 6-1-06; revised 9-14-06.)

6 (305 ILCS 5/12-10.5)

7 Sec. 12-10.5. Medical Special Purposes Trust Fund.

8 (a) The Medical Special Purposes Trust Fund ("the Fund") is  
9 created. Any grant, gift, donation, or legacy of money or  
10 securities that the Department of Healthcare and Family  
11 Services ~~Public Aid~~ is authorized to receive under Section  
12 12-4.18 or Section 12-4.19, and that is dedicated for functions  
13 connected with the administration of any medical program  
14 administered by the Department, shall be deposited into the  
15 Fund. All federal moneys received by the Department as  
16 reimbursement for disbursements authorized to be made from the  
17 Fund shall also be deposited into the Fund. In addition,  
18 federal moneys received on account of State expenditures made  
19 in connection with obtaining compliance with the federal Health  
20 Insurance Portability and Accountability Act (HIPAA) shall be  
21 deposited into the Fund.

22 (b) No moneys received from a service provider or a  
23 governmental or private entity that is enrolled with the  
24 Department as a provider of medical services shall be deposited  
25 into the Fund.

1 (c) Disbursements may be made from the Fund for the  
2 purposes connected with the grants, gifts, donations, or  
3 legacies deposited into the Fund, including, but not limited  
4 to, medical quality assessment projects, eligibility  
5 population studies, medical information systems evaluations,  
6 and other administrative functions that assist the Department  
7 in fulfilling its health care mission under the Illinois Public  
8 Aid Code and the Children's Health Insurance Program Act.

9 (Source: P.A. 92-37, eff. 7-1-01; 92-597, eff. 6-28-02; 92-651,  
10 eff. 7-11-02; revised 12-15-05.)

11 (305 ILCS 5/12-13.1)

12 Sec. 12-13.1. Inspector General.

13 (a) The Governor shall appoint, and the Senate shall  
14 confirm, an Inspector General who shall function within the  
15 Illinois Department of Public Aid (now Healthcare and Family  
16 Services) and report to the Governor. The term of the Inspector  
17 General shall expire on the third Monday of January, 1997 and  
18 every 4 years thereafter.

19 (b) In order to prevent, detect, and eliminate fraud,  
20 waste, abuse, mismanagement, and misconduct, the Inspector  
21 General shall oversee the ~~Illinois~~ Department of Healthcare and  
22 Family Services' ~~Public Aid's~~ integrity functions, which  
23 include, but are not limited to, the following:

24 (1) Investigation of misconduct by employees, vendors,  
25 contractors and medical providers.

1           (2) Audits of medical providers related to ensuring  
2 that appropriate payments are made for services rendered  
3 and to the recovery of overpayments.

4           (3) Monitoring of quality assurance programs generally  
5 related to the medical assistance program and specifically  
6 related to any managed care program.

7           (4) Quality control measurements of the programs  
8 administered by the ~~Illinois~~ Department of Healthcare and  
9 Family Services ~~Public Aid~~.

10          (5) Investigations of fraud or intentional program  
11 violations committed by clients of the ~~Illinois~~ Department  
12 of Healthcare and Family Services ~~Public Aid~~.

13          (6) Actions initiated against contractors or medical  
14 providers for any of the following reasons:

15               (A) Violations of the medical assistance program.

16               (B) Sanctions against providers brought in  
17 conjunction with the Department of Public Health or the  
18 Department of Human Services (as successor to the  
19 Department of Mental Health and Developmental  
20 Disabilities).

21               (C) Recoveries of assessments against hospitals  
22 and long-term care facilities.

23               (D) Sanctions mandated by the United States  
24 Department of Health and Human Services against  
25 medical providers.

26               (E) Violations of contracts related to any managed

1 care programs.

2 (7) Representation of the ~~Illinois~~ Department of  
3 Healthcare and Family Services ~~Public Aid~~ at hearings with  
4 the Illinois Department of Professional Regulation in  
5 actions taken against professional licenses held by  
6 persons who are in violation of orders for child support  
7 payments.

8 (b-5) At the request of the Secretary of Human Services,  
9 the Inspector General shall, in relation to any function  
10 performed by the Department of Human Services as successor to  
11 the Department of Public Aid, exercise one or more of the  
12 powers provided under this Section as if those powers related  
13 to the Department of Human Services; in such matters, the  
14 Inspector General shall report his or her findings to the  
15 Secretary of Human Services.

16 (c) The Inspector General shall have access to all  
17 information, personnel and facilities of the ~~Illinois~~  
18 Department of Healthcare and Family Services ~~Public Aid~~ and the  
19 Department of Human Services (as successor to the Department of  
20 Public Aid), their employees, vendors, contractors and medical  
21 providers and any federal, State or local governmental agency  
22 that are necessary to perform the duties of the Office as  
23 directly related to public assistance programs administered by  
24 those departments. No medical provider shall be compelled,  
25 however, to provide individual medical records of patients who  
26 are not clients of the Medical Assistance Program. State and



1 local governmental agencies are authorized and directed to  
2 provide the requested information, assistance or cooperation.

3 (d) The Inspector General shall serve as the ~~Illinois~~  
4 Department of Healthcare and Family Services' ~~Public Aid's~~  
5 primary liaison with law enforcement, investigatory and  
6 prosecutorial agencies, including but not limited to the  
7 following:

8 (1) The Department of State Police.

9 (2) The Federal Bureau of Investigation and other  
10 federal law enforcement agencies.

11 (3) The various Inspectors General of federal agencies  
12 overseeing the programs administered by the ~~Illinois~~  
13 Department of Healthcare and Family Services ~~Public Aid~~.

14 (4) The various Inspectors General of any other State  
15 agencies with responsibilities for portions of programs  
16 primarily administered by the ~~Illinois~~ Department of  
17 Healthcare and Family Services ~~Public Aid~~.

18 (5) The Offices of the several United States Attorneys  
19 in Illinois.

20 (6) The several State's Attorneys.

21 The Inspector General shall meet on a regular basis with  
22 these entities to share information regarding possible  
23 misconduct by any persons or entities involved with the public  
24 aid programs administered by the ~~Illinois~~ Department of  
25 Healthcare and Family Services ~~Public Aid~~.

26 (e) All investigations conducted by the Inspector General

1 shall be conducted in a manner that ensures the preservation of  
2 evidence for use in criminal prosecutions. If the Inspector  
3 General determines that a possible criminal act relating to  
4 fraud in the provision or administration of the medical  
5 assistance program has been committed, the Inspector General  
6 shall immediately notify the Medicaid Fraud Control Unit. If  
7 the Inspector General determines that a possible criminal act  
8 has been committed within the jurisdiction of the Office, the  
9 Inspector General may request the special expertise of the  
10 Department of State Police. The Inspector General may present  
11 for prosecution the findings of any criminal investigation to  
12 the Office of the Attorney General, the Offices of the several  
13 United States ~~State~~ Attorneys in Illinois or the several  
14 State's Attorneys.

15 (f) To carry out his or her duties as described in this  
16 Section, the Inspector General and his or her designees shall  
17 have the power to compel by subpoena the attendance and  
18 testimony of witnesses and the production of books, electronic  
19 records and papers as directly related to public assistance  
20 programs administered by the ~~Illinois~~ Department of Healthcare  
21 and Family Services ~~Public Aid~~ or the Department of Human  
22 Services (as successor to the Department of Public Aid). No  
23 medical provider shall be compelled, however, to provide  
24 individual medical records of patients who are not clients of  
25 the Medical Assistance Program.

26 (g) The Inspector General shall report all convictions,

1 terminations, and suspensions taken against vendors,  
2 contractors and medical providers to the ~~Illinois~~ Department of  
3 Healthcare and Family Services ~~Public Aid~~ and to any agency  
4 responsible for licensing or regulating those persons or  
5 entities.

6 (h) The Inspector General shall make annual reports,  
7 findings, and recommendations regarding the Office's  
8 investigations into reports of fraud, waste, abuse,  
9 mismanagement, or misconduct relating to any public aid  
10 programs administered by the ~~Illinois~~ Department of Healthcare  
11 and Family Services ~~Public Aid~~ or the Department of Human  
12 Services (as successor to the Department of Public Aid) to the  
13 General Assembly and the Governor. These reports shall include,  
14 but not be limited to, the following information:

15 (1) Aggregate provider billing and payment  
16 information, including the number of providers at various  
17 Medicaid earning levels.

18 (2) The number of audits of the medical assistance  
19 program and the dollar savings resulting from those audits.

20 (3) The number of prescriptions rejected annually  
21 under the ~~Illinois~~ Department of Healthcare and Family  
22 Services' ~~Public Aid's~~ Refill Too Soon program and the  
23 dollar savings resulting from that program.

24 (4) Provider sanctions, in the aggregate, including  
25 terminations and suspensions.

26 (5) A detailed summary of the investigations

1           undertaken in the previous fiscal year. These summaries  
2           shall comply with all laws and rules regarding maintaining  
3           confidentiality in the public aid programs.

4           (i) Nothing in this Section shall limit investigations by  
5           the ~~Illinois~~ Department of Healthcare and Family Services  
6           ~~Public Aid~~ or the Department of Human Services that may  
7           otherwise be required by law or that may be necessary in their  
8           capacity as the central administrative authorities responsible  
9           for administration of public aid programs in this State.

10          (Source: P.A. 89-507, eff. 7-1-97; 90-725, eff. 8-7-98; revised  
11          12-15-05.)

12           (305 ILCS 5/12-16) (from Ch. 23, par. 12-16)

13           Sec. 12-16. Public Aid Claims Enforcement Division of  
14           Office of Attorney General. The Public Aid Claims Enforcement  
15           Division in the Office of the Attorney General, established  
16           pursuant to the 1949 Code, shall institute in behalf of the  
17           State all court actions referred to it by the Department of  
18           Healthcare and Family Services (formerly Illinois Department  
19           of Public Aid) or the Department of Human Services (as  
20           successor to the Illinois Department of Public Aid) under this  
21           Code and other laws for the recovery of financial aid provided  
22           under the public aid programs, the enforcement of obligations  
23           of support, and the enforcement of other claims, penalties and  
24           obligations.

25           The Division shall be staffed with attorneys appointed by

1 the Attorney General as Special Assistant Attorneys' General  
2 whose special duty it shall be to execute the aforesaid duties.  
3 The Assistant Attorneys' General shall be assigned exclusively  
4 to such duties. They may engage only in such political  
5 activities as are not prohibited by the Hatch Political  
6 Activity Act, Title 5, U.S.C.A., Sections 118i et seq.

7 The Attorney General may request the appropriate State's  
8 Attorney of a county or staff of the Child and Spouse Support  
9 Unit established under Section 10-3.1 of this Code to institute  
10 any such action in behalf of the State or to assist the  
11 Attorney General in the prosecution of actions instituted by  
12 his Office.

13 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

14 Section 800. The Energy Assistance Act is amended by  
15 changing Sections 3, 4, 8, and 13 as follows:

16 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

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

19 (a) the terms defined in Sections 3-101 through 3-121 of  
20 The Public Utilities Act have the meanings ascribed to them in  
21 that Act;

22 (b) "Department" means the Department of Healthcare and  
23 Family Services ~~Economic Opportunity~~;

24 (c) "energy provider" means any utility, municipal

1 utility, cooperative utility, or any other corporation or  
2 individual which provides winter energy services;

3 (d) "winter" means the period from November 1 of any year  
4 through April 30 of the following year.

5 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;  
6 revised 8-3-06.)

7 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

8 Sec. 4. Energy Assistance Program.

9 (a) The Department of Healthcare and Family Services  
10 ~~Economic Opportunity~~ is hereby authorized to institute a  
11 program to ensure the availability and affordability of heating  
12 and electric service to low income citizens. The Department  
13 shall implement the program by rule promulgated pursuant to The  
14 Illinois Administrative Procedure Act. The program shall be  
15 consistent with the purposes and objectives of this Act and  
16 with all other specific requirements provided herein. The  
17 Department may enter into such contracts and other agreements  
18 with local agencies as may be necessary for the purpose of  
19 administering the energy assistance program.

20 (b) Nothing in this Act shall be construed as altering or  
21 limiting the authority conferred on the Illinois Commerce  
22 Commission by the Public Utilities Act to regulate all aspects  
23 of the provision of public utility service, including but not  
24 limited to the authority to make rules and adjudicate disputes  
25 between utilities and customers related to eligibility for

1 utility service, deposits, payment practices, discontinuance  
2 of service, and the treatment of arrearages owing for  
3 previously rendered utility service.

4 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;  
5 revised 8-3-06.)

6 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

7 Sec. 8. Program Reports.

8 (a) The Department of Natural Resources shall prepare and  
9 submit to the Governor and the General Assembly reports on  
10 September 30 biennially, beginning in 2003, evaluating the  
11 effectiveness of the energy assistance and weatherization  
12 policies authorized by this Act. The first report shall cover  
13 such effects during the first winter during which the program  
14 authorized by this Act, is in operation, and successive reports  
15 shall cover effects since the issuance of the preceding report.

16 (1) Reports issued pursuant to this Section shall be  
17 limited to, information concerning the effects of the  
18 policies authorized by this Act on (1) the ability of  
19 eligible applicants to obtain and maintain adequate and  
20 affordable winter energy services and (2) changes in the  
21 costs and prices of winter energy services for people who  
22 do not receive energy assistance pursuant to this Act.

23 (2) The Department of Natural Resources shall by  
24 September 30, 2002, in consultation with the Policy  
25 Advisory Council, determine the kinds of numerical and

1 other information needed to conduct the evaluations  
2 required by this Section, and shall advise the Policy  
3 Advisory Council of such information needs in a timely  
4 manner. The Department of Healthcare and Family Services  
5 ~~Economic Opportunity~~, the Department of Human Services,  
6 and the Illinois Commerce Commission shall each provide  
7 such information as the Department of Natural Resources may  
8 require to ensure that the evaluation reporting  
9 requirement established by this Section can be met.

10 (b) On or before December 31, 2002, 2004, 2006, and 2007,  
11 the Department shall prepare a report for the General Assembly  
12 on the expenditure of funds appropriated for the programs  
13 authorized under this Act.

14 (c) On or before December 31 of each year in 2004, 2006,  
15 and 2007, the Department shall, in consultation with the  
16 Council, prepare and submit evaluation reports to the Governor  
17 and the General Assembly outlining the effects of the program  
18 designed under this Act on the following as it relates to the  
19 propriety of continuing the program:

20 (1) the definition of an eligible low income  
21 residential customer;

22 (2) access of low income residential customers to  
23 essential energy services;

24 (3) past due amounts owed to utilities by low income  
25 persons in Illinois;

26 (4) appropriate measures to encourage energy



1 conservation, efficiency, and responsibility among low  
2 income residential customers;

3 (5) the activities of the Department in the development  
4 and implementation of energy assistance and related  
5 policies and programs, which characterizes progress toward  
6 meeting the objectives and requirements of this Act, and  
7 which recommends any statutory changes which might be  
8 needed to further such progress.

9 (d) The Department shall by September 30, 2002 in  
10 consultation with the Council determine the kinds of numerical  
11 and other information needed to conduct the evaluations  
12 required by this Section.

13 (e) The Illinois Commerce Commission shall require each  
14 public utility providing heating or electric service to compile  
15 and submit any numerical and other information needed by the  
16 Department of Natural Resources to meet its reporting  
17 obligations.

18 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;  
19 revised 8-3-06.)

20 (305 ILCS 20/13)

21 (Section scheduled to be repealed on December 31, 2007)

22 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

23 (a) The Supplemental Low-Income Energy Assistance Fund is  
24 hereby created as a special fund in the State Treasury. The  
25 Supplemental Low-Income Energy Assistance Fund is authorized

1 to receive moneys from voluntary donations from individuals,  
2 foundations, corporations, and other sources, moneys received  
3 pursuant to Section 17, and, by statutory deposit, the moneys  
4 collected pursuant to this Section. The Fund is also authorized  
5 to receive voluntary donations from individuals, foundations,  
6 corporations, and other sources, as well as contributions made  
7 in accordance with Section 507MM of the Illinois Income Tax  
8 Act. Subject to appropriation, the Department shall use moneys  
9 from the Supplemental Low-Income Energy Assistance Fund for  
10 payments to electric or gas public utilities, municipal  
11 electric or gas utilities, and electric cooperatives on behalf  
12 of their customers who are participants in the program  
13 authorized by Section 4 of this Act, for the provision of  
14 weatherization services and for administration of the  
15 Supplemental Low-Income Energy Assistance Fund. The yearly  
16 expenditures for weatherization may not exceed 10% of the  
17 amount collected during the year pursuant to this Section. The  
18 yearly administrative expenses of the Supplemental Low-Income  
19 Energy Assistance Fund may not exceed 10% of the amount  
20 collected during that year pursuant to this Section.

21 (b) Notwithstanding the provisions of Section 16-111 of the  
22 Public Utilities Act but subject to subsection (k) of this  
23 Section, each public utility, electric cooperative, as defined  
24 in Section 3.4 of the Electric Supplier Act, and municipal  
25 utility, as referenced in Section 3-105 of the Public Utilities  
26 Act, that is engaged in the delivery of electricity or the

1 distribution of natural gas within the State of Illinois shall,  
2 effective January 1, 1998, assess each of its customer accounts  
3 a monthly Energy Assistance Charge for the Supplemental  
4 Low-Income Energy Assistance Fund. The delivering public  
5 utility, municipal electric or gas utility, or electric or gas  
6 cooperative for a self-assessing purchaser remains subject to  
7 the collection of the fee imposed by this Section. The monthly  
8 charge shall be as follows:

9 (1) \$0.40 per month on each account for residential  
10 electric service;

11 (2) \$0.40 per month on each account for residential gas  
12 service;

13 (3) \$4 per month on each account for non-residential  
14 electric service which had less than 10 megawatts of peak  
15 demand during the previous calendar year;

16 (4) \$4 per month on each account for non-residential  
17 gas service which had distributed to it less than 4,000,000  
18 therms of gas during the previous calendar year;

19 (5) \$300 per month on each account for non-residential  
20 electric service which had 10 megawatts or greater of peak  
21 demand during the previous calendar year; and

22 (6) \$300 per month on each account for non-residential  
23 gas service which had 4,000,000 or more therms of gas  
24 distributed to it during the previous calendar year.

25 (c) For purposes of this Section:

26 (1) "residential electric service" means electric

1 utility service for household purposes delivered to a  
2 dwelling of 2 or fewer units which is billed under a  
3 residential rate, or electric utility service for  
4 household purposes delivered to a dwelling unit or units  
5 which is billed under a residential rate and is registered  
6 by a separate meter for each dwelling unit;

7 (2) "residential gas service" means gas utility  
8 service for household purposes distributed to a dwelling of  
9 2 or fewer units which is billed under a residential rate,  
10 or gas utility service for household purposes distributed  
11 to a dwelling unit or units which is billed under a  
12 residential rate and is registered by a separate meter for  
13 each dwelling unit;

14 (3) "non-residential electric service" means electric  
15 utility service which is not residential electric service;  
16 and

17 (4) "non-residential gas service" means gas utility  
18 service which is not residential gas service.

19 (d) At least 45 days prior to the date on which it must  
20 begin assessing Energy Assistance Charges, each public utility  
21 engaged in the delivery of electricity or the distribution of  
22 natural gas shall file with the Illinois Commerce Commission  
23 tariffs incorporating the Energy Assistance Charge in other  
24 charges stated in such tariffs.

25 (e) The Energy Assistance Charge assessed by electric and  
26 gas public utilities shall be considered a charge for public

1 utility service.

2 (f) By the 20th day of the month following the month in  
3 which the charges imposed by the Section were collected, each  
4 public utility, municipal utility, and electric cooperative  
5 shall remit to the Department of Revenue all moneys received as  
6 payment of the Energy Assistance Charge on a return prescribed  
7 and furnished by the Department of Revenue showing such  
8 information as the Department of Revenue may reasonably  
9 require. If a customer makes a partial payment, a public  
10 utility, municipal utility, or electric cooperative may elect  
11 either: (i) to apply such partial payments first to amounts  
12 owed to the utility or cooperative for its services and then to  
13 payment for the Energy Assistance Charge or (ii) to apply such  
14 partial payments on a pro-rata basis between amounts owed to  
15 the utility or cooperative for its services and to payment for  
16 the Energy Assistance Charge.

17 (g) The Department of Revenue shall deposit into the  
18 Supplemental Low-Income Energy Assistance Fund all moneys  
19 remitted to it in accordance with subsection (f) of this  
20 Section.

21 (h) (Blank).

22 On or before December 31, 2002, the Department shall  
23 prepare a report for the General Assembly on the expenditure of  
24 funds appropriated from the Low-Income Energy Assistance Block  
25 Grant Fund for the program authorized under Section 4 of this  
26 Act.

1           (i) The Department of Revenue may establish such rules as  
2 it deems necessary to implement this Section.

3           (j) The Department of Healthcare and Family Services  
4 ~~Economic Opportunity~~ may establish such rules as it deems  
5 necessary to implement this Section.

6           (k) The charges imposed by this Section shall only apply to  
7 customers of municipal electric or gas utilities and electric  
8 or gas cooperatives if the municipal electric or gas utility or  
9 electric or gas cooperative makes an affirmative decision to  
10 impose the charge. If a municipal electric or gas utility or an  
11 electric cooperative makes an affirmative decision to impose  
12 the charge provided by this Section, the municipal electric or  
13 gas utility or electric cooperative shall inform the Department  
14 of Revenue in writing of such decision when it begins to impose  
15 the charge. If a municipal electric or gas utility or electric  
16 or gas cooperative does not assess this charge, the Department  
17 may not use funds from the Supplemental Low-Income Energy  
18 Assistance Fund to provide benefits to its customers under the  
19 program authorized by Section 4 of this Act.

20           In its use of federal funds under this Act, the Department  
21 may not cause a disproportionate share of those federal funds  
22 to benefit customers of systems which do not assess the charge  
23 provided by this Section.

24           This Section is repealed effective December 31, 2007 unless  
25 renewed by action of the General Assembly. The General Assembly  
26 shall consider the results of the evaluations described in

1 Section 8 in its deliberations.

2 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;  
3 94-817, eff. 5-30-06; revised 8-3-06.)

4 Section 805. The Good Samaritan Energy Plan Act is amended  
5 by changing Sections 5 and 25 as follows:

6 (305 ILCS 22/5)

7 Sec. 5. Definitions. In this Act:

8 "Department" means the Department of Healthcare and Family  
9 Services.

10 "LIHEAP" means the energy assistance program established  
11 under the Energy Assistance Act ~~of 1989~~.

12 (Source: P.A. 93-285, eff. 7-22-03; 94-773, eff. 5-18-06;  
13 revised 9-20-06.)

14 (305 ILCS 22/25)

15 Sec. 25. Administration of Fund. The Department shall  
16 administer the Good Samaritan Energy Trust Fund with the advice  
17 and consent of the Low Income Energy Assistance Policy Advisory  
18 Council established under the Energy Assistance Act ~~of 1989~~.

19 Donations received for the Fund shall be made available for the  
20 purpose of alleviating utility bill arrearages for households  
21 determined eligible for LIHEAP, except that the Department may  
22 use up to 10% of the moneys donated for the Fund for the  
23 expenses of the Department and the local area agency incurred

1 in administering the Fund. Resources from the Fund shall be  
2 awarded to local area agencies that have existing contracts  
3 with the Department to administer LIHEAP in Illinois.  
4 (Source: P.A. 93-285, eff. 7-22-03; revised 9-20-06.)

5 Section 810. The Medicaid Revenue Act is amended by  
6 changing Section 1-2 as follows:

7 (305 ILCS 35/1-2) (from Ch. 23, par. 7051-2)

8 Sec. 1-2. Legislative finding and declaration. The General  
9 Assembly hereby finds, determines, and declares:

10 (1) It is in the public interest and it is the public  
11 policy of this State to provide for and improve the basic  
12 medical care and long-term health care services of its  
13 indigent, most vulnerable citizens.

14 (2) Preservation of health, alleviation of sickness, and  
15 correction of handicapping conditions for persons requiring  
16 maintenance support are essential if those persons are to have  
17 an opportunity to become self-supporting or to attain a greater  
18 capacity for self-care.

19 (3) For persons who are medically indigent but otherwise  
20 able to provide themselves a livelihood, it is of special  
21 importance to maintain their incentives for continued  
22 independence and preserve their limited resources for ordinary  
23 maintenance needed to prevent their total or substantial  
24 dependence on public support.



1           (4) The State has historically provided for care and  
2 services, in conjunction with the federal government, through  
3 the establishment and funding of a medical assistance program  
4 administered by the Department of Healthcare and Family  
5 Services (formerly Department of Public Aid) and approved by  
6 the Secretary of Health and Human Services under Title XIX of  
7 the federal Social Security Act, that program being commonly  
8 referred to as "Medicaid".

9           (5) The Medicaid program is a funding partnership between  
10 the State of Illinois and the federal government, with the  
11 Department of Healthcare and Family Services ~~Public Aid~~ being  
12 designated as the single State agency responsible for the  
13 administration of the program, but with the State historically  
14 receiving 50% of the amounts expended as medical assistance  
15 under the Medicaid program from the federal government.

16           (6) To raise a portion of Illinois' share of the Medicaid  
17 funds after July 1, 1991, the General Assembly enacted Public  
18 Act 87-13 to provide for the collection of provider  
19 participation fees from designated health care providers  
20 receiving Medicaid payments.

21           (7) On September 12, 1991, the Secretary of Health and  
22 Human Services proposed regulations that could have reduced the  
23 federal matching of Medicaid expenditures incurred on or after  
24 January 1, 1992 by the portion of the expenditures paid from  
25 funds raised through the provider participation fees.

26           (8) To prevent the Secretary from enacting those

1 regulations but at the same time to impose certain statutory  
2 limitations on the means by which states may raise Medicaid  
3 funds eligible for federal matching, Congress enacted the  
4 Medicaid Voluntary Contribution and Provider-Specific Tax  
5 Amendments of 1991, Public Law 102-234.

6 (9) Public Law 102-234 provides for a state's share of  
7 Medicaid funding eligible for federal matching to be raised  
8 through "broad-based health care related taxes", meaning,  
9 generally, a tax imposed with respect to a class of health care  
10 items or services (or providers thereof) specified therein,  
11 which (i) is imposed on all items or services or providers in  
12 the class in the state, except federal or public providers, and  
13 (ii) is imposed uniformly on all providers in the class at the  
14 same rate with respect to the same base.

15 (10) The separate classes of health care items and services  
16 established by P.L. 102-234 include inpatient and outpatient  
17 hospital services, nursing facility services, and services of  
18 intermediate care facilities for the mentally retarded.

19 (11) The provider participation fees imposed under P.A.  
20 87-13 may not meet the standards under P.L. 102-234.

21 (12) The resulting hospital Medicaid reimbursement  
22 reductions may force the closure of some hospitals now serving  
23 a disproportionately high number of the needy, who would then  
24 have to be cared for by remaining hospitals at substantial cost  
25 to those remaining hospitals.

26 (13) The hospitals in the State are all part of and benefit

1 from a hospital system linked together in a number of ways,  
2 including common licensing and regulation, health care  
3 standards, education, research and disease control reporting,  
4 patient transfers for specialist care, and organ donor  
5 networks.

6 (14) Each hospital's patient population demographics,  
7 including the proportion of patients whose care is paid by  
8 Medicaid, is subject to change over time.

9 (15) Hospitals in the State have a special interest in the  
10 payment of adequate reimbursement levels for hospital care by  
11 Medicaid.

12 (16) Most hospitals are exempt from payment of most  
13 federal, State, and local income, sales, property, and other  
14 taxes.

15 (17) The hospital assessment enacted by this Act under the  
16 guidelines of P.L. 102-234 is the most efficient means of  
17 raising the federally matchable funds needed for hospital care  
18 reimbursement.

19 (18) Cook County Hospital and Oak Forest Hospital are  
20 public hospitals owned and operated by Cook County with unique  
21 fiscal problems, including a patient population that is  
22 primarily Medicaid or altogether nonpaying, that make an  
23 intergovernmental transfer payment arrangement a more  
24 appropriate means of financing than the regular hospital  
25 assessment and reimbursement provisions.

26 (19) Sole community hospitals provide access to essential

1 care that would otherwise not be reasonably available in the  
2 community they serve, such that imposition of assessments on  
3 them in their precarious financial circumstances may force  
4 their closure and have the effect of reducing access to health  
5 care.

6 (20) Each nursing home's resident population demographics,  
7 including the proportion of residents whose care is paid by  
8 Medicaid, is subject to change over time in that, among other  
9 things, residents currently able to pay the cost of nursing  
10 home care may become dependent on Medicaid support for  
11 continued care and services as resources are depleted.

12 (21) As the citizens of the State age, increased pressures  
13 will be placed on limited facilities to provide reasonable  
14 levels of care for a greater number of geriatric residents, and  
15 all involved in the nursing home industry, providers and  
16 residents, have a special interest in the maintenance of  
17 adequate Medicaid support for all nursing facilities.

18 (22) The assessments on nursing homes enacted by this Act  
19 under the guidelines of P.L. 102-234 are the most efficient  
20 means of raising the federally matchable funds needed for  
21 nursing home care reimbursement.

22 (23) All intermediate care facilities for persons with  
23 developmental disabilities receive a high degree of Medicaid  
24 support and benefits and therefore have a special interest in  
25 the maintenance of adequate Medicaid support.

26 (24) The assessments on intermediate care facilities for

1 persons with developmental disabilities enacted by this Act  
2 under the guidelines of P.L. 102-234 are the most efficient  
3 means of raising the federally matchable funds needed for  
4 reimbursement of providers of intermediate care for persons  
5 with developmental disabilities.

6 (Source: P.A. 87-861; 88-380; revised 12-15-05.)

7 Section 815. The Nursing Home Grant Assistance Act is  
8 amended by changing Section 20 as follows:

9 (305 ILCS 40/20) (from Ch. 23, par. 7100-20)

10 Sec. 20. Nursing Home Grant Assistance Program.

11 (a) (Blank).

12 (b) The Department, subject to appropriation, may use up to  
13 2.5% of the moneys received under this Act for the costs of  
14 administering and enforcing the program.

15 (c) Within 30 days after the end of the quarterly period in  
16 which the distribution agent is required to file the  
17 certification and make the payment required by this Act, and  
18 after verification with the ~~Illinois~~ Department of Healthcare  
19 and Family Services ~~Public Aid~~ of the licensing status of the  
20 distribution agent, the Director shall order the payment to be  
21 made from appropriations made for the purposes of this Act.

22 (d) Disbursements shall be by warrants drawn by the State  
23 Comptroller upon receipt of vouchers duly executed and  
24 certified by the Department. The Department shall prepare and

1 certify to the State Comptroller the disbursement of the grants  
2 to qualified distributing agents for payment to the eligible  
3 individuals certified to the Department by the qualified  
4 distributing agents.

5 The amount to be paid per calendar quarter to a qualified  
6 distribution agent shall not exceed, for each eligible  
7 individual, \$500 multiplied by a fraction equal to the number  
8 of days that the eligible individual's nursing home care was  
9 not paid for, in whole or in part, by a federal, State, or  
10 combined federal-State medical care program, divided by the  
11 number of calendar days in the quarter. Any amount the  
12 qualified distribution agent owes to the Department under  
13 Section 30 shall be deducted from the amount of the payment to  
14 the qualified distribution agent.

15 If the amount appropriated or available is insufficient to  
16 meet all or part of any quarterly payment certification, the  
17 payment certified to each qualified distributing agent shall be  
18 uniformly reduced by an amount which will permit a payment to  
19 be made to each qualified distributing agent. Within 10 days  
20 after receipt by the State Comptroller of the disbursement  
21 certification to the qualified distributing agents, the State  
22 Comptroller shall cause the warrants to be drawn for the  
23 respective amounts in accordance with the directions contained  
24 in that certification.

25 (e) Notwithstanding any other provision of this Act, as  
26 soon as is practicable after the effective date of this

1 amendatory Act of 1994, the Department shall order that  
2 payments be made, subject to appropriation, to the appropriate  
3 distribution agents for grants to persons who were eligible  
4 individuals during the fourth quarter of fiscal year 1993 to  
5 the extent that those individuals did not receive a grant for  
6 that quarter or the fourth quarter of fiscal year 1992. An  
7 eligible individual, or a person acting on behalf of an  
8 eligible individual, must apply on or before December 31, 1994  
9 for a grant under this subsection (e). The amount to be paid to  
10 each distribution agent under this subsection shall be  
11 calculated as provided in subsection (d). Distribution agents  
12 shall distribute the grants to eligible individuals as required  
13 in Section 30. For the purpose of determining grants under this  
14 subsection (e), a nursing home that is a distribution agent  
15 under this Act shall file with the Department, on or before  
16 September 30, 1994, a certification disclosing the information  
17 required under Section 15 with respect to the fourth quarter of  
18 fiscal year 1993.

19 (Source: P.A. 94-91, eff. 7-1-05; revised 12-15-05.)

20 Section 820. The Elder Abuse and Neglect Act is amended by  
21 changing Section 7 as follows:

22 (320 ILCS 20/7) (from Ch. 23, par. 6607)

23 Sec. 7. Review. All services provided to an eligible adult  
24 shall be reviewed by the provider agency on at least a

1 quarterly basis for up to one year to determine whether the  
2 service care plan should be continued or modified, except that,  
3 upon review, the Department on Aging, ~~upon review,~~ may grant a  
4 waiver to extend the service care plan for up to one ~~an~~  
5 additional ~~one~~ year ~~period~~.

6 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised  
7 9-22-03.)

8 Section 825. The Partnership for Long-Term Care Act is  
9 amended by changing Sections 15, 20, 25, 50, and 60 as follows:

10 (320 ILCS 35/15) (from Ch. 23, par. 6801-15)

11 Sec. 15. Program.

12 (a) The Department on Aging, in cooperation with the  
13 Department of Insurance, and the Department of Healthcare and  
14 Family Services ~~Public Aid~~, shall administer the program.

15 (b) The Departments shall seek any federal waivers and  
16 approvals necessary to accomplish the purposes of this Act.

17 (Source: P.A. 88-328; 89-525, eff. 7-19-96; revised 12-15-05.)

18 (320 ILCS 35/20) (from Ch. 23, par. 6801-20)

19 Sec. 20. Program participant eligibility for Medicaid.

20 (a) Individuals who participate in the program and have  
21 resources above the eligibility levels for receipt of medical  
22 assistance under Title XIX of the Social Security Act  
23 (Subchapter XIX (commencing with Section 1396) of Chapter 7 of



1 Title 42 of the United States Code) shall be eligible to  
2 receive in-home supportive service benefits and Medicaid  
3 benefits through the Department of Healthcare and Family  
4 Services ~~Public Aid~~ if, before becoming eligible for benefits,  
5 they have purchased a long-term care insurance policy covering  
6 long-term care that has been certified by the Department of  
7 Insurance under Section 30 of this Act.

8 (b) Individuals may purchase certified long-term care  
9 insurance policies which cover long-term care services in  
10 amounts equal to the resources they wish to protect.

11 (b-5) An individual may purchase a certified long-term care  
12 insurance policy which protects an individual's total assets.  
13 To be eligible for total asset protection, an amount equal to  
14 the average cost of 4 years of long-term care services in a  
15 nursing facility must be purchased.

16 (b-7) Although a resource has been protected by the  
17 Partnership Policy, income is to be applied to the cost of care  
18 when the insured becomes Medicaid eligible.

19 (c) The resource protection provided by this Act shall be  
20 effective only for long-term care policies which cover  
21 long-term care services, that are delivered, issued for  
22 delivery, or renewed on or after July 1, 1992.

23 (d) When an individual purchases a certified long-term care  
24 insurance policy, the issuer must notify the purchaser of the  
25 benefits of purchasing inflation protection for the long-term  
26 care insurance policy.

1 (e) An insurance company may offer for sale a policy as  
2 described in paragraph (b) of this Section or paragraph (b-5)  
3 of this Section or both types of policies.

4 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
5 eff. 7-1-97; revised 12-15-05.)

6 (320 ILCS 35/25) (from Ch. 23, par. 6801-25)

7 Sec. 25. Protection of resources.

8 (a) Notwithstanding any other provision of law, the  
9 resources, to the extent described in subsection (b), of an  
10 individual who (i) purchases a certified long-term care  
11 insurance policy which covers long-term care services and (ii)  
12 has received all the benefit payments that are payable under  
13 that policy or contract for items described in subsection (b)  
14 shall not be considered in determining:

15 (1) Medicaid eligibility.

16 (2) The amount of any Medicaid payment.

17 (3) The amount of any subsequent recovery by the State  
18 of payments made for medical services to the extent federal  
19 law permits.

20 (4) Eligibility for in-home supportive services.

21 (5) The amount of any payment for in-home supportive  
22 services.

23 (b) Benefit payments described in subsection (a) must be  
24 for one or more of the following:

25 (1) In-home supportive service benefits and Medicaid

1 long-term care services specified in regulations by the  
2 Department of Healthcare and Family Services ~~Public Aid~~.

3 (2) Long-term care services delivered to insured  
4 individuals in a community setting as part of an individual  
5 assessment and case management program provided by  
6 coordinating entities designated or approved by the  
7 Department on Aging.

8 (3) Services the insured individual received while  
9 meeting the disability criteria for eligibility for  
10 long-term care benefits established by the Departments.

11 (Source: P.A. 89-525, eff. 7-19-96; revised 12-15-05.)

12 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

13 Sec. 50. Task force.

14 (a) An executive and legislative advisory task force shall  
15 be created to provide advice and assistance in designing and  
16 implementing the Partnership for Long-term Care Program. The  
17 task force shall be composed of representatives, designated by  
18 the director of each of the following agencies or departments:

19 (1) The Department on Aging.

20 (2) The Department of Public Aid (now Department of  
21 Healthcare and Family Services).

22 (3) (Blank).

23 (4) The Department of Financial and Professional  
24 Regulation, in its capacity as the successor of the  
25 Department of Insurance.

1           (5) The Department of Commerce and Community Affairs  
2           (now Department of Commerce and Economic Opportunity).

3           (6) The Legislative Research Unit.

4           (b) The task force shall consult with persons knowledgeable  
5 of and concerned with long-term care, including, but not  
6 limited to the following:

7           (1) Consumers.

8           (2) Health care providers.

9           (3) Representatives of long-term care insurance  
10 companies and administrators of health care service plans  
11 that cover long-term care services.

12           (4) Providers of long-term care.

13           (5) Private employers.

14           (6) Academic specialists in long-term care and aging.

15           (7) Representatives of the public employees' and  
16 teachers' retirement systems.

17           (c) The task force shall be established, and its members  
18 designated, not later than March 1, 1993. The task force shall  
19 make recommendations to the Department on Aging concerning the  
20 policy components of the program on or before September 1,  
21 1993.

22           (Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

23           (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

24           Sec. 60. Administrative costs.

25           (a) The Department on Aging, in conjunction with the

1 Department of Healthcare and Family Services ~~Public Aid~~, the  
2 Department of Financial and Professional Regulation ~~Insurance~~,  
3 and the Department of Commerce and Economic Opportunity, shall  
4 submit applications for State or federal grants or federal  
5 waivers, or funding from nationally distributed private  
6 foundation grants, or insurance reimbursements to be used to  
7 pay the administrative expenses of implementation of the  
8 program. The Department on Aging, in conjunction with those  
9 other departments, also shall seek moneys from these same  
10 sources for the purpose of implementing the program, including  
11 moneys appropriated for that purpose.

12 (b) In implementing this Act, the Department on Aging may  
13 negotiate contracts, on a nonbid basis, with long-term care  
14 insurers, health care insurers, health care service plans, or  
15 both, for the provision of coverage for long-term care services  
16 that will meet the certification requirements set forth in  
17 Section 30 and the other requirements of this Act.

18 (Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

19 Section 830. The All-Inclusive Care for the Elderly Act is  
20 amended by changing Sections 5, 10, 15, 20, 25, and 30 as  
21 follows:

22 (320 ILCS 40/5) (from Ch. 23, par. 6905)

23 Sec. 5. Legislative declaration. The General Assembly  
24 finds and declares that it is the intent of this Act to

1 replicate the On Lok ~~ONLOK~~ program in San Francisco,  
2 California, that has proven to be cost-effective at both the  
3 state and federal levels. The PACE program is part of a  
4 national replication project authorized in Section 9412(b)(2)  
5 of the federal Omnibus Reconciliation Act of 1986, which  
6 instructs the Secretary of the federal Department of Health and  
7 Human Services to grant Medicare and Medicaid waivers to permit  
8 not more than 10 public or nonprofit private community-based  
9 organizations in the country to provide comprehensive health  
10 care services on a capitated basis to frail elderly who are at  
11 risk of institutionalization. The General Assembly finds that  
12 by coordinating an extensive array of medical and nonmedical  
13 services, the needs of the participants will be met primarily  
14 in an outpatient environment in an adult day health center, in  
15 their homes, or in an institutional setting. The General  
16 Assembly finds that such a service delivery system will enhance  
17 the quality of life for the participant and offers the  
18 potential to reduce and cap costs to Illinois of the medical  
19 needs of the participants, including hospital and nursing home  
20 admissions.

21 The General Assembly declares that the purpose of this Act  
22 is to provide services that would foster the following goals:

23 To maintain eligible persons at home as an alternative to  
24 long-term institutionalization;

25 To provide optimum accessibility to various important  
26 social and health resources that are available to assist

1 eligible persons in maintaining independent living;

2 To provide that eligible persons who are frail elderly but  
3 who have the capacity to remain in an independent living  
4 situation have access to the appropriate social and health  
5 services without which independent living would not be  
6 possible;

7 To coordinate, integrate, and link these social and health  
8 services by removing obstacles that impede or limit  
9 improvements in delivery of these services;

10 To provide the most efficient and effective use of  
11 capitated funds for the delivery of these social and health  
12 services;

13 To assure that capitation payments amount to no more than  
14 95% of the amount paid under the Medicaid fee-for-service  
15 structure of an actuarially similar population.

16 (Source: P.A. 87-411; revised 10-13-05.)

17 (320 ILCS 40/10) (from Ch. 23, par. 6910)

18 Sec. 10. Services for eligible persons. Within the context  
19 of the PACE program established under this Act, the ~~Illinois~~  
20 Department of Healthcare and Family Services ~~Public Aid~~ may  
21 include any or all of the services in Article V ~~5~~ of the  
22 Illinois Public Aid Code.

23 An eligible person may elect to receive services from the  
24 PACE program. If such an election is made, the eligible person  
25 shall not remain eligible for payment through the regular

1 Medicare or Medicaid program. All services and programs  
2 provided through the PACE program shall be provided in  
3 accordance with this Act. An eligible person may elect to  
4 disenroll from the PACE program at any time.

5 For purposes of this Act, "eligible person" means a frail  
6 elderly individual who voluntarily enrolls in the PACE program,  
7 whose income and resources do not exceed limits established by  
8 the ~~Illinois~~ Department of Healthcare and Family Services  
9 ~~Public Aid~~ and for whom a licensed physician certifies that  
10 such a program provides an appropriate alternative to  
11 institutionalized care. The term "frail elderly" means an  
12 individual who meets the age and functional eligibility  
13 requirements established by the ~~Illinois~~ Department of  
14 Healthcare and Family Services ~~Public Aid~~.

15 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

16 (320 ILCS 40/15) (from Ch. 23, par. 6915)

17 Sec. 15. Program implementation.

18 (a) Upon receipt of federal approval, the Illinois  
19 Department of Public Aid (now Department of Healthcare and  
20 Family Services) shall implement the PACE program pursuant to  
21 the provisions of the approved Title XIX State plan.

22 (b) Using a risk-based financing model, the nonprofit  
23 organization providing the PACE program shall assume  
24 responsibility for all costs generated by the PACE program  
25 participants, and it shall create and maintain a risk reserve



1 fund that will cover any cost overages for any participant. The  
2 PACE program is responsible for the entire range of services in  
3 the consolidated service model, including hospital and nursing  
4 home care, according to participant need as determined by a  
5 multidisciplinary team. The nonprofit organization providing  
6 the PACE program is responsible for the full financial risk.  
7 Specific arrangements of the risk-based financing model shall  
8 be adopted and negotiated by the federal Centers for Medicare  
9 and Medicaid Services, the nonprofit organization providing  
10 the PACE program, and the ~~Illinois~~ Department of Healthcare and  
11 Family Services ~~Public Aid~~.

12 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

13 (320 ILCS 40/20) (from Ch. 23, par. 6920)

14 Sec. 20. Duties of the ~~Illinois~~ Department of Healthcare  
15 and Family Services.

16 (a) The ~~Illinois~~ Department of Healthcare and Family  
17 Services shall provide a system for reimbursement for services  
18 to the PACE program.

19 (b) The ~~Illinois~~ Department of Healthcare and Family  
20 Services shall develop and implement a contract with the  
21 nonprofit organization providing the PACE program that sets  
22 forth contractual obligations for the PACE program, including  
23 but not limited to reporting and monitoring of utilization of  
24 costs of the program as required by the Illinois Department.

25 (c) The ~~Illinois~~ Department of Healthcare and Family

1 Services shall acknowledge that it is participating in the  
2 national PACE project as initiated by Congress.

3 (d) The ~~Illinois~~ Department of Healthcare and Family  
4 Services or its designee shall be responsible for certifying  
5 the eligibility for services of all PACE program participants.

6 (Source: P.A. 87-411; revised 12-15-05.)

7 (320 ILCS 40/25) (from Ch. 23, par. 6925)

8 Sec. 25. Rules and regulations. The ~~Illinois~~ Department of  
9 Healthcare and Family Services shall promulgate rules and  
10 regulations necessary to implement this Act.

11 (Source: P.A. 87-411; revised 12-15-05.)

12 (320 ILCS 40/30) (from Ch. 23, par. 6930)

13 Sec. 30. Rate of payment. The General Assembly shall make  
14 appropriations to the ~~Illinois~~ Department of Healthcare and  
15 Family Services ~~Public Aid~~ to fund services under this Act  
16 provided at a monthly capitated rate. The ~~Illinois~~ Department  
17 shall annually renegotiate a monthly capitated rate for the  
18 contracted services based on the 95% of the Medicaid  
19 fee-for-service costs of an actuarially similar population.

20 (Source: P.A. 87-411; revised 12-15-05.)

21 Section 835. The Older Adult Services Act is amended by  
22 changing Sections 10, 15, 20, 30, and 35 as follows:

1 (320 ILCS 42/10)

2 Sec. 10. Definitions. In this Act:

3 "Advisory Committee" means the Older Adult Services  
4 Advisory Committee.

5 "Certified nursing home" means any nursing home licensed  
6 under the Nursing Home Care Act and certified under Title XIX  
7 of the Social Security Act to participate as a vendor in the  
8 medical assistance program under Article V of the Illinois  
9 Public Aid Code.

10 "Comprehensive case management" means the assessment of  
11 needs and preferences of an older adult at the direction of the  
12 older adult or the older adult's designated representative and  
13 the arrangement, coordination, and monitoring of an optimum  
14 package of services to meet the needs of the older adult.

15 "Consumer-directed" means decisions made by an informed  
16 older adult from available services and care options, which may  
17 range from independently making all decisions and managing  
18 services directly to limited participation in decision-making,  
19 based upon the functional and cognitive level of the older  
20 adult.

21 "Coordinated point of entry" means an integrated access  
22 point where consumers receive information and assistance,  
23 assessment of needs, care planning, referral, assistance in  
24 completing applications, authorization of services where  
25 permitted, and follow-up to ensure that referrals and services  
26 are accessed.

1 "Department" means the Department on Aging, in  
2 collaboration with the departments of Public Health and  
3 Healthcare and Family Services ~~Public Aid~~ and other relevant  
4 agencies and in consultation with the Advisory Committee,  
5 except as otherwise provided.

6 "Departments" means the Department on Aging, the  
7 departments of Public Health and Healthcare and Family Services  
8 ~~Public Aid~~, and other relevant agencies in collaboration with  
9 each other and in consultation with the Advisory Committee,  
10 except as otherwise provided.

11 "Family caregiver" means an adult family member or another  
12 individual who is an uncompensated provider of home-based or  
13 community-based care to an older adult.

14 "Health services" means activities that promote, maintain,  
15 improve, or restore mental or physical health or that are  
16 palliative in nature.

17 "Older adult" means a person age 60 or older and, if  
18 appropriate, the person's family caregiver.

19 "Person-centered" means a process that builds upon an older  
20 adult's strengths and capacities to engage in activities that  
21 promote community life and that reflect the older adult's  
22 preferences, choices, and abilities, to the extent  
23 practicable.

24 "Priority service area" means an area identified by the  
25 Departments as being less-served with respect to the  
26 availability of and access to older adult services in Illinois.

1 The Departments shall determine by rule the criteria and  
2 standards used to designate such areas.

3 "Priority service plan" means the plan developed pursuant  
4 to Section 25 of this Act.

5 "Provider" means any supplier of services under this Act.

6 "Residential setting" means the place where an older adult  
7 lives.

8 "Restructuring" means the transformation of Illinois'  
9 comprehensive system of older adult services from funding  
10 primarily a facility-based service delivery system to  
11 primarily a home-based and community-based system, taking into  
12 account the continuing need for 24-hour skilled nursing care  
13 and congregate housing with services.

14 "Services" means the range of housing, health, financial,  
15 and supportive services, other than acute health care services,  
16 that are delivered to an older adult with functional or  
17 cognitive limitations, or socialization needs, who requires  
18 assistance to perform activities of daily living, regardless of  
19 the residential setting in which the services are delivered.

20 "Supportive services" means non-medical assistance given  
21 over a period of time to an older adult that is needed to  
22 compensate for the older adult's functional or cognitive  
23 limitations, or socialization needs, or those services  
24 designed to restore, improve, or maintain the older adult's  
25 functional or cognitive abilities.

26 (Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

1 (320 ILCS 42/15)

2 Sec. 15. Designation of lead agency; annual report.

3 (a) The Department on Aging shall be the lead agency for:  
4 the provision of services to older adults and their family  
5 caregivers; restructuring Illinois' service delivery system  
6 for older adults; and implementation of this Act, except where  
7 otherwise provided. The Department on Aging shall collaborate  
8 with the departments of Public Health and Healthcare and Family  
9 Services ~~Public Aid~~ and any other relevant agencies, and shall  
10 consult with the Advisory Committee, in all aspects of these  
11 duties, except as otherwise provided in this Act.

12 (b) The Departments shall promulgate rules to implement  
13 this Act pursuant to the Illinois Administrative Procedure Act.

14 (c) On January 1, 2006, and each January 1 thereafter, the  
15 Department shall issue a report to the General Assembly on  
16 progress made in complying with this Act, impediments thereto,  
17 recommendations of the Advisory Committee, and any  
18 recommendations for legislative changes necessary to implement  
19 this Act. To the extent practicable, all reports required by  
20 this Act shall be consolidated into a single report.

21 (Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

22 (320 ILCS 42/20)

23 Sec. 20. Priority service areas; service expansion.

24 (a) The requirements of this Section are subject to the

1 availability of funding.

2 (b) The Department shall expand older adult services that  
3 promote independence and permit older adults to remain in their  
4 own homes and communities. Priority shall be given to both the  
5 expansion of services and the development of new services in  
6 priority service areas.

7 (c) Inventory of services. The Department shall develop and  
8 maintain an inventory and assessment of (i) the types and  
9 quantities of public older adult services and, to the extent  
10 possible, privately provided older adult services, including  
11 the unduplicated count, location, and characteristics of  
12 individuals served by each facility, program, or service and  
13 (ii) the resources supporting those services.

14 (d) Priority service areas. The Departments shall assess  
15 the current and projected need for older adult services  
16 throughout the State, analyze the results of the inventory, and  
17 identify priority service areas, which shall serve as the basis  
18 for a priority service plan to be filed with the Governor and  
19 the General Assembly no later than July 1, 2006, and every 5  
20 years thereafter.

21 (e) Moneys appropriated by the General Assembly for the  
22 purpose of this Section, receipts from donations, grants, fees,  
23 or taxes that may accrue from any public or private sources to  
24 the Department for the purpose of this Section, and savings  
25 attributable to the nursing home conversion program as  
26 calculated in subsection (h) shall be deposited into the

1 Department on Aging State Projects Fund. Interest earned by  
2 those moneys in the Fund shall be credited to the Fund.

3 (f) Moneys described in subsection (e) from the Department  
4 on Aging State Projects Fund shall be used for older adult  
5 services, regardless of where the older adult receives the  
6 service, with priority given to both the expansion of services  
7 and the development of new services in priority service areas.  
8 Fundable services shall include:

9 (1) Housing, health services, and supportive services:

10 (A) adult day care;

11 (B) adult day care for persons with Alzheimer's  
12 disease and related disorders;

13 (C) activities of daily living;

14 (D) care-related supplies and equipment;

15 (E) case management;

16 (F) community reintegration;

17 (G) companion;

18 (H) congregate meals;

19 (I) counseling and education;

20 (J) elder abuse prevention and intervention;

21 (K) emergency response and monitoring;

22 (L) environmental modifications;

23 (M) family caregiver support;

24 (N) financial;

25 (O) home delivered meals;

26 (P) homemaker;



- 1 (Q) home health;
- 2 (R) hospice;
- 3 (S) laundry;
- 4 (T) long-term care ombudsman;
- 5 (U) medication reminders;
- 6 (V) money management;
- 7 (W) nutrition services;
- 8 (X) personal care;
- 9 (Y) respite care;
- 10 (Z) residential care;
- 11 (AA) senior benefits outreach;
- 12 (BB) senior centers;
- 13 (CC) services provided under the Assisted Living  
14 and Shared Housing Act, or sheltered care services that  
15 meet the requirements of the Assisted Living and Shared  
16 Housing Act, or services provided under Section  
17 5-5.01a of the Illinois Public Aid Code (the Supportive  
18 Living Facilities Program);
- 19 (DD) telemedicine devices to monitor recipients in  
20 their own homes as an alternative to hospital care,  
21 nursing home care, or home visits;
- 22 (EE) training for direct family caregivers;
- 23 (FF) transition;
- 24 (GG) transportation;
- 25 (HH) wellness and fitness programs; and
- 26 (II) other programs designed to assist older

1 adults in Illinois to remain independent and receive  
2 services in the most integrated residential setting  
3 possible for that person.

4 (2) Older Adult Services Demonstration Grants,  
5 pursuant to subsection (g) of this Section.

6 (g) Older Adult Services Demonstration Grants. The  
7 Department shall establish a program of demonstration grants to  
8 assist in the restructuring of the delivery system for older  
9 adult services and provide funding for innovative service  
10 delivery models and system change and integration initiatives.  
11 The Department shall prescribe, by rule, the grant application  
12 process. At a minimum, every application must include:

13 (1) The type of grant sought;

14 (2) A description of the project;

15 (3) The objective of the project;

16 (4) The likelihood of the project meeting identified  
17 needs;

18 (5) The plan for financing, administration, and  
19 evaluation of the project;

20 (6) The timetable for implementation;

21 (7) The roles and capabilities of responsible  
22 individuals and organizations;

23 (8) Documentation of collaboration with other service  
24 providers, local community government leaders, and other  
25 stakeholders, other providers, and any other stakeholders  
26 in the community;

1           (9) Documentation of community support for the  
2 project, including support by other service providers,  
3 local community government leaders, and other  
4 stakeholders;

5           (10) The total budget for the project;

6           (11) The financial condition of the applicant; and

7           (12) Any other application requirements that may be  
8 established by the Department by rule.

9           Each project may include provisions for a designated staff  
10 person who is responsible for the development of the project  
11 and recruitment of providers.

12           Projects may include, but are not limited to: adult family  
13 foster care; family adult day care; assisted living in a  
14 supervised apartment; personal services in a subsidized  
15 housing project; evening and weekend home care coverage; small  
16 incentive grants to attract new providers; money following the  
17 person; cash and counseling; managed long-term care; and at  
18 least one respite care project that establishes a local  
19 coordinated network of volunteer and paid respite workers,  
20 coordinates assignment of respite workers to caregivers and  
21 older adults, ensures the health and safety of the older adult,  
22 provides training for caregivers, and ensures that support  
23 groups are available in the community.

24           A demonstration project funded in whole or in part by an  
25 Older Adult Services Demonstration Grant is exempt from the  
26 requirements of the Illinois Health Facilities Planning Act. To

1 the extent applicable, however, for the purpose of maintaining  
2 the statewide inventory authorized by the Illinois Health  
3 Facilities Planning Act, the Department shall send to the  
4 Health Facilities Planning Board a copy of each grant award  
5 made under this subsection (g).

6 The Department, in collaboration with the Departments of  
7 Public Health and Healthcare and Family Services ~~Public Aid~~,  
8 shall evaluate the effectiveness of the projects receiving  
9 grants under this Section.

10 (h) No later than July 1 of each year, the Department of  
11 Public Health shall provide information to the Department of  
12 Healthcare and Family Services ~~Public Aid~~ to enable the  
13 Department of Healthcare and Family Services ~~Public Aid~~ to  
14 annually document and verify the savings attributable to the  
15 nursing home conversion program for the previous fiscal year to  
16 estimate an annual amount of such savings that may be  
17 appropriated to the Department on Aging State Projects Fund and  
18 notify the General Assembly, the Department on Aging, the  
19 Department of Human Services, and the Advisory Committee of the  
20 savings no later than October 1 of the same fiscal year.

21 (Source: P.A. 93-1031, eff. 8-27-04; 94-342, eff. 7-26-05;  
22 revised 12-15-05.)

23 (320 ILCS 42/30)

24 Sec. 30. Nursing home conversion program.

25 (a) The Department of Public Health, in collaboration with

1 the Department on Aging and the Department of Healthcare and  
2 Family Services ~~Public Aid~~, shall establish a nursing home  
3 conversion program. Start-up grants, pursuant to subsections  
4 (l) and (m) of this Section, shall be made available to nursing  
5 homes as appropriations permit as an incentive to reduce  
6 certified beds, retrofit, and retool operations to meet new  
7 service delivery expectations and demands.

8 (b) Grant moneys shall be made available for capital and  
9 other costs related to: (1) the conversion of all or a part of  
10 a nursing home to an assisted living establishment or a special  
11 program or unit for persons with Alzheimer's disease or related  
12 disorders licensed under the Assisted Living and Shared Housing  
13 Act or a supportive living facility established under Section  
14 5-5.01a of the Illinois Public Aid Code; (2) the conversion of  
15 multi-resident bedrooms in the facility into single-occupancy  
16 rooms; and (3) the development of any of the services  
17 identified in a priority service plan that can be provided by a  
18 nursing home within the confines of a nursing home or  
19 transportation services. Grantees shall be required to provide  
20 a minimum of a 20% match toward the total cost of the project.

21 (c) Nothing in this Act shall prohibit the co-location of  
22 services or the development of multifunctional centers under  
23 subsection (f) of Section 20, including a nursing home offering  
24 community-based services or a community provider establishing  
25 a residential facility.

26 (d) A certified nursing home with at least 50% of its

1 resident population having their care paid for by the Medicaid  
2 program is eligible to apply for a grant under this Section.

3 (e) Any nursing home receiving a grant under this Section  
4 shall reduce the number of certified nursing home beds by a  
5 number equal to or greater than the number of beds being  
6 converted for one or more of the permitted uses under item (1)  
7 or (2) of subsection (b). The nursing home shall retain the  
8 Certificate of Need for its nursing and sheltered care beds  
9 that were converted for 15 years. If the beds are reinstated by  
10 the provider or its successor in interest, the provider shall  
11 pay to the fund from which the grant was awarded, on an  
12 amortized basis, the amount of the grant. The Department shall  
13 establish, by rule, the bed reduction methodology for nursing  
14 homes that receive a grant pursuant to item (3) of subsection  
15 (b).

16 (f) Any nursing home receiving a grant under this Section  
17 shall agree that, for a minimum of 10 years after the date that  
18 the grant is awarded, a minimum of 50% of the nursing home's  
19 resident population shall have their care paid for by the  
20 Medicaid program. If the nursing home provider or its successor  
21 in interest ceases to comply with the requirement set forth in  
22 this subsection, the provider shall pay to the fund from which  
23 the grant was awarded, on an amortized basis, the amount of the  
24 grant.

25 (g) Before awarding grants, the Department of Public Health  
26 shall seek recommendations from the Department on Aging and the

1 Department of Healthcare and Family Services ~~Public Aid~~. The  
2 Department of Public Health shall attempt to balance the  
3 distribution of grants among geographic regions, and among  
4 small and large nursing homes. The Department of Public Health  
5 shall develop, by rule, the criteria for the award of grants  
6 based upon the following factors:

7 (1) the unique needs of older adults (including those  
8 with moderate and low incomes), caregivers, and providers  
9 in the geographic area of the State the grantee seeks to  
10 serve;

11 (2) whether the grantee proposes to provide services in  
12 a priority service area;

13 (3) the extent to which the conversion or transition  
14 will result in the reduction of certified nursing home beds  
15 in an area with excess beds;

16 (4) the compliance history of the nursing home; and

17 (5) any other relevant factors identified by the  
18 Department, including standards of need.

19 (h) A conversion funded in whole or in part by a grant  
20 under this Section must not:

21 (1) diminish or reduce the quality of services  
22 available to nursing home residents;

23 (2) force any nursing home resident to involuntarily  
24 accept home-based or community-based services instead of  
25 nursing home services;

26 (3) diminish or reduce the supply and distribution of

1 nursing home services in any community below the level of  
2 need, as defined by the Department by rule; or

3 (4) cause undue hardship on any person who requires  
4 nursing home care.

5 (i) The Department shall prescribe, by rule, the grant  
6 application process. At a minimum, every application must  
7 include:

8 (1) the type of grant sought;

9 (2) a description of the project;

10 (3) the objective of the project;

11 (4) the likelihood of the project meeting identified  
12 needs;

13 (5) the plan for financing, administration, and  
14 evaluation of the project;

15 (6) the timetable for implementation;

16 (7) the roles and capabilities of responsible  
17 individuals and organizations;

18 (8) documentation of collaboration with other service  
19 providers, local community government leaders, and other  
20 stakeholders, other providers, and any other stakeholders  
21 in the community;

22 (9) documentation of community support for the  
23 project, including support by other service providers,  
24 local community government leaders, and other  
25 stakeholders;

26 (10) the total budget for the project;



1 (11) the financial condition of the applicant; and

2 (12) any other application requirements that may be  
3 established by the Department by rule.

4 (j) A conversion project funded in whole or in part by a  
5 grant under this Section is exempt from the requirements of the  
6 Illinois Health Facilities Planning Act. The Department of  
7 Public Health, however, shall send to the Health Facilities  
8 Planning Board a copy of each grant award made under this  
9 Section.

10 (k) Applications for grants are public information, except  
11 that nursing home financial condition and any proprietary data  
12 shall be classified as nonpublic data.

13 (l) The Department of Public Health may award grants from  
14 the Long Term Care Civil Money Penalties Fund established under  
15 Section 1919(h) (2) (A) (ii) of the Social Security Act and 42 CFR  
16 488.422(g) if the award meets federal requirements.

17 (Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

18 (320 ILCS 42/35)

19 Sec. 35. Older Adult Services Advisory Committee.

20 (a) The Older Adult Services Advisory Committee is created  
21 to advise the directors of Aging, Healthcare and Family  
22 Services ~~Public Aid~~, and Public Health on all matters related  
23 to this Act and the delivery of services to older adults in  
24 general.

25 (b) The Advisory Committee shall be comprised of the

1 following:

2 (1) The Director of Aging or his or her designee, who  
3 shall serve as chair and shall be an ex officio and  
4 nonvoting member.

5 (2) The Director of Healthcare and Family Services  
6 ~~Public Aid~~ and the Director of Public Health or their  
7 designees, who shall serve as vice-chairs and shall be ex  
8 officio and nonvoting members.

9 (3) One representative each of the Governor's Office,  
10 the Department of Healthcare and Family Services ~~Public~~  
11 ~~Aid~~, the Department of Public Health, the Department of  
12 Veterans' Affairs, the Department of Human Services, the  
13 Department of Insurance, the Department of Commerce and  
14 Economic Opportunity, the Department on Aging, the  
15 Department on Aging's State Long Term Care Ombudsman, the  
16 Illinois Housing Finance Authority, and the Illinois  
17 Housing Development Authority, each of whom shall be  
18 selected by his or her respective director and shall be an  
19 ex officio and nonvoting member.

20 (4) Thirty-two members appointed by the Director of  
21 Aging in collaboration with the directors of Public Health  
22 and Healthcare and Family Services ~~Public Aid~~, and selected  
23 from the recommendations of statewide associations and  
24 organizations, as follows:

25 (A) One member representing the Area Agencies on  
26 Aging;

1 (B) Four members representing nursing homes or  
2 licensed assisted living establishments;

3 (C) One member representing home health agencies;

4 (D) One member representing case management  
5 services;

6 (E) One member representing statewide senior  
7 center associations;

8 (F) One member representing Community Care Program  
9 homemaker services;

10 (G) One member representing Community Care Program  
11 adult day services;

12 (H) One member representing nutrition project  
13 directors;

14 (I) One member representing hospice programs;

15 (J) One member representing individuals with  
16 Alzheimer's disease and related dementias;

17 (K) Two members representing statewide trade or  
18 labor unions;

19 (L) One advanced practice nurse with experience in  
20 gerontological nursing;

21 (M) One physician specializing in gerontology;

22 (N) One member representing regional long-term  
23 care ombudsmen;

24 (O) One member representing township officials;

25 (P) One member representing municipalities;

26 (Q) One member representing county officials;

1 (R) One member representing the parish nurse  
2 movement;

3 (S) One member representing pharmacists;

4 (T) Two members representing statewide  
5 organizations engaging in advocacy or legal  
6 representation on behalf of the senior population;

7 (U) Two family caregivers;

8 (V) Two citizen members over the age of 60;

9 (W) One citizen with knowledge in the area of  
10 gerontology research or health care law;

11 (X) One representative of health care facilities  
12 licensed under the Hospital Licensing Act; and

13 (Y) One representative of primary care service  
14 providers.

15 The Director of Aging, in collaboration with the Directors  
16 of Public Health and Healthcare and Family Services ~~Public Aid~~,  
17 may appoint additional citizen members to the Older Adult  
18 Services Advisory Committee. Each such additional member must  
19 be either an individual age 60 or older or an uncompensated  
20 caregiver for a family member or friend who is age 60 or older.

21 (c) Voting members of the Advisory Committee shall serve  
22 for a term of 3 years or until a replacement is named. All  
23 members shall be appointed no later than January 1, 2005. Of  
24 the initial appointees, as determined by lot, 10 members shall  
25 serve a term of one year; 10 shall serve for a term of 2 years;  
26 and 12 shall serve for a term of 3 years. Any member appointed

1 to fill a vacancy occurring prior to the expiration of the term  
2 for which his or her predecessor was appointed shall be  
3 appointed for the remainder of that term. The Advisory  
4 Committee shall meet at least quarterly and may meet more  
5 frequently at the call of the Chair. A simple majority of those  
6 appointed shall constitute a quorum. The affirmative vote of a  
7 majority of those present and voting shall be necessary for  
8 Advisory Committee action. Members of the Advisory Committee  
9 shall receive no compensation for their services.

10 (d) The Advisory Committee shall have an Executive  
11 Committee comprised of the Chair, the Vice Chairs, and up to 15  
12 members of the Advisory Committee appointed by the Chair who  
13 have demonstrated expertise in developing, implementing, or  
14 coordinating the system restructuring initiatives defined in  
15 Section 25. The Executive Committee shall have responsibility  
16 to oversee and structure the operations of the Advisory  
17 Committee and to create and appoint necessary subcommittees and  
18 subcommittee members.

19 (e) The Advisory Committee shall study and make  
20 recommendations related to the implementation of this Act,  
21 including but not limited to system restructuring initiatives  
22 as defined in Section 25 or otherwise related to this Act.

23 (Source: P.A. 93-1031, eff. 8-27-04; 94-31, eff. 6-14-05;  
24 revised 12-15-05.)

25 Section 840. The Senior Pharmaceutical Assistance Act is

1 amended by changing Section 15 as follows:

2 (320 ILCS 50/15)

3 Sec. 15. Senior Pharmaceutical Assistance Review  
4 Committee.

5 (a) The Senior Pharmaceutical Assistance Review Committee  
6 is created. The Committee shall consist of 17 members as  
7 follows:

8 (1) Twelve members appointed as follows: 2 members of  
9 the General Assembly and 1 member of the general public,  
10 appointed by the President of the Senate; 2 members of the  
11 General Assembly and 1 member of the general public,  
12 appointed by the Minority Leader of the Senate; 2 members  
13 of the General Assembly and 1 member of the general public,  
14 appointed by the Speaker of the House of Representatives;  
15 and 2 members of the General Assembly and 1 member of the  
16 general public, appointed by the Minority Leader of the  
17 House of Representatives. These members shall serve at the  
18 pleasure of the appointing authority.

19 (2) The Director of Aging or his or her designee.

20 (3) The Director of Revenue or his or her designee.

21 (4) The Director of Healthcare and Family Services  
22 ~~Public Aid~~ or his or her designee.

23 (5) The Secretary of Human Services or his or her  
24 designee.

25 (6) The Director of Public Health or his or her

1           designee.

2           (b) Members appointed from the general public shall  
3 represent the following associations, organizations, and  
4 interests: statewide membership-based senior advocacy  
5 organizations, pharmaceutical manufacturers, pharmacists,  
6 dispensing pharmacies, physicians, and providers of services  
7 to senior citizens. No single organization may have more than  
8 one representative appointed as a member from the general  
9 public.

10          (c) The President of the Senate and Speaker of the House of  
11 Representatives shall each designate one member of the  
12 Committee to serve as co-chairs.

13          (d) Committee members shall serve without compensation or  
14 reimbursement for expenses.

15          (e) The Committee shall meet at the call of the co-chairs,  
16 but at least quarterly.

17          (f) The Committee may conduct public hearings to gather  
18 testimony from interested parties regarding pharmaceutical  
19 assistance for Illinois seniors, including changes to existing  
20 and proposed programs.

21          (g) The Committee may advise appropriate State agencies  
22 regarding the establishment of proposed programs or changes to  
23 existing programs. The State agencies shall take into  
24 consideration any recommendations made by the Committee.

25          (h) The Committee shall report to the General Assembly and  
26 the Governor annually or as it deems necessary regarding

1 proposed or recommended changes to pharmaceutical assistance  
2 programs that benefit Illinois seniors and any associated costs  
3 of those changes.

4 (i) In the event that a prescription drug benefit is added  
5 to the federal Medicare program, the Committee shall make  
6 recommendations for the realignment of State-operated senior  
7 prescription drug programs so that Illinois residents qualify  
8 for at least substantially the same level of benefits available  
9 to them prior to implementation of the Medicare prescription  
10 drug benefit, provided that a resident remains eligible for  
11 such a State-operated program. The Committee shall report its  
12 recommendations to the General Assembly and the Governor by  
13 January 1, 2005.

14 (Source: P.A. 92-594, eff. 6-27-02; 93-843, eff. 7-30-04;  
15 revised 12-15-05.)

16 Section 845. The Illinois Prescription Drug Discount  
17 Program Act is amended by changing Sections 30 and 35 and by  
18 renumbering Section 990 as follows:

19 (320 ILCS 55/30)

20 Sec. 30. Manufacturer rebate agreements.

21 (a) Taking into consideration the extent to which the State  
22 pays for prescription drugs under various State programs and  
23 the provision of assistance to disabled persons or eligible  
24 seniors under patient assistance programs, prescription drug



1 discount programs, or other offers for free or reduced price  
2 medicine, clinical research projects, limited supply  
3 distribution programs, compassionate use programs, or programs  
4 of research conducted by or for a drug manufacturer, the  
5 Department, its agent, or the program administrator shall  
6 negotiate and enter into rebate agreements with drug  
7 manufacturers, as defined in this Act, to effect prescription  
8 drug price discounts. The Department or program administrator  
9 may exclude certain medications from the list of covered  
10 medications and may establish a preferred drug list as a basis  
11 for determining the discounts, administrative fees, or other  
12 fees or rebates under this Section.

13 (b) (Blank).

14 (c) Receipts from rebates shall be used to provide  
15 discounts for prescription drugs purchased by cardholders and  
16 to cover the cost of administering the program. Any receipts to  
17 be allocated to the Department shall be deposited into the  
18 Illinois Prescription Drug Discount Program Fund, a trust fund  
19 created outside the State Treasury with the State Treasurer  
20 acting as ex officio custodian. Disbursements from the Illinois  
21 Prescription Drug Discount Program Fund shall be made upon the  
22 direction of the Director of Central Management Services.

23 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,  
24 eff. 7-1-05; revised 8-9-05.)

1           Sec. 35. Program eligibility.

2           (a) Any person may apply to the Department or its program  
3 administrator for participation in the program in the form and  
4 manner required by the Department. The Department or its  
5 program administrator shall determine the eligibility of each  
6 applicant for the program within 30 days after the date of  
7 application. To participate in the program an eligible Illinois  
8 resident whose application has been approved must pay the fee  
9 determined by the Director upon enrollment and annually  
10 thereafter and shall receive a program identification card. The  
11 card may be presented to an authorized pharmacy to assist the  
12 pharmacy in verifying eligibility under the program. If the  
13 Department is the program administrator, the Department shall  
14 deposit the enrollment fees collected into the Illinois  
15 Prescription Drug Discount Program Fund. If the program  
16 administrator is a contracted vendor, the vendor may collect  
17 the enrollment fees and must report all such collected  
18 enrollment fees to the Department on a regular basis. The  
19 enrollment fees deposited into the Illinois Prescription Drug  
20 Discount Program Fund must be separately accounted for by the  
21 Department. If 2 or more persons are eligible for any benefit  
22 under this Act and are members of the same household, each  
23 participating household member shall apply and pay the fee  
24 required for the purpose of obtaining an identification card.  
25 To participate in the program, an applicant must (i) be a  
26 resident of Illinois and (ii) have household income equal to or

1 less than 300% of the Federal Poverty Level.

2 (b) Proceeds from annual enrollment fees shall be used to  
3 offset the administrative cost of this Act. The Department may  
4 reduce the annual enrollment fee by rule if the revenue from  
5 the enrollment fees is in excess of the costs to carry out the  
6 program.

7 (c) (Blank).

8 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,  
9 eff. 7-1-05; revised 8-9-05.)

10 (320 ILCS 55/90) (was 320 ILCS 55/990)

11 Sec. 90 ~~990~~. (Amendatory provisions; text omitted).

12 (Source: P.A. 93-18, eff. 7-1-03; text omitted; revised  
13 9-28-03.)

14 Section 850. The Family Caregiver Act is amended by  
15 changing Section 16 as follows:

16 (320 ILCS 65/16)

17 Sec. 16. Family caregiver demonstration grant. The  
18 Department shall seek federal funding for the establishment and  
19 assessment of a Family Caregiver Training and Support  
20 Demonstration Project. The Department is authorized to fund 2  
21 sites, one in a rural community and one in a more urban area.  
22 The Department shall adopt rules governing participation and  
23 oversight of the program. The Department shall seek technical

1 assistance from the Department of Public Aid (now Healthcare  
2 and Family Services) and the Department of Human Services. The  
3 Department shall advise the Governor and the General Assembly  
4 regarding the effectiveness of the program within 6 months  
5 after the conclusion of the demonstration period.

6 (Source: P.A. 93-864, eff. 8-5-04; revised 12-15-05.)

7 Section 855. The Abandoned Newborn Infant Protection Act is  
8 amended by changing Section 45 as follows:

9 (325 ILCS 2/45)

10 Sec. 45. Medical assistance. Notwithstanding any other  
11 provision of law, a newborn infant relinquished in accordance  
12 with this Act shall be deemed eligible for medical assistance  
13 under the Illinois Public Aid Code, and a hospital providing  
14 medical services to such an infant shall be reimbursed for  
15 those services in accordance with the payment methodologies  
16 authorized under that Code. In addition, for any day that a  
17 hospital has custody of a newborn infant relinquished in  
18 accordance with this Act and the infant does not require  
19 medically necessary care, the hospital shall be reimbursed by  
20 the ~~Illinois~~ Department of Healthcare and Family Services  
21 ~~Public Aid~~ at the general acute care per diem rate, in  
22 accordance with 89 Ill. Adm. Code 148.270(c).

23 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;  
24 revised 12-15-05.)

1 Section 860. The Abused and Neglected Child Reporting Act  
2 is amended by changing Section 7.20 as follows:

3 (325 ILCS 5/7.20)

4 Sec. 7.20. Inter-agency agreements for information. The  
5 Department shall enter into an inter-agency agreement with the  
6 Secretary of State to establish a procedure by which employees  
7 of the Department may have immediate access to driver's license  
8 records maintained by the Secretary of State if the Department  
9 determines the information is necessary to perform its duties  
10 under the Abused and Neglected Child Reporting Act, the Child  
11 Care Act of 1969, and the Children and Family Services Act. The  
12 Department shall enter into an inter-agency agreement with the  
13 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
14 ~~Aid~~ and the Department of Human Services (acting as successor  
15 to the Department of Public Aid under the Department of Human  
16 Services Act) to establish a procedure by which employees of  
17 the Department may have immediate access to records, files,  
18 papers, and communications (except medical, alcohol or drug  
19 assessment or treatment, mental health, or any other medical  
20 records) of the ~~Illinois~~ Department of Healthcare and Family  
21 Services ~~Public Aid~~, county departments of public aid, the  
22 Department of Human Services, and local governmental units  
23 receiving State or federal funds or aid to provide public aid,  
24 if the Department determines the information is necessary to

1 perform its duties under the Abused and Neglected Child  
2 Reporting Act, the Child Care Act of 1969, and the Children and  
3 Family Services Act.

4 (Source: P.A. 88-614, eff. 9-7-94; 89-507, eff. 7-1-97; revised  
5 12-15-05.)

6 Section 865. The Early Intervention Services System Act is  
7 amended by changing Sections 4, 5, and 13.5 as follows:

8 (325 ILCS 20/4) (from Ch. 23, par. 4154)

9 Sec. 4. Illinois Interagency Council on Early  
10 Intervention.

11 (a) There is established the Illinois Interagency Council  
12 on Early Intervention. The Council shall be composed of at  
13 least 15 but not more than 25 members. The members of the  
14 Council and the designated chairperson of the Council shall be  
15 appointed by the Governor. The Council member representing the  
16 lead agency may not serve as chairperson of the Council. The  
17 Council shall be composed of the following members:

18 (1) The Secretary of Human Services (or his or her  
19 designee) and 2 additional representatives of the  
20 Department of Human Services designated by the Secretary,  
21 plus the Directors (or their designees) of the following  
22 State agencies involved in the provision of or payment for  
23 early intervention services to eligible infants and  
24 toddlers and their families:

- 1 (A) Illinois State Board of Education;
- 2 (B) (Blank);
- 3 (C) (Blank);
- 4 (D) Illinois Department of Children and Family  
5 Services;
- 6 (E) University of Illinois Division of Specialized  
7 Care for Children;
- 8 (F) Illinois Department of Healthcare and Family  
9 Services ~~Public Aid~~;
- 10 (G) Illinois Department of Public Health;
- 11 (H) (Blank);
- 12 (I) Illinois Planning Council on Developmental  
13 Disabilities; and
- 14 (J) Illinois Department of Insurance.

15 (2) Other members as follows:

- 16 (A) At least 20% of the members of the Council  
17 shall be parents, including minority parents, of  
18 infants or toddlers with disabilities or children with  
19 disabilities aged 12 or younger, with knowledge of, or  
20 experience with, programs for infants and toddlers  
21 with disabilities. At least one such member shall be a  
22 parent of an infant or toddler with a disability or a  
23 child with a disability aged 6 or younger;
- 24 (B) At least 20% of the members of the Council  
25 shall be public or private providers of early  
26 intervention services;

1 (C) One member shall be a representative of the  
2 General Assembly; and

3 (D) One member shall be involved in the preparation  
4 of professional personnel to serve infants and  
5 toddlers similar to those eligible for services under  
6 this Act.

7 The Council shall meet at least quarterly and in such  
8 places as it deems necessary. Terms of the initial members  
9 appointed under paragraph (2) shall be determined by lot at the  
10 first Council meeting as follows: of the persons appointed  
11 under subparagraphs (A) and (B), one-third shall serve one year  
12 terms, one-third shall serve 2 year terms, and one-third shall  
13 serve 3 year terms; and of the persons appointed under  
14 subparagraphs (C) and (D), one shall serve a 2 year term and  
15 one shall serve a 3 year term. Thereafter, successors appointed  
16 under paragraph (2) shall serve 3 year terms. Once appointed,  
17 members shall continue to serve until their successors are  
18 appointed. No member shall be appointed to serve more than 2  
19 consecutive terms.

20 Council members shall serve without compensation but shall  
21 be reimbursed for reasonable costs incurred in the performance  
22 of their duties, including costs related to child care, and  
23 parents may be paid a stipend in accordance with applicable  
24 requirements.

25 The Council shall prepare and approve a budget using funds  
26 appropriated for the purpose to hire staff, and obtain the



1 services of such professional, technical, and clerical  
2 personnel as may be necessary to carry out its functions under  
3 this Act. This funding support and staff shall be directed by  
4 the lead agency.

5 (b) The Council shall:

6 (1) advise and assist the lead agency in the  
7 performance of its responsibilities including but not  
8 limited to the identification of sources of fiscal and  
9 other support services for early intervention programs,  
10 and the promotion of interagency agreements which assign  
11 financial responsibility to the appropriate agencies;

12 (2) advise and assist the lead agency in the  
13 preparation of applications and amendments to  
14 applications;

15 (3) review and advise on relevant regulations and  
16 standards proposed by the related State agencies;

17 (4) advise and assist the lead agency in the  
18 development, implementation and evaluation of the  
19 comprehensive early intervention services system; and

20 (5) prepare and submit an annual report to the Governor  
21 and to the General Assembly on the status of early  
22 intervention programs for eligible infants and toddlers  
23 and their families in Illinois. The annual report shall  
24 include (i) the estimated number of eligible infants and  
25 toddlers in this State, (ii) the number of eligible infants  
26 and toddlers who have received services under this Act and

1 the cost of providing those services, (iii) the estimated  
2 cost of providing services under this Act to all eligible  
3 infants and toddlers in this State, and (iv) data and other  
4 information as is requested to be included by the  
5 Legislative Advisory Committee established under Section  
6 13.50 of this Act. The report shall be posted by the lead  
7 agency on the early intervention website as required under  
8 paragraph (f) of Section 5 of this Act.

9 No member of the Council shall cast a vote on or  
10 participate substantially in any matter which would provide a  
11 direct financial benefit to that member or otherwise give the  
12 appearance of a conflict of interest under State law. All  
13 provisions and reporting requirements of the Illinois  
14 Governmental Ethics Act shall apply to Council members.

15 (Source: P.A. 91-357; eff. 7-29-99; 92-307, eff. 8-9-01;  
16 revised 12-15-05.)

17 (325 ILCS 20/5) (from Ch. 23, par. 4155)

18 Sec. 5. Lead Agency. The Department of Human Services is  
19 designated the lead agency and shall provide leadership in  
20 establishing and implementing the coordinated, comprehensive,  
21 interagency and interdisciplinary system of early intervention  
22 services. The lead agency shall not have the sole  
23 responsibility for providing these services. Each  
24 participating State agency shall continue to coordinate those  
25 early intervention services relating to health, social service

1 and education provided under this authority.

2 The lead agency is responsible for carrying out the  
3 following:

4 (a) The general administration, supervision, and  
5 monitoring of programs and activities receiving assistance  
6 under Section 673 of the Individuals with Disabilities  
7 Education Act (20 United States Code 1473).

8 (b) The identification and coordination of all  
9 available resources within the State from federal, State,  
10 local and private sources.

11 (c) The development of procedures to ensure that  
12 services are provided to eligible infants and toddlers and  
13 their families in a timely manner pending the resolution of  
14 any disputes among public agencies or service providers.

15 (d) The resolution of intra-agency and interagency  
16 regulatory and procedural disputes.

17 (e) The development and implementation of formal  
18 interagency agreements, and the entry into such  
19 agreements, between the lead agency and (i) the Department  
20 of Healthcare and Family Services ~~Public Aid~~, (ii) the  
21 University of Illinois Division of Specialized Care for  
22 Children, and (iii) other relevant State agencies that:

23 (1) define the financial responsibility of each  
24 agency for paying for early intervention services  
25 (consistent with existing State and federal law and  
26 rules, including the requirement that early

1 intervention funds be used as the payor of last  
2 resort), a hierarchical order of payment as among the  
3 agencies for early intervention services that are  
4 covered under or may be paid by programs in other  
5 agencies, and procedures for direct billing,  
6 collecting reimbursements for payments made, and  
7 resolving service and payment disputes; and

8 (2) include all additional components necessary to  
9 ensure meaningful cooperation and coordination.

10 Interagency agreements under this paragraph (e) must  
11 be reviewed and revised to implement the purposes of this  
12 amendatory Act of the 92nd General Assembly no later than  
13 60 days after the effective date of this amendatory Act of  
14 the 92nd General Assembly.

15 (f) The maintenance of an early intervention website.  
16 Within 30 days after the effective date of this amendatory  
17 Act of the 92nd General Assembly, the lead agency shall  
18 post and keep posted on this website the following: (i) the  
19 current annual report required under subdivision (b) (5) of  
20 Section 4 of this Act, and the annual reports of the prior  
21 3 years, (ii) the most recent Illinois application for  
22 funds prepared under Section 637 of the Individuals with  
23 Disabilities Education Act filed with the United States  
24 Department of Education, (iii) proposed modifications of  
25 the application prepared for public comment, (iv) notice of  
26 Council meetings, Council agendas, and minutes of its

1 proceedings for at least the previous year, (v) proposed  
2 and final early intervention rules, (vi) requests for  
3 proposals, and (vii) all reports created for dissemination  
4 to the public that are related to the early intervention  
5 program, including reports prepared at the request of the  
6 Council, the General Assembly, and the Legislative  
7 Advisory Committee established under Section 13.50 of this  
8 Act. Each such document shall be posted on the website  
9 within 3 working days after the document's completion.

10 (Source: P.A. 92-307, eff. 8-9-01; revised 12-15-05.)

11 (325 ILCS 20/13.5)

12 Sec. 13.5. Other programs.

13 (a) When an application or a review of eligibility for  
14 early intervention services is made, and at any eligibility  
15 redetermination thereafter, the family shall be asked if it is  
16 currently enrolled in Medicaid, KidCare, or the Title V program  
17 administered by the University of Illinois Division of  
18 Specialized Care for Children. If the family is enrolled in any  
19 of these programs, that information shall be put on the  
20 individualized family service plan and entered into the  
21 computerized case management system, and shall require that the  
22 individualized family services plan of a child who has been  
23 found eligible for services through the Division of Specialized  
24 Care for Children state that the child is enrolled in that  
25 program. For those programs in which the family is not

1 enrolled, a preliminary eligibility screen shall be conducted  
2 simultaneously for (i) medical assistance (Medicaid) under  
3 Article V of the Illinois Public Aid Code, (ii) children's  
4 health insurance program (KidCare) benefits under the  
5 Children's Health Insurance Program Act, and (iii) Title V  
6 maternal and child health services provided through the  
7 Division of Specialized Care for Children of the University of  
8 Illinois.

9 (b) For purposes of determining family fees under  
10 subsection (f) of Section 13 and determining eligibility for  
11 the other programs and services specified in items (i) through  
12 (iii) of subsection (a), the lead agency shall develop and use,  
13 within 60 days after the effective date of this amendatory Act  
14 of the 92nd General Assembly, with the cooperation of the  
15 Department of Public Aid (now Healthcare and Family Services)  
16 and the Division of Specialized Care for Children of the  
17 University of Illinois, a screening device that provides  
18 sufficient information for the early intervention regional  
19 intake entities or other agencies to establish eligibility for  
20 those other programs and shall, in cooperation with the  
21 Illinois Department of Public Aid (now Healthcare and Family  
22 Services) and the Division of Specialized Care for Children,  
23 train the regional intake entities on using the screening  
24 device.

25 (c) When a child is determined eligible for and enrolled in  
26 the early intervention program and has been found to at least

1 meet the threshold income eligibility requirements for  
2 Medicaid or KidCare, the regional intake entity shall complete  
3 a KidCare/Medicaid application with the family and forward it  
4 to the ~~Illinois~~ Department of Healthcare and Family Services'  
5 ~~Public Aid's~~ KidCare Unit for a determination of eligibility.

6 (d) With the cooperation of the Department of Healthcare  
7 and Family Services ~~Public Aid~~, the lead agency shall establish  
8 procedures that ensure the timely and maximum allowable  
9 recovery of payments for all early intervention services and  
10 allowable administrative costs under Article V of the Illinois  
11 Public Aid Code and the Children's Health Insurance Program Act  
12 and shall include those procedures in the interagency agreement  
13 required under subsection (e) of Section 5 of this Act.

14 (e) For purposes of making referrals for final  
15 determinations of eligibility for KidCare benefits under the  
16 Children's Health Insurance Program Act and for medical  
17 assistance under Article V of the Illinois Public Aid Code, the  
18 lead agency shall require each early intervention regional  
19 intake entity to enroll as a "KidCare agent" in order for the  
20 entity to complete the KidCare application as authorized under  
21 Section 22 of the Children's Health Insurance Program Act.

22 (f) For purposes of early intervention services that may be  
23 provided by the Division of Specialized Care for Children of  
24 the University of Illinois (DSCC), the lead agency shall  
25 establish procedures whereby the early intervention regional  
26 intake entities may determine whether children enrolled in the

1 early intervention program may also be eligible for those  
2 services, and shall develop, within 60 days after the effective  
3 date of this amendatory Act of the 92nd General Assembly, (i)  
4 the inter-agency agreement required under subsection (e) of  
5 Section 5 of this Act, establishing that early intervention  
6 funds are to be used as the payor of last resort when services  
7 required under an individualized family services plan may be  
8 provided to an eligible child through the DSCC, and (ii)  
9 training guidelines for the regional intake entities and  
10 providers that explain eligibility and billing procedures for  
11 services through DSCC.

12 (g) The lead agency shall require that an individual  
13 applying for or renewing enrollment as a provider of services  
14 in the early intervention program state whether or not he or  
15 she is also enrolled as a DSCC provider. This information shall  
16 be noted next to the name of the provider on the computerized  
17 roster of Illinois early intervention providers, and regional  
18 intake entities shall make every effort to refer families  
19 eligible for DSCC services to these providers.

20 (Source: P.A. 92-307, eff. 8-9-01; revised 12-15-05.)

21 Section 870. The Interagency Board for Children who are  
22 Deaf or Hard-of-Hearing and have an Emotional or Behavioral  
23 Disorder Act is amended by changing Section 4 as follows:

24 (325 ILCS 35/4) (from Ch. 23, par. 6704)



1           Sec. 4. Appointment. The Board shall consist of 12 members,  
2 one of whom shall be appointed by the Governor. The State  
3 Superintendent of Education shall appoint 2 members, one of  
4 whom shall be a parent of a child who is deaf or  
5 hard-of-hearing and has an emotional or behavioral disorder,  
6 and one of whom shall be an employee of the agency. The  
7 Director of Children and Family Services shall appoint 2  
8 members, one of whom shall be a parent, foster parent, or legal  
9 guardian of a child who is deaf or hard-of-hearing and has an  
10 emotional or behavioral disorder, and one of whom shall be an  
11 employee of the agency. The Secretary of Human Services shall  
12 appoint 4 members, 2 of whom shall be parents of children who  
13 are deaf or hard of hearing and have an emotional or behavioral  
14 disorder, and 2 of whom shall be employees of the agency.

15           The Director of Healthcare and Family Services ~~Public Aid~~  
16 shall appoint one member who shall be an employee of the  
17 agency. The Community and Residential Services Authority for  
18 Behavior Disturbed and Severe Emotionally Disturbed Students  
19 shall appoint one member who shall be an employee of the  
20 Authority, and the Director of the Division of Specialized Care  
21 for Children shall appoint one member who shall be an employee  
22 of that agency.

23           Each appointing authority shall give preference to any  
24 qualified deaf employee when making appointments to the Board.

25           (Source: P.A. 89-507, eff. 7-1-97; 89-680, eff. 1-1-97; 90-14,  
26 eff. 7-1-97; revised 12-15-05.)

1           Section 875. The Mental Health and Developmental  
2           Disabilities Code is amended by changing Sections 5-107 and  
3           5-107.1 as follows:

4           (405 ILCS 5/5-107) (from Ch. 91 1/2, par. 5-107)

5           Sec. 5-107. Remittances from intermediary agencies under  
6           Title XVIII of the Federal Social Security Act for services to  
7           persons in State facilities shall be deposited with the State  
8           Treasurer and placed in the Mental Health Fund. Payments  
9           received from the Department of Healthcare and Family Services  
10          ~~Public Aid~~ under Title XIX of the Federal Social Security Act  
11          for services to persons in State facilities shall be deposited  
12          with the State Treasurer and shall be placed in the General  
13          Revenue Fund.

14          The Auditor General shall audit or cause to be audited all  
15          amounts collected by the Department.

16          (Source: P.A. 80-1414; revised 12-15-05.)

17          (405 ILCS 5/5-107.1) (from Ch. 91 1/2, par. 5-107.1)

18          Sec. 5-107.1. Remittances from or on behalf of licensed  
19          long-term care facilities through Department of Healthcare and  
20          Family Services ~~Public Aid~~ reimbursement and monies from other  
21          funds for Day Training Programs for clients with a  
22          developmental disability shall be deposited with the State  
23          Treasurer and placed in the Mental Health Fund.

1           The Auditor General shall audit or cause to be audited all  
2 amounts collected by the Department.

3           (Source: P.A. 88-380; revised 12-15-05.)

4           Section 880. The Children's Mental Health Act of 2003 is  
5 amended by changing Section 5 as follows:

6           (405 ILCS 49/5)

7           Sec. 5. Children's Mental Health Plan.

8           (a) The State of Illinois shall develop a Children's Mental  
9 Health Plan containing short-term and long-term  
10 recommendations to provide comprehensive, coordinated mental  
11 health prevention, early intervention, and treatment services  
12 for children from birth through age 18. This Plan shall include  
13 but not be limited to:

14           (1) Coordinated provider services and interagency  
15 referral networks for children from birth through age 18 to  
16 maximize resources and minimize duplication of services.

17           (2) Guidelines for incorporating social and emotional  
18 development into school learning standards and educational  
19 programs, pursuant to Section 15 of this Act.

20           (3) Protocols for implementing screening and  
21 assessment of children prior to any admission to an  
22 inpatient hospital for psychiatric services, pursuant to  
23 subsection (a) of Section 5-5.23 of the Illinois Public Aid  
24 Code.

1           (4) Recommendations regarding a State budget for  
2 children's mental health prevention, early intervention,  
3 and treatment across all State agencies.

4           (5) Recommendations for State and local mechanisms for  
5 integrating federal, State, and local funding sources for  
6 children's mental health.

7           (6) Recommendations for building a qualified and  
8 adequately trained workforce prepared to provide mental  
9 health services for children from birth through age 18 and  
10 their families.

11           (7) Recommendations for facilitating research on best  
12 practices and model programs, and dissemination of this  
13 information to Illinois policymakers, practitioners, and  
14 the general public through training, technical assistance,  
15 and educational materials.

16           (8) Recommendations for a comprehensive, multi-faceted  
17 public awareness campaign to reduce the stigma of mental  
18 illness and educate families, the general public, and other  
19 key audiences about the benefits of children's social and  
20 emotional development, and how to access services.

21           (9) Recommendations for creating a quality-driven  
22 children's mental health system with shared accountability  
23 among key State agencies and programs that conducts ongoing  
24 needs assessments, uses outcome indicators and benchmarks  
25 to measure progress, and implements quality data tracking  
26 and reporting systems.

1 (b) The Children's Mental Health Partnership (hereafter  
2 referred to as "the Partnership") is created. The Partnership  
3 shall have the responsibility of developing and monitoring the  
4 implementation of the Children's Mental Health Plan as approved  
5 by the Governor. The Children's Mental Health Partnership shall  
6 be comprised of: the Secretary of Human Services or his or her  
7 designee; the State Superintendent of Education or his or her  
8 designee; the directors of the departments of Children and  
9 Family Services, Healthcare and Family Services ~~Public Aid~~,  
10 Public Health, and Juvenile Justice, or their designees; the  
11 head of the Illinois Violence Prevention Authority, or his or  
12 her designee; the Attorney General or his or her designee; up  
13 to 25 representatives of community mental health authorities  
14 and statewide mental health, children and family advocacy,  
15 early childhood, education, health, substance abuse, violence  
16 prevention, and juvenile justice organizations or  
17 associations, to be appointed by the Governor; and 2 members of  
18 each caucus of the House of Representatives and Senate  
19 appointed by the Speaker of the House of Representatives and  
20 the President of the Senate, respectively. The Governor shall  
21 appoint the Partnership Chair and shall designate a Governor's  
22 staff liaison to work with the Partnership.

23 (c) The Partnership shall submit a Preliminary Plan to the  
24 Governor on September 30, 2004 and shall submit the Final Plan  
25 on June 30, 2005. Thereafter, on September 30 of each year, the  
26 Partnership shall submit an annual report to the Governor on

1 the progress of Plan implementation and recommendations for  
2 revisions in the Plan. The Final Plan and annual reports  
3 submitted in subsequent years shall include estimates of  
4 savings achieved in prior fiscal years under subsection (a) of  
5 Section 5-5.23 of the Illinois Public Aid Code and federal  
6 financial participation received under subsection (b) of  
7 Section 5-5.23 of that Code. The Department of Healthcare and  
8 Family Services ~~Public Aid~~ shall provide technical assistance  
9 in developing these estimates and reports.

10 (Source: P.A. 93-495, eff. 8-8-03; 94-696, eff. 6-1-06; revised  
11 9-14-06.)

12 Section 885. The Lead Poisoning Prevention Act is amended  
13 by changing Section 14 as follows:

14 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

15 Sec. 14. Departmental regulations and activities. The  
16 Department shall establish and publish regulations and  
17 guidelines governing permissible limits of lead in and about  
18 residential buildings and dwellings.

19 The Department shall also initiate activities that:

20 (a) Will either provide for or support the monitoring and  
21 validation of all medical laboratories and private and public  
22 hospitals that perform lead determination tests on human blood  
23 or other tissues.†

24 (b) Will, subject to Section 7.2 of this Act, provide

1 laboratory testing of blood specimens for lead content, ~~to any~~  
2 physician, hospital, clinic, free clinic, municipality, or  
3 private organization ~~organizations~~ that cannot secure or  
4 provide the services through other sources. The Department  
5 shall not assume responsibility for blood lead analysis  
6 required in programs currently in operation. †

7 (c) Will develop or encourage the development of  
8 appropriate programs and studies to identify sources of lead  
9 intoxication and assist other entities in the identification of  
10 lead in children's blood and the sources of that intoxication. †

11 (d) May provide technical assistance and consultation to  
12 local, county, or regional governmental or private agencies for  
13 the promotion and development of lead poisoning prevention  
14 programs.

15 (e) Will provide recommendations by the Department on the  
16 subject of identification and treatment of ~~for~~ lead poisoning.

17 (f) Will maintain a clearinghouse of information, and will  
18 develop additional educational materials, on (i) lead hazards  
19 to children, (ii) lead poisoning prevention, (iii) lead  
20 poisoning screening, (iv) lead mitigation, abatement, and  
21 disposal, and (v) ~~on~~ health hazards during abatement. The  
22 Department shall make this information available to the general  
23 public.

24 (Source: P.A. 87-175; 87-1144; revised 1-20-03.)

25 Section 890. The Sexual Assault Survivors Emergency

1 Treatment Act is amended by changing Sections 6, 6.4, and 7 as  
2 follows:

3 (410 ILCS 70/6) (from Ch. 111 1/2, par. 87-6)

4 Sec. 6. Powers and duties of Departments of Public Health  
5 and Healthcare and Family Services ~~Public Aid~~.

6 (a) The Department of Public Health shall have the duties  
7 and responsibilities required by Sections 2, 6.1, 6.2, and 6.4.

8 (b) The Department of Healthcare and Family Services ~~Public~~  
9 ~~Aid~~ shall have the duties and responsibilities required by  
10 Sections 6.3 and 7.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
12 12-15-05.)

13 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

14 Sec. 6.4. Sexual assault evidence collection program.

15 (a) There is created a statewide sexual assault evidence  
16 collection program to facilitate the prosecution of persons  
17 accused of sexual assault. This program shall be administered  
18 by the Illinois State Police. The program shall consist of the  
19 following: (1) distribution of sexual assault evidence  
20 collection kits which have been approved by the Illinois State  
21 Police to hospitals that request them, or arranging for such  
22 distribution by the manufacturer of the kits, (2) collection of  
23 the kits from hospitals after the kits have been used to  
24 collect evidence, (3) analysis of the collected evidence and



1 conducting of laboratory tests, (4) maintaining the chain of  
2 custody and safekeeping of the evidence for use in a legal  
3 proceeding, and (5) the comparison of the collected evidence  
4 with the genetic marker grouping analysis information  
5 maintained by the Department of State Police under Section  
6 5-4-3 of the Unified Code of Corrections and with the  
7 information contained in the Federal Bureau of Investigation's  
8 National DNA database; provided the amount and quality of  
9 genetic marker grouping results obtained from the evidence in  
10 the sexual assault case meets the requirements of both the  
11 Department of State Police and the Federal Bureau of  
12 Investigation's Combined DNA Index System (CODIS) policies.  
13 The standardized evidence collection kit for the State of  
14 Illinois shall be the State Police Evidence Collection Kit,  
15 also known as "S.P.E.C.K.". A sexual assault evidence  
16 collection kit may not be released by a hospital without the  
17 written consent of the sexual assault survivor. In the case of  
18 a survivor who is a minor 13 years of age or older, evidence  
19 and information concerning the alleged sexual assault may be  
20 released at the written request of the minor. If the survivor  
21 is a minor who is under 13 years of age, evidence and  
22 information concerning the alleged sexual assault may be  
23 released at the written request of the parent, guardian,  
24 investigating law enforcement officer, or Department of  
25 Children and Family Services. Any health care professional,  
26 including any physician, advanced practice nurse, physician

1 assistant, or nurse, sexual assault nurse examiner, and any  
2 health care institution, including any hospital, who provides  
3 evidence or information to a law enforcement officer pursuant  
4 to a written request as specified in this Section is immune  
5 from any civil or professional liability that might arise from  
6 those actions, with the exception of willful or wanton  
7 misconduct. The immunity provision applies only if all of the  
8 requirements of this Section are met.

9 (a-5) All sexual assault evidence collected using the State  
10 Police Evidence Collection Kits before January 1, 2005 (the  
11 effective date of Public Act 93-781) ~~this amendatory Act of the~~  
12 ~~93rd General Assembly~~ that have not been previously analyzed  
13 and tested by the Department of State Police shall be analyzed  
14 and tested within 2 years after receipt of all necessary  
15 evidence and standards into the State Police Laboratory if  
16 sufficient staffing and resources are available. All sexual  
17 assault evidence collected using the State Police Evidence  
18 Collection Kits on or after January 1, 2005 (the effective date  
19 of Public Act 93-781) ~~this amendatory Act of the 93rd General~~  
20 ~~Assembly~~ shall be analyzed and tested by the Department of  
21 State Police within one year after receipt of all necessary  
22 evidence and standards into the State Police Laboratory if  
23 sufficient staffing and resources are available.

24 (b) The Illinois State Police shall administer a program to  
25 train hospitals and hospital personnel participating in the  
26 sexual assault evidence collection program, in the correct use

1 and application of the sexual assault evidence collection kits.  
2 A sexual assault nurse examiner may conduct examinations using  
3 the sexual assault evidence collection kits, without the  
4 presence or participation of a physician. The Department of  
5 Public Health shall cooperate with the Illinois State Police in  
6 this program as it pertains to medical aspects of the evidence  
7 collection.

8 (c) In this Section, "sexual assault nurse examiner" means  
9 a registered nurse who has completed a sexual assault nurse  
10 examiner (SANE) training program that meets the Forensic Sexual  
11 Assault Nurse Examiner Education Guidelines established by the  
12 International Association of Forensic Nurses.

13 (Source: P.A. 92-514, eff. 1-1-02; 93-781, eff. 1-1-05; 93-962,  
14 eff. 8-20-04; revised 10-14-04.)

15 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

16 Sec. 7. Hospital charges and reimbursement. When any  
17 hospital or ambulance provider furnishes emergency services to  
18 any alleged sexual assault survivor, as defined by the  
19 Department of Healthcare and Family Services ~~Public Aid~~  
20 pursuant to Section 6.3 of this Act, who is neither eligible to  
21 receive such services under the Illinois Public Aid Code nor  
22 covered as to such services by a policy of insurance, the  
23 hospital and ambulance provider shall furnish such services to  
24 that person without charge and shall be entitled to be  
25 reimbursed for its billed charges in providing such services by

1 the Department of Healthcare and Family Services ~~Public Aid~~.

2 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
3 12-15-05.)

4 Section 895. The Newborn Eye Pathology Act is amended by  
5 changing the title of the Act as follows:

6 (410 ILCS 223/Act title)

7 An Act concerning public health, which may be referred to  
8 as Amadin ~~Admin~~ and Ryan's Law.

9 Section 900. The AIDS Confidentiality Act is amended by  
10 changing Section 3 as follows:

11 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

12 Sec. 3. When used in this Act:

13 (a) "Department" means the Illinois Department of Public  
14 Health.

15 (b) "AIDS" means acquired immunodeficiency syndrome.

16 (c) "HIV" means the Human Immunodeficiency Virus or any  
17 other identified causative agent of AIDS.

18 (d) "Written informed consent" means an agreement in  
19 writing executed by the subject of a test or the subject's  
20 legally authorized representative without undue inducement or  
21 any element of force, fraud, deceit, duress or other form of  
22 constraint or coercion, which entails at least the following:

1 (1) a fair explanation of the test, including its purpose,  
2 potential uses, limitations and the meaning of its results; and

3 (2) a fair explanation of the procedures to be followed,  
4 including the voluntary nature of the test, the right to  
5 withdraw consent to the testing process at any time, the right  
6 to anonymity to the extent provided by law with respect to  
7 participation in the test and disclosure of test results, and  
8 the right to confidential treatment of information identifying  
9 the subject of the test and the results of the test, to the  
10 extent provided by law.

11 (e) "Health facility" means a hospital, nursing home, blood  
12 bank, blood center, sperm bank, or other health care  
13 institution, including any "health facility" as that term is  
14 defined in the Illinois Finance Authority Act.

15 (f) "Health care provider" means any health care  
16 professional, nurse, paramedic, psychologist or other person  
17 providing medical, nursing, psychological, or other health  
18 care services of any kind.

19 (f-5) "Health care professional" means (i) a licensed  
20 physician, (ii) a physician assistant to whom the physician  
21 assistant's supervising physician has delegated the provision  
22 of AIDS and HIV-related health services, (iii) an advanced  
23 practice registered nurse who has a written collaborative  
24 agreement with a collaborating physician which authorizes the  
25 provision of AIDS and HIV-related health services, (iv) a  
26 licensed dentist, (v) a licensed podiatrist, or (vi) an

1 individual certified to provide HIV testing and counseling by a  
2 state or local public health department.

3 (g) "Test" or "HIV test" means a test to determine the  
4 presence of the antibody or antigen to HIV, or of HIV  
5 infection.

6 (h) "Person" includes any natural person, partnership,  
7 association, joint venture, trust, governmental entity, public  
8 or private corporation, health facility or other legal entity.

9 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised  
10 9-12-03.)

11 Section 905. The Alzheimer's Disease Assistance Act is  
12 amended by changing Sections 6 and 7 as follows:

13 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

14 Sec. 6. ADA Advisory Committee. There is created the  
15 Alzheimer's Disease Advisory Committee consisting of 21 voting  
16 members appointed by the Director of the Department, as well as  
17 5 nonvoting members as hereinafter provided in this Section.  
18 The Director or his designee shall serve as one of the 21  
19 voting members and as the Chairman of the Committee. Those  
20 appointed as voting members shall include persons who are  
21 experienced in research and the delivery of services to victims  
22 and their families. Such members shall include 4 physicians  
23 licensed to practice medicine in all of its branches, one  
24 representative of a postsecondary educational institution

1 which administers or is affiliated with a medical center in the  
2 State, one representative of a licensed hospital, one  
3 registered nurse, one representative of a long term care  
4 facility under the Nursing Home Care Act, one representative of  
5 an area agency on aging as defined by Section 3.07 of the  
6 Illinois Act on the Aging, one social worker, one  
7 representative of an organization established under the  
8 Illinois Insurance Code for the purpose of providing health  
9 insurance, 5 family members or representatives of victims of  
10 Alzheimer's disease and related disorders, and 4 members of the  
11 general public. Among the physician appointments shall be  
12 persons with specialties in the fields of neurology, family  
13 medicine, psychiatry and pharmacology. Among the general  
14 public members, at least 2 appointments shall include persons  
15 65 years of age or older.

16 In addition to the 21 voting members, the Secretary of  
17 Human Services (or his or her designee) and one additional  
18 representative of the Department of Human Services designated  
19 by the Secretary plus the Directors of the following State  
20 agencies or their designees shall serve as nonvoting members:  
21 Department on Aging, Department of Healthcare and Family  
22 Services ~~Public Aid~~, and Guardianship and Advocacy Commission.

23 Each voting member appointed by the Director of Public  
24 Health shall serve for a term of 2 years, and until his  
25 successor is appointed and qualified. Members of the Committee  
26 shall not be compensated but shall be reimbursed for expenses

1 actually incurred in the performance of their duties. No more  
2 than 11 voting members may be of the same political party.  
3 Vacancies shall be filled in the same manner as original  
4 appointments.

5 The Committee shall review all State programs and services  
6 provided by State agencies that are directed toward persons  
7 with Alzheimer's disease and related dementias, and recommend  
8 changes to improve the State's response to this serious health  
9 problem.

10 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

11 (410 ILCS 405/7) (from Ch. 111 1/2, par. 6957)

12 Sec. 7. Regional ADA center funding. Pursuant to  
13 appropriations enacted by the General Assembly, the Department  
14 shall provide funds to hospitals affiliated with each Regional  
15 ADA Center for necessary research and for the development and  
16 maintenance of services for victims of Alzheimer's disease and  
17 related disorders and their families. For the fiscal year  
18 beginning July 1, 2003, and each year thereafter, the  
19 Department shall effect payments under this Section to  
20 hospitals affiliated with each Regional ADA Center through the  
21 Department of Healthcare and Family Services (formerly  
22 Illinois Department of Public Aid) under the Excellence in  
23 Alzheimer's Disease Center Treatment Act. The Department of  
24 Healthcare and Family Services ~~Public Aid~~ shall annually report  
25 to the Advisory Committee established under this Act regarding



1 the funding of centers under this Act. The Department shall  
2 include the annual expenditures for this purpose in the plan  
3 required by Section 5 of this Act.

4 (Source: P.A. 93-20, eff. 6-20-03; 93-929, eff. 8-12-04;  
5 revised 12-15-05.)

6 Section 910. The Excellence in Alzheimer's Disease Center  
7 Treatment Act is amended by changing Sections 25, 30, 45, and  
8 55 as follows:

9 (410 ILCS 407/25)

10 Sec. 25. The Alzheimer's Disease Center Clinical Fund.

11 (a) Each institution defined as a Qualified Academic  
12 Medical Center Hospital - Pre 1996 Designation shall be  
13 eligible for payments from the Alzheimer's Disease Center  
14 Clinical Fund.

15 (b) Appropriations allocated to this Fund shall be divided  
16 among the qualifying hospitals. The Department of Healthcare  
17 and Family Services ~~Public Aid~~ shall calculate payment rates  
18 for each hospital qualifying under this Section as follows:

19 (1) Hospitals that qualify under the Qualified  
20 Academic Medical Center Hospital - Pre 1996 Designation  
21 shall be paid a rate of \$55.50 for each Medicaid inpatient  
22 day of care.

23 (2) No qualifying hospital shall receive payments  
24 under this Section that exceed \$1,200,000.

1 (c) Payments under this Section shall be made at least  
2 quarterly.

3 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

4 (410 ILCS 407/30)

5 Sec. 30. The Alzheimer's Disease Center Expanded Clinical  
6 Fund.

7 (a) Each institution defined as a Qualified Academic  
8 Medical Center Hospital - Pre 1996 Designation or as a  
9 Qualified Academic Medical Center Hospital - Post 1996  
10 Designation shall be eligible for payments from the Alzheimer's  
11 Disease Center Expanded Clinical Fund.

12 (b) Appropriations allocated to this Fund shall be divided  
13 among the qualifying hospitals. The Department of Healthcare  
14 and Family Services ~~Public Aid~~ shall calculate payment rates  
15 for each hospital qualifying under this Section as follows:

16 (1) Hospitals that are defined as a Qualifying Academic  
17 Medical Center Hospital - Pre 1996 Designation shall be  
18 paid \$13.90 for each Medicaid inpatient day of care.

19 (2) Hospitals that are defined as a Qualifying Academic  
20 Medical Center Hospital - Post 1996 Designation and do not  
21 meet the Pre 1996 Designation criterion, shall be paid  
22 \$10.75 for each Medicaid inpatient day of care.

23 (3) Hospitals that qualify under the Pre and Post 1996  
24 Designation shall qualify for payments under this Section  
25 according to the payment guidelines for Pre 1996 Designated

1 hospitals.

2 (4) No qualifying hospital shall receive payments  
3 under this Section that exceed \$300,000.

4 (c) Payments under this Section shall be made at least  
5 quarterly.

6 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

7 (410 ILCS 407/45)

8 Sec. 45. Payment of funds. The Comptroller shall disburse  
9 all funds appropriated to the Alzheimer's Disease Center  
10 Clinical Fund, the Alzheimer's Disease Center Expanded  
11 Clinical Fund, and the Alzheimer's Disease Center Independent  
12 Clinical Fund to the appropriate Qualified Academic Medical  
13 Center Hospitals (either Pre 1996 or Post 1996 Designation) as  
14 the funds are appropriated by the General Assembly and come due  
15 under this Act. The payment of these funds shall be made  
16 through the Department of Healthcare and Family Services ~~Public~~  
17 ~~Aid~~.

18 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

19 (410 ILCS 407/55)

20 Sec. 55. Payment methodology. The Department of Healthcare  
21 and Family Services ~~Public Aid~~ shall promulgate rules necessary  
22 to make payments to the Qualifying Academic Medical Center  
23 Hospitals (either Pre 1996 or Post 1996 Designation) utilizing  
24 a reimbursement methodology consistent with this Act for

1 distribution of all moneys from the funds in a manner that  
2 would help ensure these funds could be matchable to the maximum  
3 extent possible under Title XIX of the Social Security Act.

4 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

5 Section 915. The Hemophilia Care Act is amended by changing  
6 Section 1 as follows:

7 (410 ILCS 420/1) (from Ch. 111 1/2, par. 2901)

8 Sec. 1. Definitions. As used in this Act, unless the  
9 context clearly requires otherwise:

10 (1) "Department" means the ~~Illinois~~ Department of  
11 Healthcare and Family Services ~~Public Aid~~.

12 (1.5) "Director" means the Director of Healthcare and  
13 Family Services ~~Public Aid~~.

14 (2) (Blank).

15 (3) "Hemophilia" means a bleeding tendency resulting from a  
16 genetically determined deficiency in the blood.

17 (4) "Committee" means the Hemophilia Advisory Committee  
18 created under this Act.

19 (5) "Eligible person" means any resident of the State  
20 suffering from hemophilia.

21 (6) "Family" means:

22 (a) In the case of a patient who is a dependent of  
23 another person or couple as defined by the Illinois Income  
24 Tax Act, all those persons for whom exemption is claimed in

1 the State income tax return of the person or couple whose  
2 dependent the eligible person is, and

3 (b) In all other cases, all those persons for whom  
4 exemption is claimed in the State income tax return of the  
5 eligible person, or of the eligible person and his spouse.

6 (7) "Eligible cost of hemophilia services" means the cost  
7 of blood transfusions, blood derivatives, and for outpatient  
8 services, of physician charges, medical supplies, and  
9 appliances, used in the treatment of eligible persons for  
10 hemophilia, plus one half of the cost of hospital inpatient  
11 care, minus any amount of such cost which is eligible for  
12 payment or reimbursement by any hospital or medical insurance  
13 program, by any other government medical or financial  
14 assistance program, or by any charitable assistance program.

15 (8) "Gross income" means the base income for State income  
16 tax purposes of all members of the family.

17 (9) "Available family income" means the lesser of:

18 (a) Gross income minus the sum of (1) \$5,500, and (2)  
19 \$3,500 times the number of persons in the family, or

20 (b) One half of gross income.

21 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
22 12-15-05.)

23 Section 920. The Renal Disease Treatment Act is amended by  
24 changing Sections 1, 2, 3, and 3.01 as follows:

1 (410 ILCS 430/1) (from Ch. 111 1/2, par. 22.31)

2 Sec. 1. The Department of Healthcare and Family Services  
3 ~~Public Aid~~ shall establish a program for the care and treatment  
4 of persons suffering from chronic renal diseases. This program  
5 shall assist persons suffering from chronic renal diseases who  
6 require lifesaving care and treatment for such renal disease,  
7 but who are unable to pay for such services on a continuing  
8 basis.

9 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
10 12-15-05.)

11 (410 ILCS 430/2) (from Ch. 111 1/2, par. 22.32)

12 Sec. 2. The Director of Healthcare and Family Services  
13 (formerly Director of Public Aid) shall appoint a Renal Disease  
14 Advisory Committee to consult with the Department in the  
15 administration of this Act. The Committee shall be composed of  
16 15 persons representing hospitals and medical schools which  
17 establish dialysis centers or kidney transplant programs,  
18 voluntary agencies interested in kidney diseases, physicians  
19 licensed to practice medicine in all of its branches, and the  
20 general public. Each member shall hold office for a term of 4  
21 years and until his successor is appointed and qualified,  
22 except that the terms of the members appointed pursuant to  
23 Public Act 78-538 shall expire as designated at the time of  
24 appointment, 1 at the end of the first year, 1 at the end of the  
25 second year, 1 at the end of the third year, and 1 at the end of

1 the fourth year, after the date of appointment. Any person  
2 appointed to fill a vacancy occurring prior to the expiration  
3 of the term for which his predecessor was appointed shall be  
4 appointed for the remainder of such term. The Committee shall  
5 meet as frequently as the Director of Healthcare and Family  
6 Services ~~Public Aid~~ deems necessary, but not less than once  
7 each year. The Committee members shall receive no compensation  
8 but shall be reimbursed for actual expenses incurred in  
9 carrying out their duties as members of this Committee.

10 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
11 12-15-05.)

12 (410 ILCS 430/3) (from Ch. 111 1/2, par. 22.33)

13 Sec. 3. Duties of Departments of Healthcare and Family  
14 Services ~~Public Aid~~ and Public Health.

15 (A) The Department of Healthcare and Family Services ~~Public~~  
16 ~~Aid~~ shall:

17 (a) With the advice of the Renal Disease Advisory  
18 Committee, develop standards for determining eligibility  
19 for care and treatment under this program. Among other  
20 standards so developed under this paragraph, candidates,  
21 to be eligible for care and treatment, must be evaluated in  
22 a center properly staffed and equipped for such evaluation.

23 (b) (Blank).

24 (c) (Blank).

25 (d) Extend financial assistance to persons suffering

1 from chronic renal diseases in obtaining the medical,  
2 surgical, nursing, pharmaceutical, and technical services  
3 necessary in caring for such diseases, including the  
4 renting of home dialysis equipment. The Renal Disease  
5 Advisory Committee shall recommend to the Department the  
6 extent of financial assistance, including the reasonable  
7 charges and fees, for:

8 (1) Treatment in a dialysis facility;

9 (2) Hospital treatment for dialysis and transplant  
10 surgery;

11 (3) Treatment in a limited care facility;

12 (4) Home dialysis training; and

13 (5) Home dialysis.

14 (e) Assist in equipping dialysis centers.

15 (B) The Department of Public Health shall:

16 (a) Assist in the development and expansion of programs  
17 for the care and treatment of persons suffering from  
18 chronic renal diseases, including dialysis and other  
19 medical or surgical procedures and techniques that will  
20 have a lifesaving effect in the care and treatment of  
21 persons suffering from these diseases.

22 (b) Assist in the development of programs for the  
23 prevention of chronic renal diseases.

24 (c) Institute and carry on an educational program among  
25 physicians, hospitals, public health departments, and the  
26 public concerning chronic renal diseases, including the



1 dissemination of information and the conducting of  
2 educational programs concerning the prevention of chronic  
3 renal diseases and the methods for the care and treatment  
4 of persons suffering from these diseases.

5 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
6 12-15-05.)

7 (410 ILCS 430/3.01) (from Ch. 111 1/2, par. 22.33.01)

8 Sec. 3.01. The provisions of the Illinois Administrative  
9 Procedure Act are hereby expressly adopted and shall apply to  
10 all administrative rules and procedures of the Department of  
11 Healthcare and Family Services ~~Public Aid~~ under this Act,  
12 except that Section 5-35 of the Illinois Administrative  
13 Procedure Act relating to procedures for rule-making does not  
14 apply to the adoption of any rule required by federal law in  
15 connection with which the Department is precluded by law from  
16 exercising any discretion.

17 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
18 12-15-05.)

19 Section 925. The Genetic Information Privacy Act is amended  
20 by changing Section 22 as follows:

21 (410 ILCS 513/22)

22 Sec. 22. Tests to determine inherited characteristics in  
23 paternity proceedings. Nothing in this Act shall be construed

1 to affect or restrict in any way the ordering of or use of  
2 results from deoxyribonucleic acid (DNA) testing or other tests  
3 to determine inherited characteristics by the court in a  
4 judicial proceeding under the Illinois Parentage Act of 1984 or  
5 by the ~~Illinois~~ Department of Healthcare and Family Services  
6 ~~Public Aid~~ in an administrative paternity proceeding under  
7 Article X of the Illinois Public Aid Code and rules promulgated  
8 under that Article.

9 (Source: P.A. 90-25, eff. 1-1-98; revised 12-15-05.)

10 Section 930. The Head and Spinal Cord Injury Act is amended  
11 by changing Section 6 as follows:

12 (410 ILCS 515/6) (from Ch. 111 1/2, par. 7856)

13 Sec. 6. (a) There is hereby created the Advisory Council on  
14 Spinal Cord and Head Injuries within the Department of Human  
15 Services. The Council shall consist of 29 members, appointed by  
16 the Governor with the advice and consent of the Senate. Members  
17 shall serve 3-year terms and until their successors are  
18 appointed by the Governor with the advice and consent of the  
19 Senate. The members appointed by the Governor shall include 2  
20 neurosurgeons, 2 orthopedic surgeons, 2 rehabilitation  
21 specialists, one of whom shall be a registered nurse, 4 persons  
22 with head injuries or family members of persons with head  
23 injuries, 4 persons with spinal cord injuries or family members  
24 of persons with spinal cord injuries, a representative of an

1 Illinois college or university, and a representative from  
2 health institutions or private industry. These members shall  
3 not serve more than 2 consecutive 3-year terms. The Governor  
4 shall appoint one individual from each of the following  
5 entities to the Council as ex-officio members: the unit of the  
6 Department of Human Services that is responsible for the  
7 administration of the vocational rehabilitation program,  
8 another unit within the Department of Human Services that  
9 provides services for individuals with disabilities, the State  
10 Board of Education, the Department of Public Health, the  
11 Department of Insurance, the Department of Healthcare and  
12 Family Services ~~Public Aid~~, the Division of Specialized Care  
13 for Children of the University of Illinois, the Statewide  
14 Independent Living Council, and the State Rehabilitation  
15 Advisory Council. Ex-officio members are not subject to limit  
16 of 2 consecutive 3-year terms. The appointment of individuals  
17 representing State agencies shall be conditioned on their  
18 continued employment with their respective agencies.

19 (b) From funds appropriated for such purpose, the  
20 Department of Human Services shall provide to the Council the  
21 necessary staff and expenses to carry out the duties and  
22 responsibilities assigned by the Council. Such staff shall  
23 consist of a director and other support staff.

24 (c) Meetings shall be held at least every 90 days or at the  
25 call of the Council chairman, who shall be elected by the  
26 Council.

1           (d) Each member shall be reimbursed for reasonable and  
2 necessary expenses actually incurred in the performance of his  
3 official duties.

4           (e) The Council shall adopt written procedures to govern  
5 its activities. Consultants shall be provided for the Council  
6 from appropriations made for such purpose.

7           (f) The Council shall make recommendations to the Governor  
8 for developing and administering a State plan to provide  
9 services for spinal cord and head injured persons.

10          (g) No member of the Council may participate in or seek to  
11 influence a decision or vote of the Council if the member would  
12 be directly involved with the matter or if he would derive  
13 income from it. A violation of this prohibition shall be  
14 grounds for a person to be removed as a member of the Council  
15 by the Governor.

16          (h) The Council shall:

17           (1) promote meetings and programs for the discussion of  
18 reducing the debilitating effects of spinal cord and head  
19 injuries and disseminate information in cooperation with  
20 any other department, agency or entity on the prevention,  
21 evaluation, care, treatment and rehabilitation of persons  
22 affected by spinal cord and head injuries;

23           (2) study and review current prevention, evaluation,  
24 care, treatment and rehabilitation technologies and  
25 recommend appropriate preparation, training, retraining  
26 and distribution of manpower and resources in the provision

1 of services to spinal cord and head injured persons through  
2 private and public residential facilities, day programs  
3 and other specialized services;

4 (3) recommend specific methods, means and procedures  
5 which should be adopted to improve and upgrade the State's  
6 service delivery system for spinal cord and head injured  
7 citizens of this State;

8 (4) participate in developing and disseminating  
9 criteria and standards which may be required for future  
10 funding or licensing of facilities, day programs and other  
11 specialized services for spinal cord and head injured  
12 persons in this State;

13 (5) report annually to the Governor and the General  
14 Assembly on its activities, and on the results of its  
15 studies and the recommendations of the Council; and

16 (6) be the advisory board for purposes of federal  
17 programs regarding traumatic brain injury.

18 (i) The Department of Human Services may accept on behalf  
19 of the Council federal funds, gifts and donations from  
20 individuals, private organizations and foundations, and any  
21 other funds that may become available.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97;  
23 revised 12-15-05.)

24 Section 935. The Illinois Adverse Health Care Events  
25 Reporting Law of 2005 is amended by changing Section 10-45 as

1 follows:

2 (410 ILCS 522/10-45)

3 Sec. 10-45. Testing period.

4 (a) Prior to the testing period in subsection (b), the  
5 Department shall adopt rules for implementing this Law in  
6 consultation with the Health Care Event Reporting Advisory  
7 Committee and individuals who have experience and expertise in  
8 devising and implementing adverse health care event or other  
9 health ~~health~~ care quality reporting systems. The rules shall  
10 establish the methodology and format for health care facilities  
11 reporting information under this Law to the Department and  
12 shall be finalized before the beginning of the testing period  
13 under subsection (b).

14 (b) The Department shall conduct a testing period of at  
15 least 6 months to test the reporting process to identify any  
16 problems or deficiencies with the planned reporting process.

17 (c) None of the information reported and analyzed during  
18 the testing period shall be used in any public report under  
19 this Law.

20 (d) The Department must substantially address the problems  
21 or deficiencies identified during the testing period before  
22 fully implementing the reporting system.

23 (e) After the testing period, and after any corrections,  
24 adjustments, or modifications are finalized, the Department  
25 must give at least 30 days written notice to health care

1 facilities prior to full implementation of the reporting system  
2 and collection of adverse event data that will be used in  
3 public reports.

4 (f) Following the testing period, 4 calendar quarters of  
5 data must be collected prior to the Department's publishing the  
6 annual report of adverse events to the public under paragraph  
7 (4) of Section 10-35.

8 (g) The process described in subsections (a) through (e)  
9 must be completed by the Department no later than July 1, 2007.

10 (h) Notwithstanding any other provision of law, the  
11 Department may contract with an entity for receiving all  
12 adverse health care event reports, root cause analysis  
13 findings, and corrective action plans that must be reported to  
14 the Department under this Law and for the compilation of the  
15 information and the provision of quarterly and annual reports  
16 to the Department describing such information according to the  
17 rules adopted by the Department under this Law.

18 (Source: P.A. 94-242, eff. 7-18-05; revised 9-15-06.)

19 Section 940. The Vital Records Act is amended by changing  
20 Sections 12, 17, 22, 24, and 25.1 as follows:

21 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

22 Sec. 12. Live births; place of registration.

23 (1) Each live birth which occurs in this State shall be  
24 registered with the local or subregistrar of the district in

1 which the birth occurred as provided in this Section, within 7  
2 days after the birth. When a birth occurs on a moving  
3 conveyance, the city, village, township, or road district in  
4 which the child is first removed from the conveyance shall be  
5 considered the place of birth and a birth certificate shall be  
6 filed in the registration district in which the place is  
7 located.

8 (2) When a birth occurs in an institution, the person in  
9 charge of the institution or his designated representative  
10 shall obtain and record all the personal and statistical  
11 particulars relative to the parents of the child that are  
12 required to properly complete the live birth certificate; shall  
13 secure the required personal signatures on the hospital  
14 worksheet; shall prepare the certificate from this worksheet;  
15 and shall file the certificate with the local registrar. The  
16 institution shall retain the hospital worksheet permanently or  
17 as otherwise specified by rule. The physician in attendance  
18 shall verify or provide the date of birth and medical  
19 information required by the certificate, within 24 hours after  
20 the birth occurs.

21 (3) When a birth occurs outside an institution, the  
22 certificate shall be prepared and filed by one of the following  
23 in the indicated order of priority:

24 (a) The physician in attendance at or immediately after  
25 the birth, or in the absence of such a person,

26 (b) Any other person in attendance at or immediately



1 after the birth, or in the absence of such a person,

2 (c) The father, the mother, or in the absence of the  
3 father and the inability of the mother, the person in  
4 charge of the premises where the birth occurred.

5 (4) Unless otherwise provided in this Act, if the mother  
6 was not married to the father of the child at either the time  
7 of conception or the time of birth, the name of the father  
8 shall be entered on the child's birth certificate only if the  
9 mother and the person to be named as the father have signed an  
10 acknowledgment of parentage in accordance with subsection (5).

11 Unless otherwise provided in this Act, if the mother was  
12 married at the time of conception or birth and the presumed  
13 father (that is, the mother's husband) is not the biological  
14 father of the child, the name of the biological father shall be  
15 entered on the child's birth certificate only if, in accordance  
16 with subsection (5), (i) the mother and the person to be named  
17 as the father have signed an acknowledgment of parentage and  
18 (ii) the mother and presumed father have signed a denial of  
19 paternity.

20 (5) Upon the birth of a child to an unmarried woman, or  
21 upon the birth of a child to a woman who was married at the time  
22 of conception or birth and whose husband is not the biological  
23 father of the child, the institution at the time of birth and  
24 the local registrar or county clerk after the birth shall do  
25 the following:

26 (a) Provide (i) an opportunity for the child's mother

1 and father to sign an acknowledgment of parentage and (ii)  
2 if the presumed father is not the biological father, an  
3 opportunity for the mother and presumed father to sign a  
4 denial of paternity. The signing and witnessing of the  
5 acknowledgment of parentage or, if the presumed father of  
6 the child is not the biological father, the acknowledgment  
7 of parentage and denial of paternity conclusively  
8 establishes a parent and child relationship in accordance  
9 with Sections 5 and 6 of the Illinois Parentage Act of  
10 1984.

11 The ~~Illinois~~ Department of Healthcare and Family  
12 Services ~~Public Aid~~ shall furnish the acknowledgment of  
13 parentage and denial of paternity form to institutions,  
14 county clerks, and State and local registrars' offices. The  
15 form shall include instructions to send the original signed  
16 and witnessed acknowledgment of parentage and denial of  
17 paternity to the ~~Illinois~~ Department of Healthcare and  
18 Family Services ~~Public Aid~~.

19 (b) Provide the following documents, furnished by the  
20 ~~Illinois~~ Department of Healthcare and Family Services  
21 ~~Public Aid~~, to the child's mother, biological father, and  
22 (if the person presumed to be the child's father is not the  
23 biological father) presumed father for their review at the  
24 time the opportunity is provided to establish a parent and  
25 child relationship:

26 (i) An explanation of the implications of,

1 alternatives to, legal consequences of, and the rights  
2 and responsibilities that arise from signing an  
3 acknowledgment of parentage and, if necessary, a  
4 denial of paternity, including an explanation of the  
5 parental rights and responsibilities of child support,  
6 visitation, custody, retroactive support, health  
7 insurance coverage, and payment of birth expenses.

8 (ii) An explanation of the benefits of having a  
9 child's parentage established and the availability of  
10 parentage establishment and child support enforcement  
11 services.

12 (iii) A request for an application for child  
13 support enforcement services from the ~~Illinois~~  
14 Department of Healthcare and Family Services ~~Public~~  
15 ~~Aid~~.

16 (iv) Instructions concerning the opportunity to  
17 speak, either by telephone or in person, with staff of  
18 the ~~Illinois~~ Department of Healthcare and Family  
19 Services ~~Public Aid~~ who are trained to clarify  
20 information and answer questions about paternity  
21 establishment.

22 (v) Instructions for completing and signing the  
23 acknowledgment of parentage and denial of paternity.

24 (c) Provide an oral explanation of the documents and  
25 instructions set forth in subdivision (5) (b), including an  
26 explanation of the implications of, alternatives to, legal

1 consequences of, and the rights and responsibilities that  
2 arise from signing an acknowledgment of parentage and, if  
3 necessary, a denial of paternity. The oral explanation may  
4 be given in person or through the use of video or audio  
5 equipment.

6 (6) The institution, State or local registrar, or county  
7 clerk shall provide an opportunity for the child's father or  
8 mother to sign a rescission of parentage. The signing and  
9 witnessing of the rescission of parentage voids the  
10 acknowledgment of parentage and nullifies the presumption of  
11 paternity if executed and filed with the Department of  
12 Healthcare and Family Services (formerly Illinois Department  
13 of Public Aid) within the time frame contained in Section 5 of  
14 the Illinois Parentage Act of 1984. The ~~Illinois~~ Department of  
15 Healthcare and Family Services ~~Public Aid~~ shall furnish the  
16 rescission of parentage form to institutions, county clerks,  
17 and State and local registrars' offices. The form shall include  
18 instructions to send the original signed and witnessed  
19 rescission of parentage to the ~~Illinois~~ Department of  
20 Healthcare and Family Services ~~Public Aid~~.

21 (7) An acknowledgment of paternity signed pursuant to  
22 Section 6 of the Illinois Parentage Act of 1984 may be  
23 challenged in court only on the basis of fraud, duress, or  
24 material mistake of fact, with the burden of proof upon the  
25 challenging party. Pending outcome of a challenge to the  
26 acknowledgment of paternity, the legal responsibilities of the

1 signatories shall remain in full force and effect, except upon  
2 order of the court upon a showing of good cause.

3 (8) When the process for acknowledgment of parentage as  
4 provided for under subsection (5) establishes the paternity of  
5 a child whose certificate of birth is on file in another state,  
6 the ~~Illinois~~ Department of Healthcare and Family Services  
7 ~~Public Aid~~ shall forward a copy of the acknowledgment of  
8 parentage, the denial of paternity, if applicable, and the  
9 rescission of parentage, if applicable, to the birth record  
10 agency of the state where the child's certificate of birth is  
11 on file.

12 (9) In the event the parent-child relationship has been  
13 established in accordance with subdivision (a)(1) of Section 6  
14 of the Parentage Act of 1984, the names of the biological  
15 mother and biological father so established shall be entered on  
16 the child's birth certificate, and the names of the surrogate  
17 mother and surrogate mother's husband, if any, shall not be on  
18 the birth certificate.

19 (Source: P.A. 91-308, eff. 7-29-99; 92-590, eff. 7-1-02;  
20 revised 12-15-05.)

21 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

22 Sec. 17. (1) For a person born in this State, the State  
23 Registrar of Vital Records shall establish a new certificate of  
24 birth when he receives any of the following:

25 (a) A certificate of adoption as provided in Section 16

1 or a certified copy of the order of adoption together with  
2 the information necessary to identify the original  
3 certificate of birth and to establish the new certificate  
4 of birth; except that a new certificate of birth shall not  
5 be established if so requested by the court ordering the  
6 adoption, the adoptive parents, or the adopted person.

7 (b) A certificate of adoption or a certified copy of  
8 the order of adoption entered in a court of competent  
9 jurisdiction of any other state or country declaring  
10 adopted a child born in the State of Illinois, together  
11 with the information necessary to identify the original  
12 certificate of birth and to establish the new certificate  
13 of birth; except that a new certificate of birth shall not  
14 be established if so requested by the court ordering the  
15 adoption, the adoptive parents, or the adopted person.

16 (c) A request that a new certificate be established and  
17 such evidence as required by regulation proving that such  
18 person has been legitimized, or that the circuit court,  
19 the Department of Healthcare and Family Services (formerly  
20 Illinois Department of Public Aid), or a court or  
21 administrative agency of any other state has established  
22 the paternity of such a person by judicial or  
23 administrative processes or by voluntary acknowledgment,  
24 which is accompanied by the social security numbers of all  
25 persons determined and presumed to be the parents.

26 (d) An affidavit by a physician that he has performed

1 an operation on a person, and that by reason of the  
2 operation the sex designation on such person's birth record  
3 should be changed. The State Registrar of Vital Records may  
4 make any investigation or require any further information  
5 he deems necessary.

6 Each request for a new certificate of birth shall be  
7 accompanied by a fee of \$15 and entitles the applicant to one  
8 certification or certified copy of the new certificate. If the  
9 request is for additional copies, it shall be accompanied by a  
10 fee of \$2 for each additional certification or certified copy.

11 (2) When a new certificate of birth is established, the  
12 actual place and date of birth shall be shown; provided, in the  
13 case of adoption of a person born in this State by parents who  
14 were residents of this State at the time of the birth of the  
15 adopted person, the place of birth may be shown as the place of  
16 residence of the adoptive parents at the time of such person's  
17 birth, if specifically requested by them, and any new  
18 certificate of birth established prior to the effective date of  
19 this amendatory Act may be corrected accordingly if so  
20 requested by the adoptive parents or the adopted person when of  
21 legal age. The social security numbers of the parents shall not  
22 be recorded on the certificate of birth. The social security  
23 numbers may only be used for purposes allowed under federal  
24 law. The new certificate shall be substituted for the original  
25 certificate of birth:

26 (a) Thereafter, the original certificate and the

1 evidence of adoption, paternity, legitimation, or sex  
2 change shall not be subject to inspection or certification  
3 except upon order of the circuit court or as provided by  
4 regulation.

5 (b) Upon receipt of notice of annulment of adoption,  
6 the original certificate of birth shall be restored to its  
7 place in the files, and the new certificate and evidence  
8 shall not be subject to inspection or certification except  
9 upon order of the circuit court.

10 (3) If no certificate of birth is on file for the person  
11 for whom a new certificate is to be established under this  
12 Section, a delayed record of birth shall be filed with the  
13 State Registrar of Vital Records as provided in Section 14 or  
14 Section 15 of this Act before a new certificate of birth is  
15 established, except that when the date and place of birth and  
16 parentage have been established in the adoption proceedings, a  
17 delayed record shall not be required.

18 (4) When a new certificate of birth is established by the  
19 State Registrar of Vital Records, all copies of the original  
20 certificate of birth in the custody of any custodian of  
21 permanent local records in this State shall be transmitted to  
22 the State Registrar of Vital Records as directed, and shall be  
23 sealed from inspection.

24 (5) Nothing in this Section shall be construed to prohibit  
25 the amendment of a birth certificate in accordance with  
26 subsection (6) of Section 22.



1 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,  
2 eff. 8-9-96; 90-18, eff. 7-1-97; revised 12-15-05.)

3 (410 ILCS 535/22) (from Ch. 111 1/2, par. 73-22)

4 Sec. 22. (1) A certificate or record filed under this Act  
5 may be amended only in accordance with this Act and such  
6 regulations as the Department may adopt to protect the  
7 integrity of vital records. An application for an amendment  
8 shall be accompanied by a fee of \$15 which includes the  
9 provision of one certification or certified copy of the amended  
10 birth record. If the request is for additional copies, it shall  
11 be accompanied by a fee of \$2 for each additional certification  
12 or certified copy. Such amendments may only be made in  
13 connection with the original certificates and may not be made  
14 on copies of such certificates without the approval of the  
15 State Registrar of Vital Records. The provisions of this  
16 Section shall also be applicable to a certificate or record  
17 filed under any former Act relating to the registration of  
18 births, stillbirths, and deaths. Any original certificate or  
19 record filed with the county clerk prior to January 1, 1916,  
20 may be amended by the county clerk under the same provisions of  
21 this Section, or regulations adopted pursuant thereto, as apply  
22 to the State Registrar of Vital Records governing amendments to  
23 certificates or records filed with the Department subsequent to  
24 December 31, 1915.

25 (2) A certificate that is amended under this Section after

1 its filing shall have the correction entered on its face; shall  
2 clearly indicate that an amendment has been made; and shall  
3 show the date of the amendment. A summary description of the  
4 evidence submitted in support of an amendment shall be  
5 permanently retained by the Department either as an original  
6 record or in microphotographic form. Documents from which such  
7 summary descriptions are made may be returned by the Department  
8 to the person or persons submitting them. The Department shall  
9 prescribe by regulation the conditions under which, within one  
10 year after the date of occurrence, additions or minor  
11 corrections may be made without the certificate being  
12 considered amended.

13 (3) An amendment to a delayed birth registration  
14 established under the provisions of Section 15 of this Act may  
15 be made by the State Registrar of Vital Records only upon the  
16 basis of an order from the court which originally established  
17 the facts of birth.

18 (4) Upon receipt of a certified copy of a court order  
19 changing the name or names of a person born in this State, the  
20 official custodian shall amend the original certificate of  
21 birth to reflect the changes.

22 (5) (Blank).

23 (6) When the paternity of a child with a certificate of  
24 birth on file in this State is established through voluntary  
25 acknowledgment or by a court or administrative agency under the  
26 laws of this or any other state, the State Registrar of Vital

1 Records shall amend the original record accordingly, upon  
2 notification from a circuit court of this State or the  
3 Department of Healthcare and Family Services (formerly  
4 Illinois Department of Public Aid), or upon receipt of a  
5 certified copy of another state's acknowledgment or judicial or  
6 administrative determination of paternity.

7 (7) Notwithstanding any other provision of this Act, if an  
8 adopted person applies in accordance with this Section for the  
9 amendment of the name on his or her birth certificate, the  
10 State Registrar shall amend the birth certificate if the person  
11 provides documentation or other evidence supporting the  
12 application that would be deemed sufficient if the  
13 documentation or evidence had been submitted in support of an  
14 application by a person who has not been adopted.

15 (8) When paternity has been established after the birth in  
16 accordance with Section 12, the State Registrar of Vital  
17 Records shall amend the original record accordingly.

18 (9) Upon application by the parents not later than one year  
19 after an acknowledgment of parentage under this Act or the  
20 Illinois Public Aid Code or a judicial or administrative  
21 determination or establishment of paternity or parentage, the  
22 State Registrar of Vital Records shall amend the child's name  
23 on the child's certificate of birth in accordance with the  
24 application. No more than one application to change a child's  
25 name may be made under this subsection (9).

26 (10) When a certificate is amended by the State Registrar

1 of Vital Records under this Section, the State Registrar of  
2 Vital Records shall furnish a copy of the summary description  
3 to the custodian of any permanent local records and such  
4 records shall be amended accordingly.

5 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,  
6 eff. 8-9-96; 89-641, eff. 8-9-96; 90-18, eff. 7-1-97; revised  
7 12-15-05.)

8 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

9 Sec. 24. (1) To protect the integrity of vital records, to  
10 insure their proper use, and to insure the efficient and proper  
11 administration of the vital records system, access to vital  
12 records, and indexes thereof, including vital records in the  
13 custody of local registrars and county clerks originating prior  
14 to January 1, 1916, is limited to the custodian and his  
15 employees, and then only for administrative purposes, except  
16 that the indexes of those records in the custody of local  
17 registrars and county clerks, originating prior to January 1,  
18 1916, shall be made available to persons for the purpose of  
19 genealogical research. Original, photographic or  
20 microphotographic reproductions of original records of births  
21 100 years old and older and deaths 50 years old and older, and  
22 marriage records 75 years old and older on file in the State  
23 Office of Vital Records and in the custody of the county clerks  
24 may be made available for inspection in the Illinois State  
25 Archives reference area, Illinois Regional Archives

1 Depositories, and other libraries approved by the Illinois  
2 State Registrar and the Director of the Illinois State  
3 Archives, provided that the photographic or microphotographic  
4 copies are made at no cost to the county or to the State of  
5 Illinois. It is unlawful for any custodian to permit inspection  
6 of, or to disclose information contained in, vital records, or  
7 to copy or permit to be copied, all or part of any such record  
8 except as authorized by this Act or regulations adopted  
9 pursuant thereto.

10 (2) The State Registrar of Vital Records, or his agent, and  
11 any municipal, county, multi-county, public health district,  
12 or regional health officer recognized by the Department may  
13 examine vital records for the purpose only of carrying out the  
14 public health programs and responsibilities under his  
15 jurisdiction.

16 (3) The State Registrar of Vital Records, may disclose, or  
17 authorize the disclosure of, data contained in the vital  
18 records when deemed essential for bona fide research purposes  
19 which are not for private gain.

20 This amendatory Act of 1973 does not apply to any home rule  
21 unit.

22 (4) The State Registrar shall exchange with the ~~Illinois~~  
23 Department of Healthcare and Family Services ~~Public Aid~~  
24 information that may be necessary for the establishment of  
25 paternity and the establishment, modification, and enforcement  
26 of child support orders entered pursuant to the Illinois Public

1 Aid Code, the Illinois Marriage and Dissolution of Marriage  
2 Act, the Non-Support of Spouse and Children Act, the  
3 Non-Support Punishment Act, the Revised Uniform Reciprocal  
4 Enforcement of Support Act, the Uniform Interstate Family  
5 Support Act, or the Illinois Parentage Act of 1984.  
6 Notwithstanding any provisions in this Act to the contrary, the  
7 State Registrar shall not be liable to any person for any  
8 disclosure of information to the Department of Healthcare and  
9 Family Services (formerly Illinois Department of Public Aid)  
10 under this subsection or for any other action taken in good  
11 faith to comply with the requirements of this subsection.

12 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
13 12-15-05.)

14 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

15 Sec. 25.1. (a) When the State Registrar of Vital Records  
16 receives or prepares a death certificate the Registrar shall  
17 make an appropriate notation in the birth certificate record of  
18 that person that the person is deceased. The Registrar shall  
19 also notify the appropriate municipal or county custodian of  
20 such birth record that the person is deceased, and such  
21 custodian shall likewise make an appropriate notation in its  
22 records.

23 (b) In response to any inquiry, the Registrar or a  
24 custodian shall not provide a copy of a birth certificate or  
25 information concerning the birth record of any deceased person

1 except as provided in this subsection (b) or as otherwise  
2 provided in this Act or as approved by the Department. When a  
3 copy of the birth certificate of a deceased person is  
4 requested, the Registrar or custodian shall require the person  
5 making the request to complete an information form, which shall  
6 be developed and furnished by the Department and shall include,  
7 at a minimum, the name, address, telephone number, social  
8 security number and driver's license number of the person  
9 making the request. Before furnishing the copy, the custodian  
10 shall prominently stamp on the copy the word "DECEASED" and  
11 write or stamp on the copy the date of death of the deceased  
12 person. The custodian shall retain the information form  
13 completed by the person making the request, and note on the  
14 birth certificate record that such a request was made. The  
15 custodian shall make the information form available to the  
16 Department of State Police or any local law enforcement agency  
17 upon request. A city or county custodian shall promptly submit  
18 copies of all completed forms to the Registrar. The word  
19 "DECEASED" and the date of death shall not appear on a copy of  
20 a birth certificate furnished to a parent of a child who died  
21 within 3 months of birth, provided no other copy of a birth  
22 certificate was furnished to the parent prior to the child's  
23 death.

24 (c) The Registrar shall furnish, no later than 60 days  
25 after receipt of a form used to request a birth certificate  
26 record of a deceased person, a copy of the form and a copy of

1 the corresponding birth certificate record to the ~~Illinois~~  
2 Department of Healthcare and Family Services ~~Public Aid~~ and the  
3 Department of Human Services. The ~~Illinois~~ Department of  
4 Healthcare and Family Services ~~Public Aid~~ and the Department of  
5 Human Services shall, upon receipt of such information, check  
6 their records to ensure that no claim for public assistance  
7 under the Illinois Public Aid Code is being made either by a  
8 person purporting to be the deceased person or by any person on  
9 behalf of the deceased person.

10 (d) Notwithstanding the requirements of subsection (b),  
11 when the death of a child occurs within 90 days of that child's  
12 live birth, the mother listed on the birth certificate of that  
13 child may request the issuance of a copy of a certificate of  
14 live birth from the State Registrar. Such request shall be made  
15 in accordance with subsection (b), shall indicate the  
16 requestor's relationship to the child, and shall be made not  
17 later than 9 months from the date of the death of the child.  
18 Except as provided herein, the Registrar shall conform to all  
19 requirements of this Act in issuing copies of certificates  
20 under this subsection (d).

21 (Source: P.A. 94-7, eff. 6-6-05; revised 12-15-05.)

22 Section 945. The Home Health and Hospice Drug Dispensation  
23 and Administration Act is amended by changing Section 10 as  
24 follows:



1 (410 ILCS 642/10)

2 Sec. 10. Definitions. In this Act:

3 "Authorized nursing employee" means a registered nurse or  
4 advanced practice nurse, as defined in the Nursing and Advanced  
5 Practice Nursing Act, who is employed by a home health agency  
6 or hospice licensed in this State.

7 "Health care professional" means a physician licensed to  
8 practice medicine in all its branches, an advanced practice  
9 nurse who has a written collaborative agreement with a  
10 collaborating physician that authorizes services under this  
11 Act, or a physician assistant who has been delegated the  
12 authority to perform services under this Act by his or her  
13 supervising physician.

14 "Home health agency" has the meaning ascribed to it in  
15 Section 2.04 of the Home Health, Home Services, and Home  
16 Nursing Agency Licensing Act.

17 "Hospice" means a full hospice, as defined in Section 3 of  
18 the Hospice Program Licensing Act.

19 "Physician" means a physician licensed under the Medical  
20 Practice Act of 1987 to practice medicine in all its branches.

21 (Source: P.A. 94-638, eff. 8-22-05; revised 10-19-06.)

22 Section 950. The Environmental Protection Act is amended by  
23 changing Sections 3.330, 5, 42, 55.8, 57.7, 57.8, 57.13, 58.3,  
24 and 58.7 and by setting forth and renumbering multiple versions  
25 of Section 22.50 as follows:

1 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

2 Sec. 3.330. Pollution control facility.

3 (a) "Pollution control facility" is any waste storage site,  
4 sanitary landfill, waste disposal site, waste transfer  
5 station, waste treatment facility, or waste incinerator. This  
6 includes sewers, sewage treatment plants, and any other  
7 facilities owned or operated by sanitary districts organized  
8 under the Metropolitan Water Reclamation District Act.

9 The following are not pollution control facilities:

10 (1) (Blank);

11 (2) waste storage sites regulated under 40 CFR, Part  
12 761.42;

13 (3) sites or facilities used by any person conducting a  
14 waste storage, waste treatment, waste disposal, waste  
15 transfer or waste incineration operation, or a combination  
16 thereof, for wastes generated by such person's own  
17 activities, when such wastes are stored, treated, disposed  
18 of, transferred or incinerated within the site or facility  
19 owned, controlled or operated by such person, or when such  
20 wastes are transported within or between sites or  
21 facilities owned, controlled or operated by such person;

22 (4) sites or facilities at which the State is  
23 performing removal or remedial action pursuant to Section  
24 22.2 or 55.3;

25 (5) abandoned quarries used solely for the disposal of

1 concrete, earth materials, gravel, or aggregate debris  
2 resulting from road construction activities conducted by a  
3 unit of government or construction activities due to the  
4 construction and installation of underground pipes, lines,  
5 conduit or wires off of the premises of a public utility  
6 company which are conducted by a public utility;

7 (6) sites or facilities used by any person to  
8 specifically conduct a landscape composting operation;

9 (7) regional facilities as defined in the Central  
10 Midwest Interstate Low-Level Radioactive Waste Compact;

11 (8) the portion of a site or facility where coal  
12 combustion wastes are stored or disposed of in accordance  
13 with subdivision (r) (2) or (r) (3) of Section 21;

14 (9) the portion of a site or facility used for the  
15 collection, storage or processing of waste tires as defined  
16 in Title XIV;

17 (10) the portion of a site or facility used for  
18 treatment of petroleum contaminated materials by  
19 application onto or incorporation into the soil surface and  
20 any portion of that site or facility used for storage of  
21 petroleum contaminated materials before treatment. Only  
22 those categories of petroleum listed in Section 57.9(a) (3)  
23 are exempt under this subdivision (10);

24 (11) the portion of a site or facility where used oil  
25 is collected or stored prior to shipment to a recycling or  
26 energy recovery facility, provided that the used oil is

1 generated by households or commercial establishments, and  
2 the site or facility is a recycling center or a business  
3 where oil or gasoline is sold at retail;

4 (11.5) processing sites or facilities that receive  
5 only on-specification used oil, as defined in 35 Ill.  
6 Admin. Code 739, originating from used oil collectors for  
7 processing that is managed under 35 Ill. Admin. Code 739 to  
8 produce products for sale to off-site petroleum  
9 facilities, if these processing sites or facilities are:

10 (i) located within a home rule unit of local government  
11 with a population of at least 30,000 according to the 2000  
12 federal census, that home rule unit of local government has  
13 been designated as an Urban Round II Empowerment Zone by  
14 the United States Department of Housing and Urban  
15 Development, and that home rule unit of local government  
16 has enacted an ordinance approving the location of the site  
17 or facility and provided funding for the site or facility;  
18 and (ii) in compliance with all applicable zoning  
19 requirements;

20 (12) the portion of a site or facility utilizing coal  
21 combustion waste for stabilization and treatment of only  
22 waste generated on that site or facility when used in  
23 connection with response actions pursuant to the federal  
24 Comprehensive Environmental Response, Compensation, and  
25 Liability Act of 1980, the federal Resource Conservation  
26 and Recovery Act of 1976, or the Illinois Environmental

1 Protection Act or as authorized by the Agency;

2 (13) the portion of a site or facility accepting  
3 exclusively general construction or demolition debris,  
4 located in a county with a population over 700,000 as of  
5 January 1, 2000, and operated and located in accordance  
6 with Section 22.38 of this Act;

7 (14) the portion of a site or facility, located within  
8 a unit of local government that has enacted local zoning  
9 requirements, used to accept, separate, and process  
10 uncontaminated broken concrete, with or without protruding  
11 metal bars, provided that the uncontaminated broken  
12 concrete and metal bars are not speculatively accumulated,  
13 are at the site or facility no longer than one year after  
14 their acceptance, and are returned to the economic  
15 mainstream in the form of raw materials or products; and

16 (15) the portion of a site or facility located in a  
17 county with a population over 3,000,000 that has obtained  
18 local siting approval under Section 39.2 of this Act for a  
19 municipal waste incinerator on or before July 1, 2005 and  
20 that is used for a non-hazardous waste transfer station.

21 (b) A new pollution control facility is:

22 (1) a pollution control facility initially permitted  
23 for development or construction after July 1, 1981; or

24 (2) the area of expansion beyond the boundary of a  
25 currently permitted pollution control facility; or

26 (3) a permitted pollution control facility requesting

1 approval to store, dispose of, transfer or incinerate, for  
2 the first time, any special or hazardous waste.

3 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,  
4 eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

5 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

6 Sec. 5. Pollution Control Board.

7 (a) There is hereby created an independent board to be  
8 known as the Pollution Control Board.

9 Until July 1, 2003 or when all of the new members to be  
10 initially appointed under this amendatory Act of the 93rd  
11 General Assembly have been appointed by the Governor, whichever  
12 occurs later, the Board shall consist of 7 technically  
13 qualified members, no more than 4 of whom may be of the same  
14 political party, to be appointed by the Governor with the  
15 advice and consent of the Senate.

16 The term of each appointed member of the Board who is in  
17 office on June 30, 2003 shall terminate at the close of  
18 business on that date or when all of the new members to be  
19 initially appointed under this amendatory Act of the 93rd  
20 General Assembly have been appointed by the Governor, whichever  
21 occurs later.

22 Beginning on July 1, 2003 or when all of the new members to  
23 be initially appointed under this amendatory Act of the 93rd  
24 General Assembly have been appointed by the Governor, whichever  
25 occurs later, the Board shall consist of 5 technically

1 qualified members, no more than 3 of whom may be of the same  
2 political party, to be appointed by the Governor with the  
3 advice and consent of the Senate. Members shall have verifiable  
4 technical, academic, or actual experience in the field of  
5 pollution control or environmental law and regulation.

6 Of the members initially appointed pursuant to this  
7 amendatory Act of the 93rd General Assembly, one shall be  
8 appointed for a term ending July 1, 2004, 2 shall be appointed  
9 for terms ending July 1, 2005, and 2 shall be appointed for  
10 terms ending July 1, 2006. Thereafter, all members shall hold  
11 office for 3 years from the first day of July in the year in  
12 which they were appointed, except in case of an appointment to  
13 fill a vacancy. In case of a vacancy in the office when the  
14 Senate is not in session, the Governor may make a temporary  
15 appointment until the next meeting of the Senate, when he or  
16 she shall nominate some person to fill such office; and any  
17 person so nominated, who is confirmed by the Senate, shall hold  
18 the office during the remainder of the term.

19 Members of the Board shall hold office until their  
20 respective successors have been appointed and qualified. Any  
21 member may resign from office, such resignation to take effect  
22 when a successor has been appointed and has qualified.

23 Board members shall be paid \$37,000 per year or an amount  
24 set by the Compensation Review Board, whichever is greater, and  
25 the Chairman shall be paid \$43,000 per year or an amount set by  
26 the Compensation Review Board, whichever is greater. Each

1 member shall devote his or her entire time to the duties of the  
2 office, and shall hold no other office or position of profit,  
3 nor engage in any other business, employment, or vocation. Each  
4 member shall be reimbursed for expenses necessarily incurred  
5 and shall make a financial disclosure upon appointment.

6 Each Board member may employ one secretary and one  
7 assistant, and the Chairman one secretary and 2 assistants. The  
8 Board also may employ and compensate hearing officers to  
9 preside at hearings under this Act, and such other personnel as  
10 may be necessary. Hearing officers shall be attorneys licensed  
11 to practice law in Illinois.

12 The Board may have an Executive Director; if so, the  
13 Executive Director shall be appointed by the Governor with the  
14 advice and consent of the Senate. The salary and duties of the  
15 Executive Director shall be fixed by the Board.

16 The Governor shall designate one Board member to be  
17 Chairman, who shall serve at the pleasure of the Governor.

18 The Board shall hold at least one meeting each month and  
19 such additional meetings as may be prescribed by Board rules.  
20 In addition, special meetings may be called by the Chairman or  
21 by any 2 Board members, upon delivery of 24 hours written  
22 notice to the office of each member. All Board meetings shall  
23 be open to the public, and public notice of all meetings shall  
24 be given at least 24 hours in advance of each meeting. In  
25 emergency situations in which a majority of the Board certifies  
26 that exigencies of time require the requirements of public



1 notice and of 24 hour written notice to members may be  
2 dispensed with, and Board members shall receive such notice as  
3 is reasonable under the circumstances.

4 If there is no vacancy on the Board, 4 members of the Board  
5 shall constitute a quorum to transact business; otherwise, a  
6 majority of the Board shall constitute a quorum to transact  
7 business, and no vacancy shall impair the right of the  
8 remaining members to exercise all of the powers of the Board.  
9 Every action approved by a majority of the members of the Board  
10 shall be deemed to be the action of the Board. The Board shall  
11 keep a complete and accurate record of all its meetings.

12 (b) The Board shall determine, define and implement the  
13 environmental control standards applicable in the State of  
14 Illinois and may adopt rules and regulations in accordance with  
15 Title VII of this Act.

16 (c) The Board shall have authority to act for the State in  
17 regard to the adoption of standards for submission to the  
18 United States under any federal law respecting environmental  
19 protection. Such standards shall be adopted in accordance with  
20 Title VII of the Act and upon adoption shall be forwarded to  
21 the Environmental Protection Agency for submission to the  
22 United States pursuant to subsections (l) and (m) of Section 4  
23 of this Act. Nothing in this paragraph shall limit the  
24 discretion of the Governor to delegate authority granted to the  
25 Governor under any federal law.

26 (d) The Board shall have authority to conduct proceedings

1 upon complaints charging violations of this Act, any rule or  
2 regulation adopted under this Act, any permit or term or  
3 condition of a permit, or any Board order; upon administrative  
4 citations; upon petitions for variances or adjusted standards;  
5 upon petitions for review of the Agency's final determinations  
6 on permit applications in accordance with Title X of this Act;  
7 upon petitions to remove seals under Section 34 of this Act;  
8 and upon other petitions for review of final determinations  
9 which are made pursuant to this Act or Board rule and which  
10 involve a subject which the Board is authorized to regulate.  
11 The Board may also conduct other proceedings as may be provided  
12 by this Act or any other statute or rule.

13 (e) In connection with any proceeding pursuant to  
14 subsection (b) or (d) of this Section, the Board may subpoena  
15 and compel the attendance of witnesses and the production of  
16 evidence reasonably necessary to resolution of the matter under  
17 consideration. The Board shall issue such subpoenas upon the  
18 request of any party to a proceeding under subsection (d) of  
19 this Section or upon its own motion.

20 (f) The Board may prescribe reasonable fees for permits  
21 required pursuant to this Act. Such fees in the aggregate may  
22 not exceed the total cost to the Agency for its inspection and  
23 permit systems. The Board may not prescribe any permit fees  
24 which are different in amount from those established by this  
25 Act.

26 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;

1 93-509, eff. 8-11-03; revised 9-11-03.)

2 (415 ILCS 5/22.50)

3 Sec. 22.50. Compliance with land use limitations. No  
4 person shall use, or cause or allow the use of, any site for  
5 which a land use limitation has been imposed under this Act in  
6 a manner inconsistent with the land use limitation unless  
7 further investigation or remedial action has been conducted  
8 that documents the attainment of remedial objectives  
9 appropriate for the new land use and a new closure letter has  
10 been obtained from the Agency and recorded in the chain of  
11 title for the site. For the purpose of this Section, the term  
12 "land use limitation" shall include, but shall not be limited  
13 to, institutional controls and engineered barriers imposed  
14 under this Act and the regulations adopted under this Act. For  
15 the purposes of this Section, the term "closure letter" shall  
16 include, but shall not be limited to, No Further Remediation  
17 Letters issued under Titles XVI and XVII of this Act and the  
18 regulations adopted under those Titles.

19 (Source: P.A. 94-272, eff. 7-19-05; 94-314, eff. 7-25-05.)

20 (415 ILCS 5/22.53)

21 Sec. 22.53 ~~22.50~~. Computer Equipment Disposal and  
22 Recycling Commission.

23 (a) The General Assembly finds that improper disposal of  
24 computer equipment presents a serious environmental threat.

1 Computer equipment contains quantities of lead, mercury, other  
2 heavy metals, and plastics that, when improperly disposed of,  
3 can lead to environmental contamination.

4 (b) There is hereby created the Computer Equipment Disposal  
5 and Recycling Commission consisting of 7 members appointed as  
6 follows: 2 members appointed by the Governor, one of whom shall  
7 serve as Chairperson of the Commission; one member appointed by  
8 the Lieutenant Governor who shall serve as vice-chairperson;  
9 one member appointed by the Speaker of the House of  
10 Representatives; one member appointed by the Minority Leader of  
11 the House of Representatives; one member appointed by the  
12 President of the Senate; and one member appointed by the  
13 Minority Leader of the Senate; all of whom shall serve without  
14 compensation. The Commission may accept and expend for its  
15 purposes any funds granted to the Commission by any agency of  
16 State or federal government or through private donation dealing  
17 exclusively with computer equipment disposal.

18 (c) The Commission shall have all of the following  
19 objectives:

20 (1) To investigate problems and concerns related to the  
21 disposal and recycling of computer equipment.

22 (2) To advise the General Assembly and State agencies  
23 with respect to legislative, regulatory, or other actions  
24 within the area of computer equipment disposal, and any  
25 related subject matter (i.e. fax machines, printers,  
26 etc.).

1           (3) To make recommendations regarding the development  
2           and establishment of pilot programs and ongoing programs  
3           for the recycling and proper disposal of computer  
4           equipment.

5           (d) The Commission shall issue a report of its findings and  
6           recommendations in relation to the objectives listed in  
7           subsection (c) of this Section to the Governor, the General  
8           Assembly, and the Director of the Environmental Protection  
9           Agency on or before May 31, 2006. In preparing its report, the  
10          Commission shall seek input from and consult with business  
11          organizations, trade organizations, trade associations, solid  
12          waste agencies, and environmental organizations with expertise  
13          in computer equipment disposal and recycling.

14          (e) Beginning on May 31, 2007, the Commission shall  
15          evaluate the implementation of programs by the State relating  
16          to computer equipment disposal and recycling, and shall issue a  
17          report of its finding and recommendations to the Governor, the  
18          General Assembly, and the Director of the Environmental  
19          Protection Agency on or before December 31, 2008.

20          (f) The Commission, upon issuing the report described in  
21          subsection (e) of this Section, is dissolved.

22          (Source: P.A. 94-518, eff. 8-10-05; revised 9-22-05.)

23                 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

24                 Sec. 42. Civil penalties.

25                 (a) Except as provided in this Section, any person that

1 violates any provision of this Act or any regulation adopted by  
2 the Board, or any permit or term or condition thereof, or that  
3 violates any order of the Board pursuant to this Act, shall be  
4 liable for a civil penalty of not to exceed \$50,000 for the  
5 violation and an additional civil penalty of not to exceed  
6 \$10,000 for each day during which the violation continues; such  
7 penalties may, upon order of the Board or a court of competent  
8 jurisdiction, be made payable to the Environmental Protection  
9 Trust Fund, to be used in accordance with the provisions of the  
10 Environmental Protection Trust Fund Act.

11 (b) Notwithstanding the provisions of subsection (a) of  
12 this Section:

13 (1) Any person that violates Section 12(f) of this Act  
14 or any NPDES permit or term or condition thereof, or any  
15 filing requirement, regulation or order relating to the  
16 NPDES permit program, shall be liable to a civil penalty of  
17 not to exceed \$10,000 per day of violation.

18 (2) Any person that violates Section 12(g) of this Act  
19 or any UIC permit or term or condition thereof, or any  
20 filing requirement, regulation or order relating to the  
21 State UIC program for all wells, except Class II wells as  
22 defined by the Board under this Act, shall be liable to a  
23 civil penalty not to exceed \$2,500 per day of violation;  
24 provided, however, that any person who commits such  
25 violations relating to the State UIC program for Class II  
26 wells, as defined by the Board under this Act, shall be

1           liable to a civil penalty of not to exceed \$10,000 for the  
2           violation and an additional civil penalty of not to exceed  
3           \$1,000 for each day during which the violation continues.

4           (3) Any person that violates Sections 21(f), 21(g),  
5           21(h) or 21(i) of this Act, or any RCRA permit or term or  
6           condition thereof, or any filing requirement, regulation  
7           or order relating to the State RCRA program, shall be  
8           liable to a civil penalty of not to exceed \$25,000 per day  
9           of violation.

10          (4) In an administrative citation action under Section  
11          31.1 of this Act, any person found to have violated any  
12          provision of subsection (o) of Section 21 of this Act shall  
13          pay a civil penalty of \$500 for each violation of each such  
14          provision, plus any hearing costs incurred by the Board and  
15          the Agency. Such penalties shall be made payable to the  
16          Environmental Protection Trust Fund, to be used in  
17          accordance with the provisions of the Environmental  
18          Protection Trust Fund Act; except that if a unit of local  
19          government issued the administrative citation, 50% of the  
20          civil penalty shall be payable to the unit of local  
21          government.

22          (4-5) In an administrative citation action under  
23          Section 31.1 of this Act, any person found to have violated  
24          any provision of subsection (p) of Section 21 of this Act  
25          shall pay a civil penalty of \$1,500 for each violation of  
26          each such provision, plus any hearing costs incurred by the

1 Board and the Agency, except that the civil penalty amount  
2 shall be \$3,000 for each violation of any provision of  
3 subsection (p) of Section 21 that is the person's second or  
4 subsequent adjudication violation of that provision. The  
5 penalties shall be deposited into the Environmental  
6 Protection Trust Fund, to be used in accordance with the  
7 provisions of the Environmental Protection Trust Fund Act;  
8 except that if a unit of local government issued the  
9 administrative citation, 50% of the civil penalty shall be  
10 payable to the unit of local government.

11 (5) Any person who violates subsection 6 of Section  
12 39.5 of this Act or any CAAPP permit, or term or condition  
13 thereof, or any fee or filing requirement, or any duty to  
14 allow or carry out inspection, entry or monitoring  
15 activities, or any regulation or order relating to the  
16 CAAPP shall be liable for a civil penalty not to exceed  
17 \$10,000 per day of violation.

18 (b.5) In lieu of the penalties set forth in subsections (a)  
19 and (b) of this Section, any person who fails to file, in a  
20 timely manner, toxic chemical release forms with the Agency  
21 pursuant to Section 25b-2 of this Act shall be liable for a  
22 civil penalty of \$100 per day for each day the forms are late,  
23 not to exceed a maximum total penalty of \$6,000. This daily  
24 penalty shall begin accruing on the thirty-first day after the  
25 date that the person receives the warning notice issued by the  
26 Agency pursuant to Section 25b-6 of this Act; and the penalty



1 shall be paid to the Agency. The daily accrual of penalties  
2 shall cease as of January 1 of the following year. All  
3 penalties collected by the Agency pursuant to this subsection  
4 shall be deposited into the Environmental Protection Permit and  
5 Inspection Fund.

6 (c) Any person that violates this Act, any rule or  
7 regulation adopted under this Act, any permit or term or  
8 condition of a permit, or any Board order and causes the death  
9 of fish or aquatic life shall, in addition to the other  
10 penalties provided by this Act, be liable to pay to the State  
11 an additional sum for the reasonable value of the fish or  
12 aquatic life destroyed. Any money so recovered shall be placed  
13 in the Wildlife and Fish Fund in the State Treasury.

14 (d) The penalties provided for in this Section may be  
15 recovered in a civil action.

16 (e) The State's Attorney of the county in which the  
17 violation occurred, or the Attorney General, may, at the  
18 request of the Agency or on his own motion, institute a civil  
19 action for an injunction, prohibitory or mandatory, to restrain  
20 violations of this Act, any rule or regulation adopted under  
21 this Act, any permit or term or condition of a permit, or any  
22 Board order, or to require such other actions as may be  
23 necessary to address violations of this Act, any rule or  
24 regulation adopted under this Act, any permit or term or  
25 condition of a permit, or any Board order.

26 (f) The State's Attorney of the county in which the

1 violation occurred, or the Attorney General, shall bring such  
2 actions in the name of the people of the State of Illinois.  
3 Without limiting any other authority which may exist for the  
4 awarding of attorney's fees and costs, the Board or a court of  
5 competent jurisdiction may award costs and reasonable  
6 attorney's fees, including the reasonable costs of expert  
7 witnesses and consultants, to the State's Attorney or the  
8 Attorney General in a case where he has prevailed against a  
9 person who has committed a wilful, knowing or repeated  
10 violation of this Act, any rule or regulation adopted under  
11 this Act, any permit or term or condition of a permit, or any  
12 Board order.

13 Any funds collected under this subsection (f) in which the  
14 Attorney General has prevailed shall be deposited in the  
15 Hazardous Waste Fund created in Section 22.2 of this Act. Any  
16 funds collected under this subsection (f) in which a State's  
17 Attorney has prevailed shall be retained by the county in which  
18 he serves.

19 (g) All final orders imposing civil penalties pursuant to  
20 this Section shall prescribe the time for payment of such  
21 penalties. If any such penalty is not paid within the time  
22 prescribed, interest on such penalty at the rate set forth in  
23 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
24 shall be paid for the period from the date payment is due until  
25 the date payment is received. However, if the time for payment  
26 is stayed during the pendency of an appeal, interest shall not

1 accrue during such stay.

2 (h) In determining the appropriate civil penalty to be  
3 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or  
4 (b)(5) of this Section, the Board is authorized to consider any  
5 matters of record in mitigation or aggravation of penalty,  
6 including but not limited to the following factors:

7 (1) the duration and gravity of the violation;

8 (2) the presence or absence of due diligence on the  
9 part of the respondent in attempting to comply with  
10 requirements of this Act and regulations thereunder or to  
11 secure relief therefrom as provided by this Act;

12 (3) any economic benefits accrued by the respondent  
13 because of delay in compliance with requirements, in which  
14 case the economic benefits shall be determined by the  
15 lowest cost alternative for achieving compliance;

16 (4) the amount of monetary penalty which will serve to  
17 deter further violations by the respondent and to otherwise  
18 aid in enhancing voluntary compliance with this Act by the  
19 respondent and other persons similarly subject to the Act;

20 (5) the number, proximity in time, and gravity of  
21 previously adjudicated violations of this Act by the  
22 respondent;

23 (6) whether the respondent voluntarily self-disclosed,  
24 in accordance with subsection (i) of this Section, the  
25 non-compliance to the Agency; and

26 (7) whether the respondent has agreed to undertake a

1 "supplemental environmental project," which means an  
2 environmentally beneficial project that a respondent  
3 agrees to undertake in settlement of an enforcement action  
4 brought under this Act, but which the respondent is not  
5 otherwise legally required to perform.

6 In determining the appropriate civil penalty to be imposed  
7 under subsection (a) or paragraph (1), (2), (3), or (5) of  
8 subsection (b) of this Section, the Board shall ensure, in all  
9 cases, that the penalty is at least as great as the economic  
10 benefits, if any, accrued by the respondent as a result of the  
11 violation, unless the Board finds that imposition of such  
12 penalty would result in an arbitrary or unreasonable financial  
13 hardship. However, such civil penalty may be off-set in whole  
14 or in part pursuant to a supplemental environmental project  
15 agreed to by the complainant and the respondent.

16 (i) A person who voluntarily self-discloses non-compliance  
17 to the Agency, of which the Agency had been unaware, is  
18 entitled to a 100% reduction in the portion of the penalty that  
19 is not based on the economic benefit of non-compliance if the  
20 person can establish the following:

21 (1) that the non-compliance was discovered through an  
22 environmental audit or a compliance management system  
23 documented by the regulated entity as reflecting the  
24 regulated entity's due diligence in preventing, detecting,  
25 and correcting violations;

26 (2) that the non-compliance was disclosed in writing

1           within 30 days of the date on which the person discovered  
2           it;

3           (3) that the non-compliance was discovered and  
4           disclosed prior to:

5                   (i) the commencement of an Agency inspection,  
6                   investigation, or request for information;

7                   (ii) notice of a citizen suit;

8                   (iii) the filing of a complaint by a citizen, the  
9                   Illinois Attorney General, or the State's Attorney of  
10                   the county in which the violation occurred;

11                   (iv) the reporting of the non-compliance by an  
12                   employee of the person without that person's  
13                   knowledge; or

14                   (v) imminent discovery of the non-compliance by  
15                   the Agency;

16           (4) that the non-compliance is being corrected and any  
17           environmental harm is being remediated in a timely fashion;

18           (5) that the person agrees to prevent a recurrence of  
19           the non-compliance;

20           (6) that no related non-compliance events have  
21           occurred in the past 3 years at the same facility or in the  
22           past 5 years as part of a pattern at multiple facilities  
23           owned or operated by the person;

24           (7) that the non-compliance did not result in serious  
25           actual harm or present an imminent and substantial  
26           endangerment to human health or the environment or violate

1 the specific terms of any judicial or administrative order  
2 or consent agreement;

3 (8) that the person cooperates as reasonably requested  
4 by the Agency after the disclosure; and

5 (9) that the non-compliance was identified voluntarily  
6 and not through a monitoring, sampling, or auditing  
7 procedure that is required by statute, rule, permit,  
8 judicial or administrative order, or consent agreement.

9 If a person can establish all of the elements under this  
10 subsection except the element set forth in paragraph (1) of  
11 this subsection, the person is entitled to a 75% reduction in  
12 the portion of the penalty that is not based upon the economic  
13 benefit of non-compliance.

14 (j) In addition to an other remedy or penalty that may  
15 apply, whether civil or criminal, any person who violates  
16 Section 22.52 of this Act shall be liable for an additional  
17 civil penalty of up to 3 times the gross amount of any  
18 pecuniary gain resulting from the violation.

19 (Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04;  
20 93-831, eff. 7-28-04; 94-272, eff. 7-19-05; 94-580, eff.  
21 8-12-05; revised 8-19-05.)

22 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)  
23 Sec. 55.8. Tire retailers.

24 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used  
25 tires at retail or offering new or used tires for retail sale

1 in this State shall:

2 (1) beginning on June 20, 2003 (the effective date of  
3 Public Act 93-32), collect from retail customers a fee of  
4 \$2 per new or ~~and~~ used tire sold and delivered in this  
5 State, to be paid to the Department of Revenue and  
6 deposited into the Used Tire Management Fund, less a  
7 collection allowance of 10 cents per tire to be retained by  
8 the retail seller and a collection allowance of 10 cents  
9 per tire to be retained by the Department of Revenue and  
10 paid into the General Revenue Fund;

11 (1.5) beginning on July 1, 2003, collect from retail  
12 customers an additional 50 cents per new or used tire sold  
13 and delivered in this State. The money collected from this  
14 fee shall be deposited into the Emergency Public Health  
15 Fund. This fee shall no longer be collected beginning on  
16 January 1, 2008;~~;~~

17 (2) accept for recycling used tires from customers, at  
18 the point of transfer, in a quantity equal to the number of  
19 new tires purchased; and

20 (3) post in a conspicuous place a written notice at  
21 least 8.5 by 11 inches in size that includes the universal  
22 recycling symbol and the following statements: "DO NOT put  
23 used tires in the trash."; "Recycle your used tires."; and  
24 "State law requires us to accept used tires for recycling,  
25 in exchange for new tires purchased."

26 (b) A person who accepts used tires for recycling under

1 subsection (a) shall not allow the tires to accumulate for  
2 periods of more than 90 days.

3 (c) The requirements of subsection (a) of this Section do  
4 not apply to mail order sales nor shall the retail sale of a  
5 motor vehicle be considered to be the sale of tires at retail  
6 or offering of tires for retail sale. Instead of filing  
7 returns, retailers of tires may remit the tire user fee of  
8 \$1.00 per tire to their suppliers of tires if the supplier of  
9 tires is a registered retailer of tires and agrees or otherwise  
10 arranges to collect and remit the tire fee to the Department of  
11 Revenue, notwithstanding the fact that the sale of the tire is  
12 a sale for resale and not a sale at retail. A tire supplier who  
13 enters into such an arrangement with a tire retailer shall be  
14 liable for the tax on all tires sold to the tire retailer and  
15 must (i) provide the tire retailer with a receipt that  
16 separately reflects the tire tax collected from the retailer on  
17 each transaction and (ii) accept used tires for recycling from  
18 the retailer's customers. The tire supplier shall be entitled  
19 to the collection allowance of 10 cents per tire.

20 The retailer of the tires must maintain in its books and  
21 records evidence that the appropriate fee was paid to the tire  
22 supplier and that the tire supplier has agreed to remit the fee  
23 to the Department of Revenue for each tire sold by the  
24 retailer. Otherwise, the tire retailer shall be directly liable  
25 for the fee on all tires sold at retail. Tire retailers paying  
26 the fee to their suppliers are not entitled to the collection



1 allowance of 10 cents per tire.

2 (d) The requirements of subsection (a) of this Section  
3 shall apply exclusively to tires to be used for vehicles  
4 defined in Section 1-217 of the Illinois Vehicle Code, aircraft  
5 tires, special mobile equipment, and implements of husbandry.

6 (e) The requirements of paragraph (1) of subsection (a) do  
7 not apply to the sale of reprocessed tires. For purposes of  
8 this Section, "reprocessed tire" means a used tire that has  
9 been recapped, retreaded, or regrooved and that has not been  
10 placed on a vehicle wheel rim.

11 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised  
12 10-13-03.)

13 (415 ILCS 5/57.7)

14 Sec. 57.7. Leaking underground storage tanks; site  
15 investigation and corrective action.

16 (a) Site investigation.

17 (1) For any site investigation activities required by  
18 statute or rule, the owner or operator shall submit to the  
19 Agency for approval a site investigation plan designed to  
20 determine the nature, concentration, direction of  
21 movement, rate of movement, and extent of the contamination  
22 as well as the significant physical features of the site  
23 and surrounding area that may affect contaminant transport  
24 and risk to human health and safety and the environment.

25 (2) Any owner or operator intending to seek payment

1 from the Fund shall submit to the Agency for approval a  
2 site investigation budget that includes, but is not limited  
3 to, an accounting of all costs associated with the  
4 implementation and completion of the site investigation  
5 plan.

6 (3) Remediation objectives for the applicable  
7 indicator contaminants shall be determined using the  
8 tiered approach to corrective action objectives rules  
9 adopted by the Board pursuant to this Title and Title XVII  
10 of this Act. For the purposes of this Title, "Contaminant  
11 of Concern" or "Regulated Substance of Concern" in the  
12 rules means the applicable indicator contaminants set  
13 forth in subsection (d) of this Section and the rules  
14 adopted thereunder.

15 (4) Upon the Agency's approval of a site investigation  
16 plan, or as otherwise directed by the Agency, the owner or  
17 operator shall conduct a site investigation in accordance  
18 with the plan.

19 (5) Within 30 days after completing the site  
20 investigation, the owner or operator shall submit to the  
21 Agency for approval a site investigation completion  
22 report. At a minimum the report shall include all of the  
23 following:

24 (A) Executive summary.

25 (B) Site history.

26 (C) Site-specific sampling methods and results.

1 (D) Documentation of all field activities,  
2 including quality assurance.

3 (E) Documentation regarding the development of  
4 proposed remediation objectives.

5 (F) Interpretation of results.

6 (G) Conclusions.

7 (b) Corrective action.

8 (1) If the site investigation confirms none of the  
9 applicable indicator contaminants exceed the proposed  
10 remediation objectives, within 30 days after completing  
11 the site investigation the owner or operator shall submit  
12 to the Agency for approval a corrective action completion  
13 report in accordance with this Section.

14 (2) If any of the applicable indicator contaminants  
15 exceed the remediation objectives approved for the site,  
16 within 30 days after the Agency approves the site  
17 investigation completion report the owner or operator  
18 shall submit to the Agency for approval a corrective action  
19 plan designed to mitigate any threat to human health, human  
20 safety, or the environment resulting from the underground  
21 storage tank release. The plan shall describe the selected  
22 remedy and evaluate its ability and effectiveness to  
23 achieve the remediation objectives approved for the site.  
24 At a minimum, the report shall include all of the  
25 following:

26 (A) Executive summary.

1 (B) Statement of remediation objectives.

2 (C) Remedial technologies selected.

3 (D) Confirmation sampling plan.

4 (E) Current and projected future use of the  
5 property.

6 (F) Applicable preventive, engineering, and  
7 institutional controls including long-term  
8 reliability, operating, and maintenance plans, and  
9 monitoring procedures.

10 (G) A schedule for implementation and completion  
11 of the plan.

12 (3) Any owner or operator intending to seek payment  
13 from the Fund shall submit to the Agency for approval a  
14 corrective action budget that includes, but is not limited  
15 to, an accounting of all costs associated with the  
16 implementation and completion of the corrective action  
17 plan.

18 (4) Upon the Agency's approval of a corrective action  
19 plan, or as otherwise directed by the Agency, the owner or  
20 operator shall proceed with corrective action in  
21 accordance with the plan.

22 (5) Within 30 days after the completion of a corrective  
23 action plan that achieves applicable remediation  
24 objectives the owner or operator shall submit to the Agency  
25 for approval a corrective action completion report. The  
26 report shall demonstrate whether corrective action was

1 completed in accordance with the approved corrective  
2 action plan and whether the remediation objectives  
3 approved for the site, as well as any other requirements of  
4 the plan, have been achieved.

5 (6) If within 4 years after the approval of any  
6 corrective action plan the applicable remediation  
7 objectives have not been achieved and the owner or operator  
8 has not submitted a corrective action completion report,  
9 the owner or operator must submit a status report for  
10 Agency review. The status report must include, but is not  
11 limited to, a description of the remediation activities  
12 taken to date, the effectiveness of the method of  
13 remediation being used, the likelihood of meeting the  
14 applicable remediation objectives using the current method  
15 of remediation, and the date the applicable remediation  
16 objectives are expected to be achieved.

17 (7) If the Agency determines any approved corrective  
18 action plan will not achieve applicable remediation  
19 objectives within a reasonable time, based upon the method  
20 of remediation and site specific circumstances, the Agency  
21 may require the owner or operator to submit to the Agency  
22 for approval a revised corrective action plan. If the owner  
23 or operator intends to seek payment from the Fund, the  
24 owner or operator must also submit a revised budget.

25 ~~or Licensed Professional Geologist or Licensed Professional~~  
26 ~~Geologist or Licensed Professional Geologist or Licensed~~

1 ~~Professional Geologist or Licensed Professional Geologist or~~  
2 ~~Licensed Professional Geologist or Licensed Professional~~  
3 ~~Geologist or Licensed Professional Geologist or Licensed~~  
4 ~~Professional Geologist or Licensed Professional Geologist~~

5 (c) Agency review and approval.

6 (1) Agency approval of any plan and associated budget,  
7 as described in this subsection (c), shall be considered  
8 final approval for purposes of seeking and obtaining  
9 payment from the Underground Storage Tank Fund if the costs  
10 associated with the completion of any such plan are less  
11 than or equal to the amounts approved in such budget.

12 (2) In the event the Agency fails to approve,  
13 disapprove, or modify any plan or report submitted pursuant  
14 to this Title in writing within 120 days of the receipt by  
15 the Agency, the plan or report shall be considered to be  
16 rejected by operation of law for purposes of this Title and  
17 rejected for purposes of payment from the Underground  
18 Storage Tank Fund.

19 (A) For purposes of those plans as identified in  
20 paragraph (5) of this subsection (c), the Agency's  
21 review may be an audit procedure. Such review or audit  
22 shall be consistent with the procedure for such review  
23 or audit as promulgated by the Board under Section  
24 57.14. The Agency has the authority to establish an  
25 auditing program to verify compliance of such plans  
26 with the provisions of this Title.

1 (B) For purposes of corrective action plans  
2 submitted pursuant to subsection (b) of this Section  
3 for which payment from the Fund is not being sought,  
4 the Agency need not take action on such plan until 120  
5 days after it receives the corrective action  
6 completion report required under subsection (b) of  
7 this Section. In the event the Agency approved the  
8 plan, it shall proceed under the provisions of this  
9 subsection (c).

10 (3) In approving any plan submitted pursuant to  
11 subsection (a) or (b) of this Section, the Agency shall  
12 determine, by a procedure promulgated by the Board under  
13 Section 57.14, that the costs associated with the plan are  
14 reasonable, will be incurred in the performance of site  
15 investigation or corrective action, and will not be used  
16 for site investigation or corrective action activities in  
17 excess of those required to meet the minimum requirements  
18 of this Title.

19 (4) For any plan or report received after June 24,  
20 ~~September 13,~~ 2002, any action by the Agency to disapprove  
21 or modify a plan submitted pursuant to this Title shall be  
22 provided to the owner or operator in writing within 120  
23 days of the receipt by the Agency or, in the case of a site  
24 investigation plan or corrective action plan for which  
25 payment is not being sought, within 120 days of receipt of  
26 the site investigation completion report or corrective

1 action completion report, respectively, and shall be  
2 accompanied by:

3 (A) an explanation of the Sections of this Act  
4 which may be violated if the plans were approved;

5 (B) an explanation of the provisions of the  
6 regulations, promulgated under this Act, which may be  
7 violated if the plan were approved;

8 (C) an explanation of the specific type of  
9 information, if any, which the Agency deems the  
10 applicant did not provide the Agency; and

11 (D) a statement of specific reasons why the Act and  
12 the regulations might not be met if the plan were  
13 approved.

14 Any action by the Agency to disapprove or modify a plan  
15 or report or the rejection of any plan or report by  
16 operation of law shall be subject to appeal to the Board in  
17 accordance with the procedures of Section 40. If the owner  
18 or operator elects to incorporate modifications required  
19 by the Agency rather than appeal, an amended plan shall be  
20 submitted to the Agency within 35 days of receipt of the  
21 Agency's written notification.

22 (5) For purposes of this Title, the term "plan" shall  
23 include:

24 (A) Any site investigation plan submitted pursuant  
25 to subsection (a) of this Section;

26 (B) Any site investigation budget submitted



1           pursuant to subsection (a) of this Section;

2           (C) Any corrective action plan submitted pursuant  
3           to subsection (b) of this Section; or

4           (D) Any corrective action plan budget submitted  
5           pursuant to subsection (b) of this Section.

6           (d) For purposes of this Title, the term "indicator  
7           contaminant" shall mean, unless and until the Board promulgates  
8           regulations to the contrary, the following: (i) if an  
9           underground storage tank contains gasoline, the indicator  
10          parameter shall be BTEX and Benzene; (ii) if the tank contained  
11          petroleum products consisting of middle distillate or heavy  
12          ends, then the indicator parameter shall be determined by a  
13          scan of PNA's taken from the location where contamination is  
14          most likely to be present; and (iii) if the tank contained used  
15          oil, then the indicator contaminant shall be those chemical  
16          constituents which indicate the type of petroleum stored in an  
17          underground storage tank. All references in this Title to  
18          groundwater objectives shall mean Class I groundwater  
19          standards or objectives as applicable.

20          (e) (1) Notwithstanding the provisions of this Section, an  
21          owner or operator may proceed to conduct site investigation  
22          or corrective action prior to the submittal or approval of  
23          an otherwise required plan. If the owner or operator elects  
24          to so proceed, an applicable plan shall be filed with the  
25          Agency at any time. Such plan shall detail the steps taken  
26          to determine the type of site investigation or corrective

1 action which was necessary at the site along with the site  
2 investigation or corrective action taken or to be taken, in  
3 addition to costs associated with activities to date and  
4 anticipated costs.

5 (2) Upon receipt of a plan submitted after activities  
6 have commenced at a site, the Agency shall proceed to  
7 review in the same manner as required under this Title. In  
8 the event the Agency disapproves all or part of the costs,  
9 the owner or operator may appeal such decision to the  
10 Board. The owner or operator shall not be eligible to be  
11 reimbursed for such disapproved costs unless and until the  
12 Board determines that such costs were eligible for payment.

13 (f) All investigations, plans, and reports conducted or  
14 prepared under this Section shall be conducted or prepared  
15 under the supervision of a licensed professional engineer and  
16 in accordance with the requirements of this Title.

17 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;  
18 92-651, eff. 7-11-02; 92-735, eff. 7-25-02; revised 10-3-02.)

19 (415 ILCS 5/57.8)

20 Sec. 57.8. Underground Storage Tank Fund; payment; options  
21 for State payment; deferred correction election to commence  
22 corrective action upon availability of funds. If an owner or  
23 operator is eligible to access the Underground Storage Tank  
24 Fund pursuant to an Office of State Fire Marshal  
25 eligibility/deductible final determination letter issued in

1 accordance with Section 57.9, the owner or operator may submit  
2 a complete application for final or partial payment to the  
3 Agency for activities taken in response to a confirmed release.  
4 An owner or operator may submit a request for partial or final  
5 payment regarding a site no more frequently than once every 90  
6 days.

7 (a) Payment after completion of corrective action  
8 measures. The owner or operator may submit an application for  
9 payment for activities performed at a site after completion of  
10 the requirements of Sections 57.6 and 57.7, or after completion  
11 of any other required activities at the underground storage  
12 tank site.

13 (1) In the case of any approved plan and budget for  
14 which payment is being sought, the Agency shall make a  
15 payment determination within 120 days of receipt of the  
16 application. Such determination shall be considered a  
17 final decision. The Agency's review shall be limited to  
18 generally accepted auditing and accounting practices. In  
19 no case shall the Agency conduct additional review of any  
20 plan which was completed within the budget, beyond auditing  
21 for adherence to the corrective action measures in the  
22 proposal. If the Agency fails to approve the payment  
23 application within 120 days, such application shall be  
24 deemed approved by operation of law and the Agency shall  
25 proceed to reimburse the owner or operator the amount  
26 requested in the payment application. However, in no event

1 shall the Agency reimburse the owner or operator an amount  
2 greater than the amount approved in the plan.

3 (2) If sufficient funds are available in the  
4 Underground Storage Tank Fund, the Agency shall, within 60  
5 days, forward to the Office of the State Comptroller a  
6 voucher in the amount approved under the payment  
7 application.

8 (3) In the case of insufficient funds, the Agency shall  
9 form a priority list for payment and shall notify persons  
10 in such priority list monthly of the availability of funds  
11 and when payment shall be made. Payment shall be made to  
12 the owner or operator at such time as sufficient funds  
13 become available for the costs associated with site  
14 investigation and corrective action and costs expended for  
15 activities performed where no proposal is required, if  
16 applicable. Such priority list shall be available to any  
17 owner or operator upon request. Priority for payment shall  
18 be determined by the date the Agency receives a complete  
19 request for partial or final payment. Upon receipt of  
20 notification from the Agency that the requirements of this  
21 Title have been met, the Comptroller shall make payment to  
22 the owner or operator of the amount approved by the Agency,  
23 if sufficient money exists in the Fund. If there is  
24 insufficient money in the Fund, then payment shall not be  
25 made. If the owner or operator appeals a final Agency  
26 payment determination and it is determined that the owner

1 or operator is eligible for payment or additional payment,  
2 the priority date for the payment or additional payment  
3 shall be the same as the priority date assigned to the  
4 original request for partial or final payment.

5 (4) Any deductible, as determined pursuant to the  
6 Office of the State Fire Marshal's eligibility and  
7 deductibility final determination in accordance with  
8 Section 57.9, shall be subtracted from any payment invoice  
9 paid to an eligible owner or operator. Only one deductible  
10 shall apply per underground storage tank site.

11 (5) In the event that costs are or will be incurred in  
12 addition to those approved by the Agency, or after payment,  
13 the owner or operator may submit successive plans  
14 containing amended budgets. The requirements of Section  
15 57.7 shall apply to any amended plans.

16 (6) For purposes of this Section, a complete  
17 application shall consist of:

18 (A) A certification from a Licensed Professional  
19 Engineer or Licensed Professional Geologist as  
20 required under this Title and acknowledged by the owner  
21 or operator.

22 (B) A statement of the amounts approved in the  
23 budget and the amounts actually sought for payment  
24 along with a certified statement by the owner or  
25 operator that the amounts so sought were expended in  
26 conformance with the approved budget.

1 (C) A copy of the Office of the State Fire  
2 Marshal's eligibility and deductibility determination.

3 (D) Proof that approval of the payment requested  
4 will not result in the limitations set forth in  
5 subsection (g) of this Section being exceeded.

6 (E) A federal taxpayer identification number and  
7 legal status disclosure certification on a form  
8 prescribed and provided by the Agency.

9 (b) Commencement of site investigation or corrective  
10 action upon availability of funds. The Board shall adopt  
11 regulations setting forth procedures based on risk to human  
12 health or the environment under which the owner or operator who  
13 has received approval for any budget plan submitted pursuant to  
14 Section 57.7, and who is eligible for payment from the  
15 Underground Storage Tank Fund pursuant to an Office of the  
16 State Fire Marshal eligibility and deductibility  
17 determination, may elect to defer site investigation or  
18 corrective action activities until funds are available in an  
19 amount equal to the amount approved in the budget. The  
20 regulations shall establish criteria based on risk to human  
21 health or the environment to be used for determining on a  
22 site-by-site basis whether deferral is appropriate. The  
23 regulations also shall establish the minimum investigatory  
24 requirements for determining whether the risk based criteria  
25 are present at a site considering deferral and procedures for  
26 the notification of owners or operators of insufficient funds,

1 Agency review of request for deferral, notification of Agency  
2 final decisions, returning deferred sites to active status, and  
3 earmarking of funds for payment.

4 (c) When the owner or operator requests indemnification for  
5 payment of costs incurred as a result of a release of petroleum  
6 from an underground storage tank, if the owner or operator has  
7 satisfied the requirements of subsection (a) of this Section,  
8 the Agency shall forward a copy of the request to the Attorney  
9 General. The Attorney General shall review and approve the  
10 request for indemnification if:

11 (1) there is a legally enforceable judgment entered  
12 against the owner or operator and such judgment was entered  
13 due to harm caused by a release of petroleum from an  
14 underground storage tank and such judgment was not entered  
15 as a result of fraud; or

16 (2) a settlement with a third party due to a release of  
17 petroleum from an underground storage tank is reasonable.

18 (d) Notwithstanding any other provision of this Title, the  
19 Agency shall not approve payment to an owner or operator from  
20 the Fund for costs of corrective action or indemnification  
21 incurred during a calendar year in excess of the following  
22 aggregate amounts based on the number of petroleum underground  
23 storage tanks owned or operated by such owner or operator in  
24 Illinois.

25	Amount	Number of Tanks
26	\$2,000,000	..... fewer than 101

1           \$3,000,000 ..... 101 or more

2           (1) Costs incurred in excess of the aggregate amounts  
3 set forth in paragraph (1) of this subsection shall not be  
4 eligible for payment in subsequent years.

5           (2) For purposes of this subsection, requests  
6 submitted by any of the agencies, departments, boards,  
7 committees or commissions of the State of Illinois shall be  
8 acted upon as claims from a single owner or operator.

9           (3) For purposes of this subsection, owner or operator  
10 includes (i) any subsidiary, parent, or joint stock company  
11 of the owner or operator and (ii) any company owned by any  
12 parent, subsidiary, or joint stock company of the owner or  
13 operator.

14           (e) Costs of corrective action or indemnification incurred  
15 by an owner or operator which have been paid to an owner or  
16 operator under a policy of insurance, another written  
17 agreement, or a court order are not eligible for payment under  
18 this Section. An owner or operator who receives payment under a  
19 policy of insurance, another written agreement, or a court  
20 order shall reimburse the State to the extent such payment  
21 covers costs for which payment was received from the Fund. Any  
22 monies received by the State under this subsection (e) shall be  
23 deposited into the Fund.

24           (f) (Blank.)

25           (g) The Agency shall not approve any payment from the Fund  
26 to pay an owner or operator:



1           (1) for costs of corrective action incurred by such  
2           owner or operator in an amount in excess of \$1,500,000 per  
3           occurrence; and

4           (2) for costs of indemnification of such owner or  
5           operator in an amount in excess of \$1,500,000 per  
6           occurrence.

7           (h) Payment of any amount from the Fund for corrective  
8           action or indemnification shall be subject to the State  
9           acquiring by subrogation the rights of any owner, operator, or  
10          other person to recover the costs of corrective action or  
11          indemnification for which the Fund has compensated such owner,  
12          operator, or person from the person responsible or liable for  
13          the release.

14          (i) If the Agency refuses to pay or authorizes only a  
15          partial payment, the affected owner or operator may petition  
16          the Board for a hearing in the manner provided for the review  
17          of permit decisions in Section 40 of this Act.

18          (j) Costs of corrective action or indemnification incurred  
19          by an owner or operator prior to July 28, 1989, shall not be  
20          eligible for payment or reimbursement under this Section.

21          (k) The Agency shall not pay costs of corrective action or  
22          indemnification incurred before providing notification of the  
23          release of petroleum in accordance with the provisions of this  
24          Title.

25          (l) Corrective action does not include legal defense costs.  
26          Legal defense costs include legal costs for seeking payment

1 under this Title unless the owner or operator prevails before  
2 the Board in which case the Board may authorize payment of  
3 legal fees.

4 (m) The Agency may apportion payment of costs for plans  
5 submitted under Section 57.7 if:

6 (1) the owner or operator was deemed eligible to access  
7 the Fund for payment of corrective action costs for some,  
8 but not all, of the underground storage tanks at the site;  
9 and

10 (2) the owner or operator failed to justify all costs  
11 attributable to each underground storage tank at the site.

12 (n) The Agency shall not pay costs associated with a  
13 corrective action plan incurred after the Agency provides  
14 notification to the owner or operator pursuant to item (7) of  
15 subsection (b) of Section 57.7 that a revised corrective action  
16 plan is required. Costs associated with any subsequently  
17 approved corrective action plan shall be eligible for  
18 reimbursement if they meet the requirements of this Title.

19 (Source: P.A. 91-357, eff. 7-29-99; 92-554, eff. 6-24-02;  
20 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 10-3-02.)

21 (415 ILCS 5/57.13)

22 Sec. 57.13. Underground Storage Tank Program; transition.

23 (a) If a release is reported to the proper State authority  
24 on or after June 24 ~~September 13~~, 2002, the owner or operator  
25 shall comply with the requirements of this Title.

1 (b) If a release is reported to the proper State authority  
2 prior to June 24 ~~September 13~~, 2002, the owner or operator of  
3 an underground storage tank may elect to proceed in accordance  
4 with the requirements of this Title by submitting a written  
5 statement to the Agency of such election. If the owner or  
6 operator elects to proceed under the requirements of this Title  
7 all costs incurred in connection with the incident prior to  
8 notification shall be reimbursable in the same manner as was  
9 allowable under the then existing law. Completion of corrective  
10 action shall then follow the provisions of this Title.

11 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;  
12 revised 9-9-02.)

13 (415 ILCS 5/58.3)

14 Sec. 58.3. Site Investigation and Remedial Activities  
15 Program; Brownfields Redevelopment Fund.

16 (a) The General Assembly hereby establishes by this Title a  
17 Site Investigation and Remedial Activities Program for sites  
18 subject to this Title. This program shall be administered by  
19 the Illinois Environmental Protection Agency under this Title  
20 XVII and rules adopted by the Illinois Pollution Control Board.

21 (b) (1) The General Assembly hereby creates within the  
22 State Treasury a special fund to be known as the  
23 Brownfields Redevelopment Fund, consisting of 2 programs  
24 to be known as the "Municipal Brownfields Redevelopment  
25 Grant Program" and the "Brownfields Redevelopment Loan

1 Program", which shall be used and administered by the  
2 Agency as provided in Sections 58.13 and 58.15 of this Act  
3 and the rules adopted under those Sections. The Brownfields  
4 Redevelopment Fund ("Fund") shall contain moneys  
5 transferred from the Response Contractors Indemnification  
6 Fund and other moneys made available for deposit into the  
7 Fund.

8 (2) The State Treasurer, ex officio, shall be the  
9 custodian of the Fund, and the Comptroller shall direct  
10 payments from the Fund upon vouchers properly certified by  
11 the Agency. The Treasurer shall credit to the Fund interest  
12 earned on moneys contained in the Fund. The Agency shall  
13 have the authority to accept, receive, and administer on  
14 behalf of the State any grants, gifts, loans,  
15 reimbursements or payments for services, or other moneys  
16 made available to the State from any source for purposes of  
17 the Fund. Those moneys shall be deposited into the Fund,  
18 unless otherwise required by the Environmental Protection  
19 Act or by federal law.

20 (3) Pursuant to appropriation, all moneys in the Fund  
21 shall be used by the Agency for the purposes set forth in  
22 subdivision (b) (4) of this Section and Sections 58.13 and  
23 58.15 of this Act and to cover the Agency's costs of  
24 program development and administration under those  
25 Sections.

26 (4) The Agency shall have the power to enter into

1           intergovernmental agreements with the federal government  
2           or the State, or any instrumentality thereof, for purposes  
3           of capitalizing the Brownfields Redevelopment Fund. Moneys  
4           on deposit in the Brownfields Redevelopment Fund may be  
5           used for the creation of reserve funds or pledged funds  
6           that secure the obligations of repayment of loans made  
7           pursuant to Section 58.15 of this Act. For the purpose of  
8           obtaining capital for deposit into the Brownfields  
9           Redevelopment Fund, the Agency may also enter into  
10          agreements with financial institutions and other persons  
11          for the purpose of selling loans and developing a secondary  
12          market for such loans. The Agency shall have the power to  
13          create and establish such reserve funds and accounts as may  
14          be necessary or desirable to accomplish its purposes under  
15          this subsection and to allocate its available moneys into  
16          such funds and accounts. Investment earnings on moneys held  
17          in the Brownfields Redevelopment Fund, including any  
18          reserve fund or pledged fund, shall be deposited into the  
19          Brownfields Redevelopment Fund.

20               (5) The Agency is authorized to administer funds made  
21               available to the Agency under federal law, including but  
22               not limited to the Small Business Liability Relief and  
23               Brownfields Revitalization ~~Revitalization~~ Act ~~of 2002~~,  
24               related to brownfields cleanup and reuse in accordance with  
25               that law and this Title.

26               (Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02; 92-715,

1 eff. 7-23-02; revised 10-17-05.)

2 (415 ILCS 5/58.7)

3 Sec. 58.7. Review and approvals.

4 (a) Requirements. All plans and reports that are submitted  
5 pursuant to this Title shall be submitted for review or  
6 approval in accordance with this Section.

7 (b) Review and evaluation by the Agency.

8 (1) Except for sites excluded under subdivision (a) (2)  
9 of Section 58.1, the Agency shall, subject to available  
10 resources, agree to provide review and evaluation services  
11 for activities carried out pursuant to this Title for which  
12 the RA requested the services in writing. As a condition  
13 for providing such services, the Agency may require that  
14 the RA for a site:

15 (A) Conform with the procedures of this Title;

16 (B) Allow for or otherwise arrange site visits or  
17 other site evaluation by the Agency when so requested;

18 (C) Agree to perform the Remedial Action Plan as  
19 approved under this Title;

20 (D) Agree to pay any reasonable costs incurred and  
21 documented by the Agency in providing such services;

22 (E) Make an advance partial payment to the Agency  
23 for such anticipated services in an amount, acceptable  
24 to the Agency, but not to exceed \$5,000 or one-half of  
25 the total anticipated costs of the Agency, whichever

1           sum is less; and

2                   (F) Demonstrate, if necessary, authority to act on  
3           behalf of or in lieu of the owner or operator.

4           (2) Any moneys received by the State for costs incurred  
5           by the Agency in performing review or evaluation services  
6           for actions conducted pursuant to this Title shall be  
7           deposited in the Hazardous Waste Fund.

8           (3) An RA requesting services under subdivision (b) (1)  
9           of this Section may, at any time, notify the Agency, in  
10          writing, that Agency services previously requested are no  
11          longer wanted. Within 180 days after receipt of the notice,  
12          the Agency shall provide the RA with a final invoice for  
13          services provided until the date of such notifications.

14          (4) The Agency may invoice or otherwise request or  
15          demand payment from a RA for costs incurred by the Agency  
16          in performing review or evaluation services for actions by  
17          the RA at sites only if:

18                  (A) The Agency has incurred costs in performing  
19                  response actions, other than review or evaluation  
20                  services, due to the failure of the RA to take response  
21                  action in accordance with a notice issued pursuant to  
22                  this Act;

23                  (B) The RA has agreed in writing to the payment of  
24                  such costs;

25                  (C) The RA has been ordered to pay such costs by  
26                  the Board or a court of competent jurisdiction pursuant

1 to this Act; or

2 (D) The RA has requested or has consented to Agency  
3 review or evaluation services under subdivision (b)  
4 (1) of this Section.

5 (5) The Agency may, subject to available resources,  
6 agree to provide review and evaluation services for  
7 response actions if there is a written agreement among  
8 parties to a legal action or if a notice to perform a  
9 response action has been issued by the Agency.

10 (c) Review and evaluation by a Licensed Professional  
11 Engineer or Licensed Professional Geologist. A RA may elect to  
12 contract with a Licensed Professional Engineer or, in the case  
13 of a site investigation report only, a Licensed Professional  
14 Geologist, who will perform review and evaluation services on  
15 behalf of and under the direction of the Agency relative to the  
16 site activities.

17 (1) Prior to entering into the contract with the  
18 RELPEG, the RA shall notify the Agency of the RELPEG to be  
19 selected. The Agency and the RA shall discuss the potential  
20 terms of the contract.

21 (2) At a minimum, the contract with the RELPEG shall  
22 provide that the RELPEG will submit any reports directly to  
23 the Agency, will take his or her directions for work  
24 assignments from the Agency, and will perform the assigned  
25 work on behalf of the Agency.

26 (3) Reasonable costs incurred by the Agency shall be



1           paid by the RA directly to the Agency in accordance with  
2           the terms of the review and evaluation services agreement  
3           entered into under subdivision (b) (1) of Section 58.7.

4           (4) In no event shall the RELPEG acting on behalf of  
5           the Agency be an employee of the RA or the owner or  
6           operator of the site or be an employee of any other person  
7           the RA has contracted to provide services relative to the  
8           site.

9           (d) Review and approval. All reviews required under this  
10          Title shall be carried out by the Agency or a RELPEG, both  
11          under the direction of a Licensed Professional Engineer or, in  
12          the case of the review of a site investigation only, a Licensed  
13          Professional Geologist.

14          (1) All review activities conducted by the Agency or a  
15          RELPEG shall be carried out in conformance with this Title  
16          and rules promulgated under Section 58.11.

17          (2) Subject to the limitations in subsection (c) and  
18          this subsection (d), the specific plans, reports, and  
19          activities that the Agency or a RELPEG may review include:

20                  (A) Site Investigation Reports and related  
21                  activities;

22                  (B) Remediation Objectives Reports;

23                  (C) Remedial Action Plans and related activities;

24                  and

25                  (D) Remedial Action Completion Reports and related  
26                  activities.

1           (3) Only the Agency shall have the authority to  
2 approve, disapprove, or approve with conditions a plan or  
3 report as a result of the review process including those  
4 plans and reports reviewed by a RELPEG. If the Agency  
5 disapproves a plan or report or approves a plan or report  
6 with conditions, the written notification required by  
7 subdivision (d) (4) of this Section shall contain the  
8 following information, as applicable:

9           (A) An explanation of the Sections of this Title  
10 that may be violated if the plan or report was  
11 approved;

12           (B) An explanation of the provisions of the rules  
13 promulgated under this Title that may be violated if  
14 the plan or report was approved;

15           (C) An explanation of the specific type of  
16 information, if any, that the Agency deems the  
17 applicant did not provide the Agency;

18           (D) A statement of specific reasons why the Title  
19 and regulations might not be met if the plan or report  
20 were approved; and

21           (E) An explanation of the reasons for conditions if  
22 conditions are required.

23           (4) Upon approving, disapproving, or approving with  
24 conditions a plan or report, the Agency shall notify the RA  
25 in writing of its decision. In the case of approval or  
26 approval with conditions of a Remedial Action Completion

1 Report, the Agency shall prepare a No Further Remediation  
2 Letter that meets the requirements of Section 58.10 and  
3 send a copy of the letter to the RA.

4 (5) All reviews undertaken by the Agency or a RELPEG  
5 shall be completed and the decisions communicated to the RA  
6 within 60 days of the request for review or approval. The  
7 RA may waive the deadline upon a request from the Agency.  
8 If the Agency disapproves or approves with conditions a  
9 plan or report or fails to issue a final decision within  
10 the 60 day period and the RA has not agreed to a waiver of  
11 the deadline, the RA may, within 35 days, file an appeal to  
12 the Board. Appeals to the Board shall be in the manner  
13 provided for the review of permit decisions in Section 40  
14 of this Act.

15 (e) Standard of review. In making determinations, the  
16 following factors, and additional factors as may be adopted by  
17 the Board in accordance with Section 58.11, shall be considered  
18 by the Agency when reviewing or approving plans, reports, and  
19 related activities, or the RELPEG, when reviewing plans,  
20 reports, and related activities:

21 (1) Site Investigation Reports and related activities:  
22 Whether investigations have been conducted and the results  
23 compiled in accordance with the appropriate procedures and  
24 whether the interpretations and conclusions reached are  
25 supported by the information gathered. In making the  
26 determination, the following factors shall be considered:

1 (A) The adequacy of the description of the site and  
2 site characteristics that were used to evaluate the  
3 site;

4 (B) The adequacy of the investigation of potential  
5 pathways and risks to receptors identified at the site;  
6 and

7 (C) The appropriateness of the sampling and  
8 analysis used.

9 (2) Remediation Objectives Reports: Whether the  
10 remediation objectives are consistent with the  
11 requirements of the applicable method for selecting or  
12 determining remediation objectives under Section 58.5. In  
13 making the determination, the following factors shall be  
14 considered:

15 (A) If the objectives were based on the  
16 determination of area background levels under  
17 subsection (b) of Section 58.5, whether the review of  
18 current and historic conditions at or in the immediate  
19 vicinity of the site has been thorough and whether the  
20 site sampling and analysis has been performed in a  
21 manner resulting in accurate determinations;

22 (B) If the objectives were calculated on the basis  
23 of predetermined equations using site specific data,  
24 whether the calculations were accurately performed and  
25 whether the site specific data reflect actual site  
26 conditions; and

1 (C) If the objectives were determined using a site  
2 specific risk assessment procedure, whether the  
3 procedure used is nationally recognized and accepted,  
4 whether the calculations were accurately performed,  
5 and whether the site specific data reflect actual site  
6 conditions.

7 (3) Remedial Action Plans and related activities:  
8 Whether the plan will result in compliance with this Title,  
9 and rules adopted under it and attainment of the applicable  
10 remediation objectives. In making the determination, the  
11 following factors shall be considered:

12 (A) The likelihood that the plan will result in the  
13 attainment of the applicable remediation objectives;

14 (B) Whether the activities proposed are consistent  
15 with generally accepted engineering practices; and

16 (C) The management of risk relative to any  
17 remaining contamination, including but not limited to,  
18 provisions for the long-term enforcement, operation,  
19 and maintenance of institutional and engineering  
20 controls, if relied on.

21 (4) Remedial Action Completion Reports and related  
22 activities: Whether the remedial activities have been  
23 completed in accordance with the approved Remedial Action  
24 Plan and whether the applicable remediation objectives  
25 have been attained.

26 (f) All plans and reports submitted for review shall

1 include a Licensed Professional Engineer's certification that  
2 all investigations and remedial activities were carried out  
3 under his or her direction and, to the best of his or her  
4 knowledge and belief, the work described in the plan or report  
5 has been completed in accordance with generally accepted  
6 engineering practices, and the information presented is  
7 accurate and complete. In the case of a site investigation  
8 report prepared or supervised by a Licensed Professional  
9 Geologist, the required certification may be made by the  
10 Licensed Professional Geologist (rather than a Licensed  
11 Professional Engineer) and based upon generally accepted  
12 principles of professional geology.

13 (g) In accordance with Section 58.11, the Agency shall  
14 propose and the Board shall adopt rules to carry out the  
15 purposes of this Section. At a minimum, the rules shall detail  
16 the types of services the Agency may provide in response to  
17 requests under subdivision (b) (1) of this Section and the  
18 recordkeeping it will utilize in documenting to the RA the  
19 costs incurred by the Agency in providing such services.

20 (h) Public participation.

21 (1) The Agency shall develop guidance to assist RA's in  
22 the implementation of a community relations plan to address  
23 activity at sites undergoing remedial action pursuant to  
24 this Title.

25 (2) The RA may elect to enter into a services agreement  
26 with the Agency for Agency assistance in community outreach

1 efforts.

2 (3) The Agency shall maintain a registry listing those  
3 sites undergoing remedial action pursuant to this Title.

4 (4) Notwithstanding any provisions of this Section,  
5 the RA of a site undergoing remedial activity pursuant to  
6 this Title may elect to initiate a community outreach  
7 effort for the site.

8 (Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02;  
9 revised 9-9-02.)

10 Section 955. The Burn Injury Reporting Act is amended by  
11 adding Section 900 as follows:

12 (425 ILCS 7/900 new)

13 (Section scheduled to be repealed on January 1, 2009)

14 Sec. 900. Expiration. This Act is repealed on January 1,  
15 2009.

16 Section 960. The Fireworks Use Act is amended by changing  
17 Sections 1 and 5 as follows:

18 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

19 Sec. 1. Definitions. As used in this Act, the following  
20 words shall have the following meanings:

21 "1.3G fireworks" means those fireworks used for  
22 professional outdoor displays and classified as fireworks

1 UN0333, UN0334, or UN0335 by the United States Department of  
2 Transportation under 49 C.F.R. 172.101.

3 "Consumer distributor" means any person who distributes,  
4 offers for sale, sells, or exchanges for consideration consumer  
5 fireworks in Illinois to another distributor or directly to any  
6 retailer or person for resale.

7 "Consumer fireworks" means those fireworks that must  
8 comply with the construction, chemical composition, and  
9 labeling regulations of the U.S. Consumer Products Safety  
10 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and  
11 classified as fireworks UN0336 or UN0337 by the United States  
12 Department of Transportation under 49 C.F.R. 172.101.

13 "Consumer fireworks" shall not include snake or glow worm  
14 pellets; smoke devices; trick noisemakers known as "party  
15 poppers", "booby traps", "snappers", "trick matches",  
16 "cigarette loads", and "auto burglar alarms"; sparklers; toy  
17 pistols, toy canes, toy guns, or other devices in which paper  
18 or plastic caps containing twenty-five hundredths grains or  
19 less of explosive compound are used, provided they are so  
20 constructed that the hand cannot come in contact with the cap  
21 when in place for the explosion; and toy pistol paper or  
22 plastic caps that contain less than twenty hundredths grains of  
23 explosive mixture; the sale and use of which shall be permitted  
24 at all times.

25 "Consumer fireworks display" or "consumer display" means  
26 the detonation, ignition, or deflagration of consumer



1 fireworks to produce a visual or audible effect.

2 "Consumer operator" means an adult individual who is  
3 responsible for the safety, setup, and discharge of the  
4 consumer fireworks display and who has completed the training  
5 required in Section 2.2 of this Act.

6 "Consumer retailer" means any person who offers for sale,  
7 sells, or exchanges for consideration consumer fireworks in  
8 Illinois directly to any person with a consumer display permit.

9 "Display fireworks" means 1.3G or special effects  
10 fireworks or as further defined in the Pyrotechnic Distributor  
11 and Operator Licensing Act.

12 "Flame effect" means the detonation, ignition, or  
13 deflagration of flammable gases, liquids, or special materials  
14 to produce a thermal, physical, visual, or audible effect  
15 before the public, invitees, or licensees, regardless of  
16 whether admission is charged, in accordance with National Fire  
17 Protection Association 160 guidelines, and as may be further  
18 defined in the Pyrotechnic Distributor and Operator Licensing  
19 Act.

20 "Lead pyrotechnic operator" means an individual who is  
21 responsible for the safety, setup, and discharge of the  
22 pyrotechnic display and who is licensed pursuant to the  
23 Pyrotechnic Distributor and Operator Licensing Act.

24 "Person" means an individual, firm, corporation,  
25 association, partnership, company, consortium, joint venture,  
26 or commercial entity.

1 "Pyrotechnic display" means the detonation, ignition, or  
2 deflagration of display fireworks or flame effects to produce  
3 visual or audible effects of a exhibitional nature before the  
4 public, invitees, or licensees, regardless of whether  
5 admission is charged, and as may be further defined in the  
6 Pyrotechnic Distributor and Operator Licensing Act.

7 "Special effects fireworks" means pyrotechnic devices used  
8 for special effects by professionals in the performing arts in  
9 conjunction with theatrical, musical, or other productions  
10 that are similar to consumer fireworks in chemical compositions  
11 and construction, but are not intended for consumer use and are  
12 not labeled as such or identified as "intended for indoor use".

13 "Special effects fireworks" are classified as fireworks UN0431  
14 or UN0432 by the United States Department of Transportation  
15 under 49 C.F.R. 172.101.

16 (Source: P.A. 94-658, eff. 1-1-06; revised 11-21-05.)

17 (425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

18 Sec. 5. ~~(a)~~ Any person, firm, co-partnership, or  
19 corporation violating the provisions of this Act shall be  
20 guilty of a Class A misdemeanor.

21 (Source: P.A. 94-658, eff. 1-1-06; revised 9-21-05.)

22 Section 965. The Public Building Egress Act is amended by  
23 changing Section 1.5 as follows:

1 (425 ILCS 55/1.5)

2 Sec. 1.5. Stairwell door access.

3 (a) Stairwell enclosures in buildings greater than 4  
4 stories shall comply with one of the following requirements:

5 (1) no stairwell enclosure door shall be locked at any  
6 time in order to provide re-entry from the stair enclosure  
7 to the interior of the building; or

8 (2) stairwell enclosure doors that are locked shall be  
9 equipped with an electronic lock release system that is  
10 activated upon loss of power, manually by a single switch  
11 accessible to building management or firefighting  
12 personnel, and automatically by activation of the  
13 building's fire alarm system.

14 A telephone or other two-way communications system  
15 connected to an approved constantly attended location shall be  
16 provided on not less than every fifth floor in each stairway  
17 where the doors to the stairway are locked. If this option is  
18 selected, the building must comply with these requirements by  
19 January 1, 2006.

20 (b) Regardless of which option is selected under subsection  
21 (a) of this Section, stairwell enclosure doors at the main  
22 egress level of the building shall remain unlocked from the  
23 stairwell enclosure side at all times.

24 (c) Building owners that select the option under paragraph  
25 (2) of subsection (a) of this Section must comply with the  
26 following requirements during the time necessary to install a

1 lock release system and the two-way communication system:

2 (1) re-entry into the building interior shall be  
3 possible at all times on the highest story or second  
4 highest story, whichever allows access to another exit  
5 stair;

6 (2) there shall not be more than 4 stories intervening  
7 between stairwell enclosure doors that provides access to  
8 another exit stair;

9 (3) doors allowing re-entry shall be identified as such  
10 on the stair side of the door;

11 (4) doors not allowing re-entry shall be provided with  
12 a sign on the stair side indicating the location of the  
13 nearest exit, in each direction of travel that allows  
14 re-entry; and

15 (5) the information required to be posted on the door  
16 under paragraphs (3) and (4) of this subsection (c), shall  
17 be posted at eye level and at the bottom of the door.

18 (d) Nothing in this Section applies to any stairwell  
19 enclosure door that opens directly into a dwelling unit,  
20 provided the dwelling unit door has a self-closer, latch, and  
21 no self-locking hardware. Where all doors in the stairwell meet  
22 these criteria, the stairwell shall be provided with either a  
23 two-way communication system or readily operable windows on  
24 each landing or intermediate landing.

25 (e) Except as otherwise provided in subsection (f) ~~(e)~~, a  
26 home rule unit may not regulate stairwell door access in a

1 manner less restrictive than the regulation by the State of  
2 stairwell door access under this Act. This subsection (e) is a  
3 limitation under subsection (i) of Section 6 of Article VII of  
4 the Illinois Constitution on the concurrent exercise by home  
5 rule units of powers and functions exercised by the State.

6 (f) ~~(e)~~ This Section does not apply in a home rule  
7 municipality that, on or before January 1, 2005, has passed an  
8 ordinance regulating building access from stairwell enclosures  
9 in buildings that are more than 4 stories in height.

10 (Source: P.A. 94-630, eff. 1-1-06; revised 10-11-05.)

11 Section 970. The Gasoline Storage Act is amended by  
12 changing Section 2 as follows:

13 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

14 Sec. 2. Jurisdiction; regulation of tanks.

15 (1) (a) Except as otherwise provided in this Act, the  
16 jurisdiction of the Office of the State Fire Marshal under this  
17 Act shall be concurrent with that of municipalities and other  
18 political subdivisions. The Office of the State Fire Marshal  
19 has power to promulgate, pursuant to the Illinois  
20 Administrative Procedure Act, reasonable rules and regulations  
21 governing the keeping, storage, transportation, sale or use of  
22 gasoline and volatile oils. Nothing in this Act shall relieve  
23 any person, corporation, or other entity from complying with  
24 any zoning ordinance of a municipality or home rule unit

1 enacted pursuant to Section 11-13-1 of the Illinois Municipal  
2 Code or any ordinance enacted pursuant to Section 11-8-4 of the  
3 Illinois Municipal Code.

4 (b) The rulemaking power shall include the power to  
5 promulgate rules providing for the issuance and revocation of  
6 permits allowing the self service dispensing of motor fuels as  
7 such term is defined in the Motor Fuel Tax Law in retail  
8 service stations or any other place of business where motor  
9 fuels are dispensed into the fuel tanks of motor vehicles,  
10 internal combustion engines or portable containers. Such rules  
11 shall specify the requirements that must be met both prior and  
12 subsequent to the issuance of such permits in order to insure  
13 the safety and welfare of the general public. The operation of  
14 such service stations without a permit shall be unlawful. The  
15 Office of the State Fire Marshal shall revoke such permit if  
16 the self service operation of such a service station is found  
17 to pose a significant risk to the safety and welfare of the  
18 general public.

19 (c) However, except in any county with a population of  
20 1,000,000 or more, the Office of the State Fire Marshal shall  
21 not have the authority to prohibit the operation of a service  
22 station solely on the basis that it is an unattended  
23 self-service station which utilizes key or card operated  
24 self-service motor fuel dispensing devices. Nothing in this  
25 paragraph shall prohibit the Office of the State Fire Marshal  
26 from adopting reasonable rules and regulations governing the

1 safety of self-service motor fuel dispensing devices.

2 (d) The State Fire Marshal shall not prohibit the  
3 dispensing or delivery of flammable or combustible motor  
4 vehicle fuels directly into the fuel tanks of vehicles from  
5 tank trucks, tank wagons, or other portable tanks. The State  
6 Fire Marshal shall adopt rules (i) for the issuance of permits  
7 for the dispensing of motor vehicle fuels in the manner  
8 described in this paragraph (d), (ii) that establish fees for  
9 permits and inspections, and provide for those fees to be  
10 deposited into the Fire Prevention Fund, (iii) that require the  
11 dispensing of motor fuel in the manner described in this  
12 paragraph (d) to meet conditions consistent with nationally  
13 recognized standards such as those of the National Fire  
14 Protection Association, and (iv) that restrict the dispensing  
15 of motor vehicle fuels in the manner described in this  
16 paragraph (d) to the following:

17 (A) agriculture sites for agricultural purposes,

18 (B) construction sites for refueling construction  
19 equipment used at the construction site,

20 (C) sites used for the parking, operation, or  
21 maintenance of a commercial vehicle fleet, but only if the  
22 site is located in a county with 3,000,000 or more  
23 inhabitants or a county contiguous to a county with  
24 3,000,000 or more inhabitants and the site is not normally  
25 accessible to the public, and

26 (D) sites used for the refueling of police, fire, or

1 emergency medical services vehicles or other vehicles that  
2 are owned, leased, or operated by (or operated under  
3 contract with) the State, a unit of local government, or a  
4 school district, or any agency of the State and that are  
5 not normally accessible to the public.

6 (2) (a) The Office of the State Fire Marshal shall adopt  
7 rules and regulations regarding underground storage tanks and  
8 associated piping and no municipality or other political  
9 subdivision shall adopt or enforce any ordinances or  
10 regulations regarding such underground tanks and piping other  
11 than those which are identical to the rules and regulations of  
12 the Office of the State Fire Marshal. It is declared to be the  
13 law of this State, pursuant to paragraphs (h) and (i) of  
14 Section 6 of Article VII of the Illinois Constitution, that the  
15 establishment and enforcement of standards regarding  
16 underground storage tanks and associated piping within the  
17 jurisdiction of the Office of the State Fire Marshal is an  
18 exclusive State function which may not be exercised  
19 concurrently by a home rule unit except as expressly permitted  
20 in this Act.

21 (b) The Office of the State Fire Marshal may enter into  
22 written contracts with municipalities of over 500,000 in  
23 population to enforce the rules and regulations adopted under  
24 this subsection.

25 (3) (a) The Office of the State Fire Marshal shall have  
26 authority over underground storage tanks which contain, have



1 contained, or are designed to contain petroleum, hazardous  
2 substances and regulated substances as those terms are used in  
3 Subtitle I of the Hazardous and Solid Waste Amendments of 1984  
4 (P.L. 98-616), as amended by the Superfund Amendments and  
5 Reauthorization Act of 1986 (P.L. 99-499). The Office shall  
6 have the power with regard to underground storage tanks to  
7 require any person who tests, installs, repairs, replaces,  
8 relines, or removes any underground storage tank system  
9 containing, formerly containing, or which is designed to  
10 contain petroleum or other regulated substances, to obtain a  
11 permit to install, repair, replace, reline, or remove the  
12 particular tank system, and to pay a fee set by the Office for  
13 a permit to install, repair, replace, reline, upgrade, test, or  
14 remove any portion of an underground storage tank system. All  
15 persons who do repairs above grade level for themselves need  
16 not pay a fee or be certified. All fees received by the Office  
17 from certification and permits shall be deposited in the Fire  
18 Prevention Fund for the exclusive use of the Office in  
19 administering the Underground Storage Tank program.

20 (b) (i) Within 120 days after the promulgation of  
21 regulations or amendments thereto by the Administrator of the  
22 United States Environmental Protection Agency to implement  
23 Section 9003 of Subtitle I of the Hazardous and Solid Waste  
24 Amendments of 1984 (P.L. 98-616) of the Resource Conservation  
25 and Recovery Act of 1976 (P.L. 94-580 ~~95-580~~), as amended, the  
26 Office of the State Fire Marshal shall adopt regulations or

1 amendments thereto which are identical in substance. The  
2 rulemaking provisions of Section 5-35 of the Illinois  
3 Administrative Procedure Act shall not apply to regulations or  
4 amendments thereto adopted pursuant to this subparagraph (i).

5 (ii) The Office of the State Fire Marshal may adopt  
6 additional regulations relating to an underground storage tank  
7 program that are not inconsistent with and at least as  
8 stringent as Section 9003 of Subtitle I of the Hazardous and  
9 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource  
10 Conservation and Recovery Act of 1976 (P.L. 94-580), as  
11 amended, or regulations adopted thereunder. Except as provided  
12 otherwise in subparagraph (i) of this paragraph (b), the Office  
13 of the State Fire Marshal shall not adopt regulations relating  
14 to corrective action at underground storage tanks. Regulations  
15 adopted pursuant to this subsection shall be adopted in  
16 accordance with the procedures for rulemaking in Section 5-35  
17 of the Illinois Administrative Procedure Act.

18 (c) The Office of the State Fire Marshal shall require any  
19 person, corporation or other entity who tests an underground  
20 tank or its piping or cathodic protection for another to report  
21 the results of such test to the Office.

22 (d) In accordance with constitutional limitations, the  
23 Office shall have authority to enter at all reasonable times  
24 upon any private or public property for the purpose of:

25 (i) Inspecting and investigating to ascertain possible  
26 violations of this Act, of regulations thereunder or of

1 permits or terms or conditions thereof; or

2 (ii) In accordance with the provisions of this Act,  
3 taking whatever emergency action, that is necessary or  
4 appropriate, to assure that the public health or safety is  
5 not threatened whenever there is a release or a substantial  
6 threat of a release of petroleum or a regulated substance  
7 from an underground storage tank.

8 (e) The Office of the State Fire Marshal may issue an  
9 Administrative Order to any person who it reasonably believes  
10 has violated the rules and regulations governing underground  
11 storage tanks, including the installation, repair, leak  
12 detection, cathodic protection tank testing, removal or  
13 release notification. Such an order shall be served by  
14 registered or certified mail or in person. Any person served  
15 with such an order may appeal such order by submitting in  
16 writing any such appeal to the Office within 10 days of the  
17 date of receipt of such order. The Office shall conduct an  
18 administrative hearing governed by the Illinois Administrative  
19 Procedure Act and enter an order to sustain, modify or revoke  
20 such order. Any appeal from such order shall be to the circuit  
21 court of the county in which the violation took place and shall  
22 be governed by the Administrative Review Law.

23 (f) The Office of the State Fire Marshal shall not require  
24 the removal of an underground tank system taken out of  
25 operation before January 2, 1974, except in the case in which  
26 the office of the State Fire Marshal has determined that a

1 release from the underground tank system poses a current or  
2 potential threat to human health and the environment. In that  
3 case, and upon receipt of an Order from the Office of the State  
4 Fire Marshal, the owner or operator of the nonoperational  
5 underground tank system shall assess the excavation zone and  
6 close the system in accordance with regulations promulgated by  
7 the Office of the State Fire Marshal.

8 (4) (a) The Office of the State Fire Marshal shall adopt  
9 rules and regulations regarding aboveground storage tanks and  
10 associated piping and no municipality or other political  
11 subdivision shall adopt or enforce any ordinances or  
12 regulations regarding such aboveground tanks and piping other  
13 than those which are identical to the rules and regulations of  
14 the Office of the State Fire Marshal unless, in the interest of  
15 fire safety, the Office of the State Fire Marshal delegates  
16 such authority to municipalities, political subdivisions or  
17 home rule units. It is declared to be the law of this State,  
18 pursuant to paragraphs (h) and (i) of Section 6 of Article VII  
19 of the Illinois Constitution, that the establishment of  
20 standards regarding aboveground storage tanks and associated  
21 piping within the jurisdiction of the Office of the State Fire  
22 Marshal is an exclusive State function which may not be  
23 exercised concurrently by a home rule unit except as expressly  
24 permitted in this Act.

25 (b) The Office of the State Fire Marshal shall enforce its  
26 rules and regulations concerning aboveground storage tanks and

1 associated piping; however, municipalities may enforce any of  
2 their zoning ordinances or zoning regulations regarding  
3 aboveground tanks. The Office of the State Fire Marshal may  
4 issue an administrative order to any owner of an aboveground  
5 storage tank and associated piping it reasonably believes to be  
6 in violation of such rules and regulations to remedy or remove  
7 any such violation. Such an order shall be served by registered  
8 or certified mail or in person. Any person served with such an  
9 order may appeal such order by submitting in writing any such  
10 appeal to the Office within 10 days of the date of receipt of  
11 such order. The Office shall conduct an administrative hearing  
12 governed by the Illinois Administrative Procedure Act and enter  
13 an order to sustain, modify or revoke such order. Any appeal  
14 from such order shall be to the circuit court of the county in  
15 which the violation took place and shall be governed by the  
16 Administrative Review Law.

17 (Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02;  
18 revised 10-9-03.)

19 Section 975. The Firearm Owners Identification Card Act is  
20 amended by changing Sections 1.1, 3, and 3.1 as follows:

21 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

22 Sec. 1.1. For purposes of this Act:

23 "Counterfeit" means to copy or imitate, without legal  
24 authority, with intent to deceive.

1 "Federally licensed firearm dealer" means a person who is  
2 licensed as a federal firearms dealer under Section 923 of the  
3 federal Gun Control Act of 1968 (18 U.S.C. 923).

4 "Firearm" means any device, by whatever name known, which  
5 is designed to expel a projectile or projectiles by the action  
6 of an explosion, expansion of gas or escape of gas; excluding,  
7 however:

8 (1) any pneumatic gun, spring gun, paint ball gun or  
9 B-B gun which either expels a single globular projectile  
10 not exceeding .18 inch in diameter and which has a maximum  
11 muzzle velocity of less than 700 feet per second or  
12 breakable paint balls containing washable marking colors;

13 (2) any device used exclusively for signalling or  
14 safety and required or recommended by the United States  
15 Coast Guard or the Interstate Commerce Commission;

16 (3) any device used exclusively for the firing of stud  
17 cartridges, explosive rivets or similar industrial  
18 ammunition; and

19 (4) an antique firearm (other than a machine-gun)  
20 which, although designed as a weapon, the Department of  
21 State Police finds by reason of the date of its  
22 manufacture, value, design, and other characteristics is  
23 primarily a collector's item and is not likely to be used  
24 as a weapon.

25 "Firearm ammunition" means any self-contained cartridge or  
26 shotgun shell, by whatever name known, which is designed to be

1 used or adaptable to use in a firearm; excluding, however:

2 (1) any ammunition exclusively designed for use with a  
3 device used exclusively for signalling or safety and  
4 required or recommended by the United States Coast Guard or  
5 the Interstate Commerce Commission; and

6 (2) any ammunition designed exclusively for use with a  
7 stud or rivet driver or other similar industrial  
8 ammunition.

9 "Gun show" means an event or function:

10 (1) at which the sale and transfer of firearms is the  
11 regular and normal course of business and where 50 or more  
12 firearms are displayed, offered, or exhibited for sale,  
13 transfer, or exchange; or

14 (2) at which not less than 10 gun show vendors display,  
15 offer, or exhibit for sale, sell, transfer, or exchange  
16 firearms.

17 "Gun show" includes the entire premises provided for an  
18 event or function, including parking areas for the event or  
19 function, that is sponsored to facilitate the purchase, sale,  
20 transfer, or exchange of firearms as described in this Section.

21 "Gun show" does not include training or safety classes,  
22 competitive shooting events, such as rifle, shotgun, or handgun  
23 matches, trap, skeet, or sporting clays shoots, dinners,  
24 banquets, raffles, or any other event where the sale or  
25 transfer of firearms is not the primary course of business.

26 "Gun show promoter" means a person who organizes or

1 operates a gun show.

2 "Gun show vendor" means a person who exhibits, sells,  
3 offers for sale, transfers, or exchanges any firearms at a gun  
4 show, regardless of whether the person arranges with a gun show  
5 promoter for a fixed location from which to exhibit, sell,  
6 offer for sale, transfer, or exchange any firearm.

7 "Sanctioned competitive shooting event" means a shooting  
8 contest officially recognized by a national or state shooting  
9 sport association, and includes any sight-in or practice  
10 conducted in conjunction with the event.

11 "Stun gun or taser" has the meaning ascribed to it in  
12 Section 24-1 of the Criminal Code of 1961.

13 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised  
14 8-19-05.)

15 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

16 Sec. 3. (a) Except as provided in Section 3a, no person may  
17 knowingly transfer, or cause to be transferred, any firearm,  
18 firearm ammunition, stun gun, or taser to any person within  
19 this State unless the transferee with whom he deals displays a  
20 currently valid Firearm Owner's Identification Card which has  
21 previously been issued in his name by the Department of State  
22 Police under the provisions of this Act. In addition, all  
23 firearm, stun gun, and taser transfers by federally licensed  
24 firearm dealers are subject to Section 3.1.

25 (a-5) Any person who is not a federally licensed firearm



1 dealer and who desires to transfer or sell a firearm while that  
2 person is on the grounds of a gun show must, before selling or  
3 transferring the firearm, request the Department of State  
4 Police to conduct a background check on the prospective  
5 recipient of the firearm in accordance with Section 3.1.

6 (b) Any person within this State who transfers or causes to  
7 be transferred any firearm, stun gun, or taser shall keep a  
8 record of such transfer for a period of 10 years from the date  
9 of transfer. Such record shall contain the date of the  
10 transfer; the description, serial number or other information  
11 identifying the firearm, stun gun, or taser if no serial number  
12 is available; and, if the transfer was completed within this  
13 State, the transferee's Firearm Owner's Identification Card  
14 number. On or after January 1, 2006, the record shall contain  
15 the date of application for transfer of the firearm. On demand  
16 of a peace officer such transferor shall produce for inspection  
17 such record of transfer. If the transfer or sale took place at  
18 a gun show, the record shall include the unique identification  
19 number. Failure to record the unique identification number is a  
20 petty offense.

21 (b-5) Any resident may purchase ammunition from a person  
22 outside of Illinois. Any resident purchasing ammunition  
23 outside the State of Illinois must provide the seller with a  
24 copy of his or her valid Firearm Owner's Identification Card  
25 and either his or her Illinois driver's license or Illinois  
26 State Identification Card prior to the shipment of the

1 ammunition. The ammunition may be shipped only to an address on  
2 either of those 2 documents.

3 (c) The provisions of this Section regarding the transfer  
4 of firearm ammunition shall not apply to those persons  
5 specified in paragraph (b) of Section 2 of this Act.

6 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,  
7 eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)

8 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

9 Sec. 3.1. Dial up system.

10 (a) The Department of State Police shall provide a dial up  
11 telephone system or utilize other existing technology which  
12 shall be used by any federally licensed firearm dealer, gun  
13 show promoter, or gun show vendor who is to transfer a firearm,  
14 stun gun, or taser under the provisions of this Act. The  
15 Department of State Police may utilize existing technology  
16 which allows the caller to be charged a fee not to exceed \$2.  
17 Fees collected by the Department of State Police shall be  
18 deposited in the State Police Services Fund and used to provide  
19 the service.

20 (b) Upon receiving a request from a federally licensed  
21 firearm dealer, gun show promoter, or gun show vendor, the  
22 Department of State Police shall immediately approve, or within  
23 the time period established by Section 24-3 of the Criminal  
24 Code of 1961 regarding the delivery of firearms, stun guns, and  
25 tasers notify the inquiring dealer, gun show promoter, or gun

1 show vendor of any objection that would disqualify the  
2 transferee from acquiring or possessing a firearm, stun gun, or  
3 taser. In conducting the inquiry, the Department of State  
4 Police shall initiate and complete an automated search of its  
5 criminal history record information files and those of the  
6 Federal Bureau of Investigation, including the National  
7 Instant Criminal Background Check System, and of the files of  
8 the Department of Human Services relating to mental health and  
9 developmental disabilities to obtain any felony conviction or  
10 patient hospitalization information which would disqualify a  
11 person from obtaining or require revocation of a currently  
12 valid Firearm Owner's Identification Card.

13 (c) If receipt of a firearm would not violate Section 24-3  
14 of the Criminal Code of 1961, federal law, or this Act the  
15 Department of State Police shall:

16 (1) assign a unique identification number to the  
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun  
19 show vendor with the number.

20 (d) Approvals issued by the Department of State Police for  
21 the purchase of a firearm are valid for 30 days from the date  
22 of issue.

23 (e) The Department of State Police must act as the Illinois  
24 Point of Contact for the National Instant Criminal Background  
25 Check System.

26 (f) The Department of State Police shall promulgate rules

1 not inconsistent with this Section to implement this system.  
2 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised  
3 8-19-05.)

4 Section 980. The Humane Care for Animals Act is amended by  
5 changing Sections 4.01, 4.04, and 16 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. Animals in entertainment. This Section does not  
8 apply when the only animals involved are dogs. (Section 26-5 of  
9 the Criminal Code of 1961, rather than this Section, applies  
10 when the only animals involved are dogs.)

11 (a) No person may own, capture, breed, train, or lease any  
12 animal which he or she knows or should know is intended for use  
13 in any show, exhibition, program, or other activity featuring  
14 or otherwise involving a fight between such animal and any  
15 other animal or human, or the intentional killing of any animal  
16 for the purpose of sport, wagering, or entertainment.

17 (b) No person shall promote, conduct, carry on, advertise,  
18 collect money for or in any other manner assist or aid in the  
19 presentation for purposes of sport, wagering, or  
20 entertainment, any show, exhibition, program, or other  
21 activity involving a fight between 2 or more animals or any  
22 animal and human, or the intentional killing of any animal.

23 (c) No person shall sell or offer for sale, ship,  
24 transport, or otherwise move, or deliver or receive any animal

1 which he or she knows or should know has been captured, bred,  
2 or trained, or will be used, to fight another animal or human  
3 or be intentionally killed, for the purpose of sport, wagering,  
4 or entertainment.

5 (d) No person shall manufacture for sale, shipment,  
6 transportation or delivery any device or equipment which that  
7 person knows or should know is intended for use in any show,  
8 exhibition, program, or other activity featuring or otherwise  
9 involving a fight between 2 or more animals, or any human and  
10 animal, or the intentional killing of any animal for purposes  
11 of sport, wagering or entertainment.

12 (e) No person shall own, possess, sell or offer for sale,  
13 ship, transport, or otherwise move any equipment or device  
14 which such person knows or should know is intended for use in  
15 connection with any show, exhibition, program, or activity  
16 featuring or otherwise involving a fight between 2 or more  
17 animals, or any animal and human, or the intentional killing of  
18 any animal for purposes of sport, wagering or entertainment.

19 (f) No person shall make available any site, structure, or  
20 facility, whether enclosed or not, which he or she knows or  
21 should know is intended to be used for the purpose of  
22 conducting any show, exhibition, program, or other activity  
23 involving a fight between 2 or more animals, or any animal and  
24 human, or the intentional killing of any animal.

25 (g) No person shall attend or otherwise patronize any show,  
26 exhibition, program, or other activity featuring or otherwise

1 involving a fight between 2 or more animals, or any animal and  
2 human, or the intentional killing of any animal for the  
3 purposes of sport, wagering or entertainment.

4 (h) (Blank).

5 (i) Any animals or equipment involved in a violation of  
6 this Section shall be immediately seized and impounded under  
7 Section 12 by the Department when located at any show,  
8 exhibition, program, or other activity featuring or otherwise  
9 involving an animal fight for the purposes of sport, wagering,  
10 or entertainment.

11 (j) Any vehicle or conveyance other than a common carrier  
12 that is used in violation of this Section shall be seized,  
13 held, and offered for sale at public auction by the sheriff's  
14 department of the proper jurisdiction, and the proceeds from  
15 the sale shall be remitted to the general fund of the county  
16 where the violation took place.

17 (k) Any veterinarian in this State who is presented with an  
18 animal for treatment of injuries or wounds resulting from  
19 fighting where there is a reasonable possibility that the  
20 animal was engaged in or utilized for a fighting event for the  
21 purposes of sport, wagering, or entertainment shall file a  
22 report with the Department and cooperate by furnishing the  
23 owners' names, dates, and descriptions of the animal or animals  
24 involved. Any veterinarian who in good faith complies with the  
25 requirements of this subsection has immunity from any  
26 liability, civil, criminal, or otherwise, that may result from

1 his or her actions. For the purposes of any proceedings, civil  
2 or criminal, the good faith of the veterinarian shall be  
3 rebuttably presumed.

4 (l) No person shall solicit a minor to violate this  
5 Section.

6 (m) The penalties for violations of this Section shall be  
7 as follows:

8 (1) A person convicted of violating subsection (a),  
9 (b), or (c) of this Section or any rule, regulation, or  
10 order of the Department pursuant thereto is guilty of a  
11 Class A misdemeanor for the first offense. A second or  
12 subsequent offense involving the violation of subsection  
13 (a), (b), or (c) of this Section or any rule, regulation,  
14 or order of the Department pursuant thereto is a Class 4  
15 felony.

16 (2) A person convicted of violating subsection (d),  
17 (e), or (f) of this Section or any rule, regulation, or  
18 order of the Department pursuant thereto is guilty of a  
19 Class A misdemeanor for the first offense. A second or  
20 subsequent violation is a Class 4 felony.

21 (3) A person convicted of violating subsection (g) of  
22 this Section or any rule, regulation, or order of the  
23 Department pursuant thereto is guilty of a Class C  
24 misdemeanor.

25 (4) A person convicted of violating subsection (l) of  
26 this Section is guilty of a Class A misdemeanor.

1 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,  
2 eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

3 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

4 Sec. 4.04. Injuring or killing police animals, service  
5 animals, or search and rescue dogs prohibited. It shall be  
6 unlawful for any person to willfully or maliciously torture,  
7 mutilate, injure, disable, poison, or kill (i) any animal used  
8 by a law enforcement department or agency in the performance of  
9 the functions or duties of the department or agency or when  
10 placed in confinement off duty, (ii) any service animal, (iii)  
11 any search and rescue dog, or (iv) any law enforcement,  
12 service, or search and rescue animal in training. However, a  
13 police officer or veterinarian may perform euthanasia in  
14 emergency situations when delay would cause the animal undue  
15 suffering and pain.

16 A person convicted of violating this Section is guilty of a  
17 Class 4 felony ~~A misdemeanor~~ if the animal is not killed or  
18 totally disabled; if the animal is killed or totally disabled,  
19 the person is guilty of a Class 3 ~~Class 4~~ felony.

20 (Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02;  
21 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03;  
22 revised 10-3-02.)

23 (510 ILCS 70/16) (from Ch. 8, par. 716)

24 Sec. 16. Miscellaneous violations; injunctions;



1 forfeiture.

2 (a) (Blank).

3 (b) (Blank). ~~4 felony 3~~

4 (c) Any person convicted of any act of abuse or neglect for  
5 which no other penalty is specified in this Act, or of  
6 violating any other provision of this Act or any rule,  
7 regulation, or order of the Department pursuant thereto for  
8 which no other penalty is specified in this Act, is guilty of a  
9 Class B misdemeanor for the first violation. A second or  
10 subsequent violation is a Class 4 felony, with every day that a  
11 violation continues constituting a separate offense.

12 (d) (Blank).

13 (e) (Blank).

14 (f) The Department may enjoin a person from a continuing  
15 violation of this Act.

16 (g) (Blank).

17 (h) (Blank).

18 (i) In addition to any other penalty provided by law, upon  
19 conviction for violating Section 3, 3.01, 3.02, or 3.03 the  
20 court may order the convicted person to forfeit to an animal  
21 control or animal shelter the animal or animals that are the  
22 basis of the conviction. Upon an order of forfeiture, the  
23 convicted person is deemed to have permanently relinquished all  
24 rights to the animal or animals that are the basis of the  
25 conviction. The forfeited animal or animals shall be adopted or  
26 humanely euthanized. In no event may the convicted person or

1 anyone residing in his or her household be permitted to adopt  
2 the forfeited animal or animals. The court, additionally, may  
3 order that the convicted person and persons dwelling in the  
4 same household as the convicted person who conspired, aided, or  
5 abetted in the unlawful act that was the basis of the  
6 conviction, or who knew or should have known of the unlawful  
7 act, may not own, harbor, or have custody or control of any  
8 other animals for a period of time that the court deems  
9 reasonable.

10 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;  
11 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02;  
12 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff.  
13 7-11-02; 92-723, eff. 1-1-03; revised 10-3-02.)

14 Section 985. The Fish and Aquatic Life Code is amended by  
15 changing Section 20-35 as follows:

16 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

17 Sec. 20-35. Offenses.

18 (a) Except as prescribed in Section 5-25 and unless  
19 otherwise provided in this Code, any person who is found guilty  
20 of violating any of the provisions of this Code, including  
21 administrative rules, is guilty of a petty offense.

22 Any person who violates any of the provisions of Section  
23 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,  
24 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10, 15-15,

1 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60, 15-65, 15-75,  
2 15-80, 15-85, 15-90, 15-95, 15-100, 15-105, 15-110, 15-115,  
3 15-120, 15-130, 15-140, 20-70, 20-75, 20-80, 20-85 (except  
4 subsections (b), (c), (d), (e), (f), and (g)), 25-10, 25-15, or  
5 25-20 of this Code, including administrative rules relating to  
6 those Sections, is guilty of a Class B misdemeanor.

7 Any person who violates any of the provisions of Section  
8 1-200, 1-205, 10-55, 10-80, 10-100(b), 15-35, or 20-120 of this  
9 Code, including administrative rules relating to those  
10 Sections, is guilty of a Class A misdemeanor.

11 Any person who violates any of the provisions of this Code,  
12 including administrative rules, during the 5 years following  
13 the revocation of his or her license, permit, or privileges  
14 under Section 20-105 is guilty of a Class A misdemeanor.

15 Any person who violates Section 5-25 of this Code,  
16 including administrative rules, is guilty of a Class 3 felony.

17 (b)(1) It is unlawful for any person to take or attempt to  
18 take aquatic life from any aquatic life farm except with the  
19 consent of the owner of the aquatic life farm. Any person  
20 possessing fishing tackle on the premises of an aquatic life  
21 farm is presumed to be fishing. The presumption may be rebutted  
22 by clear and convincing evidence. All fishing tackle,  
23 apparatus, and vehicles used in the violation of this  
24 subsection (b) shall be confiscated by the arresting officer.  
25 Except as otherwise provided in this subsection, the seizure  
26 and confiscation procedures set forth in Section 1-215 of this

1 Code shall apply. If the confiscated property is determined by  
2 the circuit court to have been used in the violation of this  
3 subsection (b), the confiscated property shall be sold at  
4 public auction by the county sheriff of the county where the  
5 violation occurred. The proceeds of the sale shall be deposited  
6 in the county general fund; provided that the auction may be  
7 stayed by an appropriate court order.

8 (2) A violation of paragraph (1) of this subsection (b) is  
9 a Class A misdemeanor for a first offense and a Class 4 felony  
10 for a second or subsequent offense.

11 (c) (1) It is unlawful for any person to trespass or fish on  
12 an aquatic life farm located on a strip mine lake or other body  
13 of water used for aquatic life farming operations, or within a  
14 200 foot buffer zone surrounding cages or netpens that are  
15 clearly delineated by buoys of a posted aquatic life farm, by  
16 swimming, scuba diving, or snorkeling in, around, or under the  
17 aquatic life farm or by operating a watercraft over, around, or  
18 in the aquatic life farm without the consent of the owner of  
19 the aquatic life farm.

20 (2) A violation of paragraph (1) of this subsection (c) is  
21 a Class B misdemeanor for a first offense and a Class A  
22 misdemeanor for a second or subsequent offense. All fishing  
23 tackle, apparatus, and watercraft used in a second or  
24 subsequent violation of this subsection (c) shall be  
25 confiscated by the arresting officer. Except as otherwise  
26 provided in this subsection, the seizure and confiscation

1 procedures set forth in Section 1-215 of this Code shall apply.  
2 If the confiscated property is determined by the circuit court  
3 to have been used in a violation of this subsection (c), the  
4 confiscated property shall be sold at public auction by the  
5 county sheriff of the county where the violation occurred. The  
6 proceeds of the sale shall be deposited in the county general  
7 fund; provided that the auction may be stayed by an appropriate  
8 court order.

9 (d) Offenses committed by minors under the direct control  
10 or with the consent of a parent or guardian may subject the  
11 parent or guardian to the penalties prescribed in this Section  
12 or as otherwise provided in this Code.

13 (e) In addition to any fines imposed under this Section, or  
14 as otherwise provided in this Code, any person found guilty of  
15 unlawfully taking or possessing any aquatic life protected by  
16 this Code shall be assessed a civil penalty for that aquatic  
17 life in accordance with the values prescribed in Section 5-25  
18 of this Code. This civil penalty shall be imposed at the time  
19 of the conviction by the Circuit Court for the county where the  
20 offense was committed. Except as otherwise provided for in  
21 subsections (b) and (c) of this Section, all penalties provided  
22 for in this Section shall be remitted to the Department in  
23 accordance with the provisions of Section 1-180 of this Code.

24 (Source: P.A. 94-222, eff. 7-14-05; 94-592, eff. 1-1-06;  
25 revised 8-19-05.)

1 Section 990. The Wildlife Code is amended by changing  
2 Sections 2.2 and 3.23 as follows:

3 (520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

4 Sec. 2.2. This Act shall apply only to the wild birds and  
5 parts of wild birds (their nests and eggs), and wild mammals  
6 and parts of wild mammals, which shall include their green  
7 hides, in the State of Illinois, or which may be brought into  
8 the State, that are hereby defined as follows:

9 All birds, both game and non-game (except the House  
10 Sparrow, *Passer domesticus*; European Starling, *Sturnus*  
11 *vulgaris*; and Rock Dove or Domestic Pigeon, *Columba livia*).  
12 GAME BIRDS-Ruffed grouse, *Bonasa umbellus*; Sharp-tailed  
13 grouse, *Pediocetes phasianellus*; Bobwhite quail, *Colinus*  
14 *virginianus*; Hungarian Partridge, *Perdix perdix*; Chukar  
15 Partridge, *Alectoris graeca*; Ring-necked Pheasant, *Phasianus*  
16 *colchicus*; Greater Prairie Chicken, *Tympanuchus cupido*; Wild  
17 Turkey, *Meleagris gallopavo*. MIGRATORY GAME BIRDS-Waterfowl  
18 including brant, wild ducks, geese and swans, *Anatidae*; rails,  
19 gallinules and coots, *Rallidae*; snipe, *Gallinago gallinago*;  
20 woodcock, *Scolopax minor*; pigeons, including doves and wild  
21 pigeons (except domestic pigeons), *Columbidae*; and crows,  
22 *Corvidae*. RESIDENT AND MIGRATORY NON-GAME BIRDS-Loons,  
23 *Gaviidae*; grebes, *Podicipedidae*; pelicans, *Pelecanidae*;  
24 cormorants, *Phalacrocoracidae*; herons, bitterns and egrets,  
25 *Ardeidae*; ibises and spoonbills, *Threskiornithidae*; storks,

1 Ciconiidae; vultures, Cathartidae ~~Carthartidae~~; kites, hawks  
2 and eagles, Accipitridae; ospreys, Pandionidae; falcons,  
3 including the Peregrine Falcon, Falconidae; cranes, Gruidae;  
4 rails and gallinules, Rallidae; all shorebirds of the families  
5 Charadriidae, Scolopacidae, Recurvirostridae and  
6 Phalaropodidae; jaegers, Stercorariidae; gulls and terns,  
7 Laridae; cuckoos, Cuculidae; owls, Tytonidae and Strigidae;  
8 whip-poor-wills and nighthawks, Caprimulgidae; swifts,  
9 Apodidae; hummingbirds, Trochilidae, Kingfishers, Alcedinidae;  
10 woodpeckers, Picidae; kingbirds and flycatchers, Tyrannidae;  
11 larks, Alaudidae; swallows and martins, Hirundinidae; crows,  
12 magpies and jays, Corvidae; chickadees and titmice, Paridae;  
13 nuthatches, Sittidae; creepers, Certhiidae; wrens,  
14 Troglodytidae; mockingbirds, catbirds and thrashers, Mimidae;  
15 robins, bluebirds and thrushes, Turdidae; gnatcatchers and  
16 kinglets, Sylviidae; pipits, Motacillidae; waxwings,  
17 Bombycillidae; shrikes, Laniidae; vireos, Vireonidae;  
18 warblers, Parulidae; European Tree Sparrow, Passer montanus;  
19 blackbirds, meadowlarks and orioles, Icteridae; tanagers,  
20 thraupidae; cardinals, grosbeaks, finches, towhees,  
21 dickcissels, sparrows, juncos, buntings and longspurs,  
22 Fringillidae. GAME MAMMALS-Woodchuck, Marmota monax; Gray  
23 squirrel, Sciurus carolinensis; Fox squirrel, Sciurus niger;  
24 White-tailed jackrabbit, Lepus townsendii; Eastern cottontail,  
25 Sylvilagus floridanus; Swamp rabbit, Sylvilagus aquaticus;  
26 White-tailed deer, Odocoileus virginianus. FUR-BEARING

1 MAMMALS-Muskrat, Ondatra zibethicus; Beaver, Castor  
2 canadensis; Raccoon, Procyon lotor; Opossum, Didelphis  
3 marsupialis; Least weasel, Mustela rixosa; Long-tailed weasel,  
4 Mustela frenata; Mink, Mustela vison; River otter, Lutra  
5 canadensis; Striped skunk, Mephitis mephitis; Badger, Taxidea  
6 taxus; Red fox, Vulpes vulpes; Gray fox, Urocyon  
7 cinereoagenteus ~~cinereoargenteus~~; Coyote, Canis latrans;  
8 Bobcat, Lynx rufus. OTHER MAMMALS-Flying squirrel, Glaucomys  
9 volans; Red squirrel, Tamiasciurus hudsonicus; Eastern  
10 Woodrat, Neotoma floridana; Golden Mouse, Ochrotomys nuttalli;  
11 Rice Rat, Oryzomys palustris; Bats, Vespertilionidae.

12 It shall be unlawful for any person at any time to take,  
13 possess, sell, or offer for sale, any of these wild birds (dead  
14 or alive) and parts of wild birds (including their nests and  
15 eggs), wild mammals (dead or alive) and parts of wild mammals,  
16 including their green hides contrary to the provisions of this  
17 Act. However, nothing in this Act shall prohibit bona-fide  
18 public or state scientific, educational or zoological  
19 institutions from receiving, holding and displaying wildlife  
20 specimens that were salvaged or legally obtained.

21 It shall be unlawful for any person to bring into the State  
22 of Illinois for the purpose of holding, releasing, propagating  
23 or selling any other living wild animal not covered by this Act  
24 without first obtaining a permit from the Director. The permit  
25 shall be granted only upon satisfactory proof that the specific  
26 animals intended to be imported are free of communicable



1 disease at the time of importation, will not become a nuisance,  
2 and will not cause damage to any existing wild or domestic  
3 species. Application for this permit shall be filed with the  
4 Director not less than 30 days in advance of the proposed date  
5 of importation. The Director may incorporate in the permit any  
6 restrictions as he may deem appropriate. These provisions shall  
7 not apply to any animal imported into this State for the  
8 purpose of being confined and exhibited in any zoo or other  
9 public display of animals nor to any other animals or groups of  
10 animals that the Department of Natural Resources may exempt by  
11 administrative rule.

12 It shall be unlawful for any person to take any other  
13 living wild animal not covered by this Act without the  
14 permission of the landowner or tenant.

15 (Source: P.A. 89-445, eff. 2-7-96; revised 10-11-05.)

16 (520 ILCS 5/3.23) (from Ch. 61, par. 3.23)

17 Sec. 3.23. Before any person shall hold, possess or engage  
18 in the raising of game mammals, game birds or migratory game  
19 birds protected by this Act, he shall procure a permit from the  
20 Department to do so. Any person desiring to possess, propagate,  
21 hold in captivity but not offer for sale any species protected  
22 by this Act may do so by acquiring either a Class A  
23 Noncommercial bird breeders permit or a Class A Noncommercial  
24 game breeders permit. Any person desiring to possess,  
25 propagate, to hold in captivity, to sell alive, for propagation

1 or hunting purposes, sell dressed for food purposes any species  
2 protected by this Act may do so by acquiring a Class B  
3 Commercial bird breeders permit or a Class B Commercial/game  
4 breeders permit.

5 No person shall breed, raise, sell or offer to sell ferrets  
6 without first obtaining from the Department either a Class A  
7 noncommercial game breeder permit or a Class B commercial game  
8 breeder permit; such permit shall not, however, authorize the  
9 use or sale of ferrets for taking any of the wild birds or wild  
10 mammals protected by this Act.

11 Except for a Class A noncommercial ferret permit which  
12 shall be issued free of charge, the fee for a Class A permit  
13 shall be \$10. The fee for a Class B permit shall be \$20. Both  
14 Class A and Class B permits shall expire on March 31 of each  
15 year.

16 Holders of wild game or bird breeder's permits may import  
17 game mammals, game birds or migratory game birds into the State  
18 of Illinois but may release the same only with the permission  
19 of the Director.

20 Bobwhite quail and male pheasants raised in Illinois from  
21 eggs originating in Illinois and reared under the provisions of  
22 this Act may be released and harvested by hunting during the  
23 open season provided by the regulations under Sections 2.6 and  
24 2.7 of this Act. Hen pheasants raised in Illinois from eggs  
25 originating in Illinois and reared under the provisions of this  
26 Act may be released but may be harvested only as provided by

1 the regulations under Sections 2.34 and 3.28 of this Act.

2 Licensed breeders who hold Class B permits may sell live  
3 hand-reared pheasants, bobwhite quail and chukar partridges to  
4 organized field trial clubs, or to individuals operating dog  
5 training grounds designated by the Department, to be used for  
6 field trial purposes and such pheasants, bobwhite quail and  
7 chukar partridges may be killed by shooting in connection  
8 therewith on areas approved by the Department.

9 Tags or decals on containers, of a type not removable  
10 without breaking or mutilating the tag or decal, shall be used  
11 to designate the carcasses of game mammals, game birds or  
12 migratory game birds raised in captivity, as provided in this  
13 Section, and all game imported legally from any source outside  
14 the State of Illinois shall be so designated with irremovable  
15 tags or decals. If such tag or decal is not provided for in the  
16 State of origin the consignor shall obtain such tags or decals  
17 from the Department to identify such carcasses. Upon the  
18 application and payment of a fee of 10 cents for such tag or  
19 decal, the Department shall furnish permittees with such tags  
20 or decals, except that the Department shall only furnish any  
21 permittee with sufficient tags or decals for the number of game  
22 mammals, game birds or migratory game birds, or parts of  
23 carcasses thereof, as may from time to time have been disposed  
24 of by the permittee. One of such tags shall be securely affixed  
25 to one of the legs of each game mammal, except deer, where a  
26 tag shall be affixed to each leg, game bird or migratory game

1 bird before removing such game mammal, game bird or migratory  
2 game bird from the premises of the permittee, and such tags  
3 shall remain upon the leg or legs of such mammal, game bird or  
4 migratory bird until prepared for consumption. Class B permit  
5 holders who sell such species dressed for food purposes shall  
6 affix such tags to one of the legs of each game mammal, except  
7 deer, where a tag must be secured to each leg, game bird or  
8 migratory game bird or shall secure such decals on the  
9 containers in which the carcasses are transported before  
10 removing such species from the premises of the permittees.

11 Nothing in this Section shall be construed to give any such  
12 permittee authority to take game mammals, game birds or  
13 migratory game birds in their wild state contrary to other  
14 provisions of this Act, or to remove such permittee from  
15 responsibility for the observance of any Federal laws, rules or  
16 regulations which may apply to such game mammals, game birds or  
17 migratory game birds.

18 When any wild birds or wild mammals raised in captivity, or  
19 parts thereof, are transported or offered for shipment by the  
20 holder of a permit, issued under the provisions of Sections 1.6  
21 and 1.7 hereof, or by a licensed breeder from outside the  
22 State, such shipment shall be plainly tagged or with decals if  
23 in containers so as to show the contents thereof, the name of  
24 the shipper, his place of residence, the place from where the  
25 shipment is made, its destination, name of consignee and the  
26 number, date and type of permit under which shipment is

1 offered.

2 Game and game bird breeders shall keep records of the  
3 acquisition, sale or disposition of each game mammal or game  
4 bird so raised or propagated, showing the date of such  
5 transaction, the name and address of the person acquiring or  
6 receiving such game mammal or game bird, and shall furnish such  
7 person with a certificate of purchase showing the number and  
8 kinds of game mammals or game birds so disposed of, the date of  
9 transaction, the name of the person receiving, collecting, or  
10 buying such game mammals or game birds, and such other  
11 information as the Department may require. Such records and  
12 certificates of purchase or disposition shall be immediately  
13 presented to officers or authorized employees of the  
14 Department, any Sheriff, Deputy Sheriff, or other peace officer  
15 when request is made for same.

16 Failure to produce such records of certificates of purchase  
17 or disposition shall be prima facie evidence that such game  
18 mammals or game birds are contraband within the State of  
19 Illinois. Records shall be maintained from the date of  
20 acquisition until 2 years after the date of disposition or  
21 sale.

22 Duly organized clubs and associations approved by the  
23 Department and engaged in the raising, for release only and  
24 without profit, any of the game mammals and game birds  
25 protected by this Act are exempt from the provisions of this  
26 Section.

1 No person shall release, hold, possess, or engage in  
2 raising San Juan (sometimes called European) rabbits or  
3 finnraccoons (sometimes called raccoon dogs) (Nyctereutes  
4 procyonoides) in this State and no permit shall be issued  
5 therefor.

6 No person shall release, or propagate for the release any  
7 Nutria (Myocastor coypus), and monk parakeet (Myiopsitta  
8 ~~Myocopsitta~~ monachus), in this State at any time.

9 (Source: P.A. 86-920; revised 10-13-05.)

10 Section 995. The Illinois Open Land Trust Act is amended by  
11 changing Section 10 as follows:

12 (525 ILCS 33/10)

13 Sec. 10. Definitions. As used in this Act:

14 "Conservation and recreation purposes" means activities  
15 that are consistent with the protection and preservation of  
16 open lands, natural areas, wetlands, prairies, forests,  
17 watersheds, resource-rich areas, greenways, and fish and  
18 wildlife habitats, including multiple use such as hunting,  
19 fishing, trapping, and other recreational uses.

20 "Conservation easement" means a nonpossessory interest in  
21 real property imposing limitations or affirmative obligations  
22 the purposes of which include retaining or protecting natural,  
23 scenic, or open-space values of real property, assuring its  
24 availability for forest, recreational, or open-space use,

1 protecting natural resources, maintaining or enhancing air or  
2 water quality, or preserving the natural, historical,  
3 architectural, archaeological ~~archaeological~~, or cultural  
4 aspects of real property. A conservation easement may be  
5 released at any time by mutual consent of the parties.

6 "Department" means the Department of Natural Resources.

7 "Natural area" means an area of land that either retains or  
8 has recovered to a substantial degree its original natural or  
9 primeval character, though it need not be completely  
10 undisturbed, or has floral, faunal, ecological, geological, or  
11 archaeological features of scientific, educational, scenic, or  
12 esthetic interest.

13 "Open space" means those undeveloped or minimally  
14 developed lands that conserve and protect valuable natural  
15 features or processes.

16 "Real property" means land, including improvements  
17 existing on the land.

18 "Units of local government" means counties, townships,  
19 municipalities, park districts, conservation districts, forest  
20 preserve districts, river conservancy districts, and any other  
21 units of local government empowered to expend public funds for  
22 the acquisition and development of land for public outdoor  
23 park, recreation, or conservation purposes.

24 (Source: P.A. 91-220, eff. 7-21-99; revised 10-9-03.)

25 Section 1000. The Illinois Highway Code is amended by

1 changing Sections 4-508, 5-701.2, and 6-201.21 as follows:

2 (605 ILCS 5/4-508) (from Ch. 121, par. 4-508)

3 Sec. 4-508. (a) Except as provided in paragraphs (c) and  
4 (d) of this Section, and subject to the written approval of the  
5 Governor, the Department may dispose of, by public sale, at  
6 auction or by sealed bids, any land, rights or other  
7 properties, real or personal, acquired for but no longer needed  
8 for highway purposes or remnants ~~remanents~~ acquired under the  
9 provisions of Section 4-501, provided that no such sale may be  
10 made for less than the fair appraised value of such land,  
11 rights, or property.

12 (b) Except as provided in paragraphs (c) and (d) of this  
13 Section, and subject to the written approval of the Governor,  
14 the Department may exchange any land, rights or property no  
15 longer needed for highway purposes, or remnants ~~remanents,~~  
16 acquired under the provisions of Section 4-501 of this Code for  
17 equivalent interests in land, rights or property needed for  
18 highway purposes. Where such interests are not of equivalent  
19 value cash may be paid or received for the difference in value.

20 (c) If at the time any property previously determined by  
21 the Department to be needed for highway purposes is declared no  
22 longer needed for such purposes, and the person from whom such  
23 property was acquired still owns and has continuously owned  
24 land abutting such property since the acquisition by the  
25 Department, the Department before making any disposition of



1 that property shall first offer in writing that property to the  
2 person from whom such property was acquired at the current  
3 appraised value of the property. If the offer is accepted in  
4 writing within 60 days of the date of the written offer, the  
5 Department, subject to the written approval of the Governor, is  
6 authorized to dispose of such property to the person from whom  
7 such property was acquired upon payment of the appraised value.  
8 If the offer is not accepted in writing within 60 days of the  
9 date of the written offer, all rights under this paragraph  
10 shall terminate.

11 (d) If the Department enters into or currently has a  
12 written contract with another highway authority for the  
13 transfer of jurisdiction of any highway or portion thereof, the  
14 Department is authorized to convey, without compensation, any  
15 land, dedications, easements, access rights, or any interest in  
16 the real estate that it holds to that specific highway or  
17 portion thereof to the highway authority that is accepting or  
18 has accepted jurisdiction. However, no part of the transferred  
19 property can be vacated or disposed of without the approval of  
20 the Department, which may require compensation for non-public  
21 use.

22 (e) Except as provided in paragraph (c) of this Section, if  
23 the Department obtains or obtained fee simple title to, or any  
24 lesser interest, in any land, right, or other property and must  
25 comply with subdivision (f)(3) of Section 6 of Title I of the  
26 Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460

1 1-8(f)(3)), the Historic Bridge Program established under  
2 Title 23, United States Code, Section 144, subsection (o) (23  
3 U.S.C. 144(o)), the National Historic Preservation Act (16  
4 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989,  
5 or the Illinois State Agency Historic Resources Preservation  
6 Act, the Department, subject to the written approval of the  
7 Governor and concurrence of the grantee, is authorized to  
8 convey the title or interest in the land, right, or other  
9 property to another governmental agency, or a not-for-profit  
10 organization that will use the property for purposes consistent  
11 with the appropriate law.

12 The Department may retain rights to protect the public  
13 interest.

14 (Source: P.A. 90-573, eff. 2-6-98; 90-755, eff. 1-1-99; 91-357,  
15 eff. 7-29-99; revised 10-17-05.)

16 (605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

17 Sec. 5-701.2. Any county board, with the approval of the  
18 Department, may also use motor fuel tax money allotted to it  
19 for construction of State highways within the county.

20 (Source: Laws 1959, p. 196; revised 1-21-04.)

21 (605 ILCS 5/6-201.21)

22 Sec. 6-201.21. Special services; disaster relief. Subject  
23 to Section 30-117 of the Township Code, the highway  
24 commissioner has authority to provide for orderly collection

1 and disposal of brush and leaves that have been properly placed  
2 for collection along the road district rights-of-way in  
3 accordance with local guidelines in those townships or counties  
4 that regulate by ordinance open burning of brush or leaves.  
5 Further, the highway commissioner has authority to provide  
6 necessary relief services following the occurrence of an event  
7 that has been declared a disaster by State or local officials.  
8 The highway commissioner has purchasing authority, subject to  
9 Section 6-201.6, and contractual authority as defined in ~~of~~  
10 Section 6-201.7 of this Code.

11 (Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03;  
12 revised 12-4-03.)

13 Section 1005. The Illinois Vehicle Code is amended by  
14 changing Sections 2-109.1, 2-123, 3-412, 3-413, 3-621, 3-622,  
15 3-623, 3-625, 3-806.3, 3-806.4, 3-814.4, 6-107, 6-108, 6-201,  
16 6-205.2, 6-208, 6-411, 6-500, 6-508, 11-208.3, 11-1201,  
17 11-1414, 12-603.1, 12-613, 15-301, 15-308.3, 16-104b, and  
18 18a-404 and by setting forth, renumbering, and changing  
19 multiple versions of Sections 3-648, 3-653, and 3-654 as  
20 follows:

21 (625 ILCS 5/2-109.1)

22 Sec. 2-109.1. Exchange of information.

23 (a) The Secretary of State shall exchange information with  
24 the ~~Illinois~~ Department of Healthcare and Family Services

1 ~~Public Aid~~ which may be necessary for the establishment of  
2 paternity and the establishment, modification, and enforcement  
3 of child support orders pursuant to the Illinois Public Aid  
4 Code, the Illinois Marriage and Dissolution of Marriage Act,  
5 the Non-Support of Spouse and Children Act, the Non-Support  
6 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
7 Support Act, the Uniform Interstate Family Support Act, or the  
8 Illinois Parentage Act of 1984.

9 (b) Notwithstanding any provisions in this Code to the  
10 contrary, the Secretary of State shall not be liable to any  
11 person for any disclosure of information to the Department of  
12 Healthcare and Family Services (formerly Illinois Department  
13 of Public Aid) under subsection (a) or for any other action  
14 taken in good faith to comply with the requirements of  
15 subsection (a).

16 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00; revised  
17 12-15-05.)

18 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

19 Sec. 2-123. Sale and Distribution of Information.

20 (a) Except as otherwise provided in this Section, the  
21 Secretary may make the driver's license, vehicle and title  
22 registration lists, in part or in whole, and any statistical  
23 information derived from these lists available to local  
24 governments, elected state officials, state educational  
25 institutions, and all other governmental units of the State and

1 Federal Government requesting them for governmental purposes.  
2 The Secretary shall require any such applicant for services to  
3 pay for the costs of furnishing such services and the use of  
4 the equipment involved, and in addition is empowered to  
5 establish prices and charges for the services so furnished and  
6 for the use of the electronic equipment utilized.

7 (b) The Secretary is further empowered to and he may, in  
8 his discretion, furnish to any applicant, other than listed in  
9 subsection (a) of this Section, vehicle or driver data on a  
10 computer tape, disk, other electronic format or computer  
11 processable medium, or printout at a fixed fee of \$250 for  
12 orders received before October 1, 2003 and \$500 for orders  
13 received on or after October 1, 2003, in advance, and require  
14 in addition a further sufficient deposit based upon the  
15 Secretary of State's estimate of the total cost of the  
16 information requested and a charge of \$25 for orders received  
17 before October 1, 2003 and \$50 for orders received on or after  
18 October 1, 2003, per 1,000 units or part thereof identified or  
19 the actual cost, whichever is greater. The Secretary is  
20 authorized to refund any difference between the additional  
21 deposit and the actual cost of the request. This service shall  
22 not be in lieu of an abstract of a driver's record nor of a  
23 title or registration search. This service may be limited to  
24 entities purchasing a minimum number of records as required by  
25 administrative rule. The information sold pursuant to this  
26 subsection shall be the entire vehicle or driver data list, or

1 part thereof. The information sold pursuant to this subsection  
2 shall not contain personally identifying information unless  
3 the information is to be used for one of the purposes  
4 identified in subsection (f-5) of this Section. Commercial  
5 purchasers of driver and vehicle record databases shall enter  
6 into a written agreement with the Secretary of State that  
7 includes disclosure of the commercial use of the information to  
8 be purchased.

9 (b-1) The Secretary is further empowered to and may, in his  
10 or her discretion, furnish vehicle or driver data on a computer  
11 tape, disk, or other electronic format or computer processible  
12 medium, at no fee, to any State or local governmental agency  
13 that uses the information provided by the Secretary to transmit  
14 data back to the Secretary that enables the Secretary to  
15 maintain accurate driving records, including dispositions of  
16 traffic cases. This information may be provided without fee not  
17 more often than once every 6 months.

18 (c) Secretary of State may issue registration lists. The  
19 Secretary of State shall compile and publish, at least  
20 annually, a list of all registered vehicles. Each list of  
21 registered vehicles shall be arranged serially according to the  
22 registration numbers assigned to registered vehicles and shall  
23 contain in addition the names and addresses of registered  
24 owners and a brief description of each vehicle including the  
25 serial or other identifying number thereof. Such compilation  
26 may be in such form as in the discretion of the Secretary of

1 State may seem best for the purposes intended.

2 (d) The Secretary of State shall furnish no more than 2  
3 current available lists of such registrations to the sheriffs  
4 of all counties and to the chiefs of police of all cities and  
5 villages and towns of 2,000 population and over in this State  
6 at no cost. Additional copies may be purchased by the sheriffs  
7 or chiefs of police at the fee of \$500 each or at the cost of  
8 producing the list as determined by the Secretary of State.  
9 Such lists are to be used for governmental purposes only.

10 (e) (Blank).

11 (e-1) (Blank).

12 (f) The Secretary of State shall make a title or  
13 registration search of the records of his office and a written  
14 report on the same for any person, upon written application of  
15 such person, accompanied by a fee of \$5 for each registration  
16 or title search. The written application shall set forth the  
17 intended use of the requested information. No fee shall be  
18 charged for a title or registration search, or for the  
19 certification thereof requested by a government agency. The  
20 report of the title or registration search shall not contain  
21 personally identifying information unless the request for a  
22 search was made for one of the purposes identified in  
23 subsection (f-5) of this Section. The report of the title or  
24 registration search shall not contain highly restricted  
25 personal information unless specifically authorized by this  
26 Code.

1           The Secretary of State shall certify a title or  
2 registration record upon written request. The fee for  
3 certification shall be \$5 in addition to the fee required for a  
4 title or registration search. Certification shall be made under  
5 the signature of the Secretary of State and shall be  
6 authenticated by Seal of the Secretary of State.

7           The Secretary of State may notify the vehicle owner or  
8 registrant of the request for purchase of his title or  
9 registration information as the Secretary deems appropriate.

10          No information shall be released to the requestor until  
11 expiration of a 10 day period. This 10 day period shall not  
12 apply to requests for information made by law enforcement  
13 officials, government agencies, financial institutions,  
14 attorneys, insurers, employers, automobile associated  
15 businesses, persons licensed as a private detective or firms  
16 licensed as a private detective agency under the Private  
17 Detective, Private Alarm, Private Security, and Locksmith Act  
18 of 2004, who are employed by or are acting on behalf of law  
19 enforcement officials, government agencies, financial  
20 institutions, attorneys, insurers, employers, automobile  
21 associated businesses, and other business entities for  
22 purposes consistent with the Illinois Vehicle Code, the vehicle  
23 owner or registrant or other entities as the Secretary may  
24 exempt by rule and regulation.

25          Any misrepresentation made by a requestor of title or  
26 vehicle information shall be punishable as a petty offense,



1 except in the case of persons licensed as a private detective  
2 or firms licensed as a private detective agency which shall be  
3 subject to disciplinary sanctions under Section 40-10 of the  
4 Private Detective, Private Alarm, Private Security, and  
5 Locksmith Act of 2004.

6 (f-5) The Secretary of State shall not disclose or  
7 otherwise make available to any person or entity any personally  
8 identifying information obtained by the Secretary of State in  
9 connection with a driver's license, vehicle, or title  
10 registration record unless the information is disclosed for one  
11 of the following purposes:

12 (1) For use by any government agency, including any  
13 court or law enforcement agency, in carrying out its  
14 functions, or any private person or entity acting on behalf  
15 of a federal, State, or local agency in carrying out its  
16 functions.

17 (2) For use in connection with matters of motor vehicle  
18 or driver safety and theft; motor vehicle emissions; motor  
19 vehicle product alterations, recalls, or advisories;  
20 performance monitoring of motor vehicles, motor vehicle  
21 parts, and dealers; and removal of non-owner records from  
22 the original owner records of motor vehicle manufacturers.

23 (3) For use in the normal course of business by a  
24 legitimate business or its agents, employees, or  
25 contractors, but only:

26 (A) to verify the accuracy of personal information

1 submitted by an individual to the business or its  
2 agents, employees, or contractors; and

3 (B) if such information as so submitted is not  
4 correct or is no longer correct, to obtain the correct  
5 information, but only for the purposes of preventing  
6 fraud by, pursuing legal remedies against, or  
7 recovering on a debt or security interest against, the  
8 individual.

9 (4) For use in research activities and for use in  
10 producing statistical reports, if the personally  
11 identifying information is not published, redisclosed, or  
12 used to contact individuals.

13 (5) For use in connection with any civil, criminal,  
14 administrative, or arbitral proceeding in any federal,  
15 State, or local court or agency or before any  
16 self-regulatory body, including the service of process,  
17 investigation in anticipation of litigation, and the  
18 execution or enforcement of judgments and orders, or  
19 pursuant to an order of a federal, State, or local court.

20 (6) For use by any insurer or insurance support  
21 organization or by a self-insured entity or its agents,  
22 employees, or contractors in connection with claims  
23 investigation activities, antifraud activities, rating, or  
24 underwriting.

25 (7) For use in providing notice to the owners of towed  
26 or impounded vehicles.

1           (8) For use by any person licensed as a private  
2           detective or firm licensed as a private detective agency  
3           under the Private Detective, Private Alarm, Private  
4           Security, and Locksmith Act of 1993, private investigative  
5           agency or security service licensed in Illinois for any  
6           purpose permitted under this subsection.

7           (9) For use by an employer or its agent or insurer to  
8           obtain or verify information relating to a holder of a  
9           commercial driver's license that is required under chapter  
10          313 of title 49 of the United States Code.

11          (10) For use in connection with the operation of  
12          private toll transportation facilities.

13          (11) For use by any requester, if the requester  
14          demonstrates it has obtained the written consent of the  
15          individual to whom the information pertains.

16          (12) For use by members of the news media, as defined  
17          in Section 1-148.5, for the purpose of newsgathering when  
18          the request relates to the operation of a motor vehicle or  
19          public safety.

20          (13) For any other use specifically authorized by law,  
21          if that use is related to the operation of a motor vehicle  
22          or public safety.

23          (f-6) The Secretary of State shall not disclose or  
24          otherwise make available to any person or entity any highly  
25          restricted personal information obtained by the Secretary of  
26          State in connection with a driver's license, vehicle, or title

1 registration record unless specifically authorized by this  
2 Code.

3 (g) 1. The Secretary of State may, upon receipt of a  
4 written request and a fee of \$6 before October 1, 2003 and  
5 a fee of \$12 on and after October 1, 2003, furnish to the  
6 person or agency so requesting a driver's record. Such  
7 document may include a record of: current driver's license  
8 issuance information, except that the information on  
9 judicial driving permits shall be available only as  
10 otherwise provided by this Code; convictions; orders  
11 entered revoking, suspending or cancelling a driver's  
12 license or privilege; and notations of accident  
13 involvement. All other information, unless otherwise  
14 permitted by this Code, shall remain confidential.  
15 Information released pursuant to a request for a driver's  
16 record shall not contain personally identifying  
17 information, unless the request for the driver's record was  
18 made for one of the purposes set forth in subsection (f-5)  
19 of this Section.

20 2. The Secretary of State shall not disclose or  
21 otherwise make available to any person or entity any highly  
22 restricted personal information obtained by the Secretary  
23 of State in connection with a driver's license, vehicle, or  
24 title registration record unless specifically authorized  
25 by this Code. The Secretary of State may certify an  
26 abstract of a driver's record upon written request

1           therefor. Such certification shall be made under the  
2           signature of the Secretary of State and shall be  
3           authenticated by the Seal of his office.

4           3. All requests for driving record information shall be  
5           made in a manner prescribed by the Secretary and shall set  
6           forth the intended use of the requested information.

7           The Secretary of State may notify the affected driver  
8           of the request for purchase of his driver's record as the  
9           Secretary deems appropriate.

10          No information shall be released to the requester until  
11          expiration of a 10 day period. This 10 day period shall not  
12          apply to requests for information made by law enforcement  
13          officials, government agencies, financial institutions,  
14          attorneys, insurers, employers, automobile associated  
15          businesses, persons licensed as a private detective or  
16          firms licensed as a private detective agency under the  
17          Private Detective, Private Alarm, Private Security, and  
18          Locksmith Act of 2004, who are employed by or are acting on  
19          behalf of law enforcement officials, government agencies,  
20          financial institutions, attorneys, insurers, employers,  
21          automobile associated businesses, and other business  
22          entities for purposes consistent with the Illinois Vehicle  
23          Code, the affected driver or other entities as the  
24          Secretary may exempt by rule and regulation.

25          Any misrepresentation made by a requestor of driver  
26          information shall be punishable as a petty offense, except

1 in the case of persons licensed as a private detective or  
2 firms licensed as a private detective agency which shall be  
3 subject to disciplinary sanctions under Section 40-10 of  
4 the Private Detective, Private Alarm, Private Security,  
5 and Locksmith Act of 2004.

6 4. The Secretary of State may furnish without fee, upon  
7 the written request of a law enforcement agency, any  
8 information from a driver's record on file with the  
9 Secretary of State when such information is required in the  
10 enforcement of this Code or any other law relating to the  
11 operation of motor vehicles, including records of  
12 dispositions; documented information involving the use of  
13 a motor vehicle; whether such individual has, or previously  
14 had, a driver's license; and the address and personal  
15 description as reflected on said driver's record.

16 5. Except as otherwise provided in this Section, the  
17 Secretary of State may furnish, without fee, information  
18 from an individual driver's record on file, if a written  
19 request therefor is submitted by any public transit system  
20 or authority, public defender, law enforcement agency, a  
21 state or federal agency, or an Illinois local  
22 intergovernmental association, if the request is for the  
23 purpose of a background check of applicants for employment  
24 with the requesting agency, or for the purpose of an  
25 official investigation conducted by the agency, or to  
26 determine a current address for the driver so public funds

1 can be recovered or paid to the driver, or for any other  
2 purpose set forth in subsection (f-5) of this Section.

3 The Secretary may also furnish the courts a copy of an  
4 abstract of a driver's record, without fee, subsequent to  
5 an arrest for a violation of Section 11-501 or a similar  
6 provision of a local ordinance. Such abstract may include  
7 records of dispositions; documented information involving  
8 the use of a motor vehicle as contained in the current  
9 file; whether such individual has, or previously had, a  
10 driver's license; and the address and personal description  
11 as reflected on said driver's record.

12 6. Any certified abstract issued by the Secretary of  
13 State or transmitted electronically by the Secretary of  
14 State pursuant to this Section, to a court or on request of  
15 a law enforcement agency, for the record of a named person  
16 as to the status of the person's driver's license shall be  
17 prima facie evidence of the facts therein stated and if the  
18 name appearing in such abstract is the same as that of a  
19 person named in an information or warrant, such abstract  
20 shall be prima facie evidence that the person named in such  
21 information or warrant is the same person as the person  
22 named in such abstract and shall be admissible for any  
23 prosecution under this Code and be admitted as proof of any  
24 prior conviction or proof of records, notices, or orders  
25 recorded on individual driving records maintained by the  
26 Secretary of State.

1           7. Subject to any restrictions contained in the  
2 Juvenile Court Act of 1987, and upon receipt of a proper  
3 request and a fee of \$6 before October 1, 2003 and a fee of  
4 \$12 on or after October 1, 2003, the Secretary of State  
5 shall provide a driver's record to the affected driver, or  
6 the affected driver's attorney, upon verification. Such  
7 record shall contain all the information referred to in  
8 paragraph 1 of this subsection (g) plus: any recorded  
9 accident involvement as a driver; information recorded  
10 pursuant to subsection (e) of Section 6-117 and paragraph  
11 (4) of subsection (a) of Section 6-204 of this Code. All  
12 other information, unless otherwise permitted by this  
13 Code, shall remain confidential.

14           (h) The Secretary shall not disclose social security  
15 numbers or any associated information obtained from the Social  
16 Security Administration except pursuant to a written request  
17 by, or with the prior written consent of, the individual  
18 except: (1) to officers and employees of the Secretary who have  
19 a need to know the social security numbers in performance of  
20 their official duties, (2) to law enforcement officials for a  
21 lawful, civil or criminal law enforcement investigation, and if  
22 the head of the law enforcement agency has made a written  
23 request to the Secretary specifying the law enforcement  
24 investigation for which the social security numbers are being  
25 sought, (3) to the United States Department of Transportation,  
26 or any other State, pursuant to the administration and



1 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
2 (4) pursuant to the order of a court of competent jurisdiction,  
3 or (5) to the Department of Healthcare and Family Services  
4 (formerly Department of Public Aid) for utilization in the  
5 child support enforcement duties assigned to that Department  
6 under provisions of the Illinois Public Aid Code after the  
7 individual has received advanced meaningful notification of  
8 what redisclosure is sought by the Secretary in accordance with  
9 the federal Privacy Act.

10 (i) (Blank).

11 (j) Medical statements or medical reports received in the  
12 Secretary of State's Office shall be confidential. No  
13 confidential information may be open to public inspection or  
14 the contents disclosed to anyone, except officers and employees  
15 of the Secretary who have a need to know the information  
16 contained in the medical reports and the Driver License Medical  
17 Advisory Board, unless so directed by an order of a court of  
18 competent jurisdiction.

19 (k) All fees collected under this Section shall be paid  
20 into the Road Fund of the State Treasury, except that (i) for  
21 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
22 driver's record shall be paid into the Secretary of State  
23 Special Services Fund, (ii) for fees collected on and after  
24 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall  
25 be paid into the Secretary of State Special Services Fund and  
26 \$6 shall be paid into the General Revenue Fund, and (iii) for

1 fees collected on and after October 1, 2003, 50% of the amounts  
2 collected pursuant to subsection (b) shall be paid into the  
3 General Revenue Fund.

4 (l) (Blank).

5 (m) Notations of accident involvement that may be disclosed  
6 under this Section shall not include notations relating to  
7 damage to a vehicle or other property being transported by a  
8 tow truck. This information shall remain confidential,  
9 provided that nothing in this subsection (m) shall limit  
10 disclosure of any notification of accident involvement to any  
11 law enforcement agency or official.

12 (n) Requests made by the news media for driver's license,  
13 vehicle, or title registration information may be furnished  
14 without charge or at a reduced charge, as determined by the  
15 Secretary, when the specific purpose for requesting the  
16 documents is deemed to be in the public interest. Waiver or  
17 reduction of the fee is in the public interest if the principal  
18 purpose of the request is to access and disseminate information  
19 regarding the health, safety, and welfare or the legal rights  
20 of the general public and is not for the principal purpose of  
21 gaining a personal or commercial benefit. The information  
22 provided pursuant to this subsection shall not contain  
23 personally identifying information unless the information is  
24 to be used for one of the purposes identified in subsection  
25 (f-5) of this Section.

26 (o) The redisclosure of personally identifying information

1 obtained pursuant to this Section is prohibited, except to the  
2 extent necessary to effectuate the purpose for which the  
3 original disclosure of the information was permitted.

4 (p) The Secretary of State is empowered to adopt rules to  
5 effectuate this Section.

6 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,  
7 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

8 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

9 Sec. 3-412. Registration plates and registration stickers  
10 to be furnished by the Secretary of State.

11 (a) The Secretary of State upon registering a vehicle  
12 subject to annual registration for the first time shall issue  
13 or shall cause to be issued to the owner one registration plate  
14 for a motorcycle, trailer, semitrailer, motorized pedalcycle  
15 or truck-tractor, 2 registration plates for other motor  
16 vehicles and, where applicable, current registration stickers  
17 for motor vehicles of the first division. The provisions of  
18 this Section may be made applicable to such vehicles of the  
19 second division, as the Secretary of State may, from time to  
20 time, in his discretion designate. On subsequent annual  
21 registrations during the term of the registration plate as  
22 provided in Section 3-414.1, the Secretary shall issue or cause  
23 to be issued registration stickers as evidence of current  
24 registration. However, the issuance of annual registration  
25 stickers to vehicles registered under the provisions of

1 Sections 3-402.1 and 3-405.3 of this Code may not be required  
2 if the Secretary deems the issuance unnecessary.

3 (b) Every registration plate shall have displayed upon it  
4 the registration number assigned to the vehicle for which it is  
5 issued, the name of this State, which may be abbreviated, the  
6 year number for which it was issued, which may be abbreviated,  
7 the phrase "Land of Lincoln" (except as otherwise provided in  
8 this Code), and such other letters or numbers as the Secretary  
9 may prescribe. However, for apportionment plates issued to  
10 vehicles registered under Section 3-402.1 and fleet plates  
11 issued to vehicles registered under Section 3-405.3, the phrase  
12 "Land of Lincoln" may be omitted to allow for the word  
13 "apportioned", the word "fleet", or other similar language to  
14 be displayed. Registration plates issued to a vehicle  
15 registered as a fleet vehicle may display a designation  
16 determined by the Secretary.

17 The Secretary may in his discretion prescribe that letters  
18 be used as prefixes only on registration plates issued to  
19 vehicles of the first division which are registered under this  
20 Code and only as suffixes on registration plates issued to  
21 other vehicles. Every registration sticker issued as evidence  
22 of current registration shall designate the year number for  
23 which it is issued and such other letters or numbers as the  
24 Secretary may prescribe and shall be of a contrasting color  
25 with the registration plates and registration stickers of the  
26 previous year.

1           (c) Each registration plate and the required letters and  
2 numerals thereon, except the year number for which issued,  
3 shall be of sufficient size to be plainly readable from a  
4 distance of 100 feet during daylight, and shall be coated with  
5 reflectorizing material. The dimensions of the plate issued to  
6 vehicles of the first division shall be 6 by 12 inches.

7           (d) The Secretary of State shall issue for every passenger  
8 motor vehicle rented without a driver the same type of  
9 registration plates as the type of plates issued for a private  
10 passenger vehicle.

11           (e) The Secretary of State shall issue for every passenger  
12 car used as a taxicab or livery, distinctive registration  
13 plates.

14           (f) The Secretary of State shall issue for every motorcycle  
15 distinctive registration plates distinguishing between  
16 motorcycles having 150 or more cubic centimeters piston  
17 displacement, or having less than 150 cubic centimeter piston  
18 displacement.

19           (g) Registration plates issued to vehicles for-hire may  
20 display a designation as determined by the Secretary that such  
21 vehicles are for-hire.

22           (h) The Secretary of State shall issue distinctive  
23 registration plates for electric vehicles.

24           (i) The Secretary of State shall issue for every public and  
25 private ambulance registration plates identifying the vehicle  
26 as an ambulance. The Secretary shall forward to the Department

1 of Healthcare and Family Services ~~Public Aid~~ registration  
2 information for the purpose of verification of claims filed  
3 with the Department by ambulance owners for payment for  
4 services to public assistance recipients.

5 (j) The Secretary of State shall issue for every public and  
6 private medical carrier or rescue vehicle livery registration  
7 plates displaying numbers within ranges of numbers reserved  
8 respectively for medical carriers and rescue vehicles. The  
9 Secretary shall forward to the Department of Healthcare and  
10 Family Services ~~Public Aid~~ registration information for the  
11 purpose of verification of claims filed with the Department by  
12 owners of medical carriers or rescue vehicles for payment for  
13 services to public assistance recipients.

14 (k) The Secretary of State shall issue distinctive license  
15 plates or distinctive license plate stickers for every vehicle  
16 exempted from subsection (a) of Section 12-503 by subsection  
17 (g-5) of that Section.

18 (Source: P.A. 94-239, eff. 1-1-06; 94-564, eff. 8-12-05;  
19 revised 12-15-05.)

20 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

21 Sec. 3-413. Display of registration plates, registration  
22 stickers and drive-away permits.

23 (a) Registration plates issued for a motor vehicle other  
24 than a motorcycle, trailer, semitrailer, truck-tractor,  
25 apportioned bus, or apportioned truck shall be attached

1 thereto, one in the front and one in the rear. The registration  
2 plate issued for a motorcycle, trailer or semitrailer required  
3 to be registered hereunder and any apportionment plate issued  
4 to a bus under the provisions of this Code shall be attached to  
5 the rear thereof. The registration plate issued for a  
6 truck-tractor or an apportioned truck required to be registered  
7 hereunder shall be attached to the front thereof.

8 (b) Every registration plate shall at all times be securely  
9 fastened in a horizontal position to the vehicle for which it  
10 is issued so as to prevent the plate from swinging and at a  
11 height of not less than 5 inches from the ground, measuring  
12 from the bottom of such plate, in a place and position to be  
13 clearly visible and shall be maintained in a condition to be  
14 clearly legible, free from any materials that would obstruct  
15 the visibility of the plate, including, but not limited to,  
16 glass covers and tinted plastic covers. Clear plastic covers  
17 are permissible as long as they remain clear and do not  
18 obstruct the visibility of the plates. Registration stickers  
19 issued as evidence of renewed annual registration shall be  
20 attached to registration plates as required by the Secretary of  
21 State, and be clearly visible at all times.

22 (c) Every drive-away permit issued pursuant to this Code  
23 shall be firmly attached to the motor vehicle in the manner  
24 prescribed by the Secretary of State. If a drive-away permit is  
25 affixed to a motor vehicle in any other manner the permit shall  
26 be void and of no effect.

1 (d) The Illinois prorated decal issued to a foreign  
2 registered vehicle part of a fleet prorated or apportioned with  
3 Illinois, shall be displayed on a registration plate and  
4 displayed on the front of such vehicle in the same manner as an  
5 Illinois registration plate.

6 (e) The registration plate issued for a camper body mounted  
7 on a truck displaying registration plates shall be attached to  
8 the rear of the camper body.

9 (f) No person shall operate a vehicle, nor permit the  
10 operation of a vehicle, upon which is displayed an Illinois  
11 registration plate, plates or registration stickers after the  
12 termination of the registration period for which issued or  
13 after the expiration date set pursuant to Sections 3-414 and  
14 3-414.1 of this Code.

15 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;  
16 revised 10-2-02.)

17 (625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

18 Sec. 3-621. The Secretary, upon receipt of an application,  
19 made in the form prescribed by the Secretary of State, may  
20 issue to members of the Illinois National Guard, and to  
21 Illinois residents who are either former members of the  
22 Illinois National Guard or the surviving spouses of Illinois  
23 National Guard members, special registration plates. The  
24 special plates issued pursuant to this Section shall be affixed  
25 only to passenger vehicles of the first division, motorcycles,



1 or motor vehicles of the second division weighing not more than  
2 8,000 pounds subject to the staggered registration system.

3 The design and color of such plates shall be wholly within  
4 the discretion of the Secretary of State.

5 (Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised  
6 8-23-02.)

7 (625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

8 Sec. 3-622. The Secretary, upon receipt of an application  
9 made in the form prescribed by the Secretary of State, may  
10 issue to members of the United States Armed Forces Reserves who  
11 reside in Illinois, and to Illinois residents who are either  
12 former members of the United States Armed Forces Reserves or  
13 the surviving spouses of United States Armed Forces Reserve  
14 members who resided in Illinois, special registration plates.  
15 The special plates issued pursuant to this Section shall be  
16 affixed only to passenger vehicles of the first division,  
17 motorcycles, or motor vehicles of the second division weighing  
18 not more than 8,000 pounds subject to the staggered  
19 registration system. The design and color of such plates shall  
20 be wholly within the discretion of the Secretary of State.

21 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;  
22 revised 8-23-02.)

23 (625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

24 Sec. 3-623. Purple Heart Plates. The Secretary, upon

1 receipt of an application made in the form prescribed by the  
2 Secretary of State, may issue to recipients awarded the Purple  
3 Heart by a branch of the armed forces of the United States who  
4 reside in Illinois, special registration plates. The  
5 Secretary, upon receipt of the proper application  
6 ~~applications~~, may also issue these special registration plates  
7 to an Illinois resident who is the surviving spouse of a person  
8 who ~~was killed in a foreign war and~~ was awarded the Purple  
9 Heart by a branch of the armed forces of the United States. The  
10 special plates issued pursuant to this Section should be  
11 affixed only to passenger vehicles of the 1st division,  
12 including motorcycles, or motor vehicles of the 2nd division  
13 weighing not more than 8,000 pounds.

14 The design and color of such plates shall be wholly within  
15 the discretion of the Secretary of State. Appropriate  
16 documentation, as determined by the Secretary, and the  
17 appropriate registration fee shall accompany the application.  
18 However, for an individual who has been issued Purple Heart  
19 plates for a vehicle and who has been approved for benefits  
20 under the Senior Citizens and Disabled Persons Property Tax  
21 Relief and Pharmaceutical Assistance Act, the annual fee for  
22 the registration of the vehicle shall be as provided in Section  
23 3-806.3 of this Code.

24 (Source: P.A. 93-846, eff. 7-30-04; 94-93, eff. 1-1-06; 94-343,  
25 eff. 1-1-06; revised 10-20-05.)

1 (625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

2 Sec. 3-625. Pearl Harbor Plates. The Secretary, upon  
3 receipt of an application made in the form prescribed by the  
4 Secretary of State, may issue special registration plates to  
5 any Illinois resident who, while a member of the armed forces  
6 of the United States, participated in the battle of Pearl  
7 Harbor on December 7, 1941, or to the widowed spouse of any  
8 Illinois resident who, while a member of the armed forces of  
9 the United States, participated in the battle of Pearl Harbor  
10 on December 7, 1941, provided that the widowed spouse was  
11 married to the battle of Pearl Harbor participant at the time  
12 of the participant's death and is a single person at the time  
13 of application. The special plates issued pursuant to this  
14 Section should be affixed only to passenger vehicles of the 1st  
15 division, motorcycles, or motor vehicles of the 2nd division  
16 weighing not more than 8,000 pounds.

17 The design and color of such plates shall be wholly within  
18 the discretion of the Secretary of State. Appropriate  
19 documentation, as determined by the Secretary, and the  
20 appropriate registration fee shall accompany the application.

21 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;  
22 revised 8-23-02.)

23 (625 ILCS 5/3-648)

24 Sec. 3-648. Education license plates.

25 (a) The Secretary, upon receipt of an application made in

1 the form prescribed by the Secretary, may issue special  
2 registration plates designated as Education license plates.  
3 The special plates issued under this Section shall be affixed  
4 only to passenger vehicles of the first division and motor  
5 vehicles of the second division weighing not more than 8,000  
6 pounds. Plates issued under this Section shall expire according  
7 to the multi-year procedure established by Section 3-414.1 of  
8 this Code.

9 (b) The design and color of the plates shall be determined  
10 by a contest that every elementary school pupil in the State of  
11 Illinois is eligible to enter. The designs submitted for the  
12 contest shall be judged on September 30, 2002, and the winning  
13 design shall be selected by a committee composed of the  
14 Secretary, the Director of State Police, 2 members of the  
15 Senate, one member chosen by the President of the Senate and  
16 one member chosen by the Senate Minority Leader, and 2 members  
17 of the House of Representatives, one member chosen by the  
18 Speaker of the House and one member chosen by the House  
19 Minority Leader. The Secretary may allow the plates to be  
20 issued as vanity or personalized plates under Section 3-405.1  
21 of the Code. The Secretary shall prescribe stickers or decals  
22 as provided under Section 3-412 of this Code.

23 (c) An applicant for the special plate shall be charged a  
24 \$40 fee for original issuance, in addition to the appropriate  
25 registration fee. Of this \$40 additional original issuance fee,  
26 \$15 shall be deposited into the Secretary of State Special

1 License Plate Fund, to be used by the Secretary to help defray  
2 the administrative processing costs, and \$25 shall be deposited  
3 into the Illinois Future Teacher Corps Scholarship Fund. For  
4 each registration renewal period, a \$40 fee, in addition to the  
5 appropriate registration fee, shall be charged. Of this \$40  
6 additional renewal fee, \$2 shall be deposited into the  
7 Secretary of State Special License Plate Fund and \$38 shall be  
8 deposited into the Illinois Future Teacher Corps Scholarship  
9 Fund. Each fiscal year, once deposits from the additional  
10 original issuance and renewal fees into the Secretary of State  
11 Special License Plate Fund have reached \$500,000, all the  
12 amounts received for the additional fees for the balance of the  
13 fiscal year shall be deposited into the Illinois Future Teacher  
14 Corps Scholarship Fund.

15 (d) The Illinois Future Teacher Corps Scholarship Fund is  
16 created as a special fund in the State treasury. Ninety-five  
17 percent of the moneys in the Illinois Future Teacher Corps  
18 Scholarship Fund shall be appropriated to the Illinois Student  
19 Assistance Commission for scholarships under Section 52 of the  
20 Higher Education Student Assistance Act, and 5% of the moneys  
21 in the Illinois Future Teacher Corps Scholarship Fund shall be  
22 appropriated to the State Board of Education for grants to the  
23 Golden Apple Foundation for Excellence in Teaching, a  
24 recognized charitable organization that meets the requirements  
25 of Title 26, Section 501(c)(3) of the United States Code.

26 (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02;

1 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

2 (625 ILCS 5/3-653)

3 Sec. 3-653. Pet Friendly license plates.

4 (a) The Secretary, upon receipt of an application made in  
5 the form prescribed by the Secretary, may issue special  
6 registration plates designated as Pet Friendly license plates.  
7 The special plates issued under this Section shall be affixed  
8 only to passenger vehicles of the first division, motor  
9 vehicles of the second division weighing not more than 8,000  
10 pounds, and recreational vehicles as defined in Section 1-169  
11 of this Code. Plates issued under this Section shall expire  
12 according to the multi-year procedure established by Section  
13 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the  
15 discretion of the Secretary, except that the phrase "I am pet  
16 friendly" shall be on the plates. The Secretary may allow the  
17 plates to be issued as vanity plates or personalized plates  
18 under Section 3-405.1 of the Code. The Secretary shall  
19 prescribe stickers or decals as provided under Section 3-412 of  
20 this Code.

21 (c) An applicant for the special plate shall be charged a  
22 \$40 fee for original issuance in addition to the appropriate  
23 registration fee. Of this additional fee, \$25 shall be  
24 deposited into the Pet Population Control Fund and \$15 shall be  
25 deposited into the Secretary of State Special License Plate

1 Fund, to be used by the Secretary to help defray the  
2 administrative processing costs.

3 For each registration renewal period, a \$27 fee, in  
4 addition to the appropriate registration fee, shall be charged.  
5 Of this additional fee, \$25 shall be deposited into the Pet  
6 Population Control Fund and \$2 shall be deposited into the  
7 Secretary of State Special License Plate Fund.

8 (Source: P.A. 94-639, eff. 8-22-05.)

9 (625 ILCS 5/3-654)

10 Sec. 3-654. Illinois Public Broadcasting System Stations  
11 special license plates.

12 (a) The Secretary, upon receipt of all applicable fees and  
13 applications made in the form prescribed by the Secretary, may  
14 issue special registration plates designated as Illinois  
15 Public Broadcasting System Stations special license plates.  
16 The special plates issued under this Section shall be affixed  
17 only to passenger vehicles of the first division or motor  
18 vehicles of the second division weighing not more than 8,000  
19 pounds. Plates issued under this Section shall expire according  
20 to the multi-year procedure established by Section 3-414.1 of  
21 this Code.

22 (b) The design and color of the special plates shall be  
23 wholly within the discretion of the Secretary. The Secretary  
24 may, in his or her discretion, allow the plates to be issued as  
25 vanity or personalized plates in accordance with Section

1 3-405.1 of this Code. The plates are not required to designate  
2 "Land of Lincoln", as prescribed in subsection (b) of Section  
3 3-412 of this Code. The Secretary, in his or her discretion,  
4 shall approve and prescribe stickers or decals as provided  
5 under Section 3-412.

6 (c) An applicant for the special plate shall be charged a  
7 \$40 fee for original issuance in addition to the appropriate  
8 registration fee. Of this fee, \$25 shall be deposited into the  
9 Public Broadcasting Fund and \$15 shall be deposited into the  
10 Secretary of State Special License Plate Fund, to be used by  
11 the Secretary to help defray the administrative processing  
12 costs.

13 For each registration renewal period, a \$27 fee, in  
14 addition to the appropriate registration fee, shall be charged.  
15 Of this fee, \$25 shall be deposited into the Public  
16 Broadcasting Fund and \$2 shall be deposited into the Secretary  
17 of State Special License Plate Fund.

18 (d) The Public Broadcasting Fund is created as a special  
19 fund in the State treasury. Subject to appropriation by the  
20 General Assembly and approval by the Secretary, the Secretary  
21 shall pay all moneys in the Public Broadcasting Fund to the  
22 various Public Broadcasting System stations in Illinois for  
23 operating costs.

24 (Source: P.A. 92-695, eff. 1-1-03.)



1           Sec. 3-655 ~~3-648~~. Hospice license plates.

2           (a) The Secretary, upon receipt of an application made in  
3 the form prescribed by the Secretary, may issue special  
4 registration plates designated as Hospice license plates. The  
5 special plates issued under this Section shall be affixed only  
6 to passenger vehicles of the first division and motor vehicles  
7 of the second division weighing not more than 8,000 pounds.  
8 Plates issued under this Section shall expire according to the  
9 multi-year procedure established by Section 3-414.1 of this  
10 Code.

11           (b) The color of the plates is wholly within the discretion  
12 of the Secretary. The design of the plates shall include the  
13 word "Hospice" above drawings of two lilies and a butterfly.  
14 The Secretary may allow the plates to be issued as vanity  
15 plates or personalized under Section 3-405.1 of the Code. The  
16 Secretary shall prescribe stickers or decals as provided under  
17 Section 3-412 of this Code.

18           (c) An applicant for the special plate shall be charged a  
19 \$25 fee for original issuance in addition to the appropriate  
20 registration fee. Of this fee, \$10 shall be deposited into the  
21 Hospice Fund and \$15 shall be deposited into the Secretary of  
22 State Special License Plate Fund, to be used by the Secretary  
23 to help defray the administrative processing costs.

24           For each registration renewal period, a \$25 fee, in  
25 addition to the appropriate registration fee, shall be charged.  
26 Of this fee, \$23 shall be deposited into the Hospice Fund and

1 \$2 shall be deposited into the Secretary of State Special  
2 License Plate Fund.

3 (d) The Hospice Fund is created as a special fund in the  
4 State treasury. All money in the Hospice Fund shall be paid,  
5 subject to appropriation by the General Assembly and approval  
6 by the Secretary, to the Department of Public Health for  
7 distribution as grants for hospice services as defined in the  
8 Hospice Program Licensing Act. The Director of Public Health  
9 shall adopt rules for the distribution of these grants.

10 (Source: P.A. 92-693, eff. 1-1-03; revised 8-23-02.)

11 (625 ILCS 5/3-656)

12 Sec. 3-656 ~~3-653~~. Lewis and Clark Bicentennial license  
13 plates.

14 (a) In addition to any other special license plate, the  
15 Secretary, upon receipt of all applicable fees and applications  
16 made in the form prescribed by the Secretary of State, may  
17 issue special registration plates designated as Lewis and Clark  
18 Bicentennial license plates to residents of Illinois. The  
19 special plate issued under this Section shall be affixed only  
20 to passenger vehicles of the first division, motor vehicles of  
21 the second division weighing not more than 8,000 pounds, and  
22 recreational vehicles as defined by Section 1-169 of this Code.  
23 Plates issued under this Section shall expire according to the  
24 staggered multi-year procedure established by Section 3-414.1  
25 of this Code.

1           (b) The Secretary of State shall confer with the Governor's  
2 Illinois Lewis and Clark Bicentennial Commission regarding the  
3 design, color, and format of the plates. The Secretary may, in  
4 his or her discretion, allow the plates to be issued as vanity  
5 or personalized plates in accordance with Section 3-405.1 of  
6 this Code. The plates are not required to designate "Land Of  
7 Lincoln", as prescribed in subsection (b) of Section 3-412 of  
8 this Code. The Secretary, in his or her discretion, shall  
9 approve and prescribe stickers or decals as provided under  
10 Section 3-412.

11           (c) An applicant shall be charged a \$40 fee for original  
12 issuance in addition to the applicable registration fee. Of  
13 this additional fee, \$15 shall be deposited into the Secretary  
14 of State Special License Plate Fund and \$25 shall be deposited  
15 into the Lewis and Clark Bicentennial Fund. For each  
16 registration renewal period, a \$27 fee, in addition to the  
17 appropriate registration fee, shall be charged. Of this  
18 additional fee, \$2 shall be deposited into the Secretary of  
19 State Special License Plate Fund and \$25 shall be deposited  
20 into the Lewis and Clark Bicentennial Fund.

21           (d) The Secretary of State shall issue special license  
22 plates under this Section on and before September 1, 2008. The  
23 Secretary may not issue special plates under this Section after  
24 September 1, 2008.

25           (e) The Lewis and Clark Bicentennial Fund is created as a  
26 special fund in the State treasury. All moneys in the Lewis and

1 Clark Bicentennial Fund shall, subject to appropriation by the  
2 General Assembly and approval by the Secretary, be used by the  
3 Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~ to promote tourism and education related to the Lewis  
5 and Clark Expedition and for historic preservation purposes  
6 related to the Expedition.

7 The State Treasurer shall transfer any moneys remaining in  
8 the Lewis and Clark Bicentennial Fund on September 1, 2009 and  
9 any moneys received for deposit into that Fund on or after  
10 September 1, 2009 into the Secretary of State Special License  
11 Plate Fund.

12 (Source: P.A. 92-694, eff. 1-1-03; revised 10-15-03.)

13 (625 ILCS 5/3-657)

14 Sec. 3-657 ~~3-654~~. Park District Youth Program license  
15 plates.

16 (a) In addition to any other special license plate, the  
17 Secretary, upon receipt of all applicable fees and applications  
18 made in the form prescribed by the Secretary of State, may  
19 issue Park District Youth Program license plates. The special  
20 Park District Youth Program plate issued under this Section  
21 shall be affixed only to passenger vehicles of the first  
22 division and motor vehicles of the second division weighing not  
23 more than 8,000 pounds. Plates issued under this Section shall  
24 expire according to the staggered multi-year procedure  
25 established by Section 3-414.1 of this Code.

1           (b) The design, color, and format of the plates shall be  
2 wholly within the discretion of the Secretary of State.  
3 Appropriate documentation, as determined by the Secretary,  
4 must accompany each application. The Secretary, in his or her  
5 discretion, shall approve and prescribe stickers or decals as  
6 provided under Section 3-412.

7           (c) An applicant for the special plate shall be charged a  
8 \$40 fee for original issuance in addition to the appropriate  
9 registration fee. Of this fee, \$25 shall be deposited into the  
10 Park District Youth Program Fund and \$15 shall be deposited  
11 into the Secretary of State Special License Plate Fund, to be  
12 used by the Secretary to help defray the administrative  
13 processing costs.

14           For each registration renewal period, a \$27 fee, in  
15 addition to the appropriate registration fee, shall be charged.  
16 Of this fee, \$25 shall be deposited into the Park District  
17 Youth Program Fund and \$2 shall be deposited into the Secretary  
18 of State Special License Plate Fund.

19           (d) The Park District Youth Program Fund is created as a  
20 special fund in the State treasury. All money in the Park  
21 District Youth Program Fund shall be paid, subject to  
22 appropriation by the General Assembly and approval by the  
23 Secretary, as grants to the Illinois Association of Park  
24 Districts, a not-for-profit corporation, for grants to park  
25 districts and recreation agencies providing innovative after  
26 school programming for Illinois youth.

1 (Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

2 (625 ILCS 5/3-658)

3 Sec. 3-658 ~~3-654~~. Professional Sports Teams license  
4 plates.

5 (a) The Secretary, upon receipt of an application made in  
6 the form prescribed by the Secretary, may issue special  
7 registration plates designated as Professional Sports Teams  
8 license plates. The special plates issued under this Section  
9 shall be affixed only to passenger vehicles of the first  
10 division and motor vehicles of the second division weighing not  
11 more than 8,000 pounds. Plates issued under this Section shall  
12 expire according to the multi-year procedure established by  
13 Section 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the  
15 discretion of the Secretary, except that the plates shall,  
16 subject to the permission of the applicable team owner, display  
17 the logo of the Chicago Bears, the Chicago Bulls, the Chicago  
18 Blackhawks ~~Black Hawks~~, the Chicago Cubs, the Chicago White  
19 Sox, the St. Louis Rams, or the St. Louis Cardinals, at the  
20 applicant's option. The Secretary may allow the plates to be  
21 issued as vanity or personalized plates under Section 3-405.1  
22 of the Code. The Secretary shall prescribe stickers or decals  
23 as provided under Section 3-412 of this Code.

24 (c) An applicant for the special plate shall be charged a  
25 \$40 fee for original issuance in addition to the appropriate

1 registration fee. Of this fee, \$25 shall be deposited into the  
2 Professional Sports Teams Education Fund and \$15 shall be  
3 deposited into the Secretary of State Special License Plate  
4 Fund, to be used by the Secretary to help defray the  
5 administrative processing costs.

6 For each registration renewal period, a \$27 fee, in  
7 addition to the appropriate registration fee, shall be charged.  
8 Of this fee, \$25 shall be deposited into the Professional  
9 Sports Teams Education Fund and \$2 shall be deposited into the  
10 Secretary of State Special License Plate Fund.

11 (d) The Professional Sports Teams Education Fund is created  
12 as a special fund in the State treasury. All moneys in the  
13 Professional Sports Teams Education Fund shall, subject to  
14 appropriation by the General Assembly and approval by the  
15 Secretary, be deposited every 6 months into the Common School  
16 Fund.

17 (Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

18 (625 ILCS 5/3-659)

19 Sec. 3-659 ~~3-654~~. Pan Hellenic license plates.

20 (a) The Secretary, upon receipt of all applicable fees and  
21 applications made in the form prescribed by the Secretary, may  
22 issue special registration plates designated as Pan Hellenic  
23 license plates. The special plates issued under this Section  
24 shall be affixed only to passenger vehicles of the first  
25 division or motor vehicles of the second division weighing not

1 more than 8,000 pounds. Plates issued under this Section shall  
2 expire according to the multi-year procedure established by  
3 Section 3-414.1 of this Code.

4 (b) The design and color of the special plates shall be  
5 wholly within the discretion of the Secretary, except that an  
6 emblem of a Pan Hellenic eligible member shall be on the plate.  
7 Appropriate documentation, as determined by the Secretary,  
8 shall accompany each application. The Secretary may, in his or  
9 her discretion, allow the plates to be issued as vanity or  
10 personalized plates in accordance with Section 3-405.1 of this  
11 Code. The plates are not required to designate "Land of  
12 Lincoln" as prescribed in subsection (b) of Section 3-412 of  
13 this Code. The Secretary, in his or her discretion, may  
14 prescribe rules governing the requirements and approval of the  
15 special plates.

16 (c) An applicant for the special plate shall be charged a  
17 \$40 fee for original issuance in addition to the appropriate  
18 registration fee. Of this fee, \$25 shall be deposited into the  
19 Illinois Pan Hellenic Trust Fund and \$15 shall be deposited  
20 into the Secretary of State Special License Plate Fund, to be  
21 used by the Secretary to help defray the administrative  
22 processing costs. For each registration renewal period, a \$27  
23 fee, in addition to the appropriate registration fee, shall be  
24 charged. Of this fee, \$25 shall be deposited into the Illinois  
25 Pan Hellenic Trust Fund and \$2 shall be deposited into the  
26 Secretary of State Special License Plate Fund.



1 (d) The Illinois Pan Hellenic Trust Fund is created as a  
2 special fund in the State Treasury. The State Treasurer shall  
3 create separate accounts within the Illinois Pan Hellenic Trust  
4 Fund for each eligible member for which Pan Hellenic license  
5 plates have been issued. Moneys in the Illinois Pan Hellenic  
6 Trust Fund shall be allocated to each account in proportion to  
7 the number of plates sold in regard to each fraternity or  
8 sorority. All moneys in the Illinois Pan Hellenic Trust Fund  
9 shall be distributed, subject to appropriation by the General  
10 Assembly and approval by the Secretary, as grants to the  
11 Illinois Alpha Kappa Alpha Charitable Foundation, Illinois  
12 Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta  
13 Charitable Foundation, Illinois Sigma Gamma Rho Charitable  
14 Foundation, Illinois Alpha Phi Alpha Charitable Foundation,  
15 Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa  
16 Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma  
17 Charitable Foundation, or Illinois Iota Phi Theta Charitable  
18 Foundation for charitable purposes sponsored by the  
19 African-American fraternity or sorority.

20 (Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

21 (625 ILCS 5/3-661)

22 Sec. 3-661 ~~3-653~~. Illinois Route 66 license plates.

23 (a) The Secretary, upon receipt of all applicable fees and  
24 applications made in the form prescribed by the Secretary, may  
25 issue special registration plates designated as Illinois Route

1 66 license plates. The special plates issued under this Section  
2 shall be affixed only to passenger vehicles of the first  
3 division or motor vehicles of the second division weighing not  
4 more than 8,000 pounds. Plates issued under this Section shall  
5 expire according to the multi-year procedure established by  
6 Section 3-414.1 of this Code.

7 (b) The design and color of the special plates shall be  
8 wholly within the discretion of the Secretary. The Secretary  
9 may, in his or her discretion, allow the plates to be issued as  
10 vanity or personalized plates in accordance with Section  
11 3-405.1 of this Code. The plates are not required to designate  
12 "Land of Lincoln", as prescribed in subsection (b) of Section  
13 3-412 of this Code. The Secretary, in his or her discretion,  
14 shall approve and prescribe stickers or decals as provided  
15 under Section 3-412.

16 (c) An applicant for the special plate shall be charged a  
17 \$40 fee for original issuance in addition to the appropriate  
18 registration fee. Of this fee, \$25 shall be deposited into the  
19 Illinois Route 66 Heritage Project Fund and \$15 shall be  
20 deposited into the Secretary of State Special License Plate  
21 Fund, to be used by the Secretary to help defray the  
22 administrative processing costs.

23 For each registration renewal period, a \$27 fee, in  
24 addition to the appropriate registration fee, shall be charged.  
25 Of this fee, \$25 shall be deposited into the Illinois Route 66  
26 Heritage Project Fund and \$2 shall be deposited into the

1 Secretary of State Special License Plate Fund.

2 (d) The Illinois Route 66 Heritage Project Fund is created  
3 as a special fund in the State treasury. Subject to  
4 appropriation by the General Assembly and approval by the  
5 Secretary, Illinois Route 66 Heritage Project, Inc. shall use  
6 all moneys in the Illinois Route 66 Heritage Project Fund for  
7 the development of tourism, through education and  
8 interpretation, preservation, and promotion of the former U.S.  
9 Route 66 in Illinois.

10 (Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

11 (625 ILCS 5/3-662)

12 Sec. 3-662 ~~3-654~~. Stop Neuroblastoma license plates.

13 (a) The Secretary, upon receipt of an application made in  
14 the form prescribed by the Secretary, may issue special  
15 registration plates designated as Stop Neuroblastoma license  
16 plates. The special plates issued under this Section shall be  
17 affixed only to passenger vehicles of the first division and  
18 motor vehicles of the second division weighing not more than  
19 8,000 pounds. Plates issued under this Section shall expire  
20 according to the multi-year procedure established by Section  
21 3-414.1 of this Code.

22 (b) The design and color of the plates is wholly within the  
23 discretion of the Secretary, except that the following phrases  
24 shall be on the plates: (i) "Stop Neuroblastoma" and (ii) "Stop  
25 Cancer". The Secretary may allow the plates to be issued as

1 vanity plates or personalized under Section 3-405.1 of this  
2 Code. The Secretary shall prescribe stickers or decals as  
3 provided under Section 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged a  
5 \$25 fee for original issuance in addition to the appropriate  
6 registration fee. Of this fee, \$10 shall be deposited into the  
7 Stop Neuroblastoma Fund and \$15 shall be deposited into the  
8 Secretary of State Special License Plate Fund, to be used by  
9 the Secretary to help defray the administrative processing  
10 costs.

11 For each registration renewal period, a \$25 fee, in  
12 addition to the appropriate registration fee, shall be charged.  
13 Of this fee, \$23 shall be deposited into the Stop Neuroblastoma  
14 Fund and \$2 shall be deposited into the Secretary of State  
15 Special License Plate Fund.

16 (d) The Stop Neuroblastoma Fund is created as a special  
17 fund in the State treasury. All money in the Stop Neuroblastoma  
18 Fund shall be paid, subject to appropriation by the General  
19 Assembly and approval by the Secretary, as grants to the  
20 American Cancer Society for neuroblastoma and cancer research,  
21 education, screening, and treatment.

22 (Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

23 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

24 Sec. 3-806.3. Senior Citizens. Commencing with the 2004  
25 registration year and extending through the 2005 registration

1 year, the registration fee paid by any vehicle owner who has  
2 claimed and received a grant under the Senior Citizens and  
3 Disabled Persons Property Tax Relief and Pharmaceutical  
4 Assistance Act or who is the spouse of such a person shall be  
5 \$24 instead of the fee otherwise provided in this Code for  
6 passenger cars displaying standard multi-year registration  
7 plates issued under Section 3-414.1, motor vehicles displaying  
8 special registration plates issued under Section 3-616, 3-621,  
9 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,  
10 3-647, 3-650, or 3-651, motor vehicles registered at 8,000  
11 pounds or less under Section 3-815(a), and recreational  
12 vehicles registered at 8,000 pounds or less under Section  
13 3-815(b). Widows and widowers of claimants shall also be  
14 entitled to this reduced registration fee for the registration  
15 year in which the claimant was eligible.

16 Commencing with the 2006 registration year, the  
17 registration fee paid by any vehicle owner who has been  
18 approved for benefits under the Senior Citizens and Disabled  
19 Persons Property Tax Relief and Pharmaceutical Assistance Act  
20 or who is the spouse of such a person shall be \$24 instead of  
21 the fee otherwise provided in this Code for passenger cars  
22 displaying standard multi-year registration plates issued  
23 under Section 3-414.1, motor vehicles displaying special  
24 registration plates issued under Section 3-616, 3-621, 3-622,  
25 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,  
26 3-650, or 3-651, motor vehicles registered at 8,000 pounds or

1 less under Section 3-815(a), and recreational vehicles  
2 registered at 8,000 pounds or less under Section 3-815(b).  
3 Widows and widowers of claimants shall also be entitled to this  
4 reduced registration fee for the registration year in which the  
5 claimant was eligible.

6 Commencing with the 2006 registration year, the  
7 registration fee paid by any vehicle owner who has claimed and  
8 received a grant under the Senior Citizens and Disabled Persons  
9 Property Tax Relief and Pharmaceutical Assistance Act or who is  
10 the spouse of such a person shall be \$24 instead of the fee  
11 otherwise provided in this Code for passenger cars displaying  
12 standard multi-year registration plates issued under Section  
13 3-414.1, motor vehicles displaying special registration plates  
14 issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624,  
15 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, ~~or~~  
16 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or  
17 less under Section 3-815(a), and recreational vehicles  
18 registered at 8,000 pounds or less under Section 3-815(b).  
19 Widows and widowers of claimants shall also be entitled to this  
20 reduced registration fee for the registration year in which the  
21 claimant was eligible.

22 No more than one reduced registration fee under this  
23 Section shall be allowed during any 12 month period based on  
24 the primary eligibility of any individual, whether such reduced  
25 registration fee is allowed to the individual or to the spouse,  
26 widow or widower of such individual. This Section does not

1 apply to the fee paid in addition to the registration fee for  
2 motor vehicles displaying vanity or special license plates.

3 (Source: P.A. 92-651, eff. 7-11-02; 92-699, eff. 1-1-03;  
4 93-846, eff. 7-30-04; 93-849, eff. 1-1-05; 93-937, eff. 1-1-05;  
5 revised 1-17-05.)

6 (625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)

7 Sec. 3-806.4. Gold Star recipients. Commencing with the  
8 1991 registration year and through the 2006 registration year,  
9 upon proper application, the Secretary of State shall issue one  
10 pair of registration plates to any Illinois resident, who as  
11 the surviving widow or widower, or in the absence thereof, as  
12 the surviving parent, is awarded the Gold Star by the United  
13 States in recognition of spouses or children who served in the  
14 Armed Forces of the United States and lost their lives while in  
15 service whether in peacetime or war. Commencing with the 2007  
16 registration year, upon proper application, the Secretary of  
17 State shall issue one pair of registration plates to any  
18 Illinois resident, who as the surviving widow, widower, or  
19 parent, is awarded the Gold Star by the United States in  
20 recognition of spouses or children who served in the Armed  
21 Forces of the United States and lost their lives while in  
22 service whether in peacetime or war. If the parent no longer  
23 survives, the Secretary of State shall issue the plates to a  
24 surviving sibling, of the person who served in the Armed  
25 Forces, who is an Illinois resident. No more than one set of

1 plates shall be issued for each Gold Star awarded, and only one  
2 surviving parent, or in the absence of a surviving parent, only  
3 one surviving sibling shall be issued a set of registration  
4 plates, except for those surviving parents who, as recipients  
5 of the Gold Star, have legally separated or divorced, in which  
6 case each surviving parent shall be allowed one set of  
7 registration plates. Registration plates issued under this  
8 Section shall be for first division vehicles and second  
9 division vehicles of 8,000 pounds or less. Through the 2006  
10 registration year, an applicant shall be charged a \$15 fee for  
11 the original issuance in addition to the appropriate  
12 registration fee which shall be deposited into the Road Fund to  
13 help defray the administrative processing costs. Beginning  
14 with the 2007 registration year, an applicant shall be charged  
15 only the appropriate registration fee.

16 (Source: P.A. 93-140, eff. 1-1-04; 94-311, eff. 1-1-06; 94-343,  
17 eff. 1-1-06; revised 8-19-05.)

18 (625 ILCS 5/3-814.4)

19 Sec. 3-814.4. Registration of fleet vehicles. The  
20 Secretary may issue fleet vehicle registration plates to owners  
21 of vehicle fleets registered in accordance with Section 3-405.3  
22 of this Code in bulk before plates are assigned to specific  
23 vehicles. A registration plate may not be displayed on a  
24 vehicle, however, until the plate has been activated on the  
25 Secretary's registration file and the proper fee has been



1 forwarded to the Secretary.

2 (Source: P.A. 92-629, eff. 7-1-03; revised 9-21-06.)

3 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

4 (Text of Section before amendment by P.A. 94-916)

5 Sec. 6-107. Graduated license.

6 (a) The purpose of the Graduated Licensing Program is to  
7 develop safe and mature driving habits in young, inexperienced  
8 drivers and reduce or prevent motor vehicle accidents,  
9 fatalities, and injuries by:

10 (1) providing for an increase in the time of practice  
11 period before granting permission to obtain a driver's  
12 license;

13 (2) strengthening driver licensing and testing  
14 standards for persons under the age of 21 years;

15 (3) sanctioning driving privileges of drivers under  
16 age 21 who have committed serious traffic violations or  
17 other specified offenses; and

18 (4) setting stricter standards to promote the public's  
19 health and safety.

20 (b) The application of any person under the age of 18  
21 years, and not legally emancipated by marriage, for a drivers  
22 license or permit to operate a motor vehicle issued under the  
23 laws of this State, shall be accompanied by the written consent  
24 of either parent of the applicant; otherwise by the guardian  
25 having custody of the applicant, or in the event there is no

1 parent or guardian, then by another responsible adult. The  
2 written consent must accompany any application for a driver's  
3 license under this subsection (b), regardless of whether or not  
4 the required written consent also accompanied the person's  
5 previous application for an instruction permit.

6 No graduated driver's license shall be issued to any  
7 applicant under 18 years of age, unless the applicant is at  
8 least 16 years of age and has:

9 (1) Held a valid instruction permit for a minimum of 3  
10 months.

11 (2) Passed an approved driver education course and  
12 submits proof of having passed the course as may be  
13 required.

14 (3) Certification by the parent, legal guardian, or  
15 responsible adult that the applicant has had a minimum of  
16 50 hours of behind-the-wheel practice time, at least 10  
17 hours of which have been at night, and is sufficiently  
18 prepared and able to safely operate a motor vehicle.

19 (c) No graduated driver's license or permit shall be issued  
20 to any applicant under 18 years of age who has committed the  
21 offense of operating a motor vehicle without a valid license or  
22 permit in violation of Section 6-101 of this Code and no  
23 graduated driver's license or permit shall be issued to any  
24 applicant under 18 years of age who has committed an offense  
25 that would otherwise result in a mandatory revocation of a  
26 license or permit as provided in Section 6-205 of this Code or

1 who has been either convicted of or adjudicated a delinquent  
2 based upon a violation of the Cannabis Control Act, the  
3 Illinois Controlled Substances Act, or the Methamphetamine  
4 Control and Community Protection Act while that individual was  
5 in actual physical control of a motor vehicle. For purposes of  
6 this Section, any person placed on probation under Section 10  
7 of the Cannabis Control Act, Section 410 of the Illinois  
8 Controlled Substances Act, or Section 70 of the Methamphetamine  
9 Control and Community Protection Act shall not be considered  
10 convicted. Any person found guilty of this offense, while in  
11 actual physical control of a motor vehicle, shall have an entry  
12 made in the court record by the judge that this offense did  
13 occur while the person was in actual physical control of a  
14 motor vehicle and order the clerk of the court to report the  
15 violation to the Secretary of State as such.

16 (d) No graduated driver's license shall be issued for 6  
17 months to any applicant under the age of 18 years who has been  
18 convicted of any offense defined as a serious traffic violation  
19 in this Code or a similar provision of a local ordinance.

20 (e) No graduated driver's license holder under the age of  
21 18 years shall operate any motor vehicle, except a motor driven  
22 cycle or motorcycle, with more than one passenger in the front  
23 seat of the motor vehicle and no more passengers in the back  
24 seats than the number of available seat safety belts as set  
25 forth in Section 12-603 of this Code.

26 (f) No graduated driver's license holder under the age of

1 18 shall operate a motor vehicle unless each driver and  
2 passenger under the age of 19 is wearing a properly adjusted  
3 and fastened seat safety belt and each child under the age of 8  
4 is protected as required under the Child Passenger Protection  
5 Act.

6 (g) If a graduated driver's license holder is under the age  
7 of 18 when he or she receives the license, for the first 6  
8 months he or she holds the license or until he or she reaches  
9 the age of 18, whichever occurs sooner, the graduated license  
10 holder may not operate a motor vehicle with more than one  
11 passenger in the vehicle who is under the age of 20, unless any  
12 additional passenger or passengers are siblings,  
13 step-siblings, children, or stepchildren of the driver.

14 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,  
15 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,  
16 eff. 6-22-06.)

17 (Text of Section after amendment by P.A. 94-916)

18 Sec. 6-107. Graduated license.

19 (a) The purpose of the Graduated Licensing Program is to  
20 develop safe and mature driving habits in young, inexperienced  
21 drivers and reduce or prevent motor vehicle accidents,  
22 fatalities, and injuries by:

23 (1) providing for an increase in the time of practice  
24 period before granting permission to obtain a driver's  
25 license;

1           (2) strengthening driver licensing and testing  
2 standards for persons under the age of 21 years;

3           (3) sanctioning driving privileges of drivers under  
4 age 21 who have committed serious traffic violations or  
5 other specified offenses; and

6           (4) setting stricter standards to promote the public's  
7 health and safety.

8           (b) The application of any person under the age of 18  
9 years, and not legally emancipated by marriage, for a drivers  
10 license or permit to operate a motor vehicle issued under the  
11 laws of this State, shall be accompanied by the written consent  
12 of either parent of the applicant; otherwise by the guardian  
13 having custody of the applicant, or in the event there is no  
14 parent or guardian, then by another responsible adult. The  
15 written consent must accompany any application for a driver's  
16 license under this subsection (b), regardless of whether or not  
17 the required written consent also accompanied the person's  
18 previous application for an instruction permit.

19           No graduated driver's license shall be issued to any  
20 applicant under 18 years of age, unless the applicant is at  
21 least 16 years of age and has:

22           (1) Held a valid instruction permit for a minimum of 3  
23 months.

24           (2) Passed an approved driver education course and  
25 submits proof of having passed the course as may be  
26 required.

1           (3) Certification by the parent, legal guardian, or  
2           responsible adult that the applicant has had a minimum of  
3           50 hours of behind-the-wheel practice time, at least 10  
4           hours of which have been at night, and is sufficiently  
5           prepared and able to safely operate a motor vehicle.

6           (b-1) No graduated driver's license shall be issued to any  
7           applicant who is under 18 years of age and not legally  
8           emancipated by marriage, unless the applicant has graduated  
9           from a secondary school of this State or any other state, is  
10          enrolled in a course leading to a general educational  
11          development (GED) certificate, has obtained a GED certificate,  
12          is enrolled in an elementary or secondary school or college or  
13          university of this State or any other state and is not a  
14          chronic or habitual truant as provided in Section 26-2a of the  
15          School Code, or is receiving home instruction and submits proof  
16          of meeting any of those requirements at the time of  
17          application.

18          An applicant under 18 years of age who provides proof  
19          acceptable to the Secretary that the applicant has resumed  
20          regular school attendance or home instruction or that his or  
21          her application was denied in error shall be eligible to  
22          receive a graduated license if other requirements are met. The  
23          Secretary shall adopt rules for implementing this subsection  
24          (b-1).

25          (c) No graduated driver's license or permit shall be issued  
26          to any applicant under 18 years of age who has committed the

1 offense of operating a motor vehicle without a valid license or  
2 permit in violation of Section 6-101 of this Code and no  
3 graduated driver's license or permit shall be issued to any  
4 applicant under 18 years of age who has committed an offense  
5 that would otherwise result in a mandatory revocation of a  
6 license or permit as provided in Section 6-205 of this Code or  
7 who has been either convicted of or adjudicated a delinquent  
8 based upon a violation of the Cannabis Control Act, the  
9 Illinois Controlled Substances Act, or the Methamphetamine  
10 Control and Community Protection Act while that individual was  
11 in actual physical control of a motor vehicle. For purposes of  
12 this Section, any person placed on probation under Section 10  
13 of the Cannabis Control Act, Section 410 of the Illinois  
14 Controlled Substances Act, or Section 70 of the Methamphetamine  
15 Control and Community Protection Act shall not be considered  
16 convicted. Any person found guilty of this offense, while in  
17 actual physical control of a motor vehicle, shall have an entry  
18 made in the court record by the judge that this offense did  
19 occur while the person was in actual physical control of a  
20 motor vehicle and order the clerk of the court to report the  
21 violation to the Secretary of State as such.

22 (d) No graduated driver's license shall be issued for 6  
23 months to any applicant under the age of 18 years who has been  
24 convicted of any offense defined as a serious traffic violation  
25 in this Code or a similar provision of a local ordinance.

26 (e) No graduated driver's license holder under the age of

1 18 years shall operate any motor vehicle, except a motor driven  
2 cycle or motorcycle, with more than one passenger in the front  
3 seat of the motor vehicle and no more passengers in the back  
4 seats than the number of available seat safety belts as set  
5 forth in Section 12-603 of this Code.

6 (f) No graduated driver's license holder under the age of  
7 18 shall operate a motor vehicle unless each driver and  
8 passenger under the age of 19 is wearing a properly adjusted  
9 and fastened seat safety belt and each child under the age of 8  
10 is protected as required under the Child Passenger Protection  
11 Act.

12 (g) If a graduated driver's license holder is under the age  
13 of 18 when he or she receives the license, for the first 6  
14 months he or she holds the license or until he or she reaches  
15 the age of 18, whichever occurs sooner, the graduated license  
16 holder may not operate a motor vehicle with more than one  
17 passenger in the vehicle who is under the age of 20, unless any  
18 additional passenger or passengers are siblings,  
19 step-siblings, children, or stepchildren of the driver.

20 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,  
21 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,  
22 eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)

23 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

24 (Text of Section before amendment by P.A. 94-916)

25 Sec. 6-108. Cancellation of license issued to minor.



1           (a) The Secretary of State shall cancel the license or  
2 permit of any minor under the age of 18 years in any of the  
3 following events:

4           1. Upon the verified written request of the person who  
5 consented to the application of the minor that the license  
6 or permit be cancelled;

7           2. Upon receipt of satisfactory evidence of the death  
8 of the person who consented to the application of the  
9 minor;

10          3. Upon receipt of satisfactory evidence that the  
11 person who consented to the application of a minor no  
12 longer has legal custody of the minor.

13          After cancellation, the Secretary of State shall not issue  
14 a new license or permit until the applicant meets the  
15 provisions of Section 6-107 of this Code.

16          (b) The Secretary of State shall cancel the license or  
17 permit of any person under the age of 18 years if he or she is  
18 convicted of violating the Cannabis Control Act, the Illinois  
19 Controlled Substances Act, or the Methamphetamine Control and  
20 Community Protection Act while that person was in actual  
21 physical control of a motor vehicle. For purposes of this  
22 Section, any person placed on probation under Section 10 of the  
23 Cannabis Control Act, Section 410 of the Illinois Controlled  
24 Substances Act, or Section 70 of the Methamphetamine Control  
25 and Community Protection Act shall not be considered convicted.  
26 Any person found guilty of this offense, while in actual

1 physical control of a motor vehicle, shall have an entry made  
2 in the court record by the judge that this offense did occur  
3 while the person was in actual physical control of a motor  
4 vehicle and order the clerk of the court to report the  
5 violation to the Secretary of State as such. After the  
6 cancellation, the Secretary of State shall not issue a new  
7 license or permit for a period of one year after the date of  
8 cancellation or until the minor attains the age of 18 years,  
9 whichever is longer. However, upon application, the Secretary  
10 of State may, if satisfied that the person applying will not  
11 endanger the public safety, or welfare, issue a restricted  
12 driving permit granting the privilege of driving a motor  
13 vehicle between the person's residence and person's place of  
14 employment or within the scope of the person's employment  
15 related duties, or to allow transportation for the person or a  
16 household member of the person's family for the receipt of  
17 necessary medical care or, if the professional evaluation  
18 indicates, provide transportation for the petitioner for  
19 alcohol remedial or rehabilitative activity, or for the person  
20 to attend classes, as a student, in an accredited educational  
21 institution; if the person is able to demonstrate that no  
22 alternative means of transportation is reasonably available;  
23 provided that the Secretary's discretion shall be limited to  
24 cases where undue hardship would result from a failure to issue  
25 such restricted driving permit. In each case the Secretary of  
26 State may issue a restricted driving permit for a period as he

1 deems appropriate, except that the permit shall expire within  
2 one year from the date of issuance. A restricted driving permit  
3 issued hereunder shall be subject to cancellation, revocation,  
4 and suspension by the Secretary of State in like manner and for  
5 like cause as a driver's license issued hereunder may be  
6 cancelled, revoked, or suspended; except that a conviction upon  
7 one or more offenses against laws or ordinances regulating the  
8 movement of traffic shall be deemed sufficient cause for the  
9 revocation, suspension, or cancellation of a restricted  
10 driving permit. The Secretary of State may, as a condition to  
11 the issuance of a restricted driving permit, require the  
12 applicant to participate in a driver remedial or rehabilitative  
13 program. Thereafter, upon reapplication for a license as  
14 provided in Section 6-106 of this Code or a permit as provided  
15 in Section 6-105 of this Code and upon payment of the  
16 appropriate application fee, the Secretary of State shall issue  
17 the applicant a license as provided in Section 6-106 of this  
18 Code or shall issue the applicant a permit as provided in  
19 Section 6-105.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 (Text of Section after amendment by P.A. 94-916)

22 Sec. 6-108. Cancellation of license issued to minor.

23 (a) The Secretary of State shall cancel the license or  
24 permit of any minor under the age of 18 years in any of the  
25 following events:

1           1. Upon the verified written request of the person who  
2           consented to the application of the minor that the license  
3           or permit be cancelled;

4           2. Upon receipt of satisfactory evidence of the death  
5           of the person who consented to the application of the  
6           minor;

7           3. Upon receipt of satisfactory evidence that the  
8           person who consented to the application of a minor no  
9           longer has legal custody of the minor;

10          4. Upon receipt of information, submitted on a form  
11          prescribed by the Secretary of State under Section 26-3a of  
12          the School Code and provided voluntarily by nonpublic  
13          schools, that a license-holding minor no longer meets the  
14          school attendance requirements defined in Section 6-107 of  
15          this Code.

16          A minor who provides proof acceptable to the Secretary  
17          that the minor has resumed regular school attendance or  
18          home instruction or that his or her license or permit was  
19          cancelled in error shall have his or her license  
20          reinstated. The Secretary shall adopt rules for  
21          implementing this subdivision (a)4.

22          After cancellation, the Secretary of State shall not issue  
23          a new license or permit until the applicant meets the  
24          provisions of Section 6-107 of this Code.

25          (b) The Secretary of State shall cancel the license or  
26          permit of any person under the age of 18 years if he or she is

1 convicted of violating the Cannabis Control Act, the Illinois  
2 Controlled Substances Act, or the Methamphetamine Control and  
3 Community Protection Act while that person was in actual  
4 physical control of a motor vehicle. For purposes of this  
5 Section, any person placed on probation under Section 10 of the  
6 Cannabis Control Act, Section 410 of the Illinois Controlled  
7 Substances Act, or Section 70 of the Methamphetamine Control  
8 and Community Protection Act shall not be considered convicted.  
9 Any person found guilty of this offense, while in actual  
10 physical control of a motor vehicle, shall have an entry made  
11 in the court record by the judge that this offense did occur  
12 while the person was in actual physical control of a motor  
13 vehicle and order the clerk of the court to report the  
14 violation to the Secretary of State as such. After the  
15 cancellation, the Secretary of State shall not issue a new  
16 license or permit for a period of one year after the date of  
17 cancellation or until the minor attains the age of 18 years,  
18 whichever is longer. However, upon application, the Secretary  
19 of State may, if satisfied that the person applying will not  
20 endanger the public safety, or welfare, issue a restricted  
21 driving permit granting the privilege of driving a motor  
22 vehicle between the person's residence and person's place of  
23 employment or within the scope of the person's employment  
24 related duties, or to allow transportation for the person or a  
25 household member of the person's family for the receipt of  
26 necessary medical care or, if the professional evaluation

1 indicates, provide transportation for the petitioner for  
2 alcohol remedial or rehabilitative activity, or for the person  
3 to attend classes, as a student, in an accredited educational  
4 institution; if the person is able to demonstrate that no  
5 alternative means of transportation is reasonably available;  
6 provided that the Secretary's discretion shall be limited to  
7 cases where undue hardship would result from a failure to issue  
8 such restricted driving permit. In each case the Secretary of  
9 State may issue a restricted driving permit for a period as he  
10 deems appropriate, except that the permit shall expire within  
11 one year from the date of issuance. A restricted driving permit  
12 issued hereunder shall be subject to cancellation, revocation,  
13 and suspension by the Secretary of State in like manner and for  
14 like cause as a driver's license issued hereunder may be  
15 cancelled, revoked, or suspended; except that a conviction upon  
16 one or more offenses against laws or ordinances regulating the  
17 movement of traffic shall be deemed sufficient cause for the  
18 revocation, suspension, or cancellation of a restricted  
19 driving permit. The Secretary of State may, as a condition to  
20 the issuance of a restricted driving permit, require the  
21 applicant to participate in a driver remedial or rehabilitative  
22 program. Thereafter, upon reapplication for a license as  
23 provided in Section 6-106 of this Code or a permit as provided  
24 in Section 6-105 of this Code and upon payment of the  
25 appropriate application fee, the Secretary of State shall issue  
26 the applicant a license as provided in Section 6-106 of this

1 Code or shall issue the applicant a permit as provided in  
2 Section 6-105.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;  
4 revised 8-3-06.)

5 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

6 (Text of Section before amendment by P.A. 94-916)

7 Sec. 6-201. Authority to cancel licenses and permits.

8 (a) The Secretary of State is authorized to cancel any  
9 license or permit upon determining that the holder thereof:

10 1. was not entitled to the issuance thereof hereunder;

11 or

12 2. failed to give the required or correct information  
13 in his application; or

14 3. failed to pay any fees, civil penalties owed to the  
15 Illinois Commerce Commission, or taxes due under this Act  
16 and upon reasonable notice and demand; or

17 4. committed any fraud in the making of such  
18 application; or

19 5. is ineligible therefor under the provisions of  
20 Section 6-103 of this Act, as amended; or

21 6. has refused or neglected to submit an alcohol, drug,  
22 and intoxicating compound evaluation or to submit to  
23 examination or re-examination as required under this Act;

24 or

25 7. has been convicted of violating the Cannabis Control

1 Act, the Illinois Controlled Substances Act, the  
2 Methamphetamine Control and Community Protection Act, or  
3 the Use of Intoxicating Compounds Act while that individual  
4 was in actual physical control of a motor vehicle. For  
5 purposes of this Section, any person placed on probation  
6 under Section 10 of the Cannabis Control Act, Section 410  
7 of the Illinois Controlled Substances Act, or Section 70 of  
8 the Methamphetamine Control and Community Protection Act  
9 shall not be considered convicted. Any person found guilty  
10 of this offense, while in actual physical control of a  
11 motor vehicle, shall have an entry made in the court record  
12 by the judge that this offense did occur while the person  
13 was in actual physical control of a motor vehicle and order  
14 the clerk of the court to report the violation to the  
15 Secretary of State as such. After the cancellation, the  
16 Secretary of State shall not issue a new license or permit  
17 for a period of one year after the date of cancellation.  
18 However, upon application, the Secretary of State may, if  
19 satisfied that the person applying will not endanger the  
20 public safety, or welfare, issue a restricted driving  
21 permit granting the privilege of driving a motor vehicle  
22 between the person's residence and person's place of  
23 employment or within the scope of the person's employment  
24 related duties, or to allow transportation for the person  
25 or a household member of the person's family for the  
26 receipt of necessary medical care or, if the professional



1 evaluation indicates, provide transportation for the  
2 petitioner for alcohol remedial or rehabilitative  
3 activity, or for the person to attend classes, as a  
4 student, in an accredited educational institution; if the  
5 person is able to demonstrate that no alternative means of  
6 transportation is reasonably available; provided that the  
7 Secretary's discretion shall be limited to cases where  
8 undue hardship would result from a failure to issue such  
9 restricted driving permit. In each case the Secretary of  
10 State may issue such restricted driving permit for such  
11 period as he deems appropriate, except that such permit  
12 shall expire within one year from the date of issuance. A  
13 restricted driving permit issued hereunder shall be  
14 subject to cancellation, revocation and suspension by the  
15 Secretary of State in like manner and for like cause as a  
16 driver's license issued hereunder may be cancelled,  
17 revoked or suspended; except that a conviction upon one or  
18 more offenses against laws or ordinances regulating the  
19 movement of traffic shall be deemed sufficient cause for  
20 the revocation, suspension or cancellation of a restricted  
21 driving permit. The Secretary of State may, as a condition  
22 to the issuance of a restricted driving permit, require the  
23 applicant to participate in a driver remedial or  
24 rehabilitative program; or

25 8. failed to submit a report as required by Section  
26 6-116.5 of this Code; or

1           9. has been convicted of a sex offense as defined in  
2           the Sex Offender Registration Act. The driver's license  
3           shall remain cancelled until the driver registers as a sex  
4           offender as required by the Sex Offender Registration Act,  
5           proof of the registration is furnished to the Secretary of  
6           State and the sex offender provides proof of current  
7           address to the Secretary.

8           (b) Upon such cancellation the licensee or permittee must  
9           surrender the license or permit so cancelled to the Secretary  
10          of State.

11          (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
12          Secretary of State shall have exclusive authority to grant,  
13          issue, deny, cancel, suspend and revoke driving privileges,  
14          drivers' licenses and restricted driving permits.

15          (d) The Secretary of State may adopt rules to implement  
16          this Section.

17          (Source: P.A. 94-556, eff. 9-11-05; 94-993, eff. 1-1-07.)

18                 (Text of Section after amendment by P.A. 94-916)

19                 Sec. 6-201. Authority to cancel licenses and permits.

20                 (a) The Secretary of State is authorized to cancel any  
21                 license or permit upon determining that the holder thereof:

22                         1. was not entitled to the issuance thereof hereunder;

23                         or

24                         2. failed to give the required or correct information  
25                         in his application; or

1           3. failed to pay any fees, civil penalties owed to the  
2 Illinois Commerce Commission, or taxes due under this Act  
3 and upon reasonable notice and demand; or

4           4. committed any fraud in the making of such  
5 application; or

6           5. is ineligible therefor under the provisions of  
7 Section 6-103 of this Act, as amended; or

8           6. has refused or neglected to submit an alcohol, drug,  
9 and intoxicating compound evaluation or to submit to  
10 examination or re-examination as required under this Act;  
11 or

12           7. has been convicted of violating the Cannabis Control  
13 Act, the Illinois Controlled Substances Act, the  
14 Methamphetamine Control and Community Protection Act, or  
15 the Use of Intoxicating Compounds Act while that individual  
16 was in actual physical control of a motor vehicle. For  
17 purposes of this Section, any person placed on probation  
18 under Section 10 of the Cannabis Control Act, Section 410  
19 of the Illinois Controlled Substances Act, or Section 70 of  
20 the Methamphetamine Control and Community Protection Act  
21 shall not be considered convicted. Any person found guilty  
22 of this offense, while in actual physical control of a  
23 motor vehicle, shall have an entry made in the court record  
24 by the judge that this offense did occur while the person  
25 was in actual physical control of a motor vehicle and order  
26 the clerk of the court to report the violation to the

1 Secretary of State as such. After the cancellation, the  
2 Secretary of State shall not issue a new license or permit  
3 for a period of one year after the date of cancellation.  
4 However, upon application, the Secretary of State may, if  
5 satisfied that the person applying will not endanger the  
6 public safety, or welfare, issue a restricted driving  
7 permit granting the privilege of driving a motor vehicle  
8 between the person's residence and person's place of  
9 employment or within the scope of the person's employment  
10 related duties, or to allow transportation for the person  
11 or a household member of the person's family for the  
12 receipt of necessary medical care or, if the professional  
13 evaluation indicates, provide transportation for the  
14 petitioner for alcohol remedial or rehabilitative  
15 activity, or for the person to attend classes, as a  
16 student, in an accredited educational institution; if the  
17 person is able to demonstrate that no alternative means of  
18 transportation is reasonably available; provided that the  
19 Secretary's discretion shall be limited to cases where  
20 undue hardship would result from a failure to issue such  
21 restricted driving permit. In each case the Secretary of  
22 State may issue such restricted driving permit for such  
23 period as he deems appropriate, except that such permit  
24 shall expire within one year from the date of issuance. A  
25 restricted driving permit issued hereunder shall be  
26 subject to cancellation, revocation and suspension by the

1 Secretary of State in like manner and for like cause as a  
2 driver's license issued hereunder may be cancelled,  
3 revoked or suspended; except that a conviction upon one or  
4 more offenses against laws or ordinances regulating the  
5 movement of traffic shall be deemed sufficient cause for  
6 the revocation, suspension or cancellation of a restricted  
7 driving permit. The Secretary of State may, as a condition  
8 to the issuance of a restricted driving permit, require the  
9 applicant to participate in a driver remedial or  
10 rehabilitative program; or

11 8. failed to submit a report as required by Section  
12 6-116.5 of this Code; or

13 9. has been convicted of a sex offense as defined in  
14 the Sex Offender Registration Act. The driver's license  
15 shall remain cancelled until the driver registers as a sex  
16 offender as required by the Sex Offender Registration Act,  
17 proof of the registration is furnished to the Secretary of  
18 State and the sex offender provides proof of current  
19 address to the Secretary; or.

20 10. ~~9.~~ is ineligible for a license or permit under  
21 Section 6-107, 6-107.1, or 6-108 of this Code.

22 (b) Upon such cancellation the licensee or permittee must  
23 surrender the license or permit so cancelled to the Secretary  
24 of State.

25 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
26 Secretary of State shall have exclusive authority to grant,

1 issue, deny, cancel, suspend and revoke driving privileges,  
2 drivers' licenses and restricted driving permits.

3 (d) The Secretary of State may adopt rules to implement  
4 this Section.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;  
6 94-993, eff. 1-1-07; revised 8-3-06.)

7 (625 ILCS 5/6-205.2)

8 Sec. 6-205.2. Suspension of driver's license of person  
9 convicted of theft of motor fuel. The driver's license of a  
10 person convicted of theft of motor fuel under Section 16K-15  
11 ~~16J-15~~ of the Criminal Code of 1961 shall be suspended by the  
12 Secretary for a period not to exceed 6 months for a first  
13 offense. Upon a second or subsequent conviction for theft of  
14 motor fuel, the suspension shall be for a period not to exceed  
15 one year. Upon conviction of a person for theft of motor fuel,  
16 the court shall order the person to surrender his or her  
17 driver's license to the clerk of the court who shall forward  
18 the suspended license to the Secretary.

19 (Source: P.A. 94-700, eff. 6-1-06; revised 9-28-06.)

20 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

21 Sec. 6-208. Period of Suspension - Application After  
22 Revocation.

23 (a) Except as otherwise provided by this Code or any other  
24 law of this State, the Secretary of State shall not suspend a

1 driver's license, permit or privilege to drive a motor vehicle  
2 on the highways for a period of more than one year.

3 (b) Any person whose license, permit or privilege to drive  
4 a motor vehicle on the highways has been revoked shall not be  
5 entitled to have such license, permit or privilege renewed or  
6 restored. However, such person may, except as provided under  
7 subsection (d) of Section 6-205, make application for a license  
8 pursuant to Section 6-106 (i) if the revocation was for a cause  
9 which has been removed or (ii) as provided in the following  
10 subparagraphs:

11 1. Except as provided in subparagraphs 2, 3, and 4, the  
12 person may make application for a license after the  
13 expiration of one year from the effective date of the  
14 revocation or, in the case of a violation of paragraph (b)  
15 of Section 11-401 of this Code or a similar provision of a  
16 local ordinance, after the expiration of 3 years from the  
17 effective date of the revocation or, in the case of a  
18 violation of Section 9-3 of the Criminal Code of 1961 or a  
19 similar provision of a law of another state relating to the  
20 offense of reckless homicide or a violation of subparagraph  
21 (F) of paragraph 1 of subsection (d) of Section 11-501 of  
22 this Code relating to aggravated driving under the  
23 influence of alcohol, other drug or drugs, intoxicating  
24 compound or compounds, or any combination thereof, if the  
25 violation was the proximate cause of a death, after the  
26 expiration of 2 years from the effective date of the

1 revocation or after the expiration of 24 months from the  
2 date of release from a period of imprisonment as provided  
3 in Section 6-103 of this Code, whichever is later.

4 2. If such person is convicted of committing a second  
5 violation within a 20 year period of:

6 (A) Section 11-501 of this Code, or a similar  
7 provision of a local ordinance; or

8 (B) Paragraph (b) of Section 11-401 of this Code,  
9 or a similar provision of a local ordinance; or

10 (C) Section 9-3 of the Criminal Code of 1961, as  
11 amended, relating to the offense of reckless homicide;  
12 or

13 (D) any combination of the above offenses  
14 committed at different instances;

15 then such person may not make application for a license  
16 until after the expiration of 5 years from the effective  
17 date of the most recent revocation. The 20 year period  
18 shall be computed by using the dates the offenses were  
19 committed and shall also include similar out-of-state  
20 offenses.

21 3. However, except as provided in subparagraph 4, if  
22 such person is convicted of committing a third, or  
23 subsequent, violation or any combination of the above  
24 offenses, including similar out-of-state offenses,  
25 contained in subparagraph 2, then such person may not make  
26 application for a license until after the expiration of 10



1 years from the effective date of the most recent  
2 revocation.

3 4. The person may not make application for a license if  
4 the person is convicted of committing a fourth or  
5 subsequent violation of Section 11-501 of this Code or a  
6 similar provision of a local ordinance, Section 11-401 of  
7 this Code, Section 9-3 of the Criminal Code of 1961, or a  
8 combination of these offenses or similar provisions of  
9 local ordinances or similar out-of-state offenses.

10 Notwithstanding any other provision of this Code, all  
11 persons referred to in this paragraph (b) may not have their  
12 privileges restored until the Secretary receives payment of the  
13 required reinstatement fee pursuant to subsection (b) of  
14 Section 6-118.

15 In no event shall the Secretary issue such license unless  
16 and until such person has had a hearing pursuant to this Code  
17 and the appropriate administrative rules and the Secretary is  
18 satisfied, after a review or investigation of such person, that  
19 to grant the privilege of driving a motor vehicle on the  
20 highways will not endanger the public safety or welfare.

21 (c) (Blank).

22 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;  
23 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.  
24 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

25 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

1           Sec. 6-411. Qualifications of Driver Training Instructors.  
2           In order to qualify for a license as an instructor for a  
3           driving school, an applicant must:

4           (a) Be of good moral character;

5           (b) Authorize an investigation to include a fingerprint  
6           based background check to determine if the applicant has ever  
7           been convicted of a crime and if so, the disposition of those  
8           convictions; this authorization shall indicate the scope of the  
9           inquiry and the agencies which may be contacted. Upon this  
10          authorization the Secretary of State may request and receive  
11          information and assistance from any federal, state or local  
12          governmental agency as part of the authorized investigation.  
13          Each applicant shall submit ~~have~~ his or her fingerprints  
14          ~~submitted~~ to the Department of State Police in the form and  
15          manner prescribed by the Department of State Police. These  
16          fingerprints shall be checked against the fingerprint records  
17          now and hereafter filed in the Department of State Police and  
18          Federal Bureau of Investigation criminal history records  
19          ~~record information~~ databases. The Department of State Police  
20          shall charge a fee for conducting the criminal history records  
21          check, which shall be deposited in the State Police Services  
22          Fund and shall not exceed the actual cost of the records check.  
23          The applicant shall be required to pay all related fingerprint  
24          fees including, but not limited to, the amounts established by  
25          the Department of State Police and the Federal Bureau of  
26          Investigation to process fingerprint based criminal background

1 investigations. The Department of State Police shall provide  
2 information concerning any criminal convictions, and their  
3 disposition, brought against the applicant upon request of the  
4 Secretary of State when the request is made in the form and  
5 manner required by the Department of State Police. Unless  
6 otherwise prohibited by law, the information derived from this  
7 investigation including the source of this information, and any  
8 conclusions or recommendations derived from this information  
9 by the Secretary of State shall be provided to the applicant,  
10 or his designee, upon request to the Secretary of State, prior  
11 to any final action by the Secretary of State on the  
12 application. Any criminal convictions and their disposition  
13 information obtained by the Secretary of State shall be  
14 confidential and may not be transmitted outside the Office of  
15 the Secretary of State, except as required herein, and may not  
16 be transmitted to anyone within the Office of the Secretary of  
17 State except as needed for the purpose of evaluating the  
18 applicant. The information obtained from this investigation  
19 may be maintained by the Secretary of State or any agency to  
20 which such information was transmitted. Only information and  
21 standards which bear a reasonable and rational relation to the  
22 performance of a driver training instructor shall be used by  
23 the Secretary of State. Any employee of the Secretary of State  
24 who gives or causes to be given away any confidential  
25 information concerning any criminal charges and their  
26 disposition of an applicant shall be guilty of a Class A

1 misdemeanor unless release of such information is authorized by  
2 this Section;

3 (c) Pass such examination as the Secretary of State shall  
4 require on (1) traffic laws, (2) safe driving practices, (3)  
5 operation of motor vehicles, and (4) qualifications of teacher;

6 (d) Be physically able to operate safely a motor vehicle  
7 and to train others in the operation of motor vehicles. An  
8 instructors license application must be accompanied by a  
9 medical examination report completed by a competent physician  
10 licensed to practice in the State of Illinois;

11 (e) Hold a valid Illinois drivers license;

12 (f) Have graduated from an accredited high school after at  
13 least 4 years of high school education or the equivalent; and

14 (g) Pay to the Secretary of State an application and  
15 license fee of \$70.

16 If a driver training school class room instructor teaches  
17 an approved driver education course, as defined in Section  
18 1-103 of this Code, to students under 18 years of age, he or  
19 she shall furnish to the Secretary of State a certificate  
20 issued by the State Board of Education that the said instructor  
21 is qualified and meets the minimum educational standards for  
22 teaching driver education courses in the local public or  
23 parochial school systems, except that no State Board of  
24 Education certification shall be required of any instructor who  
25 teaches exclusively in a commercial driving school. On and  
26 after July 1, 1986, the existing rules and regulations of the

1 State Board of Education concerning commercial driving schools  
2 shall continue to remain in effect but shall be administered by  
3 the Secretary of State until such time as the Secretary of  
4 State shall amend or repeal the rules in accordance with The  
5 Illinois Administrative Procedure Act. Upon request, the  
6 Secretary of State shall issue a certificate of completion to a  
7 student under 18 years of age who has completed an approved  
8 driver education course at a commercial driving school.

9 (Source: P.A. 93-408, eff. 1-1-04; 93-418, eff. 1-1-04; revised  
10 9-15-03.)

11 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

12 Sec. 6-500. Definitions of words and phrases.  
13 Notwithstanding the definitions set forth elsewhere in this  
14 Code, for purposes of the Uniform Commercial Driver's License  
15 Act (UCDLA), the words and phrases listed below have the  
16 meanings ascribed to them as follows:

17 (1) Alcohol. "Alcohol" means any substance containing any  
18 form of alcohol, including but not limited to ethanol,  
19 methanol, propanol, and isopropanol.

20 (2) Alcohol concentration. "Alcohol concentration" means:

21 (A) the number of grams of alcohol per 210 liters of  
22 breath; or

23 (B) the number of grams of alcohol per 100 milliliters  
24 of blood; or

25 (C) the number of grams of alcohol per 67 milliliters

1 of urine.

2 Alcohol tests administered within 2 hours of the driver  
3 being "stopped or detained" shall be considered that driver's  
4 "alcohol concentration" for the purposes of enforcing this  
5 UCDLA.

6 (3) (Blank).

7 (4) (Blank).

8 (5) (Blank).

9 (6) Commercial Motor Vehicle.

10 (A) "Commercial motor vehicle" or "CMV" means a motor  
11 vehicle, except those referred to in subdivision (B),  
12 designed to transport passengers or property if:

13 (i) the vehicle has a GVWR of 26,001 pounds or more  
14 or such a lesser GVWR as subsequently determined by  
15 federal regulations or the Secretary of State; or any  
16 combination of vehicles with a GCWR of 26,001 pounds or  
17 more, provided the GVWR of any vehicle or vehicles  
18 being towed is 10,001 pounds or more; or

19 (ii) the vehicle is designed to transport 16 or  
20 more persons; or

21 (iii) the vehicle is transporting hazardous  
22 materials and is required to be placarded in accordance  
23 with 49 C.F.R. Part 172, subpart F.

24 (B) Pursuant to the interpretation of the Commercial  
25 Motor Vehicle Safety Act of 1986 by the Federal Highway  
26 Administration, the definition of "commercial motor

1           vehicle" does not include:

2                   (i) recreational vehicles, when operated primarily  
3                   for personal use;

4                   (ii) United States Department of Defense vehicles  
5                   being operated by non-civilian personnel. This  
6                   includes any operator on active military duty; members  
7                   of the Reserves; National Guard; personnel on  
8                   part-time training; and National Guard military  
9                   technicians (civilians who are required to wear  
10                   military uniforms and are subject to the Code of  
11                   Military Justice); or

12                   (iii) firefighting and other emergency equipment  
13                   (including, without limitation, equipment owned or  
14                   operated by a HazMat or technical rescue team  
15                   authorized by a county board under Section 5-1127 of  
16                   the Counties Code), with audible and visual signals,  
17                   owned or operated by or for a governmental entity,  
18                   which is necessary to the preservation of life or  
19                   property or the execution of emergency governmental  
20                   functions which are normally not subject to general  
21                   traffic rules and regulations.

22           (7) Controlled Substance. "Controlled substance" shall  
23           have the same meaning as defined in Section 102 of the Illinois  
24           Controlled Substances Act, and shall also include cannabis as  
25           defined in Section 3 of the Cannabis Control Act.

26           (8) Conviction. "Conviction" means an unvacated

1 adjudication of guilt or a determination that a person has  
2 violated or failed to comply with the law in a court of  
3 original jurisdiction or an authorized administrative  
4 tribunal; an unvacated forfeiture of bail or collateral  
5 deposited to secure the person's appearance in court; the  
6 payment of a fine or court cost regardless of whether the  
7 imposition of sentence is deferred and ultimately a judgment  
8 dismissing the underlying charge is entered; or a violation of  
9 a condition of release without bail, regardless of whether or  
10 not the penalty is rebated, suspended or probated.

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

14 (12) (Blank).

15 (13) Driver. "Driver" means any person who drives,  
16 operates, or is in physical control of a commercial motor  
17 vehicle, any person who is required to hold a CDL, or any  
18 person who is a holder of a CDL while operating a  
19 non-commercial motor vehicle.

20 (14) Employee. "Employee" means a person who is employed as  
21 a commercial motor vehicle driver. A person who is  
22 self-employed as a commercial motor vehicle driver must comply  
23 with the requirements of this UCDLA pertaining to employees. An  
24 owner-operator on a long-term lease shall be considered an  
25 employee.

26 (15) Employer. "Employer" means a person (including the



1 United States, a State or a local authority) who owns or leases  
2 a commercial motor vehicle or assigns employees to operate such  
3 a vehicle. A person who is self-employed as a commercial motor  
4 vehicle driver must comply with the requirements of this UCCLA.

5 (16) (Blank).

6 (16.5) Fatality. "Fatality" means the death of a person as  
7 a result of a motor vehicle accident.

8 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
9 sovereign jurisdiction that does not fall within the definition  
10 of "State".

11 (18) (Blank).

12 (19) (Blank).

13 (20) Hazardous Material. Upon a finding by the United  
14 States Secretary of Transportation, in his or her discretion,  
15 under 49 App. U.S.C. 5103(a), that the transportation of a  
16 particular quantity and form of material in commerce may pose  
17 an unreasonable risk to health and safety or property, he or  
18 she shall designate the quantity and form of material or group  
19 or class of the materials as a hazardous material. The  
20 materials so designated may include but are not limited to  
21 explosives, radioactive materials, etiologic agents, flammable  
22 liquids or solids, combustible liquids or solids, poisons,  
23 oxidizing or corrosive materials, and compressed gases.

24 (20.5) Imminent Hazard. "Imminent hazard" means the  
25 existence of a condition that presents a substantial likelihood  
26 that death, serious illness, severe personal injury, or a

1 substantial endangerment to health, property, or the  
2 environment may occur before the reasonably foreseeable  
3 completion date of a formal proceeding begun to lessen the risk  
4 of that death, illness, injury or endangerment.

5 (21) Long-term lease. "Long-term lease" means a lease of a  
6 commercial motor vehicle by the owner-lessor to a lessee, for a  
7 period of more than 29 days.

8 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
9 which is self-propelled, and every vehicle which is propelled  
10 by electric power obtained from over head trolley wires but not  
11 operated upon rails, except vehicles moved solely by human  
12 power and motorized wheel chairs.

13 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
14 combination of motor vehicles not defined by the term  
15 "commercial motor vehicle" or "CMV" in this Section.

16 (23) Non-resident CDL. "Non-resident CDL" means a  
17 commercial driver's license issued by a state under either of  
18 the following two conditions:

19 (i) to an individual domiciled in a foreign country  
20 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.  
21 of the Federal Motor Carrier Safety Administration.

22 (ii) to an individual domiciled in another state  
23 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.  
24 of the Federal Motor Carrier Safety Administration.

25 (24) (Blank).

26 (25) (Blank).

1           (25.5) Railroad-Highway Grade Crossing Violation.  
2 "Railroad-highway grade crossing violation" means a violation,  
3 while operating a commercial motor vehicle, of any of the  
4 following:

5                   (A) Section 11-1201, 11-1202, or 11-1425 of this  
6 Code.

7                   (B) Any other similar law or local ordinance of any  
8 state relating to railroad-highway grade crossing.

9           (25.7) School Bus. "School bus" means a commercial motor  
10 vehicle used to transport pre-primary, primary, or secondary  
11 school students from home to school, from school to home, or to  
12 and from school-sponsored events. "School bus" does not include  
13 a bus used as a common carrier.

14           (26) Serious Traffic Violation. "Serious traffic  
15 violation" means:

16                   (A) a conviction when operating a commercial motor  
17 vehicle, or when operating a non-CMV while holding a CDL,  
18 of:

19                           (i) a violation relating to excessive speeding,  
20 involving a single speeding charge of 15 miles per hour  
21 or more above the legal speed limit; or

22                           (ii) a violation relating to reckless driving; or

23                           (iii) a violation of any State law or local  
24 ordinance relating to motor vehicle traffic control  
25 (other than parking violations) arising in connection  
26 with a fatal traffic accident; or

1 (iv) a violation of Section 6-501, relating to  
2 having multiple driver's licenses; or

3 (v) a violation of paragraph (a) of Section 6-507,  
4 relating to the requirement to have a valid CDL; or

5 (vi) a violation relating to improper or erratic  
6 traffic lane changes; or

7 (vii) a violation relating to following another  
8 vehicle too closely; or

9 (B) any other similar violation of a law or local  
10 ordinance of any state relating to motor vehicle traffic  
11 control, other than a parking violation, which the  
12 Secretary of State determines by administrative rule to be  
13 serious.

14 (27) State. "State" means a state of the United States, the  
15 District of Columbia and any province or territory of Canada.

16 (28) (Blank).

17 (29) (Blank).

18 (30) (Blank).

19 (31) (Blank).

20 (Source: P.A. 94-307, eff. 9-30-05; 94-334, eff. 1-1-06;  
21 revised 8-19-05.)

22 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

23 Sec. 6-508. Commercial Driver's License (CDL) -  
24 qualification standards.

25 (a) Testing.

1           (1) General. No person shall be issued an original or  
2           renewal CDL unless that person is domiciled in this State.  
3           The Secretary shall cause to be administered such tests as  
4           the Secretary deems necessary to meet the requirements of  
5           49 C.F.R. Part 383, subparts G and H.

6           (2) Third party testing. The Secretary of state may  
7           authorize a "third party tester", pursuant to 49 C.F.R.  
8           Part 383.75, to administer the skills test or tests  
9           specified by Federal Highway Administration pursuant to  
10          the Commercial Motor Vehicle Safety Act of 1986 and any  
11          appropriate federal rule.

12          (b) Waiver of Skills Test. The Secretary of State may waive  
13          the skills test specified in this Section for a commercial  
14          driver license applicant who meets the requirements of 49  
15          C.F.R. Part 383.77 and Part 383.123.

16          (c) Limitations on issuance of a CDL. A CDL, or a  
17          commercial driver instruction permit, shall not be issued to a  
18          person while the person is subject to a disqualification from  
19          driving a commercial motor vehicle, or unless otherwise  
20          permitted by this Code, while the person's driver's license is  
21          suspended, revoked or cancelled in any state, or any territory  
22          or province of Canada; nor may a CDL be issued to a person who  
23          has a CDL issued by any other state, or foreign jurisdiction,  
24          unless the person first surrenders all such licenses. No CDL  
25          shall be issued to or renewed for a person who does not meet  
26          the requirement of 49 CFR 391.41(b)(11). The requirement may be

1 met with the aid of a hearing aid.

2 (c-1) The Secretary may issue a CDL with a school bus  
3 driver endorsement to allow a person to drive the type of bus  
4 described in subsection (d-5) of Section 6-104 of this Code.  
5 The CDL with a school bus driver endorsement may be issued only  
6 to a person meeting the following requirements:

7 (1) the person has submitted his or her fingerprints to  
8 the Department of State Police in the form and manner  
9 prescribed by the Department of State Police. These  
10 fingerprints shall be checked against the fingerprint  
11 records now and hereafter filed in the Department of State  
12 Police and Federal Bureau of Investigation criminal  
13 history records databases;

14 (2) the person has passed a written test, administered  
15 by the Secretary of State, on charter bus operation,  
16 charter bus safety, and certain special traffic laws  
17 relating to school buses determined by the Secretary of  
18 State to be relevant to charter buses, and submitted to a  
19 review of the applicant's driving habits by the Secretary  
20 of State at the time the written test is given;

21 (3) the person has demonstrated physical fitness to  
22 operate school buses by submitting the results of a medical  
23 examination, including tests for drug use; and

24 (4) the person has not been convicted of committing or  
25 attempting to commit any one or more of the following  
26 offenses: (i) those offenses defined in Sections 9-1,

1 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
2 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,  
3 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
4 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,  
5 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,  
6 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
7 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,  
8 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,  
9 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and  
10 subsection (b), clause (1), of Section 12-4 of the Criminal  
11 Code of 1961; (ii) those offenses defined in the Cannabis  
12 Control Act except those offenses defined in subsections  
13 (a) and (b) of Section 4, and subsection (a) of Section 5  
14 of the Cannabis Control Act; (iii) those offenses defined  
15 in the Illinois Controlled Substances Act; (iv) those  
16 offenses defined in the Methamphetamine Control and  
17 Community Protection Act; (v) any offense committed or  
18 attempted in any other state or against the laws of the  
19 United States, which if committed or attempted in this  
20 State would be punishable as one or more of the foregoing  
21 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
22 of the Wrongs to Children Act; and (vii) those offenses  
23 defined in Section 6-16 of the Liquor Control Act of 1934.

24 The Department of State Police shall charge a fee for  
25 conducting the criminal history records check, which shall be  
26 deposited into the State Police Services Fund and may not

1 exceed the actual cost of the records check.

2 (c-2) The Secretary shall issue a CDL with a school bus  
3 endorsement to allow a person to drive a school bus as defined  
4 in this Section. The CDL shall be issued according to the  
5 requirements outlined in 49 C.F.R. 383. A person may not  
6 operate a school bus as defined in this Section without a  
7 school bus endorsement. The Secretary of State may adopt rules  
8 consistent with Federal guidelines to implement this  
9 subsection (c-2).

10 (d) Commercial driver instruction permit. A commercial  
11 driver instruction permit may be issued to any person holding a  
12 valid Illinois driver's license if such person successfully  
13 passes such tests as the Secretary determines to be necessary.  
14 A commercial driver instruction permit shall not be issued to a  
15 person who does not meet the requirements of 49 CFR 391.41  
16 (b)(11), except for the renewal of a commercial driver  
17 instruction permit for a person who possesses a commercial  
18 instruction permit prior to the effective date of this  
19 amendatory Act of 1999.

20 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; 94-307,  
21 eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

22 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

23 Sec. 11-208.3. Administrative adjudication of violations  
24 of traffic regulations concerning the standing, parking, or  
25 condition of vehicles and automated traffic law violations.



1           (a) Any municipality may provide by ordinance for a system  
2 of administrative adjudication of vehicular standing and  
3 parking violations and vehicle compliance violations as  
4 defined in this subsection and automated traffic law violations  
5 as defined in Section 11-208.6. The administrative system shall  
6 have as its purpose the fair and efficient enforcement of  
7 municipal regulations through the administrative adjudication  
8 of automated traffic law violations and violations of municipal  
9 ordinances regulating the standing and parking of vehicles, the  
10 condition and use of vehicle equipment, and the display of  
11 municipal wheel tax licenses within the municipality's  
12 borders. The administrative system shall only have authority to  
13 adjudicate civil offenses carrying fines not in excess of \$250  
14 that occur after the effective date of the ordinance adopting  
15 such a system under this Section. For purposes of this Section,  
16 "compliance violation" means a violation of a municipal  
17 regulation governing the condition or use of equipment on a  
18 vehicle or governing the display of a municipal wheel tax  
19 license.

20           (b) Any ordinance establishing a system of administrative  
21 adjudication under this Section shall provide for:

22           (1) A traffic compliance administrator authorized to  
23 adopt, distribute and process parking, compliance, and  
24 automated traffic law violation notices and other notices  
25 required by this Section, collect money paid as fines and  
26 penalties for violation of parking and compliance

1 ordinances and automated traffic law violations, and  
2 operate an administrative adjudication system. The traffic  
3 compliance administrator also may make a certified report  
4 to the Secretary of State under Section 6-306.5.

5 (2) A parking, standing, compliance, or automated  
6 traffic law violation notice that shall specify the date,  
7 time, and place of violation of a parking, standing, ~~or~~  
8 compliance, or automated traffic law regulation; the  
9 particular regulation violated; the fine and any penalty  
10 that may be assessed for late payment, when so provided by  
11 ordinance; the vehicle make and state registration number;  
12 and the identification number of the person issuing the  
13 notice. With regard to automated traffic law violations,  
14 vehicle make shall be specified on the automated traffic  
15 law violation notice if the make is available and readily  
16 discernible. With regard to municipalities with a  
17 population of 1 million or more, it shall be grounds for  
18 dismissal of a parking violation if the state registration  
19 number or vehicle make specified is incorrect. The  
20 violation notice shall state that the payment of the  
21 indicated fine, and of any applicable penalty for late  
22 payment, shall operate as a final disposition of the  
23 violation. The notice also shall contain information as to  
24 the availability of a hearing in which the violation may be  
25 contested on its merits. The violation notice shall specify  
26 the time and manner in which a hearing may be had.

1           (3) Service of the parking, standing, or compliance  
2 violation notice by affixing the original or a facsimile of  
3 the notice to an unlawfully parked vehicle or by handing  
4 the notice to the operator of a vehicle if he or she is  
5 present and service of an automated traffic law violation  
6 notice by mail to the address of the registered owner of  
7 the cited vehicle as recorded with the Secretary of State  
8 within 30 days after the Secretary of State notifies the  
9 municipality or county of the identity of the owner of the  
10 vehicle, but in no event later than 90 days after the  
11 violation. A person authorized by ordinance to issue and  
12 serve parking, standing, and compliance violation notices  
13 shall certify as to the correctness of the facts entered on  
14 the violation notice by signing his or her name to the  
15 notice at the time of service or in the case of a notice  
16 produced by a computerized device, by signing a single  
17 certificate to be kept by the traffic compliance  
18 administrator attesting to the correctness of all notices  
19 produced by the device while it was under his or her  
20 control. In the case of an automated traffic law violation,  
21 the ordinance shall require a determination by a technician  
22 employed or contracted by the municipality or county that,  
23 based on inspection of recorded images, the motor vehicle  
24 was being operated in violation of Section 11-208.6 or a  
25 local ordinance. If the technician determines that the  
26 vehicle entered the intersection as part of a funeral

1 procession or in order to yield the right-of-way to an  
2 emergency vehicle, a citation shall not be issued. The  
3 original or a facsimile of the violation notice or, in the  
4 case of a notice produced by a computerized device, a  
5 printed record generated by the device showing the facts  
6 entered on the notice, shall be retained by the traffic  
7 compliance administrator, and shall be a record kept in the  
8 ordinary course of business. A parking, standing,  
9 compliance, or automated traffic law violation notice  
10 issued, signed and served in accordance with this Section,  
11 a copy of the notice, or the computer generated record  
12 shall be prima facie correct and shall be prima facie  
13 evidence of the correctness of the facts shown on the  
14 notice. The notice, copy, or computer generated record  
15 shall be admissible in any subsequent administrative or  
16 legal proceedings.

17 (4) An opportunity for a hearing for the registered  
18 owner of the vehicle cited in the parking, standing,  
19 compliance, or automated traffic law violation notice in  
20 which the owner may contest the merits of the alleged  
21 violation, and during which formal or technical rules of  
22 evidence shall not apply; provided, however, that under  
23 Section 11-1306 of this Code the lessee of a vehicle cited  
24 in the violation notice likewise shall be provided an  
25 opportunity for a hearing of the same kind afforded the  
26 registered owner. The hearings shall be recorded, and the

1 person conducting the hearing on behalf of the traffic  
2 compliance administrator shall be empowered to administer  
3 oaths and to secure by subpoena both the attendance and  
4 testimony of witnesses and the production of relevant books  
5 and papers. Persons appearing at a hearing under this  
6 Section may be represented by counsel at their expense. The  
7 ordinance may also provide for internal administrative  
8 review following the decision of the hearing officer.

9 (5) Service of additional notices, sent by first class  
10 United States mail, postage prepaid, to the address of the  
11 registered owner of the cited vehicle as recorded with the  
12 Secretary of State or, if any notice to that address is  
13 returned as undeliverable, to the last known address  
14 recorded in a United States Post Office approved database,  
15 or, under Section 11-1306 of this Code, to the lessee of  
16 the cited vehicle at the last address known to the lessor  
17 of the cited vehicle at the time of lease or, if any notice  
18 to that address is returned as undeliverable, to the last  
19 known address recorded in a United States Post Office  
20 approved database. The service shall be deemed complete as  
21 of the date of deposit in the United States mail. The  
22 notices shall be in the following sequence and shall  
23 include but not be limited to the information specified  
24 herein:

25 (i) A second notice of parking, standing, or  
26 compliance violation. This notice shall specify the

1 date and location of the violation cited in the  
2 parking, standing, or compliance violation notice, the  
3 particular regulation violated, the vehicle make and  
4 state registration number, the fine and any penalty  
5 that may be assessed for late payment when so provided  
6 by ordinance, the availability of a hearing in which  
7 the violation may be contested on its merits, and the  
8 time and manner in which the hearing may be had. The  
9 notice of violation shall also state that failure  
10 either to pay the indicated fine and any applicable  
11 penalty, or to appear at a hearing on the merits in the  
12 time and manner specified, will result in a final  
13 determination of violation liability for the cited  
14 violation in the amount of the fine or penalty  
15 indicated, and that, upon the occurrence of a final  
16 determination of violation liability for the failure,  
17 and the exhaustion of, or failure to exhaust, available  
18 administrative or judicial procedures for review, any  
19 unpaid fine or penalty will constitute a debt due and  
20 owing the municipality.

21 (ii) A notice of final determination of parking,  
22 standing, compliance, or automated traffic law  
23 violation liability. This notice shall be sent  
24 following a final determination of parking, standing,  
25 compliance, or automated traffic law violation  
26 liability and the conclusion of judicial review

1 procedures taken under this Section. The notice shall  
2 state that the unpaid fine or penalty is a debt due and  
3 owing the municipality. The notice shall contain  
4 warnings that failure to pay any fine or penalty due  
5 and owing the municipality within the time specified  
6 may result in the municipality's filing of a petition  
7 in the Circuit Court to have the unpaid fine or penalty  
8 rendered a judgment as provided by this Section, or may  
9 result in suspension of the person's drivers license  
10 for failure to pay fines or penalties for 10 or more  
11 parking violations under Section 6-306.5 or 5 or more  
12 automated traffic law violations under Section  
13 11-208.6.

14 (6) A Notice of impending drivers license suspension.

15 This notice shall be sent to the person liable for any fine  
16 or penalty that remains due and owing on 10 or more parking  
17 violations or 5 or more unpaid automated traffic law  
18 violations. The notice shall state that failure to pay the  
19 fine or penalty owing within 45 days of the notice's date  
20 will result in the municipality notifying the Secretary of  
21 State that the person is eligible for initiation of  
22 suspension proceedings under Section 6-306.5 of this Code.  
23 The notice shall also state that the person may obtain a  
24 photostatic copy of an original ticket imposing a fine or  
25 penalty by sending a self addressed, stamped envelope to  
26 the municipality along with a request for the photostatic

1 copy. The notice of impending drivers license suspension  
2 shall be sent by first class United States mail, postage  
3 prepaid, to the address recorded with the Secretary of  
4 State or, if any notice to that address is returned as  
5 undeliverable, to the last known address recorded in a  
6 United States Post Office approved database.

7 (7) Final determinations of violation liability. A  
8 final determination of violation liability shall occur  
9 following failure to pay the fine or penalty after a  
10 hearing officer's determination of violation liability and  
11 the exhaustion of or failure to exhaust any administrative  
12 review procedures provided by ordinance. Where a person  
13 fails to appear at a hearing to contest the alleged  
14 violation in the time and manner specified in a prior  
15 mailed notice, the hearing officer's determination of  
16 violation liability shall become final: (A) upon denial of  
17 a timely petition to set aside that determination, or (B)  
18 upon expiration of the period for filing the petition  
19 without a filing having been made.

20 (8) A petition to set aside a determination of parking,  
21 standing, compliance, or automated traffic law violation  
22 liability that may be filed by a person owing an unpaid  
23 fine or penalty. The petition shall be filed with and ruled  
24 upon by the traffic compliance administrator in the manner  
25 and within the time specified by ordinance. The grounds for  
26 the petition may be limited to: (A) the person not having



1           been the owner or lessee of the cited vehicle on the date  
2           the violation notice was issued, (B) the person having  
3           already paid the fine or penalty for the violation in  
4           question, and (C) excusable failure to appear at or request  
5           a new date for a hearing. With regard to municipalities  
6           with a population of 1 million or more, it shall be grounds  
7           for dismissal of a parking violation if the state  
8           registration number, or vehicle make if specified, is  
9           incorrect. After the determination of parking, standing,  
10          compliance, or automated traffic law violation liability  
11          has been set aside upon a showing of just cause, the  
12          registered owner shall be provided with a hearing on the  
13          merits for that violation.

14           (9) Procedures for non-residents. Procedures by which  
15          persons who are not residents of the municipality may  
16          contest the merits of the alleged violation without  
17          attending a hearing.

18           (10) A schedule of civil fines for violations of  
19          vehicular standing, parking, compliance, or automated  
20          traffic law regulations enacted by ordinance pursuant to  
21          this Section, and a schedule of penalties for late payment  
22          of the fines, provided, however, that the total amount of  
23          the fine and penalty for any one violation shall not exceed  
24          \$250, except as provided in subsection (c) of Section  
25          11-1301.3 of this Code.

26           (11) Other provisions as are necessary and proper to

1 carry into effect the powers granted and purposes stated in  
2 this Section.

3 (c) Any municipality establishing vehicular standing,  
4 parking, compliance, or automated traffic law regulations  
5 under this Section may also provide by ordinance for a program  
6 of vehicle immobilization for the purpose of facilitating  
7 enforcement of those regulations. The program of vehicle  
8 immobilization shall provide for immobilizing any eligible  
9 vehicle upon the public way by presence of a restraint in a  
10 manner to prevent operation of the vehicle. Any ordinance  
11 establishing a program of vehicle immobilization under this  
12 Section shall provide:

13 (1) Criteria for the designation of vehicles eligible  
14 for immobilization. A vehicle shall be eligible for  
15 immobilization when the registered owner of the vehicle has  
16 accumulated the number of unpaid final determinations of  
17 parking, standing, compliance, or automated traffic law  
18 violation liability as determined by ordinance.

19 (2) A notice of impending vehicle immobilization and a  
20 right to a hearing to challenge the validity of the notice  
21 by disproving liability for the unpaid final  
22 determinations of parking, standing, compliance, or  
23 automated traffic law violation liability listed on the  
24 notice.

25 (3) The right to a prompt hearing after a vehicle has  
26 been immobilized or subsequently towed without payment of

1 the outstanding fines and penalties on parking, standing,  
2 compliance, or automated traffic law violations for which  
3 final determinations have been issued. An order issued  
4 after the hearing is a final administrative decision within  
5 the meaning of Section 3-101 of the Code of Civil  
6 Procedure.

7 (4) A post immobilization and post-towing notice  
8 advising the registered owner of the vehicle of the right  
9 to a hearing to challenge the validity of the impoundment.

10 (d) Judicial review of final determinations of parking,  
11 standing, compliance, or automated traffic law violations and  
12 final administrative decisions issued after hearings regarding  
13 vehicle immobilization and impoundment made under this Section  
14 shall be subject to the provisions of the Administrative Review  
15 Law.

16 (e) Any fine, penalty, or part of any fine or any penalty  
17 remaining unpaid after the exhaustion of, or the failure to  
18 exhaust, administrative remedies created under this Section  
19 and the conclusion of any judicial review procedures shall be a  
20 debt due and owing the municipality and, as such, may be  
21 collected in accordance with applicable law. Payment in full of  
22 any fine or penalty resulting from a standing, parking,  
23 compliance, or automated traffic law violation shall  
24 constitute a final disposition of that violation.

25 (f) After the expiration of the period within which  
26 judicial review may be sought for a final determination of

1 parking, standing, compliance, or automated traffic law  
2 violation, the municipality may commence a proceeding in the  
3 Circuit Court for purposes of obtaining a judgment on the final  
4 determination of violation. Nothing in this Section shall  
5 prevent a municipality from consolidating multiple final  
6 determinations of parking, standing, compliance, or automated  
7 traffic law violations against a person in a proceeding. Upon  
8 commencement of the action, the municipality shall file a  
9 certified copy or record of the final determination of parking,  
10 standing, compliance, or automated traffic law violation,  
11 which shall be accompanied by a certification that recites  
12 facts sufficient to show that the final determination of  
13 violation was issued in accordance with this Section and the  
14 applicable municipal ordinance. Service of the summons and a  
15 copy of the petition may be by any method provided by Section  
16 2-203 of the Code of Civil Procedure or by certified mail,  
17 return receipt requested, provided that the total amount of  
18 fines and penalties for final determinations of parking,  
19 standing, compliance, or automated traffic law violations does  
20 not exceed \$2500. If the court is satisfied that the final  
21 determination of parking, standing, compliance, or automated  
22 traffic law violation was entered in accordance with the  
23 requirements of this Section and the applicable municipal  
24 ordinance, and that the registered owner or the lessee, as the  
25 case may be, had an opportunity for an administrative hearing  
26 and for judicial review as provided in this Section, the court

1 shall render judgment in favor of the municipality and against  
2 the registered owner or the lessee for the amount indicated in  
3 the final determination of parking, standing, compliance, or  
4 automated traffic law violation, plus costs. The judgment shall  
5 have the same effect and may be enforced in the same manner as  
6 other judgments for the recovery of money.

7 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;  
8 94-930, eff. 6-26-06; revised 8-3-06.)

9 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

10 Sec. 11-1201. Obedience to signal indicating approach of  
11 train.

12 (a) Whenever any person driving a vehicle approaches a  
13 railroad grade crossing where the driver is not always required  
14 to stop, the person must exercise due care and caution as the  
15 existence of a railroad track across a highway is a warning of  
16 danger, and under any of the circumstances stated in this  
17 Section, the driver shall stop within 50 feet but not less than  
18 15 feet from the nearest rail of the railroad and shall not  
19 proceed until the tracks are clear and he or she can do so  
20 safely. The foregoing requirements shall apply when:

21 1. A clearly visible electric or mechanical signal  
22 device gives warning of the immediate approach of a  
23 railroad train;

24 2. A crossing gate is lowered or a human flagman gives  
25 or continues to give a signal of the approach or passage of

1 a railroad train;

2 3. A railroad train approaching a highway crossing  
3 emits a warning signal and such railroad train, by reason  
4 of its speed or nearness to such crossing, is an immediate  
5 hazard;

6 4. An approaching railroad train is plainly visible and  
7 is in hazardous proximity to such crossing;

8 5. A railroad train is approaching so closely that an  
9 immediate hazard is created.

10 (a-5) Whenever a person driving a vehicle approaches a  
11 railroad grade crossing where the driver is not always required  
12 to stop but must slow down, the person must exercise due care  
13 and caution as the existence of a railroad track across a  
14 highway is a warning of danger, and under any of the  
15 circumstances stated in this Section, the driver shall slow  
16 down within 50 feet but not less than 15 feet from the nearest  
17 rail of the railroad and shall not proceed until he or she  
18 checks that the tracks are clear of an approaching train.

19 (b) No person shall drive any vehicle through, around or  
20 under any crossing gate or barrier at a railroad crossing while  
21 such gate or barrier is closed or is being opened or closed.

22 (c) The Department, and local authorities with the approval  
23 of the Department, are hereby authorized to designate  
24 particularly dangerous highway grade crossings of railroads  
25 and to erect stop signs thereat. When such stop signs are  
26 erected the driver of any vehicle shall stop within 50 feet but

1 not less than 15 feet from the nearest rail of such railroad  
2 and shall proceed only upon exercising due care.

3 (d) At any railroad grade crossing provided with railroad  
4 crossbuck signs, without automatic, electric, or mechanical  
5 signal devices, crossing gates, or a human flagman giving a  
6 signal of the approach or passage of a train, the driver of a  
7 vehicle shall in obedience to the railroad crossbuck sign,  
8 yield the right-of-way and slow down to a speed reasonable for  
9 the existing conditions and shall stop, if required for safety,  
10 at a clearly marked stopped line, or if no stop line, within 50  
11 feet but not less than 15 feet from the nearest rail of the  
12 railroad and shall not proceed until he or she can do so  
13 safely. If a driver is involved in a collision at a railroad  
14 crossing or interferes with the movement of a train after  
15 driving past the railroad crossbuck sign, the collision or  
16 interference is prima facie evidence of the driver's failure to  
17 yield right-of-way.

18 (d-1) No person shall, while driving a commercial motor  
19 vehicle, fail to negotiate a railroad-highway grade railroad  
20 crossing because of insufficient undercarriage clearance.

21 (d-5) (Blank).

22 (e) It is unlawful to violate any part of this Section.

23 (1) A violation of this Section is a petty offense for  
24 which a fine of \$250 shall be imposed for a first  
25 violation, and a fine of \$500 shall be imposed for a second  
26 or subsequent violation. The court may impose 25 hours of

1 community service in place of the \$250 fine for the first  
2 violation.

3 (2) For a second or subsequent violation, the Secretary  
4 of State may suspend the driving privileges of the offender  
5 for a minimum of 6 months.

6 (f) Corporate authorities of municipal corporations  
7 regulating operators of vehicles that fail to obey signals  
8 indicating the presence, approach, passage, or departure of a  
9 train shall impose fines as established in subsection (e) of  
10 this Section.

11 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; 92-651,  
12 eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff. 8-22-02;  
13 revised 8-26-02.)

14 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

15 Sec. 11-1414. Approaching, overtaking, and passing school  
16 bus.

17 (a) The driver of a vehicle shall stop such vehicle before  
18 meeting or overtaking, from either direction, any school bus  
19 stopped at any location for the purpose of receiving or  
20 discharging pupils. Such stop is required before reaching the  
21 school bus when there is in operation on the school bus the  
22 visual signals as specified in Sections 12-803 and 12-805 of  
23 this Code. The driver of the vehicle shall not proceed until  
24 the school bus resumes motion or the driver of the vehicle is  
25 signaled by the school bus driver to proceed or the visual



1 signals are no longer actuated.

2 (b) The stop signal arm required by Section 12-803 of this  
3 Code shall be extended after the school bus has come to a  
4 complete stop for the purpose of loading or discharging pupils  
5 and shall be closed before the school bus is placed in motion  
6 again. The stop signal arm shall not be extended at any other  
7 time.

8 (c) The alternately flashing red signal lamps of an 8-lamp  
9 flashing signal system required by Section 12-805 of this Code  
10 shall be actuated after the school bus has come to a complete  
11 stop for the purpose of loading or discharging pupils and shall  
12 be turned off before the school bus is placed in motion again.  
13 The red signal lamps shall not be actuated at any other time  
14 except as provided in paragraph (d) of this Section.

15 (d) The alternately flashing amber signal lamps of an  
16 8-lamp flashing signal system required by Section 12-805 of  
17 this Code shall be actuated continuously during not less than  
18 the last 100 feet traveled by the school bus before stopping  
19 for the purpose of loading or discharging pupils within an  
20 urban area and during not less than the last 200 feet traveled  
21 by the school bus outside an urban area. The amber signal lamps  
22 shall remain actuated until the school bus is stopped. The  
23 amber signal lamps shall not be actuated at any other time.

24 (d-5) The alternately flashing head lamps permitted by  
25 Section 12-805 of this Code may be operated while the  
26 alternately flashing red or amber signal lamps required by that

1 Section are actuated.

2 (e) The driver of a vehicle upon a highway having 4 or more  
3 lanes which permits at least 2 lanes of traffic to travel in  
4 opposite directions need not stop such vehicle upon meeting a  
5 school bus which is stopped in the opposing roadway; and need  
6 not stop such vehicle when driving upon a controlled access  
7 highway when passing a school bus traveling in either direction  
8 that is stopped in a loading zone adjacent to the surfaced or  
9 improved part of the controlled access highway where  
10 pedestrians are not permitted to cross.

11 (f) Beginning with the effective date of this amendatory  
12 Act of 1985, the Secretary of State shall suspend for a period  
13 of 3 months the driving privileges of any person convicted of a  
14 violation of subsection (a) of this Section or a similar  
15 provision of a local ordinance; the Secretary shall suspend for  
16 a period of one year the driving privileges of any person  
17 convicted of a second or subsequent violation of subsection (a)  
18 of this Section or a similar provision of a local ordinance if  
19 the second or subsequent violation occurs within 5 years of a  
20 prior conviction for the same offense. In addition to the  
21 suspensions authorized by this Section, any person convicted of  
22 violating this Section or a similar provision of a local  
23 ordinance shall be subject to a mandatory fine of \$150 or, upon  
24 a second or subsequent violation, \$500. The Secretary may also  
25 grant, for the duration of any suspension issued under this  
26 subsection, a restricted driving permit granting the privilege

1 of driving a motor vehicle between the driver's residence and  
2 place of employment or within other proper limits that the  
3 Secretary of State shall find necessary to avoid any undue  
4 hardship. A restricted driving permit issued hereunder shall be  
5 subject to cancellation, revocation and suspension by the  
6 Secretary of State in like manner and for like cause as a  
7 driver's license may be cancelled, revoked or suspended; except  
8 that a conviction upon one or more offenses against laws or  
9 ordinances regulating the movement of traffic shall be deemed  
10 sufficient cause for the revocation, suspension or  
11 cancellation of the restricted driving permit. The Secretary of  
12 State may, as a condition to the issuance of a restricted  
13 driving permit, require the applicant to participate in a  
14 designated driver remedial or rehabilitative program. Any  
15 conviction for a violation of this subsection shall be included  
16 as an offense for the purposes of determining suspension action  
17 under any other provision of this Code, provided however, that  
18 the penalties provided under this subsection shall be imposed  
19 unless those penalties imposed under other applicable  
20 provisions are greater.

21 The owner of any vehicle alleged to have violated paragraph  
22 (a) of this Section shall, upon appropriate demand by the  
23 State's Attorney or other authorized prosecutor acting in  
24 response to a signed complaint, provide a written statement or  
25 deposition identifying the operator of the vehicle if such  
26 operator was not the owner at the time of the alleged

1 violation. Failure to supply such information shall be  
2 construed to be the same as a violation of paragraph (a) and  
3 shall be subject to the same penalties herein provided. In the  
4 event the owner has assigned control for the use of the vehicle  
5 to another, the person to whom control was assigned shall  
6 comply with the provisions of this paragraph and be subject to  
7 the same penalties as herein provided.

8 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;  
9 revised 8-12-03.)

10 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

11 Sec. 12-603.1. Driver and passenger required to use safety  
12 belts, exceptions and penalty.

13 (a) Each driver and front seat passenger of a motor vehicle  
14 operated on a street or highway in this State shall wear a  
15 properly adjusted and fastened seat safety belt; except that, a  
16 child less than 8 years of age shall be protected as required  
17 pursuant to the Child Passenger Protection Act. Each driver  
18 under the age of 18 years and each of the driver's passengers  
19 under the age of 19 years of a motor vehicle operated on a  
20 street or highway in this State shall wear a properly adjusted  
21 and fastened seat safety belt. Each driver of a motor vehicle  
22 transporting a child 8 years of age or more, but less than 16  
23 years of age, shall secure the child in a properly adjusted and  
24 fastened seat safety belt as required under the Child Passenger  
25 Protection Act.

1 (b) Paragraph (a) shall not apply to any of the following:

2 1. A driver or passenger frequently stopping and  
3 leaving the vehicle or delivering property from the  
4 vehicle, if the speed of the vehicle between stops does not  
5 exceed 15 miles per hour.

6 2. A driver or passenger possessing a written statement  
7 from a physician that such person is unable, for medical or  
8 physical reasons, to wear a seat safety belt.

9 3. A driver or passenger possessing an official  
10 certificate or license endorsement issued by the  
11 appropriate agency in another state or country indicating  
12 that the driver is unable for medical, physical, or other  
13 valid reasons to wear a seat safety belt.

14 4. A driver operating a motor vehicle in reverse.

15 5. A motor vehicle with a model year prior to 1965.

16 6. A motorcycle or motor driven cycle.

17 7. A motorized pedalcycle.

18 8. A motor vehicle which is not required to be equipped  
19 with seat safety belts under federal law.

20 9. A motor vehicle operated by a rural letter carrier  
21 of the United States postal service while performing duties  
22 as a rural letter carrier.

23 (c) Failure to wear a seat safety belt in violation of this  
24 Section shall not be considered evidence of negligence, shall  
25 not limit the liability of an insurer, and shall not diminish  
26 any recovery for damages arising out of the ownership,

1 maintenance, or operation of a motor vehicle.

2 (d) A violation of this Section shall be a petty offense  
3 and subject to a fine not to exceed \$25.

4 (e) (Blank).

5 (f) A law enforcement officer may not search or inspect a  
6 motor vehicle, its contents, the driver, or a passenger solely  
7 because of a violation of this Section.

8 (Source: P.A. 93-99, eff. 7-3-03; 94-239, eff. 1-1-06; 94-241,  
9 eff. 1-1-06; revised 8-19-05.)

10 (625 ILCS 5/12-613)

11 Sec. 12-613. Possession and use of radar or laser jamming  
12 devices prohibited.

13 (a) Except as provided in subsection (b), a person may not  
14 operate or be in actual physical control of a motor vehicle  
15 while the motor vehicle is equipped with any instrument  
16 designed to interfere with microwaves or lasers at frequencies  
17 used by police radar for the purpose of monitoring vehicular  
18 speed.

19 (b) A person operating a motor vehicle who possesses within  
20 the vehicle a radar or laser jamming device that is contained  
21 in a locked opaque box or similar container, or that is not in  
22 the passenger compartment of the vehicle, and that is not in  
23 operation, is not in violation of this Section.

24 (c) Any person found guilty of violating this Section is  
25 guilty of a petty offense. A minimum fine of \$50 shall be

1 imposed for a first offense and a minimum fine of \$100 for a  
2 second or subsequent offense.

3 (d) The radar or laser jamming device or mechanism shall be  
4 seized by the law enforcement officer at the time of the  
5 violation. This Section does not authorize the permanent  
6 forfeiture to the State of any radar or laser jamming device or  
7 mechanism. The device or mechanism shall be taken and held for  
8 the period when needed as evidence. When no longer needed for  
9 evidence, the defendant may petition the court for the return  
10 of the device or mechanism. The defendant, however, must prove  
11 to the court by a preponderance of the evidence that the device  
12 or mechanism will be used only for a legitimate and lawful  
13 purpose.

14 (e) ~~(d)~~ A law enforcement officer may not stop or search  
15 any motor vehicle or the driver of any motor vehicle solely on  
16 the basis of a violation or suspected violation of this  
17 Section.

18 (Source: P.A. 94-594, eff. 1-1-06; revised 8-29-05.)

19 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

20 Sec. 15-301. Permits for excess size and weight.

21 (a) The Department with respect to highways under its  
22 jurisdiction and local authorities with respect to highways  
23 under their jurisdiction may, in their discretion, upon  
24 application and good cause being shown therefor, issue a  
25 special permit authorizing the applicant to operate or move a

1 vehicle or combination of vehicles of a size or weight of  
2 vehicle or load exceeding the maximum specified in this Act or  
3 otherwise not in conformity with this Act upon any highway  
4 under the jurisdiction of the party granting such permit and  
5 for the maintenance of which the party is responsible.  
6 Applications and permits other than those in written or printed  
7 form may only be accepted from and issued to the company or  
8 individual making the movement. Except for an application to  
9 move directly across a highway, it shall be the duty of the  
10 applicant to establish in the application that the load to be  
11 moved by such vehicle or combination is composed of a single  
12 nondivisible object that cannot reasonably be dismantled or  
13 disassembled. For the purpose of over length movements, more  
14 than one object may be carried side by side as long as the  
15 height, width, and weight laws are not exceeded and the cause  
16 for the over length is not due to multiple objects. For the  
17 purpose of over height movements, more than one object may be  
18 carried as long as the cause for the over height is not due to  
19 multiple objects and the length, width, and weight laws are not  
20 exceeded. For the purpose of an over width movement, more than  
21 one object may be carried as long as the cause for the over  
22 width is not due to multiple objects and length, height, and  
23 weight laws are not exceeded. No state or local agency shall  
24 authorize the issuance of excess size or weight permits for  
25 vehicles and loads that are divisible and that can be carried,  
26 when divided, within the existing size or weight maximums



1 specified in this Chapter. Any excess size or weight permit  
2 issued in violation of the provisions of this Section shall be  
3 void at issue and any movement made thereunder shall not be  
4 authorized under the terms of the void permit. In any  
5 prosecution for a violation of this Chapter when the  
6 authorization of an excess size or weight permit is at issue,  
7 it is the burden of the defendant to establish that the permit  
8 was valid because the load to be moved could not reasonably be  
9 dismantled or disassembled, or was otherwise nondivisible.

10 (b) The application for any such permit shall: (1) state  
11 whether such permit is requested for a single trip or for  
12 limited continuous operation; (2) state if the applicant is an  
13 authorized carrier under the Illinois Motor Carrier of Property  
14 Law, if so, his certificate, registration or permit number  
15 issued by the Illinois Commerce Commission; (3) specifically  
16 describe and identify the vehicle or vehicles and load to be  
17 operated or moved except that for vehicles or vehicle  
18 combinations registered by the Department as provided in  
19 Section 15-319 of this Chapter, only the Illinois Department of  
20 Transportation's (IDT) registration number or classification  
21 need be given; (4) state the routing requested including the  
22 points of origin and destination, and may identify and include  
23 a request for routing to the nearest certified scale in  
24 accordance with the Department's rules and regulations,  
25 provided the applicant has approval to travel on local roads;  
26 and (5) state if the vehicles or loads are being transported

1 for hire. No permits for the movement of a vehicle or load for  
2 hire shall be issued to any applicant who is required under the  
3 Illinois Motor Carrier of Property Law to have a certificate,  
4 registration or permit and does not have such certificate,  
5 registration or permit.

6 (c) The Department or local authority when not inconsistent  
7 with traffic safety is authorized to issue or withhold such  
8 permit at its discretion; or, if such permit is issued at its  
9 discretion to prescribe the route or routes to be traveled, to  
10 limit the number of trips, to establish seasonal or other time  
11 limitations within which the vehicles described may be operated  
12 on the highways indicated, or otherwise to limit or prescribe  
13 conditions of operations of such vehicle or vehicles, when  
14 necessary to assure against undue damage to the road  
15 foundations, surfaces or structures, and may require such  
16 undertaking or other security as may be deemed necessary to  
17 compensate for any injury to any roadway or road structure. The  
18 Department shall maintain a daily record of each permit issued  
19 along with the fee and the stipulated dimensions, weights,  
20 conditions and restrictions authorized and this record shall be  
21 presumed correct in any case of questions or dispute. The  
22 Department shall install an automatic device for recording  
23 applications received and permits issued by telephone. In  
24 making application by telephone, the Department and applicant  
25 waive all objections to the recording of the conversation.

26 (d) The Department shall, upon application in writing from

1 any local authority, issue an annual permit authorizing the  
2 local authority to move oversize highway construction,  
3 transportation, utility and maintenance equipment over roads  
4 under the jurisdiction of the Department. The permit shall be  
5 applicable only to equipment and vehicles owned by or  
6 registered in the name of the local authority, and no fee shall  
7 be charged for the issuance of such permits.

8 (e) As an exception to paragraph (a) of this Section, the  
9 Department and local authorities, with respect to highways  
10 under their respective jurisdictions, in their discretion and  
11 upon application in writing may issue a special permit for  
12 limited continuous operation, authorizing the applicant to  
13 move loads of agricultural commodities on a 2 axle single  
14 vehicle registered by the Secretary of State with axle loads  
15 not to exceed 35%, on a 3 or 4 axle vehicle registered by the  
16 Secretary of State with axle loads not to exceed 20%, and on a  
17 5 axle vehicle registered by the Secretary of State not to  
18 exceed 10% above those provided in Section 15-111. The total  
19 gross weight of the vehicle, however, may not exceed the  
20 maximum gross weight of the registration class of the vehicle  
21 allowed under Section 3-815 or 3-818 of this Code.

22 As used in this Section, "agricultural commodities" means:

23 (1) cultivated plants or agricultural produce grown  
24 including, but is not limited to, corn, soybeans, wheat,  
25 oats, grain sorghum, canola, and rice;

26 (2) livestock, including but not limited to hogs,

1 equine, sheep, and poultry;

2 (3) ensilage; and

3 (4) fruits and vegetables.

4 Permits may be issued for a period not to exceed 40 days  
5 and moves may be made of a distance not to exceed 50 miles from  
6 a field, an on-farm grain storage facility, a warehouse as  
7 defined in the Illinois Grain Code, or a livestock management  
8 facility as defined in the Livestock Management Facilities Act  
9 over any highway except the National System of Interstate and  
10 Defense Highways. The operator of the vehicle, however, must  
11 abide by posted bridge and posted highway weight limits. All  
12 implements of husbandry operating under this Section between  
13 sunset and sunrise shall be equipped as prescribed in Section  
14 12-205.1.

15 (e-1) Upon a declaration by the Governor that an emergency  
16 harvest situation exists, a special permit issued by the  
17 Department under this Section shall not be required from  
18 September 1 through December 31 during harvest season  
19 emergencies, provided that the weight does not exceed 20% above  
20 the limits provided in Section 15-111. All other restrictions  
21 that apply to permits issued under this Section shall apply  
22 during the declared time period. With respect to highways under  
23 the jurisdiction of local authorities, the local authorities  
24 may, at their discretion, waive special permit requirements  
25 during harvest season emergencies. This permit exemption shall  
26 apply to all vehicles eligible to obtain permits under this

1 Section, including commercial vehicles in use during the  
2 declared time period.

3 (f) The form and content of the permit shall be determined  
4 by the Department with respect to highways under its  
5 jurisdiction and by local authorities with respect to highways  
6 under their jurisdiction. Every permit shall be in written form  
7 and carried in the vehicle or combination of vehicles to which  
8 it refers and shall be open to inspection by any police officer  
9 or authorized agent of any authority granting the permit and no  
10 person shall violate any of the terms or conditions of such  
11 special permit. Violation of the terms and conditions of the  
12 permit shall not be deemed a revocation of the permit; however,  
13 any vehicle and load found to be off the route prescribed in  
14 the permit shall be held to be operating without a permit. Any  
15 off route vehicle and load shall be required to obtain a new  
16 permit or permits, as necessary, to authorize the movement back  
17 onto the original permit routing. No rule or regulation, nor  
18 anything herein shall be construed to authorize any police  
19 officer, court, or authorized agent of any authority granting  
20 the permit to remove the permit from the possession of the  
21 permittee unless the permittee is charged with a fraudulent  
22 permit violation as provided in paragraph (i). However, upon  
23 arrest for an offense of violation of permit, operating without  
24 a permit when the vehicle is off route, or any size or weight  
25 offense under this Chapter when the permittee plans to raise  
26 the issuance of the permit as a defense, the permittee, or his

1 agent, must produce the permit at any court hearing concerning  
2 the alleged offense.

3 If the permit designates and includes a routing to a  
4 certified scale, the permittee, while enroute to the designated  
5 scale, shall be deemed in compliance with the weight provisions  
6 of the permit provided the axle or gross weights do not exceed  
7 any of the permitted limits by more than the following amounts:

8 Single axle	2000 pounds
9 Tandem axle	3000 pounds
10 Gross	5000 pounds

11 (g) The Department is authorized to adopt, amend, and to  
12 make available to interested persons a policy concerning  
13 reasonable rules, limitations and conditions or provisions of  
14 operation upon highways under its jurisdiction in addition to  
15 those contained in this Section for the movement by special  
16 permit of vehicles, combinations, or loads which cannot  
17 reasonably be dismantled or disassembled, including  
18 manufactured and modular home sections and portions thereof.  
19 All rules, limitations and conditions or provisions adopted in  
20 the policy shall have due regard for the safety of the  
21 traveling public and the protection of the highway system and  
22 shall have been promulgated in conformity with the provisions  
23 of the Illinois Administrative Procedure Act. The requirements  
24 of the policy for flagmen and escort vehicles shall be the same  
25 for all moves of comparable size and weight. When escort  
26 vehicles are required, they shall meet the following

1 requirements:

2 (1) All operators shall be 18 years of age or over and  
3 properly licensed to operate the vehicle.

4 (2) Vehicles escorting oversized loads more than  
5 12-feet wide must be equipped with a rotating or flashing  
6 amber light mounted on top as specified under Section  
7 12-215.

8 The Department shall establish reasonable rules and  
9 regulations regarding liability insurance or self insurance  
10 for vehicles with oversized loads promulgated under The  
11 Illinois Administrative Procedure Act. Police vehicles may be  
12 required for escort under circumstances as required by rules  
13 and regulations of the Department.

14 (h) Violation of any rule, limitation or condition or  
15 provision of any permit issued in accordance with the  
16 provisions of this Section shall not render the entire permit  
17 null and void but the violator shall be deemed guilty of  
18 violation of permit and guilty of exceeding any size, weight or  
19 load limitations in excess of those authorized by the permit.  
20 The prescribed route or routes on the permit are not mere  
21 rules, limitations, conditions, or provisions of the permit,  
22 but are also the sole extent of the authorization granted by  
23 the permit. If a vehicle and load are found to be off the route  
24 or routes prescribed by any permit authorizing movement, the  
25 vehicle and load are operating without a permit. Any off route  
26 movement shall be subject to the size and weight maximums,

1 under the applicable provisions of this Chapter, as determined  
2 by the type or class highway upon which the vehicle and load  
3 are being operated.

4 (i) Whenever any vehicle is operated or movement made under  
5 a fraudulent permit the permit shall be void, and the person,  
6 firm, or corporation to whom such permit was granted, the  
7 driver of such vehicle in addition to the person who issued  
8 such permit and any accessory, shall be guilty of fraud and  
9 either one or all persons may be prosecuted for such violation.  
10 Any person, firm, or corporation committing such violation  
11 shall be guilty of a Class 4 felony and the Department shall  
12 not issue permits to the person, firm or corporation convicted  
13 of such violation for a period of one year after the date of  
14 conviction. Penalties for violations of this Section shall be  
15 in addition to any penalties imposed for violation of other  
16 Sections of this Act.

17 (j) Whenever any vehicle is operated or movement made in  
18 violation of a permit issued in accordance with this Section,  
19 the person to whom such permit was granted, or the driver of  
20 such vehicle, is guilty of such violation and either, but not  
21 both, persons may be prosecuted for such violation as stated in  
22 this subsection (j). Any person, firm or corporation convicted  
23 of such violation shall be guilty of a petty offense and shall  
24 be fined for the first offense, not less than \$50 nor more than  
25 \$200 and, for the second offense by the same person, firm or  
26 corporation within a period of one year, not less than \$200 nor



1 more than \$300 and, for the third offense by the same person,  
2 firm or corporation within a period of one year after the date  
3 of the first offense, not less than \$300 nor more than \$500 and  
4 the Department shall not issue permits to the person, firm or  
5 corporation convicted of a third offense during a period of one  
6 year after the date of conviction for such third offense.

7 (k) Whenever any vehicle is operated on local roads under  
8 permits for excess width or length issued by local authorities,  
9 such vehicle may be moved upon a State highway for a distance  
10 not to exceed one-half mile without a permit for the purpose of  
11 crossing the State highway.

12 (l) Notwithstanding any other provision of this Section,  
13 the Department, with respect to highways under its  
14 jurisdiction, and local authorities, with respect to highways  
15 under their jurisdiction, may at their discretion authorize the  
16 movement of a vehicle in violation of any size or weight  
17 requirement, or both, that would not ordinarily be eligible for  
18 a permit, when there is a showing of extreme necessity that the  
19 vehicle and load should be moved without unnecessary delay.

20 For the purpose of this subsection, showing of extreme  
21 necessity shall be limited to the following: shipments of  
22 livestock, hazardous materials, liquid concrete being hauled  
23 in a mobile cement mixer, or hot asphalt.

24 (m) Penalties for violations of this Section shall be in  
25 addition to any penalties imposed for violating any other  
26 Section of this Code.

1           (n) The Department with respect to highways under its  
2 jurisdiction and local authorities with respect to highways  
3 under their jurisdiction, in their discretion and upon  
4 application in writing, may issue a special permit for  
5 continuous limited operation, authorizing the applicant to  
6 operate a tow-truck that exceeds the weight limits provided for  
7 in subsection (d) of Section 15-111, provided:

8           (1) no rear single axle of the tow-truck exceeds 26,000  
9 pounds;

10           (2) no rear tandem axle of the tow-truck exceeds 50,000  
11 pounds;

12           (2.1) no triple rear axle on a manufactured recovery  
13 unit exceeds 56,000 pounds;

14           (3) neither the disabled vehicle nor the disabled  
15 combination of vehicles exceed the weight restrictions  
16 imposed by this Chapter 15, or the weight limits imposed  
17 under a permit issued by the Department prior to hookup;

18           (4) the tow-truck prior to hookup does not exceed the  
19 weight restrictions imposed by this Chapter 15;

20           (5) during the tow operation the tow-truck does not  
21 violate any weight restriction sign;

22           (6) the tow-truck is equipped with flashing, rotating,  
23 or oscillating amber lights, visible for at least 500 feet  
24 in all directions;

25           (7) the tow-truck is specifically designed and  
26 licensed as a tow-truck;

1           (8) the tow-truck has a gross vehicle weight rating of  
2 sufficient capacity to safely handle the load;

3           (9) the tow-truck is equipped with air brakes;

4           (10) the tow-truck is capable of utilizing the lighting  
5 and braking systems of the disabled vehicle or combination  
6 of vehicles;

7           (11) the tow commences at the initial point of wreck or  
8 disablement and terminates at a point where the repairs are  
9 actually to occur;

10           (12) the permit issued to the tow-truck is carried in  
11 the tow-truck and exhibited on demand by a police officer;  
12 and

13           (13) the movement shall be valid only on state routes  
14 approved by the Department.

15           (o) The Department, with respect to highways under its  
16 jurisdiction, and local authorities, with respect to highways  
17 under their jurisdiction, in their discretion and upon  
18 application in writing, may issue a special permit for  
19 continuous limited operation, authorizing the applicant to  
20 transport raw milk that exceeds the weight limits provided for  
21 in subsections (b) and (f) of Section 15-111 of this Code,  
22 provided:

23           (1) no single axle exceeds 20,000 pounds;

24           (2) no gross weight exceeds 80,000 pounds;

25           (3) permits issued by the State are good only for  
26 federal and State highways and are not applicable to

1 interstate highways; and

2 (4) all road and bridge postings must be obeyed.

3 (Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04;  
4 93-1023, eff. 8-25-04; revised 10-14-04.)

5 (625 ILCS 5/15-308.3)

6 Sec. 15-308.3. Fees for special permits to transport raw  
7 milk. The fee for a special permit to transport raw milk is  
8 \$12.50 quarterly and \$50.00 annually.

9 (Source: P.A. 93-718, eff. 1-1-05; revised 9-25-06.)

10 (625 ILCS 5/16-104b)

11 Sec. 16-104b. Amounts for Trauma Center Fund. In counties  
12 that have elected not to distribute moneys under the  
13 disbursement formulas in Sections 27.5 and 27.6 of the Clerks  
14 of Courts Act, the Circuit Clerk of the County, when collecting  
15 fees, fines, costs, additional penalties, bail balances  
16 assessed or forfeited, and any other amount imposed upon a  
17 conviction of or an order of supervision for a violation of  
18 laws or ordinances regulating the movement of traffic that  
19 amounts to \$55 or more, shall remit \$5 of the total amount  
20 collected, less 2 1/2% of the \$5 to help defray the  
21 administrative costs incurred by the Clerk, except that upon a  
22 conviction or order of supervision for driving under the  
23 influence of alcohol or drugs the Clerk shall remit \$105 of the  
24 total amount collected (\$5 for a traffic violation that amounts

1 to \$55 or more and an additional fee of \$100 to be collected by  
2 the Circuit Clerk for a conviction or order of supervision for  
3 driving under the influence of alcohol or drugs), less the 2  
4 1/2%, within 60 days to the State Treasurer to be deposited  
5 into the Trauma Center Fund. Of the amounts deposited into the  
6 Trauma Center Fund under this Section, 50% shall be disbursed  
7 to the Department of Public Health and 50% shall be disbursed  
8 to the Department of Healthcare and Family Services ~~Public Aid~~.  
9 Not later than March 1 of each year the Circuit Clerk shall  
10 submit a report of the amount of funds remitted to the State  
11 Treasurer under this Section during the preceding calendar  
12 year.

13 (Source: P.A. 92-431, eff. 1-1-02; revised 12-15-05.)

14 (625 ILCS 5/18a-404) (from Ch. 95 1/2, par. 18a-404)

15 Sec. 18a-404. Operator's and dispatcher's employment  
16 permits - Revocation.

17 (1) The Commission shall suspend or revoke the permit of an  
18 operator if it finds that:

19 (a) The operator or dispatcher made a false statement  
20 on the application for an operator's or dispatcher's  
21 employment permit;

22 (b) The operator's or dispatcher's driver's license  
23 issued by the Secretary of State has been suspended or  
24 revoked; ~~or~~

25 (c) The operator or dispatcher has been convicted,

1 during the preceding 5 years, of any criminal offense of  
2 the State of Illinois or any other jurisdiction involving  
3 any of the following, and the holder does not make a  
4 compelling showing that he is nevertheless fit to hold an  
5 operator's license:

6 (i) Bodily injury or attempt to inflict bodily  
7 injury to another;

8 (ii) Theft of property or attempted theft of  
9 property; or

10 (iii) Sexual assault or attempted sexual assault  
11 of any kind; or

12 (d) The operator or dispatcher has, during the  
13 preceding 5 years, violated this Chapter, Commission  
14 regulations or orders, or any other law affecting public  
15 safety, and the holder does not make a compelling showing  
16 that he or she is nevertheless fit to hold an operator's  
17 license.

18 (2) The Commission, upon notification and verification of  
19 any conviction described in this Section, of any person to whom  
20 license has been issued, occurring within the 5 years prior to  
21 such issuance or any time thereafter, shall immediately suspend  
22 the employment permit of such person, and issue an order  
23 setting forth the grounds for revocation. The person and his  
24 employer shall be notified of such suspension. Such person  
25 shall not thereafter be employed by a relocater until a final  
26 order is issued by the Commission either reinstating the

1 employment permit, upon a finding that the reinstatement of an  
2 employment permit to the person constitutes no threat to the  
3 public safety, or revoking the employment permit.

4 (3) If the employment permit is revoked, the person shall  
5 not thereafter be employed by a relocater until he obtains an  
6 employment permit license under Article IV of this Chapter.

7 (Source: P.A. 94-895, eff. 1-1-07; revised 8-3-06.)

8 Section 1010. The Clerks of Courts Act is amended by  
9 changing Sections 27.1a, 27.3b, and 27.3d as follows:

10 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

11 Sec. 27.1a. The fees of the clerks of the circuit court in  
12 all counties having a population of not more than 500,000  
13 inhabitants in the instances described in this Section shall be  
14 as provided in this Section. In those instances where a minimum  
15 and maximum fee is stated, the clerk of the circuit court must  
16 charge the minimum fee listed and may charge up to the maximum  
17 fee if the county board has by resolution increased the fee.  
18 The fees shall be paid in advance and shall be as follows:

19 (a) Civil Cases.

20 The fee for filing a complaint, petition, or other  
21 pleading initiating a civil action, with the following  
22 exceptions, shall be a minimum of \$40 and a maximum of  
23 \$160.

24 (A) When the amount of money or damages or the

1 value of personal property claimed does not exceed  
2 \$250, \$10.

3 (B) When that amount exceeds \$250 but does not  
4 exceed \$500, a minimum of \$10 and a maximum of \$20.

5 (C) When that amount exceeds \$500 but does not  
6 exceed \$2500, a minimum of \$25 and a maximum of \$40.

7 (D) When that amount exceeds \$2500 but does not  
8 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

9 (E) For the exercise of eminent domain, a minimum  
10 of \$45 and a maximum of \$150. For each additional lot  
11 or tract of land or right or interest therein subject  
12 to be condemned, the damages in respect to which shall  
13 require separate assessment by a jury, a minimum of \$45  
14 and a maximum of \$150.

15 (a-1) Family.

16 For filing a petition under the Juvenile Court Act of  
17 1987, \$25.

18 For filing a petition for a marriage license, \$10.

19 For performing a marriage in court, \$10.

20 For filing a petition under the Illinois Parentage Act  
21 of 1984, \$40.

22 (b) Forcible Entry and Detainer.

23 In each forcible entry and detainer case when the  
24 plaintiff seeks possession only or unites with his or her  
25 claim for possession of the property a claim for rent or  
26 damages or both in the amount of \$15,000 or less, a minimum



1 of \$10 and a maximum of \$50. When the plaintiff unites his  
2 or her claim for possession with a claim for rent or  
3 damages or both exceeding \$15,000, a minimum of \$40 and a  
4 maximum of \$160.

5 (c) Counterclaim or Joining Third Party Defendant.

6 When any defendant files a counterclaim as part of his  
7 or her answer or otherwise or joins another party as a  
8 third party defendant, or both, the defendant shall pay a  
9 fee for each counterclaim or third party action in an  
10 amount equal to the fee he or she would have had to pay had  
11 he or she brought a separate action for the relief sought  
12 in the counterclaim or against the third party defendant,  
13 less the amount of the appearance fee, if that has been  
14 paid.

15 (d) Confession of Judgment.

16 In a confession of judgment when the amount does not  
17 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
18 the amount exceeds \$1500, but does not exceed \$15,000, a  
19 minimum of \$40 and a maximum of \$115. When the amount  
20 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

21 (e) Appearance.

22 The fee for filing an appearance in each civil case  
23 shall be a minimum of \$15 and a maximum of \$60, except as  
24 follows:

25 (A) When the plaintiff in a forcible entry and  
26 detainer case seeks possession only, a minimum of \$10

1           and a maximum of \$50.

2           (B) When the amount in the case does not exceed  
3           \$1500, a minimum of \$10 and a maximum of \$30.

4           (C) When that amount exceeds \$1500 but does not  
5           exceed \$15,000, a minimum of \$15 and a maximum of \$60.

6       (f) Garnishment, Wage Deduction, and Citation.

7           In garnishment affidavit, wage deduction affidavit,  
8           and citation petition when the amount does not exceed  
9           \$1,000, a minimum of \$5 and a maximum of \$15; when the  
10          amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
11          of \$5 and a maximum of \$30; and when the amount exceeds  
12          \$5,000, a minimum of \$5 and a maximum of \$50.

13       (g) Petition to Vacate or Modify.

14           (1) Petition to vacate or modify any final judgment or  
15          order of court, except in forcible entry and detainer cases  
16          and small claims cases or a petition to reopen an estate,  
17          to modify, terminate, or enforce a judgment or order for  
18          child or spousal support, or to modify, suspend, or  
19          terminate an order for withholding, if filed before 30 days  
20          after the entry of the judgment or order, a minimum of \$20  
21          and a maximum of \$50.

22           (2) Petition to vacate or modify any final judgment or  
23          order of court, except a petition to modify, terminate, or  
24          enforce a judgment or order for child or spousal support or  
25          to modify, suspend, or terminate an order for withholding,  
26          if filed later than 30 days after the entry of the judgment

1 or order, a minimum of \$20 and a maximum of \$75.

2 (3) Petition to vacate order of bond forfeiture, a  
3 minimum of \$10 and a maximum of \$40.

4 (h) Mailing.

5 When the clerk is required to mail, the fee will be a  
6 minimum of \$2 and a maximum of \$10, plus the cost of  
7 postage.

8 (i) Certified Copies.

9 Each certified copy of a judgment after the first,  
10 except in small claims and forcible entry and detainer  
11 cases, a minimum of \$2 and a maximum of \$10.

12 (j) Habeas Corpus.

13 For filing a petition for relief by habeas corpus, a  
14 minimum of \$60 and a maximum of \$100.

15 (k) Certification, Authentication, and Reproduction.

16 (1) Each certification or authentication for taking  
17 the acknowledgment of a deed or other instrument in writing  
18 with the seal of office, a minimum of \$2 and a maximum of  
19 \$6.

20 (2) Court appeals when original documents are  
21 forwarded, under 100 pages, plus delivery and costs, a  
22 minimum of \$20 and a maximum of \$60.

23 (3) Court appeals when original documents are  
24 forwarded, over 100 pages, plus delivery and costs, a  
25 minimum of \$50 and a maximum of \$150.

26 (4) Court appeals when original documents are

1 forwarded, over 200 pages, an additional fee of a minimum  
2 of 20 cents and a maximum of 25 cents per page.

3 (5) For reproduction of any document contained in the  
4 clerk's files:

5 (A) First page, a minimum of \$1 and a maximum of  
6 \$2.

7 (B) Next 19 pages, 50 cents per page.

8 (C) All remaining pages, 25 cents per page.

9 (l) Remands.

10 In any cases remanded to the Circuit Court from the  
11 Supreme Court or the Appellate Court for a new trial, the  
12 clerk shall file the remanding order and reinstate the case  
13 with either its original number or a new number. The Clerk  
14 shall not charge any new or additional fee for the  
15 reinstatement. Upon reinstatement the Clerk shall advise  
16 the parties of the reinstatement. A party shall have the  
17 same right to a jury trial on remand and reinstatement as  
18 he or she had before the appeal, and no additional or new  
19 fee or charge shall be made for a jury trial after remand.

20 (m) Record Search.

21 For each record search, within a division or municipal  
22 district, the clerk shall be entitled to a search fee of a  
23 minimum of \$4 and a maximum of \$6 for each year searched.

24 (n) Hard Copy.

25 For each page of hard copy print output, when case  
26 records are maintained on an automated medium, the clerk

1 shall be entitled to a fee of a minimum of \$4 and a maximum  
2 of \$6.

3 (o) Index Inquiry and Other Records.

4 No fee shall be charged for a single  
5 plaintiff/defendant index inquiry or single case record  
6 inquiry when this request is made in person and the records  
7 are maintained in a current automated medium, and when no  
8 hard copy print output is requested. The fees to be charged  
9 for management records, multiple case records, and  
10 multiple journal records may be specified by the Chief  
11 Judge pursuant to the guidelines for access and  
12 dissemination of information approved by the Supreme  
13 Court.

14 (p) (Blank).

15 ~~a minimum of \$25 and a maximum of \$50~~

16 (q) Alias Summons.

17 For each alias summons or citation issued by the clerk,  
18 a minimum of \$2 and a maximum of \$5.

19 (r) Other Fees.

20 Any fees not covered in this Section shall be set by  
21 rule or administrative order of the Circuit Court with the  
22 approval of the Administrative Office of the Illinois  
23 Courts.

24 The clerk of the circuit court may provide additional  
25 services for which there is no fee specified by statute in  
26 connection with the operation of the clerk's office as may

1 be requested by the public and agreed to by the clerk and  
2 approved by the chief judge of the circuit court. Any  
3 charges for additional services shall be as agreed to  
4 between the clerk and the party making the request and  
5 approved by the chief judge of the circuit court. Nothing  
6 in this subsection shall be construed to require any clerk  
7 to provide any service not otherwise required by law.

8 (s) Jury Services.

9 The clerk shall be entitled to receive, in addition to  
10 other fees allowed by law, the sum of a minimum of \$62.50  
11 and a maximum of \$212.50, as a fee for the services of a  
12 jury in every civil action not quasi-criminal in its nature  
13 and not a proceeding for the exercise of the right of  
14 eminent domain and in every other action wherein the right  
15 of trial by jury is or may be given by law. The jury fee  
16 shall be paid by the party demanding a jury at the time of  
17 filing the jury demand. If the fee is not paid by either  
18 party, no jury shall be called in the action or proceeding,  
19 and the same shall be tried by the court without a jury.

20 (t) Voluntary Assignment.

21 For filing each deed of voluntary assignment, a minimum  
22 of \$10 and a maximum of \$20; for recording the same, a  
23 minimum of 25 cents and a maximum of 50 cents for each 100  
24 words. Exceptions filed to claims presented to an assignee  
25 of a debtor who has made a voluntary assignment for the  
26 benefit of creditors shall be considered and treated, for

1 the purpose of taxing costs therein, as actions in which  
2 the party or parties filing the exceptions shall be  
3 considered as party or parties plaintiff, and the claimant  
4 or claimants as party or parties defendant, and those  
5 parties respectively shall pay to the clerk the same fees  
6 as provided by this Section to be paid in other actions.

7 (u) Expungement Petition.

8 The clerk shall be entitled to receive a fee of a  
9 minimum of \$15 and a maximum of \$60 for each expungement  
10 petition filed and an additional fee of a minimum of \$2 and  
11 a maximum of \$4 for each certified copy of an order to  
12 expunge arrest records.

13 (v) Probate.

14 The clerk is entitled to receive the fees specified in  
15 this subsection (v), which shall be paid in advance, except  
16 that, for good cause shown, the court may suspend, reduce,  
17 or release the costs payable under this subsection:

18 (1) For administration of the estate of a decedent  
19 (whether testate or intestate) or of a missing person, a  
20 minimum of \$50 and a maximum of \$150, plus the fees  
21 specified in subsection (v) (3), except:

22 (A) When the value of the real and personal  
23 property does not exceed \$15,000, the fee shall be a  
24 minimum of \$25 and a maximum of \$40.

25 (B) When (i) proof of heirship alone is made, (ii)  
26 a domestic or foreign will is admitted to probate

1 without administration (including proof of heirship),  
2 or (iii) letters of office are issued for a particular  
3 purpose without administration of the estate, the fee  
4 shall be a minimum of \$10 and a maximum of \$40.

5 (C) For filing a petition to sell Real Estate, \$50.

6 (2) For administration of the estate of a ward, a  
7 minimum of \$50 and a maximum of \$75, plus the fees  
8 specified in subsection (v) (3), except:

9 (A) When the value of the real and personal  
10 property does not exceed \$15,000, the fee shall be a  
11 minimum of \$25 and a maximum of \$40.

12 (B) When (i) letters of office are issued to a  
13 guardian of the person or persons, but not of the  
14 estate or (ii) letters of office are issued in the  
15 estate of a ward without administration of the estate,  
16 including filing or joining in the filing of a tax  
17 return or releasing a mortgage or consenting to the  
18 marriage of the ward, the fee shall be a minimum of \$10  
19 and a maximum of \$20.

20 (C) For filing a Petition to sell Real Estate, \$50.

21 (3) In addition to the fees payable under subsection  
22 (v) (1) or (v) (2) of this Section, the following fees are  
23 payable:

24 (A) For each account (other than one final account)  
25 filed in the estate of a decedent, or ward, a minimum  
26 of \$10 and a maximum of \$25.



1 (B) For filing a claim in an estate when the amount  
2 claimed is \$150 or more but less than \$500, a minimum  
3 of \$10 and a maximum of \$25; when the amount claimed is  
4 \$500 or more but less than \$10,000, a minimum of \$10  
5 and a maximum of \$40; when the amount claimed is  
6 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
7 provided that the court in allowing a claim may add to  
8 the amount allowed the filing fee paid by the claimant.

9 (C) For filing in an estate a claim, petition, or  
10 supplemental proceeding based upon an action seeking  
11 equitable relief including the construction or contest  
12 of a will, enforcement of a contract to make a will,  
13 and proceedings involving testamentary trusts or the  
14 appointment of testamentary trustees, a minimum of \$40  
15 and a maximum of \$60.

16 (D) For filing in an estate (i) the appearance of  
17 any person for the purpose of consent or (ii) the  
18 appearance of an executor, administrator,  
19 administrator to collect, guardian, guardian ad litem,  
20 or special administrator, no fee.

21 (E) Except as provided in subsection (v) (3) (D),  
22 for filing the appearance of any person or persons, a  
23 minimum of \$10 and a maximum of \$30.

24 (F) For each jury demand, a minimum of \$62.50 and a  
25 maximum of \$137.50.

26 (G) For disposition of the collection of a judgment

1 or settlement of an action or claim for wrongful death  
2 of a decedent or of any cause of action of a ward, when  
3 there is no other administration of the estate, a  
4 minimum of \$30 and a maximum of \$50, less any amount  
5 paid under subsection (v) (1) (B) or (v) (2) (B) except  
6 that if the amount involved does not exceed \$5,000, the  
7 fee, including any amount paid under subsection  
8 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
9 maximum of \$20.

10 (H) For each certified copy of letters of office,  
11 of court order or other certification, a minimum of \$1  
12 and a maximum of \$2, plus a minimum of 50 cents and a  
13 maximum of \$1 per page in excess of 3 pages for the  
14 document certified.

15 (I) For each exemplification, a minimum of \$1 and a  
16 maximum of \$2, plus the fee for certification.

17 (4) The executor, administrator, guardian, petitioner,  
18 or other interested person or his or her attorney shall pay  
19 the cost of publication by the clerk directly to the  
20 newspaper.

21 (5) The person on whose behalf a charge is incurred for  
22 witness, court reporter, appraiser, or other miscellaneous  
23 fee shall pay the same directly to the person entitled  
24 thereto.

25 (6) The executor, administrator, guardian, petitioner,  
26 or other interested person or his or her attorney shall pay

1 to the clerk all postage charges incurred by the clerk in  
2 mailing petitions, orders, notices, or other documents  
3 pursuant to the provisions of the Probate Act of 1975.

4 (w) Criminal and Quasi-Criminal Costs and Fees.

5 (1) The clerk shall be entitled to costs in all  
6 criminal and quasi-criminal cases from each person  
7 convicted or sentenced to supervision therein as follows:

8 (A) Felony complaints, a minimum of \$40 and a  
9 maximum of \$100.

10 (B) Misdemeanor complaints, a minimum of \$25 and a  
11 maximum of \$75.

12 (C) Business offense complaints, a minimum of \$25  
13 and a maximum of \$75.

14 (D) Petty offense complaints, a minimum of \$25 and  
15 a maximum of \$75.

16 (E) Minor traffic or ordinance violations, \$10.

17 (F) When court appearance required, \$15.

18 (G) Motions to vacate or amend final orders, a  
19 minimum of \$20 and a maximum of \$40.

20 (H) Motions to vacate bond forfeiture orders, a  
21 minimum of \$20 and a maximum of \$40.

22 (I) Motions to vacate ex parte judgments, whenever  
23 filed, a minimum of \$20 and a maximum of \$40.

24 (J) Motions to vacate judgment on forfeitures,  
25 whenever filed, a minimum of \$20 and a maximum of \$40.

26 (K) Motions to vacate "failure to appear" or

1 "failure to comply" notices sent to the Secretary of  
2 State, a minimum of \$20 and a maximum of \$40.

3 (2) In counties having a population of not more than  
4 500,000 inhabitants, when the violation complaint is  
5 issued by a municipal police department, the clerk shall be  
6 entitled to costs from each person convicted therein as  
7 follows:

8 (A) Minor traffic or ordinance violations, \$10.

9 (B) When court appearance required, \$15.

10 (3) In ordinance violation cases punishable by fine  
11 only, the clerk of the circuit court shall be entitled to  
12 receive, unless the fee is excused upon a finding by the  
13 court that the defendant is indigent, in addition to other  
14 fees or costs allowed or imposed by law, the sum of a  
15 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
16 services of a jury. The jury fee shall be paid by the  
17 defendant at the time of filing his or her jury demand. If  
18 the fee is not so paid by the defendant, no jury shall be  
19 called, and the case shall be tried by the court without a  
20 jury.

21 (x) Transcripts of Judgment.

22 For the filing of a transcript of judgment, the clerk  
23 shall be entitled to the same fee as if it were the  
24 commencement of a new suit.

25 (y) Change of Venue.

26 (1) For the filing of a change of case on a change of

1 venue, the clerk shall be entitled to the same fee as if it  
2 were the commencement of a new suit.

3 (2) The fee for the preparation and certification of a  
4 record on a change of venue to another jurisdiction, when  
5 original documents are forwarded, a minimum of \$10 and a  
6 maximum of \$40.

7 (z) Tax objection complaints.

8 For each tax objection complaint containing one or more  
9 tax objections, regardless of the number of parcels  
10 involved or the number of taxpayers joining on the  
11 complaint, a minimum of \$10 and a maximum of \$50.

12 (aa) Tax Deeds.

13 (1) Petition for tax deed, if only one parcel is  
14 involved, a minimum of \$45 and a maximum of \$200.

15 (2) For each additional parcel, add a fee of a minimum  
16 of \$10 and a maximum of \$60.

17 (bb) Collections.

18 (1) For all collections made of others, except the  
19 State and county and except in maintenance or child support  
20 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
21 of the amount collected and turned over.

22 (2) Interest earned on any funds held by the clerk  
23 shall be turned over to the county general fund as an  
24 earning of the office.

25 (3) For any check, draft, or other bank instrument  
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, \$25.

2 (4) In child support and maintenance cases, the clerk,  
3 if authorized by an ordinance of the county board, may  
4 collect an annual fee of up to \$36 from the person making  
5 payment for maintaining child support records and the  
6 processing of support orders to the State of Illinois KIDS  
7 system and the recording of payments issued by the State  
8 Disbursement Unit for the official record of the Court.  
9 This fee shall be in addition to and separate from amounts  
10 ordered to be paid as maintenance or child support and  
11 shall be deposited into a Separate Maintenance and Child  
12 Support Collection Fund, of which the clerk shall be the  
13 custodian, ex-officio, to be used by the clerk to maintain  
14 child support orders and record all payments issued by the  
15 State Disbursement Unit for the official record of the  
16 Court. The clerk may recover from the person making the  
17 maintenance or child support payment any additional cost  
18 incurred in the collection of this annual fee.

19 The clerk shall also be entitled to a fee of \$5 for  
20 certifications made to the Secretary of State as provided  
21 in Section 7-703 of the Family Financial Responsibility Law  
22 and these fees shall also be deposited into the Separate  
23 Maintenance and Child Support Collection Fund.

24 (cc) Corrections of Numbers.

25 For correction of the case number, case title, or  
26 attorney computer identification number, if required by

1 rule of court, on any document filed in the clerk's office,  
2 to be charged against the party that filed the document, a  
3 minimum of \$10 and a maximum of \$25.

4 (dd) Exceptions.

5 (1) The fee requirements of this Section shall not  
6 apply to police departments or other law enforcement  
7 agencies. In this Section, "law enforcement agency" means  
8 an agency of the State or a unit of local government which  
9 is vested by law or ordinance with the duty to maintain  
10 public order and to enforce criminal laws or ordinances.  
11 "Law enforcement agency" also means the Attorney General or  
12 any state's attorney.

13 (2) No fee provided herein shall be charged to any unit  
14 of local government or school district.

15 (3) The fee requirements of this Section shall not  
16 apply to any action instituted under subsection (b) of  
17 Section 11-31-1 of the Illinois Municipal Code by a private  
18 owner or tenant of real property within 1200 feet of a  
19 dangerous or unsafe building seeking an order compelling  
20 the owner or owners of the building to take any of the  
21 actions authorized under that subsection.

22 (4) The fee requirements of this Section shall not  
23 apply to the filing of any commitment petition or petition  
24 for an order authorizing the administration of authorized  
25 involuntary treatment in the form of medication under the  
26 Mental Health and Developmental Disabilities Code.

1 (ee) Adoptions.

2 (1) For an adoption ..... \$65

3 (2) Upon good cause shown, the court may waive the  
4 adoption filing fee in a special needs adoption. The term  
5 "special needs adoption" shall have the meaning ascribed to  
6 it by the Illinois Department of Children and Family  
7 Services.

8 (ff) Adoption exemptions.

9 No fee other than that set forth in subsection (ee)  
10 shall be charged to any person in connection with an  
11 adoption proceeding nor may any fee be charged for  
12 proceedings for the appointment of a confidential  
13 intermediary under the Adoption Act.

14 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,  
15 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;  
16 revised 9-5-03.)

17 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

18 Sec. 27.3b. The clerk of court may accept payment of fines,  
19 penalties, or costs by credit card or debit card approved by  
20 the clerk from an offender who has been convicted of or placed  
21 on court supervision for a traffic offense, petty offense,  
22 ordinance offense, or misdemeanor or who has been convicted of  
23 a felony offense. The clerk of the circuit court may accept  
24 credit card payments over the Internet for fines, penalties, or  
25 costs from offenders on voluntary electronic pleas of guilty in



1 minor traffic and conservation offenses to satisfy the  
2 requirement of written pleas of guilty as provided in Illinois  
3 Supreme Court Rule 529. The clerk of the court may also accept  
4 payment of statutory fees by a credit card or debit card. The  
5 clerk of the court may also accept the credit card or debit  
6 card for the cash deposit of bail bond fees.

7 The Clerk of the circuit court is authorized to enter into  
8 contracts with credit card or debit card companies approved by  
9 the clerk and to negotiate the payment of convenience and  
10 administrative fees normally charged by those companies for  
11 allowing the clerk of the circuit court to accept their credit  
12 cards or debit cards in payment as authorized herein. The clerk  
13 of the circuit court is authorized to enter into contracts with  
14 third party fund guarantors, facilitators, and service  
15 providers under which those entities may contract directly with  
16 customers of the clerk of the circuit court and guarantee and  
17 remit the payments to the clerk of the circuit court. Where the  
18 offender pays fines, penalties, or costs by credit card or  
19 debit card or through a third party fund guarantor,  
20 facilitator, or service provider, or anyone paying statutory  
21 fees of the circuit court clerk or the posting of cash bail,  
22 the clerk shall collect a service fee of up to \$5 or the amount  
23 charged to the clerk for use of its services by the credit card  
24 or debit card issuer, third party fund guarantor, facilitator,  
25 or service provider. This service fee shall be in addition to  
26 any other fines, penalties, or costs. The clerk of the circuit

1 court is authorized to negotiate the assessment of convenience  
2 and administrative fees by the third party fund guarantors,  
3 facilitators, and service providers with the revenue earned by  
4 the clerk of the circuit court to be remitted to the county  
5 general revenue fund.

6 (Source: P.A. 93-391, eff. 1-1-04; 93-760, eff. 1-1-05; 93-836,  
7 eff. 1-1-05; revised 10-14-04.)

8 (705 ILCS 105/27.3d)

9 Sec. 27.3d. Circuit Court Clerk Operation and  
10 Administrative Fund. Each Circuit Court Clerk shall create a  
11 Circuit Court Clerk Operation and Administrative Fund, to be  
12 used to offset the costs incurred by the Circuit Court Clerk in  
13 performing the additional duties required to collect and  
14 disburse funds to entities of State and local government as  
15 provided by law. The Circuit Court Clerk shall be the  
16 custodian, ex officio, of this Fund and shall use the Fund to  
17 perform the duties required by the office. The Fund shall be  
18 audited by the ~~an~~ auditor retained by the Clerk for the purpose  
19 of conducting the Annual Circuit Court Clerk Audit ~~an annual~~  
20 ~~audit~~. Expenditures shall be made from the Fund by the Circuit  
21 Court Clerk for expenses related to the cost of collection for  
22 and disbursement to entities of State and local government.

23 (Source: P.A. 94-980, eff. 6-30-06; 94-1009, eff. 1-1-07;  
24 revised 9-14-06.)

1           Section 1015. The Attorney Act is amended by changing  
2 Section 1 as follows:

3           (705 ILCS 205/1) (from Ch. 13, par. 1)

4           Sec. 1. No person shall be permitted to practice as an  
5 attorney or counselor at law within this State without having  
6 previously obtained a license for that purpose from the Supreme  
7 Court of this State.

8           No person shall receive any compensation directly or  
9 indirectly for any legal services other than a regularly  
10 licensed attorney, nor may an unlicensed person advertise or  
11 hold himself or herself out to provide legal services.

12           A license, as provided for herein, constitutes the person  
13 receiving the same an attorney and counselor at law, according  
14 to the law and customs thereof, for and during his good  
15 behavior in the practice and authorizes him to demand and  
16 receive fees for any services which he may render as an  
17 attorney and counselor at law in this State. No person shall be  
18 granted a license or renewal authorized by this Act who has  
19 defaulted on an educational loan guaranteed by the Illinois  
20 Student Assistance Commission; however, a license or renewal  
21 may be issued to the aforementioned persons who have  
22 established a satisfactory repayment record as determined by  
23 the Illinois Student Assistance Commission. No person shall be  
24 granted a license or renewal authorized by this Act who is more  
25 than 30 days delinquent in complying with a child support

1 order; a license or renewal may be issued, however, if the  
2 person has established a satisfactory repayment record as  
3 determined (i) by the Department of Healthcare and Family  
4 Services (formerly Illinois Department of Public Aid) for cases  
5 being enforced under Article X of the Illinois Public Aid Code  
6 or (ii) in all other cases by order of court or by written  
7 agreement between the custodial parent and non-custodial  
8 parent. No person shall be refused a license under this Act on  
9 account of sex.

10 Any person practicing, charging or receiving fees for legal  
11 services or advertising or holding himself or herself out to  
12 provide legal services within this State, either directly or  
13 indirectly, without being licensed to practice as herein  
14 required, is guilty of contempt of court and shall be punished  
15 accordingly, upon complaint being filed in any Circuit Court of  
16 this State. Such proceedings shall be conducted in the Courts  
17 of the respective counties where the alleged contempt has been  
18 committed in the same manner as in cases of indirect contempt  
19 and with the right of review by the parties thereto.

20 The provisions of this Act shall be in addition to other  
21 remedies permitted by law and shall not be construed to deprive  
22 courts of this State of their inherent right to punish for  
23 contempt or to restrain the unauthorized practice of law.

24 Nothing in this Act shall be construed to conflict with,  
25 amend, or modify Section 5 of the Corporation Practice of Law  
26 Prohibition Act or prohibit representation of a party by a

1 person who is not an attorney in a proceeding before either  
2 panel of the Illinois Labor Relations Board under the Illinois  
3 Public Labor Relations Act, as now or hereafter amended, the  
4 Illinois Educational Labor Relations Board under the Illinois  
5 Educational Labor Relations Act, as now or hereafter amended,  
6 the State Civil Service Commission, the local Civil Service  
7 Commissions, or the University Civil Service Merit Board, to  
8 the extent allowed pursuant to rules and regulations  
9 promulgated by those Boards and Commissions or the giving of  
10 information, training, or advocacy or assistance in any  
11 meetings or administrative proceedings held pursuant to the  
12 federal Individuals with Disabilities Education Act, the  
13 federal Rehabilitation Act of 1973, the federal Americans with  
14 Disabilities Act of 1990, or the federal Social Security Act,  
15 to the extent allowed by those laws or the federal regulations  
16 or State statutes implementing those laws.

17 (Source: P.A. 94-659, eff. 1-1-06; revised 12-15-05.)

18 Section 1020. The Juvenile Court Act of 1987 is amended by  
19 changing Sections 1-3, 2-23, 3-24, 4-21, 5-805, 5-810, and 6-9  
20 as follows:

21 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

22 Sec. 1-3. Definitions. Terms used in this Act, unless the  
23 context otherwise requires, have the following meanings  
24 ascribed to them:

1           (1) "Adjudicatory hearing" means a hearing to determine  
2 whether the allegations of a petition under Section 2-13, 3-15  
3 or 4-12 that a minor under 18 years of age is abused, neglected  
4 or dependent, or requires authoritative intervention, or  
5 addicted, respectively, are supported by a preponderance of the  
6 evidence or whether the allegations of a petition under Section  
7 5-520 that a minor is delinquent are proved beyond a reasonable  
8 doubt.

9           (2) "Adult" means a person 21 years of age or older.

10          (3) "Agency" means a public or private child care facility  
11 legally authorized or licensed by this State for placement or  
12 institutional care or for both placement and institutional  
13 care.

14          (4) "Association" means any organization, public or  
15 private, engaged in welfare functions which include services to  
16 or on behalf of children but does not include "agency" as  
17 herein defined.

18          (4.05) Whenever a "best interest" determination is  
19 required, the following factors shall be considered in the  
20 context of the child's age and developmental needs:

21           (a) the physical safety and welfare of the child, including  
22 food, shelter, health, and clothing;

23           (b) the development of the child's identity;

24           (c) the child's background and ties, including familial,  
25 cultural, and religious;

26           (d) the child's sense of attachments, including:

1 (i) where the child actually feels love, attachment,  
2 and a sense of being valued (as opposed to where adults  
3 believe the child should feel such love, attachment, and a  
4 sense of being valued);

5 (ii) the child's sense of security;

6 (iii) the child's sense of familiarity;

7 (iv) continuity of affection for the child;

8 (v) the least disruptive placement alternative for the  
9 child;

10 (e) the child's wishes and long-term goals;

11 (f) the child's community ties, including church, school,  
12 and friends;

13 (g) the child's need for permanence which includes the  
14 child's need for stability and continuity of relationships with  
15 parent figures and with siblings and other relatives;

16 (h) the uniqueness of every family and child;

17 (i) the risks attendant to entering and being in substitute  
18 care; and

19 (j) the preferences of the persons available to care for  
20 the child.

21 (4.1) "Chronic truant" shall have the definition ascribed  
22 to it in Section 26-2a of the School Code.

23 (5) "Court" means the circuit court in a session or  
24 division assigned to hear proceedings under this Act.

25 (6) "Dispositional hearing" means a hearing to determine  
26 whether a minor should be adjudged to be a ward of the court,

1 and to determine what order of disposition should be made in  
2 respect to a minor adjudged to be a ward of the court.

3 (7) "Emancipated minor" means any minor 16 years of age or  
4 over who has been completely or partially emancipated under the  
5 "~~Emancipation of Mature Minors Act~~", ~~enacted by the~~  
6 ~~Eighty-First General Assembly~~, or under this Act.

7 (8) "Guardianship of the person" of a minor means the duty  
8 and authority to act in the best interests of the minor,  
9 subject to residual parental rights and responsibilities, to  
10 make important decisions in matters having a permanent effect  
11 on the life and development of the minor and to be concerned  
12 with his or her general welfare. It includes but is not  
13 necessarily limited to:

14 (a) the authority to consent to marriage, to enlistment  
15 in the armed forces of the United States, or to a major  
16 medical, psychiatric, and surgical treatment; to represent  
17 the minor in legal actions; and to make other decisions of  
18 substantial legal significance concerning the minor;

19 (b) the authority and duty of reasonable visitation,  
20 except to the extent that these have been limited in the  
21 best interests of the minor by court order;

22 (c) the rights and responsibilities of legal custody  
23 except where legal custody has been vested in another  
24 person or agency; and

25 (d) the power to consent to the adoption of the minor,  
26 but only if expressly conferred on the guardian in



1           accordance with Section 2-29, 3-30, or 4-27.

2           (9) "Legal custody" means the relationship created by an  
3 order of court in the best interests of the minor which imposes  
4 on the custodian the responsibility of physical possession of a  
5 minor and the duty to protect, train and discipline him and to  
6 provide him with food, shelter, education and ordinary medical  
7 care, except as these are limited by residual parental rights  
8 and responsibilities and the rights and responsibilities of the  
9 guardian of the person, if any.

10          (10) "Minor" means a person under the age of 21 years  
11 subject to this Act.

12          (11) "Parent" means the father or mother of a child and  
13 includes any adoptive parent. It also includes a man (i) whose  
14 paternity is presumed or has been established under the law of  
15 this or another jurisdiction or (ii) who has registered with  
16 the Putative Father Registry in accordance with Section 12.1 of  
17 the Adoption Act and whose paternity has not been ruled out  
18 under the law of this or another jurisdiction. It does not  
19 include a parent whose rights in respect to the minor have been  
20 terminated in any manner provided by law.

21          (11.1) "Permanency goal" means a goal set by the court as  
22 defined in subdivision (2) of Section 2-28.

23          (11.2) "Permanency hearing" means a hearing to set the  
24 permanency goal and to review and determine (i) the  
25 appropriateness of the services contained in the plan and  
26 whether those services have been provided, (ii) whether

1 reasonable efforts have been made by all the parties to the  
2 service plan to achieve the goal, and (iii) whether the plan  
3 and goal have been achieved.

4 (12) "Petition" means the petition provided for in Section  
5 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
6 thereunder in Section 3-15, 4-12 or 5-520.

7 (13) "Residual parental rights and responsibilities" means  
8 those rights and responsibilities remaining with the parent  
9 after the transfer of legal custody or guardianship of the  
10 person, including, but not necessarily limited to, the right to  
11 reasonable visitation (which may be limited by the court in the  
12 best interests of the minor as provided in subsection (8) (b) of  
13 this Section), the right to consent to adoption, the right to  
14 determine the minor's religious affiliation, and the  
15 responsibility for his support.

16 (14) "Shelter" means the temporary care of a minor in  
17 physically unrestricting facilities pending court disposition  
18 or execution of court order for placement.

19 (15) "Station adjustment" means the informal handling of an  
20 alleged offender by a juvenile police officer.

21 (16) "Ward of the court" means a minor who is so adjudged  
22 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
23 requisite jurisdictional facts, and thus is subject to the  
24 dispositional powers of the court under this Act.

25 (17) "Juvenile police officer" means a sworn police officer  
26 who has completed a Basic Recruit Training Course, has been

1 assigned to the position of juvenile police officer by his or  
2 her chief law enforcement officer and has completed the  
3 necessary juvenile officers training as prescribed by the  
4 Illinois Law Enforcement Training Standards Board, or in the  
5 case of a State police officer, juvenile officer training  
6 approved by the Director of the Department of State Police.

7 (18) "Secure child care facility" means any child care  
8 facility licensed by the Department of Children and Family  
9 Services to provide secure living arrangements for children  
10 under 18 years of age who are subject to placement in  
11 facilities under the Children and Family Services Act and who  
12 are not subject to placement in facilities for whom standards  
13 are established by the Department of Corrections under Section  
14 3-15-2 of the Unified Code of Corrections. "Secure child care  
15 facility" also means a facility that is designed and operated  
16 to ensure that all entrances and exits from the facility, a  
17 building, or a distinct part of the building are under the  
18 exclusive control of the staff of the facility, whether or not  
19 the child has the freedom of movement within the perimeter of  
20 the facility, building, or distinct part of the building.

21 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,  
22 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;  
23 91-357, eff. 7-29-99; revised 10-9-03.)

24 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

25 Sec. 2-23. Kinds of dispositional orders.

1           (1) The following kinds of orders of disposition may be  
2 made in respect of wards of the court:

3           (a) A minor under 18 years of age found to be neglected  
4 or abused under Section 2-3 or dependent under Section 2-4  
5 may be (1) continued in the custody of his or her parents,  
6 guardian or legal custodian; (2) placed in accordance with  
7 Section 2-27; (3) restored to the custody of the parent,  
8 parents, guardian, or legal custodian, provided the court  
9 shall order the parent, parents, guardian, or legal  
10 custodian to cooperate with the Department of Children and  
11 Family Services and comply with the terms of an after-care  
12 plan or risk the loss of custody of the child and the  
13 possible termination of their parental rights; or (4)  
14 ordered partially or completely emancipated in accordance  
15 with the provisions of the Emancipation of ~~Mature~~ Minors  
16 Act.

17           However, in any case in which a minor is found by the  
18 court to be neglected or abused under Section 2-3 of this  
19 Act, custody of the minor shall not be restored to any  
20 parent, guardian or legal custodian whose acts or omissions  
21 or both have been identified, pursuant to subsection (1) of  
22 Section 2-21, as forming the basis for the court's finding  
23 of abuse or neglect, until such time as a hearing is held  
24 on the issue of the best interests of the minor and the  
25 fitness of such parent, guardian or legal custodian to care  
26 for the minor without endangering the minor's health or

1 safety, and the court enters an order that such parent,  
2 guardian or legal custodian is fit to care for the minor.

3 (b) A minor under 18 years of age found to be dependent  
4 under Section 2-4 may be (1) placed in accordance with  
5 Section 2-27 or (2) ordered partially or completely  
6 emancipated in accordance with the provisions of the  
7 Emancipation of ~~Mature~~ Minors Act.

8 However, in any case in which a minor is found by the  
9 court to be dependent under Section 2-4 of this Act,  
10 custody of the minor shall not be restored to any parent,  
11 guardian or legal custodian whose acts or omissions or both  
12 have been identified, pursuant to subsection (1) of Section  
13 2-21, as forming the basis for the court's finding of  
14 dependency, until such time as a hearing is held on the  
15 issue of the fitness of such parent, guardian or legal  
16 custodian to care for the minor without endangering the  
17 minor's health or safety, and the court enters an order  
18 that such parent, guardian or legal custodian is fit to  
19 care for the minor.

20 (c) When the court awards guardianship to the  
21 Department of Children and Family Services, the court shall  
22 order the parents to cooperate with the Department of  
23 Children and Family Services, comply with the terms of the  
24 service plans, and correct the conditions that require the  
25 child to be in care, or risk termination of their parental  
26 rights.

1           (2) Any order of disposition may provide for protective  
2 supervision under Section 2-24 and may include an order of  
3 protection under Section 2-25.

4           Unless the order of disposition expressly so provides, it  
5 does not operate to close proceedings on the pending petition,  
6 but is subject to modification, not inconsistent with Section  
7 2-28, until final closing and discharge of the proceedings  
8 under Section 2-31.

9           (3) The court also shall enter any other orders necessary  
10 to fulfill the service plan, including, but not limited to, (i)  
11 orders requiring parties to cooperate with services, (ii)  
12 restraining orders controlling the conduct of any party likely  
13 to frustrate the achievement of the goal, and (iii) visiting  
14 orders. Unless otherwise specifically authorized by law, the  
15 court is not empowered under this subsection (3) to order  
16 specific placements, specific services, or specific service  
17 providers to be included in the plan. If the court concludes  
18 that the Department of Children and Family Services has abused  
19 its discretion in setting the current service plan or  
20 permanency goal for the minor, the court shall enter specific  
21 findings in writing based on the evidence and shall enter an  
22 order for the Department to develop and implement a new  
23 permanency goal and service plan consistent with the court's  
24 findings. The new service plan shall be filed with the court  
25 and served on all parties. The court shall continue the matter  
26 until the new service plan is filed.

1           (4) In addition to any other order of disposition, the  
2 court may order any minor adjudicated neglected with respect to  
3 his or her own injurious behavior to make restitution, in  
4 monetary or non-monetary form, under the terms and conditions  
5 of Section 5-5-6 of the Unified Code of Corrections, except  
6 that the "presentence hearing" referred to therein shall be the  
7 dispositional hearing for purposes of this Section. The parent,  
8 guardian or legal custodian of the minor may pay some or all of  
9 such restitution on the minor's behalf.

10           (5) Any order for disposition where the minor is committed  
11 or placed in accordance with Section 2-27 shall provide for the  
12 parents or guardian of the estate of such minor to pay to the  
13 legal custodian or guardian of the person of the minor such  
14 sums as are determined by the custodian or guardian of the  
15 person of the minor as necessary for the minor's needs. Such  
16 payments may not exceed the maximum amounts provided for by  
17 Section 9.1 of the Children and Family Services Act.

18           (6) Whenever the order of disposition requires the minor to  
19 attend school or participate in a program of training, the  
20 truant officer or designated school official shall regularly  
21 report to the court if the minor is a chronic or habitual  
22 truant under Section 26-2a of the School Code.

23           (7) The court may terminate the parental rights of a parent  
24 at the initial dispositional hearing if all of the conditions  
25 in subsection (5) of Section 2-21 are met.

26           (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27,

1 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,  
2 eff. 7-30-98; revised 10-9-03.)

3 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

4 Sec. 3-24. Kinds of dispositional orders.

5 (1) The following kinds of orders of disposition may be  
6 made in respect to wards of the court: A minor found to be  
7 requiring authoritative intervention under Section 3-3 may be  
8 (a) committed to the Department of Children and Family  
9 Services, subject to Section 5 of the Children and Family  
10 Services Act; (b) placed under supervision and released to his  
11 or her parents, guardian or legal custodian; (c) placed in  
12 accordance with Section 3-28 with or without also being placed  
13 under supervision. Conditions of supervision may be modified or  
14 terminated by the court if it deems that the best interests of  
15 the minor and the public will be served thereby; (d) ordered  
16 partially or completely emancipated in accordance with the  
17 provisions of the Emancipation of ~~Mature~~ Minors Act; or (e)  
18 subject to having his or her driver's license or driving  
19 privilege suspended for such time as determined by the Court  
20 but only until he or she attains 18 years of age.

21 (2) Any order of disposition may provide for protective  
22 supervision under Section 3-25 and may include an order of  
23 protection under Section 3-26.

24 (3) Unless the order of disposition expressly so provides,  
25 it does not operate to close proceedings on the pending



1 petition, but is subject to modification until final closing  
2 and discharge of the proceedings under Section 3-32.

3 (4) In addition to any other order of disposition, the  
4 court may order any person found to be a minor requiring  
5 authoritative intervention under Section 3-3 to make  
6 restitution, in monetary or non-monetary form, under the terms  
7 and conditions of Section 5-5-6 of the Unified Code of  
8 Corrections, except that the "presentence hearing" referred to  
9 therein shall be the dispositional hearing for purposes of this  
10 Section. The parent, guardian or legal custodian of the minor  
11 may pay some or all of such restitution on the minor's behalf.

12 (5) Any order for disposition where the minor is committed  
13 or placed in accordance with Section 3-28 shall provide for the  
14 parents or guardian of the estate of such minor to pay to the  
15 legal custodian or guardian of the person of the minor such  
16 sums as are determined by the custodian or guardian of the  
17 person of the minor as necessary for the minor's needs. Such  
18 payments may not exceed the maximum amounts provided for by  
19 Section 9.1 of the Children and Family Services Act.

20 (6) Whenever the order of disposition requires the minor to  
21 attend school or participate in a program of training, the  
22 truant officer or designated school official shall regularly  
23 report to the court if the minor is a chronic or habitual  
24 truant under Section 26-2a of the School Code.

25 (7) The court must impose upon a minor under an order of  
26 continuance under supervision or an order of disposition under

1 this Article III, as a condition of the order, a fee of \$25 for  
2 each month or partial month of supervision with a probation  
3 officer. If the court determines the inability of the minor, or  
4 the parent, guardian, or legal custodian of the minor to pay  
5 the fee, the court may impose a lesser fee. The court may not  
6 impose the fee on a minor who is made a ward of the State under  
7 this Act. The fee may be imposed only upon a minor who is  
8 actively supervised by the probation and court services  
9 department. The fee must be collected by the clerk of the  
10 circuit court. The clerk of the circuit court must pay all  
11 monies collected from this fee to the county treasurer for  
12 deposit into the probation and court services fund under  
13 Section 15.1 of the Probation and Probation Officers Act.

14 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

15 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

16 Sec. 4-21. Kinds of dispositional orders.

17 (1) A minor found to be addicted under Section 4-3 may be  
18 (a) committed to the Department of Children and Family  
19 Services, subject to Section 5 of the Children and Family  
20 Services Act; (b) placed under supervision and released to his  
21 or her parents, guardian or legal custodian; (c) placed in  
22 accordance with Section 4-25 with or without also being placed  
23 under supervision. Conditions of supervision may be modified or  
24 terminated by the court if it deems that the best interests of  
25 the minor and the public will be served thereby; (d) required

1 to attend an approved alcohol or drug abuse treatment or  
2 counseling program on an inpatient or outpatient basis instead  
3 of or in addition to the disposition otherwise provided for in  
4 this paragraph; (e) ordered partially or completely  
5 emancipated in accordance with the provisions of the  
6 Emancipation of ~~Mature~~ Minors Act; or (f) subject to having his  
7 or her driver's license or driving privilege suspended for such  
8 time as determined by the Court but only until he or she  
9 attains 18 years of age. No disposition under this subsection  
10 shall provide for the minor's placement in a secure facility.

11 (2) Any order of disposition may provide for protective  
12 supervision under Section 4-22 and may include an order of  
13 protection under Section 4-23.

14 (3) Unless the order of disposition expressly so provides,  
15 it does not operate to close proceedings on the pending  
16 petition, but is subject to modification until final closing  
17 and discharge of the proceedings under Section 4-29.

18 (4) In addition to any other order of disposition, the  
19 court may order any minor found to be addicted under this  
20 Article as neglected with respect to his or her own injurious  
21 behavior, to make restitution, in monetary or non-monetary  
22 form, under the terms and conditions of Section 5-5-6 of the  
23 Unified Code of Corrections, except that the "presentence  
24 hearing" referred to therein shall be the dispositional hearing  
25 for purposes of this Section. The parent, guardian or legal  
26 custodian of the minor may pay some or all of such restitution

1 on the minor's behalf.

2 (5) Any order for disposition where the minor is placed in  
3 accordance with Section 4-25 shall provide for the parents or  
4 guardian of the estate of such minor to pay to the legal  
5 custodian or guardian of the person of the minor such sums as  
6 are determined by the custodian or guardian of the person of  
7 the minor as necessary for the minor's needs. Such payments may  
8 not exceed the maximum amounts provided for by Section 9.1 of  
9 the Children and Family Services Act.

10 (6) Whenever the order of disposition requires the minor to  
11 attend school or participate in a program of training, the  
12 truant officer or designated school official shall regularly  
13 report to the court if the minor is a chronic or habitual  
14 truant under Section 26-2a of the School Code.

15 (7) The court must impose upon a minor under an order of  
16 continuance under supervision or an order of disposition under  
17 this Article IV, as a condition of the order, a fee of \$25 for  
18 each month or partial month of supervision with a probation  
19 officer. If the court determines the inability of the minor, or  
20 the parent, guardian, or legal custodian of the minor to pay  
21 the fee, the court may impose a lesser fee. The court may not  
22 impose the fee on a minor who is made a ward of the State under  
23 this Act. The fee may be imposed only upon a minor who is  
24 actively supervised by the probation and court services  
25 department. The fee must be collected by the clerk of the  
26 circuit court. The clerk of the circuit court must pay all

1 monies collected from this fee to the county treasurer for  
2 deposit into the probation and court services fund under  
3 Section 15.1 of the Probation and Probation Officers Act.

4 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

5 (705 ILCS 405/5-805)

6 Sec. 5-805. Transfer of jurisdiction.

7 (1) Mandatory transfers.

8 (a) If a petition alleges commission by a minor 15  
9 years of age or older of an act that constitutes a forcible  
10 felony under the laws of this State, and if a motion by the  
11 State's Attorney to prosecute the minor under the criminal  
12 laws of Illinois for the alleged forcible felony alleges  
13 that (i) the minor has previously been adjudicated  
14 delinquent or found guilty for commission of an act that  
15 constitutes a felony under the laws of this State or any  
16 other state and (ii) the act that constitutes the offense  
17 was committed in furtherance of criminal activity by an  
18 organized gang, the Juvenile Judge assigned to hear and  
19 determine those motions shall, upon determining that there  
20 is probable cause that both allegations are true, enter an  
21 order permitting prosecution under the criminal laws of  
22 Illinois.

23 (b) If a petition alleges commission by a minor 15  
24 years of age or older of an act that constitutes a felony  
25 under the laws of this State, and if a motion by a State's

1 Attorney to prosecute the minor under the criminal laws of  
2 Illinois for the alleged felony alleges that (i) the minor  
3 has previously been adjudicated delinquent or found guilty  
4 for commission of an act that constitutes a forcible felony  
5 under the laws of this State or any other state and (ii)  
6 the act that constitutes the offense was committed in  
7 furtherance of criminal activities by an organized gang,  
8 the Juvenile Judge assigned to hear and determine those  
9 motions shall, upon determining that there is probable  
10 cause that both allegations are true, enter an order  
11 permitting prosecution under the criminal laws of  
12 Illinois.

13 (c) If a petition alleges commission by a minor 15  
14 years of age or older of: (i) an act that constitutes an  
15 offense enumerated in the presumptive transfer provisions  
16 of subsection (2); and (ii) the minor has previously been  
17 adjudicated delinquent or found guilty of a forcible  
18 felony, the Juvenile Judge designated to hear and determine  
19 those motions shall, upon determining that there is  
20 probable cause that both allegations are true, enter an  
21 order permitting prosecution under the criminal laws of  
22 Illinois.

23 (d) If a petition alleges commission by a minor 15  
24 years of age or older of an act that constitutes the  
25 offense of aggravated discharge of a firearm committed in a  
26 school, on the real property comprising a school, within

1 1,000 feet of the real property comprising a school, at a  
2 school related activity, or on, boarding, or departing from  
3 any conveyance owned, leased, or contracted by a school or  
4 school district to transport students to or from school or  
5 a school related activity, regardless of the time of day or  
6 the time of year, the juvenile judge designated to hear and  
7 determine those motions shall, upon determining that there  
8 is probable cause that the allegations are true, enter an  
9 order permitting prosecution under the criminal laws of  
10 Illinois.

11 For purposes of this paragraph (d) of subsection (1):

12 "School" means a public or private elementary or  
13 secondary school, community college, college, or  
14 university.

15 "School related activity" means any sporting, social,  
16 academic, or other activity for which students' attendance  
17 or participation is sponsored, organized, or funded in  
18 whole or in part by a school or school district.

19 (2) Presumptive transfer.

20 (a) If the State's Attorney files a petition, at any  
21 time prior to commencement of the minor's trial, to permit  
22 prosecution under the criminal laws and the petition  
23 alleges the commission by a minor 15 years of age or older  
24 of: (i) a Class X felony other than armed violence; (ii)  
25 aggravated discharge of a firearm; (iii) armed violence  
26 with a firearm when the predicate offense is a Class 1 or

1 Class 2 felony and the State's Attorney's motion to  
2 transfer the case alleges that the offense committed is in  
3 furtherance of the criminal activities of an organized  
4 gang; (iv) armed violence with a firearm when the predicate  
5 offense is a violation of the Illinois Controlled  
6 Substances Act, a violation of the Cannabis Control Act, or  
7 a violation of the Methamphetamine Control and Community  
8 Protection Act; (v) armed violence when the weapon involved  
9 was a machine gun or other weapon described in subsection  
10 (a)(7) of Section 24-1 of the Criminal Code of 1961; (vi)  
11 an act in violation of Section 401 of the Illinois  
12 Controlled Substances Act which is a Class X felony, while  
13 in a school, regardless of the time of day or the time of  
14 year, or on any conveyance owned, leased, or contracted by  
15 a school to transport students to or from school or a  
16 school related activity, or on residential property owned,  
17 operated, or managed by a public housing agency or leased  
18 by a public housing agency as part of a scattered site or  
19 mixed-income development; or (vii) an act in violation of  
20 Section 401 of the Illinois Controlled Substances Act and  
21 the offense is alleged to have occurred while in a school  
22 or on a public way within 1,000 feet of the real property  
23 comprising any school, regardless of the time of day or the  
24 time of year when the delivery or intended delivery of any  
25 amount of the controlled substance is to a person under 17  
26 years of age, (to qualify for a presumptive transfer under



1 paragraph (vi) or (vii) of this clause (2)(a), the  
2 violation cannot be based upon subsection (b) of Section  
3 407 of the Illinois Controlled Substances Act) and, if the  
4 juvenile judge assigned to hear and determine motions to  
5 transfer a case for prosecution in the criminal court  
6 determines that there is probable cause to believe that the  
7 allegations in the petition and motion are true, there is a  
8 rebuttable presumption that the minor is not a fit and  
9 proper subject to be dealt with under the Juvenile Justice  
10 Reform Provisions of 1998 (Public Act 90-590), and that,  
11 except as provided in paragraph (b), the case should be  
12 transferred to the criminal court.

13 (b) The judge shall enter an order permitting  
14 prosecution under the criminal laws of Illinois unless the  
15 judge makes a finding based on clear and convincing  
16 evidence that the minor would be amenable to the care,  
17 treatment, and training programs available through the  
18 facilities of the juvenile court based on an evaluation of  
19 the following:

20 (i) the age of the minor;

21 (ii) the history of the minor, including:

22 (A) any previous delinquent or criminal  
23 history of the minor,

24 (B) any previous abuse or neglect history of  
25 the minor, and

26 (C) any mental health, physical or educational

1 history of the minor or combination of these  
2 factors;

3 (iii) the circumstances of the offense, including:

4 (A) the seriousness of the offense,

5 (B) whether the minor is charged through  
6 accountability,

7 (C) whether there is evidence the offense was  
8 committed in an aggressive and premeditated  
9 manner,

10 (D) whether there is evidence the offense  
11 caused serious bodily harm,

12 (E) whether there is evidence the minor  
13 possessed a deadly weapon;

14 (iv) the advantages of treatment within the  
15 juvenile justice system including whether there are  
16 facilities or programs, or both, particularly  
17 available in the juvenile system;

18 (v) whether the security of the public requires  
19 sentencing under Chapter V of the Unified Code of  
20 Corrections:

21 (A) the minor's history of services, including  
22 the minor's willingness to participate  
23 meaningfully in available services;

24 (B) whether there is a reasonable likelihood  
25 that the minor can be rehabilitated before the  
26 expiration of the juvenile court's jurisdiction;

1                   (C) the adequacy of the punishment or  
2                   services.

3                   In considering these factors, the court shall give  
4                   greater weight to the seriousness of the alleged offense  
5                   and the minor's prior record of delinquency than to the  
6                   other factors listed in this subsection.

7                   For purposes of clauses (2) (a) (vi) and (vii):

8                   "School" means a public or private elementary or secondary  
9                   school, community college, college, or university.

10                  "School related activity" means any sporting, social,  
11                  academic, or other activity for which students' attendance or  
12                  participation is sponsored, organized, or funded in whole or in  
13                  part by a school or school district.

14                  (3) Discretionary transfer.

15                  (a) If a petition alleges commission by a minor 13  
16                  years of age or over of an act that constitutes a crime  
17                  under the laws of this State and, on motion of the State's  
18                  Attorney to permit prosecution of the minor under the  
19                  criminal laws, a Juvenile Judge assigned by the Chief Judge  
20                  of the Circuit to hear and determine those motions, after  
21                  hearing but before commencement of the trial, finds that  
22                  there is probable cause to believe that the allegations in  
23                  the motion are true and that it is not in the best  
24                  interests of the public to proceed under this Act, the  
25                  court may enter an order permitting prosecution under the  
26                  criminal laws.

1           (b) In making its determination on the motion to permit  
2 prosecution under the criminal laws, the court shall  
3 consider among other matters:

4           (i) the age of the minor;

5           (ii) the history of the minor, including:

6           (A) any previous delinquent or criminal  
7 history of the minor,

8           (B) any previous abuse or neglect history of  
9 the minor, and

10           (C) any mental health, physical, or  
11 educational history of the minor or combination of  
12 these factors;

13           (iii) the circumstances of the offense, including:

14           (A) the seriousness of the offense,

15           (B) whether the minor is charged through  
16 accountability,

17           (C) whether there is evidence the offense was  
18 committed in an aggressive and premeditated  
19 manner,

20           (D) whether there is evidence the offense  
21 caused serious bodily harm,

22           (E) whether there is evidence the minor  
23 possessed a deadly weapon;

24           (iv) the advantages of treatment within the  
25 juvenile justice system including whether there are  
26 facilities or programs, or both, particularly

1 available in the juvenile system;

2 (v) whether the security of the public requires  
3 sentencing under Chapter V of the Unified Code of  
4 Corrections:

5 (A) the minor's history of services, including  
6 the minor's willingness to participate  
7 meaningfully in available services;

8 (B) whether there is a reasonable likelihood  
9 that the minor can be rehabilitated before the  
10 expiration of the juvenile court's jurisdiction;

11 (C) the adequacy of the punishment or  
12 services.

13 In considering these factors, the court shall give  
14 greater weight to the seriousness of the alleged offense  
15 and the minor's prior record of delinquency than to the  
16 other factors listed in this subsection.

17 (4) The rules of evidence for this hearing shall be the  
18 same as under Section 5-705 of this Act. A minor must be  
19 represented in court by counsel before the hearing may be  
20 commenced.

21 (5) If criminal proceedings are instituted, the petition  
22 for adjudication of wardship shall be dismissed insofar as the  
23 act or acts involved in the criminal proceedings. Taking of  
24 evidence in a trial on petition for adjudication of wardship is  
25 a bar to criminal proceedings based upon the conduct alleged in  
26 the petition.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;  
2 revised 8-19-05.)

3 (705 ILCS 405/5-810)

4 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

5 (1) (a) If the State's Attorney files a petition, at any  
6 time prior to commencement of the minor's trial, to designate  
7 the proceeding as an extended jurisdiction juvenile  
8 prosecution and the petition alleges the commission by a minor  
9 13 years of age or older of any offense which would be a felony  
10 if committed by an adult, and, if the juvenile judge assigned  
11 to hear and determine petitions to designate the proceeding as  
12 an extended jurisdiction juvenile prosecution determines that  
13 there is probable cause to believe that the allegations in the  
14 petition and motion are true, there is a rebuttable presumption  
15 that the proceeding shall be designated as an extended  
16 jurisdiction juvenile proceeding.

17 (b) The judge shall enter an order designating the  
18 proceeding as an extended jurisdiction juvenile proceeding  
19 unless the judge makes a finding based on clear and convincing  
20 evidence that sentencing under the Chapter V of the Unified  
21 Code of Corrections would not be appropriate for the minor  
22 based on an evaluation of the following factors:

23 (i) the age of the minor;

24 (ii) the history of the minor, including:

25 (A) any previous delinquent or criminal history of

1 the minor,

2 (B) any previous abuse or neglect history of the  
3 minor, and

4 (C) any mental health, physical and/or educational  
5 history of the minor;

6 (iii) the circumstances of the offense, including:

7 (A) the seriousness of the offense,

8 (B) whether the minor is charged through  
9 accountability,

10 (C) whether there is evidence the offense was  
11 committed in an aggressive and premeditated manner,

12 (D) whether there is evidence the offense caused  
13 serious bodily harm,

14 (E) whether there is evidence the minor possessed a  
15 deadly weapon;

16 (iv) the advantages of treatment within the juvenile  
17 justice system including whether there are facilities or  
18 programs, or both, particularly available in the juvenile  
19 system;

20 (v) whether the security of the public requires  
21 sentencing under Chapter V of the Unified Code of  
22 Corrections:

23 (A) the minor's history of services, including the  
24 minor's willingness to participate meaningfully in  
25 available services;

26 (B) whether there is a reasonable likelihood that

1           the minor can be rehabilitated before the expiration of  
2           the juvenile court's jurisdiction;

3           (C) the adequacy of the punishment or services.

4           In considering these factors, the court shall give greater  
5           weight to the seriousness of the alleged offense and the  
6           minor's prior record of delinquency than to other factors  
7           listed in this subsection.

8           (2) Procedures for extended jurisdiction juvenile  
9           prosecutions. ~~(a)~~ The State's Attorney may file a written  
10          motion for a proceeding to be designated as an extended  
11          juvenile jurisdiction prior to commencement of trial. Notice of  
12          the motion shall be in compliance with Section 5-530. When the  
13          State's Attorney files a written motion that a proceeding be  
14          designated an extended jurisdiction juvenile prosecution, the  
15          court shall commence a hearing within 30 days of the filing of  
16          the motion for designation, unless good cause is shown by the  
17          prosecution or the minor as to why the hearing could not be  
18          held within this time period. If the court finds good cause has  
19          been demonstrated, then the hearing shall be held within 60  
20          days of the filing of the motion. The hearings shall be open to  
21          the public unless the judge finds that the hearing should be  
22          closed for the protection of any party, victim or witness. If  
23          the Juvenile Judge assigned to hear and determine a motion to  
24          designate an extended jurisdiction juvenile prosecution  
25          determines that there is probable cause to believe that the  
26          allegations in the petition and motion are true the court shall



1 grant the motion for designation. Information used by the court  
2 in its findings or stated in or offered in connection with this  
3 Section may be by way of proffer based on reliable information  
4 offered by the State or the minor. All evidence shall be  
5 admissible if it is relevant and reliable regardless of whether  
6 it would be admissible under the rules of evidence.

7 (3) Trial. A minor who is subject of an extended  
8 jurisdiction juvenile prosecution has the right to trial by  
9 jury. Any trial under this Section shall be open to the public.

10 (4) Sentencing. If an extended jurisdiction juvenile  
11 prosecution under subsection ~~subsections~~ (1) results in a  
12 guilty plea, a verdict of guilty, or a finding of guilt, the  
13 court shall impose the following:

14 (i) one or more juvenile sentences under Section 5-710;

15 and

16 (ii) an adult criminal sentence in accordance with the  
17 provisions of Chapter V of the Unified Code of Corrections,  
18 the execution of which shall be stayed on the condition  
19 that the offender not violate the provisions of the  
20 juvenile sentence.

21 Any sentencing hearing under this Section shall be open to the  
22 public.

23 (5) If, after an extended jurisdiction juvenile  
24 prosecution trial, a minor is convicted of a lesser-included  
25 offense or of an offense that the State's Attorney did not  
26 designate as an extended jurisdiction juvenile prosecution,

1 the State's Attorney may file a written motion, within 10 days  
2 of the finding of guilt, that the minor be sentenced as an  
3 extended jurisdiction juvenile prosecution offender. The court  
4 shall rule on this motion using the factors found in paragraph  
5 (1)(b) of Section 5-805. If the court denies the State's  
6 Attorney's motion for sentencing under the extended  
7 jurisdiction juvenile prosecution provision, the court shall  
8 proceed to sentence the minor under Section 5-710.

9 (6) When it appears that a minor convicted in an extended  
10 jurisdiction juvenile prosecution under subsection (1) has  
11 violated the conditions of his or her sentence, or is alleged  
12 to have committed a new offense upon the filing of a petition  
13 to revoke the stay, the court may, without notice, issue a  
14 warrant for the arrest of the minor. After a hearing, if the  
15 court finds by a preponderance of the evidence that the minor  
16 committed a new offense, the court shall order execution of the  
17 previously imposed adult criminal sentence. After a hearing, if  
18 the court finds by a preponderance of the evidence that the  
19 minor committed a violation of his or her sentence other than  
20 by a new offense, the court may order execution of the  
21 previously imposed adult criminal sentence or may continue him  
22 or her on the existing juvenile sentence with or without  
23 modifying or enlarging the conditions. Upon revocation of the  
24 stay of the adult criminal sentence and imposition of that  
25 sentence, the minor's extended jurisdiction juvenile status  
26 shall be terminated. The on-going jurisdiction over the minor's

1 case shall be assumed by the adult criminal court and juvenile  
2 court jurisdiction shall be terminated and a report of the  
3 imposition of the adult sentence shall be sent to the  
4 Department of State Police.

5 (7) Upon successful completion of the juvenile sentence the  
6 court shall vacate the adult criminal sentence.

7 (8) Nothing in this Section precludes the State from filing  
8 a motion for transfer under Section 5-805.

9 (Source: P.A. 94-574, eff. 8-12-05; revised 9-6-05.)

10 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

11 Sec. 6-9. Enforcement of liability of parents and others.

12 (1) If parentage is at issue in any proceeding under this  
13 Act, the Illinois Parentage Act of 1984 shall apply and the  
14 court shall enter orders consistent with that Act. If it  
15 appears at any hearing that a parent or any other person named  
16 in the petition, liable under the law for the support of the  
17 minor, is able to contribute to his or her support, the court  
18 shall enter an order requiring that parent or other person to  
19 pay the clerk of the court, or to the guardian or custodian  
20 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a  
21 reasonable sum from time to time for the care, support and  
22 necessary special care or treatment, of the minor. If the court  
23 determines at any hearing that a parent or any other person  
24 named in the petition, liable under the law for the support of  
25 the minor, is able to contribute to help defray the costs

1 associated with the minor's detention in a county or regional  
2 detention center, the court shall enter an order requiring that  
3 parent or other person to pay the clerk of the court a  
4 reasonable sum for the care and support of the minor. The court  
5 may require reasonable security for the payments. Upon failure  
6 to pay, the court may enforce obedience to the order by a  
7 proceeding as for contempt of court.

8 If it appears that the person liable for the support of the  
9 minor is able to contribute to legal fees for representation of  
10 the minor, the court shall enter an order requiring that person  
11 to pay a reasonable sum for the representation, to the attorney  
12 providing the representation or to the clerk of the court for  
13 deposit in the appropriate account or fund. The sum may be paid  
14 as the court directs, and the payment thereof secured and  
15 enforced as provided in this Section for support.

16 If it appears at the detention or shelter care hearing of a  
17 minor before the court under Section 5-501 that a parent or any  
18 other person liable for support of the minor is able to  
19 contribute to his or her support, that parent or other person  
20 shall be required to pay a fee for room and board at a rate not  
21 to exceed \$10 per day established, with the concurrence of the  
22 chief judge of the judicial circuit, by the county board of the  
23 county in which the minor is detained unless the court  
24 determines that it is in the best interest and welfare of the  
25 minor to waive the fee. The concurrence of the chief judge  
26 shall be in the form of an administrative order. Each week, on

1 a day designated by the clerk of the circuit court, that parent  
2 or other person shall pay the clerk for the minor's room and  
3 board. All fees for room and board collected by the circuit  
4 court clerk shall be disbursed into the separate county fund  
5 under Section 6-7.

6 Upon application, the court shall waive liability for  
7 support or legal fees under this Section if the parent or other  
8 person establishes that he or she is indigent and unable to pay  
9 the incurred liability, and the court may reduce or waive  
10 liability if the parent or other person establishes  
11 circumstances showing that full payment of support or legal  
12 fees would result in financial hardship to the person or his or  
13 her family.

14 (2) When a person so ordered to pay for the care and  
15 support of a minor is employed for wages, salary or commission,  
16 the court may order him to make the support payments for which  
17 he is liable under this Act out of his wages, salary or  
18 commission and to assign so much thereof as will pay the  
19 support. The court may also order him to make discovery to the  
20 court as to his place of employment and the amounts earned by  
21 him. Upon his failure to obey the orders of court he may be  
22 punished as for contempt of court.

23 (3) If the minor is a recipient of public aid under the  
24 Illinois Public Aid Code, the court shall order that payments  
25 made by a parent or through assignment of his wages, salary or  
26 commission be made directly to (a) the ~~Illinois~~ Department of

1 Healthcare and Family Services ~~Public Aid~~ if the minor is a  
2 recipient of aid under Article V of the Code, (b) the  
3 Department of Human Services if the minor is a recipient of aid  
4 under Article IV of the Code, or (c) the local governmental  
5 unit responsible for the support of the minor if he is a  
6 recipient under Articles VI or VII of the Code. The order shall  
7 permit the ~~Illinois~~ Department of Healthcare and Family  
8 Services ~~Public Aid~~, the Department of Human Services, or the  
9 local governmental unit, as the case may be, to direct that  
10 subsequent payments be made directly to the guardian or  
11 custodian of the minor, or to some other person or agency in  
12 the minor's behalf, upon removal of the minor from the public  
13 aid rolls; and upon such direction and removal of the minor  
14 from the public aid rolls, the ~~Illinois~~ Department of  
15 Healthcare and Family Services ~~Public Aid~~, Department of Human  
16 Services, or local governmental unit, as the case requires,  
17 shall give written notice of such action to the court. Payments  
18 received by the ~~Illinois~~ Department of Healthcare and Family  
19 Services ~~Public Aid~~, Department of Human Services, or local  
20 governmental unit are to be covered, respectively, into the  
21 General Revenue Fund of the State Treasury or General  
22 Assistance Fund of the governmental unit, as provided in  
23 Section 10-19 of the Illinois Public Aid Code.

24 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98; 90-590,  
25 eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99;  
26 revised 12-15-05.)

1           Section 1025. The Court of Claims Act is amended by  
2 changing Sections 21 and 26-1 as follows:

3           (705 ILCS 505/21) (from Ch. 37, par. 439.21)

4           Sec. 21. The court is authorized to impose, by uniform  
5 rules, a fee of \$15 for the filing of a petition in any case in  
6 which the award sought is more than \$50 and less than \$1,000  
7 and \$35 in any case in which the award sought is \$1,000 or  
8 more; and to charge and collect for copies of opinions or other  
9 documents filed in the Court of Claims such fees as may be  
10 prescribed by the rules of the Court. All fees and charges so  
11 collected shall be forthwith paid into the State Treasury.

12           A petitioner who is a prisoner in an Illinois Department of  
13 Corrections facility who files a pleading, motion, or other  
14 filing that purports to be a legal document against the State,  
15 the Illinois Department of Corrections, the Prisoner Review  
16 Board, or any of their officers or employees in which the court  
17 makes a specific finding that it is frivolous shall pay all  
18 filing fees and court costs in the manner provided in Article  
19 XXII of the Code of Civil Procedure.

20           In claims based upon lapsed appropriations or lost warrant  
21 or in claims filed under the Line of Duty Compensation Act, the  
22 Illinois National Guardsman's Compensation Act, or the Crime  
23 Victims Compensation Act or in claims filed by medical vendors  
24 for medical services rendered by the claimant to persons

1 eligible for Medical Assistance under programs administered by  
2 the ~~Illinois~~ Department of Healthcare and Family Services  
3 ~~Public Aid~~, no filing fee shall be required.

4 (Source: P.A. 93-1047, eff. 10-18-04; revised 12-15-05.)

5 (705 ILCS 505/26-1) (from Ch. 37, par. 439.24-6.1)

6 Sec. 26-1. Except as otherwise provided herein, the maximum  
7 contingent fee to be charged by an attorney practicing before  
8 the Court shall not exceed 20 percent of the amount awarded,  
9 which is in excess of the undisputed amount of the claim,  
10 unless further fees shall be allowed by the Court. In cases  
11 involving lapsed appropriations or lost warrants where there is  
12 no dispute as to the liability of the respondent, the fee, if  
13 any, for services rendered is to be fixed by the Court at a  
14 nominal amount.

15 Nothing herein applies to awards made under the Line of  
16 Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air~~  
17 ~~Patrol Members, Paramedics and Firemen~~ Compensation Act or the  
18 Illinois National Guardsman's ~~and Naval Militiaman's~~  
19 Compensation Act or the "Illinois Uniform Conviction  
20 Information Act", ~~enacted by the 85th General Assembly, as~~  
21 ~~heretofore or hereafter amended.~~

22 (Source: P.A. 90-492, eff. 8-17-97; revised 11-15-04.)

23 Section 1030. The Criminal Code of 1961 is amended by  
24 changing Sections 1-6, 2-6.6, 2-13, 9-3.3, 10-6, 11-9.3, 12-2,



1 12-4, 12-20.5, 16G-15, 16G-21, 17-2, 21-3, 21-7, 24-1, 24-1.1,  
2 24-1.6, 24-2, 24-3, 24-3.1, 32-5.2, and 44-3, by renumbering  
3 and changing Sections 2-.5 and 5/2-7.5, and by setting forth  
4 and renumbering multiple versions of Section 12-4.10 and  
5 Article 16J as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the  
10 offense was committed, except as otherwise provided by law. The  
11 State is not required to prove during trial that the alleged  
12 offense occurred in any particular county in this State. When a  
13 defendant contests the place of trial under this Section, all  
14 proceedings regarding this issue shall be conducted under  
15 Section 114-1 of the Code of Criminal Procedure of 1963. All  
16 objections of improper place of trial are waived by a defendant  
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of  
20 another is located in one county and his victim is located in  
21 another county at the time of the commission of the offense,  
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or  
24 Undetermined.

25 If cause of death is inflicted in one county and death

1 ensues in another county, the offender may be tried in either  
2 county. If neither the county in which the cause of death was  
3 inflicted nor the county in which death ensued are known before  
4 trial, the offender may be tried in the county where the body  
5 was found.

6 (d) Offense Commenced Outside the State.

7 If the commission of an offense commenced outside the State  
8 is consummated within this State, the offender shall be tried  
9 in the county where the offense is consummated.

10 (e) Offenses Committed in Bordering Navigable Waters.

11 If an offense is committed on any of the navigable waters  
12 bordering on this State, the offender may be tried in any  
13 county adjacent to such navigable water.

14 (f) Offenses Committed while in Transit.

15 If an offense is committed upon any railroad car, vehicle,  
16 watercraft or aircraft passing within this State, and it cannot  
17 readily be determined in which county the offense was  
18 committed, the offender may be tried in any county through  
19 which such railroad car, vehicle, watercraft or aircraft has  
20 passed.

21 (g) Theft.

22 A person who commits theft of property may be tried in any  
23 county in which he exerted control over such property.

24 (h) Bigamy.

25 A person who commits the offense of bigamy may be tried in  
26 any county where the bigamous marriage or bigamous cohabitation

1 has occurred.

2 (i) Kidnaping.

3 A person who commits the offense of kidnaping may be tried  
4 in any county in which his victim has traveled or has been  
5 confined during the course of the offense.

6 (j) Pandering.

7 A person who commits the offense of pandering may be tried  
8 in any county in which the prostitution was practiced or in any  
9 county in which any act in furtherance of the offense shall  
10 have been committed.

11 (k) Treason.

12 A person who commits the offense of treason may be tried in  
13 any county.

14 (l) Criminal Defamation.

15 If criminal defamation is spoken, printed or written in one  
16 county and is received or circulated in another or other  
17 counties, the offender shall be tried in the county where the  
18 defamation is spoken, printed or written. If the defamation is  
19 spoken, printed or written outside this state, or the offender  
20 resides outside this state, the offender may be tried in any  
21 county in this state in which the defamation was circulated or  
22 received.

23 (m) Inchoate Offenses.

24 A person who commits an inchoate offense may be tried in  
25 any county in which any act which is an element of the offense,  
26 including the agreement in conspiracy, is committed.

1 (n) Accountability for Conduct of Another.

2 Where a person in one county solicits, aids, abets, agrees,  
3 or attempts to aid another in the planning or commission of an  
4 offense in another county, he may be tried for the offense in  
5 either county.

6 (o) Child Abduction.

7 A person who commits the offense of child abduction may be  
8 tried in any county in which his victim has traveled, been  
9 detained, concealed or removed to during the course of the  
10 offense. Notwithstanding the foregoing, unless for good cause  
11 shown, the preferred place of trial shall be the county of the  
12 residence of the lawful custodian.

13 (p) A person who commits the offense of narcotics  
14 racketeering may be tried in any county where cannabis or a  
15 controlled substance which is the basis for the charge of  
16 narcotics racketeering was used; acquired; transferred or  
17 distributed to, from or through; or any county where any act  
18 was performed to further the use; acquisition, transfer or  
19 distribution of said cannabis or controlled substance; any  
20 money, property, property interest, or any other asset  
21 generated by narcotics activities was acquired, used, sold,  
22 transferred or distributed to, from or through; or, any  
23 enterprise interest obtained as a result of narcotics  
24 racketeering was acquired, used, transferred or distributed  
25 to, from or through, or where any activity was conducted by the  
26 enterprise or any conduct to further the interests of such an

1 enterprise.

2 (q) A person who commits the offense of money laundering  
3 may be tried in any county where any part of a financial  
4 transaction in criminally derived property took place or in any  
5 county where any money or monetary instrument which is the  
6 basis for the offense was acquired, used, sold, transferred or  
7 distributed to, from or through.

8 (r) A person who commits the offense of cannabis  
9 trafficking or controlled substance trafficking may be tried in  
10 any county.

11 (s) A person who commits the offense of online sale of  
12 stolen property, online theft by deception, or electronic  
13 fencing may be tried in any county where any one or more  
14 elements of the offense took place, regardless of whether the  
15 element of the offense was the result of acts by the accused,  
16 the victim or by another person, and regardless of whether the  
17 defendant was ever physically present within the boundaries of  
18 the county.

19 (t) ~~(s)~~ A person who commits the offense of identity theft  
20 or aggravated identity theft may be tried in any one of the  
21 following counties in which: (1) the offense occurred; (2) the  
22 information used to commit the offense was illegally used; or  
23 (3) the victim resides.

24 If a person is charged with more than one violation of  
25 identity theft or aggravated identity theft and those  
26 violations may be tried in more than one county, any of those

1 counties is a proper venue for all of the violations.

2 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; revised  
3 8-19-05.)

4 (720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

5 Sec. 2-0.5 ~~2-.5~~. Definitions. For the purposes of this  
6 Code, the words and phrases described in this Article have the  
7 meanings designated in this Article, except when a particular  
8 context clearly requires a different meaning.

9 (Source: Laws 1961, p. 1983; revised 1-22-04.)

10 (720 ILCS 5/2-6.6)

11 Sec. 2-6.6. Emergency management worker. "Emergency  
12 management worker" shall include the following:

13 (a) any person, paid or unpaid, who is a member of a  
14 local or county emergency services and disaster agency as  
15 defined by the Illinois Emergency Management Agency Act, or  
16 who is an employee of the Illinois Emergency Management  
17 Agency or the Federal Emergency Management Agency~~;~~;

18 (b) any employee or volunteer of the American Red  
19 Cross~~;~~;

20 (c) any employee of a federal, State, county~~,~~ or local  
21 government agency assisting an emergency services and  
22 disaster agency, the Illinois Emergency Management Agency,  
23 or the Federal Emergency Management Agency through mutual  
24 aid or as otherwise requested or directed in time of

1 disaster or emergency~~;~~; and

2 (d) any person volunteering or directed to assist an  
3 emergency services and disaster agency, the Illinois  
4 Emergency Management Agency, or the Federal Emergency  
5 Management Agency.

6 (Source: P.A. 94-243, eff. 1-1-06; 94-323, eff. 1-1-06; revised  
7 9-27-05.)

8 (720 ILCS 5/2-7.5)

9 Sec. 2-7.5 ~~5/2-7.5~~. "Firearm". Except as otherwise  
10 provided in a specific Section, "firearm" has the meaning  
11 ascribed to it in Section 1.1 of the Firearm Owners  
12 Identification Card Act.

13 (Source: P.A. 91-404, eff. 1-1-00; revised 9-15-06.)

14 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

15 Sec. 2-13. "Peace officer". "Peace officer" means (i) any  
16 person who by virtue of his office or public employment is  
17 vested by law with a duty to maintain public order or to make  
18 arrests for offenses, whether that duty extends to all offenses  
19 or is limited to specific offenses, or (ii) any person who, by  
20 statute, is granted and authorized to exercise powers similar  
21 to those conferred upon any peace officer employed by a law  
22 enforcement agency of this State.

23 For purposes of Sections concerning unlawful use of  
24 weapons, for the purposes of assisting an Illinois peace

1 officer in an arrest, or when the commission of a felony under  
2 Illinois law is directly observed by the person, and statutes  
3 involving the false personation of a peace officer, false  
4 personation of a peace officer while carrying a deadly weapon,  
5 and aggravated false personation of a peace officer, then  
6 officers, agents or employees of the federal government  
7 commissioned by federal statute to make arrests for violations  
8 of federal criminal laws shall be considered "peace officers"  
9 under this Code, including, but not limited to all criminal  
10 investigators of:

11 (1) The United States Department of Justice, The  
12 Federal Bureau of Investigation, The Drug Enforcement  
13 Agency and The Department of Immigration and  
14 Naturalization;

15 (2) The United States Department of the Treasury, The  
16 Secret Service, The Bureau of Alcohol, Tobacco and Firearms  
17 and The Customs Service;

18 (3) The United States Internal Revenue Service;

19 (4) The United States General Services Administration;

20 (5) The United States Postal Service; and

21 (6) all United States Marshals or Deputy United States  
22 Marshals whose duties involve the enforcement of federal  
23 criminal laws.

24 (Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07;  
25 revised 8-3-06.)



1 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

2 Sec. 9-3.3. Drug-induced homicide.

3 (a) A person who violates Section 401 of the Illinois  
4 Controlled Substances Act or Section 55 of the Methamphetamine  
5 Control and Community Protection Act by unlawfully delivering a  
6 controlled substance to another, and any person's death is  
7 caused by the injection, inhalation or ingestion of any amount  
8 of that controlled substance, commits the offense of  
9 drug-induced homicide.

10 (b) Sentence. Drug-induced homicide is a Class X felony.

11 (c) A person who commits drug-induced homicide by violating  
12 subsection (a) or subsection (c) of Section 401 of the Illinois  
13 Controlled Substances Act or Section 55 of the Methamphetamine  
14 Control and Community Protection Act commits a Class X felony  
15 for which the defendant shall in addition to a sentence  
16 authorized by law, be sentenced to a term of imprisonment of  
17 not less than 15 years and not more than 30 years or an  
18 extended term of not less than 30 years and not more than 60  
19 years.

20 (Source: P.A. 94-556, eff. 9-11-05; 94-560, eff. 1-1-06;  
21 revised 8-19-05.)

22 (720 ILCS 5/10-6) (from Ch. 38, par. 10-6)

23 Sec. 10-6. Harboring a runaway.

24 (a) Any person, other than an agency or association  
25 providing crisis intervention services as defined in Section

1 3-5 of the Juvenile Court Act of 1987, or an operator of a  
2 youth emergency shelter as defined in Section 2.21 of the Child  
3 Care Act of 1969, who, without the knowledge and consent of the  
4 minor's parent or guardian, knowingly gives shelter to a minor,  
5 other than a mature minor who has been emancipated under the  
6 Emancipation of ~~Mature~~ Minors Act, for more than 48 hours  
7 without the consent of the minor's parent or guardian, and  
8 without notifying the local law enforcement authorities of the  
9 minor's name and the fact that the minor is being provided  
10 shelter commits the offense of harboring a runaway.

11 (b) Any person who commits the offense of harboring a  
12 runaway is guilty of a Class A misdemeanor.

13 (Source: P.A. 86-278; 86-386; revised 10-9-03.)

14 (720 ILCS 5/11-9.3)

15 Sec. 11-9.3. Presence within school zone by child sex  
16 offenders prohibited.

17 (a) It is unlawful for a child sex offender to knowingly be  
18 present in any school building, on real property comprising any  
19 school, or in any conveyance owned, leased, or contracted by a  
20 school to transport students to or from school or a school  
21 related activity when persons under the age of 18 are present  
22 in the building, on the grounds or in the conveyance, unless  
23 the offender is a parent or guardian of a student attending the  
24 school and the parent or guardian is: (i) attending a  
25 conference at the school with school personnel to discuss the

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

23       Nothing in this Section shall be construed to infringe upon  
24 the constitutional right of a child sex offender to be present  
25 in a school building that is used as a polling place for the  
26 purpose of voting.

1           ~~(1) (Blank; or)~~

2           ~~(2) (Blank.)~~

3           (b) It is unlawful for a child sex offender to knowingly  
4 loiter within 500 feet of a school building or real property  
5 comprising any school while persons under the age of 18 are  
6 present in the building or on the grounds, unless the offender  
7 is a parent or guardian of a student attending the school and  
8 the parent or guardian is: (i) attending a conference at the  
9 school with school personnel to discuss the progress of his or  
10 her child academically or socially, (ii) participating in child  
11 review conferences in which evaluation and placement decisions  
12 may be made with respect to his or her child regarding special  
13 education services, or (iii) attending conferences to discuss  
14 other student issues concerning his or her child such as  
15 retention and promotion and notifies the principal of the  
16 school of his or her presence at the school or has permission  
17 to be present from the superintendent or the school board or in  
18 the case of a private school from the principal. In the case of  
19 a public school, if permission is granted, the superintendent  
20 or school board president must inform the principal of the  
21 school where the sex offender will be present. Notification  
22 includes the nature of the sex offender's visit and the hours  
23 in which the sex offender will be present in the school. The  
24 sex offender is responsible for notifying the principal's  
25 office when he or she arrives on school property and when he or  
26 she departs from school property. If the sex offender is to be

1 present in the vicinity of children, the sex offender has the  
2 duty to remain under the direct supervision of a school  
3 official. A child sex offender who violates this provision is  
4 guilty of a Class 4 felony.

5 ~~(1) (Blank; or)~~

6 ~~(2) (Blank.)~~

7 (b-5) It is unlawful for a child sex offender to knowingly  
8 reside within 500 feet of a school building or the real  
9 property comprising any school that persons under the age of 18  
10 attend. Nothing in this subsection (b-5) prohibits a child sex  
11 offender from residing within 500 feet of a school building or  
12 the real property comprising any school that persons under 18  
13 attend if the property is owned by the child sex offender and  
14 was purchased before the effective date of this amendatory Act  
15 of the 91st General Assembly.

16 (c) Definitions. In this Section:

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

18 (i) has been charged under Illinois law, or any  
19 substantially similar federal law or law of another  
20 state, with a sex offense set forth in paragraph (2) of  
21 this subsection (c) or the attempt to commit an  
22 included sex offense, and:

23 (A) is convicted of such offense or an attempt  
24 to commit such offense; or

25 (B) is found not guilty by reason of insanity  
26 of such offense or an attempt to commit such

1 offense; or

2 (C) is found not guilty by reason of insanity  
3 pursuant to subsection (c) of Section 104-25 of the  
4 Code of Criminal Procedure of 1963 of such offense  
5 or an attempt to commit such offense; or

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

12 (E) is found not guilty by reason of insanity  
13 following a hearing conducted pursuant to a  
14 federal law or the law of another state  
15 substantially similar to subsection (c) of Section  
16 104-25 of the Code of Criminal Procedure of 1963 of  
17 such offense or of the attempted commission of such  
18 offense; or

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

26 (ii) is certified as a sexually dangerous person

1           pursuant to the Illinois Sexually Dangerous Persons  
2           Act, or any substantially similar federal law or the  
3           law of another state, when any conduct giving rise to  
4           such certification is committed or attempted against a  
5           person less than 18 years of age; or

6           (iii) is subject to the provisions of Section 2 of  
7           the Interstate Agreements on Sexually Dangerous  
8           Persons Act.

9           Convictions that result from or are connected with the  
10          same act, or result from offenses committed at the same  
11          time, shall be counted for the purpose of this Section as  
12          one conviction. Any conviction set aside pursuant to law is  
13          not a conviction for purposes of this Section.

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

16               (i) A violation of any of the following Sections of  
17               the Criminal Code of 1961: 10-7 (aiding and abetting  
18               child abduction under Section 10-5(b)(10)),  
19               10-5(b)(10) (child luring), 11-6 (indecent  
20               solicitation of a child), 11-6.5 (indecent  
21               solicitation of an adult), 11-9 (public indecency when  
22               committed in a school, on the real property comprising  
23               a school, or on a conveyance, owned, leased, or  
24               contracted by a school to transport students to or from  
25               school or a school related activity), 11-9.1 (sexual  
26               exploitation of a child), 11-15.1 (soliciting for a

1 juvenile prostitute), 11-17.1 (keeping a place of  
2 juvenile prostitution), 11-18.1 (patronizing a  
3 juvenile prostitute), 11-19.1 (juvenile pimping),  
4 11-19.2 (exploitation of a child), 11-20.1 (child  
5 pornography), 11-21 (harmful material), 12-14.1  
6 (predatory criminal sexual assault of a child), 12-33  
7 (ritualized abuse of a child), 11-20 (obscenity) (when  
8 that offense was committed in any school, on real  
9 property comprising any school, in any conveyance  
10 owned, leased, or contracted by a school to transport  
11 students to or from school or a school related  
12 activity). An attempt to commit any of these offenses.

13 (ii) A violation of any of the following Sections  
14 of the Criminal Code of 1961, when the victim is a  
15 person under 18 years of age: 12-13 (criminal sexual  
16 assault), 12-14 (aggravated criminal sexual assault),  
17 12-15 (criminal sexual abuse), 12-16 (aggravated  
18 criminal sexual abuse). An attempt to commit any of  
19 these offenses.

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

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),



1 10-3.1 (aggravated unlawful restraint).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this State  
4 substantially equivalent to any offense listed in  
5 clause (2)(i) of subsection (c) of this Section.

6 (2.5) For the purposes of subsection (b-5) only, a sex  
7 offense means:

8 (i) A violation of any of the following Sections of  
9 the Criminal Code of 1961:

10 10-5(b)(10) (child luring), 10-7 (aiding and  
11 abetting child abduction under Section  
12 10-5(b)(10)), 11-6 (indecent solicitation of a  
13 child), 11-6.5 (indecent solicitation of an  
14 adult), 11-15.1 (soliciting for a juvenile  
15 prostitute), 11-17.1 (keeping a place of juvenile  
16 prostitution), 11-18.1 (patronizing a juvenile  
17 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
18 (exploitation of a child), 11-20.1 (child  
19 pornography), 12-14.1 (predatory criminal sexual  
20 assault of a child), or 12-33 (ritualized abuse of  
21 a child). An attempt to commit any of these  
22 offenses.

23 (ii) A violation of any of the following Sections  
24 of the Criminal Code of 1961, when the victim is a  
25 person under 18 years of age: 12-13 (criminal sexual  
26 assault), 12-14 (aggravated criminal sexual assault),

1 12-16 (aggravated criminal sexual abuse), and  
2 subsection (a) of Section 12-15 (criminal sexual  
3 abuse). An attempt to commit any of these offenses.

4 (iii) A violation of any of the following Sections  
5 of the Criminal Code of 1961, when the victim is a  
6 person under 18 years of age and the defendant is not a  
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State  
14 substantially equivalent to any offense listed in this  
15 paragraph (2.5) of this subsection.

16 (3) A conviction for an offense of federal law or the  
17 law of another state that is substantially equivalent to  
18 any offense listed in paragraph (2) of subsection (c) of  
19 this Section shall constitute a conviction for the purpose  
20 of this Article. A finding or adjudication as a sexually  
21 dangerous person under any federal law or law of another  
22 state that is substantially equivalent to the Sexually  
23 Dangerous Persons Act shall constitute an adjudication for  
24 the purposes of this Section.

25 (4) "School" means a public or private pre-school,  
26 elementary, or secondary school.

1 (5) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the  
3 person is in a vehicle or remaining in or around school  
4 property.

5 (ii) Standing, sitting idly, whether or not the  
6 person is in a vehicle or remaining in or around school  
7 property, for the purpose of committing or attempting  
8 to commit a sex offense.

9 (iii) Entering or remaining in a building in or  
10 around school property, other than the offender's  
11 residence.

12 (6) "School official" means the principal, a teacher,  
13 or any other certified employee of the school, the  
14 superintendent of schools or a member of the school board.

15 (d) Sentence. A person who violates this Section is guilty  
16 of a Class 4 felony.

17 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;  
18 94-170, eff. 7-11-05; revised 9-15-06.)

19 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

20 Sec. 12-2. Aggravated assault.

21 (a) A person commits an aggravated assault, when, in  
22 committing an assault, he:

23 (1) Uses a deadly weapon or any device manufactured and  
24 designed to be substantially similar in appearance to a  
25 firearm, other than by discharging a firearm in the

1 direction of another person, a peace officer, a person  
2 summoned or directed by a peace officer, a correctional  
3 officer or a fireman or in the direction of a vehicle  
4 occupied by another person, a peace officer, a person  
5 summoned or directed by a peace officer, a correctional  
6 officer or a fireman while the officer or fireman is  
7 engaged in the execution of any of his official duties, or  
8 to prevent the officer or fireman from performing his  
9 official duties, or in retaliation for the officer or  
10 fireman performing his official duties;

11 (2) Is hooded, robed or masked in such manner as to  
12 conceal his identity or any device manufactured and  
13 designed to be substantially similar in appearance to a  
14 firearm;

15 (3) Knows the individual assaulted to be a teacher or  
16 other person employed in any school and such teacher or  
17 other employee is upon the grounds of a school or grounds  
18 adjacent thereto, or is in any part of a building used for  
19 school purposes;

20 (4) Knows the individual assaulted to be a supervisor,  
21 director, instructor or other person employed in any park  
22 district and such supervisor, director, instructor or  
23 other employee is upon the grounds of the park or grounds  
24 adjacent thereto, or is in any part of a building used for  
25 park purposes;

26 (5) Knows the individual assaulted to be a caseworker,

1 investigator, or other person employed by the Department of  
2 Healthcare and Family Services (formerly State Department  
3 of Public Aid), a County Department of Public Aid, or the  
4 Department of Human Services (acting as successor to the  
5 Illinois Department of Public Aid under the Department of  
6 Human Services Act) and such caseworker, investigator, or  
7 other person is upon the grounds of a public aid office or  
8 grounds adjacent thereto, or is in any part of a building  
9 used for public aid purposes, or upon the grounds of a home  
10 of a public aid applicant, recipient or any other person  
11 being interviewed or investigated in the employees'  
12 discharge of his duties, or on grounds adjacent thereto, or  
13 is in any part of a building in which the applicant,  
14 recipient, or other such person resides or is located;

15 (6) Knows the individual assaulted to be a peace  
16 officer, or a community policing volunteer, or a fireman  
17 while the officer or fireman is engaged in the execution of  
18 any of his official duties, or to prevent the officer,  
19 community policing volunteer, or fireman from performing  
20 his official duties, or in retaliation for the officer,  
21 community policing volunteer, or fireman performing his  
22 official duties, and the assault is committed other than by  
23 the discharge of a firearm in the direction of the officer  
24 or fireman or in the direction of a vehicle occupied by the  
25 officer or fireman;

26 (7) Knows the individual assaulted to be an emergency

1 medical technician - ambulance, emergency medical  
2 technician - intermediate, emergency medical technician -  
3 paramedic, ambulance driver or other medical assistance or  
4 first aid personnel engaged in the execution of any of his  
5 official duties, or to prevent the emergency medical  
6 technician - ambulance, emergency medical technician -  
7 intermediate, emergency medical technician - paramedic,  
8 ambulance driver, or other medical assistance or first aid  
9 personnel from performing his official duties, or in  
10 retaliation for the emergency medical technician -  
11 ambulance, emergency medical technician - intermediate,  
12 emergency medical technician - paramedic, ambulance  
13 driver, or other medical assistance or first aid personnel  
14 performing his official duties;

15 (8) Knows the individual assaulted to be the driver,  
16 operator, employee or passenger of any transportation  
17 facility or system engaged in the business of  
18 transportation of the public for hire and the individual  
19 assaulted is then performing in such capacity or then using  
20 such public transportation as a passenger or using any area  
21 of any description designated by the transportation  
22 facility or system as a vehicle boarding, departure, or  
23 transfer location;

24 (9) Or the individual assaulted is on or about a public  
25 way, public property, or public place of accommodation or  
26 amusement;

1           (9.5) Is, or the individual assaulted is, in or about a  
2 publicly or privately owned sports or entertainment arena,  
3 stadium, community or convention hall, special event  
4 center, amusement facility, or a special event center in a  
5 public park during any 24-hour period when a professional  
6 sporting event, National Collegiate Athletic Association  
7 (NCAA)-sanctioned sporting event, United States Olympic  
8 Committee-sanctioned sporting event, or International  
9 Olympic Committee-sanctioned sporting event is taking  
10 place in this venue;

11           (10) Knows the individual assaulted to be an employee  
12 of the State of Illinois, a municipal corporation therein  
13 or a political subdivision thereof, engaged in the  
14 performance of his authorized duties as such employee;

15           (11) Knowingly and without legal justification,  
16 commits an assault on a physically handicapped person;

17           (12) Knowingly and without legal justification,  
18 commits an assault on a person 60 years of age or older;

19           (13) Discharges a firearm;

20           (14) Knows the individual assaulted to be a  
21 correctional officer, while the officer is engaged in the  
22 execution of any of his or her official duties, or to  
23 prevent the officer from performing his or her official  
24 duties, or in retaliation for the officer performing his or  
25 her official duties;

26           (15) Knows the individual assaulted to be a

1           correctional employee or an employee of the Department of  
2           Human Services supervising or controlling sexually  
3           dangerous persons or sexually violent persons, while the  
4           employee is engaged in the execution of any of his or her  
5           official duties, or to prevent the employee from performing  
6           his or her official duties, or in retaliation for the  
7           employee performing his or her official duties, and the  
8           assault is committed other than by the discharge of a  
9           firearm in the direction of the employee or in the  
10          direction of a vehicle occupied by the employee;

11           (16) Knows the individual assaulted to be an employee  
12          of a police or sheriff's department engaged in the  
13          performance of his or her official duties as such employee;

14          ~~or~~

15           (17) Knows the individual assaulted to be a sports  
16          official or coach at any level of competition and the act  
17          causing the assault to the sports official or coach  
18          occurred within an athletic facility or an indoor or  
19          outdoor playing field or within the immediate vicinity of  
20          the athletic facility or an indoor or outdoor playing field  
21          at which the sports official or coach was an active  
22          participant in the athletic contest held at the athletic  
23          facility. For the purposes of this paragraph (17), "sports  
24          official" means a person at an athletic contest who  
25          enforces the rules of the contest, such as an umpire or  
26          referee; and "coach" means a person recognized as a coach



1 by the sanctioning authority that conducted the athletic  
2 contest; or.

3 (18) Knows the individual assaulted to be an emergency  
4 management worker, while the emergency management worker  
5 is engaged in the execution of any of his or her official  
6 duties, or to prevent the emergency management worker from  
7 performing his or her official duties, or in retaliation  
8 for the emergency management worker performing his or her  
9 official duties, and the assault is committed other than by  
10 the discharge of a firearm in the direction of the  
11 emergency management worker or in the direction of a  
12 vehicle occupied by the emergency management worker.

13 (a-5) A person commits an aggravated assault when he or she  
14 knowingly and without lawful justification shines or flashes a  
15 laser gunsight or other laser device that is attached or  
16 affixed to a firearm, or used in concert with a firearm, so  
17 that the laser beam strikes near or in the immediate vicinity  
18 of any person.

19 (b) Sentence.

20 Aggravated assault as defined in paragraphs (1) through (5)  
21 and (8) through (12) and (17) of subsection (a) of this Section  
22 is a Class A misdemeanor. Aggravated assault as defined in  
23 paragraphs (13), (14), and (15) of subsection (a) of this  
24 Section and as defined in subsection (a-5) of this Section is a  
25 Class 4 felony. Aggravated assault as defined in paragraphs  
26 (6), (7), (16), and (18) of subsection (a) of this Section is a

1 Class A misdemeanor if a firearm is not used in the commission  
2 of the assault. Aggravated assault as defined in paragraphs  
3 (6), (7), (16), and (18) of subsection (a) of this Section is a  
4 Class 4 felony if a firearm is used in the commission of the  
5 assault.

6 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,  
7 eff. 1-1-06; revised 12-15-05.)

8 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

9 Sec. 12-4. Aggravated Battery.

10 (a) A person who, in committing a battery, intentionally or  
11 knowingly causes great bodily harm, or permanent disability or  
12 disfigurement commits aggravated battery.

13 (b) In committing a battery, a person commits aggravated  
14 battery if he or she:

15 (1) Uses a deadly weapon other than by the discharge of  
16 a firearm;

17 (2) Is hooded, robed or masked, in such manner as to  
18 conceal his identity;

19 (3) Knows the individual harmed to be a teacher or  
20 other person employed in any school and such teacher or  
21 other employee is upon the grounds of a school or grounds  
22 adjacent thereto, or is in any part of a building used for  
23 school purposes;

24 (4) (Blank);

25 (5) (Blank);

1           (6) Knows the individual harmed to be a community  
2           policing volunteer while such volunteer is engaged in the  
3           execution of any official duties, or to prevent the  
4           volunteer from performing official duties, or in  
5           retaliation for the volunteer performing official duties,  
6           and the battery is committed other than by the discharge of  
7           a firearm;

8           (7) Knows the individual harmed to be an emergency  
9           medical technician - ambulance, emergency medical  
10          technician - intermediate, emergency medical technician -  
11          paramedic, ambulance driver, other medical assistance,  
12          first aid personnel, or hospital personnel engaged in the  
13          performance of any of his or her official duties, or to  
14          prevent the emergency medical technician - ambulance,  
15          emergency medical technician - intermediate, emergency  
16          medical technician - paramedic, ambulance driver, other  
17          medical assistance, first aid personnel, or hospital  
18          personnel from performing official duties, or in  
19          retaliation for performing official duties;

20          (8) Is, or the person battered is, on or about a public  
21          way, public property or public place of accommodation or  
22          amusement;

23          (8.5) Is, or the person battered is, on a publicly or  
24          privately owned sports or entertainment arena, stadium,  
25          community or convention hall, special event center,  
26          amusement facility, or a special event center in a public

1 park during any 24-hour period when a professional sporting  
2 event, National Collegiate Athletic Association  
3 (NCAA)-sanctioned sporting event, United States Olympic  
4 Committee-sanctioned sporting event, or International  
5 Olympic Committee-sanctioned sporting event is taking  
6 place in this venue;

7 (9) Knows the individual harmed to be the driver,  
8 operator, employee or passenger of any transportation  
9 facility or system engaged in the business of  
10 transportation of the public for hire and the individual  
11 assaulted is then performing in such capacity or then using  
12 such public transportation as a passenger or using any area  
13 of any description designated by the transportation  
14 facility or system as a vehicle boarding, departure, or  
15 transfer location;

16 (10) Knows the individual harmed to be an individual of  
17 60 years of age or older;

18 (11) Knows the individual harmed is pregnant;

19 (12) Knows the individual harmed to be a judge whom the  
20 person intended to harm as a result of the judge's  
21 performance of his or her official duties as a judge;

22 (13) (Blank);

23 (14) Knows the individual harmed to be a person who is  
24 physically handicapped;

25 (15) Knowingly and without legal justification and by  
26 any means causes bodily harm to a merchant who detains the

1 person for an alleged commission of retail theft under  
2 Section 16A-5 of this Code. In this item (15), "merchant"  
3 has the meaning ascribed to it in Section 16A-2.4 of this  
4 Code;

5 (16) Is, or the person battered is, in any building or  
6 other structure used to provide shelter or other services  
7 to victims or to the dependent children of victims of  
8 domestic violence pursuant to the Illinois Domestic  
9 Violence Act of 1986 or the Domestic Violence Shelters Act,  
10 or the person battered is within 500 feet of such a  
11 building or other structure while going to or from such a  
12 building or other structure. "Domestic violence" has the  
13 meaning ascribed to it in Section 103 of the Illinois  
14 Domestic Violence Act of 1986. "Building or other structure  
15 used to provide shelter" has the meaning ascribed to  
16 "shelter" in Section 1 of the Domestic Violence Shelters  
17 Act;

18 (17) (Blank); ~~or~~

19 (18) Knows the individual harmed to be an officer or  
20 employee of the State of Illinois, a unit of local  
21 government, or school district engaged in the performance  
22 of his or her authorized duties as such officer or  
23 employee; or

24 (19) ~~(18)~~ Knows the individual harmed to be an  
25 emergency management worker engaged in the performance of  
26 any of his or her official duties, or to prevent the

1 emergency management worker from performing official  
2 duties, or in retaliation for the emergency management  
3 worker performing official duties.

4 For the purpose of paragraph (14) of subsection (b) of this  
5 Section, a physically handicapped person is a person who  
6 suffers from a permanent and disabling physical  
7 characteristic, resulting from disease, injury, functional  
8 disorder or congenital condition.

9 (c) A person who administers to an individual or causes him  
10 to take, without his consent or by threat or deception, and for  
11 other than medical purposes, any intoxicating, poisonous,  
12 stupefying, narcotic, anesthetic, or controlled substance  
13 commits aggravated battery.

14 (d) A person who knowingly gives to another person any food  
15 that contains any substance or object that is intended to cause  
16 physical injury if eaten, commits aggravated battery.

17 (d-3) A person commits aggravated battery when he or she  
18 knowingly and without lawful justification shines or flashes a  
19 laser gunsight or other laser device that is attached or  
20 affixed to a firearm, or used in concert with a firearm, so  
21 that the laser beam strikes upon or against the person of  
22 another.

23 (d-5) An inmate of a penal institution or a sexually  
24 dangerous person or a sexually violent person in the custody of  
25 the Department of Human Services who causes or attempts to  
26 cause a correctional employee of the penal institution or an

1 employee of the Department of Human Services to come into  
2 contact with blood, seminal fluid, urine, or feces, by  
3 throwing, tossing, or expelling that fluid or material commits  
4 aggravated battery. For purposes of this subsection (d-5),  
5 "correctional employee" means a person who is employed by a  
6 penal institution.

7 (e) Sentence.

8 (1) Except as otherwise provided in paragraphs (2) and  
9 (3), aggravated battery is a Class 3 felony.

10 (2) Aggravated battery that does not cause great bodily  
11 harm or permanent disability or disfigurement is a Class 2  
12 felony when the person knows the individual harmed to be a  
13 peace officer, a community policing volunteer, a  
14 correctional institution employee, an employee of the  
15 Department of Human Services supervising or controlling  
16 sexually dangerous persons or sexually violent persons, or  
17 a fireman while such officer, volunteer, employee, or  
18 fireman is engaged in the execution of any official duties  
19 including arrest or attempted arrest, or to prevent the  
20 officer, volunteer, employee, or fireman from performing  
21 official duties, or in retaliation for the officer,  
22 volunteer, employee, or fireman performing official  
23 duties, and the battery is committed other than by the  
24 discharge of a firearm.

25 (3) Aggravated battery that causes great bodily harm or  
26 permanent disability or disfigurement in violation of

1 subsection (a) is a Class 1 felony when the person knows  
2 the individual harmed to be a peace officer, a community  
3 policing volunteer, a correctional institution employee,  
4 an employee of the Department of Human Services supervising  
5 or controlling sexually dangerous persons or sexually  
6 violent persons, or a fireman while such officer,  
7 volunteer, employee, or fireman is engaged in the execution  
8 of any official duties including arrest or attempted  
9 arrest, or to prevent the officer, volunteer, employee, or  
10 fireman from performing official duties, or in retaliation  
11 for the officer, volunteer, employee, or fireman  
12 performing official duties, and the battery is committed  
13 other than by the discharge of a firearm.

14 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,  
15 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;  
16 94-482, eff. 1-1-06; revised 8-19-05.)

17 (720 ILCS 5/12-4.10)

18 Sec. 12-4.10. (Repealed).

19 (Source: P.A. 93-340, eff. 7-24-03. Repealed by P.A. 94-556,  
20 eff. 9-11-05.)

21 (720 ILCS 5/12-4.12)

22 Sec. 12-4.12 ~~12-4.10~~. (Repealed).

23 (Source: P.A. 93-111, eff. 7-8-03. Repealed by P.A. 94-556,  
24 eff. 9-11-05; revised 9-22-05.)



1 (720 ILCS 5/12-20.5)

2 Sec. 12-20.5. Dismembering a human body.

3 (a) A person commits the offense of dismembering a human  
4 body when he or she knowingly dismembers, severs, separates,  
5 dissects, or mutilates any body part of a deceased's body.

6 (b) This Section does not apply to:

7 (1) an anatomical gift made in accordance with the  
8 Illinois ~~Uniform~~ Anatomical Gift Act;

9 (2) the removal and use of a human cornea in accordance  
10 with the Illinois Anatomical Gift ~~Corneal Transplant~~ Act;

11 (3) the purchase or sale of drugs, reagents, or other  
12 substances made from human body parts, for the use in  
13 medical or scientific research, treatment, or diagnosis;

14 (4) persons employed by a county medical examiner's  
15 office or coroner's office acting within the scope of their  
16 employment while performing an autopsy;

17 (5) the acts of a licensed funeral director or embalmer  
18 while performing acts authorized by the Funeral Directors  
19 and Embalmers Licensing Code;

20 (6) the acts of emergency medical personnel or  
21 physicians performed in good faith and according to the  
22 usual and customary standards of medical practice in an  
23 attempt to resuscitate a life; or

24 (7) physicians licensed to practice medicine in all of  
25 its branches or holding a visiting professor, physician, or

1 resident permit under the Medical Practice Act of 1987,  
2 performing acts in accordance with usual and customary  
3 standards of medical practice, or a currently enrolled  
4 student in an accredited medical school in furtherance of  
5 his or her education at the accredited medical school.

6 (c) It is not a defense to a violation of this Section that  
7 the decedent died due to natural, accidental, or suicidal  
8 causes.

9 (d) Sentence. Dismembering a human body is a Class X  
10 felony.

11 (Source: P.A. 93-339, eff. 7-24-03; revised 11-15-04.)

12 (720 ILCS 5/16G-15)

13 Sec. 16G-15. Identity theft.

14 (a) A person commits the offense of identity theft when he  
15 or she knowingly:

16 (1) uses any personal identifying information or  
17 personal identification document of another person to  
18 fraudulently obtain credit, money, goods, services, or  
19 other property, or

20 (2) uses any personal identification information or  
21 personal identification document of another with intent to  
22 commit any felony theft or other felony violation of State  
23 law not set forth in paragraph (1) of this subsection (a),  
24 or

25 (3) obtains, records, possesses, sells, transfers,

1 purchases, or manufactures any personal identification  
2 information or personal identification document of another  
3 with intent to commit or to aid or abet another in  
4 committing any felony theft or other felony violation of  
5 State law, or

6 (4) uses, obtains, records, possesses, sells,  
7 transfers, purchases, or manufactures any personal  
8 identification information or personal identification  
9 document of another knowing that such personal  
10 identification information or personal identification  
11 documents were stolen or produced without lawful  
12 authority, or

13 (5) uses, transfers, or possesses document-making  
14 implements to produce false identification or false  
15 documents with knowledge that they will be used by the  
16 person or another to commit any felony theft or other  
17 felony violation of State law, or

18 (6) uses any personal identification information or  
19 personal identification document of another to portray  
20 himself or herself as that person, or otherwise, for the  
21 purpose of gaining access to any personal identification  
22 information or personal identification document of that  
23 person, without the prior express permission of that  
24 person, or

25 (7) uses any personal identification information or  
26 personal identification document of another for the

1 purpose of gaining access to any record of the actions  
2 taken, communications made or received, or other  
3 activities or transactions of that person, without the  
4 prior express permission of that person.

5 (b) Knowledge shall be determined by an evaluation of all  
6 circumstances surrounding the use of the other person's  
7 identifying information or document.

8 (c) When a charge of identity theft of credit, money,  
9 goods, services, or other property exceeding a specified value  
10 is brought the value of the credit, money, goods, services, or  
11 other property is an element of the offense to be resolved by  
12 the trier of fact as either exceeding or not exceeding the  
13 specified value.

14 (d) Sentence.

15 (1) A person convicted of identity theft in violation  
16 of paragraph (1) of subsection (a) shall be sentenced as  
17 follows:

18 (A) identity theft of credit, money, goods,  
19 services, or other property not exceeding \$300 in value  
20 is a Class 4 felony. A person who has been previously  
21 convicted of identity theft of less than \$300 who is  
22 convicted of a second or subsequent offense of identity  
23 theft of less than \$300 is guilty of a Class 3 felony.  
24 A person who has been convicted of identity theft of  
25 less than \$300 who has been previously convicted of any  
26 type of theft, robbery, armed robbery, burglary,

1 residential burglary, possession of burglary tools,  
2 home invasion, home repair fraud, aggravated home  
3 repair fraud, or financial exploitation of an elderly  
4 or disabled person is guilty of a Class 3 felony. When  
5 a person has any such prior conviction, the information  
6 or indictment charging that person shall state the  
7 prior conviction so as to give notice of the State's  
8 intention to treat the charge as a Class 3 felony. The  
9 fact of the prior conviction is not an element of the  
10 offense and may not be disclosed to the jury during  
11 trial unless otherwise permitted by issues properly  
12 raised during the trial.

13 (B) Identity theft of credit, money, goods,  
14 services, or other property exceeding \$300 and not  
15 exceeding \$2,000 in value is a Class 3 felony.

16 (C) Identity theft of credit, money, goods,  
17 services, or other property exceeding \$2,000 and not  
18 exceeding \$10,000 in value is a Class 2 felony.

19 (D) Identity theft of credit, money, goods,  
20 services, or other property exceeding \$10,000 and not  
21 exceeding \$100,000 in value is a Class 1 felony.

22 (E) Identity theft of credit, money, goods,  
23 services, or other property exceeding \$100,000 in  
24 value is a Class X felony.

25 (2) A person convicted of any offense enumerated in  
26 paragraphs (2) through (7) of subsection (a) is guilty of a

1 Class 3 felony.

2 (3) A person convicted of any offense enumerated in  
3 paragraphs (2) through (5) of subsection (a) a second or  
4 subsequent time is guilty of a Class 2 felony.

5 (4) A person who, within a 12 month period, is found in  
6 violation of any offense enumerated in paragraphs (2)  
7 through (7) of subsection (a) with respect to the  
8 identifiers of, or other information relating to, 3 or more  
9 separate individuals, at the same time or consecutively, is  
10 guilty of a Class 2 felony.

11 (5) A person convicted of identity theft in violation  
12 of paragraph (2) of subsection (a) who uses any personal  
13 identification information or personal identification  
14 document of another to purchase methamphetamine  
15 manufacturing material as defined in Section 10 of the  
16 Methamphetamine Control and Community Protection Act with  
17 the intent to unlawfully manufacture methamphetamine is  
18 guilty of a Class 2 felony for a first offense and a Class  
19 1 felony for a second or subsequent offense.

20 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05;  
21 94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)

22 (720 ILCS 5/16G-21)

23 Sec. 16G-21. Civil remedies. A person who is convicted of  
24 facilitating identity theft, identity theft, or aggravated  
25 identity theft is liable in a civil action to the person who

1 suffered damages as a result of the violation. The person  
2 suffering damages may recover court costs, attorney's fees,  
3 lost wages, and actual damages. Where a person has been  
4 convicted of identity theft in violation of subsection (a)(6)  
5 or subsection (a)(7) of Section 16G-15, in the absence of proof  
6 of actual damages, the person whose personal identification  
7 information or personal identification documents were used in  
8 the violation in question may recover damages of \$2,000.

9 (Source: P.A. 93-401, eff. 7-31-03; 94-969, eff. 1-1-07;  
10 94-1008, eff. 7-5-06; revised 8-3-06.)

11 (720 ILCS 5/Art. 16J heading)

12 ARTICLE 16J. ONLINE PROPERTY OFFENSES

13 (Source: P.A. 94-179, eff. 7-12-05.)

14 (720 ILCS 5/16J-5)

15 Sec. 16J-5. Definitions. In this Article:

16 "Access" means to use, instruct, communicate with, store  
17 data in, retrieve or intercept data from, or otherwise utilize  
18 any services of a computer.

19 "Computer" means a device that accepts, processes, stores,  
20 retrieves or outputs data, and includes but is not limited to  
21 auxiliary storage and telecommunications devices connected to  
22 computers.

23 "Internet" means an interactive computer service or system  
24 or an information service, system, or access software provider

1 that provides or enables computer access by multiple users to a  
2 computer server, and includes, but is not limited to, an  
3 information service, system, or access software provider that  
4 provides access to a network system commonly known as the  
5 Internet, or any comparable system or service and also  
6 includes, but is not limited to, a World Wide Web page,  
7 newsgroup, message board, mailing list, or chat area on any  
8 interactive computer service or system or other online service.

9 "Online" means the use of any electronic or wireless device  
10 to access the Internet.

11 (Source: P.A. 94-179, eff. 7-12-05.)

12 (720 ILCS 5/16J-10)

13 Sec. 16J-10. Online sale of stolen property. A person  
14 commits the offense of online sale of stolen property when he  
15 or she uses or accesses the Internet with the intent of selling  
16 property gained through unlawful means.

17 (Source: P.A. 94-179, eff. 7-12-05.)

18 (720 ILCS 5/16J-15)

19 Sec. 16J-15. Online theft by deception. A person commits  
20 the offense of online theft by deception when he or she uses  
21 the Internet to purchase or attempt to purchase property from a  
22 seller with a mode of payment that he or she knows is  
23 fictitious, stolen, or lacking the consent of the valid account  
24 holder.



1 (Source: P.A. 94-179, eff. 7-12-05.)

2 (720 ILCS 5/16J-25)

3 Sec. 16J-25. Sentence. A violation of this Article is a  
4 Class 4 felony if the full retail value of the stolen property  
5 or property obtained by deception does not exceed \$150. A  
6 violation of this Article is a Class 2 felony if the full  
7 retail value of the stolen property or property obtained by  
8 deception exceeds \$150.

9 (Source: P.A. 94-179, eff. 7-12-05.)

10 (720 ILCS 5/Art. 16K heading)

11 ARTICLE 16K ~~16J~~. THEFT OF MOTOR FUEL

12 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

13 (720 ILCS 5/16K-5)

14 Sec. 16K-5 ~~16J-5~~. Legislative declaration. It is the public  
15 policy of this State that the substantial burden placed upon  
16 the economy of this State resulting from the rising incidence  
17 of theft of motor fuel is a matter of grave concern to the  
18 people of this State who have a right to be protected in their  
19 health, safety and welfare from the effects of this crime.

20 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

21 (720 ILCS 5/16K-10)

22 Sec. 16K-10 ~~16J-10~~. Definitions. For the purposes of this

1 Article:

2 "Motor fuel" means a liquid, regardless of its properties,  
3 used to propel a vehicle, including gasoline and diesel.

4 "Retailer" means a person, business, or establishment that  
5 sells motor fuel at retail.

6 "Vehicle" means a motor vehicle, motorcycle, or farm  
7 implement that is self-propelled and that uses motor fuel for  
8 propulsion.

9 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

10 (720 ILCS 5/16K-15)

11 Sec. 16K-15 ~~16J-15~~. Offense of theft of motor fuel. A  
12 person commits the offense of theft of motor fuel when he or  
13 she knowingly dispenses motor fuel into a storage container or  
14 the fuel tank of a motor vehicle at an establishment in which  
15 motor fuel is offered for retail sale and leaves the premises  
16 of the establishment without making payment or the authorized  
17 charge for the motor fuel with the intention of depriving the  
18 establishment in which the motor fuel is offered for retail  
19 sale of the possession, use, or benefit of that motor fuel  
20 without paying the full retail value of the motor fuel.

21 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

22 (720 ILCS 5/16K-25)

23 Sec. 16K-25 ~~16J-25~~. Civil liability. A person who commits  
24 the offense of theft of motor fuel as described in Section

1 16K-15 ~~16J-15~~ is civilly liable to the retailer as prescribed  
2 in Section 16A-7.

3 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

4 (720 ILCS 5/16K-30)

5 Sec. 16K-30 ~~16J-30~~. Sentence.

6 (a) Theft of motor fuel, the full retail value of which  
7 does not exceed \$150, is a Class A misdemeanor.

8 (b) A person who has been convicted of theft of motor fuel,  
9 the full retail value of which does not exceed \$150, and who  
10 has been previously convicted of any type of theft, robbery,  
11 armed robbery, burglary, residential burglary, possession of  
12 burglary tools or home invasion is guilty of a Class 4 felony.  
13 When a person has any such prior conviction, the information or  
14 indictment charging that person shall state such prior  
15 conviction so as to give notice of the State's intention to  
16 treat the charge as a felony. The fact of such prior conviction  
17 is not an element of the offense and may not be disclosed to  
18 the jury during trial unless otherwise permitted by issues  
19 properly raised during such trial.

20 (c) Any theft of motor fuel, the full retail value of which  
21 exceeds \$150, is a Class 3 felony. When a charge of theft of  
22 motor fuel, the full value of which exceeds \$150, is brought,  
23 the value of the motor fuel involved is an element of the  
24 offense to be resolved by the trier of fact as either exceeding  
25 or not exceeding \$150.

1 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

2 (720 ILCS 5/16K-35)

3 Sec. 16K-35 ~~16J-35~~. Continuation of prior law. The  
4 provisions of this Article insofar as they are the same or  
5 substantially the same as those of Article 16 of this Code  
6 shall be construed as a continuation of that Article 16 and not  
7 as a new enactment.

8 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

9 (720 ILCS 5/16K-40)

10 Sec. 16K-40 ~~16J-40~~. Severability. The provisions of this  
11 Article are severable under Section 1.31 of the Statute on  
12 Statutes.

13 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

14 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

15 Sec. 17-2. False personation; use of title; solicitation;  
16 certain entities.

17 (a) A person commits a false personation when he or she  
18 falsely represents himself or herself to be a member or  
19 representative of any veterans' or public safety personnel  
20 organization or a representative of any charitable  
21 organization, or when any person exhibits or uses in any manner  
22 any decal, badge or insignia of any charitable, public safety  
23 personnel, or veterans' organization when not authorized to do

1 so by the charitable, public safety personnel, or veterans'  
2 organization. "Public safety personnel organization" has the  
3 meaning ascribed to that term in Section 1 of the Solicitation  
4 for Charity Act.

5 (a-5) A person commits a false personation when he or she  
6 falsely represents himself or herself to be a veteran in  
7 seeking employment or public office. In this subsection,  
8 "veteran" means a person who has served in the Armed Services  
9 or Reserved Forces of the United States.

10 (a-6) A person commits a false personation when he or she  
11 falsely represents himself or herself to be a recipient of, or  
12 wears on his or her person, any of the following medals if that  
13 medal was not awarded to that person by the United States  
14 government, irrespective of branch of service: the  
15 Congressional Medal of Honor, the Distinguished Service Cross,  
16 the Navy Cross, the Air Force Cross, the Silver Star, the  
17 Bronze Star, or the Purple Heart.

18 It is a defense to a prosecution under this subsection  
19 (a-6) that the medal is used, or is intended to be used,  
20 exclusively:

21 (1) for a dramatic presentation, such as a theatrical,  
22 film, or television production, or a historical  
23 re-enactment; or

24 (2) for a costume worn, or intended to be worn, by a  
25 person under 18 years of age.

26 (b) No person shall use the words "Chicago Police,"

1 "Chicago Police Department," "Chicago Patrolman," "Chicago  
2 Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or  
3 any other words to the same effect in the title of any  
4 organization, magazine, or other publication without the  
5 express approval of the Chicago Police Board.

6 (b-5) No person shall use the words "Cook County Sheriff's  
7 Police" or "Cook County Sheriff" or any other words to the same  
8 effect in the title of any organization, magazine, or other  
9 publication without the express approval of the office of the  
10 Cook County Sheriff's Merit Board. The references to names and  
11 titles in this Section may not be construed as authorizing use  
12 of the names and titles of other organizations or public safety  
13 personnel organizations otherwise prohibited by this Section  
14 or the Solicitation for Charity Act.

15 (b-10) No person may use, in the title of any organization,  
16 magazine, or other publication, the words "officer", "peace  
17 officer", "police", "law enforcement", "trooper", "sheriff",  
18 "deputy", "deputy sheriff", or "state police" in combination  
19 with the name of any state, state agency, public university, or  
20 unit of local government without the express written  
21 authorization of that state, state agency, or unit of local  
22 government.

23 (c) (Blank).

24 (c-1) No person may claim or represent that he or she is  
25 acting on behalf of any police department, chief of a police  
26 department, fire department, chief of a fire department,

1 sheriff's department, or sheriff when soliciting financial  
2 contributions or selling or delivering or offering to sell or  
3 deliver any merchandise, goods, services, memberships, or  
4 advertisements unless the chief of the police department, fire  
5 department, and the corporate or municipal authority thereof,  
6 or the sheriff has first entered into a written agreement with  
7 the person or with an organization with which the person is  
8 affiliated and the agreement permits the activity.

9 (c-2) No person, when soliciting financial contributions  
10 or selling or delivering or offering to sell or deliver any  
11 merchandise, goods, services, memberships, or advertisements  
12 may claim or represent that he or she is representing or acting  
13 on behalf of any nongovernmental organization by any name which  
14 includes "officer", "peace officer", "police", "law  
15 enforcement", "trooper", "sheriff", "deputy", "deputy  
16 sheriff", "State police", or any other word or words which  
17 would reasonably be understood to imply that the organization  
18 is composed of law enforcement personnel unless the person is  
19 actually representing or acting on behalf of the  
20 nongovernmental organization, and the nongovernmental  
21 organization is controlled by and governed by a membership of  
22 and represents a group or association of active duty peace  
23 officers, retired peace officers, or injured peace officers and  
24 before commencing the solicitation or the sale or the offers to  
25 sell any merchandise, goods, services, memberships, or  
26 advertisements, a written contract between the soliciting or

1 selling person and the nongovernmental organization has been  
2 entered into.

3 (c-3) No person may solicit financial contributions or sell  
4 or deliver or offer to sell or deliver any merchandise, goods,  
5 services, memberships, or advertisements on behalf of a police,  
6 sheriff, or other law enforcement department unless that person  
7 is actually representing or acting on behalf of the department  
8 or governmental organization and has entered into a written  
9 contract with the police chief, or head of the law enforcement  
10 department, and the corporate or municipal authority thereof,  
11 or the sheriff, which specifies and states clearly and fully  
12 the purposes for which the proceeds of the solicitation,  
13 contribution, or sale will be used.

14 (c-4) No person, when soliciting financial contributions  
15 or selling or delivering or offering to sell or deliver any  
16 merchandise, goods, services, memberships, or advertisements,  
17 may claim or represent that he or she is representing or acting  
18 on behalf of any nongovernmental organization by any name which  
19 includes the term "fireman", "fire fighter", "paramedic", or  
20 any other word or words which would reasonably be understood to  
21 imply that the organization is composed of fire fighter or  
22 paramedic personnel unless the person is actually representing  
23 or acting on behalf of the nongovernmental organization, and  
24 the nongovernmental organization is controlled by and governed  
25 by a membership of and represents a group or association of  
26 active duty, retired, or injured fire fighters (for the



1 purposes of this Section, "fire fighter" has the meaning  
2 ascribed to that term in Section 2 of the Illinois Fire  
3 Protection Training Act) or active duty, retired, or injured  
4 emergency medical technicians - ambulance, emergency medical  
5 technicians - intermediate, emergency medical technicians -  
6 paramedic, ambulance drivers, or other medical assistance or  
7 first aid personnel, and before commencing the solicitation or  
8 the sale or delivery or the offers to sell or deliver any  
9 merchandise, goods, services, memberships, or advertisements,  
10 a written contract between the soliciting or selling person and  
11 the nongovernmental organization has been entered into.

12 (c-5) No person may solicit financial contributions or sell  
13 or deliver or offer to sell or deliver any merchandise, goods,  
14 services, memberships, or advertisements on behalf of a  
15 department or departments of fire fighters unless that person  
16 is actually representing or acting on behalf of the department  
17 or departments and has entered into a written contract with the  
18 department chief and corporate or municipal authority thereof  
19 which specifies and states clearly and fully the purposes for  
20 which the proceeds of the solicitation, contribution, or sale  
21 will be used.

22 (c-6) No person may claim or represent that he or she is an  
23 airman, airline employee, airport employee, or contractor at an  
24 airport in order to obtain the uniform, identification card,  
25 license, or other identification paraphernalia of an airman,  
26 airline employee, airport employee, or contractor at an

1 airport.

2 (d) Sentence. False personation, unapproved use of a name  
3 or title, or solicitation in violation of subsection (a), (b),  
4 (b-5), or (b-10) of this Section is a Class C misdemeanor.  
5 False personation in violation of subsections (a-5) and (c-6)  
6 is a Class A misdemeanor. False personation in violation of  
7 subsection (a-6) of this Section is a petty offense for which  
8 the offender shall be fined at least \$100 and not exceeding  
9 \$200. Engaging in any activity in violation of subsection  
10 (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class  
11 4 felony.

12 (Source: P.A. 94-548, eff. 8-11-05; 94-755, eff. 1-1-07;  
13 94-984, eff. 6-30-06; revised 8-3-06.)

14 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

15 Sec. 21-3. Criminal trespass to real property.

16 (a) Except as provided in subsection (a-5), whoever:

17 (1) knowingly and without lawful authority enters or  
18 remains within or on a building; or

19 (2) enters upon the land of another, after receiving,  
20 prior to such entry, notice from the owner or occupant that  
21 such entry is forbidden; or

22 (3) remains upon the land of another, after receiving  
23 notice from the owner or occupant to depart; or

24 (3.5) presents false documents or falsely represents  
25 his or her identity orally to the owner or occupant of a

1 building or land in order to obtain permission from the  
2 owner or occupant to enter or remain in the building or on  
3 the land;

4 commits a Class B misdemeanor.

5 For purposes of item (1) of this subsection, this Section  
6 shall not apply to being in a building which is open to the  
7 public while the building is open to the public during its  
8 normal hours of operation; nor shall this Section apply to a  
9 person who enters a public building under the reasonable belief  
10 that the building is still open to the public.

11 (a-5) Except as otherwise provided in this subsection,  
12 whoever enters upon any of the following areas in or on a motor  
13 vehicle (including an off-road vehicle, motorcycle, moped, or  
14 any other powered two-wheel vehicle) after receiving, prior to  
15 that entry, notice from the owner or occupant that the entry is  
16 forbidden or remains upon or in the area after receiving notice  
17 from the owner or occupant to depart commits a Class A  
18 misdemeanor:

19 (1) A field that is used for growing crops or that is  
20 capable of being used for growing crops.

21 (2) An enclosed area containing livestock.

22 (3) An orchard.

23 (4) A barn or other agricultural building containing  
24 livestock.

25 (b) A person has received notice from the owner or occupant  
26 within the meaning of Subsection (a) if he has been notified

1 personally, either orally or in writing including a valid court  
2 order as defined by subsection (7) of Section 112A-3 of the  
3 Code of Criminal Procedure of 1963 granting remedy (2) of  
4 subsection (b) of Section 112A-14 of that Code, or if a printed  
5 or written notice forbidding such entry has been conspicuously  
6 posted or exhibited at the main entrance to such land or the  
7 forbidden part thereof.

8 (c) This Section does not apply to any person, whether a  
9 migrant worker or otherwise, living on the land with permission  
10 of the owner or of his agent having apparent authority to hire  
11 workers on such land and assign them living quarters or a place  
12 of accommodations for living thereon, nor to anyone living on  
13 such land at the request of, or by occupancy, leasing or other  
14 agreement or arrangement with the owner or his agent, nor to  
15 anyone invited by such migrant worker or other person so living  
16 on such land to visit him at the place he is so living upon the  
17 land.

18 (d) A person shall be exempt from prosecution under this  
19 Section if he beautifies unoccupied and abandoned residential  
20 and industrial properties located within any municipality. For  
21 the purpose of this subsection, "unoccupied and abandoned  
22 residential and industrial property" means any real estate (1)  
23 in which the taxes have not been paid for a period of at least 2  
24 years; and (2) which has been left unoccupied and abandoned for  
25 a period of at least one year; and "beautifies" means to  
26 landscape, clean up litter, or to repair dilapidated conditions

1 on or to board up windows and doors.

2 (e) No person shall be liable in any civil action for money  
3 damages to the owner of unoccupied and abandoned residential  
4 and industrial property which that person beautifies pursuant  
5 to subsection (d) of this Section.

6 (f) This Section does not prohibit a person from entering a  
7 building or upon the land of another for emergency purposes.  
8 For purposes of this subsection (f), "emergency" means a  
9 condition or circumstance in which an individual is or is  
10 reasonably believed by the person to be in imminent danger of  
11 serious bodily harm or in which property is or is reasonably  
12 believed to be in imminent danger of damage or destruction.

13 (g) Paragraph (3.5) of subsection (a) does not apply to a  
14 peace officer or other official of a unit of government who  
15 enters a building or land in the performance of his or her  
16 official duties.

17 (h) ~~(g)~~ A person may be liable in any civil action for  
18 money damages to the owner of the land he or she entered upon  
19 with a motor vehicle as prohibited under subsection (a-5)  
20 ~~paragraph (4) of subsection (a)~~ of this Section. A person may  
21 also be liable to the owner for court costs and reasonable  
22 attorney's fees. The measure of damages shall be: (i) the  
23 actual damages, but not less than \$250, if the vehicle is  
24 operated in a nature preserve or registered area as defined in  
25 Sections 3.11 and 3.14 of the Illinois Natural Areas  
26 Preservation Act; (ii) twice the actual damages if the owner

1 has previously notified the person to cease trespassing; or  
2 (iii) in any other case, the actual damages, but not less than  
3 \$50. If the person operating the vehicle is under the age of  
4 16, the owner of the vehicle and the parent or legal guardian  
5 of the minor are jointly and severally liable. For the purposes  
6 of this subsection (h) ~~(g)~~:

7 "Land" includes, but is not limited to, land used for  
8 crop land, fallow land, orchard, pasture, feed lot, timber  
9 land, prairie land, mine spoil nature preserves and  
10 registered areas. "Land" does not include driveways or  
11 private roadways upon which the owner allows the public to  
12 drive.

13 "Owner" means the person who has the right to  
14 possession of the land, including the owner, operator or  
15 tenant.

16 "Vehicle" has the same meaning as provided under  
17 Section 1-217 of the Illinois Vehicle Code.

18 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,  
19 eff. 1-1-06; revised 8-19-05.)

20 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

21 Sec. 21-7. Criminal trespass to restricted areas and  
22 restricted landing areas at airports; aggravated criminal  
23 trespass to restricted areas and restricted landing areas at  
24 airports.

25 (a) Whoever enters upon, or remains in, any restricted area

1 or restricted landing area used in connection with an airport  
2 facility, or part thereof, in this State, after such person has  
3 received notice from the airport authority that such entry is  
4 forbidden commits a Class 4 felony.

5 (b) Whoever enters upon, or remains in, any restricted area  
6 or restricted landing area used in connection with an airport  
7 facility, or part thereof, in this State, while in possession  
8 of a weapon, replica of a weapon, or ammunition, after the  
9 person has received notice from the airport authority that the  
10 entry is forbidden commits a Class 3 felony.

11 (c) Notice that the area is "restricted" and entry thereto  
12 "forbidden", for purposes of this Section, means that the  
13 person or persons have been notified personally, either orally  
14 or in writing, or by a printed or written notice forbidding  
15 such entry to him or a group or an organization of which he is a  
16 member, which has been conspicuously posted or exhibited at  
17 every usable entrance to such area or the forbidden part  
18 thereof.

19 (d) ~~(b)~~ Whoever enters upon, or remains in, any restricted  
20 area or restricted landing area used in connection with an  
21 airport facility, or part thereof, in this State by presenting  
22 false documents or falsely representing his or her identity  
23 orally to the airport authority commits a Class A misdemeanor.

24 (e) ~~(b)~~ Whoever enters upon, or remains in, any restricted  
25 area or restricted landing area as prohibited in subsection (a)  
26 of this Section, while dressed in the uniform of, improperly

1 wearing the identification of, presenting false credentials  
2 of, or otherwise physically impersonating an airman, employee  
3 of an airline, employee of an airport, or contractor at an  
4 airport commits a Class 4 felony.

5 (f) ~~(e)~~ The terms "Restricted area" or "Restricted landing  
6 area" in this Section are defined to incorporate the meaning  
7 ascribed to those terms in Section 8 of the "Illinois  
8 Aeronautics Act", approved July 24, 1945, as amended, and also  
9 include any other area of the airport that has been designated  
10 such by the airport authority.

11 The terms "airman" and "airport" in this Section are  
12 defined to incorporate the meaning ascribed to those terms in  
13 Sections 6 and 12 of the Illinois Aeronautics Act.

14 (g) ~~(d)~~ Subsection (d) ~~(b)~~ does not apply to a peace  
15 officer or other official of a unit of government who enters a  
16 restricted area or a restricted landing area used in connection  
17 with an airport facility, or part thereof, in the performance  
18 of his or her official duties.

19 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,  
20 eff. 8-11-05; revised 10-5-05.)

21 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

22 Sec. 24-1. Unlawful Use of Weapons.

23 (a) A person commits the offense of unlawful use of weapons  
24 when he knowingly:

25 (1) Sells, manufactures, purchases, possesses or



1 carries any bludgeon, black-jack, slung-shot, sand-club,  
2 sand-bag, metal knuckles, throwing star, or any knife,  
3 commonly referred to as a switchblade knife, which has a  
4 blade that opens automatically by hand pressure applied to  
5 a button, spring or other device in the handle of the  
6 knife, or a ballistic knife, which is a device that propels  
7 a knifelike blade as a projectile by means of a coil  
8 spring, elastic material or compressed gas; or

9 (2) Carries or possesses with intent to use the same  
10 unlawfully against another, a dagger, dirk, billy,  
11 dangerous knife, razor, stiletto, broken bottle or other  
12 piece of glass, stun gun or taser or any other dangerous or  
13 deadly weapon or instrument of like character; or

14 (3) Carries on or about his person or in any vehicle, a  
15 tear gas gun projector or bomb or any object containing  
16 noxious liquid gas or substance, other than an object  
17 containing a non-lethal noxious liquid gas or substance  
18 designed solely for personal defense carried by a person 18  
19 years of age or older; or

20 (4) Carries or possesses in any vehicle or concealed on  
21 or about his person except when on his land or in his own  
22 abode or fixed place of business any pistol, revolver, stun  
23 gun or taser or other firearm, except that this subsection  
24 (a) (4) does not apply to or affect transportation of  
25 weapons that meet one of the following conditions:

26 (i) are broken down in a non-functioning state; or

1 (ii) are not immediately accessible; or

2 (iii) are unloaded and enclosed in a case, firearm  
3 carrying box, shipping box, or other container by a  
4 person who has been issued a currently valid Firearm  
5 Owner's Identification Card; or

6 (5) Sets a spring gun; or

7 (6) Possesses any device or attachment of any kind  
8 designed, used or intended for use in silencing the report  
9 of any firearm; or

10 (7) Sells, manufactures, purchases, possesses or  
11 carries:

12 (i) a machine gun, which shall be defined for the  
13 purposes of this subsection as any weapon, which  
14 shoots, is designed to shoot, or can be readily  
15 restored to shoot, automatically more than one shot  
16 without manually reloading by a single function of the  
17 trigger, including the frame or receiver of any such  
18 weapon, or sells, manufactures, purchases, possesses,  
19 or carries any combination of parts designed or  
20 intended for use in converting any weapon into a  
21 machine gun, or any combination or parts from which a  
22 machine gun can be assembled if such parts are in the  
23 possession or under the control of a person;

24 (ii) any rifle having one or more barrels less than  
25 16 inches in length or a shotgun having one or more  
26 barrels less than 18 inches in length or any weapon

1           made from a rifle or shotgun, whether by alteration,  
2           modification, or otherwise, if such a weapon as  
3           modified has an overall length of less than 26 inches;  
4           or

5           (iii) any bomb, bomb-shell, grenade, bottle or  
6           other container containing an explosive substance of  
7           over one-quarter ounce for like purposes, such as, but  
8           not limited to, black powder bombs and Molotov  
9           cocktails or artillery projectiles; or

10          (8) Carries or possesses any firearm, stun gun or taser  
11          or other deadly weapon in any place which is licensed to  
12          sell intoxicating beverages, or at any public gathering  
13          held pursuant to a license issued by any governmental body  
14          or any public gathering at which an admission is charged,  
15          excluding a place where a showing, demonstration or lecture  
16          involving the exhibition of unloaded firearms is  
17          conducted.

18          This subsection (a) (8) does not apply to any auction or  
19          raffle of a firearm held pursuant to a license or permit  
20          issued by a governmental body, nor does it apply to persons  
21          engaged in firearm safety training courses; or

22          (9) Carries or possesses in a vehicle or on or about  
23          his person any pistol, revolver, stun gun or taser or  
24          firearm or ballistic knife, when he is hooded, robed or  
25          masked in such manner as to conceal his identity; or

26          (10) Carries or possesses on or about his person, upon

1 any public street, alley, or other public lands within the  
2 corporate limits of a city, village or incorporated town,  
3 except when an invitee thereon or therein, for the purpose  
4 of the display of such weapon or the lawful commerce in  
5 weapons, or except when on his land or in his own abode or  
6 fixed place of business, any pistol, revolver, stun gun or  
7 taser or other firearm, except that this subsection (a)  
8 (10) does not apply to or affect transportation of weapons  
9 that meet one of the following conditions:

10 (i) are broken down in a non-functioning state; or

11 (ii) are not immediately accessible; or

12 (iii) are unloaded and enclosed in a case, firearm  
13 carrying box, shipping box, or other container by a  
14 person who has been issued a currently valid Firearm  
15 Owner's Identification Card.

16 A "stun gun or taser", as used in this paragraph (a)  
17 means (i) any device which is powered by electrical  
18 charging units, such as, batteries, and which fires one or  
19 several barbs attached to a length of wire and which, upon  
20 hitting a human, can send out a current capable of  
21 disrupting the person's nervous system in such a manner as  
22 to render him incapable of normal functioning or (ii) any  
23 device which is powered by electrical charging units, such  
24 as batteries, and which, upon contact with a human or  
25 clothing worn by a human, can send out current capable of  
26 disrupting the person's nervous system in such a manner as

1 to render him incapable of normal functioning; or

2 (11) Sells, manufactures or purchases any explosive  
3 bullet. For purposes of this paragraph (a) "explosive  
4 bullet" means the projectile portion of an ammunition  
5 cartridge which contains or carries an explosive charge  
6 which will explode upon contact with the flesh of a human  
7 or an animal. "Cartridge" means a tubular metal case having  
8 a projectile affixed at the front thereof and a cap or  
9 primer at the rear end thereof, with the propellant  
10 contained in such tube between the projectile and the cap;  
11 or

12 (12) (Blank).

13 (b) Sentence. A person convicted of a violation of  
14 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or  
15 subsection 24-1(a)(11) commits a Class A misdemeanor. A person  
16 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)  
17 commits a Class 4 felony; a person convicted of a violation of  
18 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a  
19 Class 3 felony. A person convicted of a violation of subsection  
20 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced  
21 to a term of imprisonment of not less than 3 years and not more  
22 than 7 years, unless the weapon is possessed in the passenger  
23 compartment of a motor vehicle as defined in Section 1-146 of  
24 the Illinois Vehicle Code, or on the person, while the weapon  
25 is loaded, in which case it shall be a Class X felony. A person  
26 convicted of a second or subsequent violation of subsection

1 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
2 Class 3 felony. The possession of each weapon in violation of  
3 this Section constitutes a single and separate violation.

4 (c) Violations in specific places.

5 (1) A person who violates subsection 24-1(a)(6) or  
6 24-1(a)(7) in any school, regardless of the time of day or  
7 the time of year, in residential property owned, operated  
8 or managed by a public housing agency or leased by a public  
9 housing agency as part of a scattered site or mixed-income  
10 development, in a public park, in a courthouse, on the real  
11 property comprising any school, regardless of the time of  
12 day or the time of year, on residential property owned,  
13 operated or managed by a public housing agency or leased by  
14 a public housing agency as part of a scattered site or  
15 mixed-income development, on the real property comprising  
16 any public park, on the real property comprising any  
17 courthouse, in any conveyance owned, leased or contracted  
18 by a school to transport students to or from school or a  
19 school related activity, or on any public way within 1,000  
20 feet of the real property comprising any school, public  
21 park, courthouse, or residential property owned, operated,  
22 or managed by a public housing agency or leased by a public  
23 housing agency as part of a scattered site or mixed-income  
24 development commits a Class 2 felony and shall be sentenced  
25 to a term of imprisonment of not less than 3 years and not  
26 more than 7 years.

1           (1.5) A person who violates subsection 24-1(a)(4),  
2           24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
3           time of day or the time of year, in residential property  
4           owned, operated, or managed by a public housing agency or  
5           leased by a public housing agency as part of a scattered  
6           site or mixed-income development, in a public park, in a  
7           courthouse, on the real property comprising any school,  
8           regardless of the time of day or the time of year, on  
9           residential property owned, operated, or managed by a  
10          public housing agency or leased by a public housing agency  
11          as part of a scattered site or mixed-income development, on  
12          the real property comprising any public park, on the real  
13          property comprising any courthouse, in any conveyance  
14          owned, leased, or contracted by a school to transport  
15          students to or from school or a school related activity, or  
16          on any public way within 1,000 feet of the real property  
17          comprising any school, public park, courthouse, or  
18          residential property owned, operated, or managed by a  
19          public housing agency or leased by a public housing agency  
20          as part of a scattered site or mixed-income development  
21          commits a Class 3 felony.

22          (2) A person who violates subsection 24-1(a)(1),  
23          24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
24          time of day or the time of year, in residential property  
25          owned, operated or managed by a public housing agency or  
26          leased by a public housing agency as part of a scattered

1 site or mixed-income development, in a public park, in a  
2 courthouse, on the real property comprising any school,  
3 regardless of the time of day or the time of year, on  
4 residential property owned, operated or managed by a public  
5 housing agency or leased by a public housing agency as part  
6 of a scattered site or mixed-income development, on the  
7 real property comprising any public park, on the real  
8 property comprising any courthouse, in any conveyance  
9 owned, leased or contracted by a school to transport  
10 students to or from school or a school related activity, or  
11 on any public way within 1,000 feet of the real property  
12 comprising any school, public park, courthouse, or  
13 residential property owned, operated, or managed by a  
14 public housing agency or leased by a public housing agency  
15 as part of a scattered site or mixed-income development  
16 commits a Class 4 felony. "Courthouse" means any building  
17 that is used by the Circuit, Appellate, or Supreme Court of  
18 this State for the conduct of official business.

19 (3) Paragraphs (1), (1.5), and (2) of this subsection  
20 (c) shall not apply to law enforcement officers or security  
21 officers of such school, college, or university or to  
22 students carrying or possessing firearms for use in  
23 training courses, parades, hunting, target shooting on  
24 school ranges, or otherwise with the consent of school  
25 authorities and which firearms are transported unloaded  
26 enclosed in a suitable case, box, or transportation



1 package.

2 (4) For the purposes of this subsection (c), "school"  
3 means any public or private elementary or secondary school,  
4 community college, college, or university.

5 (d) The presence in an automobile other than a public  
6 omnibus of any weapon, instrument or substance referred to in  
7 subsection (a)(7) is prima facie evidence that it is in the  
8 possession of, and is being carried by, all persons occupying  
9 such automobile at the time such weapon, instrument or  
10 substance is found, except under the following circumstances:

11 (i) if such weapon, instrument or instrumentality is found upon  
12 the person of one of the occupants therein; or (ii) if such  
13 weapon, instrument or substance is found in an automobile  
14 operated for hire by a duly licensed driver in the due, lawful  
15 and proper pursuit of his trade, then such presumption shall  
16 not apply to the driver.

17 (e) Exemptions. Crossbows, Common or Compound bows and  
18 Underwater Spearguns are exempted from the definition of  
19 ballistic knife as defined in paragraph (1) of subsection (a)  
20 of this Section.

21 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised  
22 8-19-05.)

23 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

24 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
25 Felons or Persons in the Custody of the Department of

1 Corrections Facilities.

2 (a) It is unlawful for a person to knowingly possess on or  
3 about his person or on his land or in his own abode or fixed  
4 place of business any weapon prohibited under Section 24-1 of  
5 this Act or any firearm or any firearm ammunition if the person  
6 has been convicted of a felony under the laws of this State or  
7 any other jurisdiction. This Section shall not apply if the  
8 person has been granted relief by the Director of the  
9 Department of State Police under Section 10 of the Firearm  
10 Owners Identification Card Act.

11 (b) It is unlawful for any person confined in a penal  
12 institution, which is a facility of the Illinois Department of  
13 Corrections, to possess any weapon prohibited under Section  
14 24-1 of this Code or any firearm or firearm ammunition,  
15 regardless of the intent with which he possesses it.

16 (c) It shall be an affirmative defense to a violation of  
17 subsection (b), that such possession was specifically  
18 authorized by rule, regulation, or directive of the Illinois  
19 Department of Corrections or order issued pursuant thereto.

20 (d) The defense of necessity is not available to a person  
21 who is charged with a violation of subsection (b) of this  
22 Section.

23 (e) Sentence. Violation of this Section by a person not  
24 confined in a penal institution shall be a Class 3 felony for  
25 which the person, if sentenced to a term of imprisonment, shall  
26 be sentenced to no less than 2 years and no more than 10 years

1 and any second or subsequent violation shall be a Class 2  
2 felony for which the person shall be sentenced to a term of  
3 imprisonment of not less than 3 years and not more than 14  
4 years. Violation of this Section by a person not confined in a  
5 penal institution who has been convicted of a forcible felony,  
6 a felony violation of Article 24 of this Code or of the Firearm  
7 Owners Identification Card Act, stalking or aggravated  
8 stalking, or a Class 2 or greater felony under the Illinois  
9 Controlled Substances Act, the Cannabis Control Act, or the  
10 Methamphetamine Control and Community Protection Act is a Class  
11 2 felony for which the person shall be sentenced to not less  
12 than 3 years and not more than 14 years. Violation of this  
13 Section by a person who is on parole or mandatory supervised  
14 release is a Class 2 felony for which the person, if sentenced  
15 to a term of imprisonment, shall be sentenced to not less than  
16 3 years and not more than 14 years. Violation of this Section  
17 by a person not confined in a penal institution is a Class X  
18 felony when the firearm possessed is a machine gun. Any person  
19 who violates this Section while confined in a penal  
20 institution, which is a facility of the Illinois Department of  
21 Corrections, is guilty of a Class 1 felony, if he possesses any  
22 weapon prohibited under Section 24-1 of this Code regardless of  
23 the intent with which he possesses it, a Class X felony if he  
24 possesses any firearm, firearm ammunition or explosive, and a  
25 Class X felony for which the offender shall be sentenced to not  
26 less than 12 years and not more than 50 years when the firearm

1 possessed is a machine gun. A violation of this Section while  
2 wearing or in possession of body armor as defined in Section  
3 33F-1 is a Class X felony punishable by a term of imprisonment  
4 of not less than 10 years and not more than 40 years. The  
5 possession of each firearm or firearm ammunition in violation  
6 of this Section constitutes a single and separate violation.

7 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,  
8 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

9 (720 ILCS 5/24-1.6)

10 Sec. 24-1.6. Aggravated unlawful use of a weapon.

11 (a) A person commits the offense of aggravated unlawful use  
12 of a weapon when he or she knowingly:

13 (1) Carries on or about his or her person or in any  
14 vehicle or concealed on or about his or her person except  
15 when on his or her land or in his or her abode or fixed  
16 place of business any pistol, revolver, stun gun or taser  
17 or other firearm; or

18 (2) Carries or possesses on or about his or her person,  
19 upon any public street, alley, or other public lands within  
20 the corporate limits of a city, village or incorporated  
21 town, except when an invitee thereon or therein, for the  
22 purpose of the display of such weapon or the lawful  
23 commerce in weapons, or except when on his or her own land  
24 or in his or her own abode or fixed place of business, any  
25 pistol, revolver, stun gun or taser or other firearm; and

1 (3) One of the following factors is present:

2 (A) the firearm possessed was uncased, loaded and  
3 immediately accessible at the time of the offense; or

4 (B) the firearm possessed was uncased, unloaded  
5 and the ammunition for the weapon was immediately  
6 accessible at the time of the offense; or

7 (C) the person possessing the firearm has not been  
8 issued a currently valid Firearm Owner's  
9 Identification Card; or

10 (D) the person possessing the weapon was  
11 previously adjudicated a delinquent minor under the  
12 Juvenile Court Act of 1987 for an act that if committed  
13 by an adult would be a felony; or

14 (E) the person possessing the weapon was engaged in  
15 a misdemeanor violation of the Cannabis Control Act, in  
16 a misdemeanor violation of the Illinois Controlled  
17 Substances Act, or in a misdemeanor violation of the  
18 Methamphetamine Control and Community Protection Act;  
19 or

20 (F) the person possessing the weapon is a member of  
21 a street gang or is engaged in street gang related  
22 activity, as defined in Section 10 of the Illinois  
23 Streetgang Terrorism Omnibus Prevention Act; or

24 (G) the person possessing the weapon had a order of  
25 protection issued against him or her within the  
26 previous 2 years; or

1 (H) the person possessing the weapon was engaged in  
2 the commission or attempted commission of a  
3 misdemeanor involving the use or threat of violence  
4 against the person or property of another; or

5 (I) the person possessing the weapon was under 21  
6 years of age and in possession of a handgun as defined  
7 in Section 24-3, unless the person under 21 is engaged  
8 in lawful activities under the Wildlife Code or  
9 described in subsection 24-2(b)(1), (b)(3), or  
10 24-2(f).

11 (b) "Stun gun or taser" as used in this Section has the  
12 same definition given to it in Section 24-1 of this Code.

13 (c) This Section does not apply to or affect the  
14 transportation or possession of weapons that:

15 (i) are broken down in a non-functioning state; or

16 (ii) are not immediately accessible; or

17 (iii) are unloaded and enclosed in a case, firearm  
18 carrying box, shipping box, or other container by a  
19 person who has been issued a currently valid Firearm  
20 Owner's Identification Card.

21 (d) Sentence. Aggravated unlawful use of a weapon is a  
22 Class 4 felony; a second or subsequent offense is a Class 2  
23 felony for which the person shall be sentenced to a term of  
24 imprisonment of not less than 3 years and not more than 7  
25 years. Aggravated unlawful use of a weapon by a person who has  
26 been previously convicted of a felony in this State or another

1 jurisdiction is a Class 2 felony for which the person shall be  
2 sentenced to a term of imprisonment of not less than 3 years  
3 and not more than 7 years. Aggravated unlawful use of a weapon  
4 while wearing or in possession of body armor as defined in  
5 Section 33F-1 by a person who has not been issued a valid  
6 Firearms Owner's Identification Card in accordance with  
7 Section 5 of the Firearm Owners Identification Card Act is a  
8 Class X felony. The possession of each firearm in violation of  
9 this Section constitutes a single and separate violation.

10 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,  
11 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

12 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

13 Sec. 24-2. Exemptions.

14 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and  
15 Section 24-1.6 do not apply to or affect any of the following:

16 (1) Peace officers, and any person summoned by a peace  
17 officer to assist in making arrests or preserving the  
18 peace, while actually engaged in assisting such officer.

19 (2) Wardens, superintendents and keepers of prisons,  
20 penitentiaries, jails and other institutions for the  
21 detention of persons accused or convicted of an offense,  
22 while in the performance of their official duty, or while  
23 commuting between their homes and places of employment.

24 (3) Members of the Armed Services or Reserve Forces of  
25 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance  
2 of their official duty.

3 (4) Special agents employed by a railroad or a public  
4 utility to perform police functions, and guards of armored  
5 car companies, while actually engaged in the performance of  
6 the duties of their employment or commuting between their  
7 homes and places of employment; and watchmen while actually  
8 engaged in the performance of the duties of their  
9 employment.

10 (5) Persons licensed as private security contractors,  
11 private detectives, or private alarm contractors, or  
12 employed by an agency certified by the Department of  
13 Professional Regulation, if their duties include the  
14 carrying of a weapon under the provisions of the Private  
15 Detective, Private Alarm, Private Security, and Locksmith  
16 Act of 2004, while actually engaged in the performance of  
17 the duties of their employment or commuting between their  
18 homes and places of employment, provided that such  
19 commuting is accomplished within one hour from departure  
20 from home or place of employment, as the case may be.  
21 Persons exempted under this subdivision (a)(5) shall be  
22 required to have completed a course of study in firearms  
23 handling and training approved and supervised by the  
24 Department of Professional Regulation as prescribed by  
25 Section 28 of the Private Detective, Private Alarm, Private  
26 Security, and Locksmith Act of 2004, prior to becoming



1 eligible for this exemption. The Department of  
2 Professional Regulation shall provide suitable  
3 documentation demonstrating the successful completion of  
4 the prescribed firearms training. Such documentation shall  
5 be carried at all times when such persons are in possession  
6 of a concealable weapon.

7 (6) Any person regularly employed in a commercial or  
8 industrial operation as a security guard for the protection  
9 of persons employed and private property related to such  
10 commercial or industrial operation, while actually engaged  
11 in the performance of his or her duty or traveling between  
12 sites or properties belonging to the employer, and who, as  
13 a security guard, is a member of a security force of at  
14 least 5 persons registered with the Department of  
15 Professional Regulation; provided that such security guard  
16 has successfully completed a course of study, approved by  
17 and supervised by the Department of Professional  
18 Regulation, consisting of not less than 40 hours of  
19 training that includes the theory of law enforcement,  
20 liability for acts, and the handling of weapons. A person  
21 shall be considered eligible for this exemption if he or  
22 she has completed the required 20 hours of training for a  
23 security officer and 20 hours of required firearm training,  
24 and has been issued a firearm authorization card by the  
25 Department of Professional Regulation. Conditions for the  
26 renewal of firearm authorization cards issued under the

1 provisions of this Section shall be the same as for those  
2 cards issued under the provisions of the Private Detective,  
3 Private Alarm, Private Security, and Locksmith Act of 2004.  
4 Such firearm authorization card shall be carried by the  
5 security guard at all times when he or she is in possession  
6 of a concealable weapon.

7 (7) Agents and investigators of the Illinois  
8 Legislative Investigating Commission authorized by the  
9 Commission to carry the weapons specified in subsections  
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution for the  
13 protection of other employees and property related to such  
14 financial institution, while actually engaged in the  
15 performance of their duties, commuting between their homes  
16 and places of employment, or traveling between sites or  
17 properties owned or operated by such financial  
18 institution, provided that any person so employed has  
19 successfully completed a course of study, approved by and  
20 supervised by the Department of Professional Regulation,  
21 consisting of not less than 40 hours of training which  
22 includes theory of law enforcement, liability for acts, and  
23 the handling of weapons. A person shall be considered to be  
24 eligible for this exemption if he or she has completed the  
25 required 20 hours of training for a security officer and 20  
26 hours of required firearm training, and has been issued a

1 firearm authorization card by the Department of  
2 Professional Regulation. Conditions for renewal of firearm  
3 authorization cards issued under the provisions of this  
4 Section shall be the same as for those issued under the  
5 provisions of the Private Detective, Private Alarm,  
6 Private Security, and Locksmith Act of 2004. Such firearm  
7 authorization card shall be carried by the person so  
8 trained at all times when such person is in possession of a  
9 concealable weapon. For purposes of this subsection,  
10 "financial institution" means a bank, savings and loan  
11 association, credit union or company providing armored car  
12 services.

13 (9) Any person employed by an armored car company to  
14 drive an armored car, while actually engaged in the  
15 performance of his duties.

16 (10) Persons who have been classified as peace officers  
17 pursuant to the Peace Officer Fire Investigation Act.

18 (11) Investigators of the Office of the State's  
19 Attorneys Appellate Prosecutor authorized by the board of  
20 governors of the Office of the State's Attorneys Appellate  
21 Prosecutor to carry weapons pursuant to Section 7.06 of the  
22 State's Attorneys Appellate Prosecutor's Act.

23 (12) Special investigators appointed by a State's  
24 Attorney under Section 3-9005 of the Counties Code.

25 (12.5) Probation officers while in the performance of  
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part of  
2 their assigned duties, with the consent of the chief judge  
3 of the circuit for which they are employed.

4 (13) Court Security Officers while in the performance  
5 of their official duties, or while commuting between their  
6 homes and places of employment, with the consent of the  
7 Sheriff.

8 (13.5) A person employed as an armed security guard at  
9 a nuclear energy, storage, weapons or development site or  
10 facility regulated by the Nuclear Regulatory Commission  
11 who has completed the background screening and training  
12 mandated by the rules and regulations of the Nuclear  
13 Regulatory Commission.

14 (14) Manufacture, transportation, or sale of weapons  
15 to persons authorized under subdivisions (1) through  
16 (13.5) of this subsection to possess those weapons.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 do not apply to or affect any of the following:

19 (1) Members of any club or organization organized for  
20 the purpose of practicing shooting at targets upon  
21 established target ranges, whether public or private, and  
22 patrons of such ranges, while such members or patrons are  
23 using their firearms on those target ranges.

24 (2) Duly authorized military or civil organizations  
25 while parading, with the special permission of the  
26 Governor.

1           (3) Hunters, trappers or fishermen with a license or  
2 permit while engaged in hunting, trapping or fishing.

3           (4) Transportation of weapons that are broken down in a  
4 non-functioning state or are not immediately accessible.

5           (c) Subsection 24-1(a)(7) does not apply to or affect any  
6 of the following:

7           (1) Peace officers while in performance of their  
8 official duties.

9           (2) Wardens, superintendents and keepers of prisons,  
10 penitentiaries, jails and other institutions for the  
11 detention of persons accused or convicted of an offense.

12           (3) Members of the Armed Services or Reserve Forces of  
13 the United States or the Illinois National Guard, while in  
14 the performance of their official duty.

15           (4) Manufacture, transportation, or sale of machine  
16 guns to persons authorized under subdivisions (1) through  
17 (3) of this subsection to possess machine guns, if the  
18 machine guns are broken down in a non-functioning state or  
19 are not immediately accessible.

20           (5) Persons licensed under federal law to manufacture  
21 any weapon from which 8 or more shots or bullets can be  
22 discharged by a single function of the firing device, or  
23 ammunition for such weapons, and actually engaged in the  
24 business of manufacturing such weapons or ammunition, but  
25 only with respect to activities which are within the lawful  
26 scope of such business, such as the manufacture,

1 transportation, or testing of such weapons or ammunition.  
2 This exemption does not authorize the general private  
3 possession of any weapon from which 8 or more shots or  
4 bullets can be discharged by a single function of the  
5 firing device, but only such possession and activities as  
6 are within the lawful scope of a licensed manufacturing  
7 business described in this paragraph.

8 During transportation, such weapons shall be broken  
9 down in a non-functioning state or not immediately  
10 accessible.

11 (6) The manufacture, transport, testing, delivery,  
12 transfer or sale, and all lawful commercial or experimental  
13 activities necessary thereto, of rifles, shotguns, and  
14 weapons made from rifles or shotguns, or ammunition for  
15 such rifles, shotguns or weapons, where engaged in by a  
16 person operating as a contractor or subcontractor pursuant  
17 to a contract or subcontract for the development and supply  
18 of such rifles, shotguns, weapons or ammunition to the  
19 United States government or any branch of the Armed Forces  
20 of the United States, when such activities are necessary  
21 and incident to fulfilling the terms of such contract.

22 The exemption granted under this subdivision (c)(6)  
23 shall also apply to any authorized agent of any such  
24 contractor or subcontractor who is operating within the  
25 scope of his employment, where such activities involving  
26 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 During transportation, any such weapon shall be broken  
3 down in a non-functioning state, or not immediately  
4 accessible.

5 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
6 possession or carrying of a black-jack or slung-shot by a peace  
7 officer.

8 (e) Subsection 24-1(a)(8) does not apply to any owner,  
9 manager or authorized employee of any place specified in that  
10 subsection nor to any law enforcement officer.

11 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
12 Section 24-1.6 do not apply to members of any club or  
13 organization organized for the purpose of practicing shooting  
14 at targets upon established target ranges, whether public or  
15 private, while using their firearms on those target ranges.

16 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
17 to:

18 (1) Members of the Armed Services or Reserve Forces of  
19 the United States or the Illinois National Guard, while in  
20 the performance of their official duty.

21 (2) Bonafide collectors of antique or surplus military  
22 ordinance.

23 (3) Laboratories having a department of forensic  
24 ballistics, or specializing in the development of  
25 ammunition or explosive ordinance.

26 (4) Commerce, preparation, assembly or possession of

1 explosive bullets by manufacturers of ammunition licensed  
2 by the federal government, in connection with the supply of  
3 those organizations and persons exempted by subdivision  
4 (g)(1) of this Section, or like organizations and persons  
5 outside this State, or the transportation of explosive  
6 bullets to any organization or person exempted in this  
7 Section by a common carrier or by a vehicle owned or leased  
8 by an exempted manufacturer.

9 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
10 persons licensed under federal law to manufacture any device or  
11 attachment of any kind designed, used, or intended for use in  
12 silencing the report of any firearm, firearms, or ammunition  
13 for those firearms equipped with those devices, and actually  
14 engaged in the business of manufacturing those devices,  
15 firearms, or ammunition, but only with respect to activities  
16 that are within the lawful scope of that business, such as the  
17 manufacture, transportation, or testing of those devices,  
18 firearms, or ammunition. This exemption does not authorize the  
19 general private possession of any device or attachment of any  
20 kind designed, used, or intended for use in silencing the  
21 report of any firearm, but only such possession and activities  
22 as are within the lawful scope of a licensed manufacturing  
23 business described in this subsection (g-5). During  
24 transportation, those devices shall be detached from any weapon  
25 or not immediately accessible.

26 (h) An information or indictment based upon a violation of



1 any subsection of this Article need not negative any exemptions  
2 contained in this Article. The defendant shall have the burden  
3 of proving such an exemption.

4 (i) Nothing in this Article shall prohibit, apply to, or  
5 affect the transportation, carrying, or possession, of any  
6 pistol or revolver, stun gun, taser, or other firearm consigned  
7 to a common carrier operating under license of the State of  
8 Illinois or the federal government, where such transportation,  
9 carrying, or possession is incident to the lawful  
10 transportation in which such common carrier is engaged; and  
11 nothing in this Article shall prohibit, apply to, or affect the  
12 transportation, carrying, or possession of any pistol,  
13 revolver, stun gun, taser, or other firearm, not the subject of  
14 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
15 this Article, which is unloaded and enclosed in a case, firearm  
16 carrying box, shipping box, or other container, by the  
17 possessor of a valid Firearm Owners Identification Card.

18 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,  
19 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

21 Sec. 24-3. Unlawful Sale of Firearms.

22 (A) A person commits the offense of unlawful sale of  
23 firearms when he or she knowingly does any of the following:

24 (a) Sells or gives any firearm of a size which may be  
25 concealed upon the person to any person under 18 years of

1 age.

2 (b) Sells or gives any firearm to a person under 21  
3 years of age who has been convicted of a misdemeanor other  
4 than a traffic offense or adjudged delinquent.

5 (c) Sells or gives any firearm to any narcotic addict.

6 (d) Sells or gives any firearm to any person who has  
7 been convicted of a felony under the laws of this or any  
8 other jurisdiction.

9 (e) Sells or gives any firearm to any person who has  
10 been a patient in a mental hospital within the past 5  
11 years.

12 (f) Sells or gives any firearms to any person who is  
13 mentally retarded.

14 (g) Delivers any firearm of a size which may be  
15 concealed upon the person, incidental to a sale, without  
16 withholding delivery of such firearm for at least 72 hours  
17 after application for its purchase has been made, or  
18 delivers any rifle, shotgun or other long gun, or a stun  
19 gun or taser, incidental to a sale, without withholding  
20 delivery of such rifle, shotgun or other long gun, or a  
21 stun gun or taser for at least 24 hours after application  
22 for its purchase has been made. However, this paragraph (g)  
23 does not apply to: (1) the sale of a firearm to a law  
24 enforcement officer if the seller of the firearm knows that  
25 the person to whom he or she is selling the firearm is a  
26 law enforcement officer or the sale of a firearm to a

1 person who desires to purchase a firearm for use in  
2 promoting the public interest incident to his or her  
3 employment as a bank guard, armed truck guard, or other  
4 similar employment; (2) a mail order sale of a firearm to a  
5 nonresident of Illinois under which the firearm is mailed  
6 to a point outside the boundaries of Illinois; (3) the sale  
7 of a firearm to a nonresident of Illinois while at a  
8 firearm showing or display recognized by the Illinois  
9 Department of State Police; or (4) the sale of a firearm to  
10 a dealer licensed as a federal firearms dealer under  
11 Section 923 of the federal Gun Control Act of 1968 (18  
12 U.S.C. 923). For purposes of this paragraph (g),  
13 "application" means when the buyer and seller reach an  
14 agreement to purchase a firearm.

15 (h) While holding any license as a dealer, importer,  
16 manufacturer or pawnbroker under the federal Gun Control  
17 Act of 1968, manufactures, sells or delivers to any  
18 unlicensed person a handgun having a barrel, slide, frame  
19 or receiver which is a die casting of zinc alloy or any  
20 other nonhomogeneous metal which will melt or deform at a  
21 temperature of less than 800 degrees Fahrenheit. For  
22 purposes of this paragraph, (1) "firearm" is defined as in  
23 the Firearm Owners Identification Card Act; and (2)  
24 "handgun" is defined as a firearm designed to be held and  
25 fired by the use of a single hand, and includes a  
26 combination of parts from which such a firearm can be

1 assembled.

2 (i) Sells or gives a firearm of any size to any person  
3 under 18 years of age who does not possess a valid Firearm  
4 Owner's Identification Card.

5 (j) Sells or gives a firearm while engaged in the  
6 business of selling firearms at wholesale or retail without  
7 being licensed as a federal firearms dealer under Section  
8 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
9 In this paragraph (j):

10 A person "engaged in the business" means a person who  
11 devotes time, attention, and labor to engaging in the  
12 activity as a regular course of trade or business with the  
13 principal objective of livelihood and profit, but does not  
14 include a person who makes occasional repairs of firearms  
15 or who occasionally fits special barrels, stocks, or  
16 trigger mechanisms to firearms.

17 "With the principal objective of livelihood and  
18 profit" means that the intent underlying the sale or  
19 disposition of firearms is predominantly one of obtaining  
20 livelihood and pecuniary gain, as opposed to other intents,  
21 such as improving or liquidating a personal firearms  
22 collection; however, proof of profit shall not be required  
23 as to a person who engages in the regular and repetitive  
24 purchase and disposition of firearms for criminal purposes  
25 or terrorism.

26 (k) Sells or transfers ownership of a firearm to a

1 person who does not display to the seller or transferor of  
2 the firearm a currently valid Firearm Owner's  
3 Identification Card that has previously been issued in the  
4 transferee's name by the Department of State Police under  
5 the provisions of the Firearm Owners Identification Card  
6 Act. This paragraph (k) does not apply to the transfer of a  
7 firearm to a person who is exempt from the requirement of  
8 possessing a Firearm Owner's Identification Card under  
9 Section 2 of the Firearm Owners Identification Card Act.  
10 For the purposes of this Section, a currently valid Firearm  
11 Owner's Identification Card means (i) a Firearm Owner's  
12 Identification Card that has not expired or (ii) if the  
13 transferor is licensed as a federal firearms dealer under  
14 Section 923 of the federal Gun Control Act of 1968 (18  
15 U.S.C. 923), an approval number issued in accordance with  
16 Section 3.1 of the Firearm Owners Identification Card Act  
17 shall be proof that the Firearm Owner's Identification Card  
18 was valid.

19 (B) Paragraph (h) of subsection (A) does not include  
20 firearms sold within 6 months after enactment of Public Act  
21 78-355 (approved August 21, 1973, effective October 1, 1973),  
22 nor is any firearm legally owned or possessed by any citizen or  
23 purchased by any citizen within 6 months after the enactment of  
24 Public Act 78-355 subject to confiscation or seizure under the  
25 provisions of that Public Act. Nothing in Public Act 78-355  
26 shall be construed to prohibit the gift or trade of any firearm

1 if that firearm was legally held or acquired within 6 months  
2 after the enactment of that Public Act.

3 (C) Sentence.

4 (1) Any person convicted of unlawful sale of firearms  
5 in violation of any of paragraphs (c) through (h) of  
6 subsection (A) commits a Class 4 felony.

7 (2) Any person convicted of unlawful sale of firearms  
8 in violation of paragraph (b) or (i) of subsection (A)  
9 commits a Class 3 felony.

10 (3) Any person convicted of unlawful sale of firearms  
11 in violation of paragraph (a) of subsection (A) commits a  
12 Class 2 felony.

13 (4) Any person convicted of unlawful sale of firearms  
14 in violation of paragraph (a), (b), or (i) of subsection  
15 (A) in any school, on the real property comprising a  
16 school, within 1,000 feet of the real property comprising a  
17 school, at a school related activity, or on or within 1,000  
18 feet of any conveyance owned, leased, or contracted by a  
19 school or school district to transport students to or from  
20 school or a school related activity, regardless of the time  
21 of day or time of year at which the offense was committed,  
22 commits a Class 1 felony. Any person convicted of a second  
23 or subsequent violation of unlawful sale of firearms in  
24 violation of paragraph (a), (b), or (i) of subsection (A)  
25 in any school, on the real property comprising a school,  
26 within 1,000 feet of the real property comprising a school,

1 at a school related activity, or on or within 1,000 feet of  
2 any conveyance owned, leased, or contracted by a school or  
3 school district to transport students to or from school or  
4 a school related activity, regardless of the time of day or  
5 time of year at which the offense was committed, commits a  
6 Class 1 felony for which the sentence shall be a term of  
7 imprisonment of no less than 5 years and no more than 15  
8 years.

9 (5) Any person convicted of unlawful sale of firearms  
10 in violation of paragraph (a) or (i) of subsection (A) in  
11 residential property owned, operated, or managed by a  
12 public housing agency or leased by a public housing agency  
13 as part of a scattered site or mixed-income development, in  
14 a public park, in a courthouse, on residential property  
15 owned, operated, or managed by a public housing agency or  
16 leased by a public housing agency as part of a scattered  
17 site or mixed-income development, on the real property  
18 comprising any public park, on the real property comprising  
19 any courthouse, or on any public way within 1,000 feet of  
20 the real property comprising any public park, courthouse,  
21 or residential property owned, operated, or managed by a  
22 public housing agency or leased by a public housing agency  
23 as part of a scattered site or mixed-income development  
24 commits a Class 2 felony.

25 (6) Any person convicted of unlawful sale of firearms  
26 in violation of paragraph (j) of subsection (A) commits a

1 Class A misdemeanor. A second or subsequent violation is a  
2 Class 4 felony.

3 (7) Any person convicted of unlawful sale of firearms  
4 in violation of paragraph (k) of subsection (A) commits a  
5 Class 4 felony. A third or subsequent conviction for a  
6 violation of paragraph (k) of subsection (A) is a Class 1  
7 felony.

8 (D) For purposes of this Section:

9 "School" means a public or private elementary or secondary  
10 school, community college, college, or university.

11 "School related activity" means any sporting, social,  
12 academic, or other activity for which students' attendance or  
13 participation is sponsored, organized, or funded in whole or in  
14 part by a school or school district.

15 (E) A prosecution for a violation of paragraph (k) of  
16 subsection (A) of this Section may be commenced within 6 years  
17 after the commission of the offense. A prosecution for a  
18 violation of this Section other than paragraph (g) of  
19 subsection (A) of this Section may be commenced within 5 years  
20 after the commission of the offense defined in the particular  
21 paragraph.

22 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04; 94-6,  
23 eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

24 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

25 Sec. 24-3.1. Unlawful possession of firearms and firearm



1 ammunition.

2 (a) A person commits the offense of unlawful possession of  
3 firearms or firearm ammunition when:

4 (1) He is under 18 years of age and has in his  
5 possession any firearm of a size which may be concealed  
6 upon the person; or

7 (2) He is under 21 years of age, has been convicted of  
8 a misdemeanor other than a traffic offense or adjudged  
9 delinquent and has any firearms or firearm ammunition in  
10 his possession; or

11 (3) He is a narcotic addict and has any firearms or  
12 firearm ammunition in his possession; or

13 (4) He has been a patient in a mental hospital within  
14 the past 5 years and has any firearms or firearm ammunition  
15 in his possession; or

16 (5) He is mentally retarded and has any firearms or  
17 firearm ammunition in his possession; or

18 (6) He has in his possession any explosive bullet.

19 For purposes of this paragraph "explosive bullet" means the  
20 projectile portion of an ammunition cartridge which contains or  
21 carries an explosive charge which will explode upon contact  
22 with the flesh of a human or an animal. "Cartridge" means a  
23 tubular metal case having a projectile affixed at the front  
24 thereof and a cap or primer at the rear end thereof, with the  
25 propellant contained in such tube between the projectile and  
26 the cap. ~~or~~

1 (b) Sentence.

2 Unlawful possession of firearms, other than handguns, and  
3 firearm ammunition is a Class A misdemeanor. Unlawful  
4 possession of handguns is a Class 4 felony. The possession of  
5 each firearm or firearm ammunition in violation of this Section  
6 constitutes a single and separate violation.

7 (c) Nothing in paragraph (1) of subsection (a) of this  
8 Section prohibits a person under 18 years of age from  
9 participating in any lawful recreational activity with a  
10 firearm such as, but not limited to, practice shooting at  
11 targets upon established public or private target ranges or  
12 hunting, trapping, or fishing in accordance with the Wildlife  
13 Code or the Fish and Aquatic Life Code.

14 (Source: P.A. 94-284, eff. 7-21-05; revised 8-23-05.)

15 (720 ILCS 5/32-5.2) (from Ch. 38, par. 32-5.2)

16 Sec. 32-5.2. Aggravated False Personation of a Peace  
17 Officer. A person who knowingly and falsely represents himself  
18 or herself to be a peace officer in attempting or committing a  
19 felony commits a Class 2 felony. A person who knowingly and  
20 falsely represents himself or herself to be a peace officer of  
21 any jurisdiction in attempting or committing a forcible felony  
22 commits a Class 1 felony.

23 (Source: P.A. 94-730, eff. 4-17-06; 94-985, eff. 1-1-07;  
24 revised 8-3-06.)

1 (720 ILCS 5/44-3) (from Ch. 38, par. 44-3)

2 Sec. 44-3. (a) Seizure. Any telecommunications device  
3 possessed by a person on the real property of any elementary or  
4 secondary school without the authority of the school principal,  
5 or used in the commission of an offense prohibited by this  
6 Code, the Illinois Controlled Substances Act, the Cannabis  
7 Control Act, or the Methamphetamine Control and Community  
8 Protection Act or which constitutes evidence of the commission  
9 of such offenses may be seized and delivered forthwith to the  
10 investigating law enforcement agency. A person who is not a  
11 student of the particular elementary or secondary school, who  
12 is on school property as an invitee of the school, and who has  
13 possession of a telecommunication device for lawful and  
14 legitimate purposes, shall not need to obtain authority from  
15 the school principal to possess the telecommunication device on  
16 school property. Such telecommunication device shall not be  
17 seized unless it was used in the commission of an offense  
18 specified above, or constitutes evidence of such an offense.  
19 Within 15 days after such delivery the investigating law  
20 enforcement agency shall give notice of seizure to any known  
21 owners, lienholders and secured parties of such property.  
22 Within that 15 day period the investigating law enforcement  
23 agency shall also notify the State's Attorney of the county of  
24 seizure about the seizure.

25 (b) Rights of lienholders and secured parties.

26 The State's Attorney shall promptly release a

1 telecommunications device seized under the provisions of this  
2 Article to any lienholder or secured party if such lienholder  
3 or secured party shows to the State's Attorney that his lien or  
4 security interest is bona fide and was created without actual  
5 knowledge that such telecommunications device was or possessed  
6 in violation of this Section or used or to be used in the  
7 commission of the offense charged.

8 (c) Action for forfeiture. (1) The State's Attorney in the  
9 county in which such seizure occurs if he finds that such  
10 forfeiture was incurred without willful negligence or without  
11 any intention on the part of the owner of the  
12 telecommunications device or a lienholder or secured party to  
13 violate the law, or finds the existence of such mitigating  
14 circumstances as to justify remission of the forfeiture, may  
15 cause the investigating law enforcement agency to remit the  
16 same upon such terms and conditions as the State's Attorney  
17 deems reasonable and just. The State's Attorney shall exercise  
18 his discretion under the foregoing provision of this Section  
19 promptly after notice is given in accordance with subsection  
20 (a). If the State's Attorney does not cause the forfeiture to  
21 be remitted he shall forthwith bring an action for forfeiture  
22 in the circuit court within whose jurisdiction the seizure and  
23 confiscation has taken place. The State's Attorney shall give  
24 notice of the forfeiture proceeding by mailing a copy of the  
25 complaint in the forfeiture proceeding to the persons and in  
26 the manner set forth in subsection (a). The owner of the device

1 or any person with any right, title, or interest in the device  
2 may within 20 days after the mailing of such notice file a  
3 verified answer to the complaint and may appear at the hearing  
4 on the action for forfeiture. The State shall show at such  
5 hearing by a preponderance of the evidence that the device was  
6 used in the commission of an offense described in subsection  
7 (a). The owner of the device or any person with any right,  
8 title, or interest in the device may show by a preponderance of  
9 the evidence that he did not know, and did not have reason to  
10 know, that the device was possessed in violation of this  
11 Section or to be used in the commission of such an offense or  
12 that any of the exceptions set forth in subsection (d) are  
13 applicable. Unless the State shall make such showing, the Court  
14 shall order the device released to the owner. Where the State  
15 has made such showing, the Court may order the device  
16 destroyed; may upon the request of the investigating law  
17 enforcement agency, order it delivered to any local, municipal  
18 or county law enforcement agency, or the Department of State  
19 Police or the Department of Revenue of the State of Illinois;  
20 or may order it sold at public auction.

21 (2) A copy of the order shall be filed with the  
22 investigating law enforcement agency of the county in which the  
23 seizure occurs. Such order, when filed, confers ownership of  
24 the device to the department or agency to whom it is delivered  
25 or any purchaser thereof. The investigating law enforcement  
26 agency shall comply promptly with instructions to remit

1 received from the State's Attorney or Attorney General in  
2 accordance with paragraph (1) of this subsection or subsection  
3 (d).

4 (3) The proceeds of any sale at public auction pursuant to  
5 this subsection, after payment of all liens and deduction of  
6 the reasonable charges and expenses incurred by the  
7 investigating law enforcement agency in storing and selling the  
8 device, shall be paid into the general fund of the level of  
9 government responsible for the operation of the investigating  
10 law enforcement agency.

11 (d) Exceptions to forfeiture. ~~(b)~~ No device shall be  
12 forfeited under the provisions of subsection (c) by reason of  
13 any act or omission established by the owner thereof to have  
14 been committed or omitted by any person other than the owner  
15 while the device was unlawfully in the possession of a person  
16 who acquired possession thereof in violation of the criminal  
17 laws of the United States, or of any state.

18 (e) Remission by Attorney General. Whenever any owner of,  
19 or other person interested in, a device seized under the  
20 provisions of this Section files with the Attorney General  
21 before the sale or destruction of the device a petition for the  
22 remission of such forfeiture the Attorney General if he finds  
23 that such forfeiture was incurred without willful negligence or  
24 without any intention on the part of the owner or any person  
25 with any right, title or interest in the device to violate the  
26 law, or finds the existence of such mitigating circumstances as

1 to justify the remission of forfeiture, may cause the same to  
2 be remitted upon such terms and conditions as he deems  
3 reasonable and just, or order discontinuance of any forfeiture  
4 proceeding relating thereto.

5 (Source: P.A. 94-556, eff. 9-11-05; revised 10-11-05.)

6 Section 1035. The Wild Plant Conservation Act is amended by  
7 changing Section 1 as follows:

8 (720 ILCS 400/1) (from Ch. 5, par. 231)

9 Sec. 1. Any person, firm or corporation who knowingly buys,  
10 sells, offers or exposes for sale any blood root (*Sanguinaria*  
11 *canadensis*), lady slipper (*Cypripedium parviflorum* and  
12 *Cypripedium hirsutum*), columbine (*Aquilegia canadensis*),  
13 trillium (*Trillium grandiflorum* and *Trillium sessile*), lotus  
14 (*Nelumbo lutes*), or gentian (*Gentiana crinita ~~erinta~~* and  
15 *Gentiana andrewsii*), or any part thereof, dug, pulled up or  
16 gathered from any public or private land, unless in the case of  
17 private land the owner or person lawfully occupying such land  
18 gives his consent in writing thereto, is guilty of a petty  
19 offense.

20 (Source: P.A. 90-655, eff. 7-30-98; revised 10-11-05.)

21 Section 1040. The Illinois Controlled Substances Act is  
22 amended by changing Sections 201, 204, and 402 and by setting  
23 forth and renumbering multiple versions of Section 218 as

1 follows:

2 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

3 Sec. 201. (a) The Department shall carry out the provisions  
4 of this Article. The Department or its successor agency may add  
5 substances to or delete or reschedule all controlled substances  
6 in the Schedules of Sections 204, 206, 208, 210 and 212 of this  
7 Act. In making a determination regarding the addition,  
8 deletion, or rescheduling of a substance, the Department shall  
9 consider the following:

10 (1) the actual or relative potential for abuse;

11 (2) the scientific evidence of its pharmacological  
12 effect, if known;

13 (3) the state of current scientific knowledge  
14 regarding the substance;

15 (4) the history and current pattern of abuse;

16 (5) the scope, duration, and significance of abuse;

17 (6) the risk to the public health;

18 (7) the potential of the substance to produce  
19 psychological or physiological dependence;

20 (8) whether the substance is an immediate precursor of  
21 a substance already controlled under this Article;

22 (9) the immediate harmful effect in terms of  
23 potentially fatal dosage; and

24 (10) the long-range effects in terms of permanent  
25 health impairment.



1 (b) (Blank).

2 (c) (Blank).

3 (d) If any substance is scheduled, rescheduled, or deleted  
4 as a controlled substance under Federal law and notice thereof  
5 is given to the Department, the Department shall similarly  
6 control the substance under this Act after the expiration of 30  
7 days from publication in the Federal Register of a final order  
8 scheduling a substance as a controlled substance or  
9 rescheduling or deleting a substance, unless within that 30 day  
10 period the Department objects, or a party adversely affected  
11 files with the Department substantial written objections  
12 objecting to inclusion, rescheduling, or deletion. In that  
13 case, the Department shall publish the reasons for objection or  
14 the substantial written objections and afford all interested  
15 parties an opportunity to be heard. At the conclusion of the  
16 hearing, the Department shall publish its decision, by means of  
17 a rule, which shall be final unless altered by statute. Upon  
18 publication of objections by the Department, similar control  
19 under this Act whether by inclusion, rescheduling or deletion  
20 is stayed until the Department publishes its ruling.

21 (e) The Department shall by rule exclude any non-narcotic  
22 substances from a schedule if such substance may, under the  
23 Federal Food, Drug, and Cosmetic Act, be lawfully sold over the  
24 counter without a prescription.

25 (f) The sale, delivery, distribution, and possession of a  
26 drug product containing dextromethorphan shall be in

1 accordance with Section 218 of this Act.↵

2 (g) Authority to control under this section does not extend  
3 to distilled spirits, wine, malt beverages, or tobacco as those  
4 terms are defined or used in the Liquor Control Act and the  
5 Tobacco Products Tax Act.

6 (h) Persons registered with the Drug Enforcement  
7 Administration to manufacture or distribute controlled  
8 substances shall maintain adequate security and provide  
9 effective controls and procedures to guard against theft and  
10 diversion, but shall not otherwise be required to meet the  
11 physical security control requirements (such as cage or vault)  
12 for Schedule V controlled substances containing  
13 pseudoephedrine or Schedule II controlled substances  
14 containing dextromethorphan.

15 (Source: P.A. 94-800, eff. 1-1-07; revised 8-3-06.)

16 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

17 Sec. 204. (a) The controlled substances listed in this  
18 Section are included in Schedule I.

19 (b) Unless specifically excepted or unless listed in  
20 another schedule, any of the following opiates, including their  
21 isomers, esters, ethers, salts, and salts of isomers, esters,  
22 and ethers, whenever the existence of such isomers, esters,  
23 ethers and salts is possible within the specific chemical  
24 designation:

25 (1) Acetylmethadol;

- 1 (1.1) Acetyl-alpha-methylfentanyl  
2 (N-[ 1-(1-methyl-2-phenethyl)-  
3 4-piperidinyl] -N-phenylacetamide);
- 4 (2) Allylprodine;
- 5 (3) Alphacetylmethadol, except  
6 levo-alphacetylmethadol (also known as levo-alpha-  
7 acetylmethadol, levomethadyl acetate, or LAAM);
- 8 (4) Alphameprodine;
- 9 (5) Alphamethadol;
- 10 (6) Alpha-methylfentanyl  
11 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)  
12 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-  
13 propanilido) piperidine;
- 14 (6.1) Alpha-methylthiofentanyl  
15 (N-[ 1-methyl-2-(2-thienyl)ethyl-  
16 4-piperidinyl] -N-phenylpropanamide);
- 17 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);  
18 ~~(7) 1 methyl 4 phenyl 4 proprionoxypiperidine (MPPP);~~
- 19 (7.1) PEPAP  
20 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 21 (8) Benzethidine;
- 22 (9) Betacetylmethadol;
- 23 (9.1) Beta-hydroxyfentanyl  
24 (N-[ 1-(2-hydroxy-2-phenethyl)-  
25 4-piperidinyl] -N-phenylpropanamide);
- 26 (10) Betameprodine;

- 1 (11) Betamethadol;
- 2 (12) Betaprodine;
- 3 (13) Clonitazene;
- 4 (14) Dextromoramide;
- 5 (15) Diampromide;
- 6 (16) Diethylthiambutene;
- 7 (17) Difenoquin;
- 8 (18) Dimenoxadol;
- 9 (19) Dimepheptanol;
- 10 (20) Dimethylthiambutene;
- 11 (21) Dioxaphetylbutyrate;
- 12 (22) Dipipanone;
- 13 (23) Ethylmethylthiambutene;
- 14 (24) Etonitazene;
- 15 (25) Etoxadine;
- 16 (26) Furethidine;
- 17 (27) Hydroxypethidine;
- 18 (28) Ketobemidone;
- 19 (29) Levomoramide;
- 20 (30) Levophenacymorphan;
- 21 (31) 3-Methylfentanyl
- 22 (N-[ 3-methyl-1-(2-phenylethyl) -
- 23 4-piperidyl] -N-phenylpropanamide);
- 24 (31.1) 3-Methylthiofentanyl
- 25 (N-[ (3-methyl-1-(2-thienyl) ethyl -
- 26 4-piperidinyl] -N-phenylpropanamide);

1 (32) Morpheridine;

2 (33) Noracymethadol;

3 (34) Norlevorphanol;

4 (35) Normethadone;

5 (36) Norpipanone;

6 (36.1) Para-fluorofentanyl

7 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-

8 4-piperidinyl]propanamide);

9 (37) Phenadoxone;

10 (38) Phenampromide;

11 (39) Phenomorphan;

12 (40) Phenoperidine;

13 (41) Piritramide;

14 (42) Proheptazine;

15 (43) Properidine;

16 (44) Propiram;

17 (45) Racemoramide;

18 (45.1) Thiofentanyl

19 (N-phenyl-N-[1-(2-thienyl)ethyl-

20 4-piperidinyl]-propanamide);

21 (46) Tilidine;

22 (47) Trimeperidine;

23 (48) Beta-hydroxy-3-methylfentanyl (other name:

24 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-

25 N-phenylpropanamide).

26 (c) Unless specifically excepted or unless listed in

1 another schedule, any of the following opium derivatives, its  
2 salts, isomers and salts of isomers, whenever the existence of  
3 such salts, isomers and salts of isomers is possible within the  
4 specific chemical designation:

- 5 (1) Acetorphine;
- 6 (2) Acetyldihydrocodeine;
- 7 (3) Benzylmorphine;
- 8 (4) Codeine methylbromide;
- 9 (5) Codeine-N-Oxide;
- 10 (6) Cyprenorphine;
- 11 (7) Desomorphine;
- 12 (8) Diacetyldihydromorphine (Dihydroheroin);
- 13 (9) Dihydromorphine;
- 14 (10) Drotebanol;
- 15 (11) Etorphine (except hydrochloride salt);
- 16 (12) Heroin;
- 17 (13) Hydromorphenol;
- 18 (14) Methyldesorphine;
- 19 (15) Methyldihydromorphine;
- 20 (16) Morphine methylbromide;
- 21 (17) Morphine methylsulfonate;
- 22 (18) Morphine-N-Oxide;
- 23 (19) Myrophine;
- 24 (20) Nicocodeine;
- 25 (21) Nicomorphine;
- 26 (22) Normorphine;

1 (23) Pholcodine;

2 (24) Thebacon.

3 (d) Unless specifically excepted or unless listed in  
4 another schedule, any material, compound, mixture, or  
5 preparation which contains any quantity of the following  
6 hallucinogenic substances, or which contains any of its salts,  
7 isomers and salts of isomers, whenever the existence of such  
8 salts, isomers, and salts of isomers is possible within the  
9 specific chemical designation (for the purposes of this  
10 paragraph only, the term "isomer" includes the optical,  
11 position and geometric isomers):

12 (1) 3,4-methylenedioxyamphetamine

13 (alpha-methyl,3,4-methylenedioxyphenethylamine,  
14 methylenedioxyamphetamine, MDA);

15 (1.1) Alpha-ethyltryptamine

16 (some trade or other names: etryptamine;

17 MONASE; alpha-ethyl-1H-indole-3-ethanamine;

18 3-(2-aminobutyl)indole; a-ET; and AET);

19 (2) 3,4-methylenedioxymethamphetamine (MDMA);

20 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

21 (also known as: N-ethyl-alpha-methyl-

22 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,

23 and MDEA);

24 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

25 (4) 3,4,5-trimethoxyamphetamine (TMA);

26 (5) (Blank);

- 1 (6) Diethyltryptamine (DET);
- 2 (7) Dimethyltryptamine (DMT);
- 3 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 4 (9) Ibogaine (some trade and other names:  
5 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-  
6 6,9-methano-5H-pyrido [ 1',2':1,2] azepino [ 5,4-b]  
7 indole; Tabernanthe iboga);
- 8 (10) Lysergic acid diethylamide;
- 9 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 10 (12) Peyote (meaning all parts of the plant presently  
11 classified botanically as Lophophora williamsii ~~williemaii~~  
12 Lemaire, whether growing or not, the seeds thereof, any  
13 extract from any part of that plant, and every compound,  
14 manufacture, salts, derivative, mixture, or preparation of  
15 that plant, its seeds or extracts);
- 16 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 17 (14) N-methyl-3-piperidyl benzilate;
- 18 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine  
19 (also known as N-hydroxy-alpha-methyl-  
20 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
- 21 (15) Parahexyl; some trade or other names:  
22 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-  
23 dibenzo (b,d) pyran; Synhexyl;
- 24 (16) Psilocybin;
- 25 (17) Psilocyn;
- 26 (18) Alpha-methyltryptamine (AMT);



- 1           (19) 2,5-dimethoxyamphetamine  
2           (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- 3           (20) 4-bromo-2,5-dimethoxyamphetamine  
4           (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;  
5           4-bromo-2,5-DMA);
- 6           (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.  
7           Some trade or other names: 2-(4-bromo-  
8           2,5-dimethoxyphenyl)-1-aminoethane;  
9           alpha-desmethyl DOB, 2CB, Nexus;
- 10          (21) 4-methoxyamphetamine  
11          (4-methoxy-alpha-methylphenethylamine;  
12          paramethoxyamphetamine; PMA);
- 13          (22) (Blank);
- 14          (23) Ethylamine analog of phencyclidine.  
15          Some trade or other names:  
16          N-ethyl-1-phenylcyclohexylamine,  
17          (1-phenylcyclohexyl) ethylamine,  
18          N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- 19          (24) Pyrrolidine analog of phencyclidine. Some trade  
20          or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,  
21          PHP;
- 22          (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 23          (26) 2,5-dimethoxy-4-ethylamphetamine  
24          (another name: DOET);
- 25          (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
26          (another name: TCPy);

1 (28) (Blank);

2 (29) Thiophene analog of phencyclidine (some trade  
3 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
4 2-thienyl analog of phencyclidine; TPCP; TCP);

5 (30) Bufotenine (some trade or other names:  
6 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
7 3-(2-dimethylaminoethyl)-5-indolol;  
8 5-hydroxy-N,N-dimethyltryptamine;  
9 N,N-dimethylserotonin; mappine).

10 (e) Unless specifically excepted or unless listed in  
11 another schedule, any material, compound, mixture, or  
12 preparation which contains any quantity of the following  
13 substances having a depressant effect on the central nervous  
14 system, including its salts, isomers, and salts of isomers  
15 whenever the existence of such salts, isomers, and salts of  
16 isomers is possible within the specific chemical designation:

17 (1) mecloqualone;

18 (2) methaqualone; and

19 (3) gamma hydroxybutyric acid.

20 (f) Unless specifically excepted or unless listed in  
21 another schedule, any material, compound, mixture, or  
22 preparation which contains any quantity of the following  
23 substances having a stimulant effect on the central nervous  
24 system, including its salts, isomers, and salts of isomers:

25 (1) Fenethylamine;

26 (2) N-ethylamphetamine;

1           (3) Aminorex (some other names:  
2           2-amino-5-phenyl-2-oxazoline; aminoxaphen;  
3           4-5-dihydro-5-phenyl-2-oxazolamine) and its  
4           salts, optical isomers, and salts of optical isomers;

5           (4) Methcathinone (some other names:  
6           2-methylamino-1-phenylpropan-1-one;  
7           Ephedrone; 2-(methylamino)-propiophenone;  
8           alpha-(methylamino)propiophenone; N-methylcathinone;  
9           methcathinone; Monomethylpropion; UR 1431) and its  
10          salts, optical isomers, and salts of optical isomers;

11          (5) Cathinone (some trade or other names:  
12          2-aminopropiophenone; alpha-aminopropiophenone;  
13          2-amino-1-phenyl-propanone; norephedrone);

14          (6) N,N-dimethylamphetamine (also known as:  
15          N,N-alpha-trimethyl-benzeneethanamine;  
16          N,N-alpha-trimethylphenethylamine);

17          (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-  
18          4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine).

19          (g) Temporary listing of substances subject to emergency  
20          scheduling. Any material, compound, mixture, or preparation  
21          that contains any quantity of the following substances:

22                 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
23                 (benzylfentanyl), its optical isomers, isomers, salts,  
24                 and salts of isomers;

25                 (2) N-[1(2-thienyl)  
26                 methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl),

1       its optical isomers, salts, and salts of isomers.  
2       (Source: P.A. 90-382, eff. 8-15-97; 91-714, eff. 6-2-00;  
3       revised 10-18-05.)

4               (720 ILCS 570/218)

5       Sec. 218. Dextromethorphan.

6       (a) A drug product containing dextromethorphan may not be  
7       sold, delivered, distributed, or possessed except in  
8       accordance with the prescription requirements of Sections 309,  
9       312, and 313 of this Act.

10       (b) Possession of a drug product containing  
11       dextromethorphan in violation of this Section is a Class 4  
12       felony. The sale, delivery, distribution, or possession with  
13       intent to sell, deliver, or distribute a drug product  
14       containing dextromethorphan in violation of this Section is a  
15       Class 2 felony.

16       (c) This Section does not apply to a drug product  
17       containing dextromethorphan that is sold in solid, tablet,  
18       liquid, capsule, powder, thin film, or gel form and which is  
19       formulated, packaged, and sold in dosages and concentrations  
20       for use as an over-the-counter drug product. For the purposes  
21       of this Section, "over-the-counter drug product" means a drug  
22       that is available to consumers without a prescription and sold  
23       in compliance with the safety and labeling standards as set  
24       forth by the United States Food and Drug Administration.

25       (Source: P.A. 94-800, eff. 1-1-07.)

1 (720 ILCS 570/219)

2 Sec. 219 ~~218~~. Dietary supplements containing ephedrine or  
3 anabolic steroid precursors.

4 (a) It is a Class A misdemeanor for any manufacturer,  
5 wholesaler, retailer, or other person to sell, transfer, or  
6 otherwise furnish any of the following to a person under 18  
7 years of age:

8 (1) a dietary supplement containing an ephedrine group  
9 alkaloid; or

10 (2) a dietary supplement containing any of the  
11 following:

12 (A) Androstenediol;

13 (B) Androstenedione;

14 (C) Androstenedione;

15 (D) Norandrostenediol;

16 (E) Norandrostenedione; or

17 (F) Dehydroepiandrosterone.

18 (b) A seller shall request valid identification from any  
19 individual who attempts to purchase a dietary supplement set  
20 forth in subsection (a) if that individual reasonably appears  
21 to the seller to be under 18 years of age.

22 (Source: P.A. 94-339, eff. 7-26-05; revised 9-1-06.)

23 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

24 Sec. 402. Except as otherwise authorized by this Act, it is

1 unlawful for any person knowingly to possess a controlled or  
2 counterfeit substance or controlled substance analog. A  
3 violation of this Act with respect to each of the controlled  
4 substances listed herein constitutes a single and separate  
5 violation of this Act. For purposes of this Section,  
6 "controlled substance analog" or "analog" means a substance  
7 which is intended for human consumption, other than a  
8 controlled substance, that has a chemical structure  
9 substantially similar to that of a controlled substance in  
10 Schedule I or II, or that was specifically designed to produce  
11 an effect substantially similar to that of a controlled  
12 substance in Schedule I or II. Examples of chemical classes in  
13 which controlled substance analogs are found include, but are  
14 not limited to, the following: phenethylamines, N-substituted  
15 piperidines, morphinans, ecgonines, quinazolinones,  
16 substituted indoles, and arylcycloalkylamines. For purposes of  
17 this Act, a controlled substance analog shall be treated in the  
18 same manner as the controlled substance to which it is  
19 substantially similar.

20 (a) Any person who violates this Section with respect to  
21 the following controlled or counterfeit substances and  
22 amounts, notwithstanding any of the provisions of subsections  
23 (c) and (d) to the contrary, is guilty of a Class 1 felony and  
24 shall, if sentenced to a term of imprisonment, be sentenced as  
25 provided in this subsection (a) and fined as provided in  
26 subsection (b):

1 (1) (A) not less than 4 years and not more than 15  
2 years with respect to 15 grams or more but less than  
3 100 grams of a substance containing heroin;

4 (B) not less than 6 years and not more than 30  
5 years with respect to 100 grams or more but less than  
6 400 grams of a substance containing heroin;

7 (C) not less than 8 years and not more than 40  
8 years with respect to 400 grams or more but less than  
9 900 grams of any substance containing heroin;

10 (D) not less than 10 years and not more than 50  
11 years with respect to 900 grams or more of any  
12 substance containing heroin;

13 (2) (A) not less than 4 years and not more than 15  
14 years with respect to 15 grams or more but less than  
15 100 grams of any substance containing cocaine;

16 (B) not less than 6 years and not more than 30  
17 years with respect to 100 grams or more but less than  
18 400 grams of any substance containing cocaine;

19 (C) not less than 8 years and not more than 40  
20 years with respect to 400 grams or more but less than  
21 900 grams of any substance containing cocaine;

22 (D) not less than 10 years and not more than 50  
23 years with respect to 900 grams or more of any  
24 substance containing cocaine;

25 (3) (A) not less than 4 years and not more than 15  
26 years with respect to 15 grams or more but less than

1           100 grams of any substance containing morphine;

2           (B) not less than 6 years and not more than 30  
3           years with respect to 100 grams or more but less than  
4           400 grams of any substance containing morphine;

5           (C) not less than 6 years and not more than 40  
6           years with respect to 400 grams or more but less than  
7           900 grams of any substance containing morphine;

8           (D) not less than 10 years and not more than 50  
9           years with respect to 900 grams or more of any  
10          substance containing morphine;

11          (4) 200 grams or more of any substance containing  
12          peyote;

13          (5) 200 grams or more of any substance containing a  
14          derivative of barbituric acid or any of the salts of a  
15          derivative of barbituric acid;

16          (6) 200 grams or more of any substance containing  
17          amphetamine or any salt of an optical isomer of  
18          amphetamine;

19          (6.5) (blank);

20          (7) (A) not less than 4 years and not more than 15  
21          years with respect to: (i) 15 grams or more but less  
22          than 100 grams of any substance containing lysergic  
23          acid diethylamide (LSD), or an analog thereof, or (ii)  
24          15 or more objects or 15 or more segregated parts of an  
25          object or objects but less than 200 objects or 200  
26          segregated parts of an object or objects containing in



1           them or having upon them any amount of any substance  
2           containing lysergic acid diethylamide (LSD), or an  
3           analog thereof;

4           (B) not less than 6 years and not more than 30  
5           years with respect to: (i) 100 grams or more but less  
6           than 400 grams of any substance containing lysergic  
7           acid diethylamide (LSD), or an analog thereof, or (ii)  
8           200 or more objects or 200 or more segregated parts of  
9           an object or objects but less than 600 objects or less  
10          than 600 segregated parts of an object or objects  
11          containing in them or having upon them any amount of  
12          any substance containing lysergic acid diethylamide  
13          (LSD), or an analog thereof;

14          (C) not less than 8 years and not more than 40  
15          years with respect to: (i) 400 grams or more but less  
16          than 900 grams of any substance containing lysergic  
17          acid diethylamide (LSD), or an analog thereof, or (ii)  
18          600 or more objects or 600 or more segregated parts of  
19          an object or objects but less than 1500 objects or 1500  
20          segregated parts of an object or objects containing in  
21          them or having upon them any amount of any substance  
22          containing lysergic acid diethylamide (LSD), or an  
23          analog thereof;

24          (D) not less than 10 years and not more than 50  
25          years with respect to: (i) 900 grams or more of any  
26          substance containing lysergic acid diethylamide (LSD),

1 or an analog thereof, or (ii) 1500 or more objects or  
2 1500 or more segregated parts of an object or objects  
3 containing in them or having upon them any amount of a  
4 substance containing lysergic acid diethylamide (LSD),  
5 or an analog thereof;

6 (7.5) (A) not less than 4 years and not more than 15  
7 years with respect to: (i) 15 grams or more but less  
8 than 100 grams of any substance listed in paragraph  
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
10 (25), or (26) of subsection (d) of Section 204, or an  
11 analog or derivative thereof, or (ii) 15 or more pills,  
12 tablets, caplets, capsules, or objects but less than  
13 200 pills, tablets, caplets, capsules, or objects  
14 containing in them or having upon them any amount of  
15 any substance listed in paragraph (1), (2), (2.1), (3),  
16 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
17 subsection (d) of Section 204, or an analog or  
18 derivative thereof;

19 (B) not less than 6 years and not more than 30  
20 years with respect to: (i) 100 grams or more but less  
21 than 400 grams of any substance listed in paragraph  
22 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
23 (25), or (26) of subsection (d) of Section 204, or an  
24 analog or derivative thereof, or (ii) 200 or more  
25 pills, tablets, caplets, capsules, or objects but less  
26 than 600 pills, tablets, caplets, capsules, or objects

1 containing in them or having upon them any amount of  
2 any substance listed in paragraph (1), (2), (2.1), (3),  
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
4 subsection (d) of Section 204, or an analog or  
5 derivative thereof;

6 (C) not less than 8 years and not more than 40  
7 years with respect to: (i) 400 grams or more but less  
8 than 900 grams of any substance listed in paragraph  
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
10 (25), or (26) of subsection (d) of Section 204, or an  
11 analog or derivative thereof, or (ii) 600 or more  
12 pills, tablets, caplets, capsules, or objects but less  
13 than 1,500 pills, tablets, caplets, capsules, or  
14 objects containing in them or having upon them any  
15 amount of any substance listed in paragraph (1), (2),  
16 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or  
17 (26) of subsection (d) of Section 204, or an analog or  
18 derivative thereof;

19 (D) not less than 10 years and not more than 50  
20 years with respect to: (i) 900 grams or more of any  
21 substance listed in paragraph (1), (2), (2.1), (3),  
22 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
23 subsection (d) of Section 204, or an analog or  
24 derivative thereof, or (ii) 1,500 or more pills,  
25 tablets, caplets, capsules, or objects containing in  
26 them or having upon them any amount of a substance

1 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),  
2 (20), (20.1), (21), (25), or (26) of subsection (d) of  
3 Section 204, or an analog or derivative thereof;

4 (8) 30 grams or more of any substance containing  
5 pentazocine or any of the salts, isomers and salts of  
6 isomers of pentazocine, or an analog thereof;

7 (9) 30 grams or more of any substance containing  
8 methaqualone or any of the salts, isomers and salts of  
9 isomers of methaqualone;

10 (10) 30 grams or more of any substance containing  
11 phencyclidine or any of the salts, isomers and salts of  
12 isomers of phencyclidine (PCP);

13 (10.5) 30 grams or more of any substance containing  
14 ketamine or any of the salts, isomers and salts of isomers  
15 of ketamine;

16 (11) 200 grams or more of any substance containing any  
17 substance classified as a narcotic drug in Schedules I or  
18 II, or an analog thereof, which is not otherwise included  
19 in this subsection.

20 (b) Any person sentenced with respect to violations of  
21 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
22 involving 100 grams or more of the controlled substance named  
23 therein, may in addition to the penalties provided therein, be  
24 fined an amount not to exceed \$200,000 or the full street value  
25 of the controlled or counterfeit substances, whichever is  
26 greater. The term "street value" shall have the meaning

1 ascribed in Section 110-5 of the Code of Criminal Procedure of  
2 1963. Any person sentenced with respect to any other provision  
3 of subsection (a), may in addition to the penalties provided  
4 therein, be fined an amount not to exceed \$200,000.

5 (c) Any person who violates this Section with regard to an  
6 amount of a controlled substance other than methamphetamine or  
7 counterfeit substance not set forth in subsection (a) or (d) is  
8 guilty of a Class 4 felony. The fine for a violation punishable  
9 under this subsection (c) shall not be more than \$25,000.

10 (d) Any person who violates this Section with regard to any  
11 amount of anabolic steroid is guilty of a Class C misdemeanor  
12 for the first offense and a Class B misdemeanor for a  
13 subsequent offense committed within 2 years of a prior  
14 conviction.

15 (Source: P.A. 94-324, eff. 7-26-05; 94-556, eff. 9-11-05;  
16 revised 8-19-05.)

17 Section 1045. The Drug Paraphernalia Control Act is amended  
18 by changing Section 4 as follows:

19 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

20 Sec. 4. Exemptions. This Act does not apply to:

21 (a) Items used in the preparation, compounding,  
22 packaging, labeling, or other use of cannabis or a  
23 controlled substance as an incident to lawful research,  
24 teaching, or chemical analysis and not for sale.

1           (b) Items historically and customarily used in  
2 connection with~~r~~ the planting, propagating, cultivating,  
3 growing, harvesting, manufacturing, compounding,  
4 converting, producing, processing, preparing, testing,  
5 analyzing, packaging, repackaging, storing, containing,  
6 concealing, injecting, ingesting, or inhaling of tobacco  
7 or any other lawful substance.

8           Items exempt under this subsection include, but are not  
9 limited to, garden hoes, rakes, sickles, baggies, tobacco  
10 pipes, and cigarette-rolling papers.

11           (c) Items listed in Section 2 of this Act which are  
12 used for decorative purposes, when such items have been  
13 rendered completely inoperable or incapable of being used  
14 for any illicit purpose prohibited by this Act.

15           (d) A person who is legally authorized to possess  
16 hypodermic syringes or needles under the Hypodermic  
17 Syringes and Needles Act.

18 In determining whether or not a particular item is exempt under  
19 this Section ~~subsection~~, the trier of fact should consider, in  
20 addition to all other logically relevant factors, the  
21 following:

22           (1) the general, usual, customary, and historical use  
23 to which the item involved has been put;

24           (2) expert evidence concerning the ordinary or  
25 customary use of the item and the effect of any peculiarity  
26 in the design or engineering of the device upon its

1 functioning;

2 (3) any written instructions accompanying the delivery  
3 of the item concerning the purposes or uses to which the  
4 item can or may be put;

5 (4) any oral instructions provided by the seller of the  
6 item at the time and place of sale or commercial delivery;

7 (5) any national or local advertising concerning the  
8 design, purpose or use of the item involved, and the entire  
9 context in which such advertising occurs;

10 (6) the manner, place and circumstances in which the  
11 item was displayed for sale, as well as any item or items  
12 displayed for sale or otherwise exhibited upon the premises  
13 where the sale was made;

14 (7) whether the owner or anyone in control of the  
15 object is a legitimate supplier of like or related items to  
16 the community, such as a licensed distributor or dealer of  
17 tobacco products;

18 (8) the existence and scope of legitimate uses for the  
19 object in the community.

20 (Source: P.A. 93-392, eff. 7-25-03; 93-526, eff. 8-12-03;  
21 revised 9-22-03.)

22 Section 1050. The Code of Criminal Procedure of 1963 is  
23 amended by changing Sections 108-4, 108B-1, 108B-3, 108B-5,  
24 108B-11, 110-10, 112A-23, and 112A-28 as follows:

1 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

2 Sec. 108-4. Issuance of search warrant.

3 (a) All warrants upon written complaint shall state the  
4 time and date of issuance and be the warrants of the judge  
5 issuing the same and not the warrants of the court in which he  
6 is then sitting and such warrants need not bear the seal of the  
7 court or clerk thereof. The complaint on which the warrant is  
8 issued need not be filed with the clerk of the court nor with  
9 the court if there is no clerk until the warrant has been  
10 executed or has been returned "not executed".

11 The search warrant upon written complaint may be issued  
12 electronically or electromagnetically by use of a facsimile  
13 transmission machine and any such warrant shall have the same  
14 validity as a written search warrant.

15 (b) Warrant upon oral testimony.

16 (1) General rule. When the offense in connection with  
17 which a search warrant is sought constitutes terrorism or  
18 any related offense as defined in Article 29D of the  
19 Criminal Code of 1961, and if the circumstances make it  
20 reasonable to dispense, in whole or in part, with a written  
21 affidavit, a judge may issue a warrant based upon sworn  
22 testimony communicated by telephone or other appropriate  
23 means, including facsimile transmission.

24 (2) Application. The person who is requesting the  
25 warrant shall prepare a document to be known as a duplicate  
26 original warrant and shall read such duplicate original



1 warrant, verbatim, to the judge. The judge shall enter,  
2 verbatim, what is so read to the judge on a document to be  
3 known as the original warrant. The judge may direct that  
4 the warrant be modified.

5 (3) Issuance. If the judge is satisfied that the  
6 offense in connection with which the search warrant is  
7 sought constitutes terrorism or any related offense as  
8 defined in Article 29D of the Criminal Code of 1961, that  
9 the circumstances are such as to make it reasonable to  
10 dispense with a written affidavit, and that grounds for the  
11 application exist or that there is probable cause to  
12 believe that they exist, the judge shall order the issuance  
13 of a warrant by directing the person requesting the warrant  
14 to sign the judge's name on the duplicate original warrant.  
15 The judge shall immediately sign the original warrant and  
16 enter on the face of the original warrant the exact time  
17 when the warrant was ordered to be issued. The finding of  
18 probable cause for a warrant upon oral testimony may be  
19 based on the same kind of evidence as is sufficient for a  
20 warrant upon affidavit.

21 (4) Recording and certification of testimony. When a  
22 caller informs the judge that the purpose of the call is to  
23 request a warrant, the judge shall immediately place under  
24 oath each person whose testimony forms a basis of the  
25 application and each person applying for that warrant. If a  
26 voice recording device is available, the judge shall record

1 by means of the device all of the call after the caller  
2 informs the judge that the purpose of the call is to  
3 request a warrant, otherwise a stenographic or longhand  
4 verbatim record shall be made. If a voice recording device  
5 is used or a stenographic record made, the judge shall have  
6 the record transcribed, shall certify the accuracy of the  
7 transcription, and shall file a copy of the original record  
8 and the transcription with the court. If a longhand  
9 verbatim record is made, the judge shall file a signed copy  
10 with the court.

11 (5) Contents. The contents of a warrant upon oral  
12 testimony shall be the same as the contents of a warrant  
13 upon affidavit.

14 (6) Additional rule for execution. The person who  
15 executes the warrant shall enter the exact time of  
16 execution on the face of the duplicate original warrant.

17 (7) Motion to suppress based on failure to obtain a  
18 written affidavit. Evidence obtained pursuant to a warrant  
19 issued under this subsection (b) is not subject to a motion  
20 to suppress on the ground that the circumstances were not  
21 such as to make it reasonable to dispense with a written  
22 affidavit, absent a finding of bad faith. All other grounds  
23 to move to suppress are preserved.

24 (8) This subsection (b) is inoperative on and after  
25 January 1, 2005.

26 (9) No evidence obtained pursuant to this subsection

1 (b) shall be inadmissible ~~inadmissable~~ in a court of law by  
2 virtue of subdivision (8).

3 (Source: P.A. 92-854, eff. 12-5-02; revised 10-12-05.)

4 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

5 Sec. 108B-1. Definitions. For the purpose of this Article:

6 (a) "Aggrieved person" means a person who was a party to  
7 any intercepted private communication or any person against  
8 whom the intercept was directed.

9 (b) "Chief Judge" means, when referring to a judge  
10 authorized to receive application for, and to enter orders  
11 authorizing, interceptions of private communications, the  
12 Chief Judge of the Circuit Court wherein the application for  
13 order of interception is filed, or a Circuit Judge designated  
14 by the Chief Judge to enter these orders. In circuits other  
15 than the Cook County Circuit, "Chief Judge" also means, when  
16 referring to a judge authorized to receive application for, and  
17 to enter orders authorizing, interceptions of private  
18 communications, an Associate Judge authorized by Supreme Court  
19 Rule to try felony cases who is assigned by the Chief Judge to  
20 enter these orders. After assignment by the Chief Judge, an  
21 Associate Judge shall have plenary authority to issue orders  
22 without additional authorization for each specific application  
23 made to him by the State's Attorney until the time the  
24 Associate Judge's power is rescinded by the Chief Judge.

25 (c) "Communications common carrier" means any person

1 engaged as a common carrier in the transmission of  
2 communications by wire or radio, not including radio  
3 broadcasting.

4 (d) "Contents" includes information obtained from a  
5 private communication concerning the existence, substance,  
6 purport or meaning of the communication, or the identity of a  
7 party of the communication.

8 (e) "Court of competent jurisdiction" means any circuit  
9 court.

10 (f) "Department" means Illinois Department of State  
11 Police.

12 (g) "Director" means Director of the Illinois Department of  
13 State Police.

14 (g-1) "Electronic communication" means any transfer of  
15 signs, signals, writing, images, sounds, data, or intelligence  
16 of any nature transmitted in whole or part by a wire, radio,  
17 pager, computer, or electromagnetic, photo electronic, or  
18 photo optical system where the sending and receiving parties  
19 intend the electronic communication to be private and the  
20 interception, recording, or transcription of the electronic  
21 communication is accomplished by a device in a surreptitious  
22 manner contrary to the provisions of this Article. "Electronic  
23 communication" does not include:

24 (1) any wire or oral communication; or

25 (2) any communication from a tracking device.

26 (h) "Electronic criminal surveillance device" or

1 "eavesdropping device" means any device or apparatus, or  
2 computer program including an induction coil, that can be used  
3 to intercept private communication other than:

4 (1) Any telephone, telegraph or telecommunication  
5 instrument, equipment or facility, or any component of it,  
6 furnished to the subscriber or user by a communication  
7 common carrier in the ordinary course of its business, or  
8 purchased by any person and being used by the subscriber,  
9 user or person in the ordinary course of his business, or  
10 being used by a communications common carrier in the  
11 ordinary course of its business, or by an investigative or  
12 law enforcement officer in the ordinary course of his  
13 duties; or

14 (2) A hearing aid or similar device being used to  
15 correct subnormal hearing to not better than normal.

16 (i) "Electronic criminal surveillance officer" means any  
17 law enforcement officer or retired law enforcement officer of  
18 the United States or of the State or political subdivision of  
19 it, or of another State, or of a political subdivision of it,  
20 who is certified by the Illinois Department of State Police to  
21 intercept private communications. A retired law enforcement  
22 officer may be certified by the Illinois State Police only to  
23 (i) prepare petitions for the authority to intercept private  
24 ~~oral~~ communications in accordance with the provisions of this  
25 Act; (ii) intercept and supervise the interception of private  
26 ~~oral~~ communications; (iii) handle, safeguard, and use evidence

1 derived from such private ~~oral~~ communications; and (iv) operate  
2 and maintain equipment used to intercept private ~~oral~~  
3 communications.

4 (j) "In-progress trace" means to determine the origin of a  
5 wire communication to a telephone or telegraph instrument,  
6 equipment or facility during the course of the communication.

7 (k) "Intercept" means the aural or other acquisition of the  
8 contents of any private communication through the use of any  
9 electronic criminal surveillance device.

10 (l) "Journalist" means a person engaged in, connected with,  
11 or employed by news media, including newspapers, magazines,  
12 press associations, news agencies, wire services, radio,  
13 television or other similar media, for the purpose of  
14 gathering, processing, transmitting, compiling, editing or  
15 disseminating news for the general public.

16 (m) "Law enforcement agency" means any law enforcement  
17 agency of the United States, or the State or a political  
18 subdivision of it.

19 (n) "Oral communication" means human speech used to  
20 communicate by one party to another, in person, by wire  
21 communication or by any other means.

22 (o) "Private communication" means a wire, oral, or  
23 electronic communication uttered or transmitted by a person  
24 exhibiting an expectation that the communication is not subject  
25 to interception, under circumstances reasonably justifying the  
26 expectation. Circumstances that reasonably justify the

1 expectation that a communication is not subject to interception  
2 include the use of a cordless telephone or cellular  
3 communication device.

4 (p) "Wire communication" means any human speech used to  
5 communicate by one party to another in whole or in part through  
6 the use of facilities for the transmission of communications by  
7 wire, cable or other like connection between the point of  
8 origin and the point of reception furnished or operated by a  
9 communications common carrier.

10 (q) "Privileged communications" means a private  
11 communication between:

12 (1) a licensed and practicing physician and a patient  
13 within the scope of the profession of the physician;

14 (2) a licensed and practicing psychologist to a patient  
15 within the scope of the profession of the psychologist;

16 (3) a licensed and practicing attorney-at-law and a  
17 client within the scope of the profession of the lawyer;

18 (4) a practicing clergyman and a confidant within the  
19 scope of the profession of the clergyman;

20 (5) a practicing journalist within the scope of his  
21 profession;

22 (6) spouses within the scope of their marital  
23 relationship; or

24 (7) a licensed and practicing social worker to a client  
25 within the scope of the profession of the social worker.

26 (r) "Retired law enforcement officer" means a person: (1)

1 who is a graduate of a police training institute or academy,  
2 who after graduating served for at least 15 consecutive years  
3 as a sworn, full-time peace officer qualified to carry firearms  
4 for any federal or State department or agency or for any unit  
5 of local government of Illinois; (2) who has retired as a  
6 local, State, or federal peace officer in a publicly created  
7 peace officer retirement system; and (3) whose service in law  
8 enforcement was honorably terminated through retirement or  
9 disability and not as a result of discipline, suspension, or  
10 discharge.

11 (Source: P.A. 92-854, eff. 12-5-02; 92-863, eff. 1-3-03;  
12 revised 1-9-03.)

13 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

14 Sec. 108B-3. Authorization for the interception of private  
15 communication.

16 (a) The State's Attorney, or a person designated in writing  
17 or by law to act for him and to perform his duties during his  
18 absence or disability, may authorize, in writing, an ex parte  
19 application to the chief judge of a court of competent  
20 jurisdiction for an order authorizing the interception of a  
21 private communication when no party has consented to the  
22 interception and (i) the interception may provide evidence of,  
23 or may assist in the apprehension of a person who has  
24 committed, is committing or is about to commit, a violation of  
25 Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of



1 murder for hire), 9-1 (first degree murder), or 29B-1 (money  
2 laundering) of the Criminal Code of 1961, Section 401, 401.1  
3 (controlled substance trafficking), 405, 405.1 (criminal drug  
4 conspiracy) or 407 of the Illinois Controlled Substances Act or  
5 any Section of the Methamphetamine Control and Community  
6 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,  
7 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a) (4),  
8 24-1(a) (6), 24-1(a) (7), 24-1(a) (9), 24-1(a) (10), or 24-1(c) of  
9 the Criminal Code of 1961 or conspiracy to commit money  
10 laundering or conspiracy to commit first degree murder; (ii) in  
11 response to a clear and present danger of imminent death or  
12 great bodily harm to persons resulting from: (1) a kidnapping  
13 or the holding of a hostage by force or the threat of the  
14 imminent use of force; or (2) the occupation by force or the  
15 threat of the imminent use of force of any premises, place,  
16 vehicle, vessel or aircraft; (iii) to aid an investigation or  
17 prosecution of a civil action brought under the Illinois  
18 Streetgang Terrorism Omnibus Prevention Act when there is  
19 probable cause to believe the interception of the private  
20 communication will provide evidence that a streetgang is  
21 committing, has committed, or will commit a second or  
22 subsequent gang-related offense or that the interception of the  
23 private communication will aid in the collection of a judgment  
24 entered under that Act; or (iv) upon information and belief  
25 that a streetgang has committed, is committing, or is about to  
26 commit a felony.

1 (b) The State's Attorney or a person designated in writing  
2 or by law to act for the State's Attorney and to perform his or  
3 her duties during his or her absence or disability, may  
4 authorize, in writing, an ex parte application to the chief  
5 judge of a circuit court for an order authorizing the  
6 interception of a private communication when no party has  
7 consented to the interception and the interception may provide  
8 evidence of, or may assist in the apprehension of a person who  
9 has committed, is committing or is about to commit, a violation  
10 of an offense under Article 29D of the Criminal Code of 1961.

11 (b-1) Subsection (b) is inoperative on and after January 1,  
12 2005.

13 (b-2) No conversations recorded or monitored pursuant to  
14 subsection (b) shall be made inadmissible in a court of law by  
15 virtue of subsection (b-1).

16 (c) As used in this Section, "streetgang" and  
17 "gang-related" have the meanings ascribed to them in Section 10  
18 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

19 (Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05;  
20 revised 8-19-05.)

21 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

22 Sec. 108B-5. Requirements for order of interception.

23 (a) Upon consideration of an application, the chief judge  
24 may enter an ex parte order, as requested or as modified,  
25 authorizing the interception of a private communication, if the

1 chief judge determines on the basis of the application  
2 submitted by the applicant, that:

3 (1) There is probable cause for belief that (A) ~~(a)~~ the  
4 person whose private communication is to be intercepted is  
5 committing, has committed, or is about to commit an offense  
6 enumerated in Section 108B-3, or (B) ~~(b)~~ the facilities  
7 from which, or the place where, the private communication  
8 is to be intercepted, is, has been, or is about to be used  
9 in connection with the commission of the offense, or is  
10 leased to, listed in the name of, or commonly used by, the  
11 person; and

12 (2) There is probable cause for belief that a  
13 particular private communication concerning such offense  
14 may be obtained through the interception; and

15 (3) Normal investigative procedures with respect to  
16 the offense have been tried and have failed or reasonably  
17 appear to be unlikely to succeed if tried or too dangerous  
18 to employ; and

19 (4) The electronic criminal surveillance officers to  
20 be authorized to supervise the interception of the private  
21 communication have been certified by the Department.

22 (b) In the case of an application, other than for an  
23 extension, for an order to intercept a communication of a  
24 person or on a wire communication facility that was the subject  
25 of a previous order authorizing interception, the application  
26 shall be based upon new evidence or information different from

1 and in addition to the evidence or information offered to  
2 support the prior order, regardless of whether the evidence was  
3 derived from prior interceptions or from other sources.

4 (c) The chief judge may authorize interception of a private  
5 communication anywhere in the judicial circuit. If the court  
6 authorizes the use of an eavesdropping device with respect to a  
7 vehicle, watercraft, or aircraft that is within the judicial  
8 circuit at the time the order is issued, the order may provide  
9 that the interception may continue anywhere within the State if  
10 the vehicle, watercraft, or aircraft leaves the judicial  
11 circuit.

12 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

13 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

14 Sec. 108B-11. Inventory.

15 (a) Within a reasonable period of time but not later than  
16 90 days after the termination of the period of the order, or  
17 its extensions, or the date of the denial of an application  
18 made under Section 108B-8, the chief judge issuing or denying  
19 the order or extension shall cause an inventory to be served on  
20 any person:

21 (1) named in the order;

22 (2) arrested as a result of the interception of his  
23 private communication;

24 (3) indicted or otherwise charged as a result of the  
25 interception of his private communication;

1           (4) ~~Any person~~ whose private communication was  
2 intercepted and who the judge issuing or denying the order  
3 or application may in his discretion determine should be  
4 informed in the interest of justice.

5           (b) The inventory under this Section shall include:

6           (1) notice of the entry of the order or the application  
7 for an order denied under Section 108B-8;

8           (2) the date of the entry of the order or the denial of  
9 an order applied for under Section 108B-8;

10           (3) the period of authorized or disapproved  
11 interception; and

12           (4) the fact that during the period a private  
13 communication was or was not intercepted.

14           (c) A court of competent jurisdiction, upon filing of a  
15 motion, may in its discretion make available to those persons  
16 or their attorneys for inspection those portions of the  
17 intercepted communications, applications and orders as the  
18 court determines to be in the interest of justice.

19           (d) On an ex parte showing of good cause to a court of  
20 competent jurisdiction, the serving of the inventories  
21 required by this Section may be postponed for a period not to  
22 exceed 12 months.

23           (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

24           (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

1           Sec. 110-10. Conditions of bail bond.

2           (a) If a person is released prior to conviction, either  
3 upon payment of bail security or on his or her own  
4 recognizance, the conditions of the bail bond shall be that he  
5 or she will:

6           (1) Appear to answer the charge in the court having  
7 jurisdiction on a day certain and thereafter as ordered by  
8 the court until discharged or final order of the court;

9           (2) Submit himself or herself to the orders and process  
10 of the court;

11           (3) Not depart this State without leave of the court;

12           (4) Not violate any criminal statute of any  
13 jurisdiction;

14           (5) At a time and place designated by the court,  
15 surrender all firearms in his or her possession to a law  
16 enforcement officer designated by the court to take custody  
17 of and impound the firearms and physically surrender his or  
18 her Firearm Owner's Identification Card to the clerk of the  
19 circuit court when the offense the person has been charged  
20 with is a forcible felony, stalking, aggravated stalking,  
21 domestic battery, any violation of the Illinois Controlled  
22 Substances Act, the Methamphetamine Control and Community  
23 Protection Act, or the Cannabis Control Act that is  
24 classified as a Class 2 or greater felony, or any felony  
25 violation of Article 24 of the Criminal Code of 1961; the  
26 court may, however, forgo the imposition of this condition

1           when the circumstances of the case clearly do not warrant  
2           it or when its imposition would be impractical; all legally  
3           possessed firearms shall be returned to the person upon the  
4           charges being dismissed, or if the person is found not  
5           guilty, unless the finding of not guilty is by reason of  
6           insanity; and

7           (6) At a time and place designated by the court, submit  
8           to a psychological evaluation when the person has been  
9           charged with a violation of item (4) of subsection (a) of  
10          Section 24-1 of the Criminal Code of 1961 and that  
11          violation occurred in a school or in any conveyance owned,  
12          leased, or contracted by a school to transport students to  
13          or from school or a school-related activity, or on any  
14          public way within 1,000 feet of real property comprising  
15          any school.

16          Psychological evaluations ordered pursuant to this Section  
17          shall be completed promptly and made available to the State,  
18          the defendant, and the court. As a further condition of bail  
19          under these circumstances, the court shall order the defendant  
20          to refrain from entering upon the property of the school,  
21          including any conveyance owned, leased, or contracted by a  
22          school to transport students to or from school or a  
23          school-related activity, or on any public way within 1,000 feet  
24          of real property comprising any school. Upon receipt of the  
25          psychological evaluation, either the State or the defendant may  
26          request a change in the conditions of bail, pursuant to Section

1 110-6 of this Code. The court may change the conditions of bail  
2 to include a requirement that the defendant follow the  
3 recommendations of the psychological evaluation, including  
4 undergoing psychiatric treatment. The conclusions of the  
5 psychological evaluation and any statements elicited from the  
6 defendant during its administration are not admissible as  
7 evidence of guilt during the course of any trial on the charged  
8 offense, unless the defendant places his or her mental  
9 competency in issue.

10 (b) The court may impose other conditions, such as the  
11 following, if the court finds that such conditions are  
12 reasonably necessary to assure the defendant's appearance in  
13 court, protect the public from the defendant, or prevent the  
14 defendant's unlawful interference with the orderly  
15 administration of justice:

16 (1) Report to or appear in person before such person or  
17 agency as the court may direct;

18 (2) Refrain from possessing a firearm or other  
19 dangerous weapon;

20 (3) Refrain from approaching or communicating with  
21 particular persons or classes of persons;

22 (4) Refrain from going to certain described  
23 geographical areas or premises;

24 (5) Refrain from engaging in certain activities or  
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or



1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

3 (8) Work or pursue a course of study or vocational  
4 training;

5 (9) Attend or reside in a facility designated by the  
6 court;

7 (10) Support his or her dependents;

8 (11) If a minor resides with his or her parents or in a  
9 foster home, attend school, attend a non-residential  
10 program for youths, and contribute to his or her own  
11 support at home or in a foster home;

12 (12) Observe any curfew ordered by the court;

13 (13) Remain in the custody of such designated person or  
14 organization agreeing to supervise his release. Such third  
15 party custodian shall be responsible for notifying the  
16 court if the defendant fails to observe the conditions of  
17 release which the custodian has agreed to monitor, and  
18 shall be subject to contempt of court for failure so to  
19 notify the court;

20 (14) Be placed under direct supervision of the Pretrial  
21 Services Agency, Probation Department or Court Services  
22 Department in a pretrial bond home supervision capacity  
23 with or without the use of an approved electronic  
24 monitoring device subject to Article 8A of Chapter V of the  
25 Unified Code of Corrections;

26 (14.1) The court shall impose upon a defendant who is

1 charged with any alcohol, cannabis, methamphetamine, or  
2 controlled substance violation and is placed under direct  
3 supervision of the Pretrial Services Agency, Probation  
4 Department or Court Services Department in a pretrial bond  
5 home supervision capacity with the use of an approved  
6 monitoring device, as a condition of such bail bond, a fee  
7 that represents costs incidental to the electronic  
8 monitoring for each day of such bail supervision ordered by  
9 the court, unless after determining the inability of the  
10 defendant to pay the fee, the court assesses a lesser fee  
11 or no fee as the case may be. The fee shall be collected by  
12 the clerk of the circuit court. The clerk of the circuit  
13 court shall pay all monies collected from this fee to the  
14 county treasurer for deposit in the substance abuse  
15 services fund under Section 5-1086.1 of the Counties Code;

16 (14.2) The court shall impose upon all defendants,  
17 including those defendants subject to paragraph (14.1)  
18 above, placed under direct supervision of the Pretrial  
19 Services Agency, Probation Department or Court Services  
20 Department in a pretrial bond home supervision capacity  
21 with the use of an approved monitoring device, as a  
22 condition of such bail bond, a fee which shall represent  
23 costs incidental to such electronic monitoring for each day  
24 of such bail supervision ordered by the court, unless after  
25 determining the inability of the defendant to pay the fee,  
26 the court assesses a lesser fee or no fee as the case may

1 be. The fee shall be collected by the clerk of the circuit  
2 court. The clerk of the circuit court shall pay all monies  
3 collected from this fee to the county treasurer who shall  
4 use the monies collected to defray the costs of  
5 corrections. The county treasurer shall deposit the fee  
6 collected in the county working cash fund under Section  
7 6-27001 or Section 6-29002 of the Counties Code, as the  
8 case may be;

9 (14.3) The Chief Judge of the Judicial Circuit may  
10 establish reasonable fees to be paid by a person receiving  
11 pretrial services while under supervision of a pretrial  
12 services agency, probation department, or court services  
13 department. Reasonable fees may be charged for pretrial  
14 services including, but not limited to, pretrial  
15 supervision, diversion programs, electronic monitoring,  
16 victim impact services, drug and alcohol testing, and  
17 victim mediation services. The person receiving pretrial  
18 services may be ordered to pay all costs incidental to  
19 pretrial services in accordance with his or her ability to  
20 pay those costs;

21 (14.4) For persons charged with violating Section  
22 11-501 of the Illinois Vehicle Code, refrain from operating  
23 a motor vehicle not equipped with an ignition interlock  
24 device, as defined in Section 1-129.1 of the Illinois  
25 Vehicle Code, pursuant to the rules promulgated by the  
26 Secretary of State for the installation of ignition

1 interlock devices. Under this condition the court may allow  
2 a defendant who is not self-employed to operate a vehicle  
3 owned by the defendant's employer that is not equipped with  
4 an ignition interlock device in the course and scope of the  
5 defendant's employment;

6 (15) Comply with the terms and conditions of an order  
7 of protection issued by the court under the Illinois  
8 Domestic Violence Act of 1986 or an order of protection  
9 issued by the court of another state, tribe, or United  
10 States territory;

11 (16) Under Section 110-6.5 comply with the conditions  
12 of the drug testing program; and

13 (17) Such other reasonable conditions as the court may  
14 impose.

15 (c) When a person is charged with an offense under Section  
16 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of  
17 1961", involving a victim who is a minor under 18 years of age  
18 living in the same household with the defendant at the time of  
19 the offense, in granting bail or releasing the defendant on his  
20 own recognizance, the judge shall impose conditions to restrict  
21 the defendant's access to the victim which may include, but are  
22 not limited to conditions that he will:

23 1. Vacate the Household.

24 2. Make payment of temporary support to his dependents.

25 3. Refrain from contact or communication with the child  
26 victim, except as ordered by the court.

1           (d) When a person is charged with a criminal offense and  
2 the victim is a family or household member as defined in  
3 Article 112A, conditions shall be imposed at the time of the  
4 defendant's release on bond that restrict the defendant's  
5 access to the victim. Unless provided otherwise by the court,  
6 the restrictions shall include requirements that the defendant  
7 do the following:

8           (1) refrain from contact or communication with the  
9 victim for a minimum period of 72 hours following the  
10 defendant's release; and

11           (2) refrain from entering or remaining at the victim's  
12 residence for a minimum period of 72 hours following the  
13 defendant's release.

14           (e) Local law enforcement agencies shall develop  
15 standardized bond forms for use in cases involving family or  
16 household members as defined in Article 112A, including  
17 specific conditions of bond as provided in subsection (d).  
18 Failure of any law enforcement department to develop or use  
19 those forms shall in no way limit the applicability and  
20 enforcement of subsections (d) and (f).

21           (f) If the defendant is admitted to bail after conviction  
22 the conditions of the bail bond shall be that he will, in  
23 addition to the conditions set forth in subsections (a) and (b)  
24 hereof:

25           (1) Duly prosecute his appeal;

26           (2) Appear at such time and place as the court may

1 direct;

2 (3) Not depart this State without leave of the court;

3 (4) Comply with such other reasonable conditions as the  
4 court may impose; and

5 (5) If the judgment is affirmed or the cause reversed  
6 and remanded for a new trial, forthwith surrender to the  
7 officer from whose custody he was bailed.

8 (g) Upon a finding of guilty for any felony offense, the  
9 defendant shall physically surrender, at a time and place  
10 designated by the court, any and all firearms in his or her  
11 possession and his or her Firearm Owner's Identification Card  
12 as a condition of remaining on bond pending sentencing.

13 (Source: P.A. 93-184, eff. 1-1-04; 94-556, eff. 9-11-05;  
14 94-590, eff. 1-1-06; revised 8-19-05.)

15 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

16 Sec. 112A-23. Enforcement of orders of protection.

17 (a) When violation is crime. A violation of any order of  
18 protection, whether issued in a civil, quasi-criminal  
19 proceeding, shall be enforced by a criminal court when:

20 (1) The respondent commits the crime of violation of an  
21 order of protection pursuant to Section 12-30 of the  
22 Criminal Code of 1961, by having knowingly violated:

23 (i) remedies described in paragraphs (1), (2),  
24 (3), (14), or (14.5) of subsection (b) of Section  
25 112A-14,

1           (ii) a remedy, which is substantially similar to  
2           the remedies authorized under paragraphs (1), (2),  
3           (3), (14) or (14.5) of subsection (b) of Section 214 of  
4           the Illinois Domestic Violence Act of 1986, in a valid  
5           order of protection, which is authorized under the laws  
6           of another state, tribe or United States territory,

7           (iii) or any other remedy when the act constitutes  
8           a crime against the protected parties as defined by the  
9           Criminal Code of 1961.

10          Prosecution for a violation of an order of protection shall  
11          not bar concurrent prosecution for any other crime, including  
12          any crime that may have been committed at the time of the  
13          violation of the order of protection; or

14               (2) The respondent commits the crime of child abduction  
15          pursuant to Section 10-5 of the Criminal Code of 1961, by  
16          having knowingly violated:

17               (i) remedies described in paragraphs (5), (6) or  
18               (8) of subsection (b) of Section 112A-14, or

19               (ii) a remedy, which is substantially similar to  
20               the remedies authorized under paragraphs (1), (5),  
21               (6), or (8) of subsection (b) of Section 214 of the  
22               Illinois Domestic Violence Act of 1986, in a valid  
23               order of protection, which is authorized under the laws  
24               of another state, tribe or United States territory.

25          (b) When violation is contempt of court. A violation of any  
26          valid order of protection, whether issued in a civil or

1 criminal proceeding, may be enforced through civil or criminal  
2 contempt procedures, as appropriate, by any court with  
3 jurisdiction, regardless where the act or acts which violated  
4 the order of protection were committed, to the extent  
5 consistent with the venue provisions of this Article. Nothing  
6 in this Article shall preclude any Illinois court from  
7 enforcing any valid order of protection issued in another  
8 state. Illinois courts may enforce orders of protection through  
9 both criminal prosecution and contempt proceedings, unless the  
10 action which is second in time is barred by collateral estoppel  
11 or the constitutional prohibition against double jeopardy.

12 (1) In a contempt proceeding where the petition for a  
13 rule to show cause sets forth facts evidencing an immediate  
14 danger that the respondent will flee the jurisdiction,  
15 conceal a child, or inflict physical abuse on the  
16 petitioner or minor children or on dependent adults in  
17 petitioner's care, the court may order the attachment of  
18 the respondent without prior service of the rule to show  
19 cause or the petition for a rule to show cause. Bond shall  
20 be set unless specifically denied in writing.

21 (2) A petition for a rule to show cause for violation  
22 of an order of protection shall be treated as an expedited  
23 proceeding.

24 (c) Violation of custody or support orders. A violation of  
25 remedies described in paragraphs (5), (6), (8), or (9) of  
26 subsection (b) of Section 112A-14 may be enforced by any remedy



1 provided by Section 611 of the Illinois Marriage and  
2 Dissolution of Marriage Act. The court may enforce any order  
3 for support issued under paragraph (12) of subsection (b) of  
4 Section 112A-14 in the manner provided for under Parts ~~Articles~~  
5 V and VII of the Illinois Marriage and Dissolution of Marriage  
6 Act.

7 (d) Actual knowledge. An order of protection may be  
8 enforced pursuant to this Section if the respondent violates  
9 the order after respondent has actual knowledge of its contents  
10 as shown through one of the following means:

11 (1) By service, delivery, or notice under Section  
12 112A-10.

13 (2) By notice under Section 112A-11.

14 (3) By service of an order of protection under Section  
15 112A-22.

16 (4) By other means demonstrating actual knowledge of  
17 the contents of the order.

18 (e) The enforcement of an order of protection in civil or  
19 criminal court shall not be affected by either of the  
20 following:

21 (1) The existence of a separate, correlative order  
22 entered under Section 112A-15.

23 (2) Any finding or order entered in a conjoined  
24 criminal proceeding.

25 (f) Circumstances. The court, when determining whether or  
26 not a violation of an order of protection has occurred, shall

1 not require physical manifestations of abuse on the person of  
2 the victim.

3 (g) Penalties.

4 (1) Except as provided in paragraph (3) of this  
5 subsection, where the court finds the commission of a crime  
6 or contempt of court under subsections (a) or (b) of this  
7 Section, the penalty shall be the penalty that generally  
8 applies in such criminal or contempt proceedings, and may  
9 include one or more of the following: incarceration,  
10 payment of restitution, a fine, payment of attorneys' fees  
11 and costs, or community service.

12 (2) The court shall hear and take into account evidence  
13 of any factors in aggravation or mitigation before deciding  
14 an appropriate penalty under paragraph (1) of this  
15 subsection.

16 (3) To the extent permitted by law, the court is  
17 encouraged to:

18 (i) increase the penalty for the knowing violation  
19 of any order of protection over any penalty previously  
20 imposed by any court for respondent's violation of any  
21 order of protection or penal statute involving  
22 petitioner as victim and respondent as defendant;

23 (ii) impose a minimum penalty of 24 hours  
24 imprisonment for respondent's first violation of any  
25 order of protection; and

26 (iii) impose a minimum penalty of 48 hours

1           imprisonment for respondent's second or subsequent  
2           violation of an order of protection  
3           unless the court explicitly finds that an increased penalty  
4           or that period of imprisonment would be manifestly unjust.

5           (4) In addition to any other penalties imposed for a  
6           violation of an order of protection, a criminal court may  
7           consider evidence of any violations of an order of  
8           protection:

9                   (i) to increase, revoke or modify the bail bond on  
10                   an underlying criminal charge pursuant to Section  
11                   110-6;

12                   (ii) to revoke or modify an order of probation,  
13                   conditional discharge or supervision, pursuant to  
14                   Section 5-6-4 of the Unified Code of Corrections;

15                   (iii) to revoke or modify a sentence of periodic  
16                   imprisonment, pursuant to Section 5-7-2 of the Unified  
17                   Code of Corrections.

18           (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

19           (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

20           Sec. 112A-28. Data maintenance by law enforcement  
21           agencies.

22           (a) All sheriffs shall furnish to the Department of State  
23           Police, daily, in the form and detail the Department requires,  
24           copies of any recorded orders of protection issued by the  
25           court, and any foreign orders of protection filed by the clerk

1 of the court, and transmitted to the sheriff by the clerk of  
2 the court pursuant to subsection (b) of Section 112A-22 of this  
3 Act. Each order of protection shall be entered in the Law  
4 Enforcement Agencies ~~Automated~~ Data System on the same day it  
5 is issued by the court. If an emergency order of protection was  
6 issued in accordance with subsection (c) of Section 112A-17,  
7 the order shall be entered in the Law Enforcement Agencies  
8 ~~Automated~~ Data System as soon as possible after receipt from  
9 the clerk.

10 (b) The Department of State Police shall maintain a  
11 complete and systematic record and index of all valid and  
12 recorded orders of protection issued or filed pursuant to this  
13 Act. The data shall be used to inform all dispatchers and law  
14 enforcement officers at the scene of an alleged incident of  
15 abuse or violation of an order of protection of any recorded  
16 prior incident of abuse involving the abused party and the  
17 effective dates and terms of any recorded order of protection.

18 (c) The data, records and transmittals required under this  
19 Section shall pertain to any valid emergency, interim or  
20 plenary order of protection, whether issued in a civil or  
21 criminal proceeding or authorized under the laws of another  
22 state, tribe, or United States territory.

23 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised  
24 2-17-03.)

25 Section 1055. The Capital Crimes Litigation Act is amended

1 by changing Section 19 as follows:

2 (725 ILCS 124/19)

3 Sec. 19. Report, ~~repeal~~.

4 (a) The Cook County Public Defender, the Cook County  
5 State's Attorney, the State Appellate Defender, the State's  
6 Attorneys Appellate Prosecutor, and the Attorney General shall  
7 each report separately to the General Assembly by January 1,  
8 2004 detailing the amounts of money received by them through  
9 this Act, the uses for which those funds were expended, the  
10 balances then in the Capital Litigation Trust Fund or county  
11 accounts, as the case may be, dedicated to them for the use and  
12 support of Public Defenders, appointed trial defense counsel,  
13 and State's Attorneys, as the case may be. The report shall  
14 describe and discuss the need for continued funding through the  
15 Fund and contain any suggestions for changes to this Act.

16 (b) (Blank).

17 (Source: P.A. 93-605, eff. 11-19-03; revised 12-9-03.)

18 Section 1060. The Pretrial Services Act is amended by  
19 changing Section 33 as follows:

20 (725 ILCS 185/33) (from Ch. 38, par. 333)

21 Sec. 33. The Supreme Court shall pay from funds  
22 appropriated to it for this purpose 100% of all approved costs  
23 for pretrial services, including pretrial services officers,

1 necessary support personnel, travel costs reasonably related  
2 to the delivery of pretrial services, space costs, equipment,  
3 telecommunications, postage, commodities, printing and  
4 contractual services. Costs shall be reimbursed monthly, based  
5 on a plan and budget approved by the Supreme Court. No  
6 department may be reimbursed for costs which exceed or are not  
7 provided for in the approved plan and budget. For State fiscal  
8 years 2004, 2005, ~~and~~ 2006, and 2007 only, the Mandatory  
9 Arbitration Fund may be used to reimburse approved costs for  
10 pretrial services.

11 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91,  
12 eff. 7-1-05; 94-839, eff. 6-6-06; revised 8-3-06.)

13 Section 1065. The Sexually Violent Persons Commitment Act  
14 is amended by changing Section 90 as follows:

15 (725 ILCS 207/90)

16 Sec. 90. Committed persons ability to pay for services.  
17 Each person committed or detained under this Act who receives  
18 services provided directly or funded by the Department and the  
19 estate of that person is liable for the payment of sums  
20 representing charges for services to the person at a rate to be  
21 determined by the Department. Services charges against that  
22 person take effect on the date of admission or the effective  
23 date of this Section. The Department in its rules may establish  
24 a maximum rate for the cost of services. In the case of any

1 person who has received residential services from the  
2 Department, whether directly from the Department or through a  
3 public or private agency or entity funded by the Department,  
4 the liability shall be the same regardless of the source of  
5 services. When the person is placed in a facility outside the  
6 Department, the facility shall collect reimbursement from the  
7 person. The Department may supplement the contribution of the  
8 person to private facilities after all other sources of income  
9 have been utilized; however the supplement shall not exceed the  
10 allowable rate under Title XVIII or Title XIX of the Federal  
11 Social Security Act for those persons eligible for those  
12 respective programs. The Department may pay the actual costs of  
13 services or maintenance in the facility and may collect  
14 reimbursement for the entire amount paid from the person or an  
15 amount not to exceed the maximum. Lesser or greater amounts may  
16 be accepted by the Department when conditions warrant that  
17 action or when offered by persons not liable under this Act.  
18 Nothing in this Section shall preclude the Department from  
19 applying federal benefits that are specifically provided for  
20 the care and treatment of a disabled person toward the cost of  
21 care provided by a State facility or private agency. The  
22 Department may investigate the financial condition of each  
23 person committed under this Act, may make determinations of the  
24 ability of each such person to pay sums representing services  
25 charges, and for those purposes may set a standard as a basis  
26 of judgment of ability to pay. The Department shall by rule

1 make provisions for unusual and exceptional circumstances in  
2 the application of that standard. The Department may issue to  
3 any person liable under this Act a statement of amount due as  
4 treatment charges requiring him or her to pay monthly,  
5 quarterly, or otherwise as may be arranged, an amount not  
6 exceeding that required under this Act, plus fees to which the  
7 Department may be entitled under this Act.

8 (a) Whenever an individual is covered, in part or in whole,  
9 under any type of insurance arrangement, private or public, for  
10 services provided by the Department, the proceeds from the  
11 insurance shall be considered as part of the individual's  
12 ability to pay notwithstanding that the insurance contract was  
13 entered into by a person other than the individual or that the  
14 premiums for the insurance were paid for by a person other than  
15 the individual. Remittances from intermediary agencies under  
16 Title XVIII of the Federal Social Security Act for services to  
17 committed persons shall be deposited with the State Treasurer  
18 and placed in the Mental Health Fund. Payments received from  
19 the Department of Healthcare and Family Services ~~Public Aid~~  
20 under Title XIX of the Federal Social Security Act for services  
21 to those persons shall be deposited with the State Treasurer  
22 and shall be placed in the General Revenue Fund.

23 (b) Any person who has been issued a Notice of  
24 Determination of sums due as services charges may petition the  
25 Department for a review of that determination. The petition  
26 must be in writing and filed with the Department within 90 days



1 from the date of the Notice of Determination. The Department  
2 shall provide for a hearing to be held on the charges for the  
3 period covered by the petition. The Department may after the  
4 hearing, cancel, modify, or increase the former determination  
5 to an amount not to exceed the maximum provided for the person  
6 by this Act. The Department at its expense shall take testimony  
7 and preserve a record of all proceedings at the hearing upon  
8 any petition for a release from or modification of the  
9 determination. The petition and other documents in the nature  
10 of pleadings and motions filed in the case, a transcript of  
11 testimony, findings of the Department, and orders of the  
12 Secretary constitute the record. The Secretary shall furnish a  
13 transcript of the record to any person upon payment of 75¢ per  
14 page for each original transcript and 25¢ per page for each  
15 copy of the transcript. Any person aggrieved by the decision of  
16 the Department upon a hearing may, within 30 days thereafter,  
17 file a petition with the Department for review of the decision  
18 by the Board of Reimbursement Appeals established in the Mental  
19 Health and Developmental Disabilities Code. The Board of  
20 Reimbursement Appeals may approve action taken by the  
21 Department or may remand the case to the Secretary with  
22 recommendation for redetermination of charges.

23 (c) Upon receiving a petition for review under subsection  
24 (b) of this Section, the Department shall thereupon notify the  
25 Board of Reimbursement Appeals which shall render its decision  
26 thereon within 30 days after the petition is filed and certify

1 such decision to the Department. Concurrence of a majority of  
2 the Board is necessary in any such decision. Upon request of  
3 the Department, the State's Attorney of the county in which a  
4 client who is liable under this Act for payment of sums  
5 representing services charges resides, shall institute  
6 appropriate legal action against any such client, or within the  
7 time provided by law shall file a claim against the estate of  
8 the client who fails or refuses to pay those charges. The court  
9 shall order the payment of sums due for services charges for  
10 such period or periods of time as the circumstances require.  
11 The order may be entered against any defendant and may be based  
12 upon the proportionate ability of each defendant to contribute  
13 to the payment of sums representing services charges including  
14 the actual charges for services in facilities outside the  
15 Department where the Department has paid those charges. Orders  
16 for the payment of money may be enforced by attachment as for  
17 contempt against the persons of the defendants and, in  
18 addition, as other judgments for the payment of money, and  
19 costs may be adjudged against the defendants and apportioned  
20 among them.

21 (d) The money collected shall be deposited into the Mental  
22 Health Fund.

23 (Source: P.A. 90-793, eff. 8-14-98; revised 12-15-05.)

24 Section 1070. The Unified Code of Corrections is amended by  
25 changing Sections 3-3-10, 3-5-4, 5-2-4, 5-4-1, 5-5-3, 5-5-6,

1 5-6-3, 5-6-3.1, 5-8-1.3, 5-9-1.2, and 5-9-1.7 and by setting  
2 forth, renumbering, and changing multiple versions of Article  
3 17 of Chapter III and Section 5-9-1.12 as follows:

4 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

5 Sec. 3-3-10. Eligibility after Revocation; Release under  
6 Supervision.

7 (a) A person whose parole or mandatory supervised release  
8 has been revoked may be reparaoled or rereleased by the Board at  
9 any time to the full parole or mandatory supervised release  
10 term under Section 3-3-8, except that the time which the person  
11 shall remain subject to the Board shall not exceed (1) the  
12 imposed maximum term of imprisonment or confinement and the  
13 parole term for those sentenced under the law in effect prior  
14 to the effective date of this amendatory Act of 1977 or (2) the  
15 term of imprisonment imposed by the court and the mandatory  
16 supervised release term for those sentenced under the law in  
17 effect on and after such effective date.

18 (b) If the Board sets no earlier release date:

19 (1) A person sentenced for any violation of law which  
20 occurred before January 1, 1973, shall be released under  
21 supervision 6 months prior to the expiration of his maximum  
22 sentence of imprisonment less good time credit under  
23 Section 3-6-3.†

24 (2) Any person who has violated the conditions of his  
25 parole and been reconfined under Section 3-3-9 shall be

1 released under supervision 6 months prior to the expiration  
2 of the term of his reconfinement under paragraph (a) of  
3 Section 3-3-9 less good time credit under Section 3-6-3.  
4 This paragraph shall not apply to persons serving terms of  
5 mandatory supervised release.

6 (3) Nothing herein shall require the release of a  
7 person who has violated his parole within 6 months of the  
8 date when his release under this Section would otherwise be  
9 mandatory.

10 (c) Persons released under this Section shall be subject to  
11 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,  
12 3-14-3, and 3-14-4.

13 (Source: P.A. 94-165, eff. 7-11-05; revised 8-29-05.)

14 (730 ILCS 5/3-5-4)

15 Sec. 3-5-4. Exchange of information for child support  
16 enforcement.

17 (a) The Department shall exchange with the ~~Illinois~~  
18 Department of Healthcare and Family Services ~~Public Aid~~  
19 information that may be necessary for the enforcement of child  
20 support orders entered pursuant to the Illinois Public Aid  
21 Code, the Illinois Marriage and Dissolution of Marriage Act,  
22 the Non-Support of Spouse and Children Act, the Non-Support  
23 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
24 Support Act, the Uniform Interstate Family Support Act, or the  
25 Illinois Parentage Act of 1984.

1 (b) Notwithstanding any provisions in this Code to the  
2 contrary, the Department shall not be liable to any person for  
3 any disclosure of information to the Department of Healthcare  
4 and Family Services (formerly Illinois Department of Public  
5 Aid) under subsection (a) or for any other action taken in good  
6 faith to comply with the requirements of subsection (a).

7 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99; revised  
8 12-15-05.)

9 (730 ILCS 5/Ch. III Art. 17 heading)

10 ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS

11 (Source: P.A. 94-161, eff. 7-11-05.)

12 (730 ILCS 5/3-17-1)

13 Sec. 3-17-1. Transitional housing for sex offenders. This  
14 Article may be cited as the Transitional Housing For Sex  
15 Offenders Law.

16 (Source: P.A. 94-161, eff. 7-11-05.)

17 (730 ILCS 5/3-17-5)

18 Sec. 3-17-5. Transitional housing; licensing.

19 (a) The Department of Corrections shall license  
20 transitional housing facilities for persons convicted of or  
21 placed on supervision for sex offenses as defined in the Sex  
22 Offender Management Board Act.

23 (b) A transitional housing facility must meet the following

1 criteria to be licensed by the Department:

2 (1) The facility shall provide housing to a sex  
3 offender who is in compliance with his or her parole,  
4 mandatory supervised release, probation, or supervision  
5 order for a period not to exceed 90 days, unless extended  
6 with approval from the Director or his or her designee.  
7 Notice of any extension approved shall be provided to the  
8 Prisoner Review Board.

9 (2) The Department of Corrections must approve a  
10 treatment plan and counseling for each sex offender  
11 residing in the transitional housing.

12 (3) The transitional housing facility must provide  
13 security 24 hours each day and 7 days each week as defined  
14 and approved by the Department.

15 (4) The facility must notify the police department,  
16 public and private elementary and secondary schools,  
17 public libraries, and each residential home and apartment  
18 complex located within 500 feet of the transitional housing  
19 facility of its initial licensure as a transitional housing  
20 facility, and of its continuing operation as a transitional  
21 housing facility annually thereafter.

22 (5) Upon its initial licensure as a transitional  
23 housing facility and during its licensure, each facility  
24 shall maintain at its main entrance a visible and  
25 conspicuous exterior sign identifying itself as, in  
26 letters at least 4 inches tall, a "Department of

1 Corrections Licensed Transitional Housing Facility".

2 (6) Upon its initial licensure as a transitional  
3 housing facility, each facility shall file in the office of  
4 the county clerk of the county in which such facility is  
5 located, a certificate setting forth the name under which  
6 the facility is, or is to be, operated, and the true or  
7 real full name or names of the person, persons or entity  
8 operating the same, with the address of the facility. The  
9 certificate shall be executed and duly acknowledged by the  
10 person or persons so operating or intending to operate the  
11 facility. Notice of the filing of the certificate shall be  
12 published in a newspaper of general circulation published  
13 within the county in which the certificate is filed. The  
14 notice shall be published once a week for 3 consecutive  
15 weeks. The first publication shall be within 15 days after  
16 the certificate is filed in the office of the county clerk.  
17 Proof of publication shall be filed with the county clerk  
18 within 50 days from the date of filing the certificate.  
19 Upon receiving proof of publication, the clerk shall issue  
20 a receipt to the person filing the certificate, but no  
21 additional charge shall be assessed by the clerk for giving  
22 such receipt. Unless proof of publication is made to the  
23 clerk, the notification is void.

24 (7) Each licensed transitional housing facility shall  
25 be identified on the Illinois State Police Sex Offender  
26 Registry website, including the address of the facility

1           together with the maximum possible number of sex offenders  
2           that the facility could house.

3           (c) The Department of Corrections shall establish rules  
4           consistent with this Section establishing licensing procedures  
5           and criteria for transitional housing facilities for sex  
6           offenders, and may create criteria for, and issue licenses for,  
7           different levels of facilities to be licensed. The Department  
8           is authorized to set and charge a licensing fee for each  
9           application for a transitional housing license. The rules shall  
10          be adopted within 60 days after the effective date of this  
11          amendatory Act of the 94th General Assembly. Facilities which  
12          on the effective date of this amendatory Act of the 94th  
13          General Assembly are currently housing and providing sex  
14          offender treatment to sex offenders may continue housing more  
15          than one sex offender on parole, mandatory supervised release,  
16          probation, or supervision for a period of 120 days after the  
17          adoption of licensure rules during which time the facility  
18          shall apply for a transitional housing license.

19          (d) The Department of Corrections shall maintain a file on  
20          each sex offender housed in a transitional housing facility.  
21          The file shall contain efforts of the Department in placing a  
22          sex offender in non-transitional housing, efforts of the  
23          Department to place the sex offender in a county from which he  
24          or she was convicted, the anticipated length of stay of each  
25          sex offender in the transitional housing facility, the number  
26          of sex offenders residing in the transitional housing facility,



1 and the services to be provided the sex offender while he or  
2 she resides in the transitional housing facility.

3 (e) The Department of Corrections shall, on or before  
4 December 31 of each year, file a report with the General  
5 Assembly on the number of transitional housing facilities for  
6 sex offenders licensed by the Department, the addresses of each  
7 licensed facility, how many sex offenders are housed in each  
8 facility, and the particular sex offense that each resident of  
9 the transitional housing facility committed.

10 (Source: P.A. 94-161, eff. 7-11-05.)

11 (730 ILCS 5/Ch. III Art. 18 heading)

12 ARTICLE 18 ~~17~~. PROGRAM OF REENTRY INTO COMMUNITY

13 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

14 (730 ILCS 5/3-18-5)

15 Sec. 3-18-5 ~~3-17-5~~. Definitions. As used in this Article:

16 "Board" means the Prisoner Review Board.

17 "Department" means the Department of Corrections.

18 "Director" means the Director of Corrections.

19 "Offender" means a person who has been convicted of a  
20 felony under the laws of this State and sentenced to a term of  
21 imprisonment.

22 "Program" means a program established by a county or  
23 municipality under Section 3-18-10 ~~3-17-10~~ for reentry of  
24 persons into the community who have been committed to the

1 Department for commission of a felony.

2 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

3 (730 ILCS 5/3-18-10)

4 Sec. 3-18-10 ~~3-17-10~~. Establishment of program.

5 (a) A county with the approval of the county board or a  
6 municipality that maintains a jail or house of corrections with  
7 the approval of the corporate authorities may establish a  
8 program for reentry of offenders into the community who have  
9 been committed to the Department for commission of a felony.  
10 Any program shall be approved by the Director prior to  
11 placement of inmates in a program.

12 (b) If a county or municipality establishes a program under  
13 this Section, the sheriff in the case of a county or the police  
14 chief in the case of a municipality shall:

15 (1) Determine whether offenders who are referred by the  
16 Director of Corrections under Section 3-18-15 ~~3-17-15~~  
17 should be assigned to participate in a program.

18 (2) Supervise offenders participating in the program  
19 during their participation in the program.

20 (c) A county or municipality shall be liable for the well  
21 being and actions of inmates in its custody while in a program  
22 and shall indemnify the Department for any loss incurred by the  
23 Department caused while an inmate is in a program.

24 (d) An offender may not be assigned to participate in a  
25 program unless the Director of Corrections, in consultation

1 with the Prisoner Review Board, grants prior approval of the  
2 assignment under this Section.

3 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

4 (730 ILCS 5/3-18-15)

5 Sec. 3-18-15 ~~3-17-15~~. Referral of person to sheriff or  
6 police chief; assignment of person by the Department.

7 (a) Except as otherwise provided in this Section, if a  
8 program has been established in a county or municipality in  
9 which an offender was sentenced to imprisonment for a felony,  
10 the Director may refer the offender to the county sheriff or  
11 municipal police chief if:

12 (1) The offender qualifies under the standards  
13 established by the Director in subsection (c);

14 (2) The offender has demonstrated a willingness to:

15 (A) engage in employment or participate in  
16 vocational rehabilitation or job skills training; and

17 (B) meet any existing obligation for restitution  
18 to any victim of his or her crime; and

19 (3) the offender is within one year of his or her  
20 probable release from prison, as determined by the  
21 Director.

22 (b) Except as otherwise provided in this Section, if the  
23 Director is notified by the sheriff or police chief under  
24 Section 3-18-10 ~~3-17-10~~ that an offender would benefit by being  
25 assigned to the custody of the sheriff or police chief to

1 participate in the program, the Director shall review whether  
2 the offender should be assigned to participate in a program for  
3 not longer than the remainder of his or her sentence.

4 (c) The Director, by rule, shall adopt standards setting  
5 forth which offenders are eligible to be assigned to the  
6 custody of the sheriff or police chief to participate in the  
7 program under this Section. The standards adopted by the  
8 Director must be approved by the Prisoner Review Board and must  
9 provide that an offender is ineligible for participation in the  
10 program who:

11 (1) has recently committed a serious infraction of the  
12 rules of an institution or facility of the Department;

13 (2) has not performed the duties assigned to him or her  
14 in a faithful and orderly manner;

15 (3) has, within the immediately preceding 5 years, been  
16 convicted of any crime involving the use or threatened use  
17 of force or violence against a victim that is punishable as  
18 a felony;

19 (4) has ever been convicted of a sex offense as defined  
20 in Section 10 of the Sex Offender Management Board Act;

21 (5) has escaped or attempted to escape from any jail or  
22 correctional institution for adults; or

23 (6) has not made an effort in good faith to participate  
24 in or to complete any educational or vocational program or  
25 any program of treatment, as ordered by the Director.

26 (d) The Director shall adopt rules requiring offenders who

1 are assigned to the custody of the sheriff or police chief  
2 under this Section to reimburse the Department for the cost of  
3 their participation in a program, to the extent of their  
4 ability to pay.

5 (e) The sheriff or police chief may return the offender to  
6 the custody of the Department at any time for any violation of  
7 the terms and conditions imposed by the Director in  
8 consultation with the Prisoner Review Board.

9 (f) If an offender assigned to the custody of the sheriff  
10 or police chief under this Section violates any of the terms or  
11 conditions imposed by the Director in consultation with the  
12 Prisoner Review Board and is returned to the custody of the  
13 Department, the offender forfeits all or part of the credits  
14 for good behavior earned by him or her before he or she was  
15 returned to the custody of the Department, as determined by the  
16 Director. The Director may provide for a forfeiture of credits  
17 under this subsection (f) only after proof of the violation and  
18 notice is given to the offender. The Director may restore  
19 credits so forfeited for such reasons as he or she considers  
20 proper. The Director, by rule, shall establish procedures for  
21 review of forfeiture of good behavior credit. The decision of  
22 the Director regarding such a forfeiture is final.

23 (g) The assignment of an offender to the custody of the  
24 sheriff or police chief under this Section shall be deemed:

25 (1) a continuation of his or her imprisonment and not a  
26 release on parole or mandatory supervised release; and

1           (2) for the purposes of Section 3-8-1, an assignment to  
2           a facility of the Department, except that the offender is  
3           not entitled to obtain any benefits or to participate in  
4           any programs provided to offenders in the custody of the  
5           Department.

6           (h) An offender does not have a right to be assigned to the  
7           custody of the sheriff or police chief under this Section, or  
8           to remain in that custody after such an assignment. It is not  
9           intended that the establishment or operation of a program  
10          creates any right or interest in liberty or property or  
11          establishes a basis for any cause of action against this State  
12          or its political subdivisions, agencies, boards, commissions,  
13          departments, officers, or employees.

14          (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

15           (730 ILCS 5/3-18-20)

16           Sec. 3-18-20 ~~3-17-20~~. Director to contract for certain  
17          services for offenders in program.

18           (a) The Director may enter into one or more contracts with  
19          one or more public or private entities to provide any of the  
20          following services, as necessary and appropriate, to offenders  
21          participating in a program:

22                   (1) transitional housing;

23                   (2) treatment pertaining to substance abuse or mental  
24          health;

25                   (3) training in life skills;

1 (4) vocational rehabilitation and job skills training;

2 and

3 (5) any other services required by offenders who are  
4 participating in a program.

5 (b) The Director shall, as necessary and appropriate,  
6 provide referrals and information regarding:

7 (1) any of the services provided pursuant to subsection

8 (a);

9 (2) access and availability of any appropriate  
10 self-help groups;

11 (3) social services for families and children; and

12 (4) permanent housing.

13 (c) The Director may apply for and accept any gift,  
14 donation, bequest, grant, or other source of money to carry out  
15 the provisions of this Section.

16 (d) As used in this Section, training in life skills  
17 includes, without limitation, training in the areas of: (1)  
18 parenting; (2) improving human relationships; (3) preventing  
19 domestic violence; (4) maintaining emotional and physical  
20 health; (5) preventing abuse of alcohol and drugs; (6)  
21 preparing for and obtaining employment; and (7) budgeting,  
22 consumerism, and personal finances.

23 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

24 (730 ILCS 5/3-18-25)

25 Sec. 3-18-25 ~~3-17-25~~. Monitoring of participant in

1 program. The Department shall retain the authority to monitor  
2 each person who is participating in a program under Section  
3 3-18-15 ~~3-17-15~~. Such authority shall include site  
4 inspections, review of program activities, and access to inmate  
5 files and records.

6 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

7 (730 ILCS 5/Ch. III Art. 19 heading)

8 ARTICLE 19 ~~17~~. METHAMPHETAMINE ABUSERS PILOT PROGRAMS

9 (Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

10 (730 ILCS 5/3-19-5)

11 Sec. 3-19-5 ~~3-17-5~~. Methamphetamine abusers pilot program;  
12 Franklin County Juvenile Detention Center.

13 (a) There is created the Methamphetamine Abusers Pilot  
14 Program at the Franklin County Juvenile Detention Center. The  
15 Program shall be established upon adoption of a resolution or  
16 ordinance by the Franklin County Board and with the consent of  
17 the Secretary of Human Services.

18 (b) A person convicted of the unlawful possession of  
19 methamphetamine under Section 60 of the Methamphetamine  
20 Control and Community Protection Act ~~Section 402 of the~~  
21 ~~Illinois Controlled Substances Act~~, after an assessment by a  
22 designated program licensed under the Alcoholism and Other Drug  
23 Abuse and Dependency Act that the person is a methamphetamine  
24 abuser or addict and may benefit from treatment for his or her



1 abuse or addiction, may be ordered by the court to be committed  
2 to the Program established under this Section.

3 (c) The Program shall consist of medical and psychiatric  
4 treatment for the abuse or addiction for a period of at least  
5 90 days and not to exceed 180 days. A treatment plan for each  
6 person participating in the Program shall be approved by the  
7 court in consultation with the Department of Human Services.  
8 The Secretary of Human Services shall appoint a Program  
9 Administrator to operate the Program who shall be licensed to  
10 provide residential treatment for alcoholism and other drug  
11 abuse and dependency.

12 (d) Persons committed to the Program who are 17 years of  
13 age or older shall be separated from minors under 17 years of  
14 age who are detained in the Juvenile Detention Center and there  
15 shall be no contact between them.

16 (e) Upon the establishment of the Pilot Program, the  
17 Secretary of Human Services shall inform the chief judge of  
18 each judicial circuit of this State of the existence of the  
19 Program and its date of termination.

20 (f) The Secretary of Human Services, after consultation  
21 with the Program Administrator, shall determine the  
22 effectiveness of the Program in rehabilitating methamphetamine  
23 abusers and addicts committed to the Program. The Secretary  
24 shall prepare a report based on his or her assessment of the  
25 effectiveness of the Program and shall submit the report to the  
26 Governor and General Assembly within one year after January 1,

1 2006 (the effective date of Public Act 94-549) ~~this amendatory~~  
2 ~~Act of the 94th General Assembly~~ and each year thereafter that  
3 the Program continues operation.

4 (Source: P.A. 94-549, eff. 1-1-06; revised 9-29-05.)

5 (730 ILCS 5/3-19-10)

6 Sec. 3-19-10 ~~3-17-10~~. Methamphetamine abusers pilot  
7 program; Franklin County Jail.

8 (a) There is created the Methamphetamine Abusers Pilot  
9 Program at the Franklin County Jail. The Program shall be  
10 established upon adoption of a resolution or ordinance by the  
11 Franklin County Board and with the consent of the Secretary of  
12 Human Services.

13 (b) A person convicted of the unlawful possession of  
14 methamphetamine under Section 402 of the Illinois Controlled  
15 Substances Act, after an assessment by a designated program  
16 licensed under the Alcoholism and Other Drug Abuse and  
17 Dependency Act that the person is a methamphetamine abuser or  
18 addict and may benefit from treatment for his or her abuse or  
19 addiction, may be ordered by the court to be committed to the  
20 Program established under this Section.

21 (c) The Program shall consist of medical and psychiatric  
22 treatment for the abuse or addiction for a period of at least  
23 90 days and not to exceed 180 days. A treatment plan for each  
24 person participating in the Program shall be approved by the  
25 court in consultation with the Department of Human Services.

1 The Secretary of Human Services shall appoint a Program  
2 Administrator to operate the Program who shall be licensed to  
3 provide residential treatment for alcoholism and other drug  
4 abuse and dependency.

5 (d) Upon the establishment of the Pilot Program, the  
6 Secretary of Human Services shall inform the chief judge of  
7 each judicial circuit of this State of the existence of the  
8 Program and its date of termination.

9 (e) The Secretary of Human Services, after consultation  
10 with the Program Administrator, shall determine the  
11 effectiveness of the Program in rehabilitating methamphetamine  
12 abusers and addicts committed to the Program. The Secretary  
13 shall prepare a report based on his or her assessment of the  
14 effectiveness of the Program and shall submit the report to the  
15 Governor and General Assembly within one year after the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly and each year thereafter that the Program continues  
18 operation.

19 (Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

20 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

21 Sec. 5-2-4. Proceedings after Acquittal by Reason of  
22 Insanity.

23 (a) After a finding or verdict of not guilty by reason of  
24 insanity under Sections 104-25, 115-3 or 115-4 of The Code of  
25 Criminal Procedure of 1963, the defendant shall be ordered to

1 the Department of Human Services for an evaluation as to  
2 whether he is in need of mental health services. The order  
3 shall specify whether the evaluation shall be conducted on an  
4 inpatient or outpatient basis. If the evaluation is to be  
5 conducted on an inpatient basis, the defendant shall be placed  
6 in a secure setting unless the Court determines that there are  
7 compelling reasons why such placement is not necessary. After  
8 the evaluation and during the period of time required to  
9 determine the appropriate placement, the defendant shall  
10 remain in jail. Upon completion of the placement process the  
11 sheriff shall be notified and shall transport the defendant to  
12 the designated facility.

13 The Department shall provide the Court with a report of its  
14 evaluation within 30 days of the date of this order. The Court  
15 shall hold a hearing as provided under the Mental Health and  
16 Developmental Disabilities Code to determine if the individual  
17 is: (a) in need of mental health services on an inpatient  
18 basis; (b) in need of mental health services on an outpatient  
19 basis; (c) a person not in need of mental health services. The  
20 Court shall enter its findings.

21 If the defendant is found to be in need of mental health  
22 services on an inpatient care basis, the Court shall order the  
23 defendant to the Department of Human Services. The defendant  
24 shall be placed in a secure setting unless the Court determines  
25 that there are compelling reasons why such placement is not  
26 necessary. Such defendants placed in a secure setting shall not

1 be permitted outside the facility's housing unit unless  
2 escorted or accompanied by personnel of the Department of Human  
3 Services or with the prior approval of the Court for  
4 unsupervised on-grounds privileges as provided herein. Any  
5 defendant placed in a secure setting pursuant to this Section,  
6 transported to court hearings or other necessary appointments  
7 off facility grounds by personnel of the Department of Human  
8 Services, shall be placed in security devices or otherwise  
9 secured during the period of transportation to assure secure  
10 transport of the defendant and the safety of Department of  
11 Human Services personnel and others. These security measures  
12 shall not constitute restraint as defined in the Mental Health  
13 and Developmental Disabilities Code. If the defendant is found  
14 to be in need of mental health services, but not on an  
15 inpatient care basis, the Court shall conditionally release the  
16 defendant, under such conditions as set forth in this Section  
17 as will reasonably assure the defendant's satisfactory  
18 progress and participation in treatment or rehabilitation and  
19 the safety of the defendant and others. If the Court finds the  
20 person not in need of mental health services, then the Court  
21 shall order the defendant discharged from custody.

22 (a-1) ~~(1)~~ Definitions. For the purposes of this Section:

23 (A) (Blank).

24 (B) "In need of mental health services on an inpatient  
25 basis" means: a defendant who has been found not guilty by  
26 reason of insanity but who due to mental illness is

1 reasonably expected to inflict serious physical harm upon  
2 himself or another and who would benefit from inpatient  
3 care or is in need of inpatient care.

4 (C) "In need of mental health services on an outpatient  
5 basis" means: a defendant who has been found not guilty by  
6 reason of insanity who is not in need of mental health  
7 services on an inpatient basis, but is in need of  
8 outpatient care, drug and/or alcohol rehabilitation  
9 programs, community adjustment programs, individual,  
10 group, or family therapy, or chemotherapy.

11 (D) "Conditional Release" means: the release from  
12 either the custody of the Department of Human Services or  
13 the custody of the Court of a person who has been found not  
14 guilty by reason of insanity under such conditions as the  
15 Court may impose which reasonably assure the defendant's  
16 satisfactory progress in treatment or habilitation and the  
17 safety of the defendant and others. The Court shall  
18 consider such terms and conditions which may include, but  
19 need not be limited to, outpatient care, alcoholic and drug  
20 rehabilitation programs, community adjustment programs,  
21 individual, group, family, and chemotherapy, random  
22 testing to ensure the defendant's timely and continuous  
23 taking of any medicines prescribed to control or manage his  
24 or her conduct or mental state, and periodic checks with  
25 the legal authorities and/or the Department of Human  
26 Services. The Court may order as a condition of conditional

1 release that the defendant not contact the victim of the  
2 offense that resulted in the finding or verdict of not  
3 guilty by reason of insanity or any other person. The Court  
4 may order the Department of Human Services to provide care  
5 to any person conditionally released under this Section.  
6 The Department may contract with any public or private  
7 agency in order to discharge any responsibilities imposed  
8 under this Section. The Department shall monitor the  
9 provision of services to persons conditionally released  
10 under this Section and provide periodic reports to the  
11 Court concerning the services and the condition of the  
12 defendant. Whenever a person is conditionally released  
13 pursuant to this Section, the State's Attorney for the  
14 county in which the hearing is held shall designate in  
15 writing the name, telephone number, and address of a person  
16 employed by him or her who shall be notified in the event  
17 that either the reporting agency or the Department decides  
18 that the conditional release of the defendant should be  
19 revoked or modified pursuant to subsection (i) of this  
20 Section. Such conditional release shall be for a period of  
21 five years. However, the defendant, the person or facility  
22 rendering the treatment, therapy, program or outpatient  
23 care, the Department, or the State's Attorney may petition  
24 the Court for an extension of the conditional release  
25 period for an additional 5 years. Upon receipt of such a  
26 petition, the Court shall hold a hearing consistent with

1 the provisions of ~~this~~ paragraph (a), this paragraph (a-1),  
2 and paragraph (f) of this Section, shall determine whether  
3 the defendant should continue to be subject to the terms of  
4 conditional release, and shall enter an order either  
5 extending the defendant's period of conditional release  
6 for an additional 5 year period or discharging the  
7 defendant. Additional 5-year periods of conditional  
8 release may be ordered following a hearing as provided in  
9 this Section. However, in no event shall the defendant's  
10 period of conditional release continue beyond the maximum  
11 period of commitment ordered by the Court pursuant to  
12 paragraph (b) of this Section. These provisions for  
13 extension of conditional release shall only apply to  
14 defendants conditionally released on or after August 8,  
15 2003 ~~the effective date of this amendatory Act of the 93rd~~  
16 ~~General Assembly~~. However the extension provisions of  
17 Public Act 83-1449 apply only to defendants charged with a  
18 forcible felony.

19 (E) "Facility director" means the chief officer of a  
20 mental health or developmental disabilities facility or  
21 his or her designee or the supervisor of a program of  
22 treatment or habilitation or his or her designee.  
23 "Designee" may include a physician, clinical psychologist,  
24 social worker, nurse, or clinical professional counselor.

25 (b) If the Court finds the defendant in need of mental  
26 health services on an inpatient basis, the admission,



1 detention, care, treatment or habilitation, treatment plans,  
2 review proceedings, including review of treatment and  
3 treatment plans, and discharge of the defendant after such  
4 order shall be under the Mental Health and Developmental  
5 Disabilities Code, except that the initial order for admission  
6 of a defendant acquitted of a felony by reason of insanity  
7 shall be for an indefinite period of time. Such period of  
8 commitment shall not exceed the maximum length of time that the  
9 defendant would have been required to serve, less credit for  
10 good behavior as provided in Section 5-4-1 of the Unified Code  
11 of Corrections, before becoming eligible for release had he  
12 been convicted of and received the maximum sentence for the  
13 most serious crime for which he has been acquitted by reason of  
14 insanity. The Court shall determine the maximum period of  
15 commitment by an appropriate order. During this period of time,  
16 the defendant shall not be permitted to be in the community in  
17 any manner, including but not limited to off-grounds  
18 privileges, with or without escort by personnel of the  
19 Department of Human Services, unsupervised on-grounds  
20 privileges, discharge or conditional or temporary release,  
21 except by a plan as provided in this Section. In no event shall  
22 a defendant's continued unauthorized absence be a basis for  
23 discharge. Not more than 30 days after admission and every 60  
24 days thereafter so long as the initial order remains in effect,  
25 the facility director shall file a treatment plan report in  
26 writing with the court and forward a copy of the treatment plan

1 report to the clerk of the court, the State's Attorney, and the  
2 defendant's attorney, if the defendant is represented by  
3 counsel, or to a person authorized by the defendant under the  
4 Mental Health and Developmental Disabilities Confidentiality  
5 Act to be sent a copy of the report. The report shall include  
6 an opinion as to whether the defendant is currently in need of  
7 mental health services on an inpatient basis or in need of  
8 mental health services on an outpatient basis. The report shall  
9 also summarize the basis for those findings and provide a  
10 current summary of the following items from the treatment plan:  
11 (1) an assessment of the defendant's treatment needs, (2) a  
12 description of the services recommended for treatment, (3) the  
13 goals of each type of element of service, (4) an anticipated  
14 timetable for the accomplishment of the goals, and (5) a  
15 designation of the qualified professional responsible for the  
16 implementation of the plan. The report may also include  
17 unsupervised on-grounds privileges, off-grounds privileges  
18 (with or without escort by personnel of the Department of Human  
19 Services), home visits and participation in work programs, but  
20 only where such privileges have been approved by specific court  
21 order, which order may include such conditions on the defendant  
22 as the Court may deem appropriate and necessary to reasonably  
23 assure the defendant's satisfactory progress in treatment and  
24 the safety of the defendant and others.

25 (c) Every defendant acquitted of a felony by reason of  
26 insanity and subsequently found to be in need of mental health

1 services shall be represented by counsel in all proceedings  
2 under this Section and under the Mental Health and  
3 Developmental Disabilities Code.

4 (1) The Court shall appoint as counsel the public  
5 defender or an attorney licensed by this State.

6 (2) Upon filing with the Court of a verified statement  
7 of legal services rendered by the private attorney  
8 appointed pursuant to paragraph (1) of this subsection, the  
9 Court shall determine a reasonable fee for such services.

10 If the defendant is unable to pay the fee, the Court shall  
11 enter an order upon the State to pay the entire fee or such  
12 amount as the defendant is unable to pay from funds  
13 appropriated by the General Assembly for that purpose.

14 (d) When the facility director determines that:

15 (1) the defendant is no longer in need of mental health  
16 services on an inpatient basis; and

17 (2) the defendant may be conditionally released  
18 because he or she is still in need of mental health  
19 services or that the defendant may be discharged as not in  
20 need of any mental health services; or

21 (3) the defendant no longer requires placement in a  
22 secure setting;

23 the facility director shall give written notice to the Court,  
24 State's Attorney and defense attorney. Such notice shall set  
25 forth in detail the basis for the recommendation of the  
26 facility director, and specify clearly the recommendations, if

1 any, of the facility director, concerning conditional release.  
2 Any recommendation for conditional release shall include an  
3 evaluation of the defendant's need for psychotropic  
4 medication, what provisions should be made, if any, to ensure  
5 that the defendant will continue to receive psychotropic  
6 medication following discharge, and what provisions should be  
7 made to assure the safety of the defendant and others in the  
8 event the defendant is no longer receiving psychotropic  
9 medication. Within 30 days of the notification by the facility  
10 director, the Court shall set a hearing and make a finding as  
11 to whether the defendant is:

12 (i) (blank); or

13 (ii) in need of mental health services in the form of  
14 inpatient care; or

15 (iii) in need of mental health services but not subject  
16 to inpatient care; or

17 (iv) no longer in need of mental health services; or

18 (v) no longer requires placement in a secure setting.

19 Upon finding by the Court, the Court shall enter its  
20 findings and such appropriate order as provided in subsections  
21 ~~subsection~~ (a) and (a-1) of this Section.

22 (e) A defendant admitted pursuant to this Section, or any  
23 person on his behalf, may file a petition for treatment plan  
24 review, transfer to a non-secure setting within the Department  
25 of Human Services or discharge or conditional release under the  
26 standards of this Section in the Court which rendered the

1 verdict. Upon receipt of a petition for treatment plan review,  
2 transfer to a non-secure setting or discharge or conditional  
3 release, the Court shall set a hearing to be held within 120  
4 days. Thereafter, no new petition may be filed for 180 days  
5 without leave of the Court.

6 (f) The Court shall direct that notice of the time and  
7 place of the hearing be served upon the defendant, the facility  
8 director, the State's Attorney, and the defendant's attorney.  
9 If requested by either the State or the defense or if the Court  
10 feels it is appropriate, an impartial examination of the  
11 defendant by a psychiatrist or clinical psychologist as defined  
12 in Section 1-103 of the Mental Health and Developmental  
13 Disabilities Code who is not in the employ of the Department of  
14 Human Services shall be ordered, and the report considered at  
15 the time of the hearing.

16 (g) The findings of the Court shall be established by clear  
17 and convincing evidence. The burden of proof and the burden of  
18 going forth with the evidence rest with the defendant or any  
19 person on the defendant's behalf when a hearing is held to  
20 review a petition filed by or on behalf of the defendant. The  
21 evidence shall be presented in open Court with the right of  
22 confrontation and cross-examination. Such evidence may  
23 include, but is not limited to:

24 (1) whether the defendant appreciates the harm caused  
25 by the defendant to others and the community by his or her  
26 prior conduct that resulted in the finding of not guilty by

1 reason of insanity;

2 (2) Whether the person appreciates the criminality of  
3 conduct similar ~~similiar~~ to the conduct for which he or she  
4 was originally charged in this matter;

5 (3) the current state of the defendant's illness;

6 (4) what, if any, medications the defendant is taking  
7 to control his or her mental illness;

8 (5) what, if any, adverse physical side effects the  
9 medication has on the defendant;

10 (6) the length of time it would take for the  
11 defendant's mental health to deteriorate if the defendant  
12 stopped taking prescribed medication;

13 (7) the defendant's history or potential for alcohol  
14 and drug abuse;

15 (8) the defendant's past criminal history;

16 (9) any specialized physical or medical needs of the  
17 defendant;

18 (10) any family participation or involvement expected  
19 upon release and what is the willingness and ability of the  
20 family to participate or be involved;

21 (11) the defendant's potential to be a danger to  
22 himself, herself, or others; and

23 (12) any other factor or factors the Court deems  
24 appropriate.

25 (h) Before the court orders that the defendant be  
26 discharged or conditionally released, it shall order the

1 facility director to establish a discharge plan that includes a  
2 plan for the defendant's shelter, support, and medication. If  
3 appropriate, the court shall order that the facility director  
4 establish a program to train the defendant in self-medication  
5 under standards established by the Department of Human  
6 Services. If the Court finds, consistent with the provisions of  
7 this Section, that the defendant is no longer in need of mental  
8 health services it shall order the facility director to  
9 discharge the defendant. If the Court finds, consistent with  
10 the provisions of this Section, that the defendant is in need  
11 of mental health services, and no longer in need of inpatient  
12 care, it shall order the facility director to release the  
13 defendant under such conditions as the Court deems appropriate  
14 and as provided by this Section. Such conditional release shall  
15 be imposed for a period of 5 years as provided in paragraph ~~(1)~~  
16 (D) of subsection (a-1) ~~(a)~~ and shall be subject to later  
17 modification by the Court as provided by this Section. If the  
18 Court finds consistent with the provisions in this Section that  
19 the defendant is in need of mental health services on an  
20 inpatient basis, it shall order the facility director not to  
21 discharge or release the defendant in accordance with paragraph  
22 (b) of this Section.

23 (i) If within the period of the defendant's conditional  
24 release the State's Attorney determines that the defendant has  
25 not fulfilled the conditions of his or her release, the State's  
26 Attorney may petition the Court to revoke or modify the

1 conditional release of the defendant. Upon the filing of such  
2 petition the defendant may be remanded to the custody of the  
3 Department, or to any other mental health facility designated  
4 by the Department, pending the resolution of the petition.  
5 Nothing in this Section shall prevent the emergency admission  
6 of a defendant pursuant to Article VI of Chapter III of the  
7 Mental Health and Developmental Disabilities Code or the  
8 voluntary admission of the defendant pursuant to Article IV of  
9 Chapter III of the Mental Health and Developmental Disabilities  
10 Code. If the Court determines, after hearing evidence, that the  
11 defendant has not fulfilled the conditions of release, the  
12 Court shall order a hearing to be held consistent with the  
13 provisions of paragraph (f) and (g) of this Section. At such  
14 hearing, if the Court finds that the defendant is in need of  
15 mental health services on an inpatient basis, it shall enter an  
16 order remanding him or her to the Department of Human Services  
17 or other facility. If the defendant is remanded to the  
18 Department of Human Services, he or she shall be placed in a  
19 secure setting unless the Court determines that there are  
20 compelling reasons that such placement is not necessary. If the  
21 Court finds that the defendant continues to be in need of  
22 mental health services but not on an inpatient basis, it may  
23 modify the conditions of the original release in order to  
24 reasonably assure the defendant's satisfactory progress in  
25 treatment and his or her safety and the safety of others in  
26 accordance with the standards established in paragraph ~~(1)~~ (D)



1 of subsection (a-1) ~~(a)~~. Nothing in this Section shall limit a  
2 Court's contempt powers or any other powers of a Court.

3 (j) An order of admission under this Section does not  
4 affect the remedy of habeas corpus.

5 (k) In the event of a conflict between this Section and the  
6 Mental Health and Developmental Disabilities Code or the Mental  
7 Health and Developmental Disabilities Confidentiality Act, the  
8 provisions of this Section shall govern.

9 (l) This amendatory Act shall apply to all persons who have  
10 been found not guilty by reason of insanity and who are  
11 presently committed to the Department of Mental Health and  
12 Developmental Disabilities (now the Department of Human  
13 Services).

14 (m) The Clerk of the Court shall, after the entry of an  
15 order of transfer to a non-secure setting of the Department of  
16 Human Services or discharge or conditional release, transmit a  
17 certified copy of the order to the Department of Human  
18 Services, and the sheriff of the county from which the  
19 defendant was admitted. The Clerk of the Court shall also  
20 transmit a certified copy of the order of discharge or  
21 conditional release to the Illinois Department of State Police,  
22 to the proper law enforcement agency for the municipality where  
23 the offense took place, and to the sheriff of the county into  
24 which the defendant is conditionally discharged. The Illinois  
25 Department of State Police shall maintain a centralized record  
26 of discharged or conditionally released defendants while they

1 are under court supervision for access and use of appropriate  
2 law enforcement agencies.

3 (Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised  
4 9-15-06.)

5 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

6 Sec. 5-4-1. Sentencing Hearing.

7 (a) Except when the death penalty is sought under hearing  
8 procedures otherwise specified, after a determination of  
9 guilt, a hearing shall be held to impose the sentence. However,  
10 prior to the imposition of sentence on an individual being  
11 sentenced for an offense based upon a charge for a violation of  
12 Section 11-501 of the Illinois Vehicle Code or a similar  
13 provision of a local ordinance, the individual must undergo a  
14 professional evaluation to determine if an alcohol or other  
15 drug abuse problem exists and the extent of such a problem.  
16 Programs conducting these evaluations shall be licensed by the  
17 Department of Human Services. However, if the individual is not  
18 a resident of Illinois, the court may, in its discretion,  
19 accept an evaluation from a program in the state of such  
20 individual's residence. The court may in its sentencing order  
21 approve an eligible defendant for placement in a Department of  
22 Corrections impact incarceration program as provided in  
23 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
24 order recommend a defendant for placement in a Department of  
25 Corrections substance abuse treatment program as provided in

1 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
2 upon the defendant being accepted in a program by the  
3 Department of Corrections. At the hearing the court shall:

4 (1) consider the evidence, if any, received upon the  
5 trial;

6 (2) consider any presentence reports;

7 (3) consider the financial impact of incarceration  
8 based on the financial impact statement filed with the  
9 clerk of the court by the Department of Corrections;

10 (4) consider evidence and information offered by the  
11 parties in aggravation and mitigation;

12 (4.5) consider substance abuse treatment, eligibility  
13 screening, and an assessment, if any, of the defendant by  
14 an agent designated by the State of Illinois to provide  
15 assessment services for the Illinois courts;

16 (5) hear arguments as to sentencing alternatives;

17 (6) afford the defendant the opportunity to make a  
18 statement in his own behalf;

19 (7) afford the victim of a violent crime or a violation  
20 of Section 11-501 of the Illinois Vehicle Code, or a  
21 similar provision of a local ordinance, or a qualified  
22 individual affected by: (i) a violation of Section 405,  
23 405.1, 405.2, or 407 of the Illinois Controlled Substances  
24 Act or a violation of Section 55 or Section 65 of the  
25 Methamphetamine Control and Community Protection Act, or  
26 (ii) a Class 4 felony violation of Section 11-14, 11-15,

1 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of  
2 1961, committed by the defendant the opportunity to make a  
3 statement concerning the impact on the victim and to offer  
4 evidence in aggravation or mitigation; provided that the  
5 statement and evidence offered in aggravation or  
6 mitigation must first be prepared in writing in conjunction  
7 with the State's Attorney before it may be presented orally  
8 at the hearing. Any sworn testimony offered by the victim  
9 is subject to the defendant's right to cross-examine. All  
10 statements and evidence offered under this paragraph (7)  
11 shall become part of the record of the court. For the  
12 purpose of this paragraph (7), "qualified individual"  
13 means any person who (i) lived or worked within the  
14 territorial jurisdiction where the offense took place when  
15 the offense took place; and (ii) is familiar with various  
16 public places within the territorial jurisdiction where  
17 the offense took place when the offense took place. For the  
18 purposes of this paragraph (7), "qualified individual"  
19 includes any peace officer, or any member of any duly  
20 organized State, county, or municipal peace unit assigned  
21 to the territorial jurisdiction where the offense took  
22 place when the offense took place;

23 (8) in cases of reckless homicide afford the victim's  
24 spouse, guardians, parents or other immediate family  
25 members an opportunity to make oral statements; and

26 (9) in cases involving a felony sex offense as defined

1 under the Sex Offender Management Board Act, consider the  
2 results of the sex offender evaluation conducted pursuant  
3 to Section 5-3-2 of this Act.

4 (b) All sentences shall be imposed by the judge based upon  
5 his independent assessment of the elements specified above and  
6 any agreement as to sentence reached by the parties. The judge  
7 who presided at the trial or the judge who accepted the plea of  
8 guilty shall impose the sentence unless he is no longer sitting  
9 as a judge in that court. Where the judge does not impose  
10 sentence at the same time on all defendants who are convicted  
11 as a result of being involved in the same offense, the  
12 defendant or the State's Attorney may advise the sentencing  
13 court of the disposition of any other defendants who have been  
14 sentenced.

15 (c) In imposing a sentence for a violent crime or for an  
16 offense of operating or being in physical control of a vehicle  
17 while under the influence of alcohol, any other drug or any  
18 combination thereof, or a similar provision of a local  
19 ordinance, when such offense resulted in the personal injury to  
20 someone other than the defendant, the trial judge shall specify  
21 on the record the particular evidence, information, factors in  
22 mitigation and aggravation or other reasons that led to his  
23 sentencing determination. The full verbatim record of the  
24 sentencing hearing shall be filed with the clerk of the court  
25 and shall be a public record.

26 (c-1) In imposing a sentence for the offense of aggravated

1 kidnapping for ransom, home invasion, armed robbery,  
2 aggravated vehicular hijacking, aggravated discharge of a  
3 firearm, or armed violence with a category I weapon or category  
4 II weapon, the trial judge shall make a finding as to whether  
5 the conduct leading to conviction for the offense resulted in  
6 great bodily harm to a victim, and shall enter that finding and  
7 the basis for that finding in the record.

8 (c-2) If the defendant is sentenced to prison, other than  
9 when a sentence of natural life imprisonment or a sentence of  
10 death is imposed, at the time the sentence is imposed the judge  
11 shall state on the record in open court the approximate period  
12 of time the defendant will serve in custody according to the  
13 then current statutory rules and regulations for early release  
14 found in Section 3-6-3 and other related provisions of this  
15 Code. This statement is intended solely to inform the public,  
16 has no legal effect on the defendant's actual release, and may  
17 not be relied on by the defendant on appeal.

18 The judge's statement, to be given after pronouncing the  
19 sentence, other than when the sentence is imposed for one of  
20 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,  
21 shall include the following:

22 "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend in  
24 prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois as  
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this  
2 case, assuming the defendant receives all of his or her good  
3 conduct credit, the period of estimated actual custody is ...  
4 years and ... months, less up to 180 days additional good  
5 conduct credit for meritorious service. If the defendant,  
6 because of his or her own misconduct or failure to comply with  
7 the institutional regulations, does not receive those credits,  
8 the actual time served in prison will be longer. The defendant  
9 may also receive an additional one-half day good conduct credit  
10 for each day of participation in vocational, industry,  
11 substance abuse, and educational programs as provided for by  
12 Illinois statute."

13 When the sentence is imposed for one of the offenses  
14 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
15 when the sentence is imposed for one of the offenses enumerated  
16 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
17 19, 1998, and other than when the sentence is imposed for  
18 reckless homicide as defined in subsection (e) of Section 9-3  
19 of the Criminal Code of 1961 if the offense was committed on or  
20 after January 1, 1999, and other than when the sentence is  
21 imposed for aggravated arson if the offense was committed on or  
22 after July 27, 2001 (the effective date of Public Act 92-176),  
23 the judge's statement, to be given after pronouncing the  
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of  
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of  
2 prison time served is determined by the statutes of Illinois as  
3 applied to this sentence by the Illinois Department of  
4 Corrections and the Illinois Prisoner Review Board. In this  
5 case, assuming the defendant receives all of his or her good  
6 conduct credit, the period of estimated actual custody is ...  
7 years and ... months, less up to 90 days additional good  
8 conduct credit for meritorious service. If the defendant,  
9 because of his or her own misconduct or failure to comply with  
10 the institutional regulations, does not receive those credits,  
11 the actual time served in prison will be longer. The defendant  
12 may also receive an additional one-half day good conduct credit  
13 for each day of participation in vocational, industry,  
14 substance abuse, and educational programs as provided for by  
15 Illinois statute."

16 When the sentence is imposed for one of the offenses  
17 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
18 first degree murder, and the offense was committed on or after  
19 June 19, 1998, and when the sentence is imposed for reckless  
20 homicide as defined in subsection (e) of Section 9-3 of the  
21 Criminal Code of 1961 if the offense was committed on or after  
22 January 1, 1999, and when the sentence is imposed for  
23 aggravated driving under the influence of alcohol, other drug  
24 or drugs, or intoxicating compound or compounds, or any  
25 combination thereof as defined in subparagraph (F) of paragraph  
26 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle



1 Code, and when the sentence is imposed for aggravated arson if  
2 the offense was committed on or after July 27, 2001 (the  
3 effective date of Public Act 92-176), the judge's statement, to  
4 be given after pronouncing the sentence, shall include the  
5 following:

6 "The purpose of this statement is to inform the public of  
7 the actual period of time this defendant is likely to spend in  
8 prison as a result of this sentence. The actual period of  
9 prison time served is determined by the statutes of Illinois as  
10 applied to this sentence by the Illinois Department of  
11 Corrections and the Illinois Prisoner Review Board. In this  
12 case, the defendant is entitled to no more than 4 1/2 days of  
13 good conduct credit for each month of his or her sentence of  
14 imprisonment. Therefore, this defendant will serve at least 85%  
15 of his or her sentence. Assuming the defendant receives 4 1/2  
16 days credit for each month of his or her sentence, the period  
17 of estimated actual custody is ... years and ... months. If the  
18 defendant, because of his or her own misconduct or failure to  
19 comply with the institutional regulations receives lesser  
20 credit, the actual time served in prison will be longer."

21 When a sentence of imprisonment is imposed for first degree  
22 murder and the offense was committed on or after June 19, 1998,  
23 the judge's statement, to be given after pronouncing the  
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of  
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of  
2 prison time served is determined by the statutes of Illinois as  
3 applied to this sentence by the Illinois Department of  
4 Corrections and the Illinois Prisoner Review Board. In this  
5 case, the defendant is not entitled to good conduct credit.  
6 Therefore, this defendant will serve 100% of his or her  
7 sentence."

8 When the sentencing order recommends placement in a  
9 substance abuse program for any offense that results in  
10 incarceration in a Department of Corrections facility and the  
11 crime was committed on or after September 1, 2003 (the  
12 effective date of Public Act 93-354), the judge's statement, in  
13 addition to any other judge's statement required under this  
14 Section, to be given after pronouncing the sentence, shall  
15 include the following:

16 "The purpose of this statement is to inform the public of  
17 the actual period of time this defendant is likely to spend in  
18 prison as a result of this sentence. The actual period of  
19 prison time served is determined by the statutes of Illinois as  
20 applied to this sentence by the Illinois Department of  
21 Corrections and the Illinois Prisoner Review Board. In this  
22 case, the defendant shall receive no good conduct credit under  
23 clause (3) of subsection (a) of Section 3-6-3 until he or she  
24 participates in and completes a substance abuse treatment  
25 program or receives a waiver from the Director of Corrections  
26 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

1           (d) When the defendant is committed to the Department of  
2           Corrections, the State's Attorney shall and counsel for the  
3           defendant may file a statement with the clerk of the court to  
4           be transmitted to the department, agency or institution to  
5           which the defendant is committed to furnish such department,  
6           agency or institution with the facts and circumstances of the  
7           offense for which the person was committed together with all  
8           other factual information accessible to them in regard to the  
9           person prior to his commitment relative to his habits,  
10          associates, disposition and reputation and any other facts and  
11          circumstances which may aid such department, agency or  
12          institution during its custody of such person. The clerk shall  
13          within 10 days after receiving any such statements transmit a  
14          copy to such department, agency or institution and a copy to  
15          the other party, provided, however, that this shall not be  
16          cause for delay in conveying the person to the department,  
17          agency or institution to which he has been committed.

18          (e) The clerk of the court shall transmit to the  
19          department, agency or institution, if any, to which the  
20          defendant is committed, the following:

21               (1) the sentence imposed;

22               (2) any statement by the court of the basis for  
23               imposing the sentence;

24               (3) any presentence reports;

25               (3.5) any sex offender evaluations;

26               (3.6) any substance abuse treatment eligibility

1 screening and assessment of the defendant by an agent  
2 designated by the State of Illinois to provide assessment  
3 services for the Illinois courts;

4 (4) the number of days, if any, which the defendant has  
5 been in custody and for which he is entitled to credit  
6 against the sentence, which information shall be provided  
7 to the clerk by the sheriff;

8 (4.1) any finding of great bodily harm made by the  
9 court with respect to an offense enumerated in subsection  
10 (c-1);

11 (5) all statements filed under subsection (d) of this  
12 Section;

13 (6) any medical or mental health records or summaries  
14 of the defendant;

15 (7) the municipality where the arrest of the offender  
16 or the commission of the offense has occurred, where such  
17 municipality has a population of more than 25,000 persons;

18 (8) all statements made and evidence offered under  
19 paragraph (7) of subsection (a) of this Section; and

20 (9) all additional matters which the court directs the  
21 clerk to transmit.

22 (Source: P.A. 93-213, eff. 7-18-03; 93-317, eff. 1-1-04;  
23 93-354, eff. 9-1-03; 93-616, eff. 1-1-04; 94-156, eff. 7-8-05;  
24 94-556, eff. 9-11-05; revised 8-19-05.)

25 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 (Text of Section before amendment by P.A. 94-1035)

2 Sec. 5-5-3. Disposition.

3 (a) Except as provided in Section 11-501 of the Illinois  
4 Vehicle Code, every person convicted of an offense shall be  
5 sentenced as provided in this Section.

6 (b) The following options shall be appropriate  
7 dispositions, alone or in combination, for all felonies and  
8 misdemeanors other than those identified in subsection (c) of  
9 this Section:

10 (1) A period of probation.

11 (2) A term of periodic imprisonment.

12 (3) A term of conditional discharge.

13 (4) A term of imprisonment.

14 (5) An order directing the offender to clean up and  
15 repair the damage, if the offender was convicted under  
16 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
17 (now repealed).

18 (6) A fine.

19 (7) An order directing the offender to make restitution  
20 to the victim under Section 5-5-6 of this Code.

21 (8) A sentence of participation in a county impact  
22 incarceration program under Section 5-8-1.2 of this Code.

23 (9) A term of imprisonment in combination with a term  
24 of probation when the offender has been admitted into a  
25 drug court program under Section 20 of the Drug Court  
26 Treatment Act.

1           Neither a fine nor restitution shall be the sole  
2 disposition for a felony and either or both may be imposed only  
3 in conjunction with another disposition.

4           (c) (1) When a defendant is found guilty of first degree  
5 murder the State may either seek a sentence of imprisonment  
6 under Section 5-8-1 of this Code, or where appropriate seek  
7 a sentence of death under Section 9-1 of the Criminal Code  
8 of 1961.

9           (2) A period of probation, a term of periodic  
10 imprisonment or conditional discharge shall not be imposed  
11 for the following offenses. The court shall sentence the  
12 offender to not less than the minimum term of imprisonment  
13 set forth in this Code for the following offenses, and may  
14 order a fine or restitution or both in conjunction with  
15 such term of imprisonment:

16                   (A) First degree murder where the death penalty is  
17 not imposed.

18                   (B) Attempted first degree murder.

19                   (C) A Class X felony.

20                   (D) A violation of Section 401.1 or 407 of the  
21 Illinois Controlled Substances Act, or a violation of  
22 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
23 which relates to more than 5 grams of a substance  
24 containing heroin or cocaine or an analog thereof.

25                   (E) A violation of Section 5.1 or 9 of the Cannabis  
26 Control Act.

1 (F) A Class 2 or greater felony if the offender had  
2 been convicted of a Class 2 or greater felony within 10  
3 years of the date on which the offender committed the  
4 offense for which he or she is being sentenced, except  
5 as otherwise provided in Section 40-10 of the  
6 Alcoholism and Other Drug Abuse and Dependency Act.

7 (F-5) A violation of Section 24-1, 24-1.1, or  
8 24-1.6 of the Criminal Code of 1961 for which  
9 imprisonment is prescribed in those Sections.

10 (G) Residential burglary, except as otherwise  
11 provided in Section 40-10 of the Alcoholism and Other  
12 Drug Abuse and Dependency Act.

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen.

15 (J) A forcible felony if the offense was related to  
16 the activities of an organized gang.

17 Before July 1, 1994, for the purposes of this  
18 paragraph, "organized gang" means an association of 5  
19 or more persons, with an established hierarchy, that  
20 encourages members of the association to perpetrate  
21 crimes or provides support to the members of the  
22 association who do commit crimes.

23 Beginning July 1, 1994, for the purposes of this  
24 paragraph, "organized gang" has the meaning ascribed  
25 to it in Section 10 of the Illinois Streetgang  
26 Terrorism Omnibus Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the  
3 offense of hate crime when the underlying offense upon  
4 which the hate crime is based is felony aggravated  
5 assault or felony mob action.

6 (M) A second or subsequent conviction for the  
7 offense of institutional vandalism if the damage to the  
8 property exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of  
10 subsection (a) of Section 2 of the Firearm Owners  
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 of the Criminal  
13 Code of 1961.

14 (P) A violation of paragraph (1), (2), (3), (4),  
15 (5), or (7) of subsection (a) of Section 11-20.1 of the  
16 Criminal Code of 1961.

17 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
18 Criminal Code of 1961.

19 (R) A violation of Section 24-3A of the Criminal  
20 Code of 1961.

21 (S) (Blank).

22 (T) A second or subsequent violation of the  
23 Methamphetamine Control and Community Protection Act.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10  
26 consecutive days or 30 days of community service shall be



1 imposed for a violation of paragraph (c) of Section 6-303  
2 of the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraph (4.3) of this  
5 subsection (c), a minimum of 100 hours of community service  
6 shall be imposed for a second violation of Section 6-303 of  
7 the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300  
9 hours of community service, as determined by the court,  
10 shall be imposed for a second violation of subsection (c)  
11 of Section 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraph (4.5) and  
13 paragraph (4.6) of this subsection (c), a minimum term of  
14 imprisonment of 30 days or 300 hours of community service,  
15 as determined by the court, shall be imposed for a third or  
16 subsequent violation of Section 6-303 of the Illinois  
17 Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall  
19 be imposed for a third violation of subsection (c) of  
20 Section 6-303 of the Illinois Vehicle Code.

21 (4.6) A minimum term of imprisonment of 180 days shall  
22 be imposed for a fourth or subsequent violation of  
23 subsection (c) of Section 6-303 of the Illinois Vehicle  
24 Code.

25 (5) The court may sentence an offender convicted of a  
26 business offense or a petty offense or a corporation or

1 unincorporated association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

4 (C) make restitution to the victim under Section  
5 5-5-6 of this Code.

6 (5.1) In addition to any penalties imposed under  
7 paragraph (5) of this subsection (c), and except as  
8 provided in paragraph (5.2) or (5.3), a person convicted of  
9 violating subsection (c) of Section 11-907 of the Illinois  
10 Vehicle Code shall have his or her driver's license,  
11 permit, or privileges suspended for at least 90 days but  
12 not more than one year, if the violation resulted in damage  
13 to the property of another person.

14 (5.2) In addition to any penalties imposed under  
15 paragraph (5) of this subsection (c), and except as  
16 provided in paragraph (5.3), a person convicted of  
17 violating subsection (c) of Section 11-907 of the Illinois  
18 Vehicle Code shall have his or her driver's license,  
19 permit, or privileges suspended for at least 180 days but  
20 not more than 2 years, if the violation resulted in injury  
21 to another person.

22 (5.3) In addition to any penalties imposed under  
23 paragraph (5) of this subsection (c), a person convicted of  
24 violating subsection (c) of Section 11-907 of the Illinois  
25 Vehicle Code shall have his or her driver's license,  
26 permit, or privileges suspended for 2 years, if the

1 violation resulted in the death of another person.

2 (6) In no case shall an offender be eligible for a  
3 disposition of probation or conditional discharge for a  
4 Class 1 felony committed while he was serving a term of  
5 probation or conditional discharge for a felony.

6 (7) When a defendant is adjudged a habitual criminal  
7 under Article 33B of the Criminal Code of 1961, the court  
8 shall sentence the defendant to a term of natural life  
9 imprisonment.

10 (8) When a defendant, over the age of 21 years, is  
11 convicted of a Class 1 or Class 2 felony, after having  
12 twice been convicted in any state or federal court of an  
13 offense that contains the same elements as an offense now  
14 classified in Illinois as a Class 2 or greater Class felony  
15 and such charges are separately brought and tried and arise  
16 out of different series of acts, such defendant shall be  
17 sentenced as a Class X offender. This paragraph shall not  
18 apply unless (1) the first felony was committed after the  
19 effective date of this amendatory Act of 1977; and (2) the  
20 second felony was committed after conviction on the first;  
21 and (3) the third felony was committed after conviction on  
22 the second. A person sentenced as a Class X offender under  
23 this paragraph is not eligible to apply for treatment as a  
24 condition of probation as provided by Section 40-10 of the  
25 Alcoholism and Other Drug Abuse and Dependency Act.

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to  
2 a term of natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000  
5 for a first offense and \$2,000 for a second or subsequent  
6 offense upon a person convicted of or placed on supervision  
7 for battery when the individual harmed was a sports  
8 official or coach at any level of competition and the act  
9 causing harm to the sports official or coach occurred  
10 within an athletic facility or within the immediate  
11 vicinity of the athletic facility at which the sports  
12 official or coach was an active participant of the athletic  
13 contest held at the athletic facility. For the purposes of  
14 this paragraph (11), "sports official" means a person at an  
15 athletic contest who enforces the rules of the contest,  
16 such as an umpire or referee; "athletic facility" means an  
17 indoor or outdoor playing field or recreational area where  
18 sports activities are conducted; and "coach" means a person  
19 recognized as a coach by the sanctioning authority that  
20 conducted the sporting event.

21 (12) A person may not receive a disposition of court  
22 supervision for a violation of Section 5-16 of the Boat  
23 Registration and Safety Act if that person has previously  
24 received a disposition of court supervision for a violation  
25 of that Section.

26 (d) In any case in which a sentence originally imposed is

1 vacated, the case shall be remanded to the trial court. The  
2 trial court shall hold a hearing under Section 5-4-1 of the  
3 Unified Code of Corrections which may include evidence of the  
4 defendant's life, moral character and occupation during the  
5 time since the original sentence was passed. The trial court  
6 shall then impose sentence upon the defendant. The trial court  
7 may impose any sentence which could have been imposed at the  
8 original trial subject to Section 5-5-4 of the Unified Code of  
9 Corrections. If a sentence is vacated on appeal or on  
10 collateral attack due to the failure of the trier of fact at  
11 trial to determine beyond a reasonable doubt the existence of a  
12 fact (other than a prior conviction) necessary to increase the  
13 punishment for the offense beyond the statutory maximum  
14 otherwise applicable, either the defendant may be re-sentenced  
15 to a term within the range otherwise provided or, if the State  
16 files notice of its intention to again seek the extended  
17 sentence, the defendant shall be afforded a new trial.

18 (e) In cases where prosecution for aggravated criminal  
19 sexual abuse under Section 12-16 of the Criminal Code of 1961  
20 results in conviction of a defendant who was a family member of  
21 the victim at the time of the commission of the offense, the  
22 court shall consider the safety and welfare of the victim and  
23 may impose a sentence of probation only where:

24 (1) the court finds (A) or (B) or both are appropriate:

25 (A) the defendant is willing to undergo a court  
26 approved counseling program for a minimum duration of 2

1           years; or

2                   (B) the defendant is willing to participate in a  
3           court approved plan including but not limited to the  
4           defendant's:

5                           (i) removal from the household;

6                           (ii) restricted contact with the victim;

7                           (iii) continued financial support of the  
8           family;

9                           (iv) restitution for harm done to the victim;

10           and

11                           (v) compliance with any other measures that  
12           the court may deem appropriate; and

13           (2) the court orders the defendant to pay for the  
14           victim's counseling services, to the extent that the court  
15           finds, after considering the defendant's income and  
16           assets, that the defendant is financially capable of paying  
17           for such services, if the victim was under 18 years of age  
18           at the time the offense was committed and requires  
19           counseling as a result of the offense.

20           Probation may be revoked or modified pursuant to Section  
21           5-6-4; except where the court determines at the hearing that  
22           the defendant violated a condition of his or her probation  
23           restricting contact with the victim or other family members or  
24           commits another offense with the victim or other family  
25           members, the court shall revoke the defendant's probation and  
26           impose a term of imprisonment.

1           For the purposes of this Section, "family member" and  
2 "victim" shall have the meanings ascribed to them in Section  
3 12-12 of the Criminal Code of 1961.

4           (f) This Article shall not deprive a court in other  
5 proceedings to order a forfeiture of property, to suspend or  
6 cancel a license, to remove a person from office, or to impose  
7 any other civil penalty.

8           (g) Whenever a defendant is convicted of an offense under  
9 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
10 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
11 of the Criminal Code of 1961, the defendant shall undergo  
12 medical testing to determine whether the defendant has any  
13 sexually transmissible disease, including a test for infection  
14 with human immunodeficiency virus (HIV) or any other identified  
15 causative agent of acquired immunodeficiency syndrome (AIDS).  
16 Any such medical test shall be performed only by appropriately  
17 licensed medical practitioners and may include an analysis of  
18 any bodily fluids as well as an examination of the defendant's  
19 person. Except as otherwise provided by law, the results of  
20 such test shall be kept strictly confidential by all medical  
21 personnel involved in the testing and must be personally  
22 delivered in a sealed envelope to the judge of the court in  
23 which the conviction was entered for the judge's inspection in  
24 camera. Acting in accordance with the best interests of the  
25 victim and the public, the judge shall have the discretion to  
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test  
2 results. The court shall also notify the victim if requested by  
3 the victim, and if the victim is under the age of 15 and if  
4 requested by the victim's parents or legal guardian, the court  
5 shall notify the victim's parents or legal guardian of the test  
6 results. The court shall provide information on the  
7 availability of HIV testing and counseling at Department of  
8 Public Health facilities to all parties to whom the results of  
9 the testing are revealed and shall direct the State's Attorney  
10 to provide the information to the victim when possible. A  
11 State's Attorney may petition the court to obtain the results  
12 of any HIV test administered under this Section, and the court  
13 shall grant the disclosure if the State's Attorney shows it is  
14 relevant in order to prosecute a charge of criminal  
15 transmission of HIV under Section 12-16.2 of the Criminal Code  
16 of 1961 against the defendant. The court shall order that the  
17 cost of any such test shall be paid by the county and may be  
18 taxed as costs against the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable  
20 disease, as determined by the Illinois Department of Public  
21 Health including but not limited to tuberculosis, the results  
22 of the test shall be personally delivered by the warden or his  
23 or her designee in a sealed envelope to the judge of the court  
24 in which the inmate must appear for the judge's inspection in  
25 camera if requested by the judge. Acting in accordance with the  
26 best interests of those in the courtroom, the judge shall have



1 the discretion to determine what if any precautions need to be  
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under  
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
5 defendant shall undergo medical testing to determine whether  
6 the defendant has been exposed to human immunodeficiency virus  
7 (HIV) or any other identified causative agent of acquired  
8 immunodeficiency syndrome (AIDS). Except as otherwise provided  
9 by law, the results of such test shall be kept strictly  
10 confidential by all medical personnel involved in the testing  
11 and must be personally delivered in a sealed envelope to the  
12 judge of the court in which the conviction was entered for the  
13 judge's inspection in camera. Acting in accordance with the  
14 best interests of the public, the judge shall have the  
15 discretion to determine to whom, if anyone, the results of the  
16 testing may be revealed. The court shall notify the defendant  
17 of a positive test showing an infection with the human  
18 immunodeficiency virus (HIV). The court shall provide  
19 information on the availability of HIV testing and counseling  
20 at Department of Public Health facilities to all parties to  
21 whom the results of the testing are revealed and shall direct  
22 the State's Attorney to provide the information to the victim  
23 when possible. A State's Attorney may petition the court to  
24 obtain the results of any HIV test administered under this  
25 Section, and the court shall grant the disclosure if the  
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-16.2 of  
2 the Criminal Code of 1961 against the defendant. The court  
3 shall order that the cost of any such test shall be paid by the  
4 county and may be taxed as costs against the convicted  
5 defendant.

6 (i) All fines and penalties imposed under this Section for  
7 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
8 Vehicle Code, or a similar provision of a local ordinance, and  
9 any violation of the Child Passenger Protection Act, or a  
10 similar provision of a local ordinance, shall be collected and  
11 disbursed by the circuit clerk as provided under Section 27.5  
12 of the Clerks of Courts Act.

13 (j) In cases when prosecution for any violation of Section  
14 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
16 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
17 Code of 1961, any violation of the Illinois Controlled  
18 Substances Act, any violation of the Cannabis Control Act, or  
19 any violation of the Methamphetamine Control and Community  
20 Protection Act results in conviction, a disposition of court  
21 supervision, or an order of probation granted under Section 10  
22 of the Cannabis Control Act, Section 410 of the Illinois  
23 Controlled Substance Act, or Section 70 of the Methamphetamine  
24 Control and Community Protection Act of a defendant, the court  
25 shall determine whether the defendant is employed by a facility  
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works  
2 with children under 18 years of age on a daily basis. When a  
3 defendant is so employed, the court shall order the Clerk of  
4 the Court to send a copy of the judgment of conviction or order  
5 of supervision or probation to the defendant's employer by  
6 certified mail. If the employer of the defendant is a school,  
7 the Clerk of the Court shall direct the mailing of a copy of  
8 the judgment of conviction or order of supervision or probation  
9 to the appropriate regional superintendent of schools. The  
10 regional superintendent of schools shall notify the State Board  
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted  
13 of a felony and who has not been previously convicted of a  
14 misdemeanor or felony and who is sentenced to a term of  
15 imprisonment in the Illinois Department of Corrections shall as  
16 a condition of his or her sentence be required by the court to  
17 attend educational courses designed to prepare the defendant  
18 for a high school diploma and to work toward a high school  
19 diploma or to work toward passing the high school level Test of  
20 General Educational Development (GED) or to work toward  
21 completing a vocational training program offered by the  
22 Department of Corrections. If a defendant fails to complete the  
23 educational training required by his or her sentence during the  
24 term of incarceration, the Prisoner Review Board shall, as a  
25 condition of mandatory supervised release, require the  
26 defendant, at his or her own expense, to pursue a course of

1 study toward a high school diploma or passage of the GED test.  
2 The Prisoner Review Board shall revoke the mandatory supervised  
3 release of a defendant who wilfully fails to comply with this  
4 subsection (j-5) upon his or her release from confinement in a  
5 penal institution while serving a mandatory supervised release  
6 term; however, the inability of the defendant after making a  
7 good faith effort to obtain financial aid or pay for the  
8 educational training shall not be deemed a wilful failure to  
9 comply. The Prisoner Review Board shall recommit the defendant  
10 whose mandatory supervised release term has been revoked under  
11 this subsection (j-5) as provided in Section 3-3-9. This  
12 subsection (j-5) does not apply to a defendant who has a high  
13 school diploma or has successfully passed the GED test. This  
14 subsection (j-5) does not apply to a defendant who is  
15 determined by the court to be developmentally disabled or  
16 otherwise mentally incapable of completing the educational or  
17 vocational program.

18 (k) A court may not impose a sentence or disposition for a  
19 felony or misdemeanor that requires the defendant to be  
20 implanted or injected with or to use any form of birth control.

21 (l) (A) Except as provided in paragraph (C) of subsection  
22 (l), whenever a defendant, who is an alien as defined by  
23 the Immigration and Nationality Act, is convicted of any  
24 felony or misdemeanor offense, the court after sentencing  
25 the defendant may, upon motion of the State's Attorney,  
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his  
2 or her designated agent to be deported when:

3 (1) a final order of deportation has been issued  
4 against the defendant pursuant to proceedings under  
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not  
7 deprecate the seriousness of the defendant's conduct  
8 and would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as  
10 provided in this Chapter V.

11 (B) If the defendant has already been sentenced for a  
12 felony or misdemeanor offense, or has been placed on  
13 probation under Section 10 of the Cannabis Control Act,  
14 Section 410 of the Illinois Controlled Substances Act, or  
15 Section 70 of the Methamphetamine Control and Community  
16 Protection Act, the court may, upon motion of the State's  
17 Attorney to suspend the sentence imposed, commit the  
18 defendant to the custody of the Attorney General of the  
19 United States or his or her designated agent when:

20 (1) a final order of deportation has been issued  
21 against the defendant pursuant to proceedings under  
22 the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not  
24 deprecate the seriousness of the defendant's conduct  
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of  
2 subsection (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant  
4 sentenced under this Section returns to the jurisdiction of  
5 the United States, the defendant shall be recommitted to  
6 the custody of the county from which he or she was  
7 sentenced. Thereafter, the defendant shall be brought  
8 before the sentencing court, which may impose any sentence  
9 that was available under Section 5-5-3 at the time of  
10 initial sentencing. In addition, the defendant shall not be  
11 eligible for additional good conduct credit for  
12 meritorious service as provided under Section 3-6-6.

13 (m) A person convicted of criminal defacement of property  
14 under Section 21-1.3 of the Criminal Code of 1961, in which the  
15 property damage exceeds \$300 and the property damaged is a  
16 school building, shall be ordered to perform community service  
17 that may include cleanup, removal, or painting over the  
18 defacement.

19 (n) The court may sentence a person convicted of a  
20 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
21 Code of 1961 (i) to an impact incarceration program if the  
22 person is otherwise eligible for that program under Section  
23 5-8-1.1, (ii) to community service, or (iii) if the person is  
24 an addict or alcoholic, as defined in the Alcoholism and Other  
25 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
26 program licensed under that Act.

1           (o) Whenever a person is convicted of a sex offense as  
2 defined in Section 2 of the Sex Offender Registration Act, the  
3 defendant's driver's license or permit shall be subject to  
4 renewal on an annual basis in accordance with the provisions of  
5 license renewal established by the Secretary of State.

6           (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
7 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
8 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
9 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
10 eff. 9-11-05; 94-993, eff. 1-1-07.)

11           (Text of Section after amendment by P.A. 94-1035)

12           Sec. 5-5-3. Disposition.

13           (a) Except as provided in Section 11-501 of the Illinois  
14 Vehicle Code, every person convicted of an offense shall be  
15 sentenced as provided in this Section.

16           (b) The following options shall be appropriate  
17 dispositions, alone or in combination, for all felonies and  
18 misdemeanors other than those identified in subsection (c) of  
19 this Section:

20                   (1) A period of probation.

21                   (2) A term of periodic imprisonment.

22                   (3) A term of conditional discharge.

23                   (4) A term of imprisonment.

24                   (5) An order directing the offender to clean up and  
25 repair the damage, if the offender was convicted under

1 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
2 (now repealed).

3 (6) A fine.

4 (7) An order directing the offender to make restitution  
5 to the victim under Section 5-5-6 of this Code.

6 (8) A sentence of participation in a county impact  
7 incarceration program under Section 5-8-1.2 of this Code.

8 (9) A term of imprisonment in combination with a term  
9 of probation when the offender has been admitted into a  
10 drug court program under Section 20 of the Drug Court  
11 Treatment Act.

12 Neither a fine nor restitution shall be the sole  
13 disposition for a felony and either or both may be imposed only  
14 in conjunction with another disposition.

15 (c) (1) When a defendant is found guilty of first degree  
16 murder the State may either seek a sentence of imprisonment  
17 under Section 5-8-1 of this Code, or where appropriate seek  
18 a sentence of death under Section 9-1 of the Criminal Code  
19 of 1961.

20 (2) A period of probation, a term of periodic  
21 imprisonment or conditional discharge shall not be imposed  
22 for the following offenses. The court shall sentence the  
23 offender to not less than the minimum term of imprisonment  
24 set forth in this Code for the following offenses, and may  
25 order a fine or restitution or both in conjunction with  
26 such term of imprisonment:



1 (A) First degree murder where the death penalty is  
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the  
6 Illinois Controlled Substances Act, or a violation of  
7 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
8 which relates to more than 5 grams of a substance  
9 containing heroin or cocaine or an analog thereof.

10 (E) A violation of Section 5.1 or 9 of the Cannabis  
11 Control Act.

12 (F) A Class 2 or greater felony if the offender had  
13 been convicted of a Class 2 or greater felony within 10  
14 years of the date on which the offender committed the  
15 offense for which he or she is being sentenced, except  
16 as otherwise provided in Section 40-10 of the  
17 Alcoholism and Other Drug Abuse and Dependency Act.

18 (F-5) A violation of Section 24-1, 24-1.1, or  
19 24-1.6 of the Criminal Code of 1961 for which  
20 imprisonment is prescribed in those Sections.

21 (G) Residential burglary, except as otherwise  
22 provided in Section 40-10 of the Alcoholism and Other  
23 Drug Abuse and Dependency Act.

24 (H) Criminal sexual assault.

25 (I) Aggravated battery of a senior citizen.

26 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this  
3 paragraph, "organized gang" means an association of 5  
4 or more persons, with an established hierarchy, that  
5 encourages members of the association to perpetrate  
6 crimes or provides support to the members of the  
7 association who do commit crimes.

8 Beginning July 1, 1994, for the purposes of this  
9 paragraph, "organized gang" has the meaning ascribed  
10 to it in Section 10 of the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act.

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the  
14 offense of hate crime when the underlying offense upon  
15 which the hate crime is based is felony aggravated  
16 assault or felony mob action.

17 (M) A second or subsequent conviction for the  
18 offense of institutional vandalism if the damage to the  
19 property exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of  
21 subsection (a) of Section 2 of the Firearm Owners  
22 Identification Card Act.

23 (O) A violation of Section 12-6.1 of the Criminal  
24 Code of 1961.

25 (P) A violation of paragraph (1), (2), (3), (4),  
26 (5), or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961.

2 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
3 Criminal Code of 1961.

4 (R) A violation of Section 24-3A of the Criminal  
5 Code of 1961.

6 (S) (Blank).

7 (T) A second or subsequent violation of the  
8 Methamphetamine Control and Community Protection Act.

9 (3) (Blank).

10 (4) A minimum term of imprisonment of not less than 10  
11 consecutive days or 30 days of community service shall be  
12 imposed for a violation of paragraph (c) of Section 6-303  
13 of the Illinois Vehicle Code.

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraph (4.3) of this  
16 subsection (c), a minimum of 100 hours of community service  
17 shall be imposed for a second violation of Section 6-303 of  
18 the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300  
20 hours of community service, as determined by the court,  
21 shall be imposed for a second violation of subsection (c)  
22 of Section 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraph (4.5) and  
24 paragraph (4.6) of this subsection (c), a minimum term of  
25 imprisonment of 30 days or 300 hours of community service,  
26 as determined by the court, shall be imposed for a third or

1 subsequent violation of Section 6-303 of the Illinois  
2 Vehicle Code.

3 (4.5) A minimum term of imprisonment of 30 days shall  
4 be imposed for a third violation of subsection (c) of  
5 Section 6-303 of the Illinois Vehicle Code.

6 (4.6) A minimum term of imprisonment of 180 days shall  
7 be imposed for a fourth or subsequent violation of  
8 subsection (c) of Section 6-303 of the Illinois Vehicle  
9 Code.

10 (5) The court may sentence an offender convicted of a  
11 business offense or a petty offense or a corporation or  
12 unincorporated association convicted of any offense to:

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section  
16 5-5-6 of this Code.

17 (5.1) In addition to any penalties imposed under  
18 paragraph (5) of this subsection (c), and except as  
19 provided in paragraph (5.2) or (5.3), a person convicted of  
20 violating subsection (c) of Section 11-907 of the Illinois  
21 Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for at least 90 days but  
23 not more than one year, if the violation resulted in damage  
24 to the property of another person.

25 (5.2) In addition to any penalties imposed under  
26 paragraph (5) of this subsection (c), and except as

1 provided in paragraph (5.3), a person convicted of  
2 violating subsection (c) of Section 11-907 of the Illinois  
3 Vehicle Code shall have his or her driver's license,  
4 permit, or privileges suspended for at least 180 days but  
5 not more than 2 years, if the violation resulted in injury  
6 to another person.

7 (5.3) In addition to any penalties imposed under  
8 paragraph (5) of this subsection (c), a person convicted of  
9 violating subsection (c) of Section 11-907 of the Illinois  
10 Vehicle Code shall have his or her driver's license,  
11 permit, or privileges suspended for 2 years, if the  
12 violation resulted in the death of another person.

13 (5.4) In addition to any penalties imposed under  
14 paragraph (5) of this subsection (c), a person convicted of  
15 violating Section 3-707 of the Illinois Vehicle Code shall  
16 have his or her driver's license, permit, or privileges  
17 suspended for 3 months and until he or she has paid a  
18 reinstatement fee of \$100.

19 (5.5) In addition to any penalties imposed under  
20 paragraph (5) of this subsection (c), a person convicted of  
21 violating Section 3-707 of the Illinois Vehicle Code during  
22 a period in which his or her driver's license, permit, or  
23 privileges were suspended for a previous violation of that  
24 Section shall have his or her driver's license, permit, or  
25 privileges suspended for an additional 6 months after the  
26 expiration of the original 3-month suspension and until he

1 or she has paid a reinstatement fee of \$100.

2 (6) In no case shall an offender be eligible for a  
3 disposition of probation or conditional discharge for a  
4 Class 1 felony committed while he was serving a term of  
5 probation or conditional discharge for a felony.

6 (7) When a defendant is adjudged a habitual criminal  
7 under Article 33B of the Criminal Code of 1961, the court  
8 shall sentence the defendant to a term of natural life  
9 imprisonment.

10 (8) When a defendant, over the age of 21 years, is  
11 convicted of a Class 1 or Class 2 felony, after having  
12 twice been convicted in any state or federal court of an  
13 offense that contains the same elements as an offense now  
14 classified in Illinois as a Class 2 or greater Class felony  
15 and such charges are separately brought and tried and arise  
16 out of different series of acts, such defendant shall be  
17 sentenced as a Class X offender. This paragraph shall not  
18 apply unless (1) the first felony was committed after the  
19 effective date of this amendatory Act of 1977; and (2) the  
20 second felony was committed after conviction on the first;  
21 and (3) the third felony was committed after conviction on  
22 the second. A person sentenced as a Class X offender under  
23 this paragraph is not eligible to apply for treatment as a  
24 condition of probation as provided by Section 40-10 of the  
25 Alcoholism and Other Drug Abuse and Dependency Act.

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to  
2 a term of natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000  
5 for a first offense and \$2,000 for a second or subsequent  
6 offense upon a person convicted of or placed on supervision  
7 for battery when the individual harmed was a sports  
8 official or coach at any level of competition and the act  
9 causing harm to the sports official or coach occurred  
10 within an athletic facility or within the immediate  
11 vicinity of the athletic facility at which the sports  
12 official or coach was an active participant of the athletic  
13 contest held at the athletic facility. For the purposes of  
14 this paragraph (11), "sports official" means a person at an  
15 athletic contest who enforces the rules of the contest,  
16 such as an umpire or referee; "athletic facility" means an  
17 indoor or outdoor playing field or recreational area where  
18 sports activities are conducted; and "coach" means a person  
19 recognized as a coach by the sanctioning authority that  
20 conducted the sporting event.

21 (12) A person may not receive a disposition of court  
22 supervision for a violation of Section 5-16 of the Boat  
23 Registration and Safety Act if that person has previously  
24 received a disposition of court supervision for a violation  
25 of that Section.

26 (d) In any case in which a sentence originally imposed is

1 vacated, the case shall be remanded to the trial court. The  
2 trial court shall hold a hearing under Section 5-4-1 of the  
3 Unified Code of Corrections which may include evidence of the  
4 defendant's life, moral character and occupation during the  
5 time since the original sentence was passed. The trial court  
6 shall then impose sentence upon the defendant. The trial court  
7 may impose any sentence which could have been imposed at the  
8 original trial subject to Section 5-5-4 of the Unified Code of  
9 Corrections. If a sentence is vacated on appeal or on  
10 collateral attack due to the failure of the trier of fact at  
11 trial to determine beyond a reasonable doubt the existence of a  
12 fact (other than a prior conviction) necessary to increase the  
13 punishment for the offense beyond the statutory maximum  
14 otherwise applicable, either the defendant may be re-sentenced  
15 to a term within the range otherwise provided or, if the State  
16 files notice of its intention to again seek the extended  
17 sentence, the defendant shall be afforded a new trial.

18 (e) In cases where prosecution for aggravated criminal  
19 sexual abuse under Section 12-16 of the Criminal Code of 1961  
20 results in conviction of a defendant who was a family member of  
21 the victim at the time of the commission of the offense, the  
22 court shall consider the safety and welfare of the victim and  
23 may impose a sentence of probation only where:

24 (1) the court finds (A) or (B) or both are appropriate:

25 (A) the defendant is willing to undergo a court  
26 approved counseling program for a minimum duration of 2



1           years; or

2                   (B) the defendant is willing to participate in a  
3           court approved plan including but not limited to the  
4           defendant's:

5                           (i) removal from the household;

6                           (ii) restricted contact with the victim;

7                           (iii) continued financial support of the  
8           family;

9                           (iv) restitution for harm done to the victim;

10                   and

11                           (v) compliance with any other measures that  
12           the court may deem appropriate; and

13                   (2) the court orders the defendant to pay for the  
14           victim's counseling services, to the extent that the court  
15           finds, after considering the defendant's income and  
16           assets, that the defendant is financially capable of paying  
17           for such services, if the victim was under 18 years of age  
18           at the time the offense was committed and requires  
19           counseling as a result of the offense.

20           Probation may be revoked or modified pursuant to Section  
21           5-6-4; except where the court determines at the hearing that  
22           the defendant violated a condition of his or her probation  
23           restricting contact with the victim or other family members or  
24           commits another offense with the victim or other family  
25           members, the court shall revoke the defendant's probation and  
26           impose a term of imprisonment.

1           For the purposes of this Section, "family member" and  
2 "victim" shall have the meanings ascribed to them in Section  
3 12-12 of the Criminal Code of 1961.

4           (f) This Article shall not deprive a court in other  
5 proceedings to order a forfeiture of property, to suspend or  
6 cancel a license, to remove a person from office, or to impose  
7 any other civil penalty.

8           (g) Whenever a defendant is convicted of an offense under  
9 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
10 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
11 of the Criminal Code of 1961, the defendant shall undergo  
12 medical testing to determine whether the defendant has any  
13 sexually transmissible disease, including a test for infection  
14 with human immunodeficiency virus (HIV) or any other identified  
15 causative agent of acquired immunodeficiency syndrome (AIDS).  
16 Any such medical test shall be performed only by appropriately  
17 licensed medical practitioners and may include an analysis of  
18 any bodily fluids as well as an examination of the defendant's  
19 person. Except as otherwise provided by law, the results of  
20 such test shall be kept strictly confidential by all medical  
21 personnel involved in the testing and must be personally  
22 delivered in a sealed envelope to the judge of the court in  
23 which the conviction was entered for the judge's inspection in  
24 camera. Acting in accordance with the best interests of the  
25 victim and the public, the judge shall have the discretion to  
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test  
2 results. The court shall also notify the victim if requested by  
3 the victim, and if the victim is under the age of 15 and if  
4 requested by the victim's parents or legal guardian, the court  
5 shall notify the victim's parents or legal guardian of the test  
6 results. The court shall provide information on the  
7 availability of HIV testing and counseling at Department of  
8 Public Health facilities to all parties to whom the results of  
9 the testing are revealed and shall direct the State's Attorney  
10 to provide the information to the victim when possible. A  
11 State's Attorney may petition the court to obtain the results  
12 of any HIV test administered under this Section, and the court  
13 shall grant the disclosure if the State's Attorney shows it is  
14 relevant in order to prosecute a charge of criminal  
15 transmission of HIV under Section 12-16.2 of the Criminal Code  
16 of 1961 against the defendant. The court shall order that the  
17 cost of any such test shall be paid by the county and may be  
18 taxed as costs against the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable  
20 disease, as determined by the Illinois Department of Public  
21 Health including but not limited to tuberculosis, the results  
22 of the test shall be personally delivered by the warden or his  
23 or her designee in a sealed envelope to the judge of the court  
24 in which the inmate must appear for the judge's inspection in  
25 camera if requested by the judge. Acting in accordance with the  
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be  
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under  
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
5 defendant shall undergo medical testing to determine whether  
6 the defendant has been exposed to human immunodeficiency virus  
7 (HIV) or any other identified causative agent of acquired  
8 immunodeficiency syndrome (AIDS). Except as otherwise provided  
9 by law, the results of such test shall be kept strictly  
10 confidential by all medical personnel involved in the testing  
11 and must be personally delivered in a sealed envelope to the  
12 judge of the court in which the conviction was entered for the  
13 judge's inspection in camera. Acting in accordance with the  
14 best interests of the public, the judge shall have the  
15 discretion to determine to whom, if anyone, the results of the  
16 testing may be revealed. The court shall notify the defendant  
17 of a positive test showing an infection with the human  
18 immunodeficiency virus (HIV). The court shall provide  
19 information on the availability of HIV testing and counseling  
20 at Department of Public Health facilities to all parties to  
21 whom the results of the testing are revealed and shall direct  
22 the State's Attorney to provide the information to the victim  
23 when possible. A State's Attorney may petition the court to  
24 obtain the results of any HIV test administered under this  
25 Section, and the court shall grant the disclosure if the  
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-16.2 of  
2 the Criminal Code of 1961 against the defendant. The court  
3 shall order that the cost of any such test shall be paid by the  
4 county and may be taxed as costs against the convicted  
5 defendant.

6 (i) All fines and penalties imposed under this Section for  
7 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
8 Vehicle Code, or a similar provision of a local ordinance, and  
9 any violation of the Child Passenger Protection Act, or a  
10 similar provision of a local ordinance, shall be collected and  
11 disbursed by the circuit clerk as provided under Section 27.5  
12 of the Clerks of Courts Act.

13 (j) In cases when prosecution for any violation of Section  
14 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
16 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
17 Code of 1961, any violation of the Illinois Controlled  
18 Substances Act, any violation of the Cannabis Control Act, or  
19 any violation of the Methamphetamine Control and Community  
20 Protection Act results in conviction, a disposition of court  
21 supervision, or an order of probation granted under Section 10  
22 of the Cannabis Control Act, Section 410 of the Illinois  
23 Controlled Substance Act, or Section 70 of the Methamphetamine  
24 Control and Community Protection Act of a defendant, the court  
25 shall determine whether the defendant is employed by a facility  
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works  
2 with children under 18 years of age on a daily basis. When a  
3 defendant is so employed, the court shall order the Clerk of  
4 the Court to send a copy of the judgment of conviction or order  
5 of supervision or probation to the defendant's employer by  
6 certified mail. If the employer of the defendant is a school,  
7 the Clerk of the Court shall direct the mailing of a copy of  
8 the judgment of conviction or order of supervision or probation  
9 to the appropriate regional superintendent of schools. The  
10 regional superintendent of schools shall notify the State Board  
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted  
13 of a felony and who has not been previously convicted of a  
14 misdemeanor or felony and who is sentenced to a term of  
15 imprisonment in the Illinois Department of Corrections shall as  
16 a condition of his or her sentence be required by the court to  
17 attend educational courses designed to prepare the defendant  
18 for a high school diploma and to work toward a high school  
19 diploma or to work toward passing the high school level Test of  
20 General Educational Development (GED) or to work toward  
21 completing a vocational training program offered by the  
22 Department of Corrections. If a defendant fails to complete the  
23 educational training required by his or her sentence during the  
24 term of incarceration, the Prisoner Review Board shall, as a  
25 condition of mandatory supervised release, require the  
26 defendant, at his or her own expense, to pursue a course of

1 study toward a high school diploma or passage of the GED test.  
2 The Prisoner Review Board shall revoke the mandatory supervised  
3 release of a defendant who wilfully fails to comply with this  
4 subsection (j-5) upon his or her release from confinement in a  
5 penal institution while serving a mandatory supervised release  
6 term; however, the inability of the defendant after making a  
7 good faith effort to obtain financial aid or pay for the  
8 educational training shall not be deemed a wilful failure to  
9 comply. The Prisoner Review Board shall recommit the defendant  
10 whose mandatory supervised release term has been revoked under  
11 this subsection (j-5) as provided in Section 3-3-9. This  
12 subsection (j-5) does not apply to a defendant who has a high  
13 school diploma or has successfully passed the GED test. This  
14 subsection (j-5) does not apply to a defendant who is  
15 determined by the court to be developmentally disabled or  
16 otherwise mentally incapable of completing the educational or  
17 vocational program.

18 (k) A court may not impose a sentence or disposition for a  
19 felony or misdemeanor that requires the defendant to be  
20 implanted or injected with or to use any form of birth control.

21 (l) (A) Except as provided in paragraph (C) of subsection  
22 (l), whenever a defendant, who is an alien as defined by  
23 the Immigration and Nationality Act, is convicted of any  
24 felony or misdemeanor offense, the court after sentencing  
25 the defendant may, upon motion of the State's Attorney,  
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his  
2 or her designated agent to be deported when:

3 (1) a final order of deportation has been issued  
4 against the defendant pursuant to proceedings under  
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not  
7 deprecate the seriousness of the defendant's conduct  
8 and would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as  
10 provided in this Chapter V.

11 (B) If the defendant has already been sentenced for a  
12 felony or misdemeanor offense, or has been placed on  
13 probation under Section 10 of the Cannabis Control Act,  
14 Section 410 of the Illinois Controlled Substances Act, or  
15 Section 70 of the Methamphetamine Control and Community  
16 Protection Act, the court may, upon motion of the State's  
17 Attorney to suspend the sentence imposed, commit the  
18 defendant to the custody of the Attorney General of the  
19 United States or his or her designated agent when:

20 (1) a final order of deportation has been issued  
21 against the defendant pursuant to proceedings under  
22 the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not  
24 deprecate the seriousness of the defendant's conduct  
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who



1 are subject to the provisions of paragraph (2) of  
2 subsection (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant  
4 sentenced under this Section returns to the jurisdiction of  
5 the United States, the defendant shall be recommitted to  
6 the custody of the county from which he or she was  
7 sentenced. Thereafter, the defendant shall be brought  
8 before the sentencing court, which may impose any sentence  
9 that was available under Section 5-5-3 at the time of  
10 initial sentencing. In addition, the defendant shall not be  
11 eligible for additional good conduct credit for  
12 meritorious service as provided under Section 3-6-6.

13 (m) A person convicted of criminal defacement of property  
14 under Section 21-1.3 of the Criminal Code of 1961, in which the  
15 property damage exceeds \$300 and the property damaged is a  
16 school building, shall be ordered to perform community service  
17 that may include cleanup, removal, or painting over the  
18 defacement.

19 (n) The court may sentence a person convicted of a  
20 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
21 Code of 1961 (i) to an impact incarceration program if the  
22 person is otherwise eligible for that program under Section  
23 5-8-1.1, (ii) to community service, or (iii) if the person is  
24 an addict or alcoholic, as defined in the Alcoholism and Other  
25 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
26 program licensed under that Act.

1 (o) Whenever a person is convicted of a sex offense as  
2 defined in Section 2 of the Sex Offender Registration Act, the  
3 defendant's driver's license or permit shall be subject to  
4 renewal on an annual basis in accordance with the provisions of  
5 license renewal established by the Secretary of State.

6 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
7 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
8 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
9 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
10 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;  
11 revised 8-28-06.)

12 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

13 Sec. 5-5-6. In all convictions for offenses in violation of  
14 the Criminal Code of 1961 in which the person received any  
15 injury to their person or damage to their real or personal  
16 property as a result of the criminal act of the defendant, the  
17 court shall order restitution as provided in this Section. In  
18 all other cases, except cases in which restitution is required  
19 under this Section, the court must at the sentence hearing  
20 determine whether restitution is an appropriate sentence to be  
21 imposed on each defendant convicted of an offense. If the court  
22 determines that an order directing the offender to make  
23 restitution is appropriate, the offender may be sentenced to  
24 make restitution. The court may consider restitution an  
25 appropriate sentence to be imposed on each defendant convicted

1 of an offense in addition to a sentence of imprisonment. The  
2 sentence of the defendant to a term of imprisonment is not a  
3 mitigating factor that prevents the court from ordering the  
4 defendant to pay restitution. If the offender is sentenced to  
5 make restitution the Court shall determine the restitution as  
6 hereinafter set forth:

7 (a) At the sentence hearing, the court shall determine  
8 whether the property may be restored in kind to the  
9 possession of the owner or the person entitled to  
10 possession thereof; or whether the defendant is possessed  
11 of sufficient skill to repair and restore property damaged;  
12 or whether the defendant should be required to make  
13 restitution in cash, for out-of-pocket expenses, damages,  
14 losses, or injuries found to have been proximately caused  
15 by the conduct of the defendant or another for whom the  
16 defendant is legally accountable under the provisions of  
17 Article V of the Criminal Code of 1961.

18 (b) In fixing the amount of restitution to be paid in  
19 cash, the court shall allow credit for property returned in  
20 kind, for property damages ordered to be repaired by the  
21 defendant, and for property ordered to be restored by the  
22 defendant; and after granting the credit, the court shall  
23 assess the actual out-of-pocket expenses, losses, damages,  
24 and injuries suffered by the victim named in the charge and  
25 any other victims who may also have suffered out-of-pocket  
26 expenses, losses, damages, and injuries proximately caused

1 by the same criminal conduct of the defendant, and  
2 insurance carriers who have indemnified the named victim or  
3 other victims for the out-of-pocket expenses, losses,  
4 damages, or injuries, provided that in no event shall  
5 restitution be ordered to be paid on account of pain and  
6 suffering. If a defendant is placed on supervision for, or  
7 convicted of, domestic battery, the defendant shall be  
8 required to pay restitution to any domestic violence  
9 shelter in which the victim and any other family or  
10 household members lived because of the domestic battery.  
11 The amount of the restitution shall equal the actual  
12 expenses of the domestic violence shelter in providing  
13 housing and any other services for the victim and any other  
14 family or household members living at the shelter. If a  
15 defendant fails to pay restitution in the manner or within  
16 the time period specified by the court, the court may enter  
17 an order directing the sheriff to seize any real or  
18 personal property of a defendant to the extent necessary to  
19 satisfy the order of restitution and dispose of the  
20 property by public sale. All proceeds from such sale in  
21 excess of the amount of restitution plus court costs and  
22 the costs of the sheriff in conducting the sale shall be  
23 paid to the defendant. The defendant convicted of domestic  
24 battery, if a person under 18 years of age was present and  
25 witnessed the domestic battery of the victim, is liable to  
26 pay restitution for the cost of any counseling required for

1 the child at the discretion of the court.

2 (c) In cases where more than one defendant is  
3 accountable for the same criminal conduct that results in  
4 out-of-pocket expenses, losses, damages, or injuries, each  
5 defendant shall be ordered to pay restitution in the amount  
6 of the total actual out-of-pocket expenses, losses,  
7 damages, or injuries to the victim proximately caused by  
8 the conduct of all of the defendants who are legally  
9 accountable for the offense.

10 (1) In no event shall the victim be entitled to  
11 recover restitution in excess of the actual  
12 out-of-pocket expenses, losses, damages, or injuries,  
13 proximately caused by the conduct of all of the  
14 defendants.

15 (2) As between the defendants, the court may  
16 apportion the restitution that is payable in  
17 proportion to each co-defendant's culpability in the  
18 commission of the offense.

19 (3) In the absence of a specific order apportioning  
20 the restitution, each defendant shall bear his pro rata  
21 share of the restitution.

22 (4) As between the defendants, each defendant  
23 shall be entitled to a pro rata reduction in the total  
24 restitution required to be paid to the victim for  
25 amounts of restitution actually paid by co-defendants,  
26 and defendants who shall have paid more than their pro

1           rata share shall be entitled to refunds to be computed  
2           by the court as additional amounts are paid by  
3           co-defendants.

4           (d) In instances where a defendant has more than one  
5           criminal charge pending against him in a single case, or  
6           more than one case, and the defendant stands convicted of  
7           one or more charges, a plea agreement negotiated by the  
8           State's Attorney and the defendants may require the  
9           defendant to make restitution to victims of charges that  
10          have been dismissed or which it is contemplated will be  
11          dismissed under the terms of the plea agreement, and under  
12          the agreement, the court may impose a sentence of  
13          restitution on the charge or charges of which the defendant  
14          has been convicted that would require the defendant to make  
15          restitution to victims of other offenses as provided in the  
16          plea agreement.

17          (e) The court may require the defendant to apply the  
18          balance of the cash bond, after payment of court costs, and  
19          any fine that may be imposed to the payment of restitution.

20          (f) Taking into consideration the ability of the  
21          defendant to pay, including any real or personal property  
22          or any other assets of the defendant, the court shall  
23          determine whether restitution shall be paid in a single  
24          payment or in installments, and shall fix a period of time  
25          not in excess of 5 years or the period of time specified in  
26          subsection (f-1), not including periods of incarceration,

1           within which payment of restitution is to be paid in full.  
2           Complete restitution shall be paid in as short a time  
3           period as possible. However, if the court deems it  
4           necessary and in the best interest of the victim, the court  
5           may extend beyond 5 years the period of time within which  
6           the payment of restitution is to be paid. If the defendant  
7           is ordered to pay restitution and the court orders that  
8           restitution is to be paid over a period greater than 6  
9           months, the court shall order that the defendant make  
10          monthly payments; the court may waive this requirement of  
11          monthly payments only if there is a specific finding of  
12          good cause for waiver.

13                 (f-1) (1) In addition to any other penalty prescribed by  
14          law and any restitution ordered under this Section that did  
15          not include long-term physical health care costs, the court  
16          may, upon conviction of any misdemeanor or felony, order a  
17          defendant to pay restitution to a victim in accordance with  
18          the provisions of this subsection (f-1) if the victim has  
19          suffered physical injury as a result of the offense that is  
20          reasonably probable to require or has required long-term  
21          physical health care for more than 3 months. As used in  
22          this subsection (f-1) "long-term physical health care"  
23          includes mental health care.

24                 (2) The victim's estimate of long-term physical health  
25          care costs may be made as part of a victim impact statement  
26          under Section 6 of the Rights of Crime Victims and

1           Witnesses Act or made separately. The court shall enter the  
2           long-term physical health care restitution order at the  
3           time of sentencing. An order of restitution made under this  
4           subsection (f-1) shall fix a monthly amount to be paid by  
5           the defendant for as long as long-term physical health care  
6           of the victim is required as a result of the offense. The  
7           order may exceed the length of any sentence imposed upon  
8           the defendant for the criminal activity. The court shall  
9           include as a special finding in the judgment of conviction  
10          its determination of the monthly cost of long-term physical  
11          health care.

12           (3) After a sentencing order has been entered, the  
13          court may from time to time, on the petition of either the  
14          defendant or the victim, or upon its own motion, enter an  
15          order for restitution for long-term physical care or modify  
16          the existing order for restitution for long-term physical  
17          care as to the amount of monthly payments. Any modification  
18          of the order shall be based only upon a substantial change  
19          of circumstances relating to the cost of long-term physical  
20          health care or the financial condition of either the  
21          defendant or the victim. The petition shall be filed as  
22          part of the original criminal docket.

23           (g) In addition to the sentences provided for in  
24          Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15,  
25          and 12-16 of the Criminal Code of 1961, the court may order  
26          any person who is convicted of violating any of those



1 Sections or who was charged with any of those offenses and  
2 which charge was reduced to another charge as a result of a  
3 plea agreement under subsection (d) of this Section to meet  
4 all or any portion of the financial obligations of  
5 treatment, including but not limited to medical,  
6 psychiatric, or rehabilitative treatment or psychological  
7 counseling, prescribed for the victim or victims of the  
8 offense.

9 The payments shall be made by the defendant to the  
10 clerk of the circuit court and transmitted by the clerk to  
11 the appropriate person or agency as directed by the court.  
12 Except as otherwise provided in subsection (f-1), the order  
13 may require such payments to be made for a period not to  
14 exceed 5 years after sentencing, not including periods of  
15 incarceration.

16 (h) The judge may enter an order of withholding to  
17 collect the amount of restitution owed in accordance with  
18 Part 8 of Article XII of the Code of Civil Procedure.

19 (i) A sentence of restitution may be modified or  
20 revoked by the court if the offender commits another  
21 offense, or the offender fails to make restitution as  
22 ordered by the court, but no sentence to make restitution  
23 shall be revoked unless the court shall find that the  
24 offender has had the financial ability to make restitution,  
25 and he has wilfully refused to do so. When the offender's  
26 ability to pay restitution was established at the time an

1 order of restitution was entered or modified, or when the  
2 offender's ability to pay was based on the offender's  
3 willingness to make restitution as part of a plea agreement  
4 made at the time the order of restitution was entered or  
5 modified, there is a rebuttable presumption that the facts  
6 and circumstances considered by the court at the hearing at  
7 which the order of restitution was entered or modified  
8 regarding the offender's ability or willingness to pay  
9 restitution have not materially changed. If the court shall  
10 find that the defendant has failed to make restitution and  
11 that the failure is not wilful, the court may impose an  
12 additional period of time within which to make restitution.  
13 The length of the additional period shall not be more than  
14 2 years. The court shall retain all of the incidents of the  
15 original sentence, including the authority to modify or  
16 enlarge the conditions, and to revoke or further modify the  
17 sentence if the conditions of payment are violated during  
18 the additional period.

19 (j) The procedure upon the filing of a Petition to  
20 Revoke a sentence to make restitution shall be the same as  
21 the procedures set forth in Section 5-6-4 of this Code  
22 governing violation, modification, or revocation of  
23 Probation, of Conditional Discharge, or of Supervision.

24 (k) Nothing contained in this Section shall preclude  
25 the right of any party to proceed in a civil action to  
26 recover for any damages incurred due to the criminal

1 misconduct of the defendant.

2 (l) Restitution ordered under this Section shall not be  
3 subject to disbursement by the circuit clerk under Section  
4 27.5 of the Clerks of Courts Act.

5 (m) A restitution order under this Section is a  
6 judgment lien in favor of the victim that:

7 (1) Attaches to the property of the person subject  
8 to the order;

9 (2) May be perfected in the same manner as provided  
10 in Part 3 of Article 9 of the Uniform Commercial Code;

11 (3) May be enforced to satisfy any payment that is  
12 delinquent under the restitution order by the person in  
13 whose favor the order is issued or the person's  
14 assignee; and

15 (4) Expires in the same manner as a judgment lien  
16 created in a civil proceeding.

17 When a restitution order is issued under this Section,  
18 the issuing court shall send a certified copy of the order  
19 to the clerk of the circuit court in the county where the  
20 charge was filed. Upon receiving the order, the clerk shall  
21 enter and index the order in the circuit court judgment  
22 docket.

23 (n) An order of restitution under this Section does not  
24 bar a civil action for:

25 (1) Damages that the court did not require the  
26 person to pay to the victim under the restitution order

1 but arise from an injury or property damages that is  
2 the basis of restitution ordered by the court; and

3 (2) Other damages suffered by the victim.

4 The restitution order is not discharged by the completion  
5 of the sentence imposed for the offense.

6 A restitution order under this Section is not discharged by  
7 the liquidation of a person's estate by a receiver. A  
8 restitution order under this Section may be enforced in the  
9 same manner as judgment liens are enforced under Article XII of  
10 the Code of Civil Procedure.

11 The provisions of Section 2-1303 of the Code of Civil  
12 Procedure, providing for interest on judgments, apply to  
13 judgments for restitution entered under this Section.

14 (Source: P.A. 94-148, eff. 1-1-06; 94-397, eff. 1-1-06; revised  
15 8-19-05.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of Probation and of Conditional  
18 Discharge.

19 (a) The conditions of probation and of conditional  
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any  
22 jurisdiction;

23 (2) report to or appear in person before such person or  
24 agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon;

2 (4) not leave the State without the consent of the  
3 court or, in circumstances in which the reason for the  
4 absence is of such an emergency nature that prior consent  
5 by the court is not possible, without the prior  
6 notification and approval of the person's probation  
7 officer. Transfer of a person's probation or conditional  
8 discharge supervision to another state is subject to  
9 acceptance by the other state pursuant to the Interstate  
10 Compact for Adult Offender Supervision;

11 (5) permit the probation officer to visit him at his  
12 home or elsewhere to the extent necessary to discharge his  
13 duties;

14 (6) perform no less than 30 hours of community service  
15 and not more than 120 hours of community service, if  
16 community service is available in the jurisdiction and is  
17 funded and approved by the county board where the offense  
18 was committed, where the offense was related to or in  
19 furtherance of the criminal activities of an organized gang  
20 and was motivated by the offender's membership in or  
21 allegiance to an organized gang. The community service  
22 shall include, but not be limited to, the cleanup and  
23 repair of any damage caused by a violation of Section  
24 21-1.3 of the Criminal Code of 1961 and similar damage to  
25 property located within the municipality or county in which  
26 the violation occurred. When possible and reasonable, the

1 community service should be performed in the offender's  
2 neighborhood. For purposes of this Section, "organized  
3 gang" has the meaning ascribed to it in Section 10 of the  
4 Illinois Streetgang Terrorism Omnibus Prevention Act;

5 (7) if he or she is at least 17 years of age and has  
6 been sentenced to probation or conditional discharge for a  
7 misdemeanor or felony in a county of 3,000,000 or more  
8 inhabitants and has not been previously convicted of a  
9 misdemeanor or felony, may be required by the sentencing  
10 court to attend educational courses designed to prepare the  
11 defendant for a high school diploma and to work toward a  
12 high school diploma or to work toward passing the high  
13 school level Test of General Educational Development (GED)  
14 or to work toward completing a vocational training program  
15 approved by the court. The person on probation or  
16 conditional discharge must attend a public institution of  
17 education to obtain the educational or vocational training  
18 required by this clause (7). The court shall revoke the  
19 probation or conditional discharge of a person who wilfully  
20 fails to comply with this clause (7). The person on  
21 probation or conditional discharge shall be required to pay  
22 for the cost of the educational courses or GED test, if a  
23 fee is charged for those courses or test. The court shall  
24 resentence the offender whose probation or conditional  
25 discharge has been revoked as provided in Section 5-6-4.  
26 This clause (7) does not apply to a person who has a high

1 school diploma or has successfully passed the GED test.  
2 This clause (7) does not apply to a person who is  
3 determined by the court to be developmentally disabled or  
4 otherwise mentally incapable of completing the educational  
5 or vocational program;

6 (8) if convicted of possession of a substance  
7 prohibited by the Cannabis Control Act, the Illinois  
8 Controlled Substances Act, or the Methamphetamine Control  
9 and Community Protection Act after a previous conviction or  
10 disposition of supervision for possession of a substance  
11 prohibited by the Cannabis Control Act or Illinois  
12 Controlled Substances Act or after a sentence of probation  
13 under Section 10 of the Cannabis Control Act, Section 410  
14 of the Illinois Controlled Substances Act, or Section 70 of  
15 the Methamphetamine Control and Community Protection Act  
16 and upon a finding by the court that the person is  
17 addicted, undergo treatment at a substance abuse program  
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined  
20 in the Sex Offender Management Board Act, the person shall  
21 undergo and successfully complete sex offender treatment  
22 by a treatment provider approved by the Board and conducted  
23 in conformance with the standards developed under the Sex  
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or  
2 apartment unit or in the same condominium complex or  
3 apartment complex with another person he or she knows or  
4 reasonably should know is a convicted sex offender or has  
5 been placed on supervision for a sex offense; the  
6 provisions of this paragraph do not apply to a person  
7 convicted of a sex offense who is placed in a Department of  
8 Corrections licensed transitional housing facility for sex  
9 offenders; ~~and~~

10 (9) if convicted of a felony, physically surrender at a  
11 time and place designated by the court, his or her Firearm  
12 Owner's Identification Card and any and all firearms in his  
13 or her possession; and

14 (10) if convicted of a sex offense as defined in  
15 subsection (a-5) of Section 3-1-2 of this Code, unless the  
16 offender is a parent or guardian of the person under 18  
17 years of age present in the home and no non-familial minors  
18 are present, not participate in a holiday event involving  
19 children under 18 years of age, such as distributing candy  
20 or other items to children on Halloween, wearing a Santa  
21 Claus costume on or preceding Christmas, being employed as  
22 a department store Santa Claus, or wearing an Easter Bunny  
23 costume on or preceding Easter.

24 (b) The Court may in addition to other reasonable  
25 conditions relating to the nature of the offense or the  
26 rehabilitation of the defendant as determined for each



1 defendant in the proper discretion of the Court require that  
2 the person:

3 (1) serve a term of periodic imprisonment under Article  
4 7 for a period not to exceed that specified in paragraph  
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational  
8 training;

9 (4) undergo medical, psychological or psychiatric  
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a  
19 foster home;

20 (v) with the consent of the superintendent of the  
21 facility, attend an educational program at a facility  
22 other than the school in which the offense was  
23 committed if he or she is convicted of a crime of  
24 violence as defined in Section 2 of the Crime Victims  
25 Compensation Act committed in a school, on the real  
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of  
3 this Code;

4 (9) perform some reasonable public or community  
5 service;

6 (10) serve a term of home confinement. In addition to  
7 any other applicable condition of probation or conditional  
8 discharge, the conditions of home confinement shall be that  
9 the offender:

10 (i) remain within the interior premises of the  
11 place designated for his confinement during the hours  
12 designated by the court;

13 (ii) admit any person or agent designated by the  
14 court into the offender's place of confinement at any  
15 time for purposes of verifying the offender's  
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or  
18 the Probation or Court Services Department, be placed  
19 on an approved electronic monitoring device, subject  
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,  
22 cannabis or controlled substance violation who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

1 subsection (g) of this Section, unless after  
2 determining the inability of the offender to pay the  
3 fee, the court assesses a lesser fee or no fee as the  
4 case may be. This fee shall be imposed in addition to  
5 the fees imposed under subsections (g) and (i) of this  
6 Section. The fee shall be collected by the clerk of the  
7 circuit court. The clerk of the circuit court shall pay  
8 all monies collected from this fee to the county  
9 treasurer for deposit in the substance abuse services  
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than  
12 those referenced in clause (iv) above and who are  
13 placed on an approved monitoring device as a condition  
14 of probation or conditional discharge, the court shall  
15 impose a reasonable fee for each day of the use of the  
16 device, as established by the county board in  
17 subsection (g) of this Section, unless after  
18 determining the inability of the defendant to pay the  
19 fee, the court assesses a lesser fee or no fee as the  
20 case may be. This fee shall be imposed in addition to  
21 the fees imposed under subsections (g) and (i) of this  
22 Section. The fee shall be collected by the clerk of the  
23 circuit court. The clerk of the circuit court shall pay  
24 all monies collected from this fee to the county  
25 treasurer who shall use the monies collected to defray  
26 the costs of corrections. The county treasurer shall

1           deposit the fee collected in the county working cash  
2           fund under Section 6-27001 or Section 6-29002 of the  
3           Counties Code, as the case may be.

4           (11) comply with the terms and conditions of an order  
5           of protection issued by the court pursuant to the Illinois  
6           Domestic Violence Act of 1986, as now or hereafter amended,  
7           or an order of protection issued by the court of another  
8           state, tribe, or United States territory. A copy of the  
9           order of protection shall be transmitted to the probation  
10          officer or agency having responsibility for the case;

11          (12) reimburse any "local anti-crime program" as  
12          defined in Section 7 of the Anti-Crime Advisory Council Act  
13          for any reasonable expenses incurred by the program on the  
14          offender's case, not to exceed the maximum amount of the  
15          fine authorized for the offense for which the defendant was  
16          sentenced;

17          (13) contribute a reasonable sum of money, not to  
18          exceed the maximum amount of the fine authorized for the  
19          offense for which the defendant was sentenced, to a "local  
20          anti-crime program", as defined in Section 7 of the  
21          Anti-Crime Advisory Council Act;

22          (14) refrain from entering into a designated  
23          geographic area except upon such terms as the court finds  
24          appropriate. Such terms may include consideration of the  
25          purpose of the entry, the time of day, other persons  
26          accompanying the defendant, and advance approval by a

1 probation officer, if the defendant has been placed on  
2 probation or advance approval by the court, if the  
3 defendant was placed on conditional discharge;

4 (15) refrain from having any contact, directly or  
5 indirectly, with certain specified persons or particular  
6 types of persons, including but not limited to members of  
7 street gangs and drug users or dealers;

8 (16) refrain from having in his or her body the  
9 presence of any illicit drug prohibited by the Cannabis  
10 Control Act, the Illinois Controlled Substances Act, or the  
11 Methamphetamine Control and Community Protection Act,  
12 unless prescribed by a physician, and submit samples of his  
13 or her blood or urine or both for tests to determine the  
14 presence of any illicit drug.

15 (c) The court may as a condition of probation or of  
16 conditional discharge require that a person under 18 years of  
17 age found guilty of any alcohol, cannabis or controlled  
18 substance violation, refrain from acquiring a driver's license  
19 during the period of probation or conditional discharge. If  
20 such person is in possession of a permit or license, the court  
21 may require that the minor refrain from driving or operating  
22 any motor vehicle during the period of probation or conditional  
23 discharge, except as may be necessary in the course of the  
24 minor's lawful employment.

25 (d) An offender sentenced to probation or to conditional  
26 discharge shall be given a certificate setting forth the

1 conditions thereof.

2 (e) Except where the offender has committed a fourth or  
3 subsequent violation of subsection (c) of Section 6-303 of the  
4 Illinois Vehicle Code, the court shall not require as a  
5 condition of the sentence of probation or conditional discharge  
6 that the offender be committed to a period of imprisonment in  
7 excess of 6 months. This 6 month limit shall not include  
8 periods of confinement given pursuant to a sentence of county  
9 impact incarceration under Section 5-8-1.2. This 6 month limit  
10 does not apply to a person sentenced to probation as a result  
11 of a conviction of a fourth or subsequent violation of  
12 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code  
13 or a similar provision of a local ordinance.

14 Persons committed to imprisonment as a condition of  
15 probation or conditional discharge shall not be committed to  
16 the Department of Corrections.

17 (f) The court may combine a sentence of periodic  
18 imprisonment under Article 7 or a sentence to a county impact  
19 incarceration program under Article 8 with a sentence of  
20 probation or conditional discharge.

21 (g) An offender sentenced to probation or to conditional  
22 discharge and who during the term of either undergoes mandatory  
23 drug or alcohol testing, or both, or is assigned to be placed  
24 on an approved electronic monitoring device, shall be ordered  
25 to pay all costs incidental to such mandatory drug or alcohol  
26 testing, or both, and all costs incidental to such approved

1 electronic monitoring in accordance with the defendant's  
2 ability to pay those costs. The county board with the  
3 concurrence of the Chief Judge of the judicial circuit in which  
4 the county is located shall establish reasonable fees for the  
5 cost of maintenance, testing, and incidental expenses related  
6 to the mandatory drug or alcohol testing, or both, and all  
7 costs incidental to approved electronic monitoring, involved  
8 in a successful probation program for the county. The  
9 concurrence of the Chief Judge shall be in the form of an  
10 administrative order. The fees shall be collected by the clerk  
11 of the circuit court. The clerk of the circuit court shall pay  
12 all moneys collected from these fees to the county treasurer  
13 who shall use the moneys collected to defray the costs of drug  
14 testing, alcohol testing, and electronic monitoring. The  
15 county treasurer shall deposit the fees collected in the county  
16 working cash fund under Section 6-27001 or Section 6-29002 of  
17 the Counties Code, as the case may be.

18 (h) Jurisdiction over an offender may be transferred from  
19 the sentencing court to the court of another circuit with the  
20 concurrence of both courts. Further transfers or retransfers of  
21 jurisdiction are also authorized in the same manner. The court  
22 to which jurisdiction has been transferred shall have the same  
23 powers as the sentencing court.

24 (i) The court shall impose upon an offender sentenced to  
25 probation after January 1, 1989 or to conditional discharge  
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after  
2 January 1, 2004, as a condition of such probation or  
3 conditional discharge or supervised community service, a fee of  
4 \$50 for each month of probation or conditional discharge  
5 supervision or supervised community service ordered by the  
6 court, unless after determining the inability of the person  
7 sentenced to probation or conditional discharge or supervised  
8 community service to pay the fee, the court assesses a lesser  
9 fee. The court may not impose the fee on a minor who is made a  
10 ward of the State under the Juvenile Court Act of 1987 while  
11 the minor is in placement. The fee shall be imposed only upon  
12 an offender who is actively supervised by the probation and  
13 court services department. The fee shall be collected by the  
14 clerk of the circuit court. The clerk of the circuit court  
15 shall pay all monies collected from this fee to the county  
16 treasurer for deposit in the probation and court services fund  
17 under Section 15.1 of the Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee under this  
19 subsection (i) in excess of \$25 per month unless: (1) the  
20 circuit court has adopted, by administrative order issued by  
21 the chief judge, a standard probation fee guide determining an  
22 offender's ability to pay, under guidelines developed by the  
23 Administrative Office of the Illinois Courts; and (2) the  
24 circuit court has authorized, by administrative order issued by  
25 the chief judge, the creation of a Crime Victim's Services  
26 Fund, to be administered by the Chief Judge or his or her



1 designee, for services to crime victims and their families. Of  
2 the amount collected as a probation fee, up to \$5 of that fee  
3 collected per month may be used to provide services to crime  
4 victims and their families.

5 This amendatory Act of the 93rd General Assembly deletes  
6 the \$10 increase in the fee under this subsection that was  
7 imposed by Public Act 93-616. This deletion is intended to  
8 control over any other Act of the 93rd General Assembly that  
9 retains or incorporates that fee increase.

10 (i-5) In addition to the fees imposed under subsection (i)  
11 of this Section, in the case of an offender convicted of a  
12 felony sex offense (as defined in the Sex Offender Management  
13 Board Act) or an offense that the court or probation department  
14 has determined to be sexually motivated (as defined in the Sex  
15 Offender Management Board Act), the court or the probation  
16 department shall assess additional fees to pay for all costs of  
17 treatment, assessment, evaluation for risk and treatment, and  
18 monitoring the offender, based on that offender's ability to  
19 pay those costs either as they occur or under a payment plan.

20 (j) All fines and costs imposed under this Section for any  
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
22 Code, or a similar provision of a local ordinance, and any  
23 violation of the Child Passenger Protection Act, or a similar  
24 provision of a local ordinance, shall be collected and  
25 disbursed by the circuit clerk as provided under Section 27.5  
26 of the Clerks of Courts Act.

1 (k) Any offender who is sentenced to probation or  
2 conditional discharge for a felony sex offense as defined in  
3 the Sex Offender Management Board Act or any offense that the  
4 court or probation department has determined to be sexually  
5 motivated as defined in the Sex Offender Management Board Act  
6 shall be required to refrain from any contact, directly or  
7 indirectly, with any persons specified by the court and shall  
8 be available for all evaluations and treatment programs  
9 required by the court or the probation department.

10 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,  
11 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
12 94-556, eff. 9-11-05; revised 8-19-05.)

13 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

14 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

15 (a) When a defendant is placed on supervision, the court  
16 shall enter an order for supervision specifying the period of  
17 such supervision, and shall defer further proceedings in the  
18 case until the conclusion of the period.

19 (b) The period of supervision shall be reasonable under all  
20 of the circumstances of the case, but may not be longer than 2  
21 years, unless the defendant has failed to pay the assessment  
22 required by Section 10.3 of the Cannabis Control Act, Section  
23 411.2 of the Illinois Controlled Substances Act, or Section 80  
24 of the Methamphetamine Control and Community Protection Act, in  
25 which case the court may extend supervision beyond 2 years.

1 Additionally, the court shall order the defendant to perform no  
2 less than 30 hours of community service and not more than 120  
3 hours of community service, if community service is available  
4 in the jurisdiction and is funded and approved by the county  
5 board where the offense was committed, when the offense (1) was  
6 related to or in furtherance of the criminal activities of an  
7 organized gang or was motivated by the defendant's membership  
8 in or allegiance to an organized gang; or (2) is a violation of  
9 any Section of Article 24 of the Criminal Code of 1961 where a  
10 disposition of supervision is not prohibited by Section 5-6-1  
11 of this Code. The community service shall include, but not be  
12 limited to, the cleanup and repair of any damage caused by  
13 violation of Section 21-1.3 of the Criminal Code of 1961 and  
14 similar damages to property located within the municipality or  
15 county in which the violation occurred. Where possible and  
16 reasonable, the community service should be performed in the  
17 offender's neighborhood.

18 For the purposes of this Section, "organized gang" has the  
19 meaning ascribed to it in Section 10 of the Illinois Streetgang  
20 Terrorism Omnibus Prevention Act.

21 (c) The court may in addition to other reasonable  
22 conditions relating to the nature of the offense or the  
23 rehabilitation of the defendant as determined for each  
24 defendant in the proper discretion of the court require that  
25 the person:

26 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or  
2 social service agency as directed by the court in the order  
3 of supervision;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational  
6 training;

7 (4) undergo medical, psychological or psychiatric  
8 treatment; or treatment for drug addiction or alcoholism;

9 (5) attend or reside in a facility established for the  
10 instruction or residence of defendants on probation;

11 (6) support his dependents;

12 (7) refrain from possessing a firearm or other  
13 dangerous weapon;

14 (8) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a  
19 foster home; or

20 (v) with the consent of the superintendent of the  
21 facility, attend an educational program at a facility  
22 other than the school in which the offense was  
23 committed if he or she is placed on supervision for a  
24 crime of violence as defined in Section 2 of the Crime  
25 Victims Compensation Act committed in a school, on the  
26 real property comprising a school, or within 1,000 feet

1           of the real property comprising a school;

2           (9) make restitution or reparation in an amount not to  
3 exceed actual loss or damage to property and pecuniary loss  
4 or make restitution under Section 5-5-6 to a domestic  
5 violence shelter. The court shall determine the amount and  
6 conditions of payment;

7           (10) perform some reasonable public or community  
8 service;

9           (11) comply with the terms and conditions of an order  
10 of protection issued by the court pursuant to the Illinois  
11 Domestic Violence Act of 1986 or an order of protection  
12 issued by the court of another state, tribe, or United  
13 States territory. If the court has ordered the defendant to  
14 make a report and appear in person under paragraph (1) of  
15 this subsection, a copy of the order of protection shall be  
16 transmitted to the person or agency so designated by the  
17 court;

18           (12) reimburse any "local anti-crime program" as  
19 defined in Section 7 of the Anti-Crime Advisory Council Act  
20 for any reasonable expenses incurred by the program on the  
21 offender's case, not to exceed the maximum amount of the  
22 fine authorized for the offense for which the defendant was  
23 sentenced;

24           (13) contribute a reasonable sum of money, not to  
25 exceed the maximum amount of the fine authorized for the  
26 offense for which the defendant was sentenced, to a "local

1 anti-crime program", as defined in Section 7 of the  
2 Anti-Crime Advisory Council Act;

3 (14) refrain from entering into a designated  
4 geographic area except upon such terms as the court finds  
5 appropriate. Such terms may include consideration of the  
6 purpose of the entry, the time of day, other persons  
7 accompanying the defendant, and advance approval by a  
8 probation officer;

9 (15) refrain from having any contact, directly or  
10 indirectly, with certain specified persons or particular  
11 types of person, including but not limited to members of  
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the  
14 presence of any illicit drug prohibited by the Cannabis  
15 Control Act, the Illinois Controlled Substances Act, or the  
16 Methamphetamine Control and Community Protection Act,  
17 unless prescribed by a physician, and submit samples of his  
18 or her blood or urine or both for tests to determine the  
19 presence of any illicit drug;

20 (17) refrain from operating any motor vehicle not  
21 equipped with an ignition interlock device as defined in  
22 Section 1-129.1 of the Illinois Vehicle Code. Under this  
23 condition the court may allow a defendant who is not  
24 self-employed to operate a vehicle owned by the defendant's  
25 employer that is not equipped with an ignition interlock  
26 device in the course and scope of the defendant's

1 employment; and

2 (18) if placed on supervision for a sex offense as  
3 defined in subsection (a-5) of Section 3-1-2 of this Code,  
4 unless the offender is a parent or guardian of the person  
5 under 18 years of age present in the home and no  
6 non-familial minors are present, not participate in a  
7 holiday event involving children under 18 years of age,  
8 such as distributing candy or other items to children on  
9 Halloween, wearing a Santa Claus costume on or preceding  
10 Christmas, being employed as a department store Santa  
11 Claus, or wearing an Easter Bunny costume on or preceding  
12 Easter.

13 (d) The court shall defer entering any judgment on the  
14 charges until the conclusion of the supervision.

15 (e) At the conclusion of the period of supervision, if the  
16 court determines that the defendant has successfully complied  
17 with all of the conditions of supervision, the court shall  
18 discharge the defendant and enter a judgment dismissing the  
19 charges.

20 (f) Discharge and dismissal upon a successful conclusion of  
21 a disposition of supervision shall be deemed without  
22 adjudication of guilt and shall not be termed a conviction for  
23 purposes of disqualification or disabilities imposed by law  
24 upon conviction of a crime. Two years after the discharge and  
25 dismissal under this Section, unless the disposition of  
26 supervision was for a violation of Sections 3-707, 3-708,

1 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance, or for a violation of  
3 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
4 case it shall be 5 years after discharge and dismissal, a  
5 person may have his record of arrest sealed or expunged as may  
6 be provided by law. However, any defendant placed on  
7 supervision before January 1, 1980, may move for sealing or  
8 expungement of his arrest record, as provided by law, at any  
9 time after discharge and dismissal under this Section. A person  
10 placed on supervision for a sexual offense committed against a  
11 minor as defined in subsection (g) of Section 5 of the Criminal  
12 Identification Act or for a violation of Section 11-501 of the  
13 Illinois Vehicle Code or a similar provision of a local  
14 ordinance shall not have his or her record of arrest sealed or  
15 expunged.

16 (g) A defendant placed on supervision and who during the  
17 period of supervision undergoes mandatory drug or alcohol  
18 testing, or both, or is assigned to be placed on an approved  
19 electronic monitoring device, shall be ordered to pay the costs  
20 incidental to such mandatory drug or alcohol testing, or both,  
21 and costs incidental to such approved electronic monitoring in  
22 accordance with the defendant's ability to pay those costs. The  
23 county board with the concurrence of the Chief Judge of the  
24 judicial circuit in which the county is located shall establish  
25 reasonable fees for the cost of maintenance, testing, and  
26 incidental expenses related to the mandatory drug or alcohol



1 testing, or both, and all costs incidental to approved  
2 electronic monitoring, of all defendants placed on  
3 supervision. The concurrence of the Chief Judge shall be in the  
4 form of an administrative order. The fees shall be collected by  
5 the clerk of the circuit court. The clerk of the circuit court  
6 shall pay all moneys collected from these fees to the county  
7 treasurer who shall use the moneys collected to defray the  
8 costs of drug testing, alcohol testing, and electronic  
9 monitoring. The county treasurer shall deposit the fees  
10 collected in the county working cash fund under Section 6-27001  
11 or Section 6-29002 of the Counties Code, as the case may be.

12 (h) A disposition of supervision is a final order for the  
13 purposes of appeal.

14 (i) The court shall impose upon a defendant placed on  
15 supervision after January 1, 1992 or to community service under  
16 the supervision of a probation or court services department  
17 after January 1, 2004, as a condition of supervision or  
18 supervised community service, a fee of \$50 for each month of  
19 supervision or supervised community service ordered by the  
20 court, unless after determining the inability of the person  
21 placed on supervision or supervised community service to pay  
22 the fee, the court assesses a lesser fee. The court may not  
23 impose the fee on a minor who is made a ward of the State under  
24 the Juvenile Court Act of 1987 while the minor is in placement.  
25 The fee shall be imposed only upon a defendant who is actively  
26 supervised by the probation and court services department. The

1 fee shall be collected by the clerk of the circuit court. The  
2 clerk of the circuit court shall pay all monies collected from  
3 this fee to the county treasurer for deposit in the probation  
4 and court services fund pursuant to Section 15.1 of the  
5 Probation and Probation Officers Act.

6 A circuit court may not impose a probation fee in excess of  
7 \$25 per month unless: (1) the circuit court has adopted, by  
8 administrative order issued by the chief judge, a standard  
9 probation fee guide determining an offender's ability to pay,  
10 under guidelines developed by the Administrative Office of the  
11 Illinois Courts; and (2) the circuit court has authorized, by  
12 administrative order issued by the chief judge, the creation of  
13 a Crime Victim's Services Fund, to be administered by the Chief  
14 Judge or his or her designee, for services to crime victims and  
15 their families. Of the amount collected as a probation fee, not  
16 to exceed \$5 of that fee collected per month may be used to  
17 provide services to crime victims and their families.

18 (j) All fines and costs imposed under this Section for any  
19 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
20 Code, or a similar provision of a local ordinance, and any  
21 violation of the Child Passenger Protection Act, or a similar  
22 provision of a local ordinance, shall be collected and  
23 disbursed by the circuit clerk as provided under Section 27.5  
24 of the Clerks of Courts Act.

25 (k) A defendant at least 17 years of age who is placed on  
26 supervision for a misdemeanor in a county of 3,000,000 or more

1 inhabitants and who has not been previously convicted of a  
2 misdemeanor or felony may as a condition of his or her  
3 supervision be required by the court to attend educational  
4 courses designed to prepare the defendant for a high school  
5 diploma and to work toward a high school diploma or to work  
6 toward passing the high school level Test of General  
7 Educational Development (GED) or to work toward completing a  
8 vocational training program approved by the court. The  
9 defendant placed on supervision must attend a public  
10 institution of education to obtain the educational or  
11 vocational training required by this subsection (k). The  
12 defendant placed on supervision shall be required to pay for  
13 the cost of the educational courses or GED test, if a fee is  
14 charged for those courses or test. The court shall revoke the  
15 supervision of a person who wilfully fails to comply with this  
16 subsection (k). The court shall resentence the defendant upon  
17 revocation of supervision as provided in Section 5-6-4. This  
18 subsection (k) does not apply to a defendant who has a high  
19 school diploma or has successfully passed the GED test. This  
20 subsection (k) does not apply to a defendant who is determined  
21 by the court to be developmentally disabled or otherwise  
22 mentally incapable of completing the educational or vocational  
23 program.

24 (1) The court shall require a defendant placed on  
25 supervision for possession of a substance prohibited by the  
26 Cannabis Control Act, the Illinois Controlled Substances Act,

1 or the Methamphetamine Control and Community Protection Act  
2 after a previous conviction or disposition of supervision for  
3 possession of a substance prohibited by the Cannabis Control  
4 Act, the Illinois Controlled Substances Act, or the  
5 Methamphetamine Control and Community Protection Act or a  
6 sentence of probation under Section 10 of the Cannabis Control  
7 Act or Section 410 of the Illinois Controlled Substances Act  
8 and after a finding by the court that the person is addicted,  
9 to undergo treatment at a substance abuse program approved by  
10 the court.

11 (m) The Secretary of State shall require anyone placed on  
12 court supervision for a violation of Section 3-707 of the  
13 Illinois Vehicle Code or a similar provision of a local  
14 ordinance to give proof of his or her financial responsibility  
15 as defined in Section 7-315 of the Illinois Vehicle Code. The  
16 proof shall be maintained by the individual in a manner  
17 satisfactory to the Secretary of State for a minimum period of  
18 one year after the date the proof is first filed. The proof  
19 shall be limited to a single action per arrest and may not be  
20 affected by any post-sentence disposition. The Secretary of  
21 State shall suspend the driver's license of any person  
22 determined by the Secretary to be in violation of this  
23 subsection.

24 (n) Any offender placed on supervision for any offense that  
25 the court or probation department has determined to be sexually  
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or  
2 indirectly, with any persons specified by the court and shall  
3 be available for all evaluations and treatment programs  
4 required by the court or the probation department.

5 (o) An offender placed on supervision for a sex offense as  
6 defined in the Sex Offender Management Board Act shall refrain  
7 from residing at the same address or in the same condominium  
8 unit or apartment unit or in the same condominium complex or  
9 apartment complex with another person he or she knows or  
10 reasonably should know is a convicted sex offender or has been  
11 placed on supervision for a sex offense. The provisions of this  
12 subsection (o) do not apply to a person convicted of a sex  
13 offense who is placed in a Department of Corrections licensed  
14 transitional housing facility for sex offenders.

15 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;  
16 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.  
17 9-11-05; revised 8-19-05.)

18 (730 ILCS 5/5-8-1.3)

19 Sec. 5-8-1.3. Pilot residential and transition treatment  
20 program for women.

21 (a) The General Assembly recognizes:

22 (1) that drug-offending women with children who have  
23 been in and out of the criminal justice system for years  
24 are a serious problem;

25 (2) that the intergenerational cycle of women

1 continuously being part of the criminal justice system  
2 needs to be broken;

3 (3) that the effects of drug offending women with  
4 children disrupts family harmony and creates an atmosphere  
5 that is not conducive to healthy childhood development;

6 (4) that there is a need for an effective residential  
7 community supervision model to provide help to women to  
8 become drug free, recover from trauma, focus on healthy  
9 mother-child relationships, and establish economic  
10 independence and long-term support;

11 (5) that certain non-violent women offenders with  
12 children eligible for sentences of incarceration, may  
13 benefit from the rehabilitative aspects of gender  
14 responsive treatment programs and services. This Section  
15 shall not be construed to allow violent offenders to  
16 participate in a treatment program.

17 (b) Under the direction of the sheriff and with the  
18 approval of the county board of commissioners, the sheriff, in  
19 any county with more than 3,000,000 inhabitants, may operate a  
20 residential and transition treatment program for women  
21 established by the Illinois Department of Corrections if  
22 funding has been provided by federal, local or private  
23 entities. If the court finds during the sentencing hearing  
24 conducted under Section 5-4-1 that a woman convicted of a  
25 felony meets the eligibility requirements of the sheriff's  
26 residential and transition treatment program for women, the

1 court may refer the offender to the sheriff's residential and  
2 transition treatment program for women for consideration as a  
3 participant as an alternative to incarceration in the  
4 penitentiary. The sheriff shall be responsible for supervising  
5 all women who are placed in the residential and transition  
6 treatment program for women for the 12-month period. In the  
7 event that the woman is not accepted for placement in the  
8 sheriff's residential and transition treatment program for  
9 women, the court shall proceed to sentence the woman to any  
10 other disposition authorized by this Code. If the woman does  
11 not successfully complete the residential and transition  
12 treatment program for women, the woman's failure to do so shall  
13 constitute a violation of the sentence to the residential and  
14 transition treatment program for women.

15 (c) In order to be eligible to be a participant in the  
16 pilot residential and transition treatment program for women,  
17 the participant shall meet all of the following conditions:

18 (1) The woman has not been convicted of a violent crime  
19 as defined in subsection (c) of Section 3 of the Rights of  
20 Crime Victims and Witnesses Act, a Class X felony, first or  
21 second degree murder, armed violence, aggravated  
22 kidnapping, criminal sexual assault, aggravated criminal  
23 sexual abuse or a subsequent conviction for criminal sexual  
24 abuse, forcible detention, or arson and has not been  
25 previously convicted of any of those offenses.

26 (2) The woman must undergo an initial assessment

1 evaluation to determine the treatment and program plan.

2 (3) The woman was recommended and accepted for  
3 placement in the pilot residential and transition  
4 treatment program for women by the Department of  
5 Corrections and has consented in writing to participation  
6 in the program under the terms and conditions of the  
7 program. The Department of Corrections may consider  
8 whether space is available.

9 (d) The program may include a substance abuse treatment  
10 program designed for women offenders, mental health, trauma,  
11 and medical treatment; parenting skills and family  
12 relationship counseling, preparation for a GED or vocational  
13 certificate; life skills program; job readiness and job skill  
14 training, and a community transition development plan.

15 (e) With the approval of the Department of Corrections, the  
16 sheriff shall issue requirements for the program and inform the  
17 participants who shall sign an agreement to adhere to all rules  
18 and all requirements for the pilot residential and transition  
19 treatment program.

20 (f) Participation in the pilot residential and transition  
21 treatment program for women shall be for a period not to exceed  
22 12 months. The period may not be reduced by accumulation of  
23 good time.

24 (g) If the woman successfully completes the pilot  
25 residential and transition treatment program for women, the  
26 sheriff shall notify the Department of Corrections, the court,



1 and the State's Attorney of the county of the woman's  
2 successful completion.

3 (h) A woman may be removed from the pilot residential and  
4 transition treatment program for women for violation of the  
5 terms and conditions of the program or in the event she is  
6 unable to participate. The failure to complete the program  
7 shall be deemed a violation of the conditions of the program.  
8 The sheriff shall give notice to the Department of Corrections,  
9 the court, and the State's Attorney of the woman's failure to  
10 complete the program. The Department of Corrections or its  
11 designee shall file a petition alleging that the woman has  
12 violated the conditions of the program with the court. The  
13 State's Attorney may proceed on the petition under Section  
14 5-4-1 of this Code.

15 (i) The conditions of the pilot residential and transition  
16 treatment program for women shall include that the woman while  
17 in the program:

18 (1) not violate any criminal statute of any  
19 jurisdiction;

20 (2) report or appear in person before any person or  
21 agency as directed by the court, the sheriff, or Department  
22 of Corrections;

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon;

25 (4) consent to drug testing;

26 (5) not leave the State without the consent of the

1 court or, in circumstances in which reason for the absence  
2 is of such an emergency nature that prior consent by the  
3 court is not possible, without prior notification and  
4 approval of the Department of Corrections;

5 (6) upon placement in the program, must agree to follow  
6 all requirements of the program.†

7 (j) The Department of Corrections or the sheriff may  
8 terminate the program at any time by mutual agreement or with  
9 30 days prior written notice by either the Department of  
10 Corrections or the sheriff.

11 (k) The Department of Corrections may enter into a joint  
12 contract with a county with more than 3,000,000 inhabitants to  
13 establish and operate a pilot residential and treatment program  
14 for women.

15 (l) The Director of the Department of Corrections shall  
16 have the authority to develop rules to establish and operate a  
17 pilot residential and treatment program for women that shall  
18 include criteria for selection of the participants of the  
19 program in conjunction and approval by the sentencing court.  
20 Violent crime offenders are not eligible to participate in the  
21 program.

22 (m) The Department shall report to the Governor and the  
23 General Assembly before September 30th of each year on the  
24 pilot residential and treatment program for women, including  
25 the composition of the program by offenders, sentence, age,  
26 offense, and race.

1           (n) The Department of Corrections or the sheriff may  
2 terminate the program with 30 days prior written notice.

3           (o) A county with more than 3,000,000 inhabitants is  
4 authorized to apply for funding from federal, local or private  
5 entities to create a Residential and Treatment Program for  
6 Women. This sentencing option may not go into effect until the  
7 funding is secured for the program and the program has been  
8 established.

9           (Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

10           (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

11           Sec. 5-9-1.2. (a) Twelve and one-half percent of all  
12 amounts collected as fines pursuant to Section 5-9-1.1 shall be  
13 paid into the Youth Drug Abuse Prevention Fund, which is hereby  
14 created in the State treasury, to be used by the Department of  
15 Human Services for the funding of programs and services for  
16 drug-abuse treatment, and prevention and education services,  
17 for juveniles.

18           (b) Eighty-seven and one-half percent of the proceeds of  
19 all fines received pursuant to Section 5-9-1.1 shall be  
20 transmitted to and deposited in the treasurer's office at the  
21 level of government as follows:

22           (1) If such seizure was made by a combination of law  
23 enforcement personnel representing differing units of  
24 local government, the court levying the fine shall  
25 equitably allocate 50% of the fine among these units of

1 local government and shall allocate 37 1/2% to the county  
2 general corporate fund. In the event that the seizure was  
3 made by law enforcement personnel representing a unit of  
4 local government from a municipality where the number of  
5 inhabitants exceeds 2 million in population, the court  
6 levying the fine shall allocate 87 1/2% of the fine to that  
7 unit of local government. If the seizure was made by a  
8 combination of law enforcement personnel representing  
9 differing units of local government, and at least one of  
10 those units represents a municipality where the number of  
11 inhabitants exceeds 2 million in population, the court  
12 shall equitably allocate 87 1/2% of the proceeds of the  
13 fines received among the differing units of local  
14 government.

15 (2) If such seizure was made by State law enforcement  
16 personnel, then the court shall allocate 37 1/2% to the  
17 State treasury and 50% to the county general corporate  
18 fund.

19 (3) If a State law enforcement agency in combination  
20 with a law enforcement agency or agencies of a unit or  
21 units of local government conducted the seizure, the court  
22 shall equitably allocate 37 1/2% of the fines to or among  
23 the law enforcement agency or agencies of the unit or units  
24 of local government which conducted the seizure and shall  
25 allocate 50% to the county general corporate fund.

26 (c) The proceeds of all fines allocated to the law

1 enforcement agency or agencies of the unit or units of local  
2 government pursuant to subsection (b) shall be made available  
3 to that law enforcement agency as expendable receipts for use  
4 in the enforcement of laws regulating controlled substances and  
5 cannabis. The proceeds of fines awarded to the State treasury  
6 shall be deposited in a special fund known as the Drug Traffic  
7 Prevention Fund. Monies from this fund may be used by the  
8 Department of State Police for use in the enforcement of laws  
9 regulating controlled substances and cannabis; to satisfy  
10 funding provisions of the Intergovernmental Drug Laws  
11 Enforcement Act; and to defray costs and expenses associated  
12 with returning violators of the Cannabis Control Act, the  
13 Illinois Controlled Substances Act, and the Methamphetamine  
14 Control and Community Protection Act only, as provided in those  
15 Acts, when punishment of the crime shall be confinement of the  
16 criminal in the penitentiary. Moneys in the Drug Traffic  
17 Prevention Fund deposited from fines awarded as a direct result  
18 of enforcement efforts of the Illinois Conservation Police may  
19 be used by the Department of Natural Resources Office of Law  
20 Enforcement for use in enforcing laws regulating controlled  
21 substances and cannabis on Department of Natural Resources  
22 regulated lands and waterways. All other monies shall be paid  
23 into the general revenue fund in the State treasury.

24 (d) There is created in the State treasury the  
25 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall  
26 be equitably allocated to local law enforcement agencies to:

1 (1) reimburse those agencies for the costs of securing and  
2 cleaning up sites and facilities used for the illegal  
3 manufacture of methamphetamine; (2) defray the costs of  
4 employing full-time or part-time peace officers from a  
5 Metropolitan Enforcement Group or other local drug task force,  
6 including overtime costs for those officers; and (3) defray the  
7 costs associated with medical or dental expenses incurred by  
8 the county resulting from the incarceration of methamphetamine  
9 addicts in the county jail or County Department of Corrections.  
10 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;  
11 revised 8-19-05.)

12 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

13 Sec. 5-9-1.7. Sexual assault fines.

14 (a) Definitions. The terms used in this Section shall have  
15 the following meanings ascribed to them:

16 (1) "Sexual assault" means the commission or attempted  
17 commission of the following: sexual exploitation of a  
18 child, criminal sexual assault, predatory criminal sexual  
19 assault of a child, aggravated criminal sexual assault,  
20 criminal sexual abuse, aggravated criminal sexual abuse,  
21 indecent solicitation of a child, public indecency, sexual  
22 relations within families, soliciting for a juvenile  
23 prostitute, keeping a place of juvenile prostitution,  
24 patronizing a juvenile prostitute, juvenile pimping,  
25 exploitation of a child, obscenity, child pornography,

1 harmful material, or ritualized abuse of a child, as those  
2 offenses are defined in the Criminal Code of 1961.

3 (2) "Family member" shall have the meaning ascribed to  
4 it in Section 12-12 of the Criminal Code of 1961.

5 (3) "Sexual assault organization" means any  
6 not-for-profit organization providing comprehensive,  
7 community-based services to victims of sexual assault.  
8 "Community-based services" include, but are not limited  
9 to, direct crisis intervention through a 24-hour response,  
10 medical and legal advocacy, counseling, information and  
11 referral services, training, and community education.

12 (b) Sexual assault fine; collection by clerk.

13 (1) In addition to any other penalty imposed, a fine of  
14 \$200 shall be imposed upon any person who pleads guilty or  
15 who is convicted of, or who receives a disposition of court  
16 supervision for, a sexual assault or attempt of a sexual  
17 assault. Upon request of the victim or the victim's  
18 representative, the court shall determine whether the fine  
19 will impose an undue burden on the victim of the offense.  
20 For purposes of this paragraph, the defendant may not be  
21 considered the victim's representative. If the court finds  
22 that the fine would impose an undue burden on the victim,  
23 the court may reduce or waive the fine. The court shall  
24 order that the defendant may not use funds belonging solely  
25 to the victim of the offense for payment of the fine.

26 (2) Sexual assault fines shall be assessed by the court

1 imposing the sentence and shall be collected by the circuit  
2 clerk. The circuit clerk shall retain 10% of the penalty to  
3 cover the costs involved in administering and enforcing  
4 this Section. The circuit clerk shall remit the remainder  
5 of each fine within one month of its receipt to the State  
6 Treasurer for deposit as follows:

7 (i) for family member offenders, one-half to the  
8 Sexual Assault Services Fund, and one-half to the  
9 Domestic Violence Shelter and Service Fund; and

10 (ii) for other than family member offenders, the  
11 full amount to the Sexual Assault Services Fund.

12 (c) Sexual Assault Services Fund; administration. There is  
13 created a Sexual Assault Services Fund. Moneys deposited into  
14 the Fund under this Section shall be appropriated to the  
15 Department of Public Health. Upon appropriation of moneys from  
16 the Sexual Assault Services Fund, the Department of Public  
17 Health shall make grants of these moneys from the Fund to  
18 sexual assault organizations with whom the Department has  
19 contracts for the purpose of providing community-based  
20 services to victims of sexual assault. Grants made under this  
21 Section are in addition to, and are not substitutes for, other  
22 grants authorized and made by the Department.

23 (Source: P.A. 93-699, eff. 1-1-05; 93-810, eff. 1-1-05; revised  
24 10-14-04.)



1           Sec. 5-9-1.12. Arson fines.

2           (a) In addition to any other penalty imposed, a fine of  
3           \$500 shall be imposed upon a person convicted of the offense of  
4           arson, residential arson, or aggravated arson.

5           (b) The additional fine shall be assessed by the court  
6           imposing sentence and shall be collected by the Circuit Clerk  
7           in addition to the fine, if any, and costs in the case. Each  
8           such additional fine shall be remitted by the Circuit Clerk  
9           within one month after receipt to the State Treasurer for  
10          deposit into the Fire Prevention Fund. The Circuit Clerk shall  
11          retain 10% of such fine to cover the costs incurred in  
12          administering and enforcing this Section. The additional fine  
13          may not be considered a part of the fine for purposes of any  
14          reduction in the fine for time served either before or after  
15          sentencing.

16          (c) The moneys in the Fire Prevention Fund collected as  
17          additional fines under this Section shall be distributed by the  
18          Office of the State Fire Marshal to the fire department or fire  
19          protection district that suppressed or investigated the fire  
20          that was set by the defendant and for which the defendant was  
21          convicted of arson, residential arson, or aggravated arson. If  
22          more than one fire department or fire protection district  
23          suppressed or investigated the fire, the additional fine shall  
24          be distributed equally among those departments or districts.

25          (d) The moneys distributed to the fire departments or fire  
26          protection districts under this Section may only be used to

1 purchase fire suppression or fire investigation equipment.

2 (Source: P.A. 93-169, eff. 7-10-03.)

3 (730 ILCS 5/5-9-1.13)

4 Sec. 5-9-1.13 ~~5-9-1.12~~. Applications for transfer to other  
5 states. A person subject to conditions of probation, parole,  
6 or mandatory supervised release who seeks to transfer to  
7 another state subject to the Interstate Compact for Adult  
8 Offender Supervision must make provisions for the payment of  
9 any restitution awarded by the circuit court and pay a fee of  
10 \$125 to the proper administrative or judicial authorities  
11 before being granted the transfer, or otherwise arrange for  
12 payment. The fee payment from persons subject to a sentence of  
13 probation shall be deposited into the general fund of the  
14 county in which the circuit has jurisdiction. The fee payment  
15 from persons subject to parole or mandatory supervised release  
16 shall be deposited into the General Revenue Fund. The proceeds  
17 of this fee shall be used to defray the costs of the Department  
18 of Corrections or county sheriff departments, respectively,  
19 who will be required to retrieve offenders that violate the  
20 terms of their transfers to other states. Upon return to the  
21 State of Illinois, these persons shall also be subject to  
22 reimbursing either the State of Illinois or the county for the  
23 actual costs of returning them to Illinois.

24 (Source: P.A. 93-475, eff. 8-8-03; revised 9-26-03.)

1 Section 1075. The Sex Offender Registration Act is amended  
2 by changing Sections 2, 6, and 7 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

5 (A) As used in this Article, "sex offender" means any  
6 person who is:

7 (1) charged pursuant to Illinois law, or any  
8 substantially similar federal, Uniform Code of Military  
9 Justice, sister state, or foreign country law, with a sex  
10 offense set forth in subsection (B) of this Section or the  
11 attempt to commit an included sex offense, and:

12 (a) is convicted of such offense or an attempt to  
13 commit such offense; or

14 (b) is found not guilty by reason of insanity of  
15 such offense or an attempt to commit such offense; or

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

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

25 (e) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a federal,  
2 Uniform Code of Military Justice, sister state, or  
3 foreign country law substantially similar to Section  
4 104-25(c) of the Code of Criminal Procedure of 1963 of  
5 such offense or of the attempted commission of such  
6 offense; or

7 (f) is the subject of a finding not resulting in an  
8 acquittal at a hearing conducted pursuant to a federal,  
9 Uniform Code of Military Justice, sister state, or  
10 foreign country law substantially similar to Section  
11 104-25(a) of the Code of Criminal Procedure of 1963 for  
12 the alleged violation or attempted commission of such  
13 offense; or

14 (2) certified as a sexually dangerous person pursuant  
15 to the Illinois Sexually Dangerous Persons Act, or any  
16 substantially similar federal, Uniform Code of Military  
17 Justice, sister state, or foreign country law; or

18 (3) subject to the provisions of Section 2 of the  
19 Interstate Agreements on Sexually Dangerous Persons Act;  
20 or

21 (4) found to be a sexually violent person pursuant to  
22 the Sexually Violent Persons Commitment Act or any  
23 substantially similar federal, Uniform Code of Military  
24 Justice, sister state, or foreign country law; or

25 (5) adjudicated a juvenile delinquent as the result of  
26 committing or attempting to commit an act which, if

1 committed by an adult, would constitute any of the offenses  
2 specified in item (B), (C), or (C-5) of this Section or a  
3 violation of any substantially similar federal, Uniform  
4 Code of Military Justice, sister state, or foreign country  
5 law, or found guilty under Article V of the Juvenile Court  
6 Act of 1987 of committing or attempting to commit an act  
7 which, if committed by an adult, would constitute any of  
8 the offenses specified in item (B), (C), or (C-5) of this  
9 Section or a violation of any substantially similar  
10 federal, Uniform Code of Military Justice, sister state, or  
11 foreign country law.

12 Convictions that result from or are connected with the same  
13 act, or result from offenses committed at the same time, shall  
14 be counted for the purpose of this Article as one conviction.  
15 Any conviction set aside pursuant to law is not a conviction  
16 for purposes of this Article.

17 For purposes of this Section, "convicted" shall have the  
18 same meaning as "adjudicated". For the purposes of this  
19 Article, a person who is defined as a sex offender as a result  
20 of being adjudicated a juvenile delinquent under paragraph (5)  
21 of this subsection (A) upon attaining 17 years of age shall be  
22 considered as having committed the sex offense on or after the  
23 sex offender's 17th birthday. Registration of juveniles upon  
24 attaining 17 years of age shall not extend the original  
25 registration of 10 years from the date of conviction.

26 (B) As used in this Article, "sex offense" means:

1 (1) A violation of any of the following Sections of the  
2 Criminal Code of 1961:

- 3 11-20.1 (child pornography),  
4 11-6 (indecent solicitation of a child),  
5 11-9.1 (sexual exploitation of a child),  
6 11-9.2 (custodial sexual misconduct),  
7 11-9.5 (sexual misconduct with a person with a  
8 disability),  
9 11-15.1 (soliciting for a juvenile prostitute),  
10 11-18.1 (patronizing a juvenile prostitute),  
11 11-17.1 (keeping a place of juvenile  
12 prostitution),  
13 11-19.1 (juvenile pimping),  
14 11-19.2 (exploitation of a child),  
15 12-13 (criminal sexual assault),  
16 12-14 (aggravated criminal sexual assault),  
17 12-14.1 (predatory criminal sexual assault of a  
18 child),  
19 12-15 (criminal sexual abuse),  
20 12-16 (aggravated criminal sexual abuse),  
21 12-33 (ritualized abuse of a child).

22 An attempt to commit any of these offenses.

23 (1.5) A violation of any of the following Sections of  
24 the Criminal Code of 1961, when the victim is a person  
25 under 18 years of age, the defendant is not a parent of the  
26 victim, the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act, and  
2 the offense was committed on or after January 1, 1996:

3 10-1 (kidnapping),  
4 10-2 (aggravated kidnapping),  
5 10-3 (unlawful restraint),  
6 10-3.1 (aggravated unlawful restraint).

7 (1.6) First degree murder under Section 9-1 of the  
8 Criminal Code of 1961, when the victim was a person under  
9 18 years of age and the defendant was at least 17 years of  
10 age at the time of the commission of the offense, provided  
11 the offense was sexually motivated as defined in Section 10  
12 of the Sex Offender Management Board Act.

13 (1.7) (Blank).

14 (1.8) A violation or attempted violation of Section  
15 11-11 (sexual relations within families) of the Criminal  
16 Code of 1961, and the offense was committed on or after  
17 June 1, 1997.

18 (1.9) Child abduction under paragraph (10) of  
19 subsection (b) of Section 10-5 of the Criminal Code of 1961  
20 committed by luring or attempting to lure a child under the  
21 age of 16 into a motor vehicle, building, house trailer, or  
22 dwelling place without the consent of the parent or lawful  
23 custodian of the child for other than a lawful purpose and  
24 the offense was committed on or after January 1, 1998,  
25 provided the offense was sexually motivated as defined in  
26 Section 10 of the Sex Offender Management Board Act.

1 (1.10) A violation or attempted violation of any of the  
2 following Sections of the Criminal Code of 1961 when the  
3 offense was committed on or after July 1, 1999:

4 10-4 (forcible detention, if the victim is under 18  
5 years of age), provided the offense was sexually  
6 motivated as defined in Section 10 of the Sex Offender  
7 Management Board Act,

8 11-6.5 (indecent solicitation of an adult),

9 11-15 (soliciting for a prostitute, if the victim  
10 is under 18 years of age),

11 11-16 (pandering, if the victim is under 18 years  
12 of age),

13 11-18 (patronizing a prostitute, if the victim is  
14 under 18 years of age),

15 11-19 (pimping, if the victim is under 18 years of  
16 age).

17 (1.11) A violation or attempted violation of any of the  
18 following Sections of the Criminal Code of 1961 when the  
19 offense was committed on or after August 22, 2002:

20 11-9 (public indecency for a third or subsequent  
21 conviction).

22 (1.12) A violation or attempted violation of Section  
23 5.1 of the Wrongs to Children Act (permitting sexual abuse)  
24 when the offense was committed on or after August 22, 2002.

25 (2) A violation of any former law of this State  
26 substantially equivalent to any offense listed in



1 subsection (B) of this Section.

2 (C) A conviction for an offense of federal law, Uniform  
3 Code of Military Justice, or the law of another state or a  
4 foreign country that is substantially equivalent to any offense  
5 listed in subsections (B), (C), and (E) of this Section shall  
6 constitute a conviction for the purpose of this Article. A  
7 finding or adjudication as a sexually dangerous person or a  
8 sexually violent person under any federal law, Uniform Code of  
9 Military Justice, or the law of another state or foreign  
10 country that is substantially equivalent to the Sexually  
11 Dangerous Persons Act or the Sexually Violent Persons  
12 Commitment Act shall constitute an adjudication for the  
13 purposes of this Article.

14 (C-5) A person at least 17 years of age at the time of the  
15 commission of the offense who is convicted of first degree  
16 murder under Section 9-1 of the Criminal Code of 1961, against  
17 a person under 18 years of age, shall be required to register  
18 for natural life. A conviction for an offense of federal,  
19 Uniform Code of Military Justice, sister state, or foreign  
20 country law that is substantially equivalent to any offense  
21 listed in subsection (C-5) of this Section shall constitute a  
22 conviction for the purpose of this Article. This subsection  
23 (C-5) applies to a person who committed the offense before June  
24 1, 1996 only if the person is incarcerated in an Illinois  
25 Department of Corrections facility on August 20, 2004 (the  
26 effective date of Public Act 93-977).

1 (D) As used in this Article, "law enforcement agency having  
2 jurisdiction" means the Chief of Police in each of the  
3 municipalities in which the sex offender expects to reside,  
4 work, or attend school (1) upon his or her discharge, parole or  
5 release or (2) during the service of his or her sentence of  
6 probation or conditional discharge, or the Sheriff of the  
7 county, in the event no Police Chief exists or if the offender  
8 intends to reside, work, or attend school in an unincorporated  
9 area. "Law enforcement agency having jurisdiction" includes  
10 the location where out-of-state students attend school and  
11 where out-of-state employees are employed or are otherwise  
12 required to register.

13 (D-1) As used in this Article, "supervising officer" means  
14 the assigned Illinois Department of Corrections parole agent or  
15 county probation officer.

16 (E) As used in this Article, "sexual predator" means any  
17 person who, after July 1, 1999, is:

18 (1) Convicted for an offense of federal, Uniform Code  
19 of Military Justice, sister state, or foreign country law  
20 that is substantially equivalent to any offense listed in  
21 subsection (E) of this Section shall constitute a  
22 conviction for the purpose of this Article. Convicted of a  
23 violation or attempted violation of any of the following  
24 Sections of the Criminal Code of 1961, if the conviction  
25 occurred after July 1, 1999:

26 11-17.1 (keeping a place of juvenile

1 prostitution),  
2 11-19.1 (juvenile pimping),  
3 11-19.2 (exploitation of a child),  
4 11-20.1 (child pornography),  
5 12-13 (criminal sexual assault),  
6 12-14 (aggravated criminal sexual assault),  
7 12-14.1 (predatory criminal sexual assault of a  
8 child),  
9 12-16 (aggravated criminal sexual abuse),  
10 12-33 (ritualized abuse of a child); or  
11 (2) (blank); or  
12 (3) certified as a sexually dangerous person pursuant  
13 to the Sexually Dangerous Persons Act or any substantially  
14 similar federal, Uniform Code of Military Justice, sister  
15 state, or foreign country law; or  
16 (4) found to be a sexually violent person pursuant to  
17 the Sexually Violent Persons Commitment Act or any  
18 substantially similar federal, Uniform Code of Military  
19 Justice, sister state, or foreign country law; or  
20 (5) convicted of a second or subsequent offense which  
21 requires registration pursuant to this Act. The conviction  
22 for the second or subsequent offense must have occurred  
23 after July 1, 1999. For purposes of this paragraph (5),  
24 "convicted" shall include a conviction under any  
25 substantially similar Illinois, federal, Uniform Code of  
26 Military Justice, sister state, or foreign country law.

1 (F) As used in this Article, "out-of-state student" means  
2 any sex offender, as defined in this Section, or sexual  
3 predator who is enrolled in Illinois, on a full-time or  
4 part-time basis, in any public or private educational  
5 institution, including, but not limited to, any secondary  
6 school, trade or professional institution, or institution of  
7 higher learning.

8 (G) As used in this Article, "out-of-state employee" means  
9 any sex offender, as defined in this Section, or sexual  
10 predator who works in Illinois, regardless of whether the  
11 individual receives payment for services performed, for a  
12 period of time of 10 or more days or for an aggregate period of  
13 time of 30 or more days during any calendar year. Persons who  
14 operate motor vehicles in the State accrue one day of  
15 employment time for any portion of a day spent in Illinois.

16 (H) As used in this Article, "school" means any public or  
17 private educational institution, including, but not limited  
18 to, any elementary or secondary school, trade or professional  
19 institution, or institution of higher education.

20 (I) As used in this Article, "fixed residence" means any  
21 and all places that a sex offender resides for an aggregate  
22 period of time of 5 or more days in a calendar year.

23 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;  
24 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;  
25 94-1053, eff. 7-24-06; revised 8-3-06.)

1 (730 ILCS 150/6) (from Ch. 38, par. 226)

2 Sec. 6. Duty to report; change of address, school, or  
3 employment; duty to inform. A person who has been adjudicated  
4 to be sexually dangerous or is a sexually violent person and is  
5 later released, or found to be no longer sexually dangerous or  
6 no longer a sexually violent person and discharged, or  
7 convicted of a violation of this Act after July 1, 2005, shall  
8 report in person to the law enforcement agency with whom he or  
9 she last registered no later than 90 days after the date of his  
10 or her last registration and every 90 days thereafter and at  
11 such other times at the request of the law enforcement agency  
12 not to exceed 4 times a year. Any person who lacks a fixed  
13 residence must report weekly, in person, to the appropriate law  
14 enforcement agency where the sex offender is located. Any other  
15 person who is required to register under this Article shall  
16 report in person to the appropriate law enforcement agency with  
17 whom he or she last registered within one year from the date of  
18 last registration and every year thereafter and at such other  
19 times at the request of the law enforcement agency not to  
20 exceed 4 times a year. If any person required to register under  
21 this Article lacks a fixed residence or temporary domicile, he  
22 or she must notify, in person, the agency of jurisdiction of  
23 his or her last known address within 5 days after ceasing to  
24 have a fixed residence and if the offender leaves the last  
25 jurisdiction of residence, he or she, must within 48 hours  
26 after leaving register in person with the new agency of

1 jurisdiction. If any other person required to register under  
2 this Article changes his or her residence address, place of  
3 employment, or school, he or she shall report in person to ~~5~~  
4 the law enforcement agency with whom he or she last registered  
5 of his or her new address, change in employment, or school and  
6 register, in person, with the appropriate law enforcement  
7 agency within the time period specified in Section 3. The law  
8 enforcement agency shall, within 3 days of the reporting in  
9 person by the person required to register under this Article,  
10 notify the Department of State Police of the new place of  
11 residence, change in employment, or school.

12 If any person required to register under this Article  
13 intends to establish a residence or employment outside of the  
14 State of Illinois, at least 10 days before establishing that  
15 residence or employment, he or she shall report in person to  
16 the law enforcement agency with which he or she last registered  
17 of his or her out-of-state intended residence or employment.  
18 The law enforcement agency with which such person last  
19 registered shall, within 3 days after the reporting in person  
20 of the person required to register under this Article of an  
21 address or employment change, notify the Department of State  
22 Police. The Department of State Police shall forward such  
23 information to the out-of-state law enforcement agency having  
24 jurisdiction in the form and manner prescribed by the  
25 Department of State Police.

26 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;

1 94-168, eff. 1-1-06; revised 8-19-05.)

2 (730 ILCS 150/7) (from Ch. 38, par. 227)

3 Sec. 7. Duration of registration. A person who has been  
4 adjudicated to be sexually dangerous and is later released or  
5 found to be no longer sexually dangerous and discharged, shall  
6 register for the period of his or her natural life. A sexually  
7 violent person or sexual predator shall register for the period  
8 of his or her natural life after conviction or adjudication if  
9 not confined to a penal institution, hospital, or other  
10 institution or facility, and if confined, for the period of his  
11 or her natural life after parole, discharge, or release from  
12 any such facility. Any other person who is required to register  
13 under this Article shall be required to register for a period  
14 of 10 years after conviction or adjudication if not confined to  
15 a penal institution, hospital or any other institution or  
16 facility, and if confined, for a period of 10 years after  
17 parole, discharge or release from any such facility. A sex  
18 offender who is allowed to leave a county, State, or federal  
19 facility for the purposes of work release, education, or  
20 overnight visitations shall be required to register within 5  
21 days of beginning such a program. Liability for registration  
22 terminates at the expiration of 10 years from the date of  
23 conviction or adjudication if not confined to a penal  
24 institution, hospital or any other institution or facility and  
25 if confined, at the expiration of 10 years from the date of

1 parole, discharge or release from any such facility, providing  
2 such person does not, during that period, again become liable  
3 to register under the provisions of this Article. Reconfinement  
4 due to a violation of parole or other circumstances that  
5 relates to the original conviction or adjudication shall extend  
6 the period of registration to 10 years after final parole,  
7 discharge, or release. The Director of State Police, consistent  
8 with administrative rules, shall extend for 10 years the  
9 registration period of any sex offender, as defined in Section  
10 2 of this Act, who fails to comply with the provisions of this  
11 Article. The registration period for any sex offender who fails  
12 to comply with any provision of the Act shall extend the period  
13 of registration by 10 years beginning from the first date of  
14 registration after the violation. If the registration period is  
15 extended, the Department of State Police shall send a  
16 registered letter to the law enforcement agency where the sex  
17 offender resides within 3 days after the extension of the  
18 registration period. The sex offender shall report to that law  
19 enforcement agency and sign for that letter. One copy of that  
20 letter shall be kept on file with the law enforcement agency of  
21 the jurisdiction where the sex offender resides and one copy  
22 shall be returned to the Department of State Police.

23 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;  
24 94-168, eff. 1-1-06; revised 8-19-05.)

25 Section 1080. The Sex Offender Community Notification Law



1 is amended by setting forth and renumbering multiple versions  
2 of Section 121 as follows:

3 (730 ILCS 152/121)

4 Sec. 121. Notification regarding juvenile offenders.

5 (a) The Department of State Police and any law enforcement  
6 agency having jurisdiction may, in the Department's or agency's  
7 discretion, only provide the information specified in  
8 subsection (b) of Section 120 of this Act, with respect to an  
9 adjudicated juvenile delinquent, to any person when that  
10 person's safety may be compromised for some reason related to  
11 the juvenile sex offender.

12 (b) The local law enforcement agency having jurisdiction to  
13 register the juvenile sex offender shall ascertain from the  
14 juvenile sex offender whether the juvenile sex offender is  
15 enrolled in school; and if so, shall provide a copy of the sex  
16 offender registration form only to the principal or chief  
17 administrative officer of the school and any guidance counselor  
18 designated by him or her. The registration form shall be kept  
19 separately from any and all school records maintained on behalf  
20 of the juvenile sex offender.

21 (Source: P.A. 94-168, eff. 1-1-06.)

22 (730 ILCS 152/122)

23 Sec. 122 ~~121~~. Special alerts. A law enforcement agency  
24 having jurisdiction may provide to the public a special alert

1 list warning parents to be aware that sex offenders may attempt  
2 to contact children during holidays involving children, such as  
3 Halloween, Christmas, and Easter and to inform parents that  
4 information containing the names and addresses of registered  
5 sex offenders are accessible on the Internet by means of a  
6 hyperlink labeled "Sex Offender Information" on the Department  
7 of State Police's World Wide Web home page and are available  
8 for public inspection at the agency's headquarters.

9 (Source: P.A. 94-159, eff. 7-11-05; revised 9-27-05.)

10 Section 1085. The Code of Civil Procedure is amended by  
11 changing Sections 2-1115.1, 2-1401, 2-1402, 4-201, 12-710, and  
12 15-1201 as follows:

13 (735 ILCS 5/2-1115.1)

14 (This Section was added by P.A. 89-7, which has been held  
15 unconstitutional)

16 Sec. 2-1115.1. Limitations on recovery of non-economic  
17 damages.

18 (a) In all common law, statutory or other actions that seek  
19 damages on account of death, bodily injury, or physical damage  
20 to property based on negligence, or product liability based on  
21 any theory or doctrine, recovery of non-economic damages shall  
22 be limited to \$500,000 per plaintiff. There shall be no  
23 recovery for hedonic damages.

24 (b) Beginning in 1997, every January 20, the liability

1 limit established in subsection (a) shall automatically be  
2 increased or decreased, as applicable, by a percentage equal to  
3 the percentage change in the consumer price index-u during the  
4 preceding 12-month calendar year. "Consumer price index-u"  
5 means the index published by the Bureau of Labor Statistics of  
6 the United States Department of Labor that measures the average  
7 change in prices of goods and services purchased by all urban  
8 consumers, United States city average, all items, 1982-84 =  
9 100. The new amount resulting from each annual adjustment shall  
10 be determined by the Comptroller and made available to the  
11 chief judge of each judicial circuit ~~district~~.

12 (c) The liability limits at the time at which damages  
13 subject to such limits are awarded by final judgment or  
14 settlement shall be utilized by the courts.

15 (d) Nothing in this Section shall be construed to create a  
16 right to recover non-economic damages.

17 (e) This amendatory Act of 1995 applies to causes of action  
18 accruing on or after its effective date.

19 (Source: P.A. 89-7, eff. 3-9-95; revised 10-18-05.)

20 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

21 Sec. 2-1401. Relief from judgments.

22 (a) Relief from final orders and judgments, after 30 days  
23 from the entry thereof, may be had upon petition as provided in  
24 this Section. Writs of error coram nobis and coram vobis, bills  
25 of review and bills in the nature of bills of review are

1 abolished. All relief heretofore obtainable and the grounds for  
2 such relief heretofore available, whether by any of the  
3 foregoing remedies or otherwise, shall be available in every  
4 case, by proceedings hereunder, regardless of the nature of the  
5 order or judgment from which relief is sought or of the  
6 proceedings in which it was entered. Except as provided in  
7 Section 6 of the Illinois Parentage Act of 1984, there shall be  
8 no distinction between actions and other proceedings,  
9 statutory or otherwise, as to availability of relief, grounds  
10 for relief or the relief obtainable.

11 (b) The petition must be filed in the same proceeding in  
12 which the order or judgment was entered but is not a  
13 continuation thereof. The petition must be supported by  
14 affidavit or other appropriate showing as to matters not of  
15 record. All parties to the petition shall be notified as  
16 provided by rule.

17 (c) Except as provided in Section 20b of the Adoption Act  
18 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a  
19 petition based upon Section 116-3 of the Code of Criminal  
20 Procedure of 1963, the petition must be filed not later than 2  
21 years after the entry of the order or judgment. Time during  
22 which the person seeking relief is under legal disability or  
23 duress or the ground for relief is fraudulently concealed shall  
24 be excluded in computing the period of 2 years.

25 (d) The filing of a petition under this Section does not  
26 affect the order or judgment, or suspend its operation.

1 (e) Unless lack of jurisdiction affirmatively appears from  
2 the record proper, the vacation or modification of an order or  
3 judgment pursuant to the provisions of this Section does not  
4 affect the right, title or interest in or to any real or  
5 personal property of any person, not a party to the original  
6 action, acquired for value after the entry of the order or  
7 judgment but before the filing of the petition, nor affect any  
8 right of any person not a party to the original action under  
9 any certificate of sale issued before the filing of the  
10 petition, pursuant to a sale based on the order or judgment.

11 (f) Nothing contained in this Section affects any existing  
12 right to relief from a void order or judgment, or to employ any  
13 existing method to procure that relief.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,  
15 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

16 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

17 Sec. 2-1402. Supplementary proceedings.

18 (a) A judgment creditor, or his or her successor in  
19 interest when that interest is made to appear of record, is  
20 entitled to prosecute supplementary proceedings for the  
21 purposes of examining the judgment debtor or any other person  
22 to discover assets or income of the debtor not exempt from the  
23 enforcement of the judgment, a deduction order or garnishment,  
24 and of compelling the application of non-exempt assets or  
25 income discovered toward the payment of the amount due under

1 the judgment. A supplementary proceeding shall be commenced by  
2 the service of a citation issued by the clerk. The procedure  
3 for conducting supplementary proceedings shall be prescribed  
4 by rules. It is not a prerequisite to the commencement of a  
5 supplementary proceeding that a certified copy of the judgment  
6 has been returned wholly or partly unsatisfied. All citations  
7 issued by the clerk shall have the following language, or  
8 language substantially similar thereto, stated prominently on  
9 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT  
10 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT  
11 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,  
12 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."  
13 The court shall not grant a continuance of the supplementary  
14 proceeding except upon good cause shown.

15 (b) Any citation served upon a judgment debtor or any other  
16 person shall include a certification by the attorney for the  
17 judgment creditor or the judgment creditor setting forth the  
18 amount of the judgment, the date of the judgment, or its  
19 revival date, the balance due thereon, the name of the court,  
20 and the number of the case, and a copy of the citation notice  
21 required by this subsection. Whenever a citation is served upon  
22 a person or party other than the judgment debtor, the officer  
23 or person serving the citation shall send to the judgment  
24 debtor, within three business days of the service upon the  
25 cited party, a copy of the citation and the citation notice,  
26 which may be sent by regular first-class mail to the judgment

1 debtor's last known address. In no event shall a citation  
2 hearing be held sooner than five business days after the  
3 mailing of the citation and citation notice to the judgment  
4 debtor, except by agreement of the parties. The citation notice  
5 need not be mailed to a corporation, partnership, or  
6 association. The citation notice shall be in substantially the  
7 following form:

8 "CITATION NOTICE

9 (Name and address of Court)

10 Name of Case: (Name of Judgment Creditor),

11 Judgment Creditor v.

12 (Name of Judgment Debtor),

13 Judgment Debtor.

14 Address of Judgment Debtor: (Insert last known

15 address)

16 Name and address of Attorney for Judgment

17 Creditor or of Judgment Creditor (If no

18 attorney is listed): (Insert name and address)

19 Amount of Judgment: \$ (Insert amount)

20 Name of Person Receiving Citation: (Insert name)

21 Court Date and Time: (Insert return date and time

22 specified in citation)

23 NOTICE: The court has issued a citation against the person  
24 named above. The citation directs that person to appear in  
25 court to be examined for the purpose of allowing the judgment  
26 creditor to discover income and assets belonging to the

1 judgment debtor or in which the judgment debtor has an  
2 interest. The citation was issued on the basis of a judgment  
3 against the judgment debtor in favor of the judgment creditor  
4 in the amount stated above. On or after the court date stated  
5 above, the court may compel the application of any discovered  
6 income or assets toward payment on the judgment.

7 The amount of income or assets that may be applied toward  
8 the judgment is limited by federal and Illinois law. The  
9 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS  
10 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH  
11 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED  
12 ABOVE:

13 (1) Under Illinois or federal law, the exemptions of  
14 personal property owned by the debtor include the debtor's  
15 equity interest, not to exceed \$4,000 in value, in any  
16 personal property as chosen by the debtor; Social Security  
17 and SSI benefits; public assistance benefits; unemployment  
18 compensation benefits; worker's compensation benefits;  
19 veteran's benefits; circuit breaker property tax relief  
20 benefits; the debtor's equity interest, not to exceed  
21 \$2,400 in value, in any one motor vehicle, and the debtor's  
22 equity interest, not to exceed \$1,500 in value, in any  
23 implements, professional books, or tools of the trade of  
24 the debtor.

25 (2) Under Illinois law, every person is entitled to an  
26 estate in homestead, when it is owned and occupied as a



1 residence, to the extent in value of \$15,000, which  
2 homestead is exempt from judgment.

3 (3) Under Illinois law, the amount of wages that may be  
4 applied toward a judgment is limited to the lesser of (i)  
5 15% of gross weekly wages or (ii) the amount by which  
6 disposable earnings for a week exceed the total of 45 times  
7 the federal minimum hourly wage or, under a wage deduction  
8 summons served on or after January 1, 2006, the Illinois  
9 minimum hourly wage, whichever is greater.

10 (4) Under federal law, the amount of wages that may be  
11 applied toward a judgment is limited to the lesser of (i)  
12 25% of disposable earnings for a week or (ii) the amount by  
13 which disposable earnings for a week exceed 30 times the  
14 federal minimum hourly wage.

15 (5) Pension and retirement benefits and refunds may be  
16 claimed as exempt under Illinois law.

17 The judgment debtor may have other possible exemptions  
18 under the law.

19 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING  
20 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The  
21 judgment debtor also has the right to seek a declaration at an  
22 earlier date, by notifying the clerk in writing at (insert  
23 address of clerk). When so notified, the Clerk of the Court  
24 will obtain a prompt hearing date from the court and will  
25 provide the necessary forms that must be prepared by the  
26 judgment debtor or the attorney for the judgment debtor and

1 sent to the judgment creditor and the judgment creditor's  
2 attorney regarding the time and location of the hearing. This  
3 notice may be sent by regular first class mail."

4 (c) When assets or income of the judgment debtor not exempt  
5 from the satisfaction of a judgment, a deduction order or  
6 garnishment are discovered, the court may, by appropriate order  
7 or judgment:

8 (1) Compel the judgment debtor to deliver up, to be  
9 applied in satisfaction of the judgment, in whole or in  
10 part, money, choses in action, property or effects in his  
11 or her possession or control, so discovered, capable of  
12 delivery and to which his or her title or right of  
13 possession is not substantially disputed.

14 (2) Compel the judgment debtor to pay to the judgment  
15 creditor or apply on the judgment, in installments, a  
16 portion of his or her income, however or whenever earned or  
17 acquired, as the court may deem proper, having due regard  
18 for the reasonable requirements of the judgment debtor and  
19 his or her family, if dependent upon him or her, as well as  
20 any payments required to be made by prior order of court or  
21 under wage assignments outstanding; provided that the  
22 judgment debtor shall not be compelled to pay income which  
23 would be considered exempt as wages under the Wage  
24 Deduction Statute. The court may modify an order for  
25 installment payments, from time to time, upon application  
26 of either party upon notice to the other.

1           (3) Compel any person cited, other than the judgment  
2 debtor, to deliver up any assets so discovered, to be  
3 applied in satisfaction of the judgment, in whole or in  
4 part, when those assets are held under such circumstances  
5 that in an action by the judgment debtor he or she could  
6 recover them in specie or obtain a judgment for the  
7 proceeds or value thereof as for conversion or  
8 embezzlement.

9           (4) Enter any order upon or judgment against the person  
10 cited that could be entered in any garnishment proceeding.

11           (5) Compel any person cited to execute an assignment of  
12 any chose in action or a conveyance of title to real or  
13 personal property, in the same manner and to the same  
14 extent as a court could do in any proceeding by a judgment  
15 creditor to enforce payment of a judgment or in aid of the  
16 enforcement of a judgment.

17           (6) Authorize the judgment creditor to maintain an  
18 action against any person or corporation that, it appears  
19 upon proof satisfactory to the court, is indebted to the  
20 judgment debtor, for the recovery of the debt, forbid the  
21 transfer or other disposition of the debt until an action  
22 can be commenced and prosecuted to judgment, direct that  
23 the papers or proof in the possession or control of the  
24 debtor and necessary in the prosecution of the action be  
25 delivered to the creditor or impounded in court, and  
26 provide for the disposition of any moneys in excess of the

1           sum required to pay the judgment creditor's judgment and  
2           costs allowed by the court.

3           (d) No order or judgment shall be entered under subsection  
4           (c) in favor of the judgment creditor unless there appears of  
5           record a certification of mailing showing that a copy of the  
6           citation and a copy of the citation notice was mailed to the  
7           judgment debtor as required by subsection (b).

8           (e) All property ordered to be delivered up shall, except  
9           as otherwise provided in this Section, be delivered to the  
10          sheriff to be collected by the sheriff or sold at public sale  
11          and the proceeds thereof applied towards the payment of costs  
12          and the satisfaction of the judgment.

13          (f) (1) The citation may prohibit the party to whom it is  
14          directed from making or allowing any transfer or other  
15          disposition of, or interfering with, any property not  
16          exempt from the enforcement of a judgment therefrom, a  
17          deduction order or garnishment, belonging to the judgment  
18          debtor or to which he or she may be entitled or which may  
19          thereafter be acquired by or become due to him or her, and  
20          from paying over or otherwise disposing of any moneys not  
21          so exempt which are due or to become due to the judgment  
22          debtor, until the further order of the court or the  
23          termination of the proceeding, whichever occurs first. The  
24          third party may not be obliged to withhold the payment of  
25          any moneys beyond double the amount of the balance due  
26          sought to be enforced by the judgment creditor. The court

1           may punish any party who violates the restraining provision  
2           of a citation as and for a contempt, or if the party is a  
3           third party may enter judgment against him or her in the  
4           amount of the unpaid portion of the judgment and costs  
5           allowable under this Section, or in the amount of the value  
6           of the property transferred, whichever is lesser.

7           (2) The court may enjoin any person, whether or not a  
8           party to the supplementary proceeding, from making or  
9           allowing any transfer or other disposition of, or  
10          interference with, the property of the judgment debtor not  
11          exempt from the enforcement of a judgment, a deduction  
12          order or garnishment, or the property or debt not so exempt  
13          concerning which any person is required to attend and be  
14          examined until further direction in the premises. The  
15          injunction order shall remain in effect until vacated by  
16          the court or until the proceeding is terminated, whichever  
17          first occurs.

18          (g) If it appears that any property, chose in action,  
19          credit or effect discovered, or any interest therein, is  
20          claimed by any person, the court shall, as in garnishment  
21          proceedings, permit or require the claimant to appear and  
22          maintain his or her right. The rights of the person cited and  
23          the rights of any adverse claimant shall be asserted and  
24          determined pursuant to the law relating to garnishment  
25          proceedings.

26          (h) Costs in proceedings authorized by this Section shall

1 be allowed, assessed and paid in accordance with rules,  
2 provided that if the court determines, in its discretion, that  
3 costs incurred by the judgment creditor were improperly  
4 incurred, those costs shall be paid by the judgment creditor.

5 (i) This Section is in addition to and does not affect  
6 enforcement of judgments or proceedings supplementary thereto,  
7 by any other methods now or hereafter provided by law.

8 (j) This Section does not grant the power to any court to  
9 order installment or other payments from, or compel the sale,  
10 delivery, surrender, assignment or conveyance of any property  
11 exempt by statute from the enforcement of a judgment thereon, a  
12 deduction order, garnishment, attachment, sequestration,  
13 process or other levy or seizure.

14 (k) (Blank).

15 (l) At any citation hearing at which the judgment debtor  
16 appears and seeks a declaration that certain of his or her  
17 income or assets are exempt, the court shall proceed to  
18 determine whether the property which the judgment debtor  
19 declares to be exempt is exempt from judgment. At any time  
20 before the return date specified on the citation, the judgment  
21 debtor may request, in writing, a hearing to declare exempt  
22 certain income and assets by notifying the clerk of the court  
23 before that time, using forms as may be provided by the clerk  
24 of the court. The clerk of the court will obtain a prompt  
25 hearing date from the court and will provide the necessary  
26 forms that must be prepared by the judgment debtor or the

1 attorney for the judgment debtor and sent to the judgment  
2 creditor, or the judgment creditor's attorney, regarding the  
3 time and location of the hearing. This notice may be sent by  
4 regular first class mail. At the hearing, the court shall  
5 immediately, unless for good cause shown that the hearing is to  
6 be continued, shall proceed to determine whether the property  
7 which the judgment debtor declares to be exempt is exempt from  
8 judgment. The restraining provisions of subsection (f) shall  
9 not apply to any property determined by the court to be exempt.

10 (m) The judgment or balance due on the judgment becomes a  
11 lien when a citation is served in accordance with subsection  
12 (a) of this Section. The lien binds nonexempt personal  
13 property, including money, choses in action, and effects of the  
14 judgment debtor as follows:

15 (1) When the citation is directed against the judgment  
16 debtor, upon all personal property belonging to the  
17 judgment debtor in the possession or control of the  
18 judgment debtor or which may thereafter be acquired or come  
19 due to the judgment debtor to the time of the disposition  
20 of the citation.

21 (2) When the citation is directed against a third  
22 party, upon all personal property belonging to the judgment  
23 debtor in the possession or control of the third party or  
24 which thereafter may be acquired or come due the judgment  
25 debtor and comes into the possession or control of the  
26 third party to the time of the disposition of the citation.

1           The lien established under this Section does not affect the  
2 rights of citation respondents in property prior to the service  
3 of the citation upon them and does not affect the rights of  
4 bona fide purchasers or lenders without notice of the citation.  
5 The lien is effective for the period specified by Supreme Court  
6 Rule.

7           This subsection (m), as added by Public Act 88-48, is a  
8 declaration of existing law.

9           (n) If any provision of this Act or its application to any  
10 person or circumstance is held invalid, the invalidity of that  
11 provision or application does not affect the provisions or  
12 applications of the Act that can be given effect without the  
13 invalid provision or application.

14           (Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; revised  
15 8-19-05.)

16           (735 ILCS 5/4-201) (from Ch. 110, par. 4-201)

17           Sec. 4-201. Liens in general. Every sail vessel, steamboat,  
18 steam dredge, tug boat, scow, canal boat, barge, lighter, and  
19 other water craft of above five tons burthen, used or intended  
20 to be used in navigating the waters or canals of this State, or  
21 used in trade and commerce between ports and places within this  
22 State, or having their home port in this State, shall be  
23 subject to a lien thereon, which lien shall extend to the  
24 tackle, apparel and furniture of such craft, as follows:

25           1. For all debts contracted by the owner or part owner,



1 master, clerk, steward, agent or ship's husband ~~shipshusband~~ of  
2 such craft, on account of supplies and provisions furnished for  
3 the use of such water craft, on account of work done or  
4 services rendered on board of such craft by any seaman, master  
5 or other employee thereof, or on account of work done or  
6 materials furnished by mechanics, tradesmen or others, in or  
7 about the building, repairing, fitting, furnishing or  
8 equipping such craft.

9 2. For all sums due for wharfage, anchorage or dock hire,  
10 including the use of dry docks.

11 3. For sums due for towage, labor at pumping out or  
12 raising, when sunk or disabled, and to shipshusband or agent of  
13 such water craft, for disbursement due by the owner on account  
14 of such water craft.

15 4. For all damages arising for the nonperformance of any  
16 contract of affreightment, or of any contract touching the  
17 transportation of property entered into by the master, owner,  
18 agent or consignee of such water craft, where any such contract  
19 is made in this state.

20 5. For all damages arising from injuries done to persons or  
21 property by such water craft, whether the same are aboard said  
22 vessel or not, where the same shall have occurred through the  
23 negligence or misconduct of the owner, agent, master or  
24 employee thereon; but the craft shall not be liable for any  
25 injury or damage received by one of the crew from another  
26 member of the crew.

1 (Source: P.A. 82-280; revised 10-19-05.)

2 (735 ILCS 5/12-710) (from Ch. 110, par. 12-710)

3 Sec. 12-710. Adverse claims; Trial.

4 (a) In the event any indebtedness or other property due  
5 from or in the possession of a garnishee is claimed by any  
6 other person, the court shall permit the claimant to appear and  
7 maintain his or her claim. A claimant not voluntarily appearing  
8 shall be served with notice as the court shall direct. If a  
9 claimant fails to appear after being served with notice in the  
10 manner directed, he or she shall be concluded by the judgment  
11 entered in the garnishment proceeding.

12 (b) If the adverse claimant appears and, within the time  
13 the court allows, files his or her claim and serves a copy  
14 thereof upon the judgment creditor, the judgment debtor, and  
15 the garnishee, he or she is then a party to the garnishment  
16 proceeding; and his or her claim shall be tried and determined  
17 with the other issues in the garnishment action. Upon  
18 certification by the Department of Healthcare and Family  
19 Services (formerly Illinois Department of Public Aid) that a  
20 person who is receiving support payments under this Section is  
21 a public aid recipient, any support payments subsequently  
22 received by the clerk of the court shall be transmitted to the  
23 ~~Illinois Department of Public Aid~~ until the Department gives  
24 notice to cease such transmittal. If the adverse claimant is  
25 entitled to all or part of the indebtedness or other property,

1 the court shall enter judgment in accordance with the interests  
2 of the parties.

3 (c) Claims for the support of a spouse or dependent  
4 children shall be superior to all other claims for garnishment  
5 of property.

6 (Source: P.A. 87-1252; revised 12-15-05.)

7 (735 ILCS 5/15-1201) (from Ch. 110, par. 15-1201)

8 Sec. 15-1201. Agricultural Real Estate. "Agricultural real  
9 estate" means real estate which is used primarily (i) for the  
10 growing and harvesting of crops, (ii) for the feeding, breeding  
11 and management of livestock, (iii) for dairying, or (iv) for  
12 any other agricultural or horticultural use or combination  
13 thereof, including without limitation, aquaculture,  
14 silviculture, ~~silvaculture~~ and any other activities  
15 customarily engaged in by persons engaged in the business of  
16 farming.

17 (Source: P.A. 84-1462; revised 10-19-05.)

18 Section 1090. The Eminent Domain Act is amended by changing  
19 Sections 10-5-10, 10-5-105, 25-7-103.3, and 25-7-103.63 and by  
20 adding Section 25-7-103.125 (incorporating and renumbering  
21 Section 7-103.113 of the Code of Civil Procedure from Public  
22 Act 94-898) as follows:

23 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

1           Sec. 10-5-10. Parties.

2           (a) When the right (i) to take private property for public  
3 use, without the owner's consent, (ii) to construct or maintain  
4 any public road, railroad, plankroad, turnpike road, canal, or  
5 other public work or improvement, or (iii) to damage property  
6 not actually taken has been or is conferred by general law or  
7 special charter upon any corporate or municipal authority,  
8 public body, officer or agent, person, commissioner, or  
9 corporation and when (i) the compensation to be paid for or in  
10 respect of the property sought to be appropriated or damaged  
11 for the purposes mentioned cannot be agreed upon by the parties  
12 interested, (ii) the owner of the property is incapable of  
13 consenting, (iii) the owner's name or residence is unknown, or  
14 (iv) the owner is a nonresident of the State, then the party  
15 authorized to take or damage the property so required, or to  
16 construct, operate, and maintain any public road, railroad,  
17 plankroad, turnpike road, canal, or other public work or  
18 improvement, may apply to the circuit court of the county where  
19 the property or any part of the property is situated, by filing  
20 with the clerk a complaint. The complaint shall set forth, by  
21 reference, (i) the complainant's authority in the premises,  
22 (ii) the purpose for which the property is sought to be taken  
23 or damaged, (iii) a description of the property, and (iv) the  
24 names of all persons interested in the property as owners or  
25 otherwise, as appearing of record, if known, or if not known  
26 stating that fact; and shall pray the court to cause the

1 compensation to be paid to the owner to be assessed.

2 (b) If it appears that any person not in being, upon coming  
3 into being, is, or may become or may claim to be, entitled to  
4 any interest in the property sought to be appropriated or  
5 damaged, the court shall appoint some competent and  
6 disinterested person as guardian ad litem to appear for and  
7 represent that interest in the proceeding and to defend the  
8 proceeding on behalf of the person not in being. Any judgment  
9 entered in the proceeding shall be as effectual for all  
10 purposes as though the person was in being and was a party to  
11 the proceeding.

12 (c) If the proceeding seeks to affect the property of  
13 persons under guardianship, the guardians shall be made parties  
14 defendant.

15 (d) Any interested persons whose names are unknown may be  
16 made parties defendant by the same descriptions and in the same  
17 manner as provided in other civil cases.

18 (e) When the property to be taken or damaged is a common  
19 element of property subject to a declaration of condominium  
20 ownership, pursuant to the Condominium Property Act, or of a  
21 common interest community, the complaint shall name the unit  
22 owners' association in lieu of naming the individual unit  
23 owners and lienholders on individual units. Unit owners,  
24 mortgagees, and other lienholders may intervene as parties  
25 defendant. For the purposes of this Section, "common interest  
26 community" has the same meaning as set forth in subsection (c)

1 of Section 9-102 of the Code of Civil Procedure. "Unit owners'  
2 association" or "association" shall refer to both the  
3 definition contained in Section 2 of the Condominium Property  
4 Act and subsection (c) of Section 9-102 of the Code of Civil  
5 Procedure.

6 (f) When the property is sought to be taken or damaged by  
7 the State for the purposes of establishing, operating, or  
8 maintaining any State house or State charitable or other  
9 institutions or improvements, the complaint shall be signed by  
10 the Governor, or the Governor's designee, or as otherwise  
11 provided by law.

12 (g) No property, except property described in Section 3 of  
13 the Sports Stadium Act, property to be acquired in furtherance  
14 of actions under Article 11, Divisions 124, 126, 128, 130, 135,  
15 136, and 139, of the Illinois Municipal Code, property to be  
16 acquired in furtherance of actions under Section 3.1 of the  
17 Intergovernmental Cooperation Act, property to be acquired  
18 that is a water system or waterworks pursuant to the home rule  
19 powers of a unit of local government, and property described as  
20 Site B in Section 2 of the Metropolitan Pier and Exposition  
21 Authority Act, belonging to a railroad or other public utility  
22 subject to the jurisdiction of the Illinois Commerce Commission  
23 may be taken or damaged, pursuant to the provisions of this  
24 Act, without the prior approval of the Illinois Commerce  
25 Commission.

26 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007,

1 eff. 1-1-07; revised 9-13-06.)

2 (735 ILCS 30/10-5-105)

3 Sec. 10-5-105. Sale of certain property acquired by  
4 condemnation.

5 (a) This Section applies only to property that (i) has been  
6 acquired after the effective date of this Act by condemnation  
7 or threat of condemnation, (ii) was acquired for public  
8 ownership and control by the condemning authority or another  
9 public entity, and (iii) has been under the ownership and  
10 control of the condemning authority or that other public entity  
11 for a total of less than 5 years.

12 As used in this Section, "threat of condemnation" means  
13 that the condemning authority has made an offer to purchase  
14 property and has the authority to exercise the power of eminent  
15 domain with respect to that property.

16 (b) Any governmental entity seeking to dispose of property  
17 to which this Section applies must dispose of that property in  
18 accordance with this Section, unless disposition of that  
19 property is otherwise specifically authorized or prohibited by  
20 law enacted by the General Assembly before, on, or after the  
21 effective date of this Act.

22 (c) The sale or public auction by the State of property to  
23 which this Section applies must be conducted in the manner  
24 provided in the State Property Control Act for the disposition  
25 of surplus property.

1           (d) The sale or public auction by a municipality of  
2 property to which this Section applies must be conducted in  
3 accordance with Section 11-76-4.1 or 11-76-4.2 of the Illinois  
4 Municipal Code.

5           (e) The sale or public auction by any other unit of local  
6 government or school district of property to which this Section  
7 applies must be conducted in accordance with this subsection  
8 (e). The corporate authorities of the ~~the~~ unit of local  
9 government or school district, by resolution, may authorize the  
10 sale or public auction of the property as surplus public real  
11 estate. The value of the real estate shall be determined by a  
12 written MAI-certified appraisal or by a written certified  
13 appraisal of a State-certified or State-licensed real estate  
14 appraiser. The appraisal shall be available for public  
15 inspection. The resolution may direct the sale to be conducted  
16 by the staff of the unit of local government or school  
17 district; by listing with local licensed real estate agencies,  
18 in which case the terms of the agent's compensation shall be  
19 included in the resolution; or by public auction. The  
20 resolution shall be published at the first opportunity  
21 following its passage in a newspaper or newspapers published in  
22 the county or counties in which the unit of local government or  
23 school district is located. The resolution shall also contain  
24 pertinent information concerning the size, use, and zoning of  
25 the real estate and the terms of sale. The corporate  
26 authorities of the unit of local government or school district



1 may accept any contract proposal determined by them to be in  
2 the best interest of the unit of local government or school  
3 district by a vote of two-thirds of the members of the  
4 corporate authority of the unit of local government or school  
5 district then holding office, but in no event at a price less  
6 than 80% of the appraised value.

7 (f) This Section does not apply to the acquisition or  
8 damaging of property under the O'Hare Modernization Act.

9 (Source: P.A. 94-1055, eff. 1-1-07; revised 9-13-06.)

10 (735 ILCS 30/25-7-103.3) (was 735 ILCS 5/7-103.3)

11 Sec. 25-7-103.3. Quick-take; coal development purposes.  
12 Quick-take proceedings under Article 20 may be used by the  
13 Department of Commerce and Economic Opportunity for the purpose  
14 specified in the Illinois Coal Development Bond Act.

15 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-793,  
16 eff. 5-19-06; revised 9-13-06.)

17 (735 ILCS 30/25-7-103.63) (was 735 ILCS 5/7-103.63)

18 Sec. 25-7-103.63. Quick-take; City of Peru. Quick-take  
19 proceedings under Article 20 may be used for a period of 24  
20 months after July 30, 1998 by the City of Peru for removal of  
21 existing residential deed restrictions on the use of property,  
22 and the rights of other property owners in the subdivision to  
23 enforce those restrictions, as they apply to lots 10, 11, 12,  
24 13, 14, 15, and 16 in Urbanowski's Subdivision to the City of

1 Peru, all of which are owned by the Illinois Valley Community  
2 Hospital and adjacent to the existing hospital building, for  
3 the limited purpose of allowing the Illinois Valley Community  
4 Hospital to expand its hospital facility, including expansion  
5 for needed emergency room and outpatient services; under this  
6 Section ~~7-103.63~~ compensation shall be paid to those other  
7 property owners for the removal of their rights to enforce the  
8 residential deed restrictions on property owned by the Illinois  
9 Valley Community Hospital, but no real estate owned by those  
10 other property owners may be taken.

11 (Source: P.A. 94-1055, eff. 1-1-07; revised 10-6-06.)

12 (735 ILCS 30/25-7-103.125) (was 735 ILCS 5/7-103.113 from  
13 P.A. 94-898)

14 Sec. 25-7-103.125 ~~7-103.113~~. Quick-take; City of Mount  
15 Vernon. Quick-take proceedings under Article 20 ~~Section 7-103~~  
16 may be used for a period of 12 months after the effective date  
17 of this amendatory Act of the 94th General Assembly by the City  
18 of Mount Vernon for roadway extension purposes for acquisition  
19 of the property described in Parcel 4, Parcel 10, and Parcel  
20 12, and for the acquisition of an easement in the property  
21 described as Parcel 12TE, each described as follows:

22 PARCEL 4

23 A part of the Southwest Quarter of Section 36, Township 2

1 South, Range 2 East of the Third Principal Meridian,  
2 Jefferson County, Illinois, more particularly described as  
3 follows:

4 Commencing at the northwest corner of Lot 5 in Parkway  
5 Pointe Subdivision, thence South 00 degrees 44 minutes 12  
6 seconds West along the west line of Lot 5, a distance of  
7 13.84 feet to the Point of Beginning; thence South 03  
8 degrees 01 minutes 34 seconds East, 323.26 feet; thence  
9 South 12 degrees 21 minutes 36 seconds East, 177.55 feet;  
10 thence South 42 degrees 33 minutes 50 seconds East, 65.08  
11 feet; thence South 84 degrees 41 minutes 25 seconds East,  
12 200.97 feet; thence South 88 degrees 53 minutes 09 seconds  
13 East, 475.09 feet; thence South 77 degrees 33 minutes 00  
14 seconds East, 127.43 feet; thence South 87 degrees 51  
15 minutes 48 seconds East, 290.09 feet to a point of the  
16 existing north right-of-way of Veteran's Memorial Drive;  
17 thence South 01 degree 03 minutes 41 seconds West along the  
18 existing north right-of-way line, 5.00 feet; thence North  
19 88 degrees 56 minutes 19 seconds West along the existing  
20 north right-of-way line, 1,055.47 feet to the southeast  
21 corner of Lot 8 in Parkway Pointe Subdivision; thence  
22 continuing North 88 degrees 56 minutes 19 seconds West  
23 along the existing north right-of-way line and the south  
24 line of Lot 8, a distance of 69.90 feet; thence North 44  
25 degrees 02 minutes 40 seconds West along the existing north

1 right-of-way line and the south line of Lot 8, a distance  
2 of 99.52 feet to the existing east right-of-way line of  
3 South 42nd Street and the Southwest corner of Lot 8; thence  
4 North 00 degrees 44 minutes 11 seconds East along the east  
5 right-of-way line of South 42nd Street and the west line of  
6 Lots 5, 6, 7 and 8, a distance of 523.73 feet to the Point  
7 of Beginning, containing 1.11 acres (48,299 square feet),  
8 more or less.

9 PARCEL 10

10 A part of Lot 9 in the Division of Lands of Paulina E.  
11 Davidson, located in the Northwest Quarter of Section 1,  
12 Township 3 South, Range 2 East of the Third Principal  
13 Meridian and more particularly described as follows:

14 Beginning at the northwest corner of Lot 9 in the Division  
15 of Lands of Paulina E. Davidson; thence South 89 degrees 22  
16 minutes 46 seconds East along the north line of Lot 9, a  
17 distance of 220.27 feet to the west right-of-way line of  
18 Interstates 57 and 64; thence South 18 degrees 17 minutes  
19 35 seconds East along the west right-of-way line, 198.37  
20 feet; thence South 87 degrees 01 minute 47 seconds West,  
21 234.54 feet; thence North 87 degrees 56 minutes 05 seconds  
22 East, 49.82 feet to the west line of Lot 9 in the Division  
23 of Lands of Paulina E. Davidson; thence North 00 degrees 25

1 minutes 29 seconds East, 201.09 feet to the Point of  
2 Beginning, containing 1.14 acres (49,727 square feet),  
3 more or less.

4 PARCEL 12

5 A part of Lot 1 in Charles Starrett Subdivision in the  
6 Southeast Quarter of Section 35, Township 2 South, Range 2  
7 East of the Third Principal Meridian, Jefferson County,  
8 Illinois and more particularly described as follows:

9 Beginning at the Southwest corner of Lot 1 in Charles  
10 Starrett Subdivision; thence North 00 degrees 37 minutes 30  
11 seconds East along the west line of Lot 1, a distance of  
12 22.91 feet; thence North 83 degrees 02 minutes 40 seconds  
13 East, 131.58 feet; thence North 88 degrees 15 minutes 04  
14 seconds East, 198.71 feet to the west right-of-way line of  
15 Interstates 57 and 64; thence South 18 degrees 00 minutes  
16 35 seconds East along the west right-of-way line, 29.32  
17 feet to the South line of Lot 1 in Charles Starrett  
18 Subdivision; thence North 89 degrees 31 minutes 48 seconds  
19 West along the south line of Lot 1, a distance of 207.89  
20 feet; thence South 00 degrees 02 minutes 53 seconds East  
21 along the south line of Lot 1, a distance of 19.80 feet;  
22 thence North 89 degrees 31 minutes 54 seconds West along  
23 the south line of Lot 1, a distance of 130.68 feet to the

1 Point of Beginning, containing 0.21 acres (8,988 square  
2 feet), more or less.

3 PARCEL 12 TE (Easement)

4 A part of Lot 1 in Charles Starrett Subdivision in the  
5 Southeast Quarter of Section 35, Township 2 South, Range 2  
6 East of the Third Principal Meridian, Jefferson County,  
7 Illinois and more particularly described as follows:

8 Beginning at the Southwest corner of Lot 1 in Charles  
9 Starrett Subdivision; thence North 00 degrees 37 minutes 32  
10 seconds East along the west line of Lot 1, a distance of  
11 212.31 feet to the Point of Beginning; thence continuing  
12 North 00 degrees 37 minutes 32 seconds East along the west  
13 line of Lot 1, a distance of 105.00 feet to the northwest  
14 corner of Lot 1; thence South 89 degrees 29 minutes 58  
15 seconds East along the north line of Lot 1, a distance of  
16 25.38 feet; thence South 05 degrees 26 minutes 16 seconds  
17 West, 105.39 feet; thence North 89 degrees 29 minutes 58  
18 seconds West, 16.54 feet to the Point of Beginning,  
19 containing 0.05 acres (2,200 square feet), more or less.

20 (Source: Incorporates P.A. 94-898, eff. 6-22-06; revised  
21 12-12-06.)

22 Section 1095. The Crime Victims Compensation Act is amended

1 by changing Section 6.1 as follows:

2 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

3 Sec. 6.1. Right to compensation. A person is entitled to  
4 compensation under this Act if:

5 (a) Within 2 years of the occurrence of the crime upon  
6 which the claim is based, he files an application, under  
7 oath, with the Court of Claims and on a form prescribed in  
8 accordance with Section 7.1 furnished by the Attorney  
9 General. If the person entitled to compensation is under 18  
10 years of age or under other legal disability at the time of  
11 the occurrence or becomes legally disabled as a result of  
12 the occurrence, he may file the application required by  
13 this subsection within 2 years after he attains the age of  
14 18 years or the disability is removed, as the case may be.  
15 Legal disability includes a diagnosis of posttraumatic  
16 stress disorder.

17 (b) For all crimes of violence, except those listed in  
18 subsection (b-1) of this Section, the appropriate law  
19 enforcement officials were notified within 72 hours of the  
20 perpetration of the crime allegedly causing the death or  
21 injury to the victim or, in the event such notification was  
22 made more than 72 hours after the perpetration of the  
23 crime, the applicant establishes that such notice was  
24 timely under the circumstances.

25 (b-1) For victims of offenses defined in Sections

1 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal  
2 Code of 1961, the appropriate law enforcement officials  
3 were notified within 7 days of the perpetration of the  
4 crime allegedly causing death or injury to the victim or,  
5 in the event that the notification was made more than 7  
6 days after the perpetration of the crime, the applicant  
7 establishes that the notice was timely under the  
8 circumstances. ~~(b-2)~~ If the applicant has obtained an order  
9 of protection or a civil no contact order or has presented  
10 himself or herself to a hospital for sexual assault  
11 evidence collection and medical care, such action shall  
12 constitute appropriate notification under this subsection  
13 (b-1) or subsection (b) ~~or (b-1)~~ of this Section.

14 (c) The applicant has cooperated with law enforcement  
15 officials in the apprehension and prosecution of the  
16 assailant. ~~(e-1)~~ If the applicant has obtained an order of  
17 protection or a civil no contact order or has presented  
18 himself or herself to a hospital for sexual assault  
19 evidence collection and medical care, such action shall  
20 constitute cooperation under this subsection (c) ~~of this~~  
21 ~~Section~~.

22 (d) The applicant is not the offender or an accomplice  
23 of the offender and the award would not unjustly benefit  
24 the offender or his accomplice.

25 (e) The injury to or death of the victim was not  
26 substantially attributable to his own wrongful act and was



1 not substantially provoked by the victim.

2 (Source: P.A. 94-192, eff. 1-1-06; revised 8-16-05.)

3 Section 1100. The Mental Health and Developmental  
4 Disabilities Confidentiality Act is amended by changing  
5 Sections 7.1 and 11 as follows:

6 (740 ILCS 110/7.1)

7 Sec. 7.1. Interagency disclosures.

8 (a) Nothing in this Act shall be construed to prevent the  
9 interagency disclosure of the name, social security number, and  
10 information concerning services rendered, currently being  
11 rendered, or proposed to be rendered regarding a recipient of  
12 services. This disclosure may be made only between agencies or  
13 departments of the State including, but not limited to: (i) the  
14 Department of Human Services, (ii) the Department of Healthcare  
15 and Family Services ~~Public Aid~~, (iii) the Department of Public  
16 Health, (iv) the State Board of Education, and (v) the  
17 Department of Children and Family Services for the purpose of a  
18 diligent search for a missing parent pursuant to Sections 2-15  
19 and 2-16 of the Juvenile Court Act of 1987 if the Department of  
20 Children and Family Services has reason to believe the parent  
21 is residing in a mental health facility, when one or more  
22 agencies or departments of the State have entered into a prior  
23 interagency agreement, memorandum of understanding, or similar  
24 agreement to jointly provide or cooperate in the provision of

1 or funding of mental health or developmental disabilities  
2 services.

3 The Department of Children and Family Services shall not  
4 redisclose the information received under this Section other  
5 than for purposes of service provision or as necessary for  
6 proceedings under the Juvenile Court Act of 1987.

7 (b) This Section applies to, but is not limited to,  
8 interagency disclosures under interagency agreements entered  
9 into in compliance with the Early Intervention Services System  
10 Act.

11 (c) Information disclosed under this Section shall be for  
12 the limited purpose of coordinating State efforts in providing  
13 efficient interagency service systems and avoiding duplication  
14 of interagency services.

15 (d) Information disclosed under this Section shall be  
16 limited to the recipient's name, address, social security  
17 number or other individually assigned identifying number, or  
18 information generally descriptive of services rendered or to be  
19 rendered. The disclosure of individual clinical or treatment  
20 records or other confidential information is not authorized by  
21 this Section.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-608, eff. 6-30-98;  
23 revised 12-15-05.)

24 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

25 Sec. 11. Disclosure of records and communications. Records

1 and communications may be disclosed:

2 (i) in accordance with the provisions of the Abused and  
3 Neglected Child Reporting Act, subsection (u) of Section 5  
4 of the Children and Family Services Act, or Section 7.4 of  
5 the Child Care Act of 1969;

6 (ii) when, and to the extent, a therapist, in his or  
7 her sole discretion, determines that disclosure is  
8 necessary to initiate or continue civil commitment  
9 proceedings under the laws of this State or to otherwise  
10 protect the recipient or other person against a clear,  
11 imminent risk of serious physical or mental injury or  
12 disease or death being inflicted upon the recipient or by  
13 the recipient on himself or another;

14 (iii) when, and to the extent disclosure is, in the  
15 sole discretion of the therapist, necessary to the  
16 provision of emergency medical care to a recipient who is  
17 unable to assert or waive his or her rights hereunder;

18 (iv) when disclosure is necessary to collect sums or  
19 receive third party payment representing charges for  
20 mental health or developmental disabilities services  
21 provided by a therapist or agency to a recipient under  
22 Chapter V of the Mental Health and Developmental  
23 Disabilities Code or to transfer debts under the  
24 Uncollected State Claims Act; however, disclosure shall be  
25 limited to information needed to pursue collection, and the  
26 information so disclosed shall not be used for any other

1 purposes nor shall it be redisclosed except in connection  
2 with collection activities;

3 (v) when requested by a family member, the Department  
4 of Human Services may assist in the location of the  
5 interment site of a deceased recipient who is interred in a  
6 cemetery established under Section 100-26 of the Mental  
7 Health and Developmental Disabilities Administrative Act;

8 (vi) in judicial proceedings under Article VIII of  
9 Chapter III and Article V of Chapter IV of the Mental  
10 Health and Developmental Disabilities Code and proceedings  
11 and investigations preliminary thereto, to the State's  
12 Attorney for the county or residence of a person who is the  
13 subject of such proceedings, or in which the person is  
14 found, or in which the facility is located, to the attorney  
15 representing the recipient in the judicial proceedings, to  
16 any person or agency providing mental health services that  
17 are the subject of the proceedings and to that person's or  
18 agency's attorney, to any court personnel, including but  
19 not limited to judges and circuit court clerks, and to a  
20 guardian ad litem if one has been appointed by the court,  
21 provided that the information so disclosed shall not be  
22 utilized for any other purpose nor be redisclosed except in  
23 connection with the proceedings or investigations;

24 (vii) when, and to the extent disclosure is necessary  
25 to comply with the requirements of the Census Bureau in  
26 taking the federal Decennial Census;

1 (viii) when, and to the extent, in the therapist's sole  
2 discretion, disclosure is necessary to warn or protect a  
3 specific individual against whom a recipient has made a  
4 specific threat of violence where there exists a  
5 therapist-recipient relationship or a special  
6 recipient-individual relationship;

7 (ix) in accordance with the Sex Offender Registration  
8 Act;

9 (x) in accordance with the Rights of Crime Victims and  
10 Witnesses Act;

11 (xi) in accordance with Section 6 of the Abused and  
12 Neglected Long Term Care Facility Residents Reporting Act;  
13 and

14 (xii) in accordance with Section 55 of the Abuse of  
15 Adults with Disabilities Intervention Act.

16 Any person, institution, or agency, under this Act,  
17 participating in good faith in the making of a report under the  
18 Abused and Neglected Child Reporting Act or in the disclosure  
19 of records and communications under this Section, shall have  
20 immunity from any liability, civil, criminal or otherwise, that  
21 might result by reason of such action. For the purpose of any  
22 proceeding, civil or criminal, arising out of a report or  
23 disclosure under this Section, the good faith of any person,  
24 institution, or agency so reporting or disclosing shall be  
25 presumed.

26 (Source: P.A. 94-852, eff. 6-13-06; 94-1010, eff. 10-1-06;

1 revised 8-3-06.)

2 Section 1105. The Predator Accountability Act is amended by  
3 changing Section 20 as follows:

4 (740 ILCS 128/20)

5 Sec. 20. Relief. ~~(a)~~ A prevailing victim of the sex trade  
6 shall be entitled to all relief that would make him or her  
7 whole. This includes, but is not limited to:

8 (1) declaratory relief;

9 (2) injunctive relief;

10 (3) recovery of costs and attorney fees including, but  
11 not limited to, costs for expert testimony and witness  
12 fees;

13 (4) compensatory damages including, but not limited  
14 to:

15 (A) economic loss, including damage, destruction,  
16 or loss of use of personal property, and loss of past  
17 or future earning capacity; and

18 (B) damages for death, personal injury, disease,  
19 and mental and emotional harm, including medical,  
20 rehabilitation, burial expenses, pain and suffering,  
21 and physical impairment;

22 (5) punitive damages; and

23 (6) damages in the amount of the gross revenues  
24 received by the defendant from, or related to, the sex

1 trade activities of the plaintiff.

2 (Source: P.A. 94-998, eff. 7-3-06; revised 8-3-06.)

3 Section 1110. The State Lawsuit Immunity Act is amended by  
4 changing Section 1 as follows:

5 (745 ILCS 5/1) (from Ch. 127, par. 801)

6 Sec. 1. Except as provided in the Illinois Public Labor  
7 Relations Act, the Court of Claims Act, ~~and~~ the State Officials  
8 and Employees Ethics Act, and ~~or~~ Section 1.5 of this Act, the  
9 State of Illinois shall not be made a defendant or party in any  
10 court.

11 (Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03;  
12 revised 12-19-03.)

13 Section 1115. The Federal Law Enforcement Officer Immunity  
14 Act is amended by changing Section 5 as follows:

15 (745 ILCS 22/5)

16 Sec. 5. Definition. As used in this Act, "federal law  
17 enforcement officer" means any officer, agent or employee of  
18 the federal government commissioned by federal statute to make  
19 arrests for violations of federal criminal laws, including but  
20 not limited to, all criminal investigators of:

21 (a) The United States Department of Justice, The Federal  
22 Bureau of Investigation, The Drug Enforcement Agency and The

1 Department of Immigration and Naturalization;

2 (b) The United States Department of the Treasury, The  
3 Secret Service, The Bureau of Alcohol, Tobacco and Firearms and  
4 The Customs Service;

5 (c) The United States Internal Revenue Service;

6 (d) The United States General Services Administration;

7 (e) The United States Postal Service; and

8 (f) All United States Marshals ~~Marshalls~~ or Deputy United  
9 States Marshals ~~Marshalls~~ whose duties involve the enforcement  
10 of federal criminal laws.

11 (Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

12 Section 1120. The Good Samaritan Act is amended by changing  
13 Section 20 as follows:

14 (745 ILCS 49/20)

15 Sec. 20. Free dental clinic; exemption from civil liability  
16 for services performed without compensation. Any person  
17 licensed under the Illinois Dental Practice Act to practice  
18 dentistry or to practice as a dental hygienist who, in good  
19 faith, provides dental treatment, dental services, diagnoses,  
20 or advice as part of the services of an established free dental  
21 clinic providing care to medically indigent patients which is  
22 limited to care which does not require the services of a  
23 licensed hospital or ambulatory surgical treatment center, and  
24 who receives no fee or compensation from that source shall not,



1 as a result of any acts or omissions, except for willful or  
2 wanton misconduct on the part of the licensee, in providing  
3 dental treatment, dental services, diagnoses or advice, be  
4 liable for civil damages. For purposes of this Section, a "free  
5 dental clinic" is an organized program providing, without  
6 charge, dental care to individuals unable to pay for their  
7 care. For purposes of this Section, an "organized program" is a  
8 program sponsored by a community, public health, charitable,  
9 voluntary, or organized dental organization. Free dental  
10 services provided under this Section may be provided at a  
11 clinic or private dental office. A free dental clinic may  
12 receive reimbursement from the ~~Illinois~~ Department of  
13 Healthcare and Family Services ~~Public Aid~~ or may receive  
14 partial reimbursement from a patient based upon ability to pay,  
15 provided any such reimbursements shall be used only to pay  
16 overhead expenses of operating the free dental clinic and may  
17 not be used, in whole or in part, to provide a fee,  
18 reimbursement, or other compensation to any person licensed  
19 under the Illinois Dental Practice Act who is receiving an  
20 exemption under this Section or to any entity that the person  
21 owns or controls or in which the person has an ownership  
22 interest or from which the person receives a fee,  
23 reimbursement, or compensation of any kind. Dental care shall  
24 not include the use of general anesthesia or require an  
25 overnight stay in a health care facility.

26 The provisions of this Section shall not apply in any case

1 unless the free dental clinic has posted in a conspicuous place  
2 on its premises an explanation of the immunity from civil  
3 liability provided in this Section.

4 (Source: P.A. 94-83, eff. 1-1-06; revised 12-15-05.)

5 Section 1125. The Illinois Marriage and Dissolution of  
6 Marriage Act is amended by changing Sections 505, 505.1, 505.2,  
7 505.3, 506, 507, 507.1, 510, 516, 517, 601.5, 602, 704, 705,  
8 709, and 712 as follows:

9 (750 ILCS 5/505) (from Ch. 40, par. 505)

10 Sec. 505. Child support; contempt; penalties.

11 (a) In a proceeding for dissolution of marriage, legal  
12 separation, declaration of invalidity of marriage, a  
13 proceeding for child support following dissolution of the  
14 marriage by a court which lacked personal jurisdiction over the  
15 absent spouse, a proceeding for modification of a previous  
16 order for child support under Section 510 of this Act, or any  
17 proceeding authorized under Section 501 or 601 of this Act, the  
18 court may order either or both parents owing a duty of support  
19 to a child of the marriage to pay an amount reasonable and  
20 necessary for his support, without regard to marital  
21 misconduct. The duty of support owed to a child includes the  
22 obligation to provide for the reasonable and necessary  
23 physical, mental and emotional health needs of the child. For  
24 purposes of this Section, the term "child" shall include any

1 child under age 18 and any child under age 19 who is still  
2 attending high school.

3 (1) The Court shall determine the minimum amount of  
4 support by using the following guidelines:

5	Number of Children	Percent of Supporting Party's
6		Net Income
7	1	20%
8	2	28%
9	3	32%
10	4	40%
11	5	45%
12	6 or more	50%

13 (2) The above guidelines shall be applied in each case  
14 unless the court makes a finding that application of the  
15 guidelines would be inappropriate, after considering the  
16 best interests of the child in light of evidence including  
17 but not limited to one or more of the following relevant  
18 factors:

19 (a) the financial resources and needs of the child;

20 (b) the financial resources and needs of the  
21 custodial parent;

22 (c) the standard of living the child would have  
23 enjoyed had the marriage not been dissolved;

24 (d) the physical and emotional condition of the  
25 child, and his educational needs; and

26 (e) the financial resources and needs of the

1 non-custodial parent.

2 If the court deviates from the guidelines, the court's  
3 finding shall state the amount of support that would have  
4 been required under the guidelines, if determinable. The  
5 court shall include the reason or reasons for the variance  
6 from the guidelines.

7 (3) "Net income" is defined as the total of all income  
8 from all sources, minus the following deductions:

9 (a) Federal income tax (properly calculated  
10 withholding or estimated payments);

11 (b) State income tax (properly calculated  
12 withholding or estimated payments);

13 (c) Social Security (FICA payments);

14 (d) Mandatory retirement contributions required by  
15 law or as a condition of employment;

16 (e) Union dues;

17 (f) Dependent and individual  
18 health/hospitalization insurance premiums;

19 (g) Prior obligations of support or maintenance  
20 actually paid pursuant to a court order;

21 (h) Expenditures for repayment of debts that  
22 represent reasonable and necessary expenses for the  
23 production of income, medical expenditures necessary  
24 to preserve life or health, reasonable expenditures  
25 for the benefit of the child and the other parent,  
26 exclusive of gifts. The court shall reduce net income

1           in determining the minimum amount of support to be  
2           ordered only for the period that such payments are due  
3           and shall enter an order containing provisions for its  
4           self-executing modification upon termination of such  
5           payment period.

6           (4) In cases where the court order provides for  
7           health/hospitalization insurance coverage pursuant to  
8           Section 505.2 of this Act, the premiums for that insurance,  
9           or that portion of the premiums for which the supporting  
10          party is responsible in the case of insurance provided  
11          through an employer's health insurance plan where the  
12          employer pays a portion of the premiums, shall be  
13          subtracted from net income in determining the minimum  
14          amount of support to be ordered.

15          (4.5) In a proceeding for child support following  
16          dissolution of the marriage by a court that lacked personal  
17          jurisdiction over the absent spouse, and in which the court  
18          is requiring payment of support for the period before the  
19          date an order for current support is entered, there is a  
20          rebuttable presumption that the supporting party's net  
21          income for the prior period was the same as his or her net  
22          income at the time the order for current support is  
23          entered.

24          (5) If the net income cannot be determined because of  
25          default or any other reason, the court shall order support  
26          in an amount considered reasonable in the particular case.

1 The final order in all cases shall state the support level  
2 in dollar amounts. However, if the court finds that the  
3 child support amount cannot be expressed exclusively as a  
4 dollar amount because all or a portion of the payor's net  
5 income is uncertain as to source, time of payment, or  
6 amount, the court may order a percentage amount of support  
7 in addition to a specific dollar amount and enter such  
8 other orders as may be necessary to determine and enforce,  
9 on a timely basis, the applicable support ordered.

10 (6) If (i) the non-custodial parent was properly served  
11 with a request for discovery of financial information  
12 relating to the non-custodial parent's ability to provide  
13 child support, (ii) the non-custodial parent failed to  
14 comply with the request, despite having been ordered to do  
15 so by the court, and (iii) the non-custodial parent is not  
16 present at the hearing to determine support despite having  
17 received proper notice, then any relevant financial  
18 information concerning the non-custodial parent's ability  
19 to provide child support that was obtained pursuant to  
20 subpoena and proper notice shall be admitted into evidence  
21 without the need to establish any further foundation for  
22 its admission.

23 (a-5) In an action to enforce an order for support based on  
24 the respondent's failure to make support payments as required  
25 by the order, notice of proceedings to hold the respondent in  
26 contempt for that failure may be served on the respondent by

1 personal service or by regular mail addressed to the  
2 respondent's last known address. The respondent's last known  
3 address may be determined from records of the clerk of the  
4 court, from the Federal Case Registry of Child Support Orders,  
5 or by any other reasonable means.

6 (b) Failure of either parent to comply with an order to pay  
7 support shall be punishable as in other cases of contempt. In  
8 addition to other penalties provided by law the Court may,  
9 after finding the parent guilty of contempt, order that the  
10 parent be:

11 (1) placed on probation with such conditions of  
12 probation as the Court deems advisable;

13 (2) sentenced to periodic imprisonment for a period not  
14 to exceed 6 months; provided, however, that the Court may  
15 permit the parent to be released for periods of time during  
16 the day or night to:

17 (A) work; or

18 (B) conduct a business or other self-employed  
19 occupation.

20 The Court may further order any part or all of the earnings  
21 of a parent during a sentence of periodic imprisonment paid to  
22 the Clerk of the Circuit Court or to the parent having custody  
23 or to the guardian having custody of the children of the  
24 sentenced parent for the support of said children until further  
25 order of the Court.

26 If there is a unity of interest and ownership sufficient to

1 render no financial separation between a non-custodial parent  
2 and another person or persons or business entity, the court may  
3 pierce the ownership veil of the person, persons, or business  
4 entity to discover assets of the non-custodial parent held in  
5 the name of that person, those persons, or that business  
6 entity. The following circumstances are sufficient to  
7 authorize a court to order discovery of the assets of a person,  
8 persons, or business entity and to compel the application of  
9 any discovered assets toward payment on the judgment for  
10 support:

11 (1) the non-custodial parent and the person, persons,  
12 or business entity maintain records together.

13 (2) the non-custodial parent and the person, persons,  
14 or business entity fail to maintain an arms length  
15 relationship between themselves with regard to any assets.

16 (3) the non-custodial parent transfers assets to the  
17 person, persons, or business entity with the intent to  
18 perpetrate a fraud on the custodial parent.

19 With respect to assets which are real property, no order  
20 entered under this paragraph shall affect the rights of bona  
21 fide purchasers, mortgagees, judgment creditors, or other lien  
22 holders who acquire their interests in the property prior to  
23 the time a notice of lis pendens pursuant to the Code of Civil  
24 Procedure or a copy of the order is placed of record in the  
25 office of the recorder of deeds for the county in which the  
26 real property is located.



1           The court may also order in cases where the parent is 90  
2 days or more delinquent in payment of support or has been  
3 adjudicated in arrears in an amount equal to 90 days obligation  
4 or more, that the parent's Illinois driving privileges be  
5 suspended until the court determines that the parent is in  
6 compliance with the order of support. The court may also order  
7 that the parent be issued a family financial responsibility  
8 driving permit that would allow limited driving privileges for  
9 employment and medical purposes in accordance with Section  
10 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit  
11 court shall certify the order suspending the driving privileges  
12 of the parent or granting the issuance of a family financial  
13 responsibility driving permit to the Secretary of State on  
14 forms prescribed by the Secretary. Upon receipt of the  
15 authenticated documents, the Secretary of State shall suspend  
16 the parent's driving privileges until further order of the  
17 court and shall, if ordered by the court, subject to the  
18 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
19 issue a family financial responsibility driving permit to the  
20 parent.

21           In addition to the penalties or punishment that may be  
22 imposed under this Section, any person whose conduct  
23 constitutes a violation of Section 15 of the Non-Support  
24 Punishment Act may be prosecuted under that Act, and a person  
25 convicted under that Act may be sentenced in accordance with  
26 that Act. The sentence may include but need not be limited to a

1 requirement that the person perform community service under  
2 Section 50 of that Act or participate in a work alternative  
3 program under Section 50 of that Act. A person may not be  
4 required to participate in a work alternative program under  
5 Section 50 of that Act if the person is currently participating  
6 in a work program pursuant to Section 505.1 of this Act.

7 A support obligation, or any portion of a support  
8 obligation, which becomes due and remains unpaid as of the end  
9 of each month, excluding the child support that was due for  
10 that month to the extent that it was not paid in that month,  
11 shall accrue simple interest as set forth in Section 12-109 of  
12 the Code of Civil Procedure. An order for support entered or  
13 modified on or after January 1, 2006 shall contain a statement  
14 that a support obligation required under the order, or any  
15 portion of a support obligation required under the order, that  
16 becomes due and remains unpaid as of the end of each month,  
17 excluding the child support that was due for that month to the  
18 extent that it was not paid in that month, shall accrue simple  
19 interest as set forth in Section 12-109 of the Code of Civil  
20 Procedure. Failure to include the statement in the order for  
21 support does not affect the validity of the order or the  
22 accrual of interest as provided in this Section.

23 (c) A one-time charge of 20% is imposable upon the amount  
24 of past-due child support owed on July 1, 1988 which has  
25 accrued under a support order entered by the court. The charge  
26 shall be imposed in accordance with the provisions of Section

1 10-21 of the Illinois Public Aid Code and shall be enforced by  
2 the court upon petition.

3 (d) Any new or existing support order entered by the court  
4 under this Section shall be deemed to be a series of judgments  
5 against the person obligated to pay support thereunder, each  
6 such judgment to be in the amount of each payment or  
7 installment of support and each such judgment to be deemed  
8 entered as of the date the corresponding payment or installment  
9 becomes due under the terms of the support order. Each such  
10 judgment shall have the full force, effect and attributes of  
11 any other judgment of this State, including the ability to be  
12 enforced. A lien arises by operation of law against the real  
13 and personal property of the noncustodial parent for each  
14 installment of overdue support owed by the noncustodial parent.

15 (e) When child support is to be paid through the clerk of  
16 the court in a county of 1,000,000 inhabitants or less, the  
17 order shall direct the obligor to pay to the clerk, in addition  
18 to the child support payments, all fees imposed by the county  
19 board under paragraph (3) of subsection (u) of Section 27.1 of  
20 the Clerks of Courts Act. Unless paid in cash or pursuant to an  
21 order for withholding, the payment of the fee shall be by a  
22 separate instrument from the support payment and shall be made  
23 to the order of the Clerk.

24 (f) All orders for support, when entered or modified, shall  
25 include a provision requiring the obligor to notify the court  
26 and, in cases in which a party is receiving child and spouse

1 services under Article X of the Illinois Public Aid Code, the  
2 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
3 ~~Aid~~, within 7 days, (i) of the name and address of any new  
4 employer of the obligor, (ii) whether the obligor has access to  
5 health insurance coverage through the employer or other group  
6 coverage and, if so, the policy name and number and the names  
7 of persons covered under the policy, and (iii) of any new  
8 residential or mailing address or telephone number of the  
9 non-custodial parent. In any subsequent action to enforce a  
10 support order, upon a sufficient showing that a diligent effort  
11 has been made to ascertain the location of the non-custodial  
12 parent, service of process or provision of notice necessary in  
13 the case may be made at the last known address of the  
14 non-custodial parent in any manner expressly provided by the  
15 Code of Civil Procedure or this Act, which service shall be  
16 sufficient for purposes of due process.

17 (g) An order for support shall include a date on which the  
18 current support obligation terminates. The termination date  
19 shall be no earlier than the date on which the child covered by  
20 the order will attain the age of 18. However, if the child will  
21 not graduate from high school until after attaining the age of  
22 18, then the termination date shall be no earlier than the  
23 earlier of the date on which the child's high school graduation  
24 will occur or the date on which the child will attain the age  
25 of 19. The order for support shall state that the termination  
26 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to  
2 prevent the court from modifying the order or terminating the  
3 order in the event the child is otherwise emancipated.

4 (g-5) If there is an unpaid arrearage or delinquency (as  
5 those terms are defined in the Income Withholding for Support  
6 Act) equal to at least one month's support obligation on the  
7 termination date stated in the order for support or, if there  
8 is no termination date stated in the order, on the date the  
9 child attains the age of majority or is otherwise emancipated,  
10 the periodic amount required to be paid for current support of  
11 that child immediately prior to that date shall automatically  
12 continue to be an obligation, not as current support but as  
13 periodic payment toward satisfaction of the unpaid arrearage or  
14 delinquency. That periodic payment shall be in addition to any  
15 periodic payment previously required for satisfaction of the  
16 arrearage or delinquency. The total periodic amount to be paid  
17 toward satisfaction of the arrearage or delinquency may be  
18 enforced and collected by any method provided by law for  
19 enforcement and collection of child support, including but not  
20 limited to income withholding under the Income Withholding for  
21 Support Act. Each order for support entered or modified on or  
22 after the effective date of this amendatory Act of the 93rd  
23 General Assembly must contain a statement notifying the parties  
24 of the requirements of this subsection. Failure to include the  
25 statement in the order for support does not affect the validity  
26 of the order or the operation of the provisions of this

1 subsection with regard to the order. This subsection shall not  
2 be construed to prevent or affect the establishment or  
3 modification of an order for support of a minor child or the  
4 establishment or modification of an order for support of a  
5 non-minor child or educational expenses under Section 513 of  
6 this Act.

7 (h) An order entered under this Section shall include a  
8 provision requiring the obligor to report to the obligee and to  
9 the clerk of court within 10 days each time the obligor obtains  
10 new employment, and each time the obligor's employment is  
11 terminated for any reason. The report shall be in writing and  
12 shall, in the case of new employment, include the name and  
13 address of the new employer. Failure to report new employment  
14 or the termination of current employment, if coupled with  
15 nonpayment of support for a period in excess of 60 days, is  
16 indirect criminal contempt. For any obligor arrested for  
17 failure to report new employment bond shall be set in the  
18 amount of the child support that should have been paid during  
19 the period of unreported employment. An order entered under  
20 this Section shall also include a provision requiring the  
21 obligor and obligee parents to advise each other of a change in  
22 residence within 5 days of the change except when the court  
23 finds that the physical, mental, or emotional health of a party  
24 or that of a child, or both, would be seriously endangered by  
25 disclosure of the party's address.

26 (i) The court does not lose the powers of contempt,

1 driver's license suspension, or other child support  
2 enforcement mechanisms, including, but not limited to,  
3 criminal prosecution as set forth in this Act, upon the  
4 emancipation of the minor child or children.

5 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;  
6 94-90, eff. 1-1-06; revised 12-15-05.)

7 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

8 Sec. 505.1. (a) Whenever it is determined in a proceeding  
9 to establish or enforce a child support or maintenance  
10 obligation that the person owing a duty of support is  
11 unemployed, the court may order the person to seek employment  
12 and report periodically to the court with a diary, listing or  
13 other memorandum of his or her efforts in accordance with such  
14 order. Additionally, the court may order the unemployed person  
15 to report to the Department of Employment Security for job  
16 search services or to make application with the local Job  
17 Training Partnership Act provider for participation in job  
18 search, training or work programs and where the duty of support  
19 is owed to a child receiving child support enforcement services  
20 under Article X of the Illinois Public Aid Code, as amended,  
21 the court may order the unemployed person to report to the  
22 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
23 ~~Aid~~ for participation in job search, training or work programs  
24 established under Section 9-6 and Article IXA of that Code.

25 (b) Whenever it is determined that a person owes past-due

1 support for a child or for a child and the parent with whom the  
2 child is living, and the child is receiving assistance under  
3 the Illinois Public Aid Code, the court shall order at the  
4 request of the ~~Illinois~~ Department of Healthcare and Family  
5 Services ~~Public Aid~~:

6 (1) that the person pay the past-due support in  
7 accordance with a plan approved by the court; or

8 (2) if the person owing past-due support is unemployed,  
9 is subject to such a plan, and is not incapacitated, that  
10 the person participate in such job search, training, or  
11 work programs established under Section 9-6 and Article IXA  
12 of the Illinois Public Aid Code as the court deems  
13 appropriate.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02;  
15 revised 12-15-05.)

16 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

17 Sec. 505.2. Health insurance.

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

19 (1) "Obligee" means the individual to whom the duty of  
20 support is owed or the individual's legal representative.

21 (2) "Obligor" means the individual who owes a duty of  
22 support pursuant to an order for support.

23 (3) "Public office" means any elected official or any  
24 State or local agency which is or may become responsible by  
25 law for enforcement of, or which is or may become



1 authorized to enforce, an order for support, including, but  
2 not limited to: the Attorney General, the Illinois  
3 Department of Healthcare and Family Services ~~Public Aid~~,  
4 the Illinois Department of Human Services, the Illinois  
5 Department of Children and Family Services, and the various  
6 State's Attorneys, Clerks of the Circuit Court and  
7 supervisors of general assistance.

8 (4) "Child" shall have the meaning ascribed to it in  
9 Section 505.

10 (b) Order.

11 (1) Whenever the court establishes, modifies or  
12 enforces an order for child support or for child support  
13 and maintenance the court shall include in the order a  
14 provision for the health care coverage of the child which  
15 shall, upon request of the obligee or Public Office,  
16 require that any child covered by the order be named as a  
17 beneficiary of any health insurance plan that is available  
18 to the obligor through an employer or labor union or trade  
19 union. If the court finds that such a plan is not available  
20 to the obligor, or that the plan is not accessible to the  
21 obligee, the court may, upon request of the obligee or  
22 Public Office, order the obligor to name the child covered  
23 by the order as a beneficiary of any health insurance plan  
24 that is available to the obligor on a group basis, or as a  
25 beneficiary of an independent health insurance plan to be  
26 obtained by the obligor, after considering the following

1 factors:

2 (A) the medical needs of the child;

3 (B) the availability of a plan to meet those needs;

4 and

5 (C) the cost of such a plan to the obligor.

6 (2) If the employer or labor union or trade union  
7 offers more than one plan, the order shall require the  
8 obligor to name the child as a beneficiary of the plan in  
9 which the obligor is enrolled.

10 (3) Nothing in this Section shall be construed to limit  
11 the authority of the court to establish or modify a support  
12 order to provide for payment of expenses, including  
13 deductibles, copayments and any other health expenses,  
14 which are in addition to expenses covered by an insurance  
15 plan of which a child is ordered to be named a beneficiary  
16 pursuant to this Section.

17 (c) Implementation and enforcement.

18 (1) When the court order requires that a minor child be  
19 named as a beneficiary of a health insurance plan, other  
20 than a health insurance plan available through an employer  
21 or labor union or trade union, the obligor shall provide  
22 written proof to the obligee or Public Office that the  
23 required insurance has been obtained, or that application  
24 for insurability has been made, within 30 days of receiving  
25 notice of the court order. Unless the obligor was present  
26 in court when the order was issued, notice of the order

1 shall be given pursuant to Illinois Supreme Court Rules. If  
2 an obligor fails to provide the required proof, he may be  
3 held in contempt of court.

4 (2) When the court requires that a child be named as a  
5 beneficiary of a health insurance plan available through an  
6 employer or labor union or trade union, the court's order  
7 shall be implemented in accordance with the Income  
8 Withholding for Support Act.

9 (2.5) The court shall order the obligor to reimburse  
10 the obligee for 50% of the premium for placing the child on  
11 his or her health insurance policy if:

12 (i) a health insurance plan is not available to the  
13 obligor through an employer or labor union or trade  
14 union and the court does not order the obligor to cover  
15 the child as a beneficiary of any health insurance plan  
16 that is available to the obligor on a group basis or as  
17 a beneficiary of an independent health insurance plan  
18 to be obtained by the obligor; or

19 (ii) the obligor does not obtain medical insurance  
20 for the child within 90 days of the date of the court  
21 order requiring the obligor to obtain insurance for the  
22 child.

23 The provisions of subparagraph (i) of paragraph 2.5 of  
24 subsection (c) shall be applied, unless the court makes a  
25 finding that to apply those provisions would be  
26 inappropriate after considering all of the factors listed

1 in paragraph 2 of subsection (a) of Section 505.

2 The court may order the obligor to reimburse the  
3 obligee for 100% of the premium for placing the child on  
4 his or her health insurance policy.

5 (d) Failure to maintain insurance. The dollar amount of the  
6 premiums for court-ordered health insurance, or that portion of  
7 the premiums for which the obligor is responsible in the case  
8 of insurance provided under a group health insurance plan  
9 through an employer or labor union or trade union where the  
10 employer or labor union or trade union pays a portion of the  
11 premiums, shall be considered an additional child support  
12 obligation owed by the obligor. Whenever the obligor fails to  
13 provide or maintain health insurance pursuant to an order for  
14 support, the obligor shall be liable to the obligee for the  
15 dollar amount of the premiums which were not paid, and shall  
16 also be liable for all medical expenses incurred by the child  
17 which would have been paid or reimbursed by the health  
18 insurance which the obligor was ordered to provide or maintain.  
19 In addition, the obligee may petition the court to modify the  
20 order based solely on the obligor's failure to pay the premiums  
21 for court-ordered health insurance.

22 (e) Authorization for payment. The signature of the obligee  
23 is a valid authorization to the insurer to process a claim for  
24 payment under the insurance plan to the provider of the health  
25 care services or to the obligee.

26 (f) Disclosure of information. The obligor's employer or

1 labor union or trade union shall disclose to the obligee or  
2 Public Office, upon request, information concerning any  
3 dependent coverage plans which would be made available to a new  
4 employee or labor union member or trade union member. The  
5 employer or labor union or trade union shall disclose such  
6 information whether or not a court order for medical support  
7 has been entered.

8 (g) Employer obligations. If a parent is required by an  
9 order for support to provide coverage for a child's health care  
10 expenses and if that coverage is available to the parent  
11 through an employer who does business in this State, the  
12 employer must do all of the following upon receipt of a copy of  
13 the order of support or order for withholding:

14 (1) The employer shall, upon the parent's request,  
15 permit the parent to include in that coverage a child who  
16 is otherwise eligible for that coverage, without regard to  
17 any enrollment season restrictions that might otherwise be  
18 applicable as to the time period within which the child may  
19 be added to that coverage.

20 (2) If the parent has health care coverage through the  
21 employer but fails to apply for coverage of the child, the  
22 employer shall include the child in the parent's coverage  
23 upon application by the child's other parent or the  
24 ~~Illinois~~ Department of Healthcare and Family Services  
25 ~~Public Aid~~.

26 (3) The employer may not eliminate any child from the

1 parent's health care coverage unless the employee is no  
2 longer employed by the employer and no longer covered under  
3 the employer's group health plan or unless the employer is  
4 provided with satisfactory written evidence of either of  
5 the following:

6 (A) The order for support is no longer in effect.

7 (B) The child is or will be included in a  
8 comparable health care plan obtained by the parent  
9 under such order that is currently in effect or will  
10 take effect no later than the date the prior coverage  
11 is terminated.

12 The employer may eliminate a child from a parent's  
13 health care plan obtained by the parent under such order if  
14 the employer has eliminated dependent health care coverage  
15 for all of its employees.

16 (Source: P.A. 94-923, eff. 1-1-07; revised 8-28-06.)

17 (750 ILCS 5/505.3)

18 Sec. 505.3. Information to State Case Registry.

19 (a) In this Section:

20 "Order for support", "obligor", "obligee", and "business  
21 day" are defined as set forth in the Income Withholding for  
22 Support Act.

23 "State Case Registry" means the State Case Registry  
24 established under Section 10-27 of the Illinois Public Aid  
25 Code.

1           (b) Each order for support entered or modified by the  
2 circuit court under this Act shall require that the obligor and  
3 obligee (i) file with the clerk of the circuit court the  
4 information required by this Section (and any other information  
5 required under Title IV, Part D of the Social Security Act or  
6 by the federal Department of Health and Human Services) at the  
7 time of entry or modification of the order for support and (ii)  
8 file updated information with the clerk within 5 business days  
9 of any change. Failure of the obligor or obligee to file or  
10 update the required information shall be punishable as in cases  
11 of contempt. The failure shall not prevent the court from  
12 entering or modifying the order for support, however.

13           (c) The obligor shall file the following information: the  
14 obligor's name, date of birth, social security number, and  
15 mailing address.

16           If either the obligor or the obligee receives child support  
17 enforcement services from the ~~Illinois~~ Department of  
18 Healthcare and Family Services ~~Public Aid~~ under Article X of  
19 the Illinois Public Aid Code, the obligor shall also file the  
20 following information: the obligor's telephone number,  
21 driver's license number, and residential address (if different  
22 from the obligor's mailing address), and the name, address, and  
23 telephone number of the obligor's employer or employers.

24           (d) The obligee shall file the following information:

25               (1) The names of the obligee and the child or children  
26 covered by the order for support.

1           (2) The dates of birth of the obligee and the child or  
2 children covered by the order for support.

3           (3) The social security numbers of the obligee and the  
4 child or children covered by the order for support.

5           (4) The obligee's mailing address.

6           (e) In cases in which the obligee receives child support  
7 enforcement services from the ~~Illinois~~ Department of  
8 Healthcare and Family Services ~~Public Aid~~ under Article X of  
9 the Illinois Public Aid Code, the order for support shall (i)  
10 require that the obligee file the information required under  
11 subsection (d) with the ~~Illinois~~ Department of Healthcare and  
12 Family Services ~~Public Aid~~ for inclusion in the State Case  
13 Registry, rather than file the information with the clerk, and  
14 (ii) require that the obligee include the following additional  
15 information:

16           (1) The obligee's telephone and driver's license  
17 numbers.

18           (2) The obligee's residential address, if different  
19 from the obligee's mailing address.

20           (3) The name, address, and telephone number of the  
21 obligee's employer or employers.

22           The order for support shall also require that the obligee  
23 update the information filed with the ~~Illinois~~ Department of  
24 Healthcare and Family Services ~~Public Aid~~ within 5 business  
25 days of any change.

26           (f) The clerk shall provide the information filed under



1 this Section, together with the court docket number and county  
2 in which the order for support was entered, to the State Case  
3 Registry within 5 business days after receipt of the  
4 information.

5 (g) In a case in which a party is receiving child support  
6 enforcement services under Article X of the Illinois Public Aid  
7 Code, the clerk shall provide the following additional  
8 information to the State Case Registry within 5 business days  
9 after entry or modification of an order for support or request  
10 from the ~~Illinois~~ Department of Healthcare and Family Services  
11 ~~Public Aid~~:

12 (1) The amount of monthly or other periodic support  
13 owed under the order for support and other amounts,  
14 including arrearage, interest, or late payment penalties  
15 and fees, due or overdue under the order.

16 (2) Any such amounts that have been received by the  
17 clerk, and the distribution of those amounts by the clerk.

18 (h) Information filed by the obligor and obligee under this  
19 Section that is not specifically required to be included in the  
20 body of an order for support under other laws is not a public  
21 record and shall be treated as confidential and subject to  
22 disclosure only in accordance with the provisions of this  
23 Section, Section 10-27 of the Illinois Public Aid Code, and  
24 Title IV, Part D of the Social Security Act.

25 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;  
26 92-463, eff. 8-22-01; 92-651, eff. 7-11-02; revised 12-15-05.)

1 (750 ILCS 5/506) (from Ch. 40, par. 506)

2 Sec. 506. Representation of child.

3 (a) Duties. In any proceedings involving the support,  
4 custody, visitation, education, parentage, property interest,  
5 or general welfare of a minor or dependent child, the court  
6 may, on its own motion or that of any party, appoint an  
7 attorney to serve in one of the following capacities to address  
8 the issues the court delineates:

9 (1) Attorney. The attorney shall provide independent  
10 legal counsel for the child and shall owe the same duties  
11 of undivided loyalty, confidentiality, and competent  
12 representation as are due an adult client.

13 (2) Guardian ad litem. The guardian ad litem shall  
14 testify or submit a written report to the court regarding  
15 his or her recommendations in accordance with the best  
16 interest of the child. The report shall be made available  
17 to all parties. The guardian ad litem may be called as a  
18 witness for purposes of cross-examination regarding the  
19 guardian ad litem's report or recommendations. The  
20 guardian ad litem shall investigate the facts of the case  
21 and interview the child and the parties.

22 (3) Child representative. The child representative  
23 shall advocate what the child representative finds to be in  
24 the best interests of the child after reviewing the facts  
25 and circumstances of the case. The child representative

1 shall meet with the child and the parties, investigate the  
2 facts of the case, and encourage settlement and the use of  
3 alternative forms of dispute resolution. The child  
4 representative shall have the same authority and  
5 obligation to participate in the litigation as does an  
6 attorney for a party and shall possess all the powers of  
7 investigation as does a guardian ad litem. The child  
8 representative shall consider, but not be bound by, the  
9 expressed wishes of the child. A child representative shall  
10 have received training in child advocacy or shall possess  
11 such experience as determined to be equivalent to such  
12 training by the chief judge of the circuit where the child  
13 representative has been appointed. The child  
14 representative shall not disclose confidential  
15 communications made by the child, except as required by law  
16 or by the Rules of Professional Conduct. The child  
17 representative shall not render an opinion,  
18 recommendation, or report to the court and shall not be  
19 called as a witness, but shall offer evidence-based legal  
20 arguments. The child representative shall disclose the  
21 position as to what the child representative intends to  
22 advocate in a pre-trial memorandum that shall be served  
23 upon all counsel of record prior to the trial. The position  
24 disclosed in the pre-trial memorandum shall not be  
25 considered evidence. The court and the parties may consider  
26 the position of the child representative for purposes of a

1 settlement conference.

2 (a-3) Additional appointments. During the proceedings the  
3 court may appoint an additional attorney to serve in the  
4 capacity described in subdivision (a)(1) or an additional  
5 attorney to serve in another of the capacities described in  
6 subdivision (a)(2) or (a)(3) on the court's own motion or that  
7 of a party only for good cause shown and when the reasons for  
8 the additional appointment are set forth in specific findings.

9 (a-5) Appointment considerations. In deciding whether to  
10 make an appointment of an attorney for the minor child, a  
11 guardian ad litem, or a child representative, the court shall  
12 consider the nature and adequacy of the evidence to be  
13 presented by the parties and the availability of other methods  
14 of obtaining information, including social service  
15 organizations and evaluations by mental health professions, as  
16 well as resources for payment.

17 In no event is this Section intended to or designed to  
18 abrogate the decision making power of the trier of fact. Any  
19 appointment made under this Section is not intended to nor  
20 should it serve to place any appointed individual in the role  
21 of a surrogate judge.

22 (b) Fees and costs. The court shall enter an order as  
23 appropriate for costs, fees, and disbursements, including a  
24 retainer, when the attorney, guardian ad litem, or child's  
25 representative is appointed. Any person appointed under this  
26 Section shall file with the court within 90 days of his or her

1 appointment, and every subsequent 90-day period thereafter  
2 during the course of his or her representation, a detailed  
3 invoice for services rendered with a copy being sent to each  
4 party. The court shall review the invoice submitted and approve  
5 the fees, if they are reasonable and necessary. Any order  
6 approving the fees shall require payment by either or both  
7 parents, by any other party or source, or from the marital  
8 estate or the child's separate estate. The court may not order  
9 payment by the ~~Illinois~~ Department of Healthcare and Family  
10 Services ~~Public Aid~~ in cases in which the Department is  
11 providing child support enforcement services under Article X of  
12 the Illinois Public Aid Code. Unless otherwise ordered by the  
13 court at the time fees and costs are approved, all fees and  
14 costs payable to an attorney, guardian ad litem, or child  
15 representative under this Section are by implication deemed to  
16 be in the nature of support of the child and are within the  
17 exceptions to discharge in bankruptcy under 11 U.S.C.A. 523.  
18 The provisions of Sections 501 and 508 of this Act shall apply  
19 to fees and costs for attorneys appointed under this Section.

20 (Source: P.A. 94-640, eff. 1-1-06; revised 12-15-05.)

21 (750 ILCS 5/507) (from Ch. 40, par. 507)

22 Sec. 507. Payment of maintenance or support to court.

23 (a) In actions instituted under this Act, the court shall  
24 order that maintenance and support payments be made to the  
25 clerk of court as trustee for remittance to the person entitled

1 to receive the payments. However, the court in its discretion  
2 may direct otherwise where circumstances so warrant.

3 (b) The clerk of court shall maintain records listing the  
4 amount of payments, the date payments are required to be made  
5 and the names and addresses of the parties affected by the  
6 order. For those cases in which support is payable to the clerk  
7 of the circuit court for transmittal to the Department of  
8 Healthcare and Family Services (formerly Illinois Department  
9 of Public Aid) by order of the court or upon notification of  
10 the Department of Healthcare and Family Services (formerly  
11 Illinois Department of Public Aid), and the ~~Illinois~~ Department  
12 ~~of Public Aid~~ collects support by assignment, offset,  
13 withholding, deduction or other process permitted by law, the  
14 ~~Illinois~~ Department shall notify the clerk of the date and  
15 amount of such collection. Upon notification, the clerk shall  
16 record the collection on the payment record for the case.

17 (c) The parties affected by the order shall inform the  
18 clerk of court of any change of address or of other condition  
19 that may affect the administration of the order.

20 (d) The provisions of this Section shall not apply to cases  
21 that come under the provisions of Sections 709 through 712.

22 (e) To the extent the provisions of this Section are  
23 inconsistent with the requirements pertaining to the State  
24 Disbursement Unit under Section 507.1 of this Act and Section  
25 10-26 of the Illinois Public Aid Code, the requirements  
26 pertaining to the State Disbursement Unit shall apply.

1 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

2 (750 ILCS 5/507.1)

3 Sec. 507.1. Payment of Support to State Disbursement Unit.

4 (a) As used in this Section:

5 "Order for support", "obligor", "obligee", and "payor"  
6 mean those terms as defined in the Income Withholding for  
7 Support Act, except that "order for support" shall not mean  
8 orders providing for spousal maintenance under which there is  
9 no child support obligation.

10 (b) Notwithstanding any other provision of this Act to the  
11 contrary, each order for support entered or modified on or  
12 after October 1, 1999 shall require that support payments be  
13 made to the State Disbursement Unit established under Section  
14 10-26 of the Illinois Public Aid Code if:

15 (1) a party to the order is receiving child support  
16 enforcement services under Article X of the Illinois Public  
17 Aid Code; or

18 (2) no party to the order is receiving child support  
19 enforcement services, but the support payments are made  
20 through income withholding.

21 (c) Support payments shall be made to the State  
22 Disbursement Unit if:

23 (1) the order for support was entered before October 1,  
24 1999, and a party to the order is receiving child support  
25 enforcement services under Article X of the Illinois Public

1 Aid Code; or

2 (2) no party to the order is receiving child support  
3 enforcement services, and the support payments are being  
4 made through income withholding.

5 (c-5) If no party to the order is receiving child support  
6 enforcement services under Article X of the Illinois Public Aid  
7 Code, and the support payments are not made through income  
8 withholding, then support payments shall be made as directed by  
9 the order for support.

10 (c-10) At any time, and notwithstanding the existence of an  
11 order directing payments to be made elsewhere, the Department  
12 of Healthcare and Family Services ~~Public Aid~~ may provide notice  
13 to the obligor and, where applicable, to the obligor's payor:

14 (1) to make support payments to the State Disbursement  
15 Unit if:

16 (A) a party to the order for support is receiving  
17 child support enforcement services under Article X of  
18 the Illinois Public Aid Code; or

19 (B) no party to the order for support is receiving  
20 child support enforcement services under Article X of  
21 the Illinois Public Aid Code, but the support payments  
22 are made through income withholding; or

23 (2) to make support payments to the State Disbursement  
24 Unit of another state upon request of another state's Title  
25 IV-D child support enforcement agency, in accordance with  
26 the requirements of Title IV, Part D of the Social Security



1 Act and regulations promulgated under that Part D.

2 The Department of Healthcare and Family Services ~~Public Aid~~  
3 shall provide a copy of the notice to the obligee and to the  
4 clerk of the circuit court.

5 (c-15) Within 15 days after the effective date of this  
6 amendatory Act of the 91st General Assembly, the clerk of the  
7 circuit court shall provide written notice to the obligor to  
8 make payments directly to the clerk of the circuit court if no  
9 party to the order is receiving child support enforcement  
10 services under Article X of the Illinois Public Aid Code, the  
11 support payments are not made through income withholding, and  
12 the order for support requires support payments to be made  
13 directly to the clerk of the circuit court. The clerk shall  
14 provide a copy of the notice to the obligee.

15 (c-20) If the State Disbursement Unit receives a support  
16 payment that was not appropriately made to the Unit under this  
17 Section, the Unit shall immediately return the payment to the  
18 sender, including, if possible, instructions detailing where  
19 to send the support payment.

20 (d) The notices under subsections (c-10) and (c-15) may be  
21 sent by ordinary mail, certified mail, return receipt  
22 requested, facsimile transmission, or other electronic  
23 process, or may be served upon the obligor or payor using any  
24 method provided by law for service of a summons.

25 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;  
26 92-590, eff. 7-1-02; revised 12-15-05.)

1 (750 ILCS 5/510) (from Ch. 40, par. 510)

2 Sec. 510. Modification and termination of provisions for  
3 maintenance, support, educational expenses, and property  
4 disposition.

5 (a) Except as otherwise provided in paragraph (f) of  
6 Section 502 and in subsection (b), clause (3) of Section 505.2,  
7 the provisions of any judgment respecting maintenance or  
8 support may be modified only as to installments accruing  
9 subsequent to due notice by the moving party of the filing of  
10 the motion for modification. An order for child support may be  
11 modified as follows:

12 (1) upon a showing of a substantial change in  
13 circumstances; and

14 (2) without the necessity of showing a substantial  
15 change in circumstances, as follows:

16 (A) upon a showing of an inconsistency of at least  
17 20%, but no less than \$10 per month, between the amount  
18 of the existing order and the amount of child support  
19 that results from application of the guidelines  
20 specified in Section 505 of this Act unless the  
21 inconsistency is due to the fact that the amount of the  
22 existing order resulted from a deviation from the  
23 guideline amount and there has not been a change in the  
24 circumstances that resulted in that deviation; or

25 (B) Upon a showing of a need to provide for the

1 health care needs of the child under the order through  
2 health insurance or other means. In no event shall the  
3 eligibility for or receipt of medical assistance be  
4 considered to meet the need to provide for the child's  
5 health care needs.

6 The provisions of subparagraph (a)(2)(A) shall apply only  
7 in cases in which a party is receiving child support  
8 enforcement services from the ~~Illinois~~ Department of  
9 Healthcare and Family Services ~~Public Aid~~ under Article X of  
10 the Illinois Public Aid Code, and only when at least 36 months  
11 have elapsed since the order for child support was entered or  
12 last modified.

13 (a-5) An order for maintenance may be modified or  
14 terminated only upon a showing of a substantial change in  
15 circumstances. In all such proceedings, as well as in  
16 proceedings in which maintenance is being reviewed, the court  
17 shall consider the applicable factors set forth in subsection  
18 (a) of Section 504 and the following factors:

19 (1) any change in the employment status of either party  
20 and whether the change has been made in good faith;

21 (2) the efforts, if any, made by the party receiving  
22 maintenance to become self-supporting, and the  
23 reasonableness of the efforts where they are appropriate;

24 (3) any impairment of the present and future earning  
25 capacity of either party;

26 (4) the tax consequences of the maintenance payments

1 upon the respective economic circumstances of the parties;

2 (5) the duration of the maintenance payments  
3 previously paid (and remaining to be paid) relative to the  
4 length of the marriage;

5 (6) the property, including retirement benefits,  
6 awarded to each party under the judgment of dissolution of  
7 marriage, judgment of legal separation, or judgment of  
8 declaration of invalidity of marriage and the present  
9 status of the property;

10 (7) the increase or decrease in each party's income  
11 since the prior judgment or order from which a review,  
12 modification, or termination is being sought;

13 (8) the property acquired and currently owned by each  
14 party after the entry of the judgment of dissolution of  
15 marriage, judgment of legal separation, or judgment of  
16 declaration of invalidity of marriage; and

17 (9) any other factor that the court expressly finds to  
18 be just and equitable.

19 (b) The provisions as to property disposition may not be  
20 revoked or modified, unless the court finds the existence of  
21 conditions that justify the reopening of a judgment under the  
22 laws of this State.

23 (c) Unless otherwise agreed by the parties in a written  
24 agreement set forth in the judgment or otherwise approved by  
25 the court, the obligation to pay future maintenance is  
26 terminated upon the death of either party, or the remarriage of

1 the party receiving maintenance, or if the party receiving  
2 maintenance cohabits with another person on a resident,  
3 continuing conjugal basis.

4 (d) Unless otherwise provided in this Act, or as agreed in  
5 writing or expressly provided in the judgment, provisions for  
6 the support of a child are terminated by emancipation of the  
7 child, or if the child has attained the age of 18 and is still  
8 attending high school, provisions for the support of the child  
9 are terminated upon the date that the child graduates from high  
10 school or the date the child attains the age of 19, whichever  
11 is earlier, but not by the death of a parent obligated to  
12 support or educate the child. An existing obligation to pay for  
13 support or educational expenses, or both, is not terminated by  
14 the death of a parent. When a parent obligated to pay support  
15 or educational expenses, or both, dies, the amount of support  
16 or educational expenses, or both, may be enforced, modified,  
17 revoked or commuted to a lump sum payment, as equity may  
18 require, and that determination may be provided for at the time  
19 of the dissolution of the marriage or thereafter.

20 (e) The right to petition for support or educational  
21 expenses, or both, under Sections 505 and 513 is not  
22 extinguished by the death of a parent. Upon a petition filed  
23 before or after a parent's death, the court may award sums of  
24 money out of the decedent's estate for the child's support or  
25 educational expenses, or both, as equity may require. The time  
26 within which a claim may be filed against the estate of a

1 decedent under Sections 505 and 513 and subsection (d) and this  
2 subsection shall be governed by the provisions of the Probate  
3 Act of 1975, as a barrable, noncontingent claim.

4 (f) A petition to modify or terminate child support,  
5 custody, or visitation shall not delay any child support  
6 enforcement litigation or supplementary proceeding on behalf  
7 of the obligee, including, but not limited to, a petition for a  
8 rule to show cause, for non-wage garnishment, or for a  
9 restraining order.

10 (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02; 92-651,  
11 eff. 7-11-02; 92-876, eff. 6-1-03; 93-353, eff. 1-1-04; revised  
12 12-15-05.)

13 (750 ILCS 5/516) (from Ch. 40, par. 516)

14 Sec. 516. Public Aid collection fee. In all cases  
15 instituted by the Department of Healthcare and Family Services  
16 (formerly Illinois Department of Public Aid) on behalf of a  
17 child or spouse, other than one receiving a grant of financial  
18 aid under Article IV of The Illinois Public Aid Code, on whose  
19 behalf an application has been made and approved for child  
20 support enforcement services as provided by Section 10-1 of  
21 that Code, the court shall impose a collection fee on the  
22 individual who owes a child or spouse support obligation in an  
23 amount equal to 10% of the amount so owed as long as such  
24 collection is required by federal law, which fee shall be in  
25 addition to the support obligation. The imposition of such fee

1 shall be in accordance with provisions of Title IV, Part D, of  
2 the Social Security Act and regulations duly promulgated  
3 thereunder. The fee shall be payable to the clerk of the  
4 circuit court for transmittal to the ~~Illinois~~ Department of  
5 Healthcare and Family Services ~~Public Aid~~ and shall continue  
6 until child support enforcement services are terminated by that  
7 Department.

8 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

9 (750 ILCS 5/517)

10 Sec. 517. Notice of child support enforcement services. The  
11 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
12 ~~Aid~~ may provide notice at any time to the parties to an action  
13 filed under this Act that child support enforcement services  
14 are being provided by the ~~Illinois~~ Department under Article X  
15 of the Illinois Public Aid Code. The notice shall be sent by  
16 regular mail to the party's last known address on file with the  
17 clerk of the court or the State Case Registry established under  
18 Section 10-27 of the Illinois Public Aid Code. After notice is  
19 provided pursuant to this Section, the ~~Illinois~~ Department  
20 shall be entitled, as if it were a party, to notice of any  
21 further proceedings brought in the case. The ~~Illinois~~  
22 Department shall provide the clerk of the court with copies of  
23 the notices sent to the parties. The clerk shall file the  
24 copies in the court file.

25 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

1 (750 ILCS 5/601.5)

2 Sec. 601.5. Training. The chief circuit judge or designated  
3 presiding judge may approve 3 hours of training for guardians  
4 ad litem ~~guardian ad litem~~ appointed under Section 601 of this  
5 Act, professional personnel appointed under Section 604 of this  
6 Act, evaluators appointed under Section 604.5 of this Act, and  
7 investigators appointed under Section 605 of this Act. This  
8 training shall include a component on the dynamics of domestic  
9 violence and its effect on parents and children.  
10 (Source: P.A. 94-377, eff. 7-29-05; revised 9-15-06.)

11 (750 ILCS 5/602) (from Ch. 40, par. 602)

12 Sec. 602. Best Interest of Child.

13 (a) The court shall determine custody in accordance with  
14 the best interest of the child. The court shall consider all  
15 relevant factors including:

16 (1) the wishes of the child's parent or parents as to  
17 his custody;

18 (2) the wishes of the child as to his custodian;

19 (3) the interaction and interrelationship of the child  
20 with his parent or parents, his siblings and any other  
21 person who may significantly affect the child's best  
22 interest;

23 (4) the child's adjustment to his home, school and  
24 community;



1           (5) the mental and physical health of all individuals  
2           involved;

3           (6) the physical violence or threat of physical  
4           violence by the child's potential custodian, whether  
5           directed against the child or directed against another  
6           person;

7           (7) the occurrence of ongoing or repeated abuse as  
8           defined in Section 103 of the Illinois Domestic Violence  
9           Act of 1986, whether directed against the child or directed  
10          against another person;

11          (8) the willingness and ability of each parent to  
12          facilitate and encourage a close and continuing  
13          relationship between the other parent and the child; and

14          (9) whether one of the parents is a sex offender.

15          In the case of a custody proceeding in which a stepparent  
16          has standing under Section 601, it is presumed to be in the  
17          best interest of the minor child that the natural parent have  
18          the custody of the minor child unless the presumption is  
19          rebutted by the stepparent.

20          (b) The court shall not consider conduct of a present or  
21          proposed custodian that does not affect his relationship to the  
22          child.

23          (c) Unless the court finds the occurrence of ongoing abuse  
24          as defined in Section 103 of the Illinois Domestic Violence Act  
25          of 1986, the court shall presume that the maximum involvement  
26          and cooperation of both parents regarding the physical, mental,

1 moral, and emotional well-being of their child is in the best  
2 interest of the child. There shall be no presumption in favor  
3 of or against joint custody.

4 (Source: P.A. 94-377, eff. 7-29-05; 94-643, eff. 1-1-06;  
5 revised 8-29-05.)

6 (750 ILCS 5/704) (from Ch. 40, par. 704)

7 Sec. 704. Public Aid Provisions.) Except as provided in  
8 Sections 709 through 712, if maintenance, child support or  
9 both, is awarded to persons who are recipients of aid under  
10 "The Illinois Public Aid Code", the court shall direct the  
11 husband or wife, as the case may be, to make the payments to  
12 (1) the ~~Illinois~~ Department of Healthcare and Family Services  
13 ~~Public Aid~~ if the persons are recipients under Articles III, IV  
14 or V of the Code, or (2) the local governmental unit  
15 responsible for their support if they are recipients under  
16 Article VI or VII of the Code. The order shall permit the  
17 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
18 ~~Aid~~ or the local governmental unit, as the case may be, to  
19 direct that subsequent payments be made directly to the former  
20 spouse, the children, or both, or to some person or agency in  
21 their behalf, upon removal of the former spouse or children  
22 from the public aid rolls; and upon such direction and removal  
23 of the recipients from the public aid rolls, the ~~Illinois~~  
24 Department or local governmental unit, as the case requires,  
25 shall give written notice of such action to the court.

1 (Source: P.A. 81-1474; revised 12-15-05.)

2 (750 ILCS 5/705) (from Ch. 40, par. 705)

3 Sec. 705. Support payments; receiving and disbursing  
4 agents.

5 (1) The provisions of this Section shall apply, except as  
6 provided in Sections 709 through 712.

7 (2) In a dissolution of marriage action filed in a county  
8 of less than 3 million population in which an order or judgment  
9 for child support is entered, and in supplementary proceedings  
10 in any such county to enforce or vary the terms of such order  
11 or judgment arising out of an action for dissolution of  
12 marriage filed in such county, the court, except as it  
13 otherwise orders, under subsection (4) of this Section, may  
14 direct that child support payments be made to the clerk of the  
15 court.

16 (3) In a dissolution of marriage action filed in any county  
17 of 3 million or more population in which an order or judgment  
18 for child support is entered, and in supplementary proceedings  
19 in any such county to enforce or vary the terms of such order  
20 or judgment arising out of an action for dissolution of  
21 marriage filed in such county, the court, except as it  
22 otherwise orders under subsection (4) of this Section, may  
23 direct that child support payments be made either to the clerk  
24 of the court or to the Court Service Division of the County  
25 Department of Public Aid. After the effective date of this Act,

1 the court, except as it otherwise orders under subsection (4)  
2 of this Section, may direct that child support payments be made  
3 either to the clerk of the court or to the ~~Illinois~~ Department  
4 of Healthcare and Family Services ~~Public Aid~~.

5 (4) In a dissolution of marriage action or supplementary  
6 proceedings involving maintenance or child support payments,  
7 or both, to persons who are recipients of aid under the  
8 Illinois Public Aid Code, the court shall direct that such  
9 payments be made to (a) the ~~Illinois~~ Department of Healthcare  
10 and Family Services ~~Public Aid~~ if the persons are recipients  
11 under Articles III, IV, or V of the Code, or (b) the local  
12 governmental unit responsible for their support if they are  
13 recipients under Articles VI or VII of the Code. In accordance  
14 with federal law and regulations, the ~~Illinois~~ Department of  
15 Healthcare and Family Services ~~Public Aid~~ may continue to  
16 collect current maintenance payments or child support  
17 payments, or both, after those persons cease to receive public  
18 assistance and until termination of services under Article X of  
19 the Illinois Public Aid Code. The ~~Illinois~~ Department of  
20 Healthcare and Family Services ~~Public Aid~~ shall pay the net  
21 amount collected to those persons after deducting any costs  
22 incurred in making the collection or any collection fee from  
23 the amount of any recovery made. The order shall permit the  
24 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
25 ~~Aid~~ or the local governmental unit, as the case may be, to  
26 direct that payments be made directly to the former spouse, the

1 children, or both, or to some person or agency in their behalf,  
2 upon removal of the former spouse or children from the public  
3 aid rolls or upon termination of services under Article X of  
4 the Illinois Public Aid Code; and upon such direction, the  
5 ~~Illinois~~ Department or local governmental unit, as the case  
6 requires, shall give notice of such action to the court in  
7 writing or by electronic transmission.

8 (5) All clerks of the court and the Court Service Division  
9 of a County Department of Public Aid and, after the effective  
10 date of this Act, all clerks of the court and the ~~Illinois~~  
11 Department of Healthcare and Family Services ~~Public Aid~~,  
12 receiving child support payments under subsections (2) and (3)  
13 of this Section shall disburse the payments to the person or  
14 persons entitled thereto under the terms of the order or  
15 judgment. They shall establish and maintain current records of  
16 all moneys received and disbursed and of defaults and  
17 delinquencies in required payments. The court, by order or  
18 rule, shall make provision for the carrying out of these  
19 duties.

20 Payments under this Section to the ~~Illinois~~ Department of  
21 Healthcare and Family Services ~~Public Aid~~ pursuant to the Child  
22 Support Enforcement Program established by Title IV-D of the  
23 Social Security Act shall be paid into the Child Support  
24 Enforcement Trust Fund. All payments under this Section to the  
25 Illinois Department of Human Services shall be deposited in the  
26 DHS Recoveries Trust Fund. Disbursements from these funds shall

1 be as provided in the Illinois Public Aid Code. Payments  
2 received by a local governmental unit shall be deposited in  
3 that unit's General Assistance Fund. Any order of court  
4 directing payment of child support to a clerk of court or the  
5 Court Service Division of a County Department of Public Aid,  
6 which order has been entered on or after August 14, 1961, and  
7 prior to the effective date of this Act, may be amended by the  
8 court in line with this Act; and orders involving payments of  
9 maintenance or child support to recipients of public aid may in  
10 like manner be amended to conform to this Act.

11 (6) No filing fee or costs will be required in any action  
12 brought at the request of the ~~Illinois~~ Department of Healthcare  
13 and Family Services ~~Public Aid~~ in any proceeding under this  
14 Act. However, any such fees or costs may be assessed by the  
15 court against the respondent in the court's order of support or  
16 any modification thereof in a proceeding under this Act.

17 (7) For those cases in which child support is payable to  
18 the clerk of the circuit court for transmittal to the  
19 Department of Healthcare and Family Services (formerly  
20 Illinois Department of Public Aid) by order of court or upon  
21 notification by the Department of Healthcare and Family  
22 Services (formerly Illinois Department of Public Aid), the  
23 clerk shall transmit all such payments, within 4 working days  
24 of receipt, to insure that funds are available for immediate  
25 distribution by the Department to the person or entity entitled  
26 thereto in accordance with standards of the Child Support

1 Enforcement Program established under Title IV-D of the Social  
2 Security Act. The clerk shall notify the Department of the date  
3 of receipt and amount thereof at the time of transmittal. Where  
4 the clerk has entered into an agreement of cooperation with the  
5 Department to record the terms of child support orders and  
6 payments made thereunder directly into the Department's  
7 automated data processing system, the clerk shall account for,  
8 transmit and otherwise distribute child support payments in  
9 accordance with such agreement in lieu of the requirements  
10 contained herein.

11 In any action filed in a county with a population of  
12 1,000,000 or less, the court shall assess against the  
13 respondent in any order of maintenance or child support any sum  
14 up to \$36 annually authorized by ordinance of the county board  
15 to be collected by the clerk of the court as costs for  
16 administering the collection and disbursement of maintenance  
17 and child support payments. Such sum shall be in addition to  
18 and separate from amounts ordered to be paid as maintenance or  
19 child support.

20 (8) To the extent the provisions of this Section are  
21 inconsistent with the requirements pertaining to the State  
22 Disbursement Unit under Section 507.1 of this Act and Section  
23 10-26 of the Illinois Public Aid Code, the requirements  
24 pertaining to the State Disbursement Unit shall apply.

25 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

1 (750 ILCS 5/709) (from Ch. 40, par. 709)

2 Sec. 709. Mandatory child support payments to clerk.

3 (a) As of January 1, 1982, child support orders entered in  
4 any county covered by this subsection shall be made pursuant to  
5 the provisions of Sections 709 through 712 of this Act. For  
6 purposes of these Sections, the term "child support payment" or  
7 "payment" shall include any payment ordered to be made solely  
8 for the purpose of the support of a child or children or any  
9 payment ordered for general support which includes any amount  
10 for support of any child or children.

11 The provisions of Sections 709 through 712 shall be  
12 applicable to any county with a population of 2 million or more  
13 and to any other county which notifies the Supreme Court of its  
14 desire to be included within the coverage of these Sections and  
15 is certified pursuant to Supreme Court Rules.

16 The effective date of inclusion, however, shall be subject  
17 to approval of the application for reimbursement of the costs  
18 of the support program by the Department of Healthcare and  
19 Family Services ~~Public Aid~~ as provided in Section 712.

20 (b) In any proceeding for a dissolution of marriage, legal  
21 separation, or declaration of invalidity of marriage, or in any  
22 supplementary proceedings in which a judgment or modification  
23 thereof for the payment of child support is entered on or after  
24 January 1, 1982, in any county covered by Sections 709 through  
25 712, and the person entitled to payment is receiving a grant of  
26 financial aid under Article IV of the Illinois Public Aid Code



1 or has applied and qualified for child support enforcement  
2 services under Section 10-1 of that Code, the court shall  
3 direct: (1) that such payments be made to the clerk of the  
4 court and (2) that the parties affected shall each thereafter  
5 notify the clerk of any change of address or change in other  
6 conditions that may affect the administration of the order,  
7 including the fact that a party who was previously not on  
8 public aid has become a recipient of public aid, within 10 days  
9 of such change. All notices sent to the obligor's last known  
10 address on file with the clerk shall be deemed sufficient to  
11 proceed with enforcement pursuant to the provisions of Sections  
12 709 through 712.

13 In all other cases, the court may direct that payments be  
14 made to the clerk of the court.

15 (c) Except as provided in subsection (d) of this Section,  
16 the clerk shall disburse the payments to the person or persons  
17 entitled thereto under the terms of the order or judgment.

18 (d) The court shall determine, prior to the entry of the  
19 support order, if the party who is to receive the support is  
20 presently receiving public aid or has a current application for  
21 public aid pending and shall enter the finding on the record.

22 If the person entitled to payment is a recipient of aid  
23 under the Illinois Public Aid Code, the clerk, upon being  
24 informed of this fact by finding of the court, by notification  
25 by the party entitled to payment, by the Department of  
26 Healthcare and Family Services (formerly Illinois Department

1 of Public Aid) or by the local governmental unit, shall make  
2 all payments to: (1) the ~~Illinois~~ Department of Healthcare and  
3 Family Services ~~Public Aid~~ if the person is a recipient under  
4 Article III, IV, or V of the Code or (2) the local governmental  
5 unit responsible for his or her support if the person is a  
6 recipient under Article VI or VII of the Code. In accordance  
7 with federal law and regulations, the ~~Illinois~~ Department of  
8 Healthcare and Family Services ~~Public Aid~~ may continue to  
9 collect current maintenance payments or child support  
10 payments, or both, after those persons cease to receive public  
11 assistance and until termination of services under Article X of  
12 the Illinois Public Aid Code. The ~~Illinois~~ Department of  
13 Healthcare and Family Services ~~Public Aid~~ shall pay the net  
14 amount collected to those persons after deducting any costs  
15 incurred in making the collection or any collection fee from  
16 the amount of any recovery made. Upon termination of public aid  
17 payments to such a recipient or termination of services under  
18 Article X of the Illinois Public Aid Code, the ~~Illinois~~  
19 Department of Healthcare and Family Services ~~Public Aid~~ or the  
20 appropriate local governmental unit shall notify the clerk in  
21 writing or by electronic transmission that all subsequent  
22 payments are to be sent directly to the person entitled  
23 thereto.

24 Payments under this Section to the ~~Illinois~~ Department of  
25 Healthcare and Family Services ~~Public Aid~~ pursuant to the Child  
26 Support Enforcement Program established by Title IV-D of the

1 Social Security Act shall be paid into the Child Support  
2 Enforcement Trust Fund. All payments under this Section to the  
3 Illinois Department of Human Services shall be deposited in the  
4 DHS Recoveries Trust Fund. Disbursements from these funds shall  
5 be as provided in the Illinois Public Aid Code. Payments  
6 received by a local governmental unit shall be deposited in  
7 that unit's General Assistance Fund.

8 (e) Any order or judgment may be amended by the court, upon  
9 its own motion or upon the motion of either party, to conform  
10 with the provisions of Sections 709 through 712, either as to  
11 the requirement of making payments to the clerk or, where  
12 payments are already being made to the clerk, as to the  
13 statutory fees provided for under Section 711.

14 (f) The clerk may invest in any interest bearing account or  
15 in any securities, monies collected for the benefit of a payee,  
16 where such payee cannot be found; however, the investment may  
17 be only for the period until the clerk is able to locate and  
18 present the payee with such monies. The clerk may invest in any  
19 interest bearing account, or in any securities, monies  
20 collected for the benefit of any other payee; however, this  
21 does not alter the clerk's obligation to make payments to the  
22 payee in a timely manner. Any interest or capital gains accrued  
23 shall be for the benefit of the county and shall be paid into  
24 the special fund established in subsection (b) of Section 711.

25 (g) The clerk shall establish and maintain a payment record  
26 of all monies received and disbursed and such record shall

1 constitute prima facie evidence of such payment and  
2 non-payment, as the case may be.

3 (h) For those cases in which child support is payable to  
4 the clerk of the circuit court for transmittal to the  
5 Department of Healthcare and Family Services (formerly  
6 Illinois Department of Public Aid) by order of court or upon  
7 notification by the Department of Healthcare and Family  
8 Services (formerly Illinois Department of Public Aid), the  
9 clerk shall transmit all such payments, within 4 working days  
10 of receipt, to insure that funds are available for immediate  
11 distribution by the Department to the person or entity entitled  
12 thereto in accordance with standards of the Child Support  
13 Enforcement Program established under Title IV-D of the Social  
14 Security Act. The clerk shall notify the Department of the date  
15 of receipt and amount thereof at the time of transmittal. Where  
16 the clerk has entered into an agreement of cooperation with the  
17 Department to record the terms of child support orders and  
18 payments made thereunder directly into the Department's  
19 automated data processing system, the clerk shall account for,  
20 transmit and otherwise distribute child support payments in  
21 accordance with such agreement in lieu of the requirements  
22 contained herein.

23 (i) To the extent the provisions of this Section are  
24 inconsistent with the requirements pertaining to the State  
25 Disbursement Unit under Section 507.1 of this Act and Section  
26 10-26 of the Illinois Public Aid Code, the requirements

1 pertaining to the State Disbursement Unit shall apply.

2 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

3 (750 ILCS 5/712) (from Ch. 40, par. 712)

4 Sec. 712. (a) The Supreme Court may make Rules concerning  
5 the certification of counties for inclusion in the child  
6 support enforcement program and the application of the  
7 procedures created by Sections 709 through 712 in the various  
8 counties.

9 The Supreme Court shall inform each circuit court and clerk  
10 of the court of the availability of the program to reimburse  
11 counties desiring to participate in the program of enforcement  
12 of child support payments.

13 The Supreme Court shall also distribute to each circuit  
14 court and clerk of the court any materials prepared by the  
15 Child and Spouse Support Unit comparing child support  
16 enforcement in counties included and not included in this  
17 program.

18 (b) The ~~Illinois~~ Department of Healthcare and Family  
19 Services ~~Public Aid~~, through the Child and Spouse Support Unit  
20 provided for by Section 10-3.1 of The Illinois Public Aid Code,  
21 shall have general supervision of the child support programs  
22 created by Sections 709 through 712 and shall have the powers  
23 and duties provided in this Section, including the following:

24 (1) to make advance payments to any county included in the  
25 program for expenses in preparing programs to enforce payment

1 of child support to the clerk from appropriations made for such  
2 purposes by the General Assembly;

3 (2) to make payments to each covered county to pay for its  
4 reasonable expenses actually necessary to maintain a  
5 continuing program not paid for by fees, penalties, or other  
6 monies; provided that, with respect to that portion of the  
7 program on behalf of dependent children included in a grant of  
8 financial aid under Article IV of The Illinois Public Aid Code  
9 the Unit shall pay only such expenses as is its current  
10 practice or as it may deem appropriate; provided further that  
11 the Unit shall only pay expenses of the entire program subject  
12 to the availability of federal monies to pay the majority of  
13 expenses of the entire child support enforcement program;  
14 provided further that the Unit or Department may set standards  
15 relating to enforcement which have to be met by any county  
16 seeking to enter a contract with the Department for  
17 reimbursement of expenses of the entire enforcement program  
18 prior to an application for reimbursement being approved and  
19 the contract granted; and provided further that such standards  
20 may relate to, but are not limited to the following factors:  
21 maintenance of the payment record, the definition of  
22 delinquency; the period of time in which a delinquency must be  
23 determined, the payor notified, the remittance received, the  
24 referral to the state's attorney made, and the payment remitted  
25 by the clerk to the payee or other party entitled to the  
26 payment; the conditions under which referral will not be made

1 to the state's attorney; and the definitions and procedures for  
2 other matters necessary for the conduct and operation of the  
3 program;

4 (3) to monitor the various local programs for enforcement  
5 of child support payments to the clerk;

6 (4) to act to encourage enforcement whenever local  
7 enforcement procedures are inadequate;

8 (5) to receive monies from any source for assistance in  
9 enforcement of child support; and

10 (6) to assist any county desirous of assistance in  
11 establishing and maintaining a child support enforcement  
12 program.

13 (c) Any county may apply for financial assistance to the  
14 Unit to initiate or maintain a program of child support  
15 enforcement. Every county which desires such assistance shall  
16 apply according to procedures established by the Unit. In its  
17 application, it shall state the following: financial needs,  
18 personnel requirements, anticipated caseloads, any amounts  
19 collected or anticipated in fees or penalties, and any other  
20 information required by the Unit.

21 (d) In the case that any advance money is given to any  
22 county under this Section to initiate an enforcement system,  
23 the county shall reimburse the state within 2 years from the  
24 date such monies are given to it. The Unit may establish an  
25 appropriate schedule of reimbursement for any county.

26 (e) In the event of the unavailability of federal monies to

1 pay for the greater part of the costs to a county of the child  
2 support enforcement program under Sections 709 through 712 and  
3 the resulting cessation of state participation, the operation  
4 of the child support enforcement program under Sections 709  
5 through 712 shall terminate. The date and the method of  
6 termination shall be determined by Supreme Court Rule.

7 (Source: P.A. 84-1395; revised 12-15-05.)

8 Section 1130. The Non-Support Punishment Act is amended by  
9 changing Sections 7, 20, 25, 30, 35, and 60 as follows:

10 (750 ILCS 16/7)

11 Sec. 7. Prosecutions by Attorney General. In addition to  
12 enforcement proceedings by the several State's Attorneys, a  
13 proceeding for the enforcement of this Act may be instituted  
14 and prosecuted by the Attorney General in cases referred by the  
15 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
16 ~~Aid~~ involving persons receiving child support enforcement  
17 services under Article X of the Illinois Public Aid Code.  
18 Before referring a case to the Attorney General for enforcement  
19 under this Act, the Department of Healthcare and Family  
20 Services ~~Public Aid~~ shall notify the person receiving child  
21 support enforcement services under Article X of the Illinois  
22 Public Aid Code of the Department's intent to refer the case to  
23 the Attorney General under this Section for prosecution.

24 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02;



1 revised 12-15-05.)

2 (750 ILCS 16/20)

3 Sec. 20. Entry of order for support; income withholding.

4 (a) In a case in which no court or administrative order for  
5 support is in effect against the defendant:

6 (1) at any time before the trial, upon motion of the  
7 State's Attorney, or of the Attorney General if the action  
8 has been instituted by his office, and upon notice to the  
9 defendant, or at the time of arraignment or as a condition  
10 of postponement of arraignment, the court may enter such  
11 temporary order for support as may seem just, providing for  
12 the support or maintenance of the spouse or child or  
13 children of the defendant, or both, pendente lite; or

14 (2) before trial with the consent of the defendant, or  
15 at the trial on entry of a plea of guilty, or after  
16 conviction, instead of imposing the penalty provided in  
17 this Act, or in addition thereto, the court may enter an  
18 order for support, subject to modification by the court  
19 from time to time as circumstances may require, directing  
20 the defendant to pay a certain sum for maintenance of the  
21 spouse, or for support of the child or children, or both.

22 (b) The court shall determine the amount of child support  
23 by using the guidelines and standards set forth in subsection  
24 (a) of Section 505 and in Section 505.2 of the Illinois  
25 Marriage and Dissolution of Marriage Act.

1           If (i) the non-custodial parent was properly served with a  
2 request for discovery of financial information relating to the  
3 non-custodial parent's ability to provide child support, (ii)  
4 the non-custodial parent failed to comply with the request,  
5 despite having been ordered to do so by the court, and (iii)  
6 the non-custodial parent is not present at the hearing to  
7 determine support despite having received proper notice, then  
8 any relevant financial information concerning the  
9 non-custodial parent's ability to provide support that was  
10 obtained pursuant to subpoena and proper notice shall be  
11 admitted into evidence without the need to establish any  
12 further foundation for its admission.

13           (c) The court shall determine the amount of maintenance  
14 using the standards set forth in Section 504 of the Illinois  
15 Marriage and Dissolution of Marriage Act.

16           (d) The court may, for violation of any order under this  
17 Section, punish the offender as for a contempt of court, but no  
18 pendente lite order shall remain in effect longer than 4  
19 months, or after the discharge of any panel of jurors summoned  
20 for service thereafter in such court, whichever is sooner.

21           (e) Any order for support entered by the court under this  
22 Section shall be deemed to be a series of judgments against the  
23 person obligated to pay support under the judgments, each such  
24 judgment to be in the amount of each payment or installment of  
25 support and each judgment to be deemed entered as of the date  
26 the corresponding payment or installment becomes due under the

1 terms of the support order. Each judgment shall have the full  
2 force, effect, and attributes of any other judgment of this  
3 State, including the ability to be enforced. Each judgment is  
4 subject to modification or termination only in accordance with  
5 Section 510 of the Illinois Marriage and Dissolution of  
6 Marriage Act. A lien arises by operation of law against the  
7 real and personal property of the noncustodial parent for each  
8 installment of overdue support owed by the noncustodial parent.

9 (f) An order for support entered under this Section shall  
10 include a provision requiring the obligor to report to the  
11 obligee and to the clerk of the court within 10 days each time  
12 the obligor obtains new employment, and each time the obligor's  
13 employment is terminated for any reason. The report shall be in  
14 writing and shall, in the case of new employment, include the  
15 name and address of the new employer.

16 Failure to report new employment or the termination of  
17 current employment, if coupled with nonpayment of support for a  
18 period in excess of 60 days, is indirect criminal contempt. For  
19 any obligor arrested for failure to report new employment, bond  
20 shall be set in the amount of the child support that should  
21 have been paid during the period of unreported employment.

22 An order for support entered under this Section shall also  
23 include a provision requiring the obligor and obligee parents  
24 to advise each other of a change in residence within 5 days of  
25 the change except when the court finds that the physical,  
26 mental, or emotional health of a party or of a minor child, or

1 both, would be seriously endangered by disclosure of the  
2 party's address.

3 (g) An order for support entered or modified in a case in  
4 which a party is receiving child support enforcement services  
5 under Article X of the Illinois Public Aid Code shall include a  
6 provision requiring the noncustodial parent to notify the  
7 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
8 ~~Aid~~, within 7 days, of the name and address of any new employer  
9 of the noncustodial parent, whether the noncustodial parent has  
10 access to health insurance coverage through the employer or  
11 other group coverage and, if so, the policy name and number and  
12 the names of persons covered under the policy.

13 (h) In any subsequent action to enforce an order for  
14 support entered under this Act, upon sufficient showing that  
15 diligent effort has been made to ascertain the location of the  
16 noncustodial parent, service of process or provision of notice  
17 necessary in that action may be made at the last known address  
18 of the noncustodial parent, in any manner expressly provided by  
19 the Code of Civil Procedure or in this Act, which service shall  
20 be sufficient for purposes of due process.

21 (i) An order for support shall include a date on which the  
22 current support obligation terminates. The termination date  
23 shall be no earlier than the date on which the child covered by  
24 the order will attain the age of 18. However, if the child will  
25 not graduate from high school until after attaining the age of  
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation  
2 will occur or the date on which the child will attain the age  
3 of 19. The order for support shall state that the termination  
4 date does not apply to any arrearage that may remain unpaid on  
5 that date. Nothing in this subsection shall be construed to  
6 prevent the court from modifying the order or terminating the  
7 order in the event the child is otherwise emancipated.

8 (i-5) If there is an unpaid arrearage or delinquency (as  
9 those terms are defined in the Income Withholding for Support  
10 Act) equal to at least one month's support obligation on the  
11 termination date stated in the order for support or, if there  
12 is no termination date stated in the order, on the date the  
13 child attains the age of majority or is otherwise emancipated,  
14 the periodic amount required to be paid for current support of  
15 that child immediately prior to that date shall automatically  
16 continue to be an obligation, not as current support but as  
17 periodic payment toward satisfaction of the unpaid arrearage or  
18 delinquency. That periodic payment shall be in addition to any  
19 periodic payment previously required for satisfaction of the  
20 arrearage or delinquency. The total periodic amount to be paid  
21 toward satisfaction of the arrearage or delinquency may be  
22 enforced and collected by any method provided by law for  
23 enforcement and collection of child support, including but not  
24 limited to income withholding under the Income Withholding for  
25 Support Act. Each order for support entered or modified on or  
26 after the effective date of this amendatory Act of the 93rd

1 General Assembly must contain a statement notifying the parties  
2 of the requirements of this subsection. Failure to include the  
3 statement in the order for support does not affect the validity  
4 of the order or the operation of the provisions of this  
5 subsection with regard to the order. This subsection shall not  
6 be construed to prevent or affect the establishment or  
7 modification of an order for support of a minor child or the  
8 establishment or modification of an order for support of a  
9 non-minor child or educational expenses under Section 513 of  
10 the Illinois Marriage and Dissolution of Marriage Act.

11 (j) A support obligation, or any portion of a support  
12 obligation, which becomes due and remains unpaid as of the end  
13 of each month, excluding the child support that was due for  
14 that month to the extent that it was not paid in that month,  
15 shall accrue simple interest as set forth in Section 12-109 of  
16 the Code of Civil Procedure. An order for support entered or  
17 modified on or after January 1, 2006 shall contain a statement  
18 that a support obligation required under the order, or any  
19 portion of a support obligation required under the order, that  
20 becomes due and remains unpaid as of the end of each month,  
21 excluding the child support that was due for that month to the  
22 extent that it was not paid in that month, shall accrue simple  
23 interest as set forth in Section 12-109 of the Code of Civil  
24 Procedure. Failure to include the statement in the order for  
25 support does not affect the validity of the order or the  
26 accrual of interest as provided in this Section.

1 (Source: P.A. 93-1061, eff. 1-1-05; 94-90, eff. 1-1-06; revised  
2 12-15-05.)

3 (750 ILCS 16/25)

4 Sec. 25. Payment of support to State Disbursement Unit;  
5 clerk of the court.

6 (a) As used in this Section, "order for support",  
7 "obligor", "obligee", and "payor" mean those terms as defined  
8 in the Income Withholding for Support Act.

9 (b) Each order for support entered or modified under  
10 Section 20 of this Act shall require that support payments be  
11 made to the State Disbursement Unit established under the  
12 Illinois Public Aid Code, under the following circumstances:

13 (1) when a party to the order is receiving child  
14 support enforcement services under Article X of the  
15 Illinois Public Aid Code; or

16 (2) when no party to the order is receiving child  
17 support enforcement services, but the support payments are  
18 made through income withholding.

19 (c) When no party to the order is receiving child support  
20 enforcement services, and payments are not being made through  
21 income withholding, the court shall order the obligor to make  
22 support payments to the clerk of the court.

23 (d) At any time, and notwithstanding the existence of an  
24 order directing payments to be made elsewhere, the Department  
25 of Healthcare and Family Services ~~Public Aid~~ may provide notice

1 to the obligor and, where applicable, to the obligor's payor:

2 (1) to make support payments to the State Disbursement  
3 Unit if:

4 (A) a party to the order for support is receiving  
5 child support enforcement services under Article X of  
6 the Illinois Public Aid Code; or

7 (B) no party to the order for support is receiving  
8 child support enforcement services under Article X of  
9 the Illinois Public Aid Code, but the support payments  
10 are made through income withholding; or

11 (2) to make support payments to the State Disbursement  
12 Unit of another state upon request of another state's Title  
13 IV-D child support enforcement agency, in accordance with  
14 the requirements of Title IV, Part D of the Social Security  
15 Act and regulations promulgated under that Part D.

16 The Department of Healthcare and Family Services ~~Public Aid~~  
17 shall provide a copy of the notice to the obligee and to the  
18 clerk of the circuit court.

19 (e) If a State Disbursement Unit as specified by federal  
20 law has not been created in Illinois upon the effective date of  
21 this Act, then, until the creation of a State Disbursement Unit  
22 as specified by federal law, the following provisions regarding  
23 payment and disbursement of support payments shall control and  
24 the provisions in subsections (a), (b), (c), and (d) shall be  
25 inoperative. Upon the creation of a State Disbursement Unit as  
26 specified by federal law, the payment and disbursement



1 provisions of subsections (a), (b), (c), and (d) shall control,  
2 and this subsection (e) shall be inoperative to the extent that  
3 it conflicts with those subsections.

4 (1) In cases in which an order for support is entered  
5 under Section 20 of this Act, the court shall order that  
6 maintenance and support payments be made to the clerk of  
7 the court for remittance to the person or agency entitled  
8 to receive the payments. However, the court in its  
9 discretion may direct otherwise where exceptional  
10 circumstances so warrant.

11 (2) The court shall direct that support payments be  
12 sent by the clerk to (i) the ~~Illinois~~ Department of  
13 Healthcare and Family Services ~~Public Aid~~ if the person in  
14 whose behalf payments are made is receiving aid under  
15 Articles III, IV, or V of the Illinois Public Aid Code, or  
16 child support enforcement services under Article X of the  
17 Code, or (ii) to the local governmental unit responsible  
18 for the support of the person if he or she is a recipient  
19 under Article VI of the Code. In accordance with federal  
20 law and regulations, the ~~Illinois~~ Department of Healthcare  
21 and Family Services ~~Public Aid~~ may continue to collect  
22 current maintenance payments or child support payments, or  
23 both, after those persons cease to receive public  
24 assistance and until termination of services under Article  
25 X of the Illinois Public Aid Code. The ~~Illinois~~ Department  
26 shall pay the net amount collected to those persons after

1 deducting any costs incurred in making the collection or  
2 any collection fee from the amount of any recovery made.  
3 The order shall permit the ~~Illinois~~ Department of  
4 Healthcare and Family Services ~~Public Aid~~ or the local  
5 governmental unit, as the case may be, to direct that  
6 support payments be made directly to the spouse, children,  
7 or both, or to some person or agency in their behalf, upon  
8 removal of the spouse or children from the public aid rolls  
9 or upon termination of services under Article X of the  
10 Illinois Public Aid Code; and upon such direction, the  
11 ~~Illinois~~ Department or the local governmental unit, as the  
12 case requires, shall give notice of such action to the  
13 court in writing or by electronic transmission.

14 (3) The clerk of the court shall establish and maintain  
15 current records of all moneys received and disbursed and of  
16 delinquencies and defaults in required payments. The  
17 court, by order or rule, shall make provision for the  
18 carrying out of these duties.

19 (4) (Blank).

20 (5) Payments under this Section to the ~~Illinois~~  
21 Department of Healthcare and Family Services ~~Public Aid~~  
22 pursuant to the Child Support Enforcement Program  
23 established by Title IV-D of the Social Security Act shall  
24 be paid into the Child Support Enforcement Trust Fund. All  
25 other payments under this Section to the ~~Illinois~~  
26 Department of Healthcare and Family Services ~~Public Aid~~

1 shall be deposited in the Public Assistance Recoveries  
2 Trust Fund. Disbursements from these funds shall be as  
3 provided in the Illinois Public Aid Code. Payments received  
4 by a local governmental unit shall be deposited in that  
5 unit's General Assistance Fund.

6 (6) For those cases in which child support is payable  
7 to the clerk of the circuit court for transmittal to the  
8 Department of Healthcare and Family Services (formerly  
9 Illinois Department of Public Aid) by order of court or  
10 upon notification by the Department of Healthcare and  
11 Family Services (formerly Illinois Department of Public  
12 Aid), the clerk shall transmit all such payments, within 4  
13 working days of receipt, to insure that funds are available  
14 for immediate distribution by the Department to the person  
15 or entity entitled thereto in accordance with standards of  
16 the Child Support Enforcement Program established under  
17 Title IV-D of the Social Security Act. The clerk shall  
18 notify the Department of the date of receipt and amount  
19 thereof at the time of transmittal. Where the clerk has  
20 entered into an agreement of cooperation with the  
21 Department to record the terms of child support orders and  
22 payments made thereunder directly into the Department's  
23 automated data processing system, the clerk shall account  
24 for, transmit and otherwise distribute child support  
25 payments in accordance with such agreement in lieu of the  
26 requirements contained herein.

1 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

2 (750 ILCS 16/30)

3 Sec. 30. Information to State Case Registry.

4 (a) In this Section:

5 "Order for support", "obligor", "obligee", and "business  
6 day" are defined as set forth in the Income Withholding for  
7 Support Act.

8 "State Case Registry" means the State Case Registry  
9 established under Section 10-27 of the Illinois Public Aid  
10 Code.

11 (b) Each order for support entered or modified by the  
12 circuit court under this Act shall require that the obligor and  
13 obligee (i) file with the clerk of the circuit court the  
14 information required by this Section (and any other information  
15 required under Title IV, Part D of the Social Security Act or  
16 by the federal Department of Health and Human Services) at the  
17 time of entry or modification of the order for support and (ii)  
18 file updated information with the clerk within 5 business days  
19 of any change. Failure of the obligor or obligee to file or  
20 update the required information shall be punishable as in cases  
21 of contempt. The failure shall not prevent the court from  
22 entering or modifying the order for support, however.

23 (c) The obligor shall file the following information: the  
24 obligor's name, date of birth, social security number, and  
25 mailing address.

1           If either the obligor or the obligee receives child support  
2 enforcement services from the ~~Illinois~~ Department of  
3 Healthcare and Family Services ~~Public Aid~~ under Article X of  
4 the Illinois Public Aid Code, the obligor shall also file the  
5 following information: the obligor's telephone number,  
6 driver's license number, and residential address (if different  
7 from the obligor's mailing address), and the name, address, and  
8 telephone number of the obligor's employer or employers.

9           (d) The obligee shall file the following information:

10           (1) The names of the obligee and the child or children  
11 covered by the order for support.

12           (2) The dates of birth of the obligee and the child or  
13 children covered by the order for support.

14           (3) The social security numbers of the obligee and the  
15 child or children covered by the order for support.

16           (4) The obligee's mailing address.

17           (e) In cases in which the obligee receives child support  
18 enforcement services from the ~~Illinois~~ Department of  
19 Healthcare and Family Services ~~Public Aid~~ under Article X of  
20 the Illinois Public Aid Code, the order for support shall (i)  
21 require that the obligee file the information required under  
22 subsection (d) with the ~~Illinois~~ Department of Healthcare and  
23 Family Services ~~Public Aid~~ for inclusion in the State Case  
24 Registry, rather than file the information with the clerk, and  
25 (ii) require that the obligee include the following additional  
26 information:

1           (1) The obligee's telephone and driver's license  
2 numbers.

3           (2) The obligee's residential address, if different  
4 from the obligee's mailing address.

5           (3) The name, address, and telephone number of the  
6 obligee's employer or employers.

7           The order for support shall also require that the obligee  
8 update the information filed with the ~~Illinois~~ Department of  
9 Healthcare and Family Services ~~Public Aid~~ within 5 business  
10 days of any change.

11           (f) The clerk shall provide the information filed under  
12 this Section, together with the court docket number and county  
13 in which the order for support was entered, to the State Case  
14 Registry within 5 business days after receipt of the  
15 information.

16           (g) In a case in which a party is receiving child support  
17 enforcement services under Article X of the Illinois Public Aid  
18 Code, the clerk shall provide the following additional  
19 information to the State Case Registry within 5 business days  
20 after entry or modification of an order for support or request  
21 from the ~~Illinois~~ Department of Healthcare and Family Services  
22 ~~Public Aid~~:

23           (1) The amount of monthly or other periodic support  
24 owed under the order for support and other amounts,  
25 including arrearage, interest, or late payment penalties  
26 and fees, due or overdue under the order.

1           (2) Any such amounts that have been received by the  
2 clerk, and the distribution of those amounts by the clerk.

3           (h) Information filed by the obligor and obligee under this  
4 Section that is not specifically required to be included in the  
5 body of an order for support under other laws is not a public  
6 record and shall be treated as confidential and subject to  
7 disclosure only in accordance with the provisions of this  
8 Section, Section 10-27 of the Illinois Public Aid Code, and  
9 Title IV, Part D of the Social Security Act.

10         (Source: P.A. 91-613, eff. 10-1-99; 92-463, eff. 8-22-01;  
11 revised 12-15-05.)

12           (750 ILCS 16/35)

13           Sec. 35. Fine; release of defendant on probation; violation  
14 of order for support; forfeiture of recognizance.

15           (a) Whenever a fine is imposed it may be directed by the  
16 court to be paid, in whole or in part, to the spouse,  
17 ex-spouse, or if the support of a child or children is  
18 involved, to the custodial parent, to the clerk, probation  
19 officer, or to the ~~Illinois~~ Department of Healthcare and Family  
20 Services ~~Public Aid~~ if a recipient of child support enforcement  
21 services under Article X of the Illinois Public Aid Code is  
22 involved as the case requires, to be disbursed by such officers  
23 or agency under the terms of the order.

24           (b) The court may also relieve the defendant from custody  
25 on probation for the period fixed in the order or judgment upon

1 his or her entering into a recognizance, with or without  
2 surety, in the sum as the court orders and approves. The  
3 condition of the recognizance shall be such that if the  
4 defendant makes his or her personal appearance in court  
5 whenever ordered to do so by the court, during such period as  
6 may be so fixed, and further complies with the terms of the  
7 order for support, or any subsequent modification of the order,  
8 then the recognizance shall be void; otherwise it will remain  
9 in full force and effect.

10 (c) If the court is satisfied by testimony in open court,  
11 that at any time during the period of one year the defendant  
12 has violated the terms of the order for support, it may proceed  
13 with the trial of the defendant under the original charge, or  
14 sentence him or her under the original conviction, or enforce  
15 the suspended sentence, as the case may be. In case of  
16 forfeiture of recognizance, and enforcement of recognizance by  
17 execution, the sum so recovered may, in the discretion of the  
18 court, be paid, in whole or in part, to the spouse, ex-spouse,  
19 or if the support of a child or children is involved, to the  
20 custodial parent, to the clerk, or to the ~~Illinois~~ Department  
21 of Healthcare and Family Services ~~Public Aid~~ if a recipient of  
22 child support enforcement services under Article X of the  
23 Illinois Public Aid Code is involved as the case requires, to  
24 be disbursed by the clerk or the Department under the terms of  
25 the order.

26 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02;



1 revised 12-15-05.)

2 (750 ILCS 16/60)

3 Sec. 60. Unemployed persons owing duty of support.

4 (a) Whenever it is determined in a proceeding to establish  
5 or enforce a child support or maintenance obligation that the  
6 person owing a duty of support is unemployed, the court may  
7 order the person to seek employment and report periodically to  
8 the court with a diary, listing or other memorandum of his or  
9 her efforts in accordance with such order. Additionally, the  
10 court may order the unemployed person to report to the  
11 Department of Employment Security for job search services or to  
12 make application with the local Job Training Partnership Act  
13 provider for participation in job search, training, or work  
14 programs and where the duty of support is owed to a child  
15 receiving child support enforcement services under Article X of  
16 the Illinois Public Aid Code the court may order the unemployed  
17 person to report to the ~~Illinois~~ Department of Healthcare and  
18 Family Services ~~Public Aid~~ for participation in job search,  
19 training, or work programs established under Section 9-6 and  
20 Article IXA of that Code.

21 (b) Whenever it is determined that a person owes past due  
22 support for a child or for a child and the parent with whom the  
23 child is living, and the child is receiving assistance under  
24 the Illinois Public Aid Code, the court shall order at the  
25 request of the ~~Illinois~~ Department of Healthcare and Family

1 Services ~~Public Aid~~:

2 (1) that the person pay the past-due support in  
3 accordance with a plan approved by the court; or

4 (2) if the person owing past-due support is unemployed,  
5 is subject to such a plan, and is not incapacitated, that  
6 the person participate in such job search, training, or  
7 work programs established under Section 9-6 and Article IXA  
8 of the Illinois Public Aid Code as the court deems  
9 appropriate.

10 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01;  
11 92-590, eff. 7-1-02; revised 12-15-05.)

12 Section 1135. The Uniform Interstate Family Support Act is  
13 amended by changing Sections 103, 310, and 320 as follows:

14 (750 ILCS 22/103) (was 750 ILCS 22/102)

15 Sec. 103. Tribunal of State. The circuit court is a  
16 tribunal of this State. The ~~Illinois~~ Department of Healthcare  
17 and Family Services ~~Public Aid~~ is an initiating tribunal. The  
18 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
19 ~~Aid~~ is also a responding tribunal of this State to the extent  
20 that it can administratively establish paternity and  
21 establish, modify, and enforce an administrative child-support  
22 order under authority of Article X of the Illinois Public Aid  
23 Code.

24 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised

1 12-15-05.)

2 (750 ILCS 22/310)

3 Sec. 310. Duties of the ~~Illinois~~ Department of Healthcare  
4 and Family Services ~~Public Aid~~.

5 (a) The ~~Illinois~~ Department of Healthcare and Family  
6 Services ~~Public Aid~~ is the state information agency under this  
7 Act.

8 (b) The state information agency shall:

9 (1) compile and maintain a current list, including  
10 addresses, of the tribunals in this State which have  
11 jurisdiction under this Act and any support enforcement  
12 agencies in this State and transmit a copy to the state  
13 information agency of every other state;

14 (2) maintain a register of names and addresses of  
15 tribunals and support enforcement agencies received from  
16 other states;

17 (3) forward to the appropriate tribunal in the county  
18 in this State in which the obligee who is an individual or  
19 the obligor resides, or in which the obligor's property is  
20 believed to be located, all documents concerning a  
21 proceeding under this Act received from an initiating  
22 tribunal or the state information agency of the initiating  
23 state; and

24 (4) obtain information concerning the location of the  
25 obligor and the obligor's property within this State not

1 exempt from execution, by such means as postal verification  
2 and federal or state locator services, examination of  
3 telephone directories, requests for the obligor's address  
4 from employers, and examination of governmental records,  
5 including, to the extent not prohibited by other law, those  
6 relating to real property, vital statistics, law  
7 enforcement, taxation, motor vehicles, driver's licenses,  
8 and social security.

9 (c) The ~~Illinois~~ Department of Healthcare and Family  
10 Services ~~Public Aid~~ may determine that a foreign country or  
11 political subdivision has established a reciprocal arrangement  
12 for child support with Illinois and take appropriate action for  
13 notification of this determination.

14 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised  
15 12-15-05.)

16 (750 ILCS 22/320)

17 Sec. 320. Payment of Support to State Disbursement Unit.

18 (a) As used in this Section:

19 "Order for support", "obligor", "obligee", and "payor"  
20 mean those terms as defined in the Income Withholding for  
21 Support Act, except that "order for support" means an order  
22 entered by any tribunal of this State but shall not mean orders  
23 providing for spousal maintenance under which there is no child  
24 support obligation.

25 (b) Notwithstanding any other provision of this Act to the

1 contrary, each order for support entered or modified on or  
2 after October 1, 1999 shall require that support payments be  
3 made to the State Disbursement Unit established under Section  
4 10-26 of the Illinois Public Aid Code if:

5 (1) a party to the order is receiving child support  
6 enforcement services under Article X of the Illinois Public  
7 Aid Code; or

8 (2) no party to the order is receiving child support  
9 enforcement services, but the support payments are made  
10 through income withholding.

11 (c) Support payments shall be made to the State  
12 Disbursement Unit if:

13 (1) the order for support was entered before October 1,  
14 1999, and a party to the order is receiving child support  
15 enforcement services under Article X of the Illinois Public  
16 Aid Code; or

17 (2) no party to the order is receiving child support  
18 enforcement services, and the support payments are being  
19 made through income withholding.

20 (c-5) If no party to the order is receiving child support  
21 enforcement services under Article X of the Illinois Public Aid  
22 Code, and the support payments are not made through income  
23 withholding, then support payments shall be made as directed by  
24 the order for support.

25 (c-10) At any time, and notwithstanding the existence of an  
26 order directing payments to be made elsewhere, the Department

1 of Healthcare and Family Services ~~Public Aid~~ may provide notice  
2 to the obligor and, where applicable, to the obligor's payor:

3 (1) to make support payments to the State Disbursement  
4 Unit if:

5 (A) a party to the order for support is receiving  
6 child support enforcement services under Article X of  
7 the Illinois Public Aid Code; or

8 (B) no party to the order for support is receiving  
9 child support enforcement services under Article X of  
10 the Illinois Public Aid Code, but the support payments  
11 are made through income withholding; or

12 (2) to make support payments to the State Disbursement  
13 Unit of another state upon request of another state's Title  
14 IV-D child support enforcement agency, in accordance with  
15 the requirements of Title IV, Part D of the Social Security  
16 Act and regulations promulgated under that Part D.

17 The Department of Healthcare and Family Services ~~Public Aid~~  
18 shall provide a copy of the notice to the obligee and to the  
19 clerk of the circuit court.

20 (c-15) Within 15 days after the effective date of this  
21 amendatory Act of the 91st General Assembly, the clerk of the  
22 circuit court shall provide written notice to the obligor to  
23 make payments directly to the clerk of the circuit court if no  
24 party to the order is receiving child support enforcement  
25 services under Article X of the Illinois Public Aid Code, the  
26 support payments are not made through income withholding, and

1 the order for support requires support payments to be made  
2 directly to the clerk of the circuit court. The clerk shall  
3 provide a copy of the notice to the obligee.

4 (c-20) If the State Disbursement Unit receives a support  
5 payment that was not appropriately made to the Unit under this  
6 Section, the Unit shall immediately return the payment to the  
7 sender, including, if possible, instructions detailing where  
8 to send the support payments.

9 (d) The notices under subsections (c-10) and (c-15) may be  
10 sent by ordinary mail, certified mail, return receipt  
11 requested, facsimile transmission, or other electronic  
12 process, or may be served upon the obligor or payor using any  
13 method provided by law for service of a summons.

14 (Source: P.A. 91-677, eff. 1-5-00; 92-590, eff. 7-1-02; revised  
15 12-15-05.)

16 Section 1140. The Unified Child Support Services Act is  
17 amended by changing Section 5 as follows:

18 (750 ILCS 24/5)

19 Sec. 5. Definitions. In this Act:

20 "Child support services" mean any services provided with  
21 respect to parentage establishment, support establishment,  
22 medical support establishment, support modification, or  
23 support enforcement.

24 "Child support specialist" means a paralegal, attorney, or

1 other staff member with specialized training in child support  
2 services.

3 "Current child support case" means a case that is pending  
4 in the IV-D Child Support Program for which any action is being  
5 taken by a Unified Child Support Services Program.

6 "Department" means the ~~Illinois~~ Department of Healthcare  
7 and Family Services ~~Public Aid~~.

8 "IV-D Child Support Program" means the child support  
9 enforcement program established pursuant to Title IV, Part D of  
10 the federal Social Security Act and Article X of the Illinois  
11 Public Aid Code.

12 "KIDS" means the Key Information Delivery System that  
13 includes a statewide database of all cases in the IV-D Child  
14 Support Program.

15 "Medicaid" means the medical assistance program under  
16 Article V of the Illinois Public Aid Code.

17 "Obligor" and "obligee" mean those terms as defined in the  
18 Income Withholding for Support Act.

19 "Plan" means a plan for a Unified Child Support Services  
20 Program.

21 "Program" means the Unified Child Support Services Program  
22 in a county or group of counties.

23 "State Disbursement Unit" means the State Disbursement  
24 Unit established under Section 10-26 of the Illinois Public Aid  
25 Code.

26 "State's Attorney" means the duly elected State's Attorney



1 of an Illinois county or 2 or more State's Attorneys who have  
2 formed a consortium for purposes of managing a Unified Child  
3 Support Services Program within a specific region of the State.

4 "Temporary Assistance for Needy Families" means the  
5 Temporary Assistance for Needy Families (TANF) program under  
6 Article IV of the Illinois Public Aid Code.

7 (Source: P.A. 92-876, eff. 6-1-03; revised 12-15-05.)

8 Section 1145. The Expedited Child Support Act of 1990 is  
9 amended by changing Sections 3 and 6 as follows:

10 (750 ILCS 25/3) (from Ch. 40, par. 2703)

11 Sec. 3. Definitions. For the purposes of this Act, the  
12 following terms shall have the following meaning:

13 (a) "Administrative Hearing Officer" shall mean the person  
14 employed by the Chief Judge of the Circuit Court of each county  
15 establishing an Expedited Child Support System for the purpose  
16 of hearing child support and parentage matters and making  
17 recommendations.

18 (b) "Administrative expenses" shall mean, but not be  
19 limited to, the costs of personnel, travel, equipment,  
20 telecommunications, postage, space, contractual services, and  
21 other related costs necessary to implement the provisions of  
22 this Act.

23 (c) "Arrearage" shall mean the total amount of unpaid child  
24 support obligations.

1 (d) "Department" shall mean the ~~Illinois~~ Department of  
2 Healthcare and Family Services ~~Public Aid~~.

3 (e) "Expedited child support hearing" shall mean a hearing  
4 before an Administrative Hearing Officer pursuant to this Act.

5 (f) "Federal time frames" shall mean the time frames  
6 established for the IV-D program in regulations promulgated by  
7 the United States Department of Health and Human Services,  
8 Office of Child Support Enforcement, (codified at 45 C.F.R.  
9 303), for the disposition of parentage and child support cases  
10 and shall, for purposes of this Act, apply to all parentage and  
11 child support matters, whether IV-D or non-IV-D.

12 (g) "System" shall mean the procedures and personnel  
13 created by this Act for the expedited establishment,  
14 modification, and enforcement of child support orders, and for  
15 the expedited establishment of parentage.

16 (h) "IV-D program" shall mean the Child Support Enforcement  
17 Program established pursuant to Title IV, Part D of the Social  
18 Security Act, (42 U.S.C. 651 et seq.) as administered by the  
19 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
20 ~~Aid~~.

21 (i) "Medical support" shall mean support provided pursuant  
22 to Section 505.2 of the Illinois Marriage and Dissolution of  
23 Marriage Act.

24 (j) "Obligee" shall mean the individual to whom a duty of  
25 support is owed or that individual's legal representative.

26 (k) "Obligor" shall mean the individual who owes a duty to

1 make payments under an order of support.

2 (l) "Plan" shall mean the plan submitted by the Chief Judge  
3 of a Judicial Circuit to the Supreme Court for the creation of  
4 an Expedited Child Support System in such circuit pursuant to  
5 this Act.

6 (m) "Pre-hearing motions" shall mean all motions, the  
7 disposition of which requires a court order, except motions for  
8 the ultimate relief requested in the petition to commence the  
9 action.

10 (n) "Recommendations" shall mean the Administrative  
11 Hearing Officer's proposed findings of fact, recommended  
12 orders and any other recommendations made by the Administrative  
13 Hearing Officer.

14 (Source: P.A. 86-1401; revised 12-15-05.)

15 (750 ILCS 25/6) (from Ch. 40, par. 2706)

16 Sec. 6. Authority of hearing officers.

17 (a) With the exception of judicial functions exclusively  
18 retained by the court in Section 8 of this Act and in  
19 accordance with Supreme Court rules promulgated pursuant to  
20 this Act, Administrative Hearing Officers shall be authorized  
21 to:

22 (1) Accept voluntary agreements reached by the parties  
23 setting the amount of child support to be paid and medical  
24 support liability and recommend the entry of orders  
25 incorporating such agreements.

1           (2) Accept voluntary acknowledgments of parentage and  
2           recommend entry of an order establishing parentage based on  
3           such acknowledgement. Prior to accepting such  
4           acknowledgment, the Administrative Hearing Officer shall  
5           advise the putative father of his rights and obligations in  
6           accordance with Supreme Court rules promulgated pursuant  
7           to this Act.

8           (3) Manage all stages of discovery, including setting  
9           deadlines by which discovery must be completed; and  
10          directing the parties to submit to appropriate tests  
11          pursuant to Section 11 of the Illinois Parentage Act of  
12          1984.

13          (4) Cause notices to be issued requiring the Obligor to  
14          appear either before the Administrative Hearing Officer or  
15          in court.

16          (5) Administer the oath or affirmation and take  
17          testimony under oath or affirmation.

18          (6) Analyze the evidence and prepare written  
19          recommendations based on such evidence, including but not  
20          limited to: (i) proposed findings as to the amount of the  
21          Obligor's income; (ii) proposed findings as to the amount  
22          and nature of appropriate deductions from the Obligor's  
23          income to determine the Obligor's net income; (iii)  
24          proposed findings as to the existence of relevant factors  
25          as set forth in subsection (a)(2) of Section 505 of the  
26          Illinois Marriage and Dissolution of Marriage Act, which

1 justify setting child support payment levels above or below  
2 the guidelines; (iv) recommended orders for temporary  
3 child support; (v) recommended orders setting the amount of  
4 current child support to be paid; (vi) proposed findings as  
5 to the existence and amount of any arrearages; (vii)  
6 recommended orders reducing any arrearages to judgement  
7 and for the payment of amounts towards such arrearages;  
8 (viii) proposed findings as to whether there has been a  
9 substantial change of circumstances since the entry of the  
10 last child support order, or other circumstances  
11 justifying a modification of the child support order; and  
12 (ix) proposed findings as to whether the Obligor is  
13 employed.

14 (7) With respect to any unemployed Obligor who is not  
15 making child support payments or is otherwise unable to  
16 provide support, recommend that the Obligor be ordered to  
17 seek employment and report periodically of his or her  
18 efforts in accordance with such order. Additionally, the  
19 Administrative Hearing Officer may recommend that the  
20 Obligor be ordered to report to the Department of  
21 Employment Security for job search services or to make  
22 application with the local Job Training Partnership Act  
23 provider for participation in job search, training or work  
24 programs and, where the duty of support is owed to a child  
25 receiving child support enforcement services under Article  
26 X of the Illinois Public Aid Code, the Administrative

1 Hearing Officer may recommend that the Obligor be ordered  
2 to report to the ~~Illinois~~ Department of Healthcare and  
3 Family Services ~~Public Aid~~ for participation in the job  
4 search, training or work programs established under  
5 Section 9-6 of the Illinois Public Aid Code.

6 (8) Recommend the registration of any foreign support  
7 judgments or orders as the judgments or orders of Illinois.

8 (b) In any case in which the Obligee is not participating  
9 in the IV-D program or has not applied to participate in the  
10 IV-D program, the Administrative Hearing Officer shall:

11 (1) inform the Obligee of the existence of the IV-D  
12 program and provide applications on request; and

13 (2) inform the Obligee and the Obligor of the option of  
14 requesting payment to be made through the Clerk of the  
15 Circuit Court.

16 If a request for payment through the Clerk is made, the  
17 Administrative Hearing Officer shall note this fact in the  
18 recommendations to the court.

19 (c) The Administrative Hearing Officer may make  
20 recommendations in addition to the proposed findings of fact  
21 and recommended order to which the parties have agreed.

22 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; revised  
23 12-15-05.)

24 Section 1150. The Income Withholding for Support Act is  
25 amended by changing Sections 15, 22, and 45 as follows:

1 (750 ILCS 28/15)

2 Sec. 15. Definitions.

3 (a) "Order for support" means any order of the court which  
4 provides for periodic payment of funds for the support of a  
5 child or maintenance of a spouse, whether temporary or final,  
6 and includes any such order which provides for:

7 (1) modification or resumption of, or payment of  
8 arrearage, including interest, accrued under, a previously  
9 existing order;

10 (2) reimbursement of support;

11 (3) payment or reimbursement of the expenses of  
12 pregnancy and delivery (for orders for support entered  
13 under the Illinois Parentage Act of 1984 or its predecessor  
14 the Paternity Act); or

15 (4) enrollment in a health insurance plan that is  
16 available to the obligor through an employer or labor union  
17 or trade union.

18 (b) "Arrearage" means the total amount of unpaid support  
19 obligations, including interest, as determined by the court and  
20 incorporated into an order for support.

21 (b-5) "Business day" means a day on which State offices are  
22 open for regular business.

23 (c) "Delinquency" means any payment, including a payment of  
24 interest, under an order for support which becomes due and  
25 remains unpaid after entry of the order for support.

1 (d) "Income" means any form of periodic payment to an  
2 individual, regardless of source, including, but not limited  
3 to: wages, salary, commission, compensation as an independent  
4 contractor, workers' compensation, disability, annuity,  
5 pension, and retirement benefits, lottery prize awards,  
6 insurance proceeds, vacation pay, bonuses, profit-sharing  
7 payments, interest, and any other payments, made by any person,  
8 private entity, federal or state government, any unit of local  
9 government, school district or any entity created by Public  
10 Act; however, "income" excludes:

11 (1) any amounts required by law to be withheld, other  
12 than creditor claims, including, but not limited to,  
13 federal, State and local taxes, Social Security and other  
14 retirement and disability contributions;

15 (2) union dues;

16 (3) any amounts exempted by the federal Consumer Credit  
17 Protection Act;

18 (4) public assistance payments; and

19 (5) unemployment insurance benefits except as provided  
20 by law.

21 Any other State or local laws which limit or exempt income  
22 or the amount or percentage of income that can be withheld  
23 shall not apply.

24 (e) "Obligor" means the individual who owes a duty to make  
25 payments under an order for support.

26 (f) "Obligee" means the individual to whom a duty of



1 support is owed or the individual's legal representative.

2 (g) "Payor" means any payor of income to an obligor.

3 (h) "Public office" means any elected official or any State  
4 or local agency which is or may become responsible by law for  
5 enforcement of, or which is or may become authorized to  
6 enforce, an order for support, including, but not limited to:  
7 the Attorney General, the Illinois Department of Healthcare and  
8 Family Services ~~Public Aid~~, the Illinois Department of Human  
9 Services, the Illinois Department of Children and Family  
10 Services, and the various State's Attorneys, Clerks of the  
11 Circuit Court and supervisors of general assistance.

12 (i) "Premium" means the dollar amount for which the obligor  
13 is liable to his employer or labor union or trade union and  
14 which must be paid to enroll or maintain a child in a health  
15 insurance plan that is available to the obligor through an  
16 employer or labor union or trade union.

17 (j) "State Disbursement Unit" means the unit established to  
18 collect and disburse support payments in accordance with the  
19 provisions of Section 10-26 of the Illinois Public Aid Code.

20 (k) "Title IV-D Agency" means the agency of this State  
21 charged by law with the duty to administer the child support  
22 enforcement program established under Title IV, Part D of the  
23 Social Security Act and Article X of the Illinois Public Aid  
24 Code.

25 (l) "Title IV-D case" means a case in which an obligee or  
26 obligor is receiving child support enforcement services under

1 Title IV, Part D of the Social Security Act and Article X of  
2 the Illinois Public Aid Code.

3 (m) "National Medical Support Notice" means the notice  
4 required for enforcement of orders for support providing for  
5 health insurance coverage of a child under Title IV, Part D of  
6 the Social Security Act, the Employee Retirement Income  
7 Security Act of 1974, and federal regulations promulgated under  
8 those Acts.

9 (n) "Employer" means a payor or labor union or trade union  
10 with an employee group health insurance plan and, for purposes  
11 of the National Medical Support Notice, also includes but is  
12 not limited to:

13 (1) any State or local governmental agency with a group  
14 health plan; and

15 (2) any payor with a group health plan or "church plan"  
16 covered under the Employee Retirement Income Security Act  
17 of 1974.

18 (Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

19 (750 ILCS 28/22)

20 Sec. 22. Use of National Medical Support Notice to enforce  
21 health insurance coverage.

22 (a) Notwithstanding the provisions of subdivision (c)(4)  
23 of Section 20, when an order for support is being enforced by  
24 the Title IV-D Agency under this Act, any requirement for  
25 health insurance coverage to be provided through an employer,

1 including withholding of premiums from the income of the  
2 obligor, shall be enforced through use of a National Medical  
3 Support Notice instead of through provisions in an income  
4 withholding notice.

5 (b) A National Medical Support Notice may be served on the  
6 employer in the manner and under the circumstances provided for  
7 serving an income withholding notice under this Act, except  
8 that an order for support that conditions service of an income  
9 withholding notice on the obligor becoming delinquent in paying  
10 the order for support, as provided under subdivision (a) (1) of  
11 Section 20, shall not prevent immediate service of a National  
12 Medical Support Notice by the Title IV-D Agency. The Title IV-D  
13 Agency may serve a National Medical Support Notice on an  
14 employer in conjunction with service of an income withholding  
15 notice. Service of an income withholding notice is not a  
16 condition for service of a National Medical Support Notice,  
17 however.

18 (c) At the time of service of a National Medical Support  
19 Notice on the employer, the Title IV-D Agency shall serve a  
20 copy of the Notice on the obligor by ordinary mail addressed to  
21 the obligor's last known address. The Title IV-D Agency shall  
22 file a copy of the National Medical Support Notice, together  
23 with proofs of service on the employer and the obligor, with  
24 the clerk of the circuit court.

25 (d) Within 20 business days after the date of a National  
26 Medical Support Notice, an employer served with the Notice

1 shall transfer the severable notice to plan administrator to  
2 the appropriate group health plan providing any health  
3 insurance coverage for which the child is eligible. As required  
4 in the part of the National Medical Support Notice directed to  
5 the employer, the employer shall withhold any employee premium  
6 necessary for coverage of the child and shall send any amount  
7 withheld directly to the plan. The employer shall commence the  
8 withholding no later than the next payment of income that  
9 occurs 14 days following the date the National Medical Support  
10 Notice was mailed, sent by facsimile or other electronic means,  
11 or placed for personal delivery to or service on the employer.

12 Notwithstanding the requirement to withhold premiums from  
13 the obligor's income, if the plan administrator informs the  
14 employer that the child is enrolled in an option under the plan  
15 for which the employer has determined that the obligor's  
16 premium exceeds the amount that may be withheld from the  
17 obligor's income due to the withholding limitation or  
18 prioritization contained in Section 35 of this Act, the  
19 employer shall complete the appropriate item in the part of the  
20 National Medical Support Notice directed to the employer  
21 according to the instructions in the Notice and shall return  
22 that part to the Title IV-D Agency.

23 (e) If one of the following circumstances exists, an  
24 employer served with a National Medical Support Notice shall  
25 complete the part of the Notice directed to the employer in  
26 accordance with the instructions in the Notice and shall return

1 that part to the Title IV-D Agency within 20 business days  
2 after the date of the Notice:

3 (1) The employer does not maintain or contribute to  
4 plans providing dependent or family health insurance  
5 coverage.

6 (2) The obligor is among a class of employees that is  
7 not eligible for family health insurance coverage under any  
8 group health plan maintained by the employer or to which  
9 the employer contributes.

10 (3) Health insurance coverage is not available because  
11 the obligor is no longer employed by the employer.

12 (f) The administrator of a health insurance plan to whom an  
13 employer has transferred the severable notice to plan  
14 administrator part of a National Medical Support Notice shall  
15 complete that part with the health insurance coverage  
16 information required under the instructions in the Notice and  
17 shall return that part to the Title IV-D Agency within 40  
18 business days after the date of the Notice.

19 (g) The obligor may contest withholding under this Section  
20 based only on a mistake of fact and may contest withholding by  
21 filing a petition with the clerk of the circuit court within 20  
22 days after service of a copy of the National Medical Support  
23 Notice on the obligor. The obligor must serve a copy of the  
24 petition on the Title IV-D Agency at the address stated in the  
25 National Medical Support Notice. The National Medical Support  
26 Notice, including the requirement to withhold any required

1 premium, shall continue to be binding on the employer until the  
2 employer is served with a court order resolving the contest or  
3 until notified by the Title IV-D Agency.

4 (h) Whenever the obligor is no longer receiving income from  
5 the employer, the employer shall return a copy of the National  
6 Medical Support Notice to the Title IV-D Agency and shall  
7 provide information for the purpose of enforcing health  
8 insurance coverage under this Section.

9 (i) The Title IV-D Agency shall promptly notify the  
10 employer when there is no longer a current order for health  
11 insurance coverage in effect which the Title IV-D Agency is  
12 responsible for enforcing.

13 (j) Unless stated otherwise in this Section, all of the  
14 provisions of this Act relating to income withholding for  
15 support shall pertain to income withholding for health  
16 insurance coverage under a National Medical Support Notice,  
17 including but not limited to the duties of the employer and  
18 obligor, and the penalties contained in Section 35 and Section  
19 50. In addition, an employer who willfully fails to transfer  
20 the severable notice to plan administrator part of a National  
21 Medical Support Notice to the appropriate group health plan  
22 providing health insurance coverage for which the child is  
23 eligible, within 20 business days after the date of the Notice,  
24 is liable for the full amount of medical expenses incurred by  
25 or on behalf of the child which would have been paid or  
26 reimbursed by the health insurance coverage had the severable

1 notice to plan administrator part of the Notice been timely  
2 transferred to the group health insurance plan. This penalty  
3 may be collected in a civil action that may be brought against  
4 the employer in favor of the obligee or the Title IV-D Agency.

5 (k) To the extent that any other State or local law may be  
6 construed to limit or prevent compliance by an employer or  
7 health insurance plan administrator with the requirements of  
8 this Section and federal law and regulations pertaining to the  
9 National Medical Support Notice, that State or local law shall  
10 not apply.

11 (l) As the Title IV-D Agency, the Department of Healthcare  
12 and Family Services ~~Public Aid~~ shall adopt any rules necessary  
13 for use of and compliance with the National Medical Support  
14 Notice.

15 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

16 (750 ILCS 28/45)

17 Sec. 45. Additional duties.

18 (a) An obligee who is receiving income withholding payments  
19 under this Act shall notify the State Disbursement Unit and the  
20 Clerk of the Circuit Court of any change of address within 7  
21 days of such change.

22 (b) An obligee who is a recipient of public aid shall send  
23 a copy of any income withholding notice served by the obligee  
24 to the Division of Child Support Enforcement of the ~~Illinois~~  
25 Department of Healthcare and Family Services ~~Public Aid~~.

1 (c) Each obligor shall notify the obligee, the public  
2 office, and the Clerk of the Circuit Court of any change of  
3 address within 7 days.

4 (d) An obligor whose income is being withheld pursuant to  
5 this Act shall notify the obligee, the public office, and the  
6 Clerk of the Circuit Court of any new payor, within 7 days.

7 (e) (Blank.)

8 (f) The obligee or public office shall provide notice to  
9 the payor and Clerk of the Circuit Court of any other support  
10 payment made, including but not limited to, a set-off under  
11 federal and State law or partial payment of the delinquency or  
12 arrearage, or both.

13 (g) The State Disbursement Unit shall maintain complete,  
14 accurate, and clear records of all income withholding payments  
15 and their disbursements. Certified copies of payment records  
16 maintained by the State Disbursement Unit, a public office, or  
17 the Clerk of the Circuit Court shall, without further proof, be  
18 admitted into evidence in any legal proceedings under this Act.

19 (h) The ~~Illinois~~ Department of Healthcare and Family  
20 Services ~~Public Aid~~ shall design suggested legal forms for  
21 proceeding under this Act and shall make available to the  
22 courts such forms and informational materials which describe  
23 the procedures and remedies set forth herein for distribution  
24 to all parties in support actions.

25 (i) At the time of transmitting each support payment, the  
26 State Disbursement Unit shall provide the obligee or public



1 office, as appropriate, with any information furnished by the  
2 payor as to the date the amount would (but for the duty to  
3 withhold income) have been paid or credited to the obligor.  
4 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,  
5 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99;  
6 revised 12-15-05.)

7 Section 1155. The Illinois Parentage Act of 1984 is amended  
8 by changing Sections 4.1, 5, 7, 8, 13.1, 14, 14.1, 15.1, 18,  
9 21, 21.1, 22, 23, and 28 as follows:

10 (750 ILCS 45/4.1)

11 Sec. 4.1. Administrative paternity determinations.  
12 Notwithstanding any other provision of this Act, the ~~Illinois~~  
13 Department of Healthcare and Family Services ~~Public Aid~~ may  
14 make administrative determinations of paternity and  
15 nonpaternity in accordance with Section 10-17.7 of the Illinois  
16 Public Aid Code. These determinations of paternity or  
17 nonpaternity shall have the full force and effect of judgments  
18 entered under this Act.

19 (Source: P.A. 88-687, eff. 1-24-95; revised 12-15-05.)

20 (750 ILCS 45/5) (from Ch. 40, par. 2505)

21 Sec. 5. Presumption of Paternity.

22 (a) A man is presumed to be the natural father of a child  
23 if:

1           (1) he and the child's natural mother are or have been  
2 married to each other, even though the marriage is or could  
3 be declared invalid, and the child is born or conceived  
4 during such marriage;

5           (2) after the child's birth, he and the child's natural  
6 mother have married each other, even though the marriage is  
7 or could be declared invalid, and he is named, with his  
8 written consent, as the child's father on the child's birth  
9 certificate;

10          (3) he and the child's natural mother have signed an  
11 acknowledgment of paternity in accordance with rules  
12 adopted by the ~~Illinois~~ Department of Healthcare and Family  
13 Services ~~Public Aid~~ under Section 10-17.7 of the Illinois  
14 Public Aid Code; or

15          (4) he and the child's natural mother have signed an  
16 acknowledgment of parentage or, if the natural father is  
17 someone other than one presumed to be the father under this  
18 Section, an acknowledgment of parentage and denial of  
19 paternity in accordance with Section 12 of the Vital  
20 Records Act.

21          (b) A presumption under subdivision (a)(1) or (a)(2) of  
22 this Section may be rebutted only by clear and convincing  
23 evidence. A presumption under subdivision (a)(3) or (a)(4) is  
24 conclusive, unless the acknowledgment of parentage is  
25 rescinded under the process provided in Section 12 of the Vital  
26 Records Act, upon the earlier of:

1 (1) 60 days after the date the acknowledgment of  
2 parentage is signed, or

3 (2) the date of an administrative or judicial  
4 proceeding relating to the child (including a proceeding to  
5 establish a support order) in which the signatory is a  
6 party;

7 except that if a minor has signed the acknowledgment of  
8 paternity or acknowledgment of parentage and denial of  
9 paternity, the presumption becomes conclusive 6 months after  
10 the minor reaches majority or is otherwise emancipated.

11 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97; revised  
12 12-15-05.)

13 (750 ILCS 45/7) (from Ch. 40, par. 2507)

14 Sec. 7. Determination of Father and Child Relationship; Who  
15 May Bring Action; Parties.

16 (a) An action to determine the existence of the father and  
17 child relationship, whether or not such a relationship is  
18 already presumed under Section 5 of this Act, may be brought by  
19 the child; the mother; a pregnant woman; any person or public  
20 agency who has custody of, or is providing or has provided  
21 financial support to, the child; the ~~Illinois~~ Department of  
22 Healthcare and Family Services ~~Public Aid~~ if it is providing or  
23 has provided financial support to the child or if it is  
24 assisting with child support collection services; or a man  
25 presumed or alleging himself to be the father of the child or

1 expected child. The complaint shall be verified and shall name  
2 the person or persons alleged to be the father of the child.

3 (b) An action to declare the non-existence of the parent  
4 and child relationship may be brought by the child, the natural  
5 mother, or a man presumed to be the father under subdivision  
6 (a) (1) or (a) (2) of Section 5 of this Act. Actions brought by  
7 the child, the natural mother or a presumed father shall be  
8 brought by verified complaint.

9 After the presumption that a man presumed to be the father  
10 under subdivision (a) (1) or (a) (2) of Section 5 has been  
11 rebutted, paternity of the child by another man may be  
12 determined in the same action, if he has been made a party.

13 (b-5) An action to declare the non-existence of the parent  
14 and child relationship may be brought subsequent to an  
15 adjudication of paternity in any judgment by the man  
16 adjudicated to be the father pursuant to the presumptions in  
17 Section 5 of this Act if, as a result of deoxyribonucleic acid  
18 (DNA) tests, it is discovered that the man adjudicated to be  
19 the father is not the natural father of the child. Actions  
20 brought by the adjudicated father shall be brought by verified  
21 complaint. If, as a result of the deoxyribonucleic acid (DNA)  
22 tests, the plaintiff is determined not to be the father of the  
23 child, the adjudication of paternity and any orders regarding  
24 custody, visitation, and future payments of support may be  
25 vacated.

26 (c) If any party is a minor, he or she may be represented

1 by his or her general guardian or a guardian ad litem appointed  
2 by the court, which may include an appropriate agency. The  
3 court may align the parties.

4 (d) Regardless of its terms, an agreement, other than a  
5 settlement approved by the court, between an alleged or  
6 presumed father and the mother or child, does not bar an action  
7 under this Section.

8 (e) If an action under this Section is brought before the  
9 birth of the child, all proceedings shall be stayed until after  
10 the birth, except for service or process, the taking of  
11 depositions to perpetuate testimony, and the ordering of blood  
12 tests under appropriate circumstances.

13 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,  
14 eff. 8-7-98; revised 12-15-05.)

15 (750 ILCS 45/8) (from Ch. 40, par. 2508)

16 Sec. 8. Statute of limitations.

17 (a) (1) An action brought by or on behalf of a child, an  
18 action brought by a party alleging that he or she is the  
19 child's natural parent, or an action brought by the  
20 Department of Healthcare and Family Services (formerly  
21 Illinois Department of Public Aid), if it is providing or  
22 has provided financial support to the child or if it is  
23 assisting with child support collection services, shall be  
24 barred if brought later than 2 years after the child  
25 reaches the age of majority; however, if the action on

1           behalf of the child is brought by a public agency, other  
2           than the Department of Healthcare and Family Services  
3           (formerly Illinois Department of Public Aid) if it is  
4           providing or has provided financial support to the child or  
5           if it is assisting with child support collection services,  
6           it shall be barred 2 years after the agency has ceased to  
7           provide assistance to the child.

8           (2) Failure to bring an action within 2 years shall not  
9           bar any party from asserting a defense in any action to  
10          declare the non-existence of the parent and child  
11          relationship.

12          (3) An action to declare the non-existence of the  
13          parent and child relationship brought under subsection (b)  
14          of Section 7 of this Act shall be barred if brought later  
15          than 2 years after the petitioner obtains knowledge of  
16          relevant facts. The 2-year period for bringing an action to  
17          declare the nonexistence of the parent and child  
18          relationship shall not extend beyond the date on which the  
19          child reaches the age of 18 years. Failure to bring an  
20          action within 2 years shall not bar any party from  
21          asserting a defense in any action to declare the existence  
22          of the parent and child relationship.

23          (4) An action to declare the non-existence of the  
24          parent and child relationship brought under subsection  
25          (b-5) of Section 7 of this Act shall be barred if brought  
26          more than 6 months after the effective date of this

1           amendatory Act of 1998 or more than 2 years after the  
2           petitioner obtains actual knowledge of relevant facts,  
3           whichever is later. The 2-year period shall not apply to  
4           periods of time where the natural mother or the child  
5           refuses to submit to deoxyribonucleic acid (DNA) tests. The  
6           2-year period for bringing an action to declare the  
7           nonexistence of the parent and child relationship shall not  
8           extend beyond the date on which the child reaches the age  
9           of 18 years. Failure to bring an action within 2 years  
10          shall not bar any party from asserting a defense in any  
11          action to declare the existence of the parent and child  
12          relationship.

13          (b) The time during which any party is not subject to  
14          service of process or is otherwise not subject to the  
15          jurisdiction of the courts of this State shall toll the  
16          aforementioned periods.

17          (c) This Act does not affect the time within which any  
18          rights under the Probate Act of 1975 may be asserted beyond the  
19          time provided by law relating to distribution and closing of  
20          decedent's estates or to the determination of heirship, or  
21          otherwise.

22          (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,  
23          eff. 8-7-98; revised 12-15-05.)

24                 (750 ILCS 45/13.1)

25          Sec. 13.1. Temporary order for child support.

1 Notwithstanding any other law to the contrary, pending the  
2 outcome of a judicial determination of parentage, the court  
3 shall issue a temporary order for child support, upon motion by  
4 a party and a showing of clear and convincing evidence of  
5 paternity. In determining the amount of the temporary child  
6 support award, the court shall use the guidelines and standards  
7 set forth in subsection (a) of Section 505 and in Section 505.2  
8 of the Illinois Marriage and Dissolution of Marriage Act.

9 Any new or existing support order entered by the court  
10 under this Section shall be deemed to be a series of judgments  
11 against the person obligated to pay support thereunder, each  
12 such judgment to be in the amount of each payment or  
13 installment of support and each judgment to be deemed entered  
14 as of the date the corresponding payment or installment becomes  
15 due under the terms of the support order. Each such judgment  
16 shall have the full force, effect, and attributes of any other  
17 judgment of this State, including the ability to be enforced.  
18 Any such judgment is subject to modification or termination  
19 only in accordance with Section 510 of the Illinois Marriage  
20 and Dissolution of Marriage Act. A lien arises by operation of  
21 law against the real and personal property of the noncustodial  
22 parent for each installment of overdue support owed by the  
23 noncustodial parent.

24 All orders for support, when entered or modified, shall  
25 include a provision requiring the non-custodial parent to  
26 notify the court, and in cases in which a party is receiving



1 child support enforcement services under Article X of the  
2 Illinois Public Aid Code, the ~~Illinois~~ Department of Healthcare  
3 and Family Services ~~Public Aid~~, within 7 days, (i) of the name,  
4 address, and telephone number of any new employer of the  
5 non-custodial parent, (ii) whether the non-custodial parent  
6 has access to health insurance coverage through the employer or  
7 other group coverage, and, if so, the policy name and number  
8 and the names of persons covered under the policy, and (iii) of  
9 any new residential or mailing address or telephone number of  
10 the non-custodial parent.

11 In any subsequent action to enforce a support order, upon  
12 sufficient showing that diligent effort has been made to  
13 ascertain the location of the non-custodial parent, service of  
14 process or provision of notice necessary in that action may be  
15 made at the last known address of the non-custodial parent, in  
16 any manner expressly provided by the Code of Civil Procedure or  
17 in this Act, which service shall be sufficient for purposes of  
18 due process.

19 An order for support shall include a date on which the  
20 current support obligation terminates. The termination date  
21 shall be no earlier than the date on which the child covered by  
22 the order will attain the age of majority or is otherwise  
23 emancipated. The order for support shall state that the  
24 termination date does not apply to any arrearage that may  
25 remain unpaid on that date. Nothing in this paragraph shall be  
26 construed to prevent the court from modifying the order.

1           If there is an unpaid arrearage or delinquency (as those  
2 terms are defined in the Income Withholding for Support Act)  
3 equal to at least one month's support obligation on the  
4 termination date stated in the order for support or, if there  
5 is no termination date stated in the order, on the date the  
6 child attains the age of majority or is otherwise emancipated,  
7 then the periodic amount required to be paid for current  
8 support of that child immediately prior to that date shall  
9 automatically continue to be an obligation, not as current  
10 support but as periodic payment toward satisfaction of the  
11 unpaid arrearage or delinquency. That periodic payment shall be  
12 in addition to any periodic payment previously required for  
13 satisfaction of the arrearage or delinquency. The total  
14 periodic amount to be paid toward satisfaction of the arrearage  
15 or delinquency may be enforced and collected by any method  
16 provided by law for the enforcement and collection of child  
17 support, including but not limited to income withholding under  
18 the Income Withholding for Support Act. Each order for support  
19 entered or modified on or after the effective date of this  
20 amendatory Act of the 93rd General Assembly must contain a  
21 statement notifying the parties of the requirements of this  
22 paragraph. Failure to include the statement in the order for  
23 support does not affect the validity of the order or the  
24 operation of the provisions of this paragraph with regard to  
25 the order. This paragraph shall not be construed to prevent or  
26 affect the establishment or modification of an order for the

1 support of a minor child or the establishment or modification  
2 of an order for the support of a non-minor child or educational  
3 expenses under Section 513 of the Illinois Marriage and  
4 Dissolution of Marriage Act.

5 (Source: P.A. 92-590, eff. 7-1-02; 93-1061, eff. 1-1-05;  
6 revised 12-15-05.)

7 (750 ILCS 45/14) (from Ch. 40, par. 2514)

8 Sec. 14. Judgment.

9 (a) (1) The judgment shall contain or explicitly reserve  
10 provisions concerning any duty and amount of child support and  
11 may contain provisions concerning the custody and guardianship  
12 of the child, visitation privileges with the child, the  
13 furnishing of bond or other security for the payment of the  
14 judgment, which the court shall determine in accordance with  
15 the relevant factors set forth in the Illinois Marriage and  
16 Dissolution of Marriage Act and any other applicable law of  
17 Illinois, to guide the court in a finding in the best interests  
18 of the child. In determining custody, joint custody, removal,  
19 or visitation, the court shall apply the relevant standards of  
20 the Illinois Marriage and Dissolution of Marriage Act,  
21 including Section 609. Specifically, in determining the amount  
22 of any child support award or child health insurance coverage,  
23 the court shall use the guidelines and standards set forth in  
24 subsection (a) of Section 505 and in Section 505.2 of the  
25 Illinois Marriage and Dissolution of Marriage Act. For purposes

1 of Section 505 of the Illinois Marriage and Dissolution of  
2 Marriage Act, "net income" of the non-custodial parent shall  
3 include any benefits available to that person under the  
4 Illinois Public Aid Code or from other federal, State or local  
5 government-funded programs. The court shall, in any event and  
6 regardless of the amount of the non-custodial parent's net  
7 income, in its judgment order the non-custodial parent to pay  
8 child support to the custodial parent in a minimum amount of  
9 not less than \$10 per month, as long as such an order is  
10 consistent with the requirements of Title IV, Part D of the  
11 Social Security Act. In an action brought within 2 years after  
12 a child's birth, the judgment or order may direct either parent  
13 to pay the reasonable expenses incurred by either parent  
14 related to the mother's pregnancy and the delivery of the  
15 child. The judgment or order shall contain the father's social  
16 security number, which the father shall disclose to the court;  
17 however, failure to include the father's social security number  
18 on the judgment or order does not invalidate the judgment or  
19 order.

20 (2) If a judgment of parentage contains no explicit award  
21 of custody, the establishment of a support obligation or of  
22 visitation rights in one parent shall be considered a judgment  
23 granting custody to the other parent. If the parentage judgment  
24 contains no such provisions, custody shall be presumed to be  
25 with the mother; however, the presumption shall not apply if  
26 the father has had physical custody for at least 6 months prior

1 to the date that the mother seeks to enforce custodial rights.

2 (b) The court shall order all child support payments,  
3 determined in accordance with such guidelines, to commence with  
4 the date summons is served. The level of current periodic  
5 support payments shall not be reduced because of payments set  
6 for the period prior to the date of entry of the support order.  
7 The Court may order any child support payments to be made for a  
8 period prior to the commencement of the action. In determining  
9 whether and the extent to which the payments shall be made for  
10 any prior period, the court shall consider all relevant facts,  
11 including the factors for determining the amount of support  
12 specified in the Illinois Marriage and Dissolution of Marriage  
13 Act and other equitable factors including but not limited to:

14 (1) The father's prior knowledge of the fact and  
15 circumstances of the child's birth.

16 (2) The father's prior willingness or refusal to help  
17 raise or support the child.

18 (3) The extent to which the mother or the public agency  
19 bringing the action previously informed the father of the  
20 child's needs or attempted to seek or require his help in  
21 raising or supporting the child.

22 (4) The reasons the mother or the public agency did not  
23 file the action earlier.

24 (5) The extent to which the father would be prejudiced  
25 by the delay in bringing the action.

26 For purposes of determining the amount of child support to

1 be paid for any period before the date the order for current  
2 child support is entered, there is a rebuttable presumption  
3 that the father's net income for the prior period was the same  
4 as his net income at the time the order for current child  
5 support is entered.

6 If (i) the non-custodial parent was properly served with a  
7 request for discovery of financial information relating to the  
8 non-custodial parent's ability to provide child support, (ii)  
9 the non-custodial parent failed to comply with the request,  
10 despite having been ordered to do so by the court, and (iii)  
11 the non-custodial parent is not present at the hearing to  
12 determine support despite having received proper notice, then  
13 any relevant financial information concerning the  
14 non-custodial parent's ability to provide child support that  
15 was obtained pursuant to subpoena and proper notice shall be  
16 admitted into evidence without the need to establish any  
17 further foundation for its admission.

18 (c) Any new or existing support order entered by the court  
19 under this Section shall be deemed to be a series of judgments  
20 against the person obligated to pay support thereunder, each  
21 judgment to be in the amount of each payment or installment of  
22 support and each such judgment to be deemed entered as of the  
23 date the corresponding payment or installment becomes due under  
24 the terms of the support order. Each judgment shall have the  
25 full force, effect and attributes of any other judgment of this  
26 State, including the ability to be enforced. A lien arises by

1 operation of law against the real and personal property of the  
2 noncustodial parent for each installment of overdue support  
3 owed by the noncustodial parent.

4 (d) If the judgment or order of the court is at variance  
5 with the child's birth certificate, the court shall order that  
6 a new birth certificate be issued under the Vital Records Act.

7 (e) On request of the mother and the father, the court  
8 shall order a change in the child's name. After hearing  
9 evidence the court may stay payment of support during the  
10 period of the father's minority or period of disability.

11 (f) If, upon a showing of proper service, the father fails  
12 to appear in court, or otherwise appear as provided by law, the  
13 court may proceed to hear the cause upon testimony of the  
14 mother or other parties taken in open court and shall enter a  
15 judgment by default. The court may reserve any order as to the  
16 amount of child support until the father has received notice,  
17 by regular mail, of a hearing on the matter.

18 (g) A one-time charge of 20% is imposable upon the amount  
19 of past-due child support owed on July 1, 1988 which has  
20 accrued under a support order entered by the court. The charge  
21 shall be imposed in accordance with the provisions of Section  
22 10-21 of the Illinois Public Aid Code and shall be enforced by  
23 the court upon petition.

24 (h) All orders for support, when entered or modified, shall  
25 include a provision requiring the non-custodial parent to  
26 notify the court and, in cases in which party is receiving

1 child support enforcement services under Article X of the  
2 Illinois Public Aid Code, the Department of Healthcare and  
3 Family Services, within 7 days, (i) of the name and address of  
4 any new employer of the non-custodial parent, (ii) whether the  
5 non-custodial parent has access to health insurance coverage  
6 through the employer or other group coverage and, if so, the  
7 policy name and number and the names of persons covered under  
8 the policy, and (iii) of any new residential or mailing address  
9 or telephone number of the non-custodial parent. In any  
10 subsequent action to enforce a support order, upon a sufficient  
11 showing that a diligent effort has been made to ascertain the  
12 location of the non-custodial parent, service of process or  
13 provision of notice necessary in the case may be made at the  
14 last known address of the non-custodial parent in any manner  
15 expressly provided by the Code of Civil Procedure or this Act,  
16 which service shall be sufficient for purposes of due process.

17 (i) An order for support shall include a date on which the  
18 current support obligation terminates. The termination date  
19 shall be no earlier than the date on which the child covered by  
20 the order will attain the age of 18. However, if the child will  
21 not graduate from high school until after attaining the age of  
22 18, then the termination date shall be no earlier than the  
23 earlier of the date on which the child's high school graduation  
24 will occur or the date on which the child will attain the age  
25 of 19. The order for support shall state that the termination  
26 date does not apply to any arrearage that may remain unpaid on



1 that date. Nothing in this subsection shall be construed to  
2 prevent the court from modifying the order or terminating the  
3 order in the event the child is otherwise emancipated.

4 (i-5) If there is an unpaid arrearage or delinquency (as  
5 those terms are defined in the Income Withholding for Support  
6 Act) equal to at least one month's support obligation on the  
7 termination date stated in the order for support or, if there  
8 is no termination date stated in the order, on the date the  
9 child attains the age of majority or is otherwise emancipated,  
10 the periodic amount required to be paid for current support of  
11 that child immediately prior to that date shall automatically  
12 continue to be an obligation, not as current support but as  
13 periodic payment toward satisfaction of the unpaid arrearage or  
14 delinquency. That periodic payment shall be in addition to any  
15 periodic payment previously required for satisfaction of the  
16 arrearage or delinquency. The total periodic amount to be paid  
17 toward satisfaction of the arrearage or delinquency may be  
18 enforced and collected by any method provided by law for  
19 enforcement and collection of child support, including but not  
20 limited to income withholding under the Income Withholding for  
21 Support Act. Each order for support entered or modified on or  
22 after the effective date of this amendatory Act of the 93rd  
23 General Assembly must contain a statement notifying the parties  
24 of the requirements of this subsection. Failure to include the  
25 statement in the order for support does not affect the validity  
26 of the order or the operation of the provisions of this

1 subsection with regard to the order. This subsection shall not  
2 be construed to prevent or affect the establishment or  
3 modification of an order for support of a minor child or the  
4 establishment or modification of an order for support of a  
5 non-minor child or educational expenses under Section 513 of  
6 the Illinois Marriage and Dissolution of Marriage Act.

7 (j) An order entered under this Section shall include a  
8 provision requiring the obligor to report to the obligee and to  
9 the clerk of court within 10 days each time the obligor obtains  
10 new employment, and each time the obligor's employment is  
11 terminated for any reason. The report shall be in writing and  
12 shall, in the case of new employment, include the name and  
13 address of the new employer. Failure to report new employment  
14 or the termination of current employment, if coupled with  
15 nonpayment of support for a period in excess of 60 days, is  
16 indirect criminal contempt. For any obligor arrested for  
17 failure to report new employment bond shall be set in the  
18 amount of the child support that should have been paid during  
19 the period of unreported employment. An order entered under  
20 this Section shall also include a provision requiring the  
21 obligor and obligee parents to advise each other of a change in  
22 residence within 5 days of the change except when the court  
23 finds that the physical, mental, or emotional health of a party  
24 or that of a minor child, or both, would be seriously  
25 endangered by disclosure of the party's address.

26 (Source: P.A. 93-139, eff. 7-10-03; 93-1061, eff. 1-1-05;

1 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07; revised 8-3-06.)

2 (750 ILCS 45/14.1)

3 Sec. 14.1. Information to State Case Registry.

4 (a) In this Section:

5 "Order for support", "obligor", "obligee", and "business  
6 day" are defined as set forth in the Income Withholding for  
7 Support Act.

8 "State Case Registry" means the State Case Registry  
9 established under Section 10-27 of the Illinois Public Aid  
10 Code.

11 (b) Each order for support entered or modified by the  
12 circuit court under this Act shall require that the obligor and  
13 obligee (i) file with the clerk of the circuit court the  
14 information required by this Section (and any other information  
15 required under Title IV, Part D of the Social Security Act or  
16 by the federal Department of Health and Human Services) at the  
17 time of entry or modification of the order for support and (ii)  
18 file updated information with the clerk within 5 business days  
19 of any change. Failure of the obligor or obligee to file or  
20 update the required information shall be punishable as in cases  
21 of contempt. The failure shall not prevent the court from  
22 entering or modifying the order for support, however.

23 (c) The obligor shall file the following information: the  
24 obligor's name, date of birth, social security number, and  
25 mailing address.

1           If either the obligor or the obligee receives child support  
2 enforcement services from the ~~Illinois~~ Department of  
3 Healthcare and Family Services ~~Public Aid~~ under Article X of  
4 the Illinois Public Aid Code, the obligor shall also file the  
5 following information: the obligor's telephone number,  
6 driver's license number, and residential address (if different  
7 from the obligor's mailing address), and the name, address, and  
8 telephone number of the obligor's employer or employers.

9           (d) The obligee shall file the following information:

10           (1) The names of the obligee and the child or children  
11 covered by the order for support.

12           (2) The dates of birth of the obligee and the child or  
13 children covered by the order for support.

14           (3) The social security numbers of the obligee and the  
15 child or children covered by the order for support.

16           (4) The obligee's mailing address.

17           (e) In cases in which the obligee receives child support  
18 enforcement services from the ~~Illinois~~ Department of  
19 Healthcare and Family Services ~~Public Aid~~ under Article X of  
20 the Illinois Public Aid Code, the order for support shall (i)  
21 require that the obligee file the information required under  
22 subsection (d) with the ~~Illinois~~ Department of Healthcare and  
23 Family Services ~~Public Aid~~ for inclusion in the State Case  
24 Registry, rather than file the information with the clerk, and  
25 (ii) require that the obligee include the following additional  
26 information:

1           (1) The obligee's telephone and driver's license  
2 numbers.

3           (2) The obligee's residential address, if different  
4 from the obligee's mailing address.

5           (3) The name, address, and telephone number of the  
6 obligee's employer or employers.

7           The order for support shall also require that the obligee  
8 update the information filed with the ~~Illinois~~ Department of  
9 Healthcare and Family Services ~~Public Aid~~ within 5 business  
10 days of any change.

11          (f) The clerk shall provide the information filed under  
12 this Section, together with the court docket number and county  
13 in which the order for support was entered, to the State Case  
14 Registry within 5 business days after receipt of the  
15 information.

16          (g) In a case in which a party is receiving child support  
17 enforcement services under Article X of the Illinois Public Aid  
18 Code, the clerk shall provide the following additional  
19 information to the State Case Registry within 5 business days  
20 after entry or modification of an order for support or request  
21 from the ~~Illinois~~ Department of Healthcare and Family Services  
22 ~~Public Aid~~:

23           (1) The amount of monthly or other periodic support  
24 owed under the order for support and other amounts,  
25 including arrearage, interest, or late payment penalties  
26 and fees, due or overdue under the order.

1           (2) Any such amounts that have been received by the  
2 clerk, and the distribution of those amounts by the clerk.

3           (h) Information filed by the obligor and obligee under this  
4 Section that is not specifically required to be included in the  
5 body of an order for support under other laws is not a public  
6 record and shall be treated as confidential and subject to  
7 disclosure only in accordance with the provisions of this  
8 Section, Section 10-27 of the Illinois Public Aid Code, and  
9 Title IV, Part D of the Social Security Act.

10         (Source: P.A. 91-212, eff. 7-20-99; 92-463, eff. 8-22-01;  
11 revised 12-15-05.)

12           (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

13           Sec. 15.1. (a) Whenever it is determined in a proceeding to  
14 establish or enforce a child support obligation that the person  
15 owing a duty of support is unemployed, the court may order the  
16 person to seek employment and report periodically to the court  
17 with a diary, listing or other memorandum of his or her efforts  
18 in accordance with such order. Additionally, the court may  
19 order the unemployed person to report to the Department of  
20 Employment Security for job search services or to make  
21 application with the local Job Training Partnership Act  
22 provider for participation in job search, training or work  
23 programs and where the duty of support is owed to a child  
24 receiving child support enforcement services under Article X of  
25 the Illinois Public Aid Code, as amended, the court may order

1 the unemployed person to report to the ~~Illinois~~ Department of  
2 Healthcare and Family Services ~~Public Aid~~ for participation in  
3 job search, training or work programs established under Section  
4 9-6 and Article IXA of that Code.

5 (b) Whenever it is determined that a person owes past-due  
6 support for a child, and the child is receiving assistance  
7 under the Illinois Public Aid Code, the court shall order the  
8 following at the request of the ~~Illinois~~ Department of  
9 Healthcare and Family Services ~~Public Aid~~:

10 (1) that the person pay the past-due support in  
11 accordance with a plan approved by the court; or

12 (2) if the person owing past-due support is unemployed,  
13 is subject to such a plan, and is not incapacitated, that  
14 the person participate in such job search, training, or  
15 work programs established under Section 9-6 and Article IXA  
16 of the Illinois Public Aid Code as the court deems  
17 appropriate.

18 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02;  
19 revised 12-15-05.)

20 (750 ILCS 45/18) (from Ch. 40, par. 2518)

21 Sec. 18. Right to Counsel; Free Transcript on Appeal.

22 (a) Any party may be represented by counsel at all  
23 proceedings under this Act.

24 (a-5) In any proceedings involving the support, custody,  
25 visitation, education, parentage, property interest, or

1 general welfare of a minor or dependent child, the court may,  
2 on its own motion or that of any party, and subject to the  
3 terms or specifications the court determines, appoint an  
4 attorney to serve in one of the following capacities:

5 (1) as an attorney to represent the child;

6 (2) as a guardian ad litem to address issues the court  
7 delineates;

8 (3) as a child's representative whose duty shall be to  
9 advocate what the representative finds to be in the best  
10 interests of the child after reviewing the facts and  
11 circumstances of the case. The child's representative  
12 shall have the same power and authority to take part in the  
13 conduct of the litigation as does an attorney for a party  
14 and shall possess all the powers of investigation and  
15 recommendation as does a guardian ad litem. The child's  
16 representative shall consider, but not be bound by, the  
17 expressed wishes of the child. A child's representative  
18 shall have received training in child advocacy or shall  
19 possess such experience as determined to be equivalent to  
20 such training by the chief judge of the circuit where the  
21 child's representative has been appointed. The child's  
22 representative shall not disclose confidential  
23 communications made by the child, except as required by law  
24 or by the Rules of Professional Conduct. The child's  
25 representative shall not be called as a witness regarding  
26 the issues set forth in this subsection.



1           During the proceedings the court may appoint an additional  
2 attorney to serve in another of the capacities described in  
3 subdivisions (1), (2), or (3) of the preceding paragraph on its  
4 own motion or that of a party only for good cause shown and  
5 when the reasons for the additional appointment are set forth  
6 in specific findings.

7           The court shall enter an order as appropriate for costs,  
8 fees, and disbursements, including a retainer, when the  
9 attorney, guardian ad litem, or child's representative is  
10 appointed, and thereafter as necessary. Such orders shall  
11 require payment by either or both parents, by any other party  
12 or source, or from the marital estate or the child's separate  
13 estate. The court may not order payment by the ~~Illinois~~  
14 Department of Healthcare and Family Services ~~Public Aid~~ in  
15 cases in which the Department is providing child support  
16 enforcement services under Article X of the Illinois Public Aid  
17 Code. Unless otherwise ordered by the court at the time fees  
18 and costs are approved, all fees and costs payable to an  
19 attorney, guardian ad litem, or child's representative under  
20 this Section are by implication deemed to be in the nature of  
21 support of the child and are within the exceptions to discharge  
22 in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections  
23 501 and 508 of this Act shall apply to fees and costs for  
24 attorneys appointed under this Section.

25           (b) Upon the request of a mother or child seeking to  
26 establish the existence of a father and child relationship, the

1 State's Attorney shall represent the mother or child in the  
2 trial court. If the child is an applicant for or a recipient of  
3 assistance as defined in Section 2-6 of "The Illinois Public  
4 Aid Code", approved April 11, 1967, as amended, or has applied  
5 to the Department of Healthcare and Family Services (formerly  
6 Illinois Department of Public Aid) for services under Article X  
7 of such Code, the Department may file a complaint in the  
8 child's behalf under this Act. The Department shall refer the  
9 complaint to the Public Aid Claims Enforcement Division of the  
10 Office of the Attorney General as provided in Section 12-16 of  
11 "The Illinois Public Aid Code" for enforcement by the Attorney  
12 General. Legal representation by the State's Attorney or the  
13 Attorney General shall be limited to the establishment and  
14 enforcement of an order for support, and shall not extend to  
15 visitation, custody, property or other matters. If visitation,  
16 custody, property or other matters are raised by a party and  
17 considered by the court in any proceeding under this Act, the  
18 court shall provide a continuance sufficient to enable the  
19 mother or child to obtain representation for such matters.

20 (c) The Court may appoint counsel to represent any indigent  
21 defendant in the trial court, except that this representation  
22 shall be limited to the establishment of a parent and child  
23 relationship and an order for support, and shall not extend to  
24 visitation, custody, property, enforcement of an order for  
25 support, or other matters. If visitation, custody, property or  
26 other matters are raised by a party and considered by the court

1 in any proceeding under this Act, the court shall provide a  
2 continuance sufficient to enable the defendant to obtain  
3 representation for such matters.

4 (d) The court shall furnish on request of any indigent  
5 party a transcript for purposes of appeal.

6 (Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02; revised  
7 12-15-05.)

8 (750 ILCS 45/21) (from Ch. 40, par. 2521)

9 Sec. 21. Support payments; receiving and disbursing  
10 agents.

11 (1) In an action filed in a county of less than 3 million  
12 population in which an order for child support is entered, and  
13 in supplementary proceedings in such a county to enforce or  
14 vary the terms of such order arising out of an action filed in  
15 such a county, the court, except in actions or supplementary  
16 proceedings in which the pregnancy and delivery expenses of the  
17 mother or the child support payments are for a recipient of aid  
18 under the Illinois Public Aid Code, shall direct that child  
19 support payments be made to the clerk of the court unless in  
20 the discretion of the court exceptional circumstances warrant  
21 otherwise. In cases where payment is to be made to persons  
22 other than the clerk of the court the judgment or order of  
23 support shall set forth the facts of the exceptional  
24 circumstances.

25 (2) In an action filed in a county of 3 million or more

1 population in which an order for child support is entered, and  
2 in supplementary proceedings in such a county to enforce or  
3 vary the terms of such order arising out of an action filed in  
4 such a county, the court, except in actions or supplementary  
5 proceedings in which the pregnancy and delivery expenses of the  
6 mother or the child support payments are for a recipient of aid  
7 under the Illinois Public Aid Code, shall direct that child  
8 support payments be made either to the clerk of the court or to  
9 the Court Service Division of the County Department of Public  
10 Aid, or to the clerk of the court or to the ~~Illinois~~ Department  
11 of Healthcare and Family Services ~~Public Aid~~, unless in the  
12 discretion of the court exceptional circumstances warrant  
13 otherwise. In cases where payment is to be made to persons  
14 other than the clerk of the court, the Court Service Division  
15 of the County Department of Public Aid, or the ~~Illinois~~  
16 Department of Healthcare and Family Services ~~Public Aid~~, the  
17 judgment or order of support shall set forth the facts of the  
18 exceptional circumstances.

19 (3) Where the action or supplementary proceeding is in  
20 behalf of a mother for pregnancy and delivery expenses or for  
21 child support, or both, and the mother, child, or both, are  
22 recipients of aid under the Illinois Public Aid Code, the court  
23 shall order that the payments be made directly to (a) the  
24 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
25 ~~Aid~~ if the mother or child, or both, are recipients under  
26 Articles IV or V of the Code, or (b) the local governmental

1 unit responsible for the support of the mother or child, or  
2 both, if they are recipients under Articles VI or VII of the  
3 Code. In accordance with federal law and regulations, the  
4 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
5 ~~Aid~~ may continue to collect current maintenance payments or  
6 child support payments, or both, after those persons cease to  
7 receive public assistance and until termination of services  
8 under Article X of the Illinois Public Aid Code. The ~~Illinois~~  
9 Department of Healthcare and Family Services ~~Public Aid~~ shall  
10 pay the net amount collected to those persons after deducting  
11 any costs incurred in making the collection or any collection  
12 fee from the amount of any recovery made. The ~~Illinois~~  
13 Department of Healthcare and Family Services ~~Public Aid~~ or the  
14 local governmental unit, as the case may be, may direct that  
15 payments be made directly to the mother of the child, or to  
16 some other person or agency in the child's behalf, upon the  
17 removal of the mother and child from the public aid rolls or  
18 upon termination of services under Article X of the Illinois  
19 Public Aid Code; and upon such direction, the ~~Illinois~~  
20 Department or the local governmental unit, as the case  
21 requires, shall give notice of such action to the court in  
22 writing or by electronic transmission.

23 (4) All clerks of the court and the Court Service Division  
24 of a County Department of Public Aid and the ~~Illinois~~  
25 Department of Healthcare and Family Services ~~Public Aid~~,  
26 receiving child support payments under paragraphs (1) or (2)

1 shall disburse the same to the person or persons entitled  
2 thereto under the terms of the order. They shall establish and  
3 maintain clear and current records of all moneys received and  
4 disbursed and of defaults and delinquencies in required  
5 payments. The court, by order or rule, shall make provision for  
6 the carrying out of these duties.

7 Payments under this Section to the ~~Illinois~~ Department of  
8 Healthcare and Family Services ~~Public Aid~~ pursuant to the Child  
9 Support Enforcement Program established by Title IV-D of the  
10 Social Security Act shall be paid into the Child Support  
11 Enforcement Trust Fund. All payments under this Section to the  
12 Illinois Department of Human Services shall be deposited in the  
13 DHS Recoveries Trust Fund. Disbursement from these funds shall  
14 be as provided in the Illinois Public Aid Code. Payments  
15 received by a local governmental unit shall be deposited in  
16 that unit's General Assistance Fund.

17 (5) The moneys received by persons or agencies designated  
18 by the court shall be disbursed by them in accordance with the  
19 order. However, the court, on petition of the state's attorney,  
20 may enter new orders designating the clerk of the court or the  
21 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
22 ~~Aid~~, as the person or agency authorized to receive and disburse  
23 child support payments and, in the case of recipients of public  
24 aid, the court, on petition of the Attorney General or State's  
25 Attorney, shall direct subsequent payments to be paid to the  
26 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~

1 ~~Aid~~ or to the appropriate local governmental unit, as provided  
2 in paragraph (3). Payments of child support by principals or  
3 sureties on bonds, or proceeds of any sale for the enforcement  
4 of a judgment shall be made to the clerk of the court, the  
5 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
6 ~~Aid~~ or the appropriate local governmental unit, as the  
7 respective provisions of this Section require.

8 (6) For those cases in which child support is payable to  
9 the clerk of the circuit court for transmittal to the  
10 Department of Healthcare and Family Services (formerly  
11 Illinois Department of Public Aid) by order of court or upon  
12 notification by the Department of Healthcare and Family  
13 Services (formerly Illinois Department of Public Aid), the  
14 clerk shall transmit all such payments, within 4 working days  
15 of receipt, to insure that funds are available for immediate  
16 distribution by the Department to the person or entity entitled  
17 thereto in accordance with standards of the Child Support  
18 Enforcement Program established under Title IV-D of the Social  
19 Security Act. The clerk shall notify the Department of the date  
20 of receipt and amount thereof at the time of transmittal. Where  
21 the clerk has entered into an agreement of cooperation with the  
22 Department to record the terms of child support orders and  
23 payments made thereunder directly into the Department's  
24 automated data processing system, the clerk shall account for,  
25 transmit and otherwise distribute child support payments in  
26 accordance with such agreement in lieu of the requirements

1 contained herein.

2 (7) To the extent the provisions of this Section are  
3 inconsistent with the requirements pertaining to the State  
4 Disbursement Unit under Section 21.1 of this Act and Section  
5 10-26 of the Illinois Public Aid Code, the requirements  
6 pertaining to the State Disbursement Unit shall apply.

7 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

8 (750 ILCS 45/21.1)

9 Sec. 21.1. Payment of Support to State Disbursement Unit.

10 (a) As used in this Section:

11 "Order for support", "obligor", "obligee", and "payor"  
12 mean those terms as defined in the Income Withholding for  
13 Support Act, except that "order for support" shall not mean  
14 orders providing for spousal maintenance under which there is  
15 no child support obligation.

16 (b) Notwithstanding any other provision of this Act to the  
17 contrary, each order for support entered or modified on or  
18 after October 1, 1999 shall require that support payments be  
19 made to the State Disbursement Unit established under Section  
20 10-26 of the Illinois Public Aid Code if:

21 (1) a party to the order is receiving child support  
22 enforcement services under Article X of the Illinois Public  
23 Aid Code; or

24 (2) no party to the order is receiving child support  
25 enforcement services, but the support payments are made



1 through income withholding.

2 (c) Support payments shall be made to the State  
3 Disbursement Unit if:

4 (1) the order for support was entered before October 1,  
5 1999, and a party to the order is receiving child support  
6 enforcement services under Article X of the Illinois Public  
7 Aid Code; or

8 (2) no party to the order is receiving child support  
9 enforcement services, and the support payments are being  
10 made through income withholding.

11 (c-5) If no party to the order is receiving child support  
12 enforcement services under Article X of the Illinois Public Aid  
13 Code, and the support payments are not made through income  
14 withholding, then support payments shall be made as directed by  
15 the order for support.

16 (c-10) At any time, and notwithstanding the existence of an  
17 order directing payments to be made elsewhere, the Department  
18 of Healthcare and Family Services ~~Public Aid~~ may provide notice  
19 to the obligor and, where applicable, to the obligor's payor:

20 (1) to make support payments to the State Disbursement  
21 Unit if:

22 (A) a party to the order for support is receiving  
23 child support enforcement services under Article X of  
24 the Illinois Public Aid Code; or

25 (B) no party to the order for support is receiving  
26 child support enforcement services under Article X of

1           the Illinois Public Aid Code, but the support payments  
2           are made through income withholding; or

3           (2) to make support payments to the State Disbursement  
4           Unit of another state upon request of another state's Title  
5           IV-D child support enforcement agency, in accordance with  
6           the requirements of Title IV, Part D of the Social Security  
7           Act and regulations promulgated under that Part D.

8           The Department of Healthcare and Family Services ~~Public Aid~~  
9           shall provide a copy of the notice to the obligee and to the  
10          clerk of the circuit court.

11          (c-15) Within 15 days after the effective date of this  
12          amendatory Act of the 91st General Assembly, the clerk of the  
13          circuit court shall provide written notice to the obligor to  
14          directly to the clerk of the circuit court if no party to the  
15          order is receiving child support enforcement services under  
16          Article X of the Illinois Public Aid Code, the support payments  
17          are not made through income withholding, and the order for  
18          support requires support payments to be made directly to the  
19          clerk of the circuit court. The clerk shall provide a copy of  
20          the notice to the obligee.

21          (c-20) If the State Disbursement Unit receives a support  
22          payment that was not appropriately made to the Unit under this  
23          Section, the Unit shall immediately return the payment to the  
24          sender, including, if possible, instructions detailing where  
25          to send the support payments.

26          (d) The notices under subsections (c-10) and (c-15) may be

1 sent by ordinary mail, certified mail, return receipt  
2 requested, facsimile transmission, or other electronic  
3 process, or may be served upon the obligor or payor using any  
4 method provided by law for service of a summons.

5 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;  
6 92-590, eff. 7-1-02; revised 12-15-05.)

7 (750 ILCS 45/22) (from Ch. 40, par. 2522)

8 Sec. 22. In all cases instituted by the Department of  
9 Healthcare and Family Services (formerly Illinois Department  
10 of Public Aid) on behalf of a child or spouse, other than one  
11 receiving a grant of financial aid under Article IV of The  
12 Illinois Public Aid Code, on whose behalf an application has  
13 been made and approved for child support enforcement services  
14 as provided by Section 10-1 of that Code, the court shall  
15 impose a collection fee on the individual who owes a child or  
16 spouse support obligation in an amount equal to 10% of the  
17 amount so owed as long as such collection is required by  
18 federal law, which fee shall be in addition to the support  
19 obligation. The imposition of such fee shall be in accordance  
20 with provisions of Title IV, Part D, of the Social Security Act  
21 and regulations duly promulgated thereunder. The fee shall be  
22 payable to the clerk of the circuit court for transmittal to  
23 the ~~Illinois~~ Department of Healthcare and Family Services  
24 ~~Public Aid~~ and shall continue until support services are  
25 terminated by that Department.

1 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

2 (750 ILCS 45/23) (from Ch. 40, par. 2523)

3 Sec. 23. Notice to Clerk of Circuit Court of Payment  
4 Received by ~~Illinois~~ Department of Healthcare and Family  
5 Services ~~Public Aid~~ for Recording. For those cases in which  
6 support is payable to the clerk of the circuit court for  
7 transmittal to the Department of Healthcare and Family Services  
8 (formerly Illinois Department of Public Aid) by order of court,  
9 and the ~~Illinois~~ Department ~~of Public Aid~~ collects support by  
10 assignment, offset, withhold, deduction or other process  
11 permitted by law, the ~~Illinois~~ Department ~~of Public Aid~~ shall  
12 notify the clerk of the date and amount of such collection.  
13 Upon notification, the clerk shall record the collection on the  
14 payment record for the case.

15 (Source: P.A. 83-1372; revised 12-15-05.)

16 (750 ILCS 45/28)

17 Sec. 28. Notice of child support enforcement services. The  
18 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
19 ~~Aid~~ may provide notice at any time to the parties to an action  
20 filed under this Act that child support enforcement services  
21 are being provided by the ~~Illinois~~ Department under Article X  
22 of the Illinois Public Aid Code. The notice shall be sent by  
23 regular mail to the party's last known address on file with the  
24 clerk of the court or the State Case Registry established under

1 Section 10-27 of the Illinois Public Aid Code. After notice is  
2 provided pursuant to this Section, the ~~Illinois~~ Department  
3 shall be entitled, as if it were a party, to notice of any  
4 further proceedings brought in the case. The ~~Illinois~~  
5 Department shall provide the clerk of the court with copies of  
6 the notices sent to the parties. The clerk shall file the  
7 copies in the court file.

8 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

9 Section 1160. The Adoption Act is amended by changing  
10 Section 18.05 as follows:

11 (750 ILCS 50/18.05)

12 Sec. 18.05. The Illinois Adoption Registry and Medical  
13 Information Exchange.

14 (a) General function. Subject to appropriation, the  
15 Department of Public Health shall administer the Illinois  
16 Adoption Registry and Medical Information Exchange in the  
17 manner outlined in subsections (b) and (c) for the purpose of  
18 facilitating the voluntary exchange of medical information  
19 between mutually consenting members of birth and adoptive  
20 families. The Department shall establish rules for the  
21 confidential operation of the Illinois Adoption Registry. The  
22 Department shall conduct a public information campaign through  
23 public service announcements and other forms of media coverage  
24 and, until December 31, 2010, through notices enclosed with

1 driver's license renewal applications, shall inform the public  
2 of the Illinois Adoption Registry and Medical Information  
3 Exchange. The Illinois Adoption Registry shall also maintain an  
4 informational Internet site where interested parties may  
5 access information about the Illinois Adoption Registry and  
6 Medical Information Exchange and download all necessary  
7 application forms. The Illinois Adoption Registry shall  
8 maintain statistical records regarding Registry participation  
9 and publish and circulate to the public informational material  
10 about the function and operation of the Registry.

11 (b) Establishment of the Adoption/Surrender Records File.  
12 When a person has voluntarily registered with the Illinois  
13 Adoption Registry and completed an Illinois Adoption Registry  
14 Application or a Registration Identification Form, the  
15 Registry shall establish a new Adoption/Surrender Records  
16 File. Such file may concern an adoption that was finalized by a  
17 court action in the State of Illinois, an adoption of a person  
18 born in Illinois finalized by a court action in a state other  
19 than Illinois or in a foreign country, a surrender taken in the  
20 State of Illinois, or an adoption filed according to Section  
21 16.1 of the Vital Records Act under a Record of Foreign Birth  
22 that was not finalized by a court action in the State of  
23 Illinois. Such file may be established for adoptions or  
24 surrenders finalized prior to as well as after the effective  
25 date of this amendatory Act. A file may be created in any  
26 manner to preserve documents including but not limited to

1 microfilm, optical imaging, or electronic documents.

2 (c) Contents of the Adoption/Surrender Records File. An  
3 established Adoption/Surrender Records File shall be limited  
4 to the following items, to the extent that they are available:

5 (1) The General Information Section and Medical  
6 Information Exchange Questionnaire of any Illinois  
7 Adoption Registry Application or a Registration  
8 Identification Form which has been voluntarily completed  
9 by any registered party.

10 (2) Any photographs voluntarily provided by any  
11 registrant for any other registered party at the time of  
12 registration or any time thereafter. All such photographs  
13 shall be submitted in an unsealed envelope no larger than 8  
14 1/2" x 11", and shall not include identifying information  
15 pertaining to any person other than the registrant who  
16 submitted them. Any such identifying information shall be  
17 redacted by the Department or the information shall be  
18 returned for removal of identifying information.

19 (3) Any Information Exchange Authorization or Denial  
20 of Information Exchange which has been filed by a  
21 registrant.

22 (4) For all adoptions finalized after January 1, 2000,  
23 copies of the original certificate of live birth and the  
24 certificate of adoption.

25 (5) Any updated address submitted by any registered  
26 party about himself or herself.

1           (6) Any proof of death which has been submitted by a  
2 registrant.

3           (7) Any birth certificate that has been submitted by a  
4 registrant.

5           (8) Any marriage certificate that has been submitted by  
6 a registrant.

7           (9) Any proof of guardianship that has been submitted  
8 by a registrant.

9           (d) An established Adoption/Surrender Records File for an  
10 adoption filed in Illinois under a Record of Foreign Birth that  
11 was not finalized in a court action in the State of Illinois  
12 shall be limited to the following items submitted to the State  
13 Registrar of Vital Records under Section 16.1 of the Vital  
14 Records Act, to the extent that they are available:

15           (1) Evidence as to the child's birth date and  
16 birthplace (including the country of birth and, if  
17 available, the city and province of birth) provided by the  
18 original birth certificate, or by a certified copy,  
19 extract, or translation thereof or by other document  
20 essentially equivalent thereto (the records of the U.S.  
21 Immigration and Naturalization Service or of the U.S.  
22 Department of State to be considered essentially  
23 equivalent thereto).

24           (2) A certified copy, extract, or translation of the  
25 adoption decree or other document essentially equivalent  
26 thereto (the records of the U.S. Immigration and



1 Naturalization Service or of the U.S. Department of State  
2 to be considered essentially equivalent thereto).

3 (3) A copy of the IR-3 visa.

4 (4) The name and address of the adoption agency that  
5 handled the adoption.

6 (Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; revised  
7 8-19-05.)

8 Section 1165. The Illinois Domestic Violence Act of 1986 is  
9 amended by changing Sections 219, 223, 224, and 302 as follows:

10 (750 ILCS 60/219) (from Ch. 40, par. 2312-19)

11 Sec. 219. Plenary order of protection. A plenary order of  
12 protection shall issue if petitioner has served notice of the  
13 hearing for that order on respondent, in accordance with  
14 Section 211, and satisfies the requirements of this Section for  
15 one or more of the requested remedies. For each remedy  
16 requested, petitioner must establish that:

17 (1) the court has jurisdiction under Section 208;

18 (2) the requirements of Section 214 are satisfied; ~~and~~

19 (3) a general appearance was made or filed by or for  
20 respondent or process was served on respondent in the manner  
21 required by Section 210; and

22 (4) respondent has answered or is in default.

23 (Source: P.A. 84-1305; revised 2-25-02.)

1 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

2 Sec. 223. Enforcement of orders of protection.

3 (a) When violation is crime. A violation of any order of  
4 protection, whether issued in a civil or criminal proceeding,  
5 shall be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation of an  
7 order of protection pursuant to Section 12-30 of the  
8 Criminal Code of 1961, by having knowingly violated:

9 (i) remedies described in paragraphs (1), (2),  
10 (3), (14), or (14.5) of subsection (b) of Section 214  
11 of this Act; or

12 (ii) a remedy, which is substantially similar to  
13 the remedies authorized under paragraphs (1), (2),  
14 (3), (14), and (14.5) of subsection (b) of Section 214  
15 of this Act, in a valid order of protection which is  
16 authorized under the laws of another state, tribe, or  
17 United States territory; or

18 (iii) any other remedy when the act constitutes a  
19 crime against the protected parties as defined by the  
20 Criminal Code of 1961.

21 Prosecution for a violation of an order of protection  
22 shall not bar concurrent prosecution for any other crime,  
23 including any crime that may have been committed at the  
24 time of the violation of the order of protection; or

25 (2) The respondent commits the crime of child abduction  
26 pursuant to Section 10-5 of the Criminal Code of 1961, by

1           having knowingly violated:

2                   (i) remedies described in paragraphs (5), (6) or  
3                   (8) of subsection (b) of Section 214 of this Act; or

4                   (ii) a remedy, which is substantially similar to  
5                   the remedies authorized under paragraphs (5), (6), or  
6                   (8) of subsection (b) of Section 214 of this Act, in a  
7                   valid order of protection which is authorized under the  
8                   laws of another state, tribe, or United States  
9                   territory.

10           (b) When violation is contempt of court. A violation of any  
11           valid Illinois order of protection, whether issued in a civil  
12           or criminal proceeding, may be enforced through civil or  
13           criminal contempt procedures, as appropriate, by any court with  
14           jurisdiction, regardless where the act or acts which violated  
15           the order of protection were committed, to the extent  
16           consistent with the venue provisions of this Act. Nothing in  
17           this Act shall preclude any Illinois court from enforcing any  
18           valid order of protection issued in another state. Illinois  
19           courts may enforce orders of protection through both criminal  
20           prosecution and contempt proceedings, unless the action which  
21           is second in time is barred by collateral estoppel or the  
22           constitutional prohibition against double jeopardy.

23                   (1) In a contempt proceeding where the petition for a  
24                   rule to show cause sets forth facts evidencing an immediate  
25                   danger that the respondent will flee the jurisdiction,  
26                   conceal a child, or inflict physical abuse on the

1 petitioner or minor children or on dependent adults in  
2 petitioner's care, the court may order the attachment of  
3 the respondent without prior service of the rule to show  
4 cause or the petition for a rule to show cause. Bond shall  
5 be set unless specifically denied in writing.

6 (2) A petition for a rule to show cause for violation  
7 of an order of protection shall be treated as an expedited  
8 proceeding.

9 (c) Violation of custody or support orders. A violation of  
10 remedies described in paragraphs (5), (6), (8), or (9) of  
11 subsection (b) of Section 214 of this Act may be enforced by  
12 any remedy provided by Section 611 of the Illinois Marriage and  
13 Dissolution of Marriage Act. The court may enforce any order  
14 for support issued under paragraph (12) of subsection (b) of  
15 Section 214 in the manner provided for under ~~Parts~~ Articles V  
16 and VII of the Illinois Marriage and Dissolution of Marriage  
17 Act.

18 (d) Actual knowledge. An order of protection may be  
19 enforced pursuant to this Section if the respondent violates  
20 the order after the respondent has actual knowledge of its  
21 contents as shown through one of the following means:

22 (1) By service, delivery, or notice under Section 210.

23 (2) By notice under Section 210.1 or 211.

24 (3) By service of an order of protection under Section  
25 222.

26 (4) By other means demonstrating actual knowledge of

1 the contents of the order.

2 (e) The enforcement of an order of protection in civil or  
3 criminal court shall not be affected by either of the  
4 following:

5 (1) The existence of a separate, correlative order,  
6 entered under Section 215.

7 (2) Any finding or order entered in a conjoined  
8 criminal proceeding.

9 (f) Circumstances. The court, when determining whether or  
10 not a violation of an order of protection has occurred, shall  
11 not require physical manifestations of abuse on the person of  
12 the victim.

13 (g) Penalties.

14 (1) Except as provided in paragraph (3) of this  
15 subsection, where the court finds the commission of a crime  
16 or contempt of court under subsections (a) or (b) of this  
17 Section, the penalty shall be the penalty that generally  
18 applies in such criminal or contempt proceedings, and may  
19 include one or more of the following: incarceration,  
20 payment of restitution, a fine, payment of attorneys' fees  
21 and costs, or community service.

22 (2) The court shall hear and take into account evidence  
23 of any factors in aggravation or mitigation before deciding  
24 an appropriate penalty under paragraph (1) of this  
25 subsection.

26 (3) To the extent permitted by law, the court is

1 encouraged to:

2 (i) increase the penalty for the knowing violation  
3 of any order of protection over any penalty previously  
4 imposed by any court for respondent's violation of any  
5 order of protection or penal statute involving  
6 petitioner as victim and respondent as defendant;

7 (ii) impose a minimum penalty of 24 hours  
8 imprisonment for respondent's first violation of any  
9 order of protection; and

10 (iii) impose a minimum penalty of 48 hours  
11 imprisonment for respondent's second or subsequent  
12 violation of an order of protection

13 unless the court explicitly finds that an increased penalty  
14 or that period of imprisonment would be manifestly unjust.

15 (4) In addition to any other penalties imposed for a  
16 violation of an order of protection, a criminal court may  
17 consider evidence of any violations of an order of  
18 protection:

19 (i) to increase, revoke or modify the bail bond on  
20 an underlying criminal charge pursuant to Section  
21 110-6 of the Code of Criminal Procedure of 1963;

22 (ii) to revoke or modify an order of probation,  
23 conditional discharge or supervision, pursuant to  
24 Section 5-6-4 of the Unified Code of Corrections;

25 (iii) to revoke or modify a sentence of periodic  
26 imprisonment, pursuant to Section 5-7-2 of the Unified

1 Code of Corrections.

2 (5) In addition to any other penalties, the court shall  
3 impose an additional fine of \$20 as authorized by Section  
4 5-9-1.11 of the Unified Code of Corrections upon any person  
5 convicted of or placed on supervision for a violation of an  
6 order of protection. The additional fine shall be imposed  
7 for each violation of this Section.

8 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

9 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)

10 Sec. 224. Modification and re-opening of orders.

11 (a) Except as otherwise provided in this Section, upon  
12 motion by petitioner, the court may modify an emergency,  
13 interim, or plenary order of protection:

14 (1) If respondent has abused petitioner since the  
15 hearing for that order, by adding or altering one or more  
16 remedies, as authorized by Section 214; and

17 (2) Otherwise, by adding any remedy authorized by  
18 Section 214 which was:

19 (i) reserved in that order of protection;

20 (ii) not requested for inclusion in that order of  
21 protection; or

22 (iii) denied on procedural grounds, but not on the  
23 merits.

24 (b) Upon motion by petitioner or respondent, the court may  
25 modify any prior order of protection's remedy for custody,

1 visitation or payment of support in accordance with the  
2 relevant provisions of the Illinois Marriage and Dissolution of  
3 Marriage Act. Each order of protection shall be entered in the  
4 Law Enforcement Agencies ~~Automated~~ Data System on the same day  
5 it is issued by the court.

6 (c) After 30 days following entry of a plenary order of  
7 protection, a court may modify that order only when changes in  
8 the applicable law or facts since that plenary order was  
9 entered warrant a modification of its terms.

10 (d) Upon 2 days' notice to petitioner, in accordance with  
11 Section 211 of this Act, or such shorter notice as the court  
12 may prescribe, a respondent subject to an emergency or interim  
13 order of protection issued under this Act may appear and  
14 petition the court to re-hear the original or amended petition.  
15 Any petition to re-hear shall be verified and shall allege the  
16 following:

17 (1) that respondent did not receive prior notice of the  
18 initial hearing in which the emergency, interim, or plenary  
19 order was entered under Sections 211 and 217; and

20 (2) that respondent had a meritorious defense to the  
21 order or any of its remedies or that the order or any of  
22 its remedies was not authorized by this Act.

23 (e) In the event that the emergency or interim order  
24 granted petitioner exclusive possession and the petition of  
25 respondent seeks to re-open or vacate that grant, the court  
26 shall set a date for hearing within 14 days on all issues



1 relating to exclusive possession. Under no circumstances shall  
2 a court continue a hearing concerning exclusive possession  
3 beyond the 14th day, except by agreement of the parties. Other  
4 issues raised by the pleadings may be consolidated for the  
5 hearing if neither party nor the court objects.

6 (f) This Section does not limit the means, otherwise  
7 available by law, for vacating or modifying orders of  
8 protection.

9 (Source: P.A. 87-1186; revised 2-17-03.)

10 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

11 Sec. 302. Data maintenance by law enforcement agencies.

12 (a) All sheriffs shall furnish to the Department of State  
13 Police, on the same day as received, in the form and detail the  
14 Department requires, copies of any recorded emergency,  
15 interim, or plenary orders of protection issued by the court,  
16 and any foreign orders of protection filed by the clerk of the  
17 court, and transmitted to the sheriff by the clerk of the court  
18 pursuant to subsection (b) of Section 222 of this Act. Each  
19 order of protection shall be entered in the Law Enforcement  
20 Agencies Automated Data System on the same day it is issued by  
21 the court. If an emergency order of protection was issued in  
22 accordance with subsection (c) of Section 217, the order shall  
23 be entered in the Law Enforcement Agencies Automated Data  
24 System as soon as possible after receipt from the clerk.

25 (b) The Department of State Police shall maintain a

1 complete and systematic record and index of all valid and  
2 recorded orders of protection issued pursuant to this Act. The  
3 data shall be used to inform all dispatchers and law  
4 enforcement officers at the scene of an alleged incident of  
5 abuse, neglect, or exploitation or violation of an order of  
6 protection of any recorded prior incident of abuse, neglect, or  
7 exploitation involving the abused, neglected, or exploited  
8 party and the effective dates and terms of any recorded order  
9 of protection.

10 (c) The data, records and transmittals required under this  
11 Section shall pertain to any valid emergency, interim or  
12 plenary order of protection, whether issued in a civil or  
13 criminal proceeding or authorized under the laws of another  
14 state, tribe, or United States territory.

15 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised  
16 2-17-03.)

17 Section 1170. The Parental Notice of Abortion Act of 1995  
18 is amended by changing Section 10 as follows:

19 (750 ILCS 70/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Abortion" means the use of any instrument, medicine, drug,  
22 or any other substance or device to terminate the pregnancy of  
23 a woman known to be pregnant with an intention other than to  
24 increase the probability of a live birth, to preserve the life

1 or health of a child after live birth, or to remove a dead  
2 fetus.

3 "Actual notice" means the giving of notice directly, in  
4 person, or by telephone.

5 "Adult family member" means a person over 21 years of age  
6 who is the parent, grandparent, step-parent living in the  
7 household, or legal guardian.

8 "Constructive notice" means notice by certified mail to the  
9 last known address of the person entitled to notice with  
10 delivery deemed to have occurred 48 hours after the certified  
11 notice is mailed.

12 "Incompetent" means any person who has been adjudged as  
13 mentally ill or developmentally disabled and who, because of  
14 her mental illness or developmental disability, is not fully  
15 able to manage her person and for whom a guardian of the person  
16 has been appointed under Section 11a-3(a) (1) of the Probate Act  
17 of 1975.

18 "Medical emergency" means a condition that, on the basis of  
19 the physician's good faith clinical judgment, so complicates  
20 the medical condition of a pregnant woman as to necessitate the  
21 immediate abortion of her pregnancy to avert her death or for  
22 which a delay will create serious risk of substantial and  
23 irreversible impairment of major bodily function.

24 "Minor" means any person under 18 years of age who is not  
25 or has not been married or who has not been emancipated under  
26 the Emancipation of ~~Mature~~ Minors Act.

1 "Neglect" means the failure of an adult family member to  
2 supply a child with necessary food, clothing, shelter, or  
3 medical care when reasonably able to do so or the failure to  
4 protect a child from conditions or actions that imminently and  
5 seriously endanger the child's physical or mental health when  
6 reasonably able to do so.

7 "Physical abuse" means any physical injury intentionally  
8 inflicted by an adult family member on a child.

9 "Physician" means any person licensed to practice medicine  
10 in all its branches under the Illinois Medical Practice Act of  
11 1987.

12 "Sexual abuse" means any sexual conduct or sexual  
13 penetration as defined in Section 12-12 of the Criminal Code of  
14 1961 that is prohibited by the criminal laws of the State of  
15 Illinois and committed against a minor by an adult family  
16 member as defined in this Act.

17 (Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

18 Section 1175. The Probate Act of 1975 is amended by  
19 changing Sections 6-5 and 11a-18 as follows:

20 (755 ILCS 5/6-5) (from Ch. 110 1/2, par. 6-5)

21 Sec. 6-5. Deposition of witness.) When a witness to a will  
22 resides outside the county in which the will is offered for  
23 probate or is unable to attend court and can be found and is  
24 mentally and physically capable of testifying, the court, upon

1 the petition of any person seeking probate of the will and upon  
2 such notice of the petition to persons interested as the court  
3 directs, may issue a commission with the will or a photographic  
4 copy thereof attached. The commission shall be directed to any  
5 judge, notary public, mayor or other chief magistrate of a city  
6 or United States ~~State~~ consul, vice-consul, consular agent,  
7 secretary of legation or commissioned officer in active service  
8 of the armed forces of the United States and shall authorize  
9 and require him to cause that witness to come before him at  
10 such time and place as he designates and to take the deposition  
11 of the witness on oath or affirmation and upon all such written  
12 interrogatories and cross-interrogatories as may be enclosed  
13 with the commission. With the least possible delay the person  
14 taking the deposition shall certify it, the commission, and the  
15 interrogatories to the court from which the commission issued.  
16 When the deposition of a witness is so taken and returned to  
17 the court, his testimony has the same effect as if he testified  
18 in the court from which the commission issued. When the  
19 commission is issued to the officer by his official title only  
20 and not by name, the seal of his office attached to his  
21 certificate is sufficient evidence of his identity and official  
22 character.

23 (Source: P.A. 81-213; revised 10-11-05.)

24 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

25 Sec. 11a-18. Duties of the estate guardian.

1           (a) To the extent specified in the order establishing the  
2 guardianship, the guardian of the estate shall have the care,  
3 management and investment of the estate, shall manage the  
4 estate frugally and shall apply the income and principal of the  
5 estate so far as necessary for the comfort and suitable support  
6 and education of the ward, his minor and adult dependent  
7 children, and persons related by blood or marriage who are  
8 dependent upon or entitled to support from him, or for any  
9 other purpose which the court deems to be for the best  
10 interests of the ward, and the court may approve the making on  
11 behalf of the ward of such agreements as the court determines  
12 to be for the ward's best interests. The guardian may make  
13 disbursement of his ward's funds and estate directly to the  
14 ward or other distributee or in such other manner and in such  
15 amounts as the court directs. If the estate of a ward is  
16 derived in whole or in part from payments of compensation,  
17 adjusted compensation, pension, insurance or other similar  
18 benefits made directly to the estate by the Veterans  
19 Administration, notice of the application for leave to invest  
20 or expend the ward's funds or estate, together with a copy of  
21 the petition and proposed order, shall be given to the  
22 Veterans' Administration Regional Office in this State at least  
23 7 days before the hearing on the application.

24           (a-5) The probate court, upon petition of a guardian, other  
25 than the guardian of a minor, and after notice to all other  
26 persons interested as the court directs, may authorize the

1 guardian to exercise any or all powers over the estate and  
2 business affairs of the ward that the ward could exercise if  
3 present and not under disability. The court may authorize the  
4 taking of an action or the application of funds not required  
5 for the ward's current and future maintenance and support in  
6 any manner approved by the court as being in keeping with the  
7 ward's wishes so far as they can be ascertained. The court must  
8 consider the permanence of the ward's disabling condition and  
9 the natural objects of the ward's bounty. In ascertaining and  
10 carrying out the ward's wishes the court may consider, but  
11 shall not be limited to, minimization of State or federal  
12 income, estate, or inheritance taxes; and providing gifts to  
13 charities, relatives, and friends that would be likely  
14 recipients of donations from the ward. The ward's wishes as  
15 best they can be ascertained shall be carried out, whether or  
16 not tax savings are involved. Actions or applications of funds  
17 may include, but shall not be limited to, the following:

18 (1) making gifts of income or principal, or both, of  
19 the estate, either outright or in trust;

20 (2) conveying, releasing, or disclaiming his or her  
21 contingent and expectant interests in property, including  
22 marital property rights and any right of survivorship  
23 incident to joint tenancy or tenancy by the entirety;

24 (3) releasing or disclaiming his or her powers as  
25 trustee, personal representative, custodian for minors, or  
26 guardian;

1 (4) exercising, releasing, or disclaiming his or her  
2 powers as donee of a power of appointment;

3 (5) entering into contracts;

4 (6) creating for the benefit of the ward or others,  
5 revocable or irrevocable trusts of his or her property that  
6 may extend beyond his or her disability or life;~~;~~

7 (7) exercising options of the ward to purchase or  
8 exchange securities or other property;

9 (8) exercising the rights of the ward to elect benefit  
10 or payment options, to terminate, to change beneficiaries  
11 or ownership, to assign rights, to borrow, or to receive  
12 cash value in return for a surrender of rights under any  
13 one or more of the following:

14 (i) life insurance policies, plans, or benefits;~~;~~

15 (ii) annuity policies, plans, or benefits;~~;~~

16 (iii) mutual fund and other dividend investment  
17 plans;~~;~~

18 (iv) retirement, profit sharing, and employee  
19 welfare plans and benefits;

20 (9) exercising his or her right to claim or disclaim an  
21 elective share in the estate of his or her deceased spouse  
22 and to renounce any interest by testate or intestate  
23 succession or by inter vivos transfer;

24 (10) changing the ward's residence or domicile; or

25 (11) modifying by means of codicil or trust amendment  
26 the terms of the ward's will or any revocable trust created



1 by the ward, as the court may consider advisable in light  
2 of changes in applicable tax laws.

3 The guardian in his or her petition shall briefly outline  
4 the action or application of funds for which he or she seeks  
5 approval, the results expected to be accomplished thereby, and  
6 the tax savings, if any, expected to accrue. The proposed  
7 action or application of funds may include gifts of the ward's  
8 personal property or real estate, but transfers of real estate  
9 shall be subject to the requirements of Section 20 of this Act.  
10 Gifts may be for the benefit of prospective legatees, devisees,  
11 or heirs apparent of the ward or may be made to individuals or  
12 charities in which the ward is believed to have an interest.  
13 The guardian shall also indicate in the petition that any  
14 planned disposition is consistent with the intentions of the  
15 ward insofar as they can be ascertained, and if the ward's  
16 intentions cannot be ascertained, the ward will be presumed to  
17 favor reduction in the incidents of various forms of taxation  
18 and the partial distribution of his or her estate as provided  
19 in this subsection. The guardian shall not, however, be  
20 required to include as a beneficiary or fiduciary any person  
21 who he has reason to believe would be excluded by the ward. A  
22 guardian shall be required to investigate and pursue a ward's  
23 eligibility for governmental benefits.

24 (b) Upon the direction of the court which issued his  
25 letters, a guardian may perform the contracts of his ward which  
26 were legally subsisting at the time of the commencement of the

1 ward's disability. The court may authorize the guardian to  
2 execute and deliver any bill of sale, deed or other instrument.

3 (c) The guardian of the estate of a ward shall appear for  
4 and represent the ward in all legal proceedings unless another  
5 person is appointed for that purpose as guardian or next  
6 friend. This does not impair the power of any court to appoint  
7 a guardian ad litem or next friend to defend the interests of  
8 the ward in that court, or to appoint or allow any person as  
9 the next friend of a ward to commence, prosecute or defend any  
10 proceeding in his behalf. Without impairing the power of the  
11 court in any respect, if the guardian of the estate of a ward  
12 and another person as next friend shall appear for and  
13 represent the ward in a legal proceeding in which the  
14 compensation of the attorney or attorneys representing the  
15 guardian and next friend is solely determined under a  
16 contingent fee arrangement, the guardian of the estate of the  
17 ward shall not participate in or have any duty to review the  
18 prosecution of the action, to participate in or review the  
19 appropriateness of any settlement of the action, or to  
20 participate in or review any determination of the  
21 appropriateness of any fees awarded to the attorney or  
22 attorneys employed in the prosecution of the action.

23 (d) Adjudication of disability shall not revoke or  
24 otherwise terminate a trust which is revocable by the ward. A  
25 guardian of the estate shall have no authority to revoke a  
26 trust that is revocable by the ward, except that the court may

1 authorize a guardian to revoke a Totten trust or similar  
2 deposit or withdrawable capital account in trust to the extent  
3 necessary to provide funds for the purposes specified in  
4 paragraph (a) of this Section. If the trustee of any trust for  
5 the benefit of the ward has discretionary power to apply income  
6 or principal for the ward's benefit, the trustee shall not be  
7 required to distribute any of the income or principal to the  
8 guardian of the ward's estate, but the guardian may bring an  
9 action on behalf of the ward to compel the trustee to exercise  
10 the trustee's discretion or to seek relief from an abuse of  
11 discretion. This paragraph shall not limit the right of a  
12 guardian of the estate to receive accountings from the trustee  
13 on behalf of the ward.

14 (e) Absent court order pursuant to the "Illinois Power of  
15 Attorney Act" ~~enacted by the 85th General Assembly~~ directing a  
16 guardian to exercise powers of the principal under an agency  
17 that survives disability, the guardian will have no power, duty  
18 or liability with respect to any property subject to the  
19 agency. This subsection (e) applies to all agencies, whenever  
20 and wherever executed.

21 (f) Upon petition by any interested person (including the  
22 standby or short-term guardian), with such notice to interested  
23 persons as the court directs and a finding by the court that it  
24 is in the best interest of the disabled person, the court may  
25 terminate or limit the authority of a standby or short-term  
26 guardian or may enter such other orders as the court deems

1 necessary to provide for the best interest of the disabled  
2 person. The petition for termination or limitation of the  
3 authority of a standby or short-term guardian may, but need  
4 not, be combined with a petition to have another guardian  
5 appointed for the disabled person.

6 (Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97;  
7 90-796, eff. 12-15-98; revised 1-20-03.)

8 Section 1180. The Illinois Living Will Act is amended by  
9 changing Sections 2 and 3 as follows:

10 (755 ILCS 35/2) (from Ch. 110 1/2, par. 702)

11 Sec. 2. Definitions:

12 (a) "Attending physician" means the physician selected by,  
13 or assigned to, the patient who has primary responsibility for  
14 the treatment and care of the patient.

15 (b) "Declaration" means a witnessed document in writing,  
16 voluntarily executed by the declarant in accordance with the  
17 requirements of Section 3.

18 (c) "Health-care provider" means a person who is licensed,  
19 certified or otherwise authorized by the law of this State to  
20 administer health care in the ordinary course of business or  
21 practice of a profession.

22 (d) "Death delaying procedure" means any medical procedure  
23 or intervention which, when applied to a qualified patient, in  
24 the judgement of the attending physician would serve only to

1 postpone the moment of death. In appropriate circumstances,  
2 such procedures include, but are not limited to, assisted  
3 ventilation, artificial kidney treatments, intravenous feeding  
4 or medication, blood transfusions, tube feeding and other  
5 procedures of greater or lesser magnitude that serve only to  
6 delay death. However, this Act does not affect the  
7 responsibility of the attending physician or other health care  
8 provider to provide treatment for a patient's comfort care or  
9 alleviation of pain. Nutrition and hydration shall not be  
10 withdrawn or withheld from a qualified patient if the  
11 withdrawal or withholding would result in death solely from  
12 dehydration or starvation rather than from the existing  
13 terminal condition.

14 (e) "Person" means an individual, corporation, business  
15 trust, estate, trust, partnership, association, government,  
16 governmental subdivision or agency, or any other legal entity.

17 (f) ✚ "Physician" means a person licensed to practice  
18 medicine in all its branches.

19 (g) "Qualified patient" means a patient who has executed a  
20 declaration in accordance with this Act and who has been  
21 diagnosed and verified in writing to be afflicted with a  
22 terminal condition by his or her attending physician who has  
23 personally examined the patient. A qualified patient has the  
24 right to make decisions regarding death delaying procedures as  
25 long as he or she is able to do so.

26 (h) "Terminal condition" means an incurable and

1 irreversible condition which is such that death is imminent and  
2 the application of death delaying procedures serves only to  
3 prolong the dying process.

4 (Source: P.A. 85-860; revised 9-15-06.)

5 (755 ILCS 35/3) (from Ch. 110 1/2, par. 703)

6 Sec. 3. Execution of a Document.

7 (a) An individual of sound mind and having reached the age  
8 of majority or having obtained the status of an emancipated  
9 person pursuant to the "~~Emancipation of Mature~~ Emancipation of Mature Minors Act", as  
10 now or hereafter amended, may execute a document directing that  
11 if he is suffering from a terminal condition, then death  
12 delaying procedures shall not be utilized for the prolongation  
13 of his life.

14 (b) The declaration must be signed by the declarant, or  
15 another at the declarant's direction, and witnessed by 2  
16 individuals 18 years of age or older.

17 (c) The declaration of a qualified patient diagnosed as  
18 pregnant by the attending physician shall be given no force and  
19 effect as long as in the opinion of the attending physician it  
20 is possible that the fetus could develop to the point of live  
21 birth with the continued application of death delaying  
22 procedures.

23 (d) If the patient is able, it shall be the responsibility  
24 of the patient to provide for notification to his or her  
25 attending physician of the existence of a declaration, to

1 provide the declaration to the physician and to ask the  
2 attending physician whether he or she is willing to comply with  
3 its provisions. An attending physician who is so notified shall  
4 make the declaration, or copy of the declaration, a part of the  
5 patient's medical records. If the physician is at any time  
6 unwilling to comply with its provisions, the physician shall  
7 promptly so advise the declarant. If the physician is unwilling  
8 to comply with its provisions and the patient is able, it is  
9 the patient's responsibility to initiate the transfer to  
10 another physician of the patient's choosing. If the physician  
11 is unwilling to comply with its provisions and the patient is  
12 at any time not able to initiate the transfer, then the  
13 attending physician shall without delay notify the person with  
14 the highest priority, as set forth in this subsection, who is  
15 available, able, and willing to make arrangements for the  
16 transfer of the patient and the appropriate medical records to  
17 another physician for the effectuation of the patient's  
18 declaration. The order of priority is as follows: (1) any  
19 person authorized by the patient to make such arrangements, (2)  
20 a guardian of the person of the patient, without the necessity  
21 of obtaining a court order to do so, and (3) any member of the  
22 patient's family.

23 (e) The declaration may, but need not, be in the following  
24 form, and in addition may include other specific directions.  
25 Should any specific direction be determined to be invalid, such  
26 invalidity shall not affect other directions of the declaration

1 which can be given effect without the invalid direction, and to  
2 this end the directions in the declaration are severable.

3 DECLARATION

4 This declaration is made this ..... day of  
5 ..... (month, year). I, ....., being of  
6 sound mind, willfully and voluntarily make known my desires  
7 that my moment of death shall not be artificially postponed.

8 If at any time I should have an incurable and irreversible  
9 injury, disease, or illness judged to be a terminal condition  
10 by my attending physician who has personally examined me and  
11 has determined that my death is imminent except for death  
12 delaying procedures, I direct that such procedures which would  
13 only prolong the dying process be withheld or withdrawn, and  
14 that I be permitted to die naturally with only the  
15 administration of medication, sustenance, or the performance  
16 of any medical procedure deemed necessary by my attending  
17 physician to provide me with comfort care.

18 In the absence of my ability to give directions regarding  
19 the use of such death delaying procedures, it is my intention  
20 that this declaration shall be honored by my family and  
21 physician as the final expression of my legal right to refuse  
22 medical or surgical treatment and accept the consequences from  
23 such refusal.

24 Signed .....

25 City, County and State of Residence .....

26 The declarant is personally known to me and I believe him



1 or her to be of sound mind. I saw the declarant sign the  
 2 declaration in my presence (or the declarant acknowledged in my  
 3 presence that he or she had signed the declaration) and I  
 4 signed the declaration as a witness in the presence of the  
 5 declarant. I did not sign the declarant's signature above for  
 6 or at the direction of the declarant. At the date of this  
 7 instrument, I am not entitled to any portion of the estate of  
 8 the declarant according to the laws of intestate succession or,  
 9 to the best of my knowledge and belief, under any will of  
 10 declarant or other instrument taking effect at declarant's  
 11 death, or directly financially responsible for declarant's  
 12 medical care.

13 Witness .....

14 Witness .....

15 (Source: P.A. 85-1209; revised 10-9-03.)

16 Section 1185. The Health Care Surrogate Act is amended by  
 17 changing Section 10 as follows:

18 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

19 Sec. 10. Definitions.

20 "Adult" means a person who is (i) 18 years of age or older  
 21 or (ii) an emancipated minor under the Emancipation of ~~Mature~~  
 22 Minors Act.

23 "Artificial nutrition and hydration" means supplying food  
 24 and water through a conduit, such as a tube or intravenous

1 line, where the recipient is not required to chew or swallow  
2 voluntarily, including, but not limited to, nasogastric tubes,  
3 gastrostomies, jejunostomies, and intravenous infusions.  
4 Artificial nutrition and hydration does not include assisted  
5 feeding, such as spoon or bottle feeding.

6 "Available" means that a person is not "unavailable". A  
7 person is unavailable if (i) the person's existence is not  
8 known, (ii) the person has not been able to be contacted by  
9 telephone or mail, or (iii) the person lacks decisional  
10 capacity, refuses to accept the office of surrogate, or is  
11 unwilling to respond in a manner that indicates a choice among  
12 the treatment matters at issue.

13 "Attending physician" means the physician selected by or  
14 assigned to the patient who has primary responsibility for  
15 treatment and care of the patient and who is a licensed  
16 physician in Illinois. If more than one physician shares that  
17 responsibility, any of those physicians may act as the  
18 attending physician under this Act.

19 "Close friend" means any person 18 years of age or older  
20 who has exhibited special care and concern for the patient and  
21 who presents an affidavit to the attending physician stating  
22 that he or she (i) is a close friend of the patient, (ii) is  
23 willing and able to become involved in the patient's health  
24 care, and (iii) has maintained such regular contact with the  
25 patient as to be familiar with the patient's activities,  
26 health, and religious and moral beliefs. The affidavit must

1 also state facts and circumstances that demonstrate that  
2 familiarity.

3 "Death" means when, according to accepted medical  
4 standards, there is (i) an irreversible cessation of  
5 circulatory and respiratory functions or (ii) an irreversible  
6 cessation of all functions of the entire brain, including the  
7 brain stem.

8 "Decisional capacity" means the ability to understand and  
9 appreciate the nature and consequences of a decision regarding  
10 medical treatment or forgoing life-sustaining treatment and  
11 the ability to reach and communicate an informed decision in  
12 the matter as determined by the attending physician.

13 "Forgo life-sustaining treatment" means to withhold,  
14 withdraw, or terminate all or any portion of life-sustaining  
15 treatment with knowledge that the patient's death is likely to  
16 result.

17 "Guardian" means a court appointed guardian of the person  
18 who serves as a representative of a minor or as a  
19 representative of a person under legal disability.

20 "Health care facility" means a type of health care provider  
21 commonly known by a wide variety of titles, including but not  
22 limited to, hospitals, medical centers, nursing homes,  
23 rehabilitation centers, long term or tertiary care facilities,  
24 and other facilities established to administer health care and  
25 provide overnight stays in their ordinary course of business or  
26 practice.

1 "Health care provider" means a person that is licensed,  
2 certified, or otherwise authorized or permitted by the law of  
3 this State to administer health care in the ordinary course of  
4 business or practice of a profession, including, but not  
5 limited to, physicians, nurses, health care facilities, and any  
6 employee, officer, director, agent, or person under contract  
7 with such a person.

8 "Imminent" (as in "death is imminent") means a  
9 determination made by the attending physician according to  
10 accepted medical standards that death will occur in a  
11 relatively short period of time, even if life-sustaining  
12 treatment is initiated or continued.

13 "Life-sustaining treatment" means any medical treatment,  
14 procedure, or intervention that, in the judgment of the  
15 attending physician, when applied to a patient with a  
16 qualifying condition, would not be effective to remove the  
17 qualifying condition or would serve only to prolong the dying  
18 process. Those procedures can include, but are not limited to,  
19 assisted ventilation, renal dialysis, surgical procedures,  
20 blood transfusions, and the administration of drugs,  
21 antibiotics, and artificial nutrition and hydration.

22 "Minor" means an individual who is not an adult as defined  
23 in this Act.

24 "Parent" means a person who is the natural or adoptive  
25 mother or father of the child and whose parental rights have  
26 not been terminated by a court of law.

1 "Patient" means an adult or minor individual, unless  
2 otherwise specified, under the care or treatment of a licensed  
3 physician or other health care provider.

4 "Person" means an individual, a corporation, a business  
5 trust, a trust, a partnership, an association, a government, a  
6 governmental subdivision or agency, or any other legal entity.

7 "Qualifying condition" means the existence of one or more  
8 of the following conditions in a patient certified in writing  
9 in the patient's medical record by the attending physician and  
10 by at least one other qualified physician:

11 (1) "Terminal condition" means an illness or injury for  
12 which there is no reasonable prospect of cure or recovery,  
13 death is imminent, and the application of life-sustaining  
14 treatment would only prolong the dying process.

15 (2) "Permanent unconsciousness" means a condition  
16 that, to a high degree of medical certainty, (i) will last  
17 permanently, without improvement, (ii) in which thought,  
18 sensation, purposeful action, social interaction, and  
19 awareness of self and environment are absent, and (iii) for  
20 which initiating or continuing life-sustaining treatment,  
21 in light of the patient's medical condition, provides only  
22 minimal medical benefit.

23 (3) "Incurable or irreversible condition" means an  
24 illness or injury (i) for which there is no reasonable  
25 prospect of cure or recovery, (ii) that ultimately will  
26 cause the patient's death even if life-sustaining

1 treatment is initiated or continued, (iii) that imposes  
2 severe pain or otherwise imposes an inhumane burden on the  
3 patient, and (iv) for which initiating or continuing  
4 life-sustaining treatment, in light of the patient's  
5 medical condition, provides only minimal medical benefit.

6 The determination that a patient has a qualifying condition  
7 creates no presumption regarding the application or  
8 non-application of life-sustaining treatment. It is only after  
9 a determination by the attending physician that the patient has  
10 a qualifying condition that the surrogate decision maker may  
11 consider whether or not to forgo life-sustaining treatment. In  
12 making this decision, the surrogate shall weigh the burdens on  
13 the patient of initiating or continuing life-sustaining  
14 treatment against the benefits of that treatment.

15 "Qualified physician" means a physician licensed to  
16 practice medicine in all of its branches in Illinois who has  
17 personally examined the patient.

18 "Surrogate decision maker" means an adult individual or  
19 individuals who (i) have decisional capacity, (ii) are  
20 available upon reasonable inquiry, (iii) are willing to make  
21 medical treatment decisions on behalf of a patient who lacks  
22 decisional capacity, and (iv) are identified by the attending  
23 physician in accordance with the provisions of this Act as the  
24 person or persons who are to make those decisions in accordance  
25 with the provisions of this Act.

26 (Source: P.A. 90-246, eff. 1-1-98; 90-538, eff. 12-1-97;

1 90-655, eff. 7-30-98; revised 10-9-03.)

2 Section 1190. The Illinois Anatomical Gift Act is amended  
3 by adding Section 5-27 (incorporating and renumbering Section  
4 3.5 of the Organ Donation Request Act from Public Act 93-888)  
5 as follows:

6 (755 ILCS 50/5-27) (was 755 ILCS 60/3.5)

7 Sec. 5-27 ~~3.5~~. Notification of patient; family rights and  
8 options.

9 (a) In this Section, "donation after cardiac death" means  
10 the donation of organs from a ventilated patient without a  
11 certification of brain death and with a do-not-resuscitate  
12 order, if a decision has been reached by the physician and the  
13 family to withdraw life support and if the donation does not  
14 occur until after the declaration of cardiac death.

15 (b) If (i) a potential organ donor, or an individual given  
16 authority under subsection (b) of Section 5-25 ~~2~~ to consent to  
17 an organ donation, expresses an interest in organ donation,  
18 (ii) there has not been a certification of brain death for the  
19 potential donor, and (iii) the potential donor is a patient at  
20 a hospital that does not allow donation after cardiac death,  
21 then the organ procurement agency shall inform the patient or  
22 the individual given authority to consent to organ donation  
23 that the hospital does not allow donation after cardiac death.

24 (c) In addition to providing oral notification, the organ

1 procurement agency shall develop a written form that indicates  
2 to the patient or the individual given authority to consent to  
3 organ donation, at a minimum, the following information:

4 (1) That the patient or the individual given authority  
5 to consent to organ donation has received literature and  
6 has been counseled by (representative's name) of the (organ  
7 procurement agency name).

8 (2) That all organ donation options have been explained  
9 to the patient or the individual given authority to consent  
10 to organ donation, including the option of donation after  
11 cardiac death.

12 (3) That the patient or the individual given authority  
13 to consent to organ donation is aware that the hospital  
14 where the potential donor is a patient does not allow  
15 donation after cardiac death.

16 (4) That the patient or the individual given authority  
17 to consent to organ donation has been informed of the right  
18 to request a patient transfer to a facility allowing  
19 donation after cardiac death.

20 (5) That the patient or the individual given authority  
21 to consent to organ donation has been informed of another  
22 hospital that will allow donation after cardiac death and  
23 will accept a patient transfer for the purpose of donation  
24 after cardiac death; and that the cost of transferring the  
25 patient to that other hospital will be covered by the organ  
26 procurement agency, with no additional cost to the patient



1           or the individual given authority to consent to organ  
2           donation.

3           The form required under this subsection must include a  
4           place for the signatures of the patient or the individual given  
5           authority to consent to organ donation and the representative  
6           of the organ procurement agency and space to provide the date  
7           that the form was signed.

8           (Source: Incorporates P.A. 93-888, eff. 8-9-04; revised  
9           1-16-05.)

10           Section 1195. The Cemetery Perpetual Trust Authorization  
11           Act is amended by changing Section 2 as follows:

12           (760 ILCS 95/2) (from Ch. 21, par. 64)

13           Sec. 2. Any incorporated cemetery association incorporated  
14           not for pecuniary profit, may if it elects to do so, receive  
15           and hold money, funds and property in perpetual trust pursuant  
16           to the provisions of this act. Such election shall be evidenced  
17           by a by-law or resolution adopted by the board of directors, or  
18           board of trustees of the incorporated cemetery association. Any  
19           person is authorized to give, donate or bequeath any sum of  
20           money or any funds, securities, or property of any kind to the  
21           cemetery association, in perpetual trust, for the maintenance,  
22           care, repair, upkeep or ornamentation of the cemetery, or any  
23           lot or lots, or grave or graves in the cemetery, specified in  
24           the instrument making the gift, donation or legacy. The

1 cemetery association may receive and hold in perpetual trust,  
2 any such money, funds, securities and property so given,  
3 donated or bequeathed to it, and may convert the property,  
4 funds and securities into money and shall invest and keep  
5 invested the proceeds thereof and the money so given, donated  
6 and bequeathed, in safe and secure income bearing investments,  
7 including investments in income producing real estate,  
8 provided the purchase price of the real estate shall not exceed  
9 the fair market value thereof on the date of its purchase as  
10 such value is determined by the board of directors or board of  
11 trustees of the association. The principal of the trust fund  
12 shall be kept intact and the income arising therefrom shall be  
13 perpetually applied for the uses and purposes specified in the  
14 instrument making the gift, donation or legacy and for no other  
15 purpose.

16 The by-laws of the cemetery association shall provide for a  
17 permanent committee to manage and control the trust funds so  
18 given, donated and bequeathed to it. The members of the  
19 committee shall be appointed by the board of directors, or  
20 board of trustees of the cemetery association from among the  
21 members of the board of directors or board of trustees. The  
22 committee shall choose a chairman, a secretary and a treasurer  
23 from among the members, and shall have the management and  
24 control of the trust funds of the cemetery association so  
25 given, donated and bequeathed in trust, under the supervision  
26 of the board of directors or board of trustees. The treasurer

1 of the committee shall execute a bond to the People of the  
2 State of Illinois for the use of the cemetery association, in a  
3 penal sum of not less than double the amount of the trust funds  
4 coming into his possession as treasurer, conditioned for the  
5 faithful performance of his duties and the faithful accounting  
6 for all money or funds which by virtue of his treasurership  
7 ~~treasureship~~ come into his possession, and be in such form and  
8 with such securities as may be prescribed and approved by the  
9 board of directors, or board of trustees, and shall be approved  
10 by such board of directors, or board of trustees, and filed  
11 with the secretary of the cemetery association.

12 The treasurer of the committee shall have the custody of  
13 all money, funds and property received in trust by the cemetery  
14 association and shall invest the same in accordance with the  
15 directions of the committee as approved by the board of  
16 directors or board of trustees of the cemetery association, and  
17 shall receive and have the custody of all of the income arising  
18 from such investments and as the income is received by him, he  
19 shall pay it to the treasurer of the cemetery association, and  
20 he shall keep permanent books of record of all such trust funds  
21 and of all receipts arising therefrom and disbursements  
22 thereof, and shall annually make a written report to the board  
23 of directors or board of trustees of the cemetery association,  
24 under oath, showing receipts and disbursements, including a  
25 statement showing the amount and principal of trust funds on  
26 hand and how invested, which report shall be audited by the

1 board of directors, or board of trustees, and if found correct,  
2 shall be approved, and filed with the secretary of the cemetery  
3 association.

4 The secretary of the committee shall keep, in a book  
5 provided for such purpose, a permanent record of the  
6 proceedings of the committee, signed by the president and  
7 attested by the secretary, and shall also keep a permanent  
8 record of the several trust funds, the amounts thereof, and for  
9 what uses and purposes, respectively, and he shall annually, at  
10 the time the treasurer makes his report, make a written report  
11 under oath, to the board of directors or board of trustees,  
12 stating therein substantially the same matter required to be  
13 reported by the treasurer of the committee, which report, if  
14 found to be correct, shall be approved, and filed with the  
15 secretary of the association.

16 The treasurer shall execute a bond to the People of the  
17 State of Illinois, in a penal sum of not less than double the  
18 amount of money or funds coming into his possession as such  
19 treasurer, conditioned for the faithful performance of his  
20 duties and the faithful accounting of all money or funds which  
21 by virtue of his office come into his possession and be in such  
22 form and with such securities as may be prescribed and approved  
23 by the board of directors, or board of trustees, and shall be  
24 approved by such board of directors or board of trustees and  
25 filed with the secretary of the cemetery association.

26 The trust funds, gifts and legacies mentioned in this

1 section and the income arising therefrom shall be exempt from  
2 taxation and from the operation of all laws of mortmain, and  
3 the laws against perpetuities and accumulations.

4 Where the cemetery is a privately operated cemetery, as  
5 defined in section 2 of the Cemetery Care Act, approved July  
6 21, 1947, as amended, or where the lot or lots or grave or  
7 graves are in a privately operated cemetery, as defined in  
8 section 2 of that Act, then such cemetery association or such  
9 committee, shall also comply with the provisions of the  
10 Cemetery Care Act.

11 (Source: P.A. 83-388; revised 10-19-05.)

12 Section 1200. The Drilling Operations Act is amended by  
13 changing Section 4 as follows:

14 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

15 Sec. 4. Notice.

16 (a) Prior to commencement of the drilling of a well, the  
17 operator shall give written notice to the surface owner of the  
18 operator's intent to commence drilling operations.

19 (b) The operator shall, for the purpose of giving notice as  
20 herein required, secure from the assessor's office within 90  
21 days prior to the giving of the notice, a certification which  
22 shall identify the person in whose name the lands on which  
23 drilling operations are to be commenced and who is assessed at  
24 the time the certification is made. The written certification

1 made by the assessor of the surface owner shall be conclusive  
2 evidence of the surface ownership and of the operator's  
3 compliance with the provisions of this Act.

4 (c) The notice required to be given by the operator to the  
5 surface owner shall identify the following:

6 (1) The location of the proposed entry on the surface  
7 for drilling operations, and the date on or after which  
8 drilling operations shall be commenced.

9 (2) A photocopy of the drilling application to the  
10 Department of Natural Resources for the well to be drilled.

11 (3) The name, address and telephone number of the  
12 operator.

13 (4) An offer to discuss with the surface owner those  
14 matters set forth in Section 5 hereof prior to commencement  
15 of drilling operations.

16 ~~(5)~~ If the surface owner elects to meet the operator, the  
17 surface owner shall request the operator to schedule a meeting  
18 at a mutually agreed time and place within the limitations set  
19 forth herein. Failure of the surface owner to contact the  
20 operator at least 5 days prior to the proposed commencement of  
21 drilling operations shall be conclusively deemed a waiver of  
22 the right to meet by the surface owner.

23 ~~(6)~~ The meeting shall be scheduled between the hours of  
24 9:00 in the morning and the setting of the sun of the same day  
25 and shall be at least 3 days prior to commencement of drilling  
26 operations. Unless agreed to otherwise, the place shall be

1 located within the county in which drilling operations are to  
2 be commenced where the operator or his agent shall be available  
3 to discuss with the surface owner or his agent those matters  
4 set forth in Section 5 hereof.

5 ~~(7)~~ The notice herein required shall be given to the  
6 surface owner by either:

7 (A) certified mail addressed to the surface owner at  
8 the address shown in the certification obtained from the  
9 assessor, which shall be postmarked at least 10 days prior  
10 to the commencement of drilling operations; or

11 (B) personal delivery to the surface owner at least 8  
12 days prior to the commencement of drilling operations.

13 (C) Notice to the surface owner as defined in this Act  
14 shall be deemed conclusive notice to the record owners of  
15 all interest in the surface.

16 (Source: P.A. 89-445, eff. 2-7-96; revised 10-19-05.)

17 Section 1205. The Cemetery Protection Act is amended by  
18 changing Section 1 as follows:

19 (765 ILCS 835/1) (from Ch. 21, par. 15)

20 Sec. 1. (a) Any person who acts without proper legal  
21 authority and who willfully and knowingly destroys or damages  
22 the remains of a deceased human being or who desecrates human  
23 remains is guilty of a Class 3 felony.

24 (a-5) Any person who acts without proper legal authority

1 and who willfully and knowingly removes any portion of the  
2 remains of a deceased human being from a burial ground where  
3 skeletal remains are buried or from a grave, crypt, vault,  
4 mausoleum, or other repository of human remains is guilty of a  
5 Class 4 felony.

6 (b) Any person who acts without proper legal authority and  
7 who willfully and knowingly:

8 (1) obliterates, vandalizes, or desecrates a burial  
9 ground where skeletal remains are buried or a grave, crypt,  
10 vault, mausoleum, or other repository of human remains;

11 (2) obliterates, vandalizes, or desecrates a park or  
12 other area clearly designated to preserve and perpetuate  
13 the memory of a deceased person or group of persons;

14 (3) obliterates, vandalizes, or desecrates plants,  
15 trees, shrubs, or flowers located upon or around a  
16 repository for human remains or within a human graveyard or  
17 cemetery; or

18 (4) obliterates, vandalizes, or desecrates a fence,  
19 rail, curb, or other structure of a similar nature intended  
20 for the protection or for the ornamentation of any tomb,  
21 monument, gravestone, or other structure of like  
22 character;

23 is guilty of a Class A misdemeanor if the amount of the damage  
24 is less than \$500, a Class 4 felony if the amount of the damage  
25 is at least \$500 and less than \$10,000, a Class 3 felony if the  
26 amount of the damage is at least \$10,000 and less than



1 \$100,000, or a Class 2 felony if the damage is \$100,000 or more  
2 and shall provide restitution to the cemetery authority or  
3 property owner for the amount of any damage caused.

4 (b-5) Any person who acts without proper legal authority  
5 and who willfully and knowingly defaces, vandalizes, injures,  
6 or removes a gravestone or other memorial, monument, or marker  
7 commemorating a deceased person or group of persons, whether  
8 located within or outside of a recognized cemetery, memorial  
9 park, or battlefield is guilty of a Class 4 felony for damaging  
10 at least one but no more than 4 gravestones, a Class 3 felony  
11 for damaging at least 5 but no more than 10 gravestones, or a  
12 Class 2 felony for damaging more than 10 gravestones and shall  
13 provide restitution to the cemetery authority or property owner  
14 for the amount of any damage caused.

15 (b-7) Any person who acts without proper legal authority  
16 and who willfully and knowingly removes with the intent to  
17 resell a gravestone or other memorial, monument, or marker  
18 commemorating a deceased person or group of persons, whether  
19 located within or outside a recognized cemetery, memorial park,  
20 or battlefield, is guilty of a Class 2 felony.

21 (c) The provisions of this Section shall not apply to the  
22 removal or unavoidable breakage or injury by a cemetery  
23 authority of anything placed in or upon any portion of its  
24 cemetery in violation of any of the rules and regulations of  
25 the cemetery authority, nor to the removal of anything placed  
26 in the cemetery by or with the consent of the cemetery

1 authority that in the judgment of the cemetery authority has  
2 become wrecked, unsightly, or dilapidated.

3 (d) If an unemancipated minor is found guilty of violating  
4 any of the provisions of subsection (b) of this Section and is  
5 unable to provide restitution to the cemetery authority or  
6 property owner, the parents or legal guardians of that minor  
7 shall provide restitution to the cemetery authority or property  
8 owner for the amount of any damage caused, up to the total  
9 amount allowed under the Parental Responsibility Law.

10 (d-5) Any person who commits any of the following:

11 (1) any unauthorized, non-related third party or  
12 person who enters any sheds, crematories, or employee  
13 areas;

14 (2) any non-cemetery personnel who solicits cemetery  
15 mourners or funeral directors on the grounds or in the  
16 offices or chapels of a cemetery before, during, or after a  
17 burial;

18 (3) any person who harasses or threatens any employee  
19 of a cemetery on cemetery grounds; or

20 (4) any unauthorized person who removes, destroys, or  
21 disturbs any cemetery devices or property placed for safety  
22 of visitors and cemetery employees;

23 is guilty of a Class A misdemeanor for the first offense and of  
24 a Class 4 felony for a second or subsequent offense.

25 (e) Any person who shall hunt, shoot or discharge any gun,  
26 pistol or other missile, within the limits of any cemetery, or

1 shall cause any shot or missile to be discharged into or over  
2 any portion thereof, or shall violate any of the rules made and  
3 established by the board of directors of such cemetery, for the  
4 protection or government thereof, is guilty of a Class C  
5 misdemeanor.

6 (f) Any person who knowingly enters or knowingly remains  
7 upon the premises of a public or private cemetery without  
8 authorization during hours that the cemetery is posted as  
9 closed to the public is guilty of a Class A misdemeanor.

10 (g) All fines when recovered, shall be paid over by the  
11 court or officer receiving the same to the cemetery authority  
12 and be applied, as far as possible in repairing the injury, if  
13 any, caused by such offense. Provided, nothing contained in  
14 this Act shall deprive such cemetery authority~~r~~ or the owner of  
15 any interment, entombment, or inurement right or monument from  
16 maintaining an action for the recovery of damages caused by any  
17 injury caused by a violation of the provisions of this Act, or  
18 of the rules established by the board of directors of such  
19 cemetery authority. Nothing in this Section shall be construed  
20 to prohibit the discharge of firearms loaded with blank  
21 ammunition as part of any funeral, any memorial observance or  
22 any other patriotic or military ceremony.

23 (Source: P.A. 94-44, eff. 6-17-05; 94-608, eff. 8-16-05;  
24 revised 8-29-05.)

25 Section 1210. The Illinois Human Rights Act is amended by

1 changing Sections 2-104 and 4-101 as follows:

2 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

3 Sec. 2-104. Exemptions.

4 (A) Nothing contained in this Act shall prohibit an  
5 employer, employment agency or labor organization from:

6 (1) Bona Fide Qualification. Hiring or selecting  
7 between persons for bona fide occupational qualifications  
8 or any reason except those civil-rights violations  
9 specifically identified in this Article.

10 (2) Veterans. Giving preferential treatment to  
11 veterans and their relatives as required by the laws or  
12 regulations of the United States or this State or a unit of  
13 local government.

14 (3) Unfavorable Discharge From Military Service. Using  
15 unfavorable discharge from military service as a valid  
16 employment criterion when authorized by federal law or  
17 regulation or when a position of employment involves the  
18 exercise of fiduciary responsibilities as defined by rules  
19 and regulations which the Department shall adopt.

20 (4) Ability Tests. Giving or acting upon the results of  
21 any professionally developed ability test provided that  
22 such test, its administration, or action upon the results,  
23 is not used as a subterfuge for or does not have the effect  
24 of unlawful discrimination.

25 (5) Merit and Retirement Systems.

1           (a) Applying different standards of compensation,  
2           or different terms, conditions or privileges of  
3           employment pursuant to a merit or retirement system  
4           provided that such system or its administration is not  
5           used as a subterfuge for or does not have the effect of  
6           unlawful discrimination.

7           (b) Effecting compulsory retirement of any  
8           employee who has attained 65 years of age and who, for  
9           the 2-year period immediately preceding retirement, is  
10          employed in a bona fide executive or a high  
11          policymaking position, if such employee is entitled to  
12          an immediate nonforfeitable annual retirement benefit  
13          from a pension, profit-sharing, savings, or deferred  
14          compensation plan, or any combination of such plans of  
15          the employer of such employee, which equals, in the  
16          aggregate, at least \$44,000. If any such retirement  
17          benefit is in a form other than a straight life annuity  
18          (with no ancillary benefits) or if the employees  
19          contribute to any such plan or make rollover  
20          contributions, the retirement benefit shall be  
21          adjusted in accordance with regulations prescribed by  
22          the Department, so that the benefit is the equivalent  
23          of a straight life annuity (with no ancillary benefits)  
24          under a plan to which employees do not contribute and  
25          under which no rollover contributions are made.

26          (c) Until January 1, 1994, effecting compulsory

1 retirement of any employee who has attained 70 years of  
2 age, and who is serving under a contract of unlimited  
3 tenure (or similar arrangement providing for unlimited  
4 tenure) at an institution of higher education as  
5 defined by Section 1201(a) of the Higher Education Act  
6 of 1965.

7 (6) Training and Apprenticeship programs. Establishing  
8 an educational requirement as a prerequisite to selection  
9 for a training or apprenticeship program, provided such  
10 requirement does not operate to discriminate on the basis  
11 of any prohibited classification except age.

12 (7) Police and Firefighter/Paramedic Retirement.  
13 Imposing a mandatory retirement age for  
14 firefighters/paramedics or law enforcement officers and  
15 discharging or retiring such individuals pursuant to the  
16 mandatory retirement age if such action is taken pursuant  
17 to a bona fide retirement plan provided that the law  
18 enforcement officer or firefighter/paramedic has attained:

19 (a) the age of retirement in effect under  
20 applicable State or local law on March 3, 1983; or

21 (b) if the applicable State or local law was  
22 enacted after the date of enactment of the federal Age  
23 Discrimination in Employment Act Amendments of 1996  
24 (P.L. 104-208), the age of retirement in effect on the  
25 date of such discharge under such law.

26 This paragraph (7) shall not apply with respect to any

1 cause of action arising under the Illinois Human Rights Act  
2 as in effect prior to the effective date of this amendatory  
3 Act of 1997.

4 (8) Police and Firefighter/Paramedic Appointment.  
5 Failing or refusing to hire any individual because of such  
6 individual's age if such action is taken with respect to  
7 the employment of an individual as a firefighter/paramedic  
8 or as a law enforcement officer and the individual has  
9 attained:

10 (a) the age of hiring or appointment in effect  
11 under applicable State or local law on March 3, 1983;  
12 or

13 (b) the age of hiring in effect on the date of such  
14 failure or refusal to hire under applicable State or  
15 local law enacted after the date of enactment of the  
16 federal Age Discrimination in Employment Act  
17 Amendments of 1996 (P.L. 104-208).

18 As used in paragraph (7) or (8):

19 "Firefighter/paramedic" means an employee, the duties  
20 of whose position are primarily to perform work directly  
21 connected with the control and extinguishment of fires or  
22 the maintenance and use of firefighting apparatus and  
23 equipment, or to provide emergency medical services,  
24 including an employee engaged in this activity who is  
25 transferred to a supervisory or administrative position.

26 "Law enforcement officer" means an employee, the

1 duties of whose position are primarily the investigation,  
2 apprehension, or detention of individuals suspected or  
3 convicted of criminal offenses, including an employee  
4 engaged in this activity who is transferred to a  
5 supervisory or administrative position.

6 (9) Citizenship Status. Making legitimate distinctions  
7 based on citizenship status if specifically authorized or  
8 required by State or federal law.

9 (B) With respect to any employee who is subject to a  
10 collective bargaining agreement:

11 (a) which is in effect on June 30, 1986,

12 (b) which terminates after January 1, 1987,

13 (c) any provision of which was entered into by a labor  
14 organization as defined by Section 6(d)(4) of the Fair  
15 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

16 (d) which contains any provision that would be  
17 superseded by this amendatory Act of 1987 (Public Act  
18 85-748),

19 such amendatory Act of 1987 shall not apply until the  
20 termination of such collective bargaining agreement or January  
21 1, 1990, whichever occurs first.

22 (C) (1) For purposes of this Act, the term "handicap" shall  
23 not include any employee or applicant who is currently engaging  
24 in the illegal use of drugs, when an employer acts on the basis  
25 of such use.

26 (2) Paragraph (1) shall not apply where an employee or



1 applicant for employment:

2 (a) has successfully completed a supervised drug  
3 rehabilitation program and is no longer engaging in the  
4 illegal use of drugs, or has otherwise been rehabilitated  
5 successfully and is no longer engaging in such use;

6 (b) is participating in a supervised rehabilitation  
7 program and is no longer engaging in such use; or

8 (c) is erroneously regarded as engaging in such use,  
9 but is not engaging in such use.

10 It shall not be a violation of this Act for an employer to  
11 adopt or administer reasonable policies or procedures,  
12 including but not limited to drug testing, designed to ensure  
13 that an individual described in subparagraph (a) or (b) is no  
14 longer engaging in the illegal use of drugs.

15 (3) An employer:

16 (a) may prohibit the illegal use of drugs and the use  
17 of alcohol at the workplace by all employees;

18 (b) may require that employees shall not be under the  
19 influence of alcohol or be engaging in the illegal use of  
20 drugs at the workplace;

21 (c) may require that employees behave in conformance  
22 with the requirements established under the federal  
23 Drug-Free Workplace Act of 1988 (41 ~~41~~ U.S.C. 701 et seq.)  
24 and the Drug Free Workplace Act;

25 (d) may hold an employee who engages in the illegal use  
26 of drugs or who is an alcoholic to the same qualification

1 standards for employment or job performance and behavior  
2 that such employer holds other employees, even if any  
3 unsatisfactory performance or behavior is related to the  
4 drug use or alcoholism of such employee; and

5 (e) may, with respect to federal regulations regarding  
6 alcohol and the illegal use of drugs, require that:

7 (i) employees comply with the standards  
8 established in such regulations of the United States  
9 Department of Defense, if the employees of the employer  
10 are employed in an industry subject to such  
11 regulations, including complying with regulations (if  
12 any) that apply to employment in sensitive positions in  
13 such an industry, in the case of employees of the  
14 employer who are employed in such positions (as defined  
15 in the regulations of the Department of Defense);

16 (ii) employees comply with the standards  
17 established in such regulations of the Nuclear  
18 Regulatory Commission, if the employees of the  
19 employer are employed in an industry subject to such  
20 regulations, including complying with regulations (if  
21 any) that apply to employment in sensitive positions in  
22 such an industry, in the case of employees of the  
23 employer who are employed in such positions (as defined  
24 in the regulations of the Nuclear Regulatory  
25 Commission); and

26 (iii) employees comply with the standards

1 established in such regulations of the United States  
2 Department of Transportation, if the employees of the  
3 employer are employed in a transportation industry  
4 subject to such regulations, including complying with  
5 such regulations (if any) that apply to employment in  
6 sensitive positions in such an industry, in the case of  
7 employees of the employer who are employed in such  
8 positions (as defined in the regulations of the United  
9 States Department of Transportation).

10 (4) For purposes of this Act, a test to determine the  
11 illegal use of drugs shall not be considered a medical  
12 examination. Nothing in this Act shall be construed to  
13 encourage, prohibit, or authorize the conducting of drug  
14 testing for the illegal use of drugs by job applicants or  
15 employees or making employment decisions based on such test  
16 results.

17 (5) Nothing in this Act shall be construed to encourage,  
18 prohibit, restrict, or authorize the otherwise lawful exercise  
19 by an employer subject to the jurisdiction of the United States  
20 Department of Transportation of authority to:

21 (a) test employees of such employer in, and applicants  
22 for, positions involving safety-sensitive duties for the  
23 illegal use of drugs and for on-duty impairment by alcohol;  
24 and

25 (b) remove such persons who test positive for illegal  
26 use of drugs and on-duty impairment by alcohol pursuant to

1           subparagraph (a) from safety-sensitive duties in  
2           implementing paragraph (3).

3           (Source: P.A. 90-481, eff. 8-17-97; revised 10-11-05.)

4           (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

5           Sec. 4-101. Definitions. † The following definitions are  
6           applicable strictly in the context of this Article:

7           (A) Credit Card. "Credit card" has the meaning set forth in  
8           Section 2.03 of the Illinois Credit Card and Debit Card Act.

9           (B) Financial Institution. "Financial institution" means  
10          any bank, credit union, insurance company, mortgage banking  
11          company or savings and loan association which operates or has a  
12          place of business in this State.

13          (C) Loan. "Loan" includes, but is not limited to, the  
14          providing of funds, for consideration, which are sought for:  
15          (1) the purpose of purchasing, constructing, improving,  
16          repairing, or maintaining a housing accommodation as that term  
17          is defined in paragraph (C) of Section 3-101; or (2) any  
18          commercial or industrial purposes.

19          (D) Varying Terms. "Varying the terms of a loan" includes,  
20          but is not limited to, the following practices:

21                 (1) Requiring a greater down payment than is usual for  
22                 the particular type of a loan involved.

23                 (2) Requiring a shorter period of amortization than is  
24                 usual for the particular type of loan involved.

25                 (3) Charging a higher interest rate than is usual for

1 the particular type of loan involved.

2 (4) An under appraisal of real estate or other item of  
3 property offered as security.

4 (Source: P.A. 84-880; revised 9-15-06.)

5 Section 1215. The Business Corporation Act of 1983 is  
6 amended by changing Sections 1.25, 15.10, and 15.95 as follows:

7 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

8 Sec. 1.25. List of corporations; exchange of information.

9 (a) The Secretary of State shall publish each year a list  
10 of corporations filing an annual report for the preceding year  
11 in accordance with the provisions of this Act, which report  
12 shall state the name of the corporation and the respective  
13 names and addresses of the president, secretary, and registered  
14 agent thereof and the address of the registered office in this  
15 State of each such corporation. The Secretary of State shall  
16 furnish without charge a copy of such report to each recorder  
17 of this State, and to each member of the General Assembly and  
18 to each State agency or department requesting the same. The  
19 Secretary of State shall, upon receipt of a written request and  
20 a fee as determined by the Secretary, furnish such report to  
21 anyone else.

22 (b) (1) The Secretary of State shall publish daily a list  
23 of all newly formed corporations, business and not for profit,  
24 chartered by him on that day issued after receipt of the

1 application. The daily list shall contain the same information  
2 as to each corporation as is provided for the corporation list  
3 published under subsection (a) of this Section. The daily list  
4 may be obtained at the Secretary's office by any person,  
5 newspaper, State department or agency, or local government for  
6 a reasonable charge to be determined by the Secretary.  
7 Inspection of the daily list may be made at the Secretary's  
8 office during normal business hours without charge by any  
9 person, newspaper, State department or agency, or local  
10 government.

11 (2) The Secretary shall compile the daily list mentioned in  
12 paragraph (1) of subsection (b) of this Section monthly, or  
13 more often at the Secretary's discretion. The compilation shall  
14 be immediately mailed free of charge to all local governments  
15 requesting in writing receipt of such publication, or shall be  
16 automatically mailed by the Secretary without charge to local  
17 governments as determined by the Secretary. The Secretary shall  
18 mail a copy of the compilations free of charge to all State  
19 departments or agencies making a written request. A request for  
20 a compilation of the daily list once made by a local government  
21 or State department or agency need not be renewed. However, the  
22 Secretary may request from time to time whether the local  
23 governments or State departments or agencies desire to continue  
24 receiving the compilation.

25 (3) The compilations of the daily list mentioned in  
26 paragraph (2) of subsection (b) of this Section shall be mailed

1 to newspapers, or any other person not included as a recipient  
2 in paragraph (2) of subsection (b) of this Section, upon  
3 receipt of a written application signed by the applicant and  
4 accompanied by the payment of a fee as determined by the  
5 Secretary.

6 (c) If a domestic or foreign corporation has filed with the  
7 Secretary of State an annual report for the preceding year or  
8 has been newly formed or is otherwise and in any manner  
9 registered with the Secretary of State, the Secretary of State  
10 shall exchange with the ~~Illinois~~ Department of Healthcare and  
11 Family Services ~~Public Aid~~ any information concerning that  
12 corporation that may be necessary for the enforcement of child  
13 support orders entered pursuant to the Illinois Public Aid  
14 Code, the Illinois Marriage and Dissolution of Marriage Act,  
15 the Non-Support of Spouse and Children Act, the Non-Support  
16 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
17 Support Act, the Uniform Interstate Family Support Act, or the  
18 Illinois Parentage Act of 1984.

19 Notwithstanding any provisions in this Act to the contrary,  
20 the Secretary of State shall not be liable to any person for  
21 any disclosure of information to the Department of Healthcare  
22 and Family Services (formerly Illinois Department of Public  
23 Aid) under this subsection or for any other action taken in  
24 good faith to comply with the requirements of this subsection.

25 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
26 12-15-05.)

1 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

2 Sec. 15.10. Fees for filing documents. The Secretary of  
3 State shall charge and collect for:

4 (a) Filing articles of incorporation, \$150.

5 (b) Filing articles of amendment, \$50, unless the amendment  
6 is a restatement of the articles of incorporation, in which  
7 case the fee shall be \$150.

8 (c) Filing articles of merger or consolidation, \$100, but  
9 if the merger or consolidation involves more than 2  
10 corporations, \$50 for each additional corporation.

11 (d) Filing articles of share exchange, \$100.

12 (e) Filing articles of dissolution, \$5.

13 (f) Filing application to reserve a corporate name, \$25.

14 (g) Filing a notice of transfer of a reserved corporate  
15 name, \$25.

16 (h) Filing statement of change of address of registered  
17 office or change of registered agent, or both, \$25.

18 (i) Filing statement of the establishment of a series of  
19 shares, \$25.

20 (j) Filing an application of a foreign corporation for  
21 authority to transact business in this State, \$150.

22 (k) Filing an application of a foreign corporation for  
23 amended authority to transact business in this State, \$25.

24 (l) Filing a copy of amendment to the articles of  
25 incorporation of a foreign corporation holding authority to



1 transact business in this State, \$50, unless the amendment is a  
2 restatement of the articles of incorporation, in which case the  
3 fee shall be \$150.

4 (m) Filing a copy of articles of merger of a foreign  
5 corporation holding a certificate of authority to transact  
6 business in this State, \$100, but if the merger involves more  
7 than 2 corporations, \$50 for each additional corporation.

8 (n) Filing an application for withdrawal and final report  
9 or a copy of articles of dissolution of a foreign corporation,  
10 \$25.

11 (o) Filing an annual report, interim annual report, or  
12 final transition annual report of a domestic or foreign  
13 corporation, \$75.

14 (p) Filing an application for reinstatement of a domestic  
15 or a foreign corporation, \$200.

16 (q) Filing an application for use of an assumed corporate  
17 name, \$150 for each year or part thereof ending in 0 or 5, \$120  
18 for each year or part thereof ending in 1 or 6, \$90 for each  
19 year or part thereof ending in 2 or 7, \$60 for each year or part  
20 thereof ending in 3 or 8, \$30 for each year or part thereof  
21 ending in 4 or 9, between the date of filing the application  
22 and the date of the renewal of the assumed corporate name; and  
23 a renewal fee for each assumed corporate name, \$150.

24 (r) To change an assumed corporate name for the period  
25 remaining until the renewal date of the original assumed name,  
26 \$25.

1 (s) Filing an application for cancellation of an assumed  
2 corporate name, \$5.

3 (t) Filing an application to register the corporate name of  
4 a foreign corporation, \$50; and an annual renewal fee for the  
5 registered name, \$50.

6 (u) Filing an application for cancellation of a registered  
7 name of a foreign corporation, \$25.

8 (v) Filing a statement of correction, \$50.

9 (w) Filing a petition for refund or adjustment, \$5.

10 (x) Filing a statement of election of an extended filing  
11 month, \$25.

12 (y) Filing any other statement or report, \$5.

13 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,  
14 eff. 7-1-03; revised 9-5-03.)

15 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

16 Sec. 15.95. Department of Business Services Special  
17 Operations Fund.

18 (a) A special fund in the State treasury known as the  
19 Division of Corporations Special Operations Fund is renamed the  
20 Department of Business Services Special Operations Fund.  
21 Moneys deposited into the Fund shall, subject to appropriation,  
22 be used by the Department of Business Services of the Office of  
23 the Secretary of State, hereinafter "Department", to create and  
24 maintain the capability to perform expedited services in  
25 response to special requests made by the public for same day or

1 24 hour service. Moneys deposited into the Fund shall be used  
2 for, but not limited to, expenditures for personal services,  
3 retirement, social security, contractual services, equipment,  
4 electronic data processing, and telecommunications.

5 (b) The balance in the Fund at the end of any fiscal year  
6 shall not exceed \$600,000 and any amount in excess thereof  
7 shall be transferred to the General Revenue Fund.

8 (c) All fees payable to the Secretary of State under this  
9 Section shall be deposited into the Fund. No other fees or  
10 taxes collected under this Act shall be deposited into the  
11 Fund.

12 (d) "Expedited services" means services rendered within  
13 the same day, or within 24 hours from the time, the request  
14 therefor is submitted by the filer, law firm, service company,  
15 or messenger physically in person or, at the Secretary of  
16 State's discretion, by electronic means, to the Department's  
17 Springfield Office and includes requests for certified copies,  
18 photocopies, and certificates of good standing or fact made to  
19 the Department's Springfield Office in person or by telephone,  
20 or requests for certificates of good standing or fact made in  
21 person or by telephone to the Department's Chicago Office.

22 (e) Fees for expedited services shall be as follows:

23 Restatement of articles, \$200;

24 Merger, consolidation or exchange, \$200;

25 Articles of incorporation, \$100;

26 Articles of amendment, \$100;

1           Revocation of dissolution, \$100;  
2           Reinstatement, \$100;  
3           Application for authority, \$100;  
4           Cumulative report of changes in issued shares or paid-in  
5 capital, \$100;  
6           Report following merger or consolidation, \$100;  
7           Certificate of good standing or fact, \$20;  
8           All other filings, copies of documents, annual reports  
9 filed on or after January 1, 1984, and copies of documents of  
10 dissolved or revoked corporations having a file number over  
11 5199, \$50.

12           (f) Expedited services shall not be available for a  
13 statement of correction, a petition for refund or adjustment,  
14 or a request involving annual reports filed before January 1,  
15 1984 or involving dissolved corporations with a file number  
16 below 5200.

17           (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,  
18 eff. 7-1-03; revised 9-5-03.)

19           Section 1220. The General Not For Profit Corporation Act of  
20 1986 is amended by changing Section 101.25 as follows:

21           (805 ILCS 105/101.25) (from Ch. 32, par. 101.25)

22           Sec. 101.25. Lists of corporations; exchange of  
23 information.

24           (a) The Secretary of State shall include in his or her

1 daily publication lists of business corporations formed on that  
2 day as provided in paragraph (1) of subsection (b) of Section  
3 1.25 of the Business Corporation Act of 1983 all not-for-profit  
4 corporations formed on the day of publication of such lists.

5 (b) The Secretary of State shall include among information  
6 to be exchanged with the ~~Illinois~~ Department of Healthcare and  
7 Family Services ~~Public Aid~~, as provided in subsection (c) of  
8 Section 1.25 of the Business Corporation Act of 1983,  
9 information regarding all not-for-profit corporations formed  
10 pursuant to this Act.

11 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

12 Section 1225. The Limited Liability Company Act is amended  
13 by changing Sections 1-25, 15-3, 50-5, and 50-10 as follows:

14 (805 ILCS 180/1-25)

15 Sec. 1-25. Nature of business. A limited liability company  
16 may be formed for any lawful purpose or business except:

17 (1) (blank);

18 (2) insurance unless, for the purpose of carrying on  
19 business as a member of a group including incorporated and  
20 individual unincorporated underwriters, the Director of  
21 Insurance finds that the group meets the requirements of  
22 subsection (3) of Section 86 of the Illinois Insurance Code  
23 and the limited liability company, if insolvent, is subject  
24 to liquidation by the Director of Insurance under Article

1 XIII of the Illinois Insurance Code;

2 (3) the practice of dentistry unless all the members  
3 and managers are licensed as dentists under the Illinois  
4 Dental Practice Act; or

5 (4) the practice of medicine unless all the managers,  
6 if any, are licensed to practice medicine under the Medical  
7 Practice Act of 1987 and each member is either:

8 (A) licensed to practice medicine under the  
9 Medical Practice Act of 1987; or

10 (B) a registered medical corporation or  
11 corporations organized pursuant to the Medical  
12 Corporation Act; or

13 (C) a professional corporation organized pursuant  
14 to the Professional Service Corporation Act of  
15 physicians licensed to practice medicine in all its  
16 branches; or

17 (D) a limited liability company that satisfies the  
18 requirements of subparagraph (A), (B), or (C).

19 (Source: P.A. 92-144, eff. 7-24-01; 93-59, eff. 7-1-03; 93-561,  
20 eff. 1-1-04; revised 9-5-03.)

21 (805 ILCS 180/15-3)

22 Sec. 15-3. General standards of member and manager's  
23 conduct.

24 (a) The fiduciary duties a member owes to a member-managed  
25 company and its other members include the duty of loyalty and

1 the duty of care referred to in subsections (b) and (c) of this  
2 Section.

3 (b) A member's duty of loyalty to a member-managed company  
4 and its other members includes the following:

5 (1) to account to the company and to hold as trustee  
6 for it any property, profit, or benefit derived by the  
7 member in the conduct or winding up of the company's  
8 business or derived from a use by the member of the  
9 company's property, including the appropriation of a  
10 company's opportunity;

11 (2) to act fairly when a member deals with the company  
12 in the conduct or winding up of the company's business as  
13 or on behalf of a party having an interest adverse to the  
14 company; and

15 (3) to refrain from competing with the company in the  
16 conduct of the company's business before the dissolution of  
17 the company.

18 (c) A member's duty of care to a member-managed company and  
19 its other members in the conduct of and ~~a~~ winding up of the  
20 company's business is limited to refraining from engaging in  
21 grossly negligent or reckless conduct, intentional misconduct,  
22 or a knowing violation of law.

23 (d) A member shall discharge his or her duties to a  
24 member-managed company and its other members under this Act or  
25 under the operating agreement and exercise any rights  
26 consistent with the obligation of good faith and fair dealing.

1           (e) A member of a member-managed company does not violate a  
2 duty or obligation under this Act or under the operating  
3 agreement merely because the member's conduct furthers the  
4 member's own interest.

5           (f) This Section applies to a person winding up the limited  
6 liability company's business as the personal or legal  
7 representative of the last surviving member as if the person  
8 were a member.

9           (g) In a manager-managed company:

10           (1) a member who is not also a manager owes no duties  
11 to the company or to the other members solely by reason of  
12 being a member;

13           (2) a manager is held to the same standards of conduct  
14 prescribed for members in subsections (b), (c), (d), and  
15 (e) of this Section;

16           (3) a member who pursuant to the operating agreement  
17 exercises some or all of the authority of a manager in the  
18 management and conduct of the company's business is held to  
19 the standards of conduct in subsections (b), (c), (d), and  
20 (e) of this Section to the extent that the member exercises  
21 the managerial authority vested in a manager by this Act;  
22 and

23           (4) a manager is relieved of liability imposed by law  
24 for violations of the standards prescribed by subsections  
25 (b), (c), (d), and (e) to the extent of the managerial  
26 authority delegated to the members by the operating



1 agreement.

2 (Source: P.A. 90-424, eff. 1-1-98; revised 10-18-05.)

3 (805 ILCS 180/50-5)

4 Sec. 50-5. List of limited liability companies; exchange of  
5 information.

6 (a) The Secretary of State may publish a list or lists of  
7 limited liability companies and foreign limited liability  
8 companies, as often, in the format, and for the fees as the  
9 Secretary of State may in his or her discretion provide by  
10 rule. The Secretary of State may disseminate information  
11 concerning limited liability companies and foreign limited  
12 liability companies by computer network in the format and for  
13 the fees as may be determined by rule.

14 (b) Upon written request, any list published under  
15 subsection (a) shall be free to each member of the General  
16 Assembly, to each State agency or department, and to each  
17 recorder in this State. An appropriate fee established by rule  
18 to cover the cost of producing the list shall be charged to all  
19 others.

20 (c) If a domestic or foreign limited liability company has  
21 filed with the Secretary of State an annual report for the  
22 preceding year or has been newly formed or is otherwise and in  
23 any manner registered with the Secretary of State, the  
24 Secretary of State shall exchange with the ~~Illinois~~ Department  
25 of Healthcare and Family Services ~~Public Aid~~ any information

1 concerning that limited liability company that may be necessary  
2 for the enforcement of child support orders entered pursuant to  
3 the Illinois Public Aid Code, the Illinois Marriage and  
4 Dissolution of Marriage Act, the Non-Support of Spouse and  
5 Children Act, the Non-Support Punishment Act, the Revised  
6 Uniform Reciprocal Enforcement of Support Act, the Uniform  
7 Interstate Family Support Act, or the Illinois Parentage Act of  
8 1984.

9 Notwithstanding any provisions in this Act to the contrary,  
10 the Secretary of State shall not be liable to any person for  
11 any disclosure of information to the Department of Healthcare  
12 and Family Services (formerly Illinois Department of Public  
13 Aid) under this subsection or for any other action taken in  
14 good faith to comply with the requirements of this subsection.

15 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
16 12-15-05.)

17 (805 ILCS 180/50-10)

18 Sec. 50-10. Fees.

19 (a) The Secretary of State shall charge and collect in  
20 accordance with the provisions of this Act and rules  
21 promulgated under its authority all of the following:

22 (1) Fees for filing documents.

23 (2) Miscellaneous charges.

24 (3) Fees for the sale of lists of filings and for  
25 copies of any documents.

1 (b) The Secretary of State shall charge and collect for all  
2 of the following:

3 (1) Filing articles of organization (domestic),  
4 application for admission (foreign), and restated articles  
5 of organization (domestic), \$500. Notwithstanding the  
6 foregoing, the fee for filing articles of organization  
7 (domestic), application for admission (foreign), and  
8 restated articles of organization (domestic) in connection  
9 with a limited liability company with a series pursuant to  
10 Section 37-40 of this Act is \$750.

11 (2) Filing amendments (domestic or foreign), \$150.

12 (3) Filing articles of dissolution or application for  
13 withdrawal, \$100.

14 (4) Filing an application to reserve a name, \$300.

15 (5) Renewal fee for reserved name, \$100.

16 (6) Filing a notice of a transfer of a reserved name,  
17 \$100.

18 (7) Registration of a name, \$300.

19 (8) Renewal of registration of a name, \$100.

20 (9) Filing an application for use of an assumed name  
21 under Section 1-20 of this Act, \$150 for each year or part  
22 thereof ending in 0 or 5, \$120 for each year or part  
23 thereof ending in 1 or 6, \$90 for each year or part thereof  
24 ending in 2 or 7, \$60 for each year or part thereof ending  
25 in 3 or 8, \$30 for each year or part thereof ending in 4 or  
26 9, and a renewal for each assumed name, \$150.

1           (10) Filing an application for change of an assumed  
2 name, \$100.

3           (11) Filing an annual report of a limited liability  
4 company or foreign limited liability company, \$250, if  
5 filed as required by this Act, plus a penalty if  
6 delinquent. Notwithstanding the foregoing, the fee for  
7 filing an annual report of a limited liability company or  
8 foreign limited liability company is \$250 plus \$50 for each  
9 series for which a certificate of designation has been  
10 filed pursuant to Section 37-40 of this Act, plus a penalty  
11 if delinquent.

12           (12) Filing an application for reinstatement of a  
13 limited liability company or foreign limited liability  
14 company \$500.

15           (13) Filing Articles of Merger, \$100 plus \$50 for each  
16 party to the merger in excess of the first 2 parties.

17           (14) Filing an Agreement of Conversion or Statement of  
18 Conversion, \$100.

19           (15) Filing a statement of change of address of  
20 registered office or change of registered agent, or both,  
21 or filing a statement of correction, \$25.

22           (16) Filing a petition for refund, \$15.

23           (17) Filing any other document, \$100.

24           (18) Filing a certificate of designation of a limited  
25 liability company with a series pursuant to Section 37-40  
26 of this Act, \$50.

1 (c) The Secretary of State shall charge and collect all of  
2 the following:

3 (1) For furnishing a copy or certified copy of any  
4 document, instrument, or paper relating to a limited  
5 liability company or foreign limited liability company, or  
6 for a certificate, \$25.

7 (2) For the transfer of information by computer process  
8 media to any purchaser, fees established by rule.

9 (Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605,  
10 eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

11 Section 1230. The Uniform Commercial Code is amended by  
12 changing Section 8-106 as follows:

13 (810 ILCS 5/8-106) (from Ch. 26, par. 8-106)

14 Sec. 8-106. Control.

15 (a) A purchaser has "control" of a certificated security in  
16 bearer form if the certificated security is delivered to the  
17 purchaser.

18 (b) A purchaser has "control" of a certificated security in  
19 registered form if the certificated security is delivered to  
20 the purchaser, and:

21 (1) the certificate is indorsed to the purchaser or in  
22 blank by an effective indorsement; or

23 (2) the certificate is registered in the name of the  
24 purchaser, upon original issue or registration of transfer

1 by the issuer.

2 (c) A purchaser has "control" of an uncertificated security  
3 if:

4 (1) the uncertificated security is delivered to the  
5 purchaser; or

6 (2) the issuer has agreed that it will comply with  
7 instructions originated by the purchaser without further  
8 consent by the registered owner. ~~;~~ ~~or~~

9 ~~(3) another person has control of the security~~  
10 ~~entitlement on behalf of the purchaser or, having~~  
11 ~~previously acquired control of the security entitlement,~~  
12 ~~acknowledges that it has control on behalf of the~~  
13 ~~purchaser.~~

14 (d) A purchaser has "control" of a security entitlement if:

15 (1) the purchaser becomes the entitlement holder; ~~or~~

16 (2) the securities intermediary has agreed that it will  
17 comply with entitlement orders originated by the purchaser  
18 without further consent by the entitlement holder; or.

19 (3) another person has control of the security  
20 entitlement on behalf of the purchaser or, having  
21 previously acquired control of the security entitlement,  
22 acknowledges that it has control on behalf of the  
23 purchaser.

24 (e) If an interest in a security entitlement is granted by  
25 the entitlement holder to the entitlement holder's own  
26 securities intermediary, the securities intermediary has

1 control.

2 (f) A purchaser who has satisfied the requirements of  
3 subsection (c) or (d) has control even if the registered owner  
4 in the case of subsection (c) or the entitlement holder in the  
5 case of subsection (d) retains the right to make substitutions  
6 for the uncertificated security or security entitlement, to  
7 originate instructions or entitlement orders to the issuer or  
8 securities intermediary, or otherwise to deal with the  
9 uncertificated security or security entitlement.

10 (g) An issuer or a securities intermediary may not enter  
11 into an agreement of the kind described in subsection (c)(2) or  
12 (d)(2) without the consent of the registered owner or  
13 entitlement holder, but an issuer or a securities intermediary  
14 is not required to enter into such an agreement even though the  
15 registered owner or entitlement holder so directs. An issuer or  
16 securities intermediary that has entered into such an agreement  
17 is not required to confirm the existence of the agreement to  
18 another party unless requested to do so by the registered owner  
19 or entitlement holder.

20 (Source: P.A. 91-893, eff. 7-1-01; revised 2-27-02.)

21 Section 1235. The Illinois Securities Law of 1953 is  
22 amended by changing Section 2.29 as follows:

23 (815 ILCS 5/2.29)

24 Sec. 2.29. Covered security. "Covered security" means any

1 security that is a covered security under Section 18(b) of the  
2 Federal 1933 Act or rules or regulations promulgated  
3 thereunder.

4 (Source: P.A. 90-70, eff. 7-8-97; revised 9-20-06.)

5 Section 1240. The Payday Loan Reform Act is amended by  
6 renumbering Section 99 as follows:

7 (815 ILCS 122/99-99) (was 815 ILCS 122/99)

8 Sec. 99-99 ~~99~~. Effective date. This Act takes effect 180  
9 days after becoming law.

10 (Source: P.A. 94-13, eff. 12-6-05; revised 9-22-05.)

11 Section 1245. The Credit Card Liability Act is amended by  
12 changing Section 1 as follows:

13 (815 ILCS 145/1) (from Ch. 17, par. 6101)

14 Sec. 1. (a) No person in whose name a credit card is issued  
15 without his having requested or applied for the card or for the  
16 extension of the credit or establishment of a charge account  
17 which that card evidences is liable to the issuer of the card  
18 for any purchases made or other amounts owing by a use of that  
19 card from which he or a member of his family or household  
20 derive no benefit unless he has indicated his acceptance of the  
21 card by signing or using the card or by permitting or  
22 authorizing use of the card by another. A mere failure to



1 destroy or return an unsolicited card is not such an  
2 indication. As used in this Act, "credit card" has the meaning  
3 ascribed to it in Section 2.03 of the Illinois Credit Card and  
4 Debit Card Act, except that it does not include a card issued  
5 by any telephone company that is subject to supervision or  
6 regulation by the Illinois Commerce Commission or other public  
7 authority.

8 (b) When an action is brought by an issuer against the  
9 person named on the card, the burden of proving the request,  
10 application, authorization, permission, use or benefit as set  
11 forth in Section 1 hereof shall be upon plaintiff if put in  
12 issue by defendant. In the event of judgment for defendant, the  
13 court shall allow defendant a reasonable attorney's fee, to be  
14 taxed as costs.

15 (Source: P.A. 78-777; revised 9-15-06.)

16 Section 1250. The Interest Act is amended by changing  
17 Sections 4 and 4.1 as follows:

18 (815 ILCS 205/4) (from Ch. 17, par. 6404)

19 Sec. 4. General interest rate.

20 (1) Except as otherwise provided in ~~this~~ Section 4.05, in  
21 all written contracts it shall be lawful for the parties to  
22 stipulate or agree that 9% per annum, or any less sum of  
23 interest, shall be taken and paid upon every \$100 of money  
24 loaned or in any manner due and owing from any person to any

1 other person or corporation in this state, and after that rate  
2 for a greater or less sum, or for a longer or shorter time,  
3 except as herein provided.

4 The maximum rate of interest that may lawfully be  
5 contracted for is determined by the law applicable thereto at  
6 the time the contract is made. Any provision in any contract,  
7 whether made before or after July 1, 1969, which provides for  
8 or purports to authorize, contingent upon a change in the  
9 Illinois law after the contract is made, any rate of interest  
10 greater than the maximum lawful rate at the time the contract  
11 is made, is void.

12 It is lawful for a state bank or a branch of an  
13 out-of-state bank, as those terms are defined in Section 2 of  
14 the Illinois Banking Act, to receive or to contract to receive  
15 and collect interest and charges at any rate or rates agreed  
16 upon by the bank or branch and the borrower. It is lawful for a  
17 savings bank chartered under the Savings Bank Act or a savings  
18 association chartered under the Illinois Savings and Loan Act  
19 of 1985 to receive or contract to receive and collect interest  
20 and charges at any rate agreed upon by the savings bank or  
21 savings association and the borrower.

22 It is lawful to receive or to contract to receive and  
23 collect interest and charges as authorized by this Act and as  
24 authorized by the Consumer Installment Loan Act and by the  
25 "Consumer Finance Act", approved July 10, 1935, as now or  
26 hereafter amended, or by the Payday Loan Reform Act. It is

1 lawful to charge, contract for, and receive any rate or amount  
2 of interest or compensation with respect to the following  
3 transactions:

4 (a) Any loan made to a corporation;

5 (b) Advances of money, repayable on demand, to an  
6 amount not less than \$5,000, which are made upon warehouse  
7 receipts, bills of lading, certificates of stock,  
8 certificates of deposit, bills of exchange, bonds or other  
9 negotiable instruments pledged as collateral security for  
10 such repayment, if evidenced by a writing;

11 (c) Any credit transaction between a merchandise  
12 wholesaler and retailer; any business loan to a business  
13 association or copartnership or to a person owning and  
14 operating a business as sole proprietor or to any persons  
15 owning and operating a business as joint venturers, joint  
16 tenants or tenants in common, or to any limited  
17 partnership, or to any trustee owning and operating a  
18 business or whose beneficiaries own and operate a business,  
19 except that any loan which is secured (1) by an assignment  
20 of an individual obligor's salary, wages, commissions or  
21 other compensation for services, or (2) by his household  
22 furniture or other goods used for his personal, family or  
23 household purposes shall be deemed not to be a loan within  
24 the meaning of this subsection; and provided further that a  
25 loan which otherwise qualifies as a business loan within  
26 the meaning of this subsection shall not be deemed as not

1 so qualifying because of the inclusion, with other security  
2 consisting of business assets of any such obligor, of real  
3 estate occupied by an individual obligor solely as his  
4 residence. The term "business" shall be deemed to mean a  
5 commercial, agricultural or industrial enterprise which is  
6 carried on for the purpose of investment or profit, but  
7 shall not be deemed to mean the ownership or maintenance of  
8 real estate occupied by an individual obligor solely as his  
9 residence;

10 (d) Any loan made in accordance with the provisions of  
11 Subchapter I of Chapter 13 of Title 12 of the United States  
12 Code, which is designated as "Housing Renovation and  
13 Modernization";

14 (e) Any mortgage loan insured or upon which a  
15 commitment to insure has been issued under the provisions  
16 of the National Housing Act, Chapter 13 of Title 12 of the  
17 United States Code;

18 (f) Any mortgage loan guaranteed or upon which a  
19 commitment to guaranty has been issued under the provisions  
20 of the Veterans' Benefits Act, Subchapter II of Chapter 37  
21 of Title 38 of the United States Code;

22 (g) Interest charged by a broker or dealer registered  
23 under the Securities Exchange Act of 1934, as amended, or  
24 registered under the Illinois Securities Law of 1953,  
25 approved July 13, 1953, as now or hereafter amended, on a  
26 debit balance in an account for a customer if such debit

1 balance is payable at will without penalty and is secured  
2 by securities as defined in Uniform Commercial  
3 Code-Investment Securities;

4 (h) Any loan made by a participating bank as part of  
5 any loan guarantee program which provides for loans and for  
6 the refinancing of such loans to medical students, interns  
7 and residents and which are guaranteed by the American  
8 Medical Association Education and Research Foundation;

9 (i) Any loan made, guaranteed, or insured in accordance  
10 with the provisions of the Housing Act of 1949, Subchapter  
11 III of Chapter 8A of Title 42 of the United States Code and  
12 the Consolidated Farm and Rural Development Act,  
13 Subchapters I, II, and III of Chapter 50 of Title 7 of the  
14 United States Code;

15 (j) Any loan by an employee pension benefit plan, as  
16 defined in Section 3 (2) of the Employee Retirement Income  
17 Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an  
18 individual participating in such plan, provided that such  
19 loan satisfies the prohibited transaction exemption  
20 requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108  
21 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d)  
22 (1)) of the Employee Retirement Income Security Act of  
23 1974;

24 (k) Written contracts, agreements or bonds for deed  
25 providing for installment purchase of real estate;

26 (1) Loans secured by a mortgage on real estate;

1           (m) Loans made by a sole proprietorship, partnership,  
2           or corporation to an employee or to a person who has been  
3           offered employment by such sole proprietorship,  
4           partnership, or corporation made for the sole purpose of  
5           transferring an employee or person who has been offered  
6           employment to another office maintained and operated by the  
7           same sole proprietorship, partnership, or corporation;

8           (n) Loans to or for the benefit of students made by an  
9           institution of higher education.

10          (2) Except for loans described in subparagraph (a), (c),  
11          (d), (e), (f) or (i) of subsection (1) of this Section, and  
12          except to the extent permitted by the applicable statute for  
13          loans made pursuant to Section 4a or pursuant to the Consumer  
14          Installment Loan Act:

15           (a) Whenever the rate of interest exceeds 8% per annum  
16           on any written contract, agreement or bond for deed  
17           providing for the installment purchase of residential real  
18           estate, or on any loan secured by a mortgage on residential  
19           real estate, it shall be unlawful to provide for a  
20           prepayment penalty or other charge for prepayment.

21           (b) No agreement, note or other instrument evidencing a  
22           loan secured by a mortgage on residential real estate, or  
23           written contract, agreement or bond for deed providing for  
24           the installment purchase of residential real estate, may  
25           provide for any change in the contract rate of interest  
26           during the term thereof. However, if the Congress of the

1 United States or any federal agency authorizes any class of  
2 lender to enter, within limitations, into mortgage  
3 contracts or written contracts, agreements or bonds for  
4 deed in which the rate of interest may be changed during  
5 the term of the contract, any person, firm, corporation or  
6 other entity not otherwise prohibited from entering into  
7 mortgage contracts or written contracts, agreements or  
8 bonds for deed in Illinois may enter into mortgage  
9 contracts or written contracts, agreements or bonds for  
10 deed in which the rate of interest may be changed during  
11 the term of the contract, within the same limitations.

12 (3) In any contract or loan which is secured by a mortgage,  
13 deed of trust, or conveyance in the nature of a mortgage, on  
14 residential real estate, the interest which is computed,  
15 calculated, charged, or collected pursuant to such contract or  
16 loan, or pursuant to any regulation or rule promulgated  
17 pursuant to this Act, may not be computed, calculated, charged  
18 or collected for any period of time occurring after the date on  
19 which the total indebtedness, with the exception of late  
20 payment penalties, is paid in full.

21 For purposes of this Section, a prepayment shall mean the  
22 payment of the total indebtedness, with the exception of late  
23 payment penalties if incurred or charged, on any date before  
24 the date specified in the contract or loan agreement on which  
25 the total indebtedness shall be paid in full, or before the  
26 date on which all payments, if timely made, shall have been

1 made. In the event of a prepayment of the indebtedness which is  
2 made on a date after the date on which interest on the  
3 indebtedness was last computed, calculated, charged, or  
4 collected but before the next date on which interest on the  
5 indebtedness was to be calculated, computed, charged, or  
6 collected, the lender may calculate, charge and collect  
7 interest on the indebtedness for the period which elapsed  
8 between the date on which the prepayment is made and the date  
9 on which interest on the indebtedness was last computed,  
10 calculated, charged or collected at a rate equal to 1/360 of  
11 the annual rate for each day which so elapsed, which rate shall  
12 be applied to the indebtedness outstanding as of the date of  
13 prepayment. The lender shall refund to the borrower any  
14 interest charged or collected which exceeds that which the  
15 lender may charge or collect pursuant to the preceding  
16 sentence. The provisions of this amendatory Act of 1985 shall  
17 apply only to contracts or loans entered into on or after the  
18 effective date of this amendatory Act, but shall not apply to  
19 contracts or loans entered into on or after that date that are  
20 subject to Section 4a of this Act, the Consumer Installment  
21 Loan Act, the Payday Loan Reform Act, or the Retail Installment  
22 Sales Act, or that provide for the refund of precomputed  
23 interest on prepayment in the manner provided by such Act.

24 (Source: P.A. 94-13, eff. 12-6-05; 94-635, eff. 8-22-05;  
25 revised 8-29-05.)



1 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

2 Sec. 4.1. The term "revolving credit" means an arrangement,  
3 including by means of a credit card as defined in Section 2.03  
4 of the Illinois Credit Card and Debit Card Act between a lender  
5 and debtor pursuant to which it is contemplated or provided  
6 that the lender may from time to time make loans or advances to  
7 or for the account of the debtor through the means of drafts,  
8 items, orders for the payment of money, evidences of debt or  
9 similar written instruments, whether or not negotiable, signed  
10 by the debtor or by any person authorized or permitted so to do  
11 on behalf of the debtor, which loans or advances are charged to  
12 an account in respect of which account the lender is to render  
13 bills or statements to the debtor at regular intervals  
14 (hereinafter sometimes referred to as the "billing cycle") the  
15 amount of which bills or statements is payable by and due from  
16 the debtor on a specified date stated in such bill or statement  
17 or at the debtor's option, may be payable by the debtor in  
18 installments. A revolving credit arrangement which grants the  
19 debtor a line of credit in excess of \$5,000 may include  
20 provisions granting the lender a security interest in real  
21 property or in a beneficial interest in a land trust to secure  
22 amounts of credit extended by the lender. Credit extended or  
23 available under a revolving credit plan operated in accordance  
24 with the Illinois Financial Services Development Act shall be  
25 deemed to be "revolving credit" as defined in this Section 4.1  
26 but shall not be subject to Sections 4.1a, 4.2 or 4.3 hereof.

1           Whenever a lender is granted a security interest in real  
2 property or in a beneficial interest in a land trust, the  
3 lender shall disclose the existence of such interest to the  
4 borrower in compliance with the Federal Truth in Lending Act,  
5 amendments thereto, and any regulations issued or which may be  
6 issued thereunder, and shall agree to pay all expenses,  
7 including recording fees and otherwise, to release any such  
8 security interest of record whenever it no longer secures any  
9 credit under a revolving credit arrangement. A lender shall not  
10 be granted a security interest in any real property or in any  
11 beneficial interest in a land trust under a revolving credit  
12 arrangement, or if any such security interest exists, such  
13 interest shall be released, if a borrower renders payment of  
14 the total outstanding balance due under the revolving credit  
15 arrangement and requests in writing to reduce the line of  
16 credit below that amount for which a security interest in real  
17 property or in a beneficial interest in a land trust may be  
18 required by a lender. Any request by a borrower to release a  
19 security interest under a revolving credit arrangement shall be  
20 granted by the lender provided the borrower renders payment of  
21 the total outstanding balance as required by this Section  
22 before the security interest of record may be released.

23       (Source: P.A. 85-1432; revised 9-15-06.)

24           Section 1255. The Automotive Collision Repair Act is  
25 amended by changing Section 50 as follows:

1 (815 ILCS 308/50)

2 Sec. 50. Consumer disclosures; required signs. Every motor  
3 vehicle repair facility shall post in a prominent place on the  
4 business premises one or more signs, readily visible to  
5 customers, in the following form:

6 YOUR CUSTOMER RIGHTS. UNLESS THE FACILITY PROVIDES A FIRM PRICE  
7 QUOTATION, YOU ARE ENTITLED BY LAW TO:

8 1. A WRITTEN ESTIMATE FOR REPAIRS THAT WILL COST MORE THAN \$100  
9 UNLESS ABSENT FACE-TO-FACE CONTACT (SEE ITEM 3 BELOW).

10 2. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS THAT EXCEED THE  
11 ESTIMATED TOTAL PRE-SALES-TAX COST BY MORE THAN 10% OR THAT  
12 EXCEED THE LIMITED PRICE ESTIMATE.

13 3. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR MOTOR  
14 VEHICLE IS LEFT WITH THE COLLISION REPAIR FACILITY WITHOUT  
15 FACE-TO-FACE CONTACT BETWEEN YOU AND THE COLLISION REPAIR  
16 FACILITY PERSONNEL.

17 IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE ~~ACCORANCE~~ WITH  
18 THE ABOVE INFORMATION, YOU ARE REQUIRED TO PAY FOR THE COSTS OF  
19 THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES.

1           The first line of each sign shall be in letters not less  
2 than 1.5 inches in height, and the remaining lines shall be in  
3 letters not less than 0.5 inch in height.

4           (Source: P.A. 93-565, eff. 1-1-04; revised 10-11-05.)

5           Section 1260. The Telephone Solicitations Act is amended by  
6 changing Section 5 as follows:

7           (815 ILCS 413/5)

8           Sec. 5. Definitions. For purposes of this Act:

9           "Caller ID" means the display to the recipient of the call  
10 of the caller's telephone number or identity.

11           "Emergency telephone number" means any telephone number  
12 which accesses or calls a fire department, law enforcement  
13 agency, ambulance, hospital, medical center, poison control  
14 center, rape crisis center, suicide prevention center, rescue  
15 service, the 911 emergency access number provided by law  
16 enforcement agencies and police departments.

17           "Subscriber" means:

18           (1) A person who has subscribed to telephone service  
19 from a telephone company; or

20           (2) Other persons living or residing with the  
21 subscribing person.

22           "Telephone solicitation" means any communication through  
23 the use of a telephone by live operators for soliciting the  
24 sale of goods or services.

1 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00; revised  
2 9-20-06.)

3 Section 1265. The Consumer Fraud and Deceptive Business  
4 Practices Act is amended by changing Sections 1 and 2LL and by  
5 setting forth, renumbering, and changing multiple versions of  
6 Sections 2MM, 2QQ, 2VV, and 2XX as follows:

7 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

8 Sec. 1. (a) The term "advertisement" includes the attempt  
9 by publication, dissemination, solicitation or circulation to  
10 induce directly or indirectly any person to enter into any  
11 obligation or acquire any title or interest in any merchandise  
12 and includes every work device to disguise any form of business  
13 solicitation by using such terms as "renewal", "invoice",  
14 "bill", "statement", or "reminder", to create an impression of  
15 existing obligation when there is none, or other language to  
16 mislead any person in relation to any sought after commercial  
17 transaction.†

18 (b) The term "merchandise" includes any objects, wares,  
19 goods, commodities, intangibles, real estate situated outside  
20 the State of Illinois, or services.†

21 (c) The term "person" includes any natural person or his  
22 legal representative, partnership, corporation (domestic and  
23 foreign), company, trust, business entity or association, and  
24 any agent, employee, salesman, partner, officer, director,

1 member, stockholder, associate, trustee or cestui que trust  
2 thereof.

3 (d) The term "sale" includes any sale, offer for sale, or  
4 attempt to sell any merchandise for cash or on credit.

5 (e) The term "consumer" means any person who purchases or  
6 contracts for the purchase of merchandise not for resale in the  
7 ordinary course of his trade or business but for his use or  
8 that of a member of his household.

9 (f) The terms "trade" and "commerce" mean the advertising,  
10 offering for sale, sale, or distribution of any services and  
11 any property, tangible or intangible, real, personal or mixed,  
12 and any other article, commodity, or thing of value wherever  
13 situated, and shall include any trade or commerce directly or  
14 indirectly affecting the people of this State.

15 (g) The term "pyramid sales scheme" includes any plan or  
16 operation whereby a person in exchange for money or other thing  
17 of value acquires the opportunity to receive a benefit or thing  
18 of value, which is primarily based upon the inducement of  
19 additional persons, by himself or others, regardless of number,  
20 to participate in the same plan or operation and is not  
21 primarily contingent on the volume or quantity of goods,  
22 services, or other property sold or distributed or to be sold  
23 or distributed to persons for purposes of resale to consumers.  
24 For purposes of this subsection, "money or other thing of  
25 value" shall not include payments made for sales demonstration  
26 equipment and materials furnished on a nonprofit basis for use

1 in making sales and not for resale.

2 (Source: P.A. 83-808; revised 10-18-05.)

3 (815 ILCS 505/2LL)

4 Sec. 2LL. Halal food; disclosure.

5 (a) As used in this Section:

6 "Dealer" means any establishment that advertises,  
7 represents, or holds itself out as growing animals in a halal  
8 way or selling, preparing, or maintaining food as halal,  
9 including, but not limited to, manufacturers, animals' farms,  
10 slaughterhouses, wholesalers, stores, restaurants, hotels,  
11 catering facilities, butcher shops, summer camps, bakeries,  
12 delicatessens, supermarkets, grocery stores, licensed health  
13 care facilities, freezer dealers, and food plan companies.  
14 These establishments may also sell, prepare or maintain food  
15 not represented as halal.

16 "Director" means the Director of Agriculture.

17 "Food" means an animal grown to become food for human  
18 consumption, a food, a food product, a food ingredient, a  
19 dietary supplement, or a beverage.

20 "Halal" means prepared under and maintained in strict  
21 compliance with the laws and customs of the Islamic religion  
22 including but not limited to those laws and customs of  
23 zabiha/zabeeha ~~zabiha/zebecha~~ (slaughtered according to  
24 appropriate Islamic codes), and as expressed by reliable  
25 recognized Islamic entities and scholars.

1           (b) Any dealer who grows animals represented to be grown in  
2 a halal way or who prepares, distributes, sells, or exposes for  
3 sale any food represented to be halal shall disclose the basis  
4 upon which those representations are made by posting the  
5 information required by the Director, in accordance with rules  
6 adopted by the Director, on a sign of a type and size specified  
7 by the Director, in a conspicuous place upon the premises at  
8 which the food is sold or exposed for sale, as required by the  
9 Director.

10           (c) Any person subject to the requirements of subsection  
11 (b) does not commit an unlawful practice if the person shows by  
12 a preponderance of the evidence that the person relied in good  
13 faith upon the representations of an animals' farm,  
14 slaughterhouse, manufacturer, processor, packer, or  
15 distributor of any food represented to be halal.

16           (d) Possession by a dealer of any animal grown to become  
17 food for consumption or any food not in conformance with the  
18 disclosure required by subsection (b) with respect to that food  
19 is presumptive evidence that the person is in possession of  
20 that food with the intent to sell.

21           (e) Any dealer who grows animals represented to be grown in  
22 a halal way or who prepares, distributes, sells, or exposes for  
23 sale any food represented to be halal shall comply with all  
24 requirements of the Director, including, but not limited to,  
25 recordkeeping, labeling and filing, in accordance with rules  
26 adopted by the Director.



1 (f) Neither an animal represented to be grown in a halal  
2 way to become food for human consumption, nor a food commodity  
3 represented as halal, may be offered for sale by a dealer until  
4 the dealer has registered, with the Director, documenting  
5 information of the certifying Islamic entity specialized in  
6 halal food or the supervising Muslim Inspector of Halal Food.

7 (g) The Director shall adopt rules to carry out this  
8 Section in accordance with the Illinois Administrative  
9 Procedure Act.

10 (h) It is an unlawful practice under this Act to violate  
11 this Section or the rules adopted by the Director to carry out  
12 this Section.

13 (Source: P.A. 92-394, eff. 1-1-02; 92-651, eff. 7-11-02;  
14 revised 10-18-05.)

15 (815 ILCS 505/2MM)

16 Sec. 2MM. Verification of accuracy of consumer reporting  
17 information used to extend consumers credit and security freeze  
18 on credit reports.

19 (a) A credit card issuer who mails an offer or solicitation  
20 to apply for a credit card and who receives a completed  
21 application in response to the offer or solicitation which  
22 lists an address that is not substantially the same as the  
23 address on the offer or solicitation may not issue a credit  
24 card based on that application until reasonable steps have been  
25 taken to verify the applicant's change of address.

1           (b) Any person who uses a consumer credit report in  
2 connection with the approval of credit based on the application  
3 for an extension of credit, and who has received notification  
4 of a police report filed with a consumer reporting agency that  
5 the applicant has been a victim of financial identity theft, as  
6 defined in Section 16G-15 of the Criminal Code of 1961, may not  
7 lend money or extend credit without taking reasonable steps to  
8 verify the consumer's identity and confirm that the application  
9 for an extension of credit is not the result of financial  
10 identity theft.

11           (c) A consumer may request that a security freeze be placed  
12 on his or her credit report by sending a request in writing by  
13 certified mail to a consumer reporting agency at an address  
14 designated by the consumer reporting agency to receive such  
15 requests. This subsection (c) does not prevent a consumer  
16 reporting agency from advising a third party that a security  
17 freeze is in effect with respect to the consumer's credit  
18 report.

19           (d) A consumer reporting agency shall place a security  
20 freeze on a consumer's credit report no later than 5 business  
21 days after receiving a written request from the consumer:

- 22           (1) a written request described in subsection (c);
- 23           (2) proper identification; and
- 24           (3) payment of a fee, if applicable.

25           (e) Upon placing the security freeze on the consumer's  
26 credit report, the consumer reporting agency shall send to the

1 consumer within 10 business days a written confirmation of the  
2 placement of the security freeze and a unique personal  
3 identification number or password or similar device, other than  
4 the consumer's Social Security number, to be used by the  
5 consumer when providing authorization for the release of his or  
6 her credit report for a specific party or period of time.

7 (f) If the consumer wishes to allow his or her credit  
8 report to be accessed for a specific party or period of time  
9 while a freeze is in place, he or she shall contact the  
10 consumer reporting agency using a point of contact designated  
11 by the consumer reporting agency, request that the freeze be  
12 temporarily lifted, and provide the following:

13 (1) Proper identification;

14 (2) The unique personal identification number or  
15 password or similar device provided by the consumer  
16 reporting agency;

17 (3) The proper information regarding the third party or  
18 time period for which the report shall be available to  
19 users of the credit report; and

20 (4) A fee, if applicable.

21 (g) A consumer reporting agency shall develop a contact  
22 method to receive and process a request from a consumer to  
23 temporarily lift a freeze on a credit report pursuant to  
24 subsection (f) in an expedited manner.

25 A contact method under this subsection shall include: (i) a  
26 postal address; and (ii) an electronic contact method chosen by

1 the consumer reporting agency, which may include the use of  
2 telephone, fax, Internet, or other electronic means.

3 (h) A consumer reporting agency that receives a request  
4 from a consumer to temporarily lift a freeze on a credit report  
5 pursuant to subsection (f), shall comply with the request no  
6 later than 3 business days after receiving the request.

7 (i) A consumer reporting agency shall remove or temporarily  
8 lift a freeze placed on a consumer's credit report only in the  
9 following cases:

10 (1) upon consumer request, pursuant to subsection (f)  
11 or subsection (1) of this Section; or

12 (2) if the consumer's credit report was frozen due to a  
13 material misrepresentation of fact by the consumer.

14 If a consumer reporting agency intends to remove a freeze  
15 upon a consumer's credit report pursuant to this subsection,  
16 the consumer reporting agency shall notify the consumer in  
17 writing prior to removing the freeze on the consumer's credit  
18 report.

19 (j) If a third party requests access to a credit report on  
20 which a security freeze is in effect, and this request is in  
21 connection with an application for credit or any other use, and  
22 the consumer does not allow his or her credit report to be  
23 accessed for that specific party or period of time, the third  
24 party may treat the application as incomplete.

25 (k) If a consumer requests a security freeze, the credit  
26 reporting agency shall disclose to the consumer the process of

1 placing and temporarily lifting a security freeze, and the  
2 process for allowing access to information from the consumer's  
3 credit report for a specific party or period of time while the  
4 freeze is in place.

5 (l) A security freeze shall remain in place until the  
6 consumer requests, using a point of contact designated by the  
7 consumer reporting agency, that the security freeze be removed.  
8 A credit reporting agency shall remove a security freeze within  
9 3 business days of receiving a request for removal from the  
10 consumer, who provides:

11 (1) Proper identification;

12 (2) The unique personal identification number or  
13 password or similar device provided by the consumer  
14 reporting agency; and

15 (3) A fee, if applicable.

16 (m) A consumer reporting agency shall require proper  
17 identification of the person making a request to place or  
18 remove a security freeze.

19 (n) The provisions of subsections (c) through (m) of this  
20 Section do not apply to the use of a consumer credit report by  
21 any of the following:

22 (1) A person or entity, or a subsidiary, affiliate, or  
23 agent of that person or entity, or an assignee of a  
24 financial obligation owing by the consumer to that person  
25 or entity, or a prospective assignee of a financial  
26 obligation owing by the consumer to that person or entity

1 in conjunction with the proposed purchase of the financial  
2 obligation, with which the consumer has or had prior to  
3 assignment an account or contract, including a demand  
4 deposit account, or to whom the consumer issued a  
5 negotiable instrument, for the purposes of reviewing the  
6 account or collecting the financial obligation owing for  
7 the account, contract, or negotiable instrument. For  
8 purposes of this subsection, "reviewing the account"  
9 includes activities related to account maintenance,  
10 monitoring, credit line increases, and account upgrades  
11 and enhancements.

12 (2) A subsidiary, affiliate, agent, assignee, or  
13 prospective assignee of a person to whom access has been  
14 granted under subsection (f) of this Section for purposes  
15 of facilitating the extension of credit or other  
16 permissible use.

17 (3) Any state or local agency, law enforcement agency,  
18 trial court, or private collection agency acting pursuant  
19 to a court order, warrant, or subpoena.

20 (4) A child support agency acting pursuant to Title  
21 IV-D of the Social Security Act.

22 (5) The State or its agents or assigns acting to  
23 investigate fraud.

24 (6) The Department of Revenue or its agents or assigns  
25 acting to investigate or collect delinquent taxes or unpaid  
26 court orders or to fulfill any of its other statutory

1 responsibilities.

2 (7) The use of credit information for the purposes of  
3 prescreening as provided for by the federal Fair Credit  
4 Reporting Act.

5 (8) Any person or entity administering a credit file  
6 monitoring subscription or similar service to which the  
7 consumer has subscribed.

8 (9) Any person or entity for the purpose of providing a  
9 consumer with a copy of his or her credit report or score  
10 upon the consumer's request.

11 (10) Any person using the information in connection  
12 with the underwriting of insurance.

13 (n-5) This Section does not prevent a consumer reporting  
14 agency from charging a fee of no more than \$10 to a consumer  
15 for each freeze, removal, or temporary lift of the freeze,  
16 regarding access to a consumer credit report, except that a  
17 consumer reporting agency may not charge a fee to (i) a  
18 consumer 65 years of age or over for placement and removal of a  
19 freeze, or (ii) a victim of identity theft who has submitted to  
20 the consumer reporting agency a valid copy of a police report,  
21 investigative report, or complaint that the consumer has filed  
22 with a law enforcement agency about unlawful use of his or her  
23 personal information by another person.

24 (o) If a security freeze is in place, a consumer reporting  
25 agency shall not change any of the following official  
26 information in a credit report without sending a written

1 confirmation of the change to the consumer within 30 days of  
2 the change being posted to the consumer's file: (i) name, (ii)  
3 date of birth, (iii) Social Security number, and (iv) address.  
4 Written confirmation is not required for technical  
5 modifications of a consumer's official information, including  
6 name and street abbreviations, complete spellings, or  
7 transposition of numbers or letters. In the case of an address  
8 change, the written confirmation shall be sent to both the new  
9 address and to the former address.

10 (p) The following entities are not required to place a  
11 security freeze in a consumer report, however, pursuant to  
12 paragraph (3) of this subsection, a consumer reporting agency  
13 acting as a reseller shall honor any security freeze placed on  
14 a consumer credit report by another consumer reporting agency:

15 (1) A check services or fraud prevention services  
16 company, which issues reports on incidents of fraud or  
17 authorizations for the purpose of approving or processing  
18 negotiable instruments, electronic funds transfers, or  
19 similar methods of payment.

20 (2) A deposit account information service company,  
21 which issues reports regarding account closures due to  
22 fraud, substantial overdrafts, ATM abuse, or similar  
23 negative information regarding a consumer to inquiring  
24 banks or other financial institutions for use only in  
25 reviewing a consumer request for a deposit account at the  
26 inquiring bank or financial institution.



1 (3) A consumer reporting agency that:

2 (A) acts only to resell credit information by  
3 assembling and merging information contained in a  
4 database of one or more consumer reporting agencies;  
5 and

6 (B) does not maintain a permanent database of  
7 credit information from which new credit reports are  
8 produced.

9 (q) For purposes of this Section:

10 "Credit report" has the same meaning as "consumer report",  
11 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

12 "Consumer reporting agency" has the meaning ascribed to it  
13 in 15 U.S.C. Sec. 1681a(f).

14 "Security freeze" means a notice placed in a consumer's  
15 credit report, at the request of the consumer and subject to  
16 certain exceptions, that prohibits the consumer reporting  
17 agency from releasing the consumer's credit report or score  
18 relating to an extension of credit, without the express  
19 authorization of the consumer.

20 "Extension of credit" does not include an increase in an  
21 existing open-end credit plan, as defined in Regulation Z of  
22 the Federal Reserve System (12 C.F.R. 226.2), or any change to  
23 or review of an existing credit account.

24 "Proper identification" means information generally deemed  
25 sufficient to identify a person. Only if the consumer is unable  
26 to reasonably identify himself or herself with the information

1 described above, may a consumer reporting agency require  
2 additional information concerning the consumer's employment  
3 and personal or family history in order to verify his or her  
4 identity.

5 (r) Any person who violates this Section commits an  
6 unlawful practice within the meaning of this Act.

7 (Source: P.A. 93-195, eff. 1-1-04; 94-74, eff. 1-1-06; 94-799,  
8 eff. 1-1-07.)

9 (815 ILCS 505/2NN)

10 Sec. 2NN ~~2MM~~. Receipts; credit card and debit card account  
11 numbers.

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

13 "Cardholder" has the meaning ascribed to it in Section 2.02  
14 of the Illinois Credit Card and Debit Card Act.

15 "Credit card" has the meaning ascribed to it in Section  
16 2.03 of the Illinois Credit Card and Debit Card Act.

17 "Debit card" has the meaning ascribed to it in Section 2.15  
18 of the Illinois Credit Card and Debit Card Act.

19 "Issuer" has the meaning ascribed to it in Section 2.08 of  
20 the Illinois Credit Card and Debit Card Act.

21 "Person" has the meaning ascribed to it in Section 2.09 of  
22 the Illinois Credit Card and Debit Card Act.

23 "Provider" means a person who furnishes money, goods,  
24 services, or anything else of value upon presentation, whether  
25 physically, in writing, verbally, electronically, or

1 otherwise, of a credit card or debit card by the cardholder, or  
2 any agent or employee of that person.

3 (b) Except as otherwise provided in this Section, no  
4 provider may print or otherwise produce or reproduce or permit  
5 the printing or other production or reproduction of the  
6 following: (i) any part of the credit card or debit card  
7 account number, other than the last 4 digits or other  
8 characters, (ii) the credit card or debit card expiration date  
9 on any receipt provided or made available to the cardholder.

10 (c) This Section does not apply to a credit card or debit  
11 card transaction in which the sole means available to the  
12 provider of recording the credit card or debit card account  
13 number is by handwriting or by imprint of the card.

14 (d) This Section does not apply to receipts issued for  
15 transactions on the electronic benefits transfer card system in  
16 accordance with 7 CFR 274.12(g)(3).

17 (e) A violation of this Section constitutes an unlawful  
18 practice within the meaning of this Act.

19 (f) This Section is operative on January 1, 2005.

20 (Source: P.A. 93-231, eff. 1-1-04; revised 9-26-03.)

21 (815 ILCS 505/2PP)

22 Sec. 2PP ~~2MM~~. Mail; disclosure. It is an unlawful practice  
23 under this Act to knowingly mail or send or cause to be mailed  
24 or sent a postcard or letter to a recipient in this State if:

25 (1) the postcard or letter contains a request that the

1 recipient call a telephone number; and

2 (2) the postcard or letter is mailed or sent to induce  
3 the recipient to call the telephone number so that goods,  
4 services, or other merchandise, as defined in Section 1,  
5 may be offered for sale to the recipient; and

6 (3) the postcard or letter does not disclose that  
7 goods, services, or other merchandise, as defined in  
8 Section 1, may be offered for sale if the recipient calls  
9 the telephone number.

10 (Source: P.A. 93-459, eff. 1-1-04; revised 9-26-03.)

11 (815 ILCS 505/200)

12 Sec. 200. Insurance cards; social security number.

13 (a) As used in this Section, "insurance card" means a card  
14 that a person or entity provides to an individual so that the  
15 individual may present the card to establish the eligibility of  
16 the individual or his or her dependents to receive health,  
17 dental, optical, or accident insurance benefits, prescription  
18 drug benefits, or benefits under a managed care plan or a plan  
19 provided by a health maintenance organization, a health  
20 services plan corporation, or a similar entity.

21 (b) A person or entity may not print an individual's social  
22 security number on an insurance card. A person or entity that  
23 provides an insurance card must print on the card an  
24 identification number unique to the holder of the card in the  
25 format prescribed by Section 15 of the Uniform Prescription

1 Drug Information Card Act.

2 (c) An insurance card issued to an individual before the  
3 effective date of this amendatory Act of the 93rd General  
4 Assembly that does not comply with subsection (b) must be  
5 replaced by January 1, 2006 with an insurance card that  
6 complies with subsection (b) if the individual's eligibility  
7 for benefits continues after the effective date of this  
8 amendatory Act of the 93rd General Assembly.

9 (d) A violation of this Section constitutes an unlawful  
10 practice within the meaning of this Act.

11 (Source: P.A. 93-728, eff. 1-1-05.)

12 (815 ILCS 505/2RR)

13 Sec. 2RR ~~200~~. Use of Social Security numbers.

14 (a) Except as otherwise provided in this Section, a person  
15 may not do any of the following:

16 (1) Publicly post or publicly display in any manner an  
17 individual's social security number. As used in this  
18 Section, "publicly post" or "publicly display" means to  
19 intentionally communicate or otherwise make available to  
20 the general public.

21 (2) Print an individual's social security number on any  
22 card required for the individual to access products or  
23 services provided by the person or entity; however, a  
24 person or entity that provides an insurance card must print  
25 on the card an identification number unique to the holder

1 of the card in the format prescribed by Section 15 of the  
2 Uniform Prescription Drug Information Card Act.

3 (3) Require an individual to transmit his or her social  
4 security number over the Internet, unless the connection is  
5 secure or the social security number is encrypted.

6 (4) Require an individual to use his or her social  
7 security number to access an Internet web site, unless a  
8 password or unique personal identification number or other  
9 authentication device is also required to access the  
10 Internet Web site.

11 (5) Print an individual's social security number on any  
12 materials that are mailed to the individual, unless State  
13 or federal law requires the social security number to be on  
14 the document to be mailed. Notwithstanding any provision in  
15 this Section to the contrary, social security numbers may  
16 be included in applications and forms sent by mail,  
17 including documents sent as part of an application or  
18 enrollment process or to establish, amend, or terminate an  
19 account, contract, or policy or to confirm the accuracy of  
20 the social security number. A social security number that  
21 may permissibly be mailed under this Section may not be  
22 printed, in whole or in part, on a postcard or other mailer  
23 that does not require an envelope or be visible on an  
24 envelope or visible without the envelope having been  
25 opened.

26 (b) A person that used, before July 1, 2005, an

1 individual's social security number in a manner inconsistent  
2 with subsection (a) may continue using that individual's social  
3 security number in the same manner on or after July 1, 2005 if  
4 all of the following conditions are met:

5 (1) The use of the social security number is  
6 continuous. If the use is stopped for any reason,  
7 subsection (a) shall apply.

8 (2) The individual is provided an annual disclosure  
9 that informs the individual that he or she has the right to  
10 stop the use of his or her social security number in a  
11 manner prohibited by subsection (a).

12 A written request by an individual to stop the use of his  
13 or her social security number in a manner prohibited by  
14 subsection (a) shall be implemented within 30 days of the  
15 receipt of the request. There shall be no fee or charge for  
16 implementing the request. A person shall not deny services to  
17 an individual because the individual makes such a written  
18 request.

19 (c) This Section does not apply to the collection, use, or  
20 release of a social security number as required by State or  
21 federal law or the use of a social security number for internal  
22 verification or administrative purposes. This Section does not  
23 apply to the collection, use, or release of a social security  
24 number by the State, a subdivision of the State, or an  
25 individual in the employ of the State or a subdivision of the  
26 State in connection with his or her official duties.

1 (d) This Section does not apply to documents that are  
2 recorded or required to be open to the public under State or  
3 federal law, applicable case law, Supreme Court Rule, or the  
4 Constitution of the State of Illinois.

5 (e) If a federal law takes effect requiring the United  
6 States Department of Health and Human Services to establish a  
7 national unique patient health identifier program, any person  
8 who complies with the federal law shall be deemed to be in  
9 compliance with this Section.

10 (f) A person may not encode or embed a social security  
11 number in or on a card or document, including, but not limited  
12 to, using a bar code, chip, magnetic strip, or other  
13 technology, in place of removing the social security number as  
14 required by this Section.

15 (g) Any person who violates this Section commits an  
16 unlawful practice within the meaning of this Act.

17 (Source: P.A. 93-739, eff. 7-1-06; revised 9-14-06.)

18 (815 ILCS 505/2SS)

19 Sec. 2SS ~~200~~. Gift certificates.

20 (a) "Gift certificate" means a record evidencing a promise,  
21 made for consideration, by the seller or issuer of the record  
22 that goods or services will be provided to the holder of the  
23 record for the value shown in the record and includes, but is  
24 not limited to, a record that contains a microprocessor chip,  
25 magnetic stripe or other means for the storage of information



1 that is prefunded and for which the value is decremented upon  
2 each use, a gift card, an electronic gift card, stored-value  
3 card or certificate, a store card or a similar record or card.  
4 For purposes of this Act, the term "gift certificate" does not  
5 include any of the following:

6 (i) prepaid telecommunications and technology cards  
7 including, but not limited to, prepaid telephone calling  
8 cards, prepaid technical support cards, and prepaid  
9 Internet disks that are distributed to or purchased by a  
10 consumer;

11 (ii) prepaid telecommunications and technology cards  
12 including, but not limited to, prepaid telephone calling  
13 cards, prepaid technical support cards, and prepaid  
14 Internet disks that are provided to a consumer pursuant to  
15 any award, loyalty, or promotion program without any money  
16 or other thing of value being given in exchange for the  
17 card; or

18 (iii) any gift certificate usable with multiple  
19 sellers of goods or services.

20 (b) Any gift certificate subject to a fee must contain a  
21 statement clearly and conspicuously printed on the gift  
22 certificate stating whether there is a fee, the amount of the  
23 fee, how often the fee will occur, that the fee is triggered by  
24 inactivity of the gift certificate, and at what point the fee  
25 will be charged. The statement may appear on the front or back  
26 of the gift certificate in a location where it is visible to

1 any purchaser prior to the purchase.

2 (c) Any gift certificate subject to an expiration date must  
3 contain a statement clearly and conspicuously printed on the  
4 gift certificate stating the expiration date. The statement may  
5 appear on the front or back of the gift certificate in a  
6 location where it is visible to any purchaser prior to the  
7 purchase.

8 (d) Subsection (c) does not apply to any gift certificate  
9 that contains a toll free phone number and a statement clearly  
10 and conspicuously printed on the gift certificate stating that  
11 holders can call the toll free number to find out the balance  
12 on the gift certificate, if applicable, and the expiration  
13 date. The toll free number and statement may appear on the  
14 front or back of the gift certificate in a location where it is  
15 visible to any purchaser prior to the purchase.

16 (e) This Section does not apply to any of the following  
17 gift certificates:

18 (i) Gift certificates that are distributed by the  
19 issuer to a consumer pursuant to an awards, loyalty, or  
20 promotional program without any money or thing of value  
21 being given in exchange for the gift certificate by the  
22 consumer.

23 (ii) Gift certificates that are sold below face value  
24 at a volume discount to employers or to nonprofit and  
25 charitable organizations for fundraising purposes if the  
26 expiration date on those gift certificates is not more than

1 30 days after the date of sale.

2 (iii) Gift certificates that are issued for a food  
3 product.

4 (Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

5 (815 ILCS 505/2TT)

6 Sec. 2TT ~~200~~. Prepaid calling service.

7 (a) For purposes of this Section ~~200~~, the terms "Prepaid  
8 Calling Service", "Prepaid Calling Service Provider", "Prepaid  
9 Calling Service Retailer", and "Prepaid Calling Service  
10 Reseller" shall have the same definitions as those in Sections  
11 13-230, 13-231, 13-232, and 13-233, respectively, of the Public  
12 Utilities Act.

13 For the purposes of this Section, "international preferred  
14 destination" means a prepaid calling service that advertises a  
15 specific international destination either on the card, the  
16 packaging material accompanying the card, or through an  
17 offering of sale of the service.

18 (b) On and after July 1, 2005, it is an unlawful practice  
19 under this Act for any prepaid calling service provider or  
20 prepaid calling service reseller to sell or offer to sell  
21 prepaid calling service to any prepaid calling service retailer  
22 unless the prepaid calling service provider has applied for and  
23 received a Certificate of Prepaid Calling Service Provider  
24 Authority from the Illinois Commerce Commission pursuant to the  
25 Public Utilities Act and the prepaid calling service provider

1 or prepaid calling service reseller shows proof of the prepaid  
2 calling service provider's Certificate of Prepaid Calling  
3 Service Provider Authority to the prepaid calling service  
4 retailer.

5 (c) On and after July 1, 2005, it is an unlawful practice  
6 under this Act for any prepaid calling service retailer to sell  
7 or offer to sell prepaid calling service to any consumer unless  
8 the prepaid calling service retailer retains proof of  
9 certification of the prepaid calling service provider by the  
10 Illinois Commerce Commission pursuant to the Public Utilities  
11 Act. The prepaid calling service retailer must retain proof of  
12 certification for one year or the duration of the contract with  
13 the reseller, whichever is longer. A prepaid calling service  
14 retailer with multiple locations selling prepaid calling cards  
15 under contract with a prepaid calling service provider may keep  
16 the certification at a central location provided, however, that  
17 the prepaid calling service retailer make a copy of the  
18 certification available upon reasonable request within 48  
19 hours.

20 (d) On and after July 1, 2005, no prepaid calling service  
21 provider or prepaid calling service reseller shall sell or  
22 offer to sell prepaid calling service, as those terms are  
23 defined in Article XIII of the Public Utilities Act, to any  
24 Illinois consumer, either directly or through a prepaid calling  
25 service retailer, unless the following disclosures are made  
26 clearly and conspicuously:

1           (1) At a minimum, the following terms and conditions  
2 shall be disclosed clearly and conspicuously on the prepaid  
3 calling card, if applicable:

4           (A) the full name of the Prepaid Calling Service  
5 Provider as certificated by the Illinois Commerce  
6 Commission;

7           (B) the toll-free customer service number;

8           (C) an access number that is toll-free or a number  
9 local to the prepaid calling retailer; and

10          (D) the refund policy or a statement that the  
11 refund policy is located on the packaging materials.

12          (2) At a minimum, all the material terms and conditions  
13 pertaining to the specific prepaid calling card shall be  
14 disclosed clearly and conspicuously on the packaging  
15 materials accompanying the prepaid calling card including,  
16 but not limited to, the following, if applicable:

17          (A) the value of the card in minutes or the  
18 domestic rate per minute of the card;

19          (B) all surcharges and fees applicable to the use  
20 of the domestic prepaid calling service;

21          (C) all applicable rates for international  
22 preferred destinations;

23          (D) all applicable surcharges and fees for  
24 international preferred destinations;

25          (E) a disclosure statement indicating that all  
26 rates, surcharges, and fees applicable to

1 international calls are available through the  
2 toll-free customer service number and a statement  
3 disclosing if international rates vary from domestic  
4 rates; and

5 (F) the expiration policy.

6 (3) At a minimum, the following information shall be  
7 disclosed clearly and conspicuously and accurately through  
8 the toll-free customer service telephone number through  
9 which the customer is able to speak with a live customer  
10 service representative:

11 (A) the Illinois Commerce Commission certificate  
12 number of the Prepaid Calling Service Provider;

13 (B) all applicable rates, terms, surcharges, and  
14 fees for domestic and international calls;

15 (C) all information necessary to determine the  
16 cost of a given call;

17 (D) the balance of use in the consumer's account;  
18 and

19 (E) the applicable expiration date or period.

20 The disclosures required under this subsection (d) do not  
21 apply to the recharging of dollars or minutes to a previously  
22 purchased card allowing prepaid calling service.

23 (Source: P.A. 93-1002, eff. 1-1-05; revised 11-10-04.)

24 (815 ILCS 505/2UU)

25 Sec. 2UU ~~200~~. Internet service; cancellation.

1 (a) As used in this Section:

2 "Internet service provider" means a person who provides a  
3 service that combines computer processing, information  
4 storage, protocol conversion, and routing with transmission to  
5 enable a consumer to access Internet content and services.

6 (b) This Section applies only to agreements under which an  
7 Internet service provider provides service to consumers, for  
8 home and personal use, for a one-year term that is  
9 automatically renewed for another one-year term unless a  
10 consumer cancels the service.

11 (c) An Internet service provider must give a consumer who  
12 is an Illinois resident the following: (1) a secure method at  
13 the Internet service provider's web site that the consumer may  
14 use to cancel the service, which method shall not require the  
15 consumer to make a telephone call or send U.S. Postal Service  
16 mail to effectuate the cancellation; and (2) instructions that  
17 the consumer may follow to cancel the service at the Internet  
18 service provider's web site.

19 (d) A person who violates this Section commits an unlawful  
20 practice within the meaning of this Act.

21 (Source: P.A. 93-1016, eff. 1-1-05; revised 11-10-04.)

22 (815 ILCS 505/2VV)

23 Sec. 2VV. Credit and public utility service; identity  
24 theft. It is an unlawful practice for a person to deny credit  
25 or public utility service to or reduce the credit limit of a

1 consumer solely because the consumer has been a victim of  
2 identity theft as defined in Section 16G-15 of the Criminal  
3 Code of 1961, if the consumer:

4 (1) has provided a copy of an identity theft report as  
5 defined under the federal Fair Credit Reporting Act and  
6 implementing regulations evidencing the consumer's claim  
7 of identity theft;

8 (2) has provided a properly completed copy of a  
9 standardized affidavit of identity theft developed and  
10 made available by the Federal Trade Commission pursuant to  
11 15 U.S.C. 1681g or an affidavit of fact that is acceptable  
12 to the person for that purpose;

13 (3) has obtained placement of an extended fraud alert  
14 in his or her file maintained by a nationwide consumer  
15 reporting agency, in accordance with the requirements of  
16 the federal Fair Credit Reporting Act; and

17 (4) is able to establish his or her identity and  
18 address to the satisfaction of the person providing credit  
19 or utility services.

20 (Source: P.A. 94-37, eff. 6-16-05.)

21 (815 ILCS 505/2WW)

22 Sec. 2WW ~~2VV~~. Wireless telephone service provider; third  
23 party billings. A wireless telephone service provider shall  
24 provide a contact telephone number and brief description of the  
25 service for all third-party billings on the consumer's bill, to



1 the extent allowed by federal law, or through a customer  
2 service representative. For purposes of this Section,  
3 "third-party billings" means any billing done by a wireless  
4 telephone service provider on behalf of a third party where the  
5 wireless telephone service provider is merely the billing agent  
6 for the third party with no ability to provide refunds,  
7 credits, or otherwise adjust the billings.

8 (Source: P.A. 94-567, eff. 1-1-06; revised 9-22-05.)

9 (815 ILCS 505/2XX)

10 Sec. 2XX. Performing groups.

11 (a) As used in this Section:

12 "Performing group" means a vocal or instrumental group  
13 seeking to use the name of another group that has previously  
14 released a commercial sound recording under that name.

15 "Recording group" means a vocal or instrumental group at  
16 least one of whose members has previously released a commercial  
17 sound recording under that group's name and in which the member  
18 or members have a legal right by virtue of use or operation  
19 under the group name without having abandoned the name or  
20 affiliation with the group.

21 "Sound recording" means a work that results from the  
22 fixation on a material object of a series of musical, spoken,  
23 or other sounds regardless of the nature of the material  
24 object, such as a disc, tape, or other phono-record, in which  
25 the sounds are embodied.

1 (b) It is an unlawful practice for a person to advertise or  
2 conduct a live musical performance or production in this State  
3 through the use of a false, deceptive, or misleading  
4 affiliation, connection, or association between the performing  
5 group and the recording group. This Section does not apply if:

6 (1) the performing group is the authorized registrant  
7 and owner of a Federal service mark for that group  
8 registered in the United States Patent and Trademark  
9 Office;

10 (2) at least one member of the performing group was a  
11 member of the recording group and has a legal right by  
12 virtue of use or operation under the group name without  
13 having abandoned the name or affiliation with the group;

14 (3) the live musical performance or production is  
15 identified in all advertising and promotion as a salute or  
16 tribute;

17 (4) the advertising does not relate to a live musical  
18 performance or production taking place in this State; or

19 (5) the performance or production is expressly  
20 authorized by the recording group.

21 (Source: P.A. 94-854, eff. 1-1-07.)

22 (815 ILCS 505/2YY)

23 Sec. 2YY ~~2XX~~. Work-at-home solicitations. No person shall  
24 advertise, represent or imply that any person can earn money  
25 working at home by stuffing envelopes, addressing envelopes,

1 mailing circulars, clipping newspaper and magazine articles,  
2 assembling products, bill processing, or performing similar  
3 work, unless the person making the advertisement or  
4 representation:

5 (1) actually pays the advertised wage, salary, set fee,  
6 or commission to others for performing the represented  
7 tasks;

8 (2) at no time requires the person who will perform the  
9 represented tasks to purchase instructional booklets,  
10 brochures, kits, programs, materials, mailing lists,  
11 directories, memberships in cooperative associations, or  
12 other similar items or services;

13 (3) discloses the legal name under which business is  
14 conducted and the complete street address from which  
15 business is actually conducted in all advertising and  
16 promotional materials, including order blanks and forms;  
17 and

18 (4) discloses in writing to the person who will perform  
19 the represented tasks an exact description of the work to  
20 be performed, the amount of any wage, salary, set fee, or  
21 commission to be paid for the performance of the  
22 represented tasks, and all terms and conditions for earning  
23 such wage, salary, set fee, or commission.

24 No person shall require an individual to solicit or induce  
25 other individuals to participate in a work-at-home program.

26 A person who violates this Section commits an unlawful

1 practice within the meaning of this Act.

2 (Source: P.A. 94-999, eff. 7-3-06; revised 9-1-06.)

3 Section 1270. The Prevailing Wage Act is amended by  
4 changing Section 4 as follows:

5 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

6 Sec. 4. (a) The public body awarding any contract for  
7 public work or otherwise undertaking any public works, shall  
8 ascertain the general prevailing rate of hourly wages in the  
9 locality in which the work is to be performed, for each craft  
10 or type of worker or mechanic needed to execute the contract,  
11 and where the public body performs the work without letting a  
12 contract therefor, shall ascertain the prevailing rate of wages  
13 on a per hour basis in the locality, and such public body shall  
14 specify in the resolution or ordinance and in the call for bids  
15 for the contract, that the general prevailing rate of wages in  
16 the locality for each craft or type of worker or mechanic  
17 needed to execute the contract or perform such work, also the  
18 general prevailing rate for legal holiday and overtime work, as  
19 ascertained by the public body or by the Department of Labor  
20 shall be paid for each craft or type of worker needed to  
21 execute the contract or to perform such work, and it shall be  
22 mandatory upon the contractor to whom the contract is awarded  
23 and upon any subcontractor under him, and where the public body  
24 performs the work, upon the public body, to pay not less than

1 the specified rates to all laborers, workers and mechanics  
2 employed by them in the execution of the contract or such work;  
3 provided, however, that if the public body desires that the  
4 Department of Labor ascertain the prevailing rate of wages, it  
5 shall notify the Department of Labor to ascertain the general  
6 prevailing rate of hourly wages for work under contract, or for  
7 work performed by a public body without letting a contract as  
8 required in the locality in which the work is to be performed,  
9 for each craft or type of worker or mechanic needed to execute  
10 the contract or project or work to be performed. Upon such  
11 notification the Department of Labor shall ascertain such  
12 general prevailing rate of wages, and certify the prevailing  
13 wage to such public body. The public body awarding the contract  
14 shall cause to be inserted in the project specifications and  
15 the contract a stipulation to the effect that not less than the  
16 prevailing rate of wages as found by the public body or  
17 Department of Labor or determined by the court on review shall  
18 be paid to all laborers, workers and mechanics performing work  
19 under the contract.

20 (b) It shall also be mandatory upon the contractor to whom  
21 the contract is awarded to insert into each subcontract and  
22 into the project specifications for each subcontract a written  
23 stipulation to the effect that not less than the prevailing  
24 rate of wages shall be paid to all laborers, workers, and  
25 mechanics performing work under the contract. It shall also be  
26 mandatory upon each subcontractor to cause to be inserted into

1 each lower tiered subcontract and into the project  
2 specifications for each lower tiered subcontract a stipulation  
3 to the effect that not less than the prevailing rate of wages  
4 shall be paid to all laborers, workers, and mechanics  
5 performing work under the contract. A contractor or  
6 subcontractor who fails to comply with this subsection (b) is  
7 in violation of this Act.

8 (c) It shall also require in all such contractor's bonds  
9 that the contractor include such provision as will guarantee  
10 the faithful performance of such prevailing wage clause as  
11 provided by contract. All bid specifications shall list the  
12 specified rates to all laborers, workers and mechanics in the  
13 locality for each craft or type of worker or mechanic needed to  
14 execute the contract.

15 (d) If the Department of Labor revises the prevailing rate  
16 of hourly wages to be paid by the public body, the revised rate  
17 shall apply to such contract, and the public body shall be  
18 responsible to notify the contractor and each subcontractor, of  
19 the revised rate.

20 (e) Two or more investigatory hearings under this Section  
21 on the issue of establishing a new prevailing wage  
22 classification for a particular craft or type of worker shall  
23 be consolidated in a single hearing before the Department. Such  
24 consolidation shall occur whether each separate investigatory  
25 hearing is conducted by a public body or the Department. The  
26 party requesting a consolidated investigatory hearing shall

1 have the burden of establishing that there is no existing  
2 prevailing wage classification for the particular craft or type  
3 of worker in any of the localities under consideration.

4 (f) It shall be mandatory upon the contractor or  
5 construction manager to whom a contract for public works is  
6 awarded to post, at a location on the project site of the  
7 public works that is easily accessible to the workers engaged  
8 on the project, the prevailing wage rates for each craft or  
9 type of worker or mechanic needed to execute the contract or  
10 project or work to be performed. A failure to post a prevailing  
11 wage rate as required by this Section is a violation of this  
12 Act.

13 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,  
14 eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

15 Section 1275. The Workers' Compensation Act is amended by  
16 changing Section 4d as follows:

17 (820 ILCS 305/4d)

18 Sec. 4d. Illinois Workers' Compensation Commission  
19 Operations Fund Fee.

20 (a) As of the effective date of this amendatory Act of the  
21 93rd General Assembly, each employer that self-insures its  
22 liabilities arising under this Act or Workers' Occupational  
23 Diseases Act shall pay a fee measured by the annual actual  
24 wages paid in this State of such an employer in the manner

1 provided in this Section. Such proceeds shall be deposited in  
2 the Illinois Workers' Compensation Commission Operations Fund.  
3 If an employer survives or was formed by a merger,  
4 consolidation, reorganization, or reincorporation, the actual  
5 wages paid in this State of all employers party to the merger,  
6 consolidation, reorganization, or reincorporation shall, for  
7 purposes of determining the amount of the fee imposed by this  
8 Section, be regarded as those of the surviving or new employer.

9 (b) Beginning on July 30, 2004 (the effective date of  
10 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of  
11 each year thereafter, the Chairman shall charge and collect an  
12 annual Illinois Workers' Compensation Commission Operations  
13 Fund Fee from every employer subject to subsection (a) of this  
14 Section equal to 0.0075% of its annual actual wages paid in  
15 this State as reported in each employer's annual self-insurance  
16 renewal filed for the previous year as required by Section 4 of  
17 this Act and Section 4 of the Workers' Occupational Diseases  
18 Act. All sums collected by the Commission under the provisions  
19 of this Section shall be paid promptly after the receipt of the  
20 same, accompanied by a detailed statement thereof, into the  
21 Illinois Workers' Compensation Commission Operations Fund. The  
22 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~  
23 ~~2004~~ shall be collected instead of the fee due on July 1, 2004  
24 under Public Act 93-32. Payment of the fee due under Public Act  
25 93-840 ~~this amendatory Act of 2004~~ shall discharge the  
26 employer's obligations due on July 1, 2004.



1           (c) In addition to the authority specifically granted under  
2 Section 16, the Chairman shall have such authority to adopt  
3 rules or establish forms as may be reasonably necessary for  
4 purposes of enforcing this Section. The Commission shall have  
5 authority to defer, waive, or abate the fee or any penalties  
6 imposed by this Section if in the Commission's opinion the  
7 employer's solvency and ability to meet its obligations to pay  
8 workers' compensation benefits would be immediately threatened  
9 by payment of the fee due.

10          (d) When an employer fails to pay the full amount of any  
11 annual Illinois Workers' Compensation Commission Operations  
12 Fund Fee of \$100 or more due under this Section, there shall be  
13 added to the amount due as a penalty the greater of \$1,000 or  
14 an amount equal to 5% of the deficiency for each month or part  
15 of a month that the deficiency remains unpaid.

16          (e) The Commission may enforce the collection of any  
17 delinquent payment, penalty or portion thereof by legal action  
18 or in any other manner by which the collection of debts due the  
19 State of Illinois may be enforced under the laws of this State.

20          (f) Whenever it appears to the satisfaction of the Chairman  
21 that an employer has paid pursuant to this Act an Illinois  
22 Workers' Compensation Commission Operations Fund Fee in an  
23 amount in excess of the amount legally collectable from the  
24 employer, the Chairman shall issue a credit memorandum for an  
25 amount equal to the amount of such overpayment. A credit  
26 memorandum may be applied for the 2-year period from the date

1 of issuance against the payment of any amount due during that  
2 period under the fee imposed by this Section or, subject to  
3 reasonable rule of the Commission including requirement of  
4 notification, may be assigned to any other employer subject to  
5 regulation under this Act. Any application of credit memoranda  
6 after the period provided for in this Section is void.

7 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,  
8 eff. 7-30-04; revised 10-25-04.)

9 Section 1280. The Workers' Occupational Diseases Act is  
10 amended by changing Section 1 as follows:

11 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

12 Sec. 1. This Act shall be known and may be cited as the  
13 "Workers' Occupational Diseases Act".

14 (a) The term "employer" as used in this Act shall be  
15 construed to be:

16 1. The State and each county, city, town, township,  
17 incorporated village, school district, body politic, or  
18 municipal corporation therein.

19 2. Every person, firm, public or private corporation,  
20 including hospitals, public service, eleemosynary,  
21 religious or charitable corporations or associations, who  
22 has any person in service or under any contract for hire,  
23 express or implied, oral or written.

24 3. Where an employer operating under and subject to the

1 provisions of this Act loans an employee to another such  
2 employer and such loaned employee sustains a compensable  
3 occupational disease in the employment of such borrowing  
4 employer and where such borrowing employer does not provide  
5 or pay the benefits or payments due such employee, such  
6 loaning employer shall be liable to provide or pay all  
7 benefits or payments due such employee under this Act and  
8 as to such employee the liability of such loaning and  
9 borrowing employers shall be joint and several, provided  
10 that such loaning employer shall in the absence of  
11 agreement to the contrary be entitled to receive from such  
12 borrowing employer full reimbursement for all sums paid or  
13 incurred pursuant to this paragraph together with  
14 reasonable attorneys' fees and expenses in any hearings  
15 before the Illinois Workers' Compensation Commission or in  
16 any action to secure such reimbursement. Where any benefit  
17 is provided or paid by such loaning employer, the employee  
18 shall have the duty of rendering reasonable co-operation in  
19 any hearings, trials or proceedings in the case, including  
20 such proceedings for reimbursement.

21 Where an employee files an Application for Adjustment  
22 of Claim with the Illinois Workers' Compensation  
23 Commission alleging that his or her claim is covered by the  
24 provisions of the preceding paragraph, and joining both the  
25 alleged loaning and borrowing employers, they and each of  
26 them, upon written demand by the employee and within 7 days

1 after receipt of such demand, shall have the duty of filing  
2 with the Illinois Workers' Compensation Commission a  
3 written admission or denial of the allegation that the  
4 claim is covered by the provisions of the preceding  
5 paragraph and in default of such filing or if any such  
6 denial be ultimately determined not to have been bona fide  
7 then the provisions of Paragraph K of Section 19 of this  
8 Act shall apply.

9 An employer whose business or enterprise or a  
10 substantial part thereof consists of hiring, procuring or  
11 furnishing employees to or for other employers operating  
12 under and subject to the provisions of this Act for the  
13 performance of the work of such other employers and who  
14 pays such employees their salary or wage notwithstanding  
15 that they are doing the work of such other employers shall  
16 be deemed a loaning employer within the meaning and  
17 provisions of this Section.

18 (b) The term "employee" as used in this Act, shall be  
19 construed to mean:

20 1. Every person in the service of the State, county,  
21 city, town, township, incorporated village or school  
22 district, body politic or municipal corporation therein,  
23 whether by election, appointment or contract of hire,  
24 express or implied, oral or written, including any official  
25 of the State, or of any county, city, town, township,  
26 incorporated village, school district, body politic or

1 municipal corporation therein and except any duly  
2 appointed member of the fire department in any city whose  
3 population exceeds 500,000 according to the last Federal or  
4 State census, and except any member of a fire insurance  
5 patrol maintained by a board of underwriters in this State.  
6 One employed by a contractor who has contracted with the  
7 State, or a county, city, town, township, incorporated  
8 village, school district, body politic or municipal  
9 corporation therein, through its representatives, shall  
10 not be considered as an employee of the State, county,  
11 city, town, township, incorporated village, school  
12 district, body politic or municipal corporation which made  
13 the contract.

14 2. Every person in the service of another under any  
15 contract of hire, express or implied, oral or written, who  
16 contracts an occupational disease while working in the  
17 State of Illinois, or who contracts an occupational disease  
18 while working outside of the State of Illinois but where  
19 the contract of hire is made within the State of Illinois,  
20 and any person whose employment is principally localized  
21 within the State of Illinois, regardless of the place where  
22 the disease was contracted or place where the contract of  
23 hire was made, including aliens, and minors who, for the  
24 purpose of this Act, except Section 3 hereof, shall be  
25 considered the same and have the same power to contract,  
26 receive payments and give quittances therefor, as adult

1 employees. An employee or his or her dependents under this  
2 Act who shall have a cause of action by reason of an  
3 occupational disease, disablement or death arising out of  
4 and in the course of his or her employment may elect or  
5 pursue his or her remedy in the State where the disease was  
6 contracted, or in the State where the contract of hire is  
7 made, or in the State where the employment is principally  
8 localized.

9 (c) "Commission" means the Illinois Workers' Compensation  
10 Commission created by the Workers' Compensation Act, approved  
11 July 9, 1951, as amended.

12 (d) In this Act the term "Occupational Disease" means a  
13 disease arising out of and in the course of the employment or  
14 which has become aggravated and rendered disabling as a result  
15 of the exposure of the employment. Such aggravation shall arise  
16 out of a risk peculiar to or increased by the employment and  
17 not common to the general public.

18 A disease shall be deemed to arise out of the employment if  
19 there is apparent to the rational mind, upon consideration of  
20 all the circumstances, a causal connection between the  
21 conditions under which the work is performed and the  
22 occupational disease. The disease need not to have been  
23 foreseen or expected but after its contraction it must appear  
24 to have had its origin or aggravation in a risk connected with  
25 the employment and to have flowed from that source as a  
26 rational consequence.

1           An employee shall be conclusively deemed to have been  
2 exposed to the hazards of an occupational disease when, for any  
3 length of time however short, he or she is employed in an  
4 occupation or process in which the hazard of the disease  
5 exists; provided however, that in a claim of exposure to atomic  
6 radiation, the fact of such exposure must be verified by the  
7 records of the central registry of radiation exposure  
8 maintained by the Department of Public Health or by some other  
9 recognized governmental agency maintaining records of such  
10 exposures whenever and to the extent that the records are on  
11 file with the Department of Public Health or the agency.

12           Any injury to or disease or death of an employee arising  
13 from the administration of a vaccine, including without  
14 limitation smallpox vaccine, to prepare for, or as a response  
15 to, a threatened or potential bioterrorist incident to the  
16 employee as part of a voluntary inoculation program in  
17 connection with the person's employment or in connection with  
18 any governmental program or recommendation for the inoculation  
19 of workers in the employee's occupation, geographical area, or  
20 other category that includes the employee is deemed to arise  
21 out of and in the course of the employment for all purposes  
22 under this Act. This paragraph added by Public Act 93-829 ~~this~~  
23 ~~amendatory Act of the 93rd General Assembly~~ is declarative of  
24 existing law and is not a new enactment.

25           The employer liable for the compensation in this Act  
26 provided shall be the employer in whose employment the employee

1 was last exposed to the hazard of the occupational disease  
2 claimed upon regardless of the length of time of such last  
3 exposure, except, in cases of silicosis or asbestosis, the only  
4 employer liable shall be the last employer in whose employment  
5 the employee was last exposed during a period of 60 days or  
6 more after the effective date of this Act, to the hazard of  
7 such occupational disease, and, in such cases, an exposure  
8 during a period of less than 60 days, after the effective date  
9 of this Act, shall not be deemed a last exposure. If a miner  
10 who is suffering or suffered from pneumoconiosis was employed  
11 for 10 years or more in one or more coal mines there shall,  
12 effective July 1, 1973 be a rebuttable presumption that his or  
13 her pneumoconiosis arose out of such employment.

14 If a deceased miner was employed for 10 years or more in  
15 one or more coal mines and died from a respirable disease there  
16 shall, effective July 1, 1973, be a rebuttable presumption that  
17 his or her death was due to pneumoconiosis.

18 The insurance carrier liable shall be the carrier whose  
19 policy was in effect covering the employer liable on the last  
20 day of the exposure rendering such employer liable in  
21 accordance with the provisions of this Act.

22 (e) "Disablement" means an impairment or partial  
23 impairment, temporary or permanent, in the function of the body  
24 or any of the members of the body, or the event of becoming  
25 disabled from earning full wages at the work in which the  
26 employee was engaged when last exposed to the hazards of the



1 occupational disease by the employer from whom he or she claims  
2 compensation, or equal wages in other suitable employment; and  
3 "disability" means the state of being so incapacitated.

4 (f) No compensation shall be payable for or on account of  
5 any occupational disease unless disablement, as herein  
6 defined, occurs within two years after the last day of the last  
7 exposure to the hazards of the disease, except in cases of  
8 occupational disease caused by berylliosis or by the inhalation  
9 of silica dust or asbestos dust and, in such cases, within 3  
10 years after the last day of the last exposure to the hazards of  
11 such disease and except in the case of occupational disease  
12 caused by exposure to radiological materials or equipment, and  
13 in such case, within 25 years after the last day of last  
14 exposure to the hazards of such disease.

15 (Source: P.A. 93-721, eff. 1-1-05; 93-829, eff. 7-28-04;  
16 revised 10-25-04.)

17 Section 1285. The Unemployment Insurance Act is amended by  
18 changing Section 1300 as follows:

19 (820 ILCS 405/1300) (from Ch. 48, par. 540)

20 Sec. 1300. Waiver or transfer of benefit rights - Partial  
21 exemption.

22 (A) Except as otherwise provided herein any agreement by an  
23 individual to waive, release or commute his rights under this  
24 Act shall be void.

1 (B) Benefits due under this Act shall not be assigned,  
2 pledged, encumbered, released or commuted and shall be exempt  
3 from all claims of creditors and from levy, execution and  
4 attachment or other remedy for recovery or collection of a  
5 debt. However, nothing in this Section shall prohibit a  
6 specified or agreed upon deduction from benefits by an  
7 individual, or a court or administrative order for withholding  
8 of income, for payment of past due child support from being  
9 enforced and collected by the Department of Healthcare and  
10 Family Services ~~Public Aid~~ on behalf of persons receiving a  
11 grant of financial aid under Article IV of the Illinois Public  
12 Aid Code, persons for whom an application has been made and  
13 approved for child support enforcement services under Section  
14 10-1 of such Code, or persons similarly situated and receiving  
15 like services in other states. It is provided that:

16 (1) The aforementioned deduction of benefits and order  
17 for withholding of income apply only if appropriate  
18 arrangements have been made for reimbursement to the  
19 Director by the Department of Healthcare and Family  
20 Services ~~Public Aid~~ for any administrative costs incurred  
21 by the Director under this Section.

22 (2) The Director shall deduct and withhold from  
23 benefits payable under this Act, or under any arrangement  
24 for the payment of benefits entered into by the Director  
25 pursuant to the powers granted under Section 2700 of this  
26 Act, the amount specified or agreed upon. In the case of a

1 court or administrative order for withholding of income,  
2 the Director shall withhold the amount of the order.

3 (3) Any amount deducted and withheld by the Director  
4 shall be paid to the Department of Healthcare and Family  
5 Services ~~Public Aid~~ or the State Disbursement Unit  
6 established under Section 10-26 of the Illinois Public Aid  
7 Code, as directed by the Department of Healthcare and  
8 Family Services ~~Public Aid~~, on behalf of the individual.

9 (4) Any amount deducted and withheld under subsection  
10 (3) shall for all purposes be treated as if it were paid to  
11 the individual as benefits and paid by such individual to  
12 the Department of Healthcare and Family Services ~~Public Aid~~  
13 or the State Disbursement Unit in satisfaction of the  
14 individual's child support obligations.

15 (5) For the purpose of this Section, child support is  
16 defined as those obligations which are being enforced  
17 pursuant to a plan described in Title IV, Part D, Section  
18 454 of the Social Security Act and approved by the  
19 Secretary of Health and Human Services.

20 (6) The deduction of benefits and order for withholding  
21 of income for child support shall be governed by Titles III  
22 and IV of the Social Security Act and all regulations duly  
23 promulgated thereunder.

24 (C) Nothing in this Section prohibits an individual from  
25 voluntarily electing to have federal income tax deducted and  
26 withheld from his or her unemployment insurance benefit

1 payments.

2 (1) The Director shall, at the time that an individual  
3 files his or her claim for benefits that establishes his or  
4 her benefit year, inform the individual that:

5 (a) unemployment insurance is subject to federal,  
6 State, and local income taxes;

7 (b) requirements exist pertaining to estimated tax  
8 payments;

9 (c) the individual may elect to have federal income  
10 tax deducted and withheld from his or her payments of  
11 unemployment insurance in the amount specified in the  
12 federal Internal Revenue Code; and

13 (d) the individual is permitted to change a  
14 previously elected withholding status.

15 (2) Amounts deducted and withheld from unemployment  
16 insurance shall remain in the unemployment fund until  
17 transferred to the federal taxing authority as a payment of  
18 income tax.

19 (3) The Director shall follow all procedures specified  
20 by the United States Department of Labor and the federal  
21 Internal Revenue Service pertaining to the deducting and  
22 withholding of income tax.

23 (4) Amounts shall be deducted and withheld in  
24 accordance with the priorities established in rules  
25 promulgated by the Director.

26 (D) Nothing in this Section prohibits an individual from

1 voluntarily electing to have State of Illinois income tax  
2 deducted and withheld from his or her unemployment insurance  
3 benefit payments.

4 (1) The Director shall, at the time that an individual  
5 files his or her claim for benefits that establishes his or  
6 her benefit year, in addition to providing the notice  
7 required under subsection C, inform the individual that:

8 (a) the individual may elect to have State of  
9 Illinois income tax deducted and withheld from his or  
10 her payments of unemployment insurance; and

11 (b) the individual is permitted to change a  
12 previously elected withholding status.

13 (2) Amounts deducted and withheld from unemployment  
14 insurance shall remain in the unemployment fund until  
15 transferred to the Department of Revenue as a payment of  
16 State of Illinois income tax.

17 (3) Amounts shall be deducted and withheld in  
18 accordance with the priorities established in rules  
19 promulgated by the Director.

20 (E) Nothing in this Section prohibits the deduction and  
21 withholding of an uncollected overissuance of food stamp  
22 coupons from unemployment insurance benefits pursuant to this  
23 subsection (E).

24 (1) At the time that an individual files a claim for  
25 benefits that establishes his or her benefit year, that  
26 individual must disclose whether or not he or she owes an

1 uncollected overissuance (as defined in Section 13(c)(1)  
2 of the federal Food Stamp Act of 1977) of food stamp  
3 coupons. The Director shall notify the State food stamp  
4 agency enforcing such obligation of any individual who  
5 discloses that he or she owes an uncollected overissuance  
6 of food stamp coupons and who meets the monetary  
7 eligibility requirements of subsection E of Section 500.

8 (2) The Director shall deduct and withhold from any  
9 unemployment insurance benefits payable to an individual  
10 who owes an uncollected overissuance of food stamp coupons:

11 (a) the amount specified by the individual to the  
12 Director to be deducted and withheld under this  
13 subsection (E);

14 (b) the amount (if any) determined pursuant to an  
15 agreement submitted to the State food stamp agency  
16 under Section 13(c)(3)(A) of the federal Food Stamp Act  
17 of 1977; or

18 (c) any amount otherwise required to be deducted  
19 and withheld from unemployment insurance benefits  
20 pursuant to Section 13(c)(3)(B) of the federal Food  
21 Stamp Act of 1977.

22 (3) Any amount deducted and withheld pursuant to this  
23 subsection (E) shall be paid by the Director to the State  
24 food stamp agency.

25 (4) Any amount deducted and withheld pursuant to this  
26 subsection (E) shall for all purposes be treated as if it

1           were paid to the individual as unemployment insurance  
2           benefits and paid by the individual to the State food stamp  
3           agency as repayment of the individual's uncollected  
4           overissuance of food stamp coupons.

5           (5) For purposes of this subsection (E), "unemployment  
6           insurance benefits" means any compensation payable under  
7           this Act including amounts payable by the Director pursuant  
8           to an agreement under any federal law providing for  
9           compensation, assistance, or allowances with respect to  
10          unemployment.

11          (6) This subsection (E) applies only if arrangements  
12          have been made for reimbursement by the State food stamp  
13          agency for the administrative costs incurred by the  
14          Director under this subsection (E) which are attributable  
15          to the repayment of uncollected overissuances of food stamp  
16          coupons to the State food stamp agency.

17          (Source: P.A. 94-237, eff. 1-1-06; revised 12-15-05.)

18          Section 9995. No acceleration or delay. Where this Act  
19          makes changes in a statute that is represented in this Act by  
20          text that is not yet or no longer in effect (for example, a  
21          Section represented by multiple versions), the use of that text  
22          does not accelerate or delay the taking effect of (i) the  
23          changes made by this Act or (ii) provisions derived from any  
24          other Public Act.

1           Section 9996. No revival or extension. This Act does not  
2           revive or extend any Section or Act otherwise repealed.

3           Section 9999. Effective date. This Act takes effect upon  
4           becoming law.



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10	735 ILCS 30/25-7-103.125	was 735 ILCS 5/7-103.113 from P.A. 94-898
11	740 ILCS 45/6.1	from Ch. 70, par. 76.1
12	740 ILCS 110/7.1	
13	740 ILCS 110/11	from Ch. 91 1/2, par. 811
14	740 ILCS 128/20	
15	745 ILCS 5/1	from Ch. 127, par. 801
16	745 ILCS 22/5	
17	745 ILCS 49/20	
18	750 ILCS 5/505	from Ch. 40, par. 505
19	750 ILCS 5/505.1	from Ch. 40, par. 505.1
20	750 ILCS 5/505.2	from Ch. 40, par. 505.2
21	750 ILCS 5/505.3	
22	750 ILCS 5/506	from Ch. 40, par. 506
23	750 ILCS 5/507	from Ch. 40, par. 507
24	750 ILCS 5/507.1	
25	750 ILCS 5/510	from Ch. 40, par. 510

1	750 ILCS 5/516	from Ch. 40, par. 516
2	750 ILCS 5/517	
3	750 ILCS 5/601.5	
4	750 ILCS 5/602	from Ch. 40, par. 602
5	750 ILCS 5/704	from Ch. 40, par. 704
6	750 ILCS 5/705	from Ch. 40, par. 705
7	750 ILCS 5/709	from Ch. 40, par. 709
8	750 ILCS 5/712	from Ch. 40, par. 712
9	750 ILCS 16/7	
10	750 ILCS 16/20	
11	750 ILCS 16/25	
12	750 ILCS 16/30	
13	750 ILCS 16/35	
14	750 ILCS 16/60	
15	750 ILCS 22/103	was 750 ILCS 22/102
16	750 ILCS 22/310	
17	750 ILCS 22/320	
18	750 ILCS 24/5	
19	750 ILCS 25/3	from Ch. 40, par. 2703
20	750 ILCS 25/6	from Ch. 40, par. 2706
21	750 ILCS 28/15	
22	750 ILCS 28/22	
23	750 ILCS 28/45	
24	750 ILCS 45/4.1	
25	750 ILCS 45/5	from Ch. 40, par. 2505
26	750 ILCS 45/7	from Ch. 40, par. 2507

1	750 ILCS 45/8	from Ch. 40, par. 2508
2	750 ILCS 45/13.1	
3	750 ILCS 45/14	from Ch. 40, par. 2514
4	750 ILCS 45/14.1	
5	750 ILCS 45/15.1	from Ch. 40, par. 2515.1
6	750 ILCS 45/18	from Ch. 40, par. 2518
7	750 ILCS 45/21	from Ch. 40, par. 2521
8	750 ILCS 45/21.1	
9	750 ILCS 45/22	from Ch. 40, par. 2522
10	750 ILCS 45/23	from Ch. 40, par. 2523
11	750 ILCS 45/28	
12	750 ILCS 50/18.05	
13	750 ILCS 60/219	from Ch. 40, par. 2312-19
14	750 ILCS 60/223	from Ch. 40, par. 2312-23
15	750 ILCS 60/224	from Ch. 40, par. 2312-24
16	750 ILCS 60/302	from Ch. 40, par. 2313-2
17	750 ILCS 70/10	
18	755 ILCS 5/6-5	from Ch. 110 1/2, par. 6-5
19	755 ILCS 5/11a-18	from Ch. 110 1/2, par. 11a-18
20	755 ILCS 35/2	from Ch. 110 1/2, par. 702
21	755 ILCS 35/3	from Ch. 110 1/2, par. 703
22	755 ILCS 40/10	from Ch. 110 1/2, par. 851-10
23	755 ILCS 50/5-27	was 755 ILCS 60/3.5
24	760 ILCS 95/2	from Ch. 21, par. 64
25	765 ILCS 530/4	from Ch. 96 1/2, par. 9654
26	765 ILCS 835/1	from Ch. 21, par. 15

1	775 ILCS 5/2-104	from Ch. 68, par. 2-104
2	775 ILCS 5/4-101	from Ch. 68, par. 4-101
3	805 ILCS 5/1.25	from Ch. 32, par. 1.25
4	805 ILCS 5/15.10	from Ch. 32, par. 15.10
5	805 ILCS 5/15.95	from Ch. 32, par. 15.95
6	805 ILCS 105/101.25	from Ch. 32, par. 101.25
7	805 ILCS 180/1-25	
8	805 ILCS 180/15-3	
9	805 ILCS 180/50-5	
10	805 ILCS 180/50-10	
11	810 ILCS 5/8-106	from Ch. 26, par. 8-106
12	815 ILCS 5/2.29	
13	815 ILCS 122/99-99	was 815 ILCS 122/99
14	815 ILCS 145/1	from Ch. 17, par. 6101
15	815 ILCS 205/4	from Ch. 17, par. 6404
16	815 ILCS 205/4.1	from Ch. 17, par. 6405
17	815 ILCS 308/50	
18	815 ILCS 413/5	
19	815 ILCS 505/1	from Ch. 121 1/2, par. 261
20	815 ILCS 505/2LL	
21	815 ILCS 505/2MM	
22	815 ILCS 505/2NN	
23	815 ILCS 505/2PP	
24	815 ILCS 505/2QQ	
25	815 ILCS 505/2RR	
26	815 ILCS 505/2SS	



- 1 815 ILCS 505/2TT
- 2 815 ILCS 505/2UU
- 3 815 ILCS 505/2VV
- 4 815 ILCS 505/2WW
- 5 815 ILCS 505/2XX
- 6 815 ILCS 505/2YY
- 7 820 ILCS 130/4 from Ch. 48, par. 39s-4
- 8 820 ILCS 305/4d
- 9 820 ILCS 310/1 from Ch. 48, par. 172.36
- 10 820 ILCS 405/1300 from Ch. 48, par. 540