



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3420

Introduced 2/24/2011, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

750 ILCS 28/56 new

Amends the Income Support Withholding Act. Provides that the Department of Healthcare and Family Services or Human Services shall provide to licensees under the Illinois Horse Racing Act of 1975 or the Riverboat Gambling Act information concerning all individuals who are delinquent in child support by granting them access to the State Case Registry established under the Illinois Public Aid Code. Provides that the information made available to the licensees is limited to identifying information and the amount of delinquency. Provides that if a licensee is to pay cash winnings to a person in the amount of \$1,000 or more, the licensee: may deduct an administrative fee from the winnings; shall withhold the amount of delinquent child support owed from the cash winnings; and transmit the amount withheld to the Department of Healthcare and Family Services. Provides that the Department shall notify the obligor that it intends to offset the obligor's delinquent child support with the cash winnings, but that the Department will not do so for 10 business days. Provides that the delinquent child support withheld and the administrative fee have priority over any claim on cash winnings, except claims for federal or State taxes. Provides that the Department and the Illinois Gaming Board shall adopt rules to administer these provisions. Provides that a licensee is immune from civil or criminal liability when complying with these provisions or the rules adopted concerning these provisions.

LRB097 08431 AJ0 48558 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning child support.

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

4 Section 5. The Income Support Withholding Act is amended by
5 adding Section 56 as follows:

6 (750 ILCS 28/56 new)

7 Sec. 56. Withholding from gaming winnings.

8 (a) Delinquency information. The Department of Healthcare
9 and Family Services shall provide information to each licensee
10 under the Illinois Horse Racing Act of 1975 or the Riverboat
11 Gambling Act concerning all individuals who are delinquent in
12 child support who are identified in the State Case Registry
13 established pursuant to Section 10-27 of the Illinois Public
14 Aid Code. The information made available to a licensee under
15 this Section about each individual obligor who is designated as
16 delinquent in child support in the State Case Registry, shall
17 include appropriate identifying information, the amount of the
18 delinquency, and other information necessary to remit payment
19 to the Department of Healthcare and Family Services.

20 (b) Licensee withholding obligations. If a licensee under
21 the Illinois Horse Racing Act of 1975 or the Riverboat Gambling
22 Act, as a payor, is to pay cash winnings in the amount of
23 \$1,000 or more to a person identified pursuant to this Section

1 in the State Case Registry, the licensee:

2 (1) may deduct and retain an administrative fee in the
3 amount of the lesser of: 3% of the amount of delinquent
4 child support withheld under this Section or \$100;

5 (2) shall withhold the amount of delinquent child
6 support owed from the cash winnings or so much of the
7 delinquent child support owed that is collectible from the
8 cash winnings;

9 (3) transmit to the Department of Healthcare and Family
10 Services, within 7 business days after the date the cash
11 winnings were paid or claimed: the amount withheld under
12 this Section; identifying information, including the full
13 name, address, and social security number of the obligor
14 and the child support case identifier; the date and amount
15 of the cash winnings and the amount withheld; and the name,
16 location and contact information of the licensee; and

17 (4) issue to the obligor a receipt, in a form
18 prescribed by the Department of Healthcare and Family
19 Services, stating the total amount withheld from the cash
20 winnings for delinquent child support and the
21 administrative fee.

22 (c) Notification. The Department of Healthcare and Family
23 Services shall provide written notice to the obligor, at the
24 address provided by the licensee, that the Department intends
25 to offset the obligor's delinquent child support with some or
26 all of his or her cash winnings. The Department shall hold the

1 amount withheld from the cash winnings of an obligor for 10
2 business days after sending the written notice to the obligor
3 before applying the amount as payment to the obligor's
4 delinquent child support.

5 (d) The delinquent child support required to be withheld
6 under this Section and an administrative fee under Section have
7 priority over any secured or unsecured claim on cash winnings,
8 except claims for federal or State taxes that are required to
9 be withheld under federal or State law.

10 (e) Enforcement. The Department of Healthcare and Family
11 Services and the Illinois Gaming Board shall provide for
12 enforcement of this Section by rule.

13 (f) Immunity. A licensee is immune from civil or criminal
14 liability for acting in conformity with this Section or the
15 rules applicable to a licensee under this Section.