

# LEGISLATION 2010 SUMMARY; CRIMINAL, TRAFFIC & JUVENILE (includes veto session 2009)

Last updated 8/25//10  
Reliance on enacted bills should be had by  
reading the endorsed version @  
<http://www.ilga.gov/>

Steve Baker  
Legislative Liaison  
Law Office of the Cook County Public  
Defender  
312-603-0720  
[playerjmsb@msn.com](mailto:playerjmsb@msn.com)

\*denotes immediate effective date.  
AV denotes amendatory veto.

Comments express the view of the writer  
only.

## HOUSE BILLS

\*HB43  
Short Description: VEH CD-STOP FOR  
PEDESTRIAN  
Status: P.A. 96-1165, eff. 7-22-10  
625 ILCS 5/11-1002; 625 ILCS 5/11-  
1002.5

Synopsis As Introduced  
Amends the Illinois Vehicle Code.  
Provides that where traffic signals are  
not in place, vehicles must stop and  
yield to a pedestrian in a crosswalk  
rather than yielding the right-of-way by  
slowing down or stopping if need be.  
Provides that on a school day when  
children are present and so close that a  
potential hazard exists because of the  
close proximity of the motorized traffic  
and when traffic signals are not in place  
or in operation, vehicles must stop and  
yield to a pedestrian in a crosswalk  
rather than yielding the right-of-way by

slowing down or stopping if need be to  
so yield. Effective immediately.

\*HB596  
Short Description: CD CORR-AGG  
DOM BATTERY  
Status: P.A. 96-1224, eff. 7-23-10  
730 ILCS 5/3-6-3

Synopsis As Introduced  
Amends the Unified Code of  
Corrections. Provides that a prisoner  
serving a sentence for aggravated  
domestic battery shall receive no more  
than 4.5 days of good conduct credit for  
each month of his or her sentence of  
imprisonment. Effective immediately.

\*HB675  
Short Description: STATE POLICE-  
COMPLAINTS  
Status: P.A. 96-0891, eff. 5/10/10  
20 ILCS 2610/14

Synopsis As Introduced  
Amends the State Police Act. Requires  
that any sworn complaint against a  
State Police Officer that contains false  
information shall be presented to the  
appropriate State's Attorney for a  
determination of prosecution. Effective  
immediately.

HB1188  
Short Description: REGULATION OF  
CEMETERIES  
Status: P.A. 96-0863, eff. dates multi –  
1-19-10; 3-1-10; 3-1-12  
New Act; multi 5 ILCS, 20 ILCS, 30  
ILCS, 410 ILCS, 735 ILCS, 740 ILCS,  
760 ILCS, 765 ILCS, 815 ILCS,  
820 ILCS, 805 ILCS, 225 ILCS

Summary:  
Creates the Cemetery Oversight Act, to  
be administered by the Department of  
Financial and Professional Regulation.  
Provides for licensure of cemetery

authorities, cemetery managers, and customer service employees. Requires cemetery workers to submit a Worker's Statement. Includes provisions concerning findings, public policy, definitions, powers and duties of the Department, licensure, exemptions, grounds for discipline, civil and criminal penalties, administrative procedure, trust funds, business practices, cemetery associations, and consumer rights.

Amends the Regulatory Sunset Act to provide for repeal of the Crematory Regulation Act and the Cemetery Oversight Act on January 1, 2021.

Amends the State Finance Act. Creates the Cemetery Oversight Licensing and Disciplinary Fund and the Cemetery Relief Fund.

Amends the Crematory Regulation Act. Provides that the Department is responsible for enforcing the Act (now, the Office of the Comptroller). Makes changes in provisions concerning definitions, establishment of a crematory and licensing of a crematory authority, discipline, revocation and suspension of a license, authorization to cremate, performance of and training for a cremation service, recordkeeping, penalties, annual reports, investigations, testimony, administrative review, and pre-need cremation arrangements. Adds administrative provisions, including penalties, and home rule provisions.

Amends the Vital Records Act. Provides that the burial permit shall include the place of disposition, and if the place is a cemetery, shall also specify the lot, block, section, and plot or niche where the human dead body or cremated remains are located. Requires the State Registrar to implement an electronic reporting system that the Department of Financial and Professional Regulation shall have access to in order to enhance enforcement of the Cemetery Oversight Act.

Amends the Crime Victims Compensation Act. Provides that the

definition of "victim" shall also mean a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence.

Amends the Cemetery Protection Act. Changes definition of "cemetery authority". Provides new criminal penalties for certain violations of the Act. Provides that no cemetery company or other legal entity conducting or maintaining any public or private cemetery may deny burial space to any person based on his or her race, creed, marital status, sex, national origin, or color. Provides that cemeteries or burial grounds may designate parts for specific use by persons whose religious code requires isolation. Further provides that religious institution cemeteries may limit burials to members of the religious institution and their families. Makes other changes.

Amends the Burial Rights Act. Provides that "cemetery authority", "interment rights", "entombment rights", and "inurnment rights" shall have the same meaning ascribed to it in the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable (now, the Cemetery Care Act).

Repeals the Cemetery Association Act and the Cemetery Care Act. Changes references to the Comptroller in various Acts to the Department of Financial and Professional Regulation.

Amends the Funeral Directors and Embalmers Licensing Code to provide for the licensure of customer service employees of a funeral establishment, funeral chapel, funeral home, or mortuary. Provides that a funeral

director or a funeral director and embalmer shall use his or her best efforts to ensure that funeral processions entering and exiting the cemetery grounds do not obstruct traffic on any street for more than 10 minutes, with certain exceptions. Makes other changes.

Redefines "cemetery worker" to mean an individual, including an independent contractor or third-party vendor, who performs any work at the cemetery that is customarily performed by one or more cemetery employees, including openings and closings of vaults and graves, stone settings, inurnments, interments, entombments, administrative work, handling of any official burial records, the preparation of foundations for memorials, and routine cemetery maintenance. Provides that the definition does not include uncompensated, volunteer workers.

Specifies that a cemetery authority shall not transmit copies of Worker's Statements until the cemetery authority receives a license under this Act.

Provides that the Department shall adopt the Code of Professional Conduct and Ethics by rule. Provides that the contract the cemetery authority enters into with the consumer shall contain the name, address, and telephone number of the cemetery authority, except, that a cemetery authority that is operating as a religious cemetery or public cemetery shall include in the contract the name, address, and telephone number of the cemetery manager. Makes other changes.

Effective March 1, 2010, except some parts effective March 1, 2012 and some parts effective immediately.

Criminal Violations include: Desecration of human remains (Class 3 felony); Removal of remains from repository (Class 4 felony); Vandalization of burial grounds [Class A to Class 2 felony depending on amount of damage]; Defacement/Removal of gravestones

(Class 4 to Class 2 felony depending on the number of stones); Unauthorized entry or solicitation [Class a misdemeanor; Class 4 second or subsequent]; Unauthorized discharge of a firearm (Class C misdemeanor); Unauthorized entry or remains to closed cemetery (Class A misdemeanor); Unauthorized cremation (Class 4 felony); False cremation authorization (Class 4 felony); Unlicensed crematory (Class A misdemeanor); Untrained cremation worker (Class A misdemeanor); Fraudulent fingerprint submission for licensure (Class A misdemeanor, 2d or subsequent Class 4 felony); Improper withdrawal or use of trust funds for own benefit (Class 4 felony for each day of violation). Criminal violation changes effective 3-1-10.

HB1994

Short Description: CORRECTIONAL INDUSTRIES-MGMT

Status: P.A. 96-0877, eff. 7-1-10  
730 ILCS multi

Summary:

Amends the Illinois Procurement Code and the Unified Code of Corrections. Provides that control of Illinois Correctional Industries accounting processes and budget requests to the General Assembly, other budgetary processes, audits by the Office of the Auditor General, and computer processes shall be returned to Illinois Correctional Industries. Provides that Illinois Correctional Industries shall be administered by a chief executive officer. Provides that the Chief Executive Officer shall report to the Director of the Department. The Director may not delegate direction of Illinois Correctional Industries management and fiscal processes formally or indirectly to any other division, component, or contractor of the Department. Provides that the chief

executive officer shall be responsible for all persons assigned to the institution or facility that are employed in Industries programs. Provides that Illinois Correctional Industries shall establish commercial, business, and manufacturing programs on behalf of the State of Illinois for the sale of finished goods and processed food and beverages to the State, its political units, its agencies, and public institutions. Provides that Illinois Correctional Industries shall establish, operate, and maintain manufacturing and food and beverage facilities and provide food for the Department of Corrections institutions and for the mental health and developmental disabilities institutions of the Department of Human Services and the institutions of the Department of Veterans' Affairs for consumption in those agencies' institutions. Eff. 7-1-10.

HB3869

Short Description: INTOX  
COMPOUNDS-PENALTY  
Status: P.A. 96-1440, eff. 1-1-11  
720 ILCS 690/4; 20 ILCS 301/40-5

Summary:  
Amends the Use of Intoxicating Compounds Act. Increases the penalties for a second or subsequent violation of the Act in which another penalty is not otherwise provided from a Class C misdemeanor to a Class A misdemeanor.  
Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that a person charged with or convicted of a misdemeanor violation of the Use of Intoxicating Compounds Act and who has not been previously convicted of a violation of that Act may elect treatment under the Alcoholism and Other Drug Abuse and Dependency Act.

\*HB4124

Short Description: AGGRAVATED UUW  
– GANG MEMBER  
Status: P.A. 96-0829, eff. 12-3-09  
720 ILCS 5/24-1.6 & 5/24-1.8 new; 730  
ILCS 5/5-5-3

Summary:  
Amends the Criminal Code of 1961 and the Unified Code of Corrections.  
Creates the offense of unlawful possession of a firearm by a street gang member. Provides that a person commits the offense if he or she (1) possesses, carries, or conceals on or about his or her person a firearm and firearm ammunition while on any street, road, alley, gangway, sidewalk, or any other lands, except when inside his or her own abode or inside his or her fixed place of business, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang; or (2) possesses or carries in any vehicle a firearm and firearm ammunition which are both immediately accessible at the time of the offense while on any street, road, alley, or any other lands, except when inside his or her own abode or garage, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang.  
Provides that unlawful possession of a firearm by a street gang member is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 3 years and no more than 10 years. Provides that a period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the offense of unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition and the court shall sentence the offender to not less than the minimum term of imprisonment authorized for the Class 2 felony. Effective immediately.

Comment: Dawson v. Delaware, 503 U.S. 159 (1992) held that mere membership in a street gang is not sentencing aggravation. There has to be link between the status and the crime, i.e. motive ala cross-burning (Black v. Virginia, 538 U.S. 343 [2003]). Also see State v. O.C., 748 So.2d 945 (Fla. 1999).

In Illinois, People v Coleman, 158 Ill2d 319 affirms this holding in IL but does it's best to limit the impact: "the evidence in Dawson was inadmissible because the manner in which it was presented revealed nothing more than the defendant's abstract beliefs." People v. Mertz, 218 Ill2d 1, continues the IL effort to limit Dawson: had the State in Dawson shown that the Gang was "associated with drugs and violent escape attempts at prisons and advocated the murder of fellow inmates, the Court would have been confronted with a much different case" At trial, gang evidence must have some relation to the crime: motive to kill, motive to lie for fellow gang member, etc. with a limiting instruction. People v. Maldonado, No. 1-07-2406 (1/28/10). So, it will be incumbent on the State to try to connect gang membership either to the defendant's reason for carrying the gun or to show at least that the gang espouses using guns for violent & illegal gains. This will be particularly applicable to "start up or spin off" gangs. Motion to Dismiss/Reduce offense level suggested at close of State's case or as Motion in Arrest of Judgment.

HB4580

Short Description: VEH CD-REVOCAION-CAUSED DEATH  
Status: P.A. 96-1305, eff. 1-1-11  
625 ILCS 5/6-205; 625 ILCS 5/6-206

Summary:

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke (rather than may, within 6 months of the date of conviction or one year of the date of the accident, revoke or suspend) the driving privileges of any person who has been *convicted* of an offense that involved the unlawful operation of a motor vehicle when that offense "was the proximate

cause of the death of any person the death of any person" Provides that any person whose driving privileges have been revoked under the provisions of the introduced bill may seek to have the revocation terminated or to have the length of revocation reduced, by requesting an administrative hearing with the Secretary of State prior to the projected driver's license application eligibility date.

HB4583

Short Description: ELECTRONIC HARMFUL MATERIAL/SEXTING - MRAI  
Status: P.A. 96-1087, eff. 1-1-11  
705 ILCS 405/3-1 & 405/3-7 & 405/3-15 & 705 ILCS 405/3-40 new

Summary:

Amends the Juvenile Court Act of 1987. Provides that a minor shall not distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device. Provides that a minor who violates any of these provisions may be subject to a petition for adjudication and adjudged a minor in need of supervision. Provides that a minor found to be in need of supervision under this provision may be: (1) ordered to obtain counseling or other supportive services to address the acts that led to the need for supervision; or (2) ordered to perform community service.

HB4647

Short Description: SCH CD-VIOLENCE PREVENTION LIN  
Status: P.A. 96-1425, eff. 1-1-11  
105 ILCS 5/34-21.8 new; 720 ILCS 5/14-3; 30 ILCS 805/8.34 new

Summary:

Amends School Code to mandate a CPS Violence Prevention Hotline in Chicago.. Requires that calls that are

placed to the hotline must be answered by the Chicago Police Department. Requires that each call placed to the hotline must be recorded and investigated by the Chicago Police Department. Provides that the hotline shall be known as the "CPS Violence Prevention Hotline" and its number and anonymous nature must be posted in all Chicago Public Schools. Provides that prior to receiving any information, notice must be provided to the caller that the call is being recorded for investigation by the Chicago Police Department. Provides that the notice may be provided by a pre-recorded message or otherwise. Amends the Criminal Code of 1961. Exempts from an eavesdropping violation, recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as the "CPS Violence Prevention Hotline," but only where the notice of recording is given at the beginning of each call. Provides that the recordings may be retained only by the Chicago Police Department or other law enforcement authorities, and shall not be otherwise retained or disseminated. Amends the State Mandates Act. Exempts these provisions from the requirement for reimbursement by the State.

HB4658

Short Description: EMPLOYEE CREDIT PRIVACY

Status: P.A. 96-1426, eff. 1-1-11  
New Act

Summary:

Creates the Employee Credit Privacy Act. Prohibits employers from inquiring about or using an employee's or prospective employee's credit history as a basis for employment, recruitment, discharge, or compensation with some exceptions. Prohibits an employer from retaliating or discriminating against a

person who files a complaint under the Act, participates in an investigation, proceeding, or action concerning a violation of the Act, or opposes a violation of the Act. Contains provisions concerning waiver (prohibited), remedies and attorneys fees. . "Employer" does not include (i) any bank holding company, financial holding company, bank, savings bank, savings and loan association, credit union, or trust company, or any subsidiary or affiliate thereof, that is authorized to do business under the laws of this State or of the United States, (ii) any State law enforcement or investigative unit, including, without limitation, any such unit within the Office of any Executive Inspector General, the Department of State Police, the Department of Corrections, the Department of Juvenile Justice, or the Department of Natural Resources, or (iii) any State or local government agency which otherwise requires use of the employee's or applicant's credit history; and (3) provides that information concerning an individual's credit history is a bona fide occupational requirement if the employee's or applicant's credit score is otherwise required by federal or State law or "bona fide occupational requirement" regulation by the federal or state Dept. of Labor.. Further expands the definition of exempt "employer" to include any company authorized to engage in any kind of insurance or surety business pursuant to the Illinois Insurance Code, including any employee, agent, or employee of an agent acting on behalf of a company engaged in the insurance or surety business, and any entity that is defined as a debt collector under federal or State statute. Defines the following terms: "credit history", "credit report", "financial information", "marketable assets", "personal or confidential information", "State or national security", and "trade secrets". Provides that information concerning an individual's.

Permits employers to conduct a thorough background investigation, which may include obtaining a report without information on credit history or an investigative report without information on credit history, or both, as permitted under the Fair Credit Reporting Act, provided the information is used for employment purposes only.

\*HB4669

Short Description: ANIMALS-ACCELERANT DETECTION  
Status: P.A. 96-1171, eff. 7-22-10  
510 ILCS 5/15; 510 ILCS 70/4.03; 510 ILCS 70/4.04

Synopsis As Introduced  
Amends the Animal Control Act. Exempts accelerant detection dogs from regulation as vicious dogs if certain requirements are met. Amends the Humane Care for Animals Act. Makes it unlawful for any person to do any of the following to a canine used by a fire officer for arson investigations in the performance of his or her functions or while off duty: (i) to interfere or meddle with the canine, (ii) to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals, or substance to the canine, and (iii) to willfully or maliciously torture, mutilate, injure, disable, poison, or kill the canine. Effective immediately.

HB4673

Short Description: VEH CD-COMPANY NAME ON TRUCK  
Status: P.A. 96-1179, eff. 1-1-11  
625 ILCS 5/12-713

Summary:  
Amends the Illinois Vehicle Code. Provides that a construction contractor or subcontractor operating second division vehicle commercially in this State that fails to display on the side of

the vehicle or its trailer the name of the company for which it is employed is guilty of a petty offense with a fine of not less than \$500 (instead of a petty offense with a fine not to exceed \$100).

HB4691

Short Description: VEH CODE-CHILD CAR SEATS  
Status: P.A. 96-0914, eff. 1-1-11  
625 ILCS 25/6; 625 ILCS 25/6a new

Summary:  
Amends the Child Passenger Protection Act. Provides that a first violation of the Child Passenger Protection Act is a petty offense with a fine of \$75 (rather than a fine of not more than \$50), and a subsequent violation is a petty offense with a fine of \$200 (rather than a fine of not more than \$50) that may not be waived. Provides that the fine for a first violation of a provision concerning the transportation of a child in this State under the age of 8 years may be waived upon proof of possession of an approved child restraint system and proof of completion of an instructional course on the installation of a child restraint system (rather than just upon proof of possession of an approved child restraint system). Contains provisions describing the instructional course and the child restraint system inspection procedure. Provides that a person shall not be convicted of a first violation of the Child Passenger Protection Act concerning the transportation of a child in this State under the age of 8 upon proof of possession of an approved child restraint system and proof of completion of an instructional course on the installation of a child restraint system. Provides that the chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that a person is in possession of an approved child

restraint system and has completed an instructional course.

Provides that the instructional course shall include instruction on the proper installation of a child restraint system and an inspection of the child restraint system. Makes other changes.

HB4715

Short Description: CRIM CD- SALE-BURGLARY TOOLS

Status: P.A. 96-1307, eff. 1-1-11  
720 ILCS 5/19-2.5 new

Summary:

Amends the Criminal Code of 1961. Creates the offense of unlawful sale of burglary tools. Provides that a person commits the offense when he or she knowingly sells or transfers any key, including a key designed for lock bumping, or any tool, instrument, device, or any explosive, suitable for use in breaking into a building, housetrailer, watercraft, aircraft, railroad car, or any depository designed for the safekeeping of property, or any part of that property. Provides that the offense does not apply to the sale or transfer of burglary tools to a peace officer or other employee of a law enforcement agency, or to any person or agency licensed as a locksmith under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that a violation is a Class 4 felony.

Limits the definition of burglary tool to a key, including a key designed for lock bumping, or a lock pick specifically manufactured or altered for use in breaking into a building, housetrailer, watercraft, aircraft, motor vehicle, railroad car, or any depository designed for the safekeeping of property, or any part of that property. Exempts from a violation any person engaged in the business of towing vehicles.

Provides that the criminal provisions do not apply to any person engaged in the

business of lawful repossession of property who possesses a valid Repossessor-ICC Authorization Card.

\*HB4717

Short Description: VEH CD-ELECTRIC VEH-PLATES

Status: P.A. 96-1135, eff. 7-21-10  
625 ILCS 5/3-805

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that the owner of a motor vehicle of the second division weighing 8,000 pounds or less propelled by an electric engine and not utilizing motor fuel, may register the motor vehicle for a fee not to exceed \$35 for a 2-year registration period. Effective immediately.

HB4721

Short Description: FISHING & HUNTING-ACTIVE DUTY MILITARY

Status: P.A. 96-1226, eff. 1-1-11  
520 ILCS 5/3.1; 515 ILCS 5/20-15

Summary:

Amends the Fish and Aquatic Life Code. Provides that any person on active duty with the Armed Forces of the United States who is now and was at the time of entering the Armed Forces a resident of Illinois, entered the Armed Forces from this State, and is presently on ordinary or emergency leave (rather than "on leave") from the Armed Forces may fish as permitted by the Code without procuring a license, but only during such period of time and only with sport fishing devices as are permitted by the Code. Amends the Wildlife Code. Provides that any person on active duty with the Armed Forces of the United States who is now and who was at the time of entering the Armed Forces a resident of Illinois, entered the Armed Forces from this State, and is presently on ordinary or emergency leave (rather

than "on leave") from the Armed Forces may hunt certain protected species without procuring a hunting license, but the hunting must be done only during such periods of time and with devices and by methods as are permitted by the Act.

HB4738

Short Description: CD CORR-VETERANS – SENTENCING AGGRAVATOR

Status: P.A. 96-1228, eff. 1-1-11  
730 ILCS 5/5-5-3.2

Summary:

Amends the Unified Code of Corrections. Provides that the court may impose a more severe sentence against a defendant who committed the offense of first degree murder, assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person who was a veteran when that person was performing duties as a representative of a veterans' organization.

Provides that the more severe penalties apply when the defendant knew, or reasonably should have known, that the victim was a veteran performing duties as a representative of a veterans' organization.

Comment: Similar aggravator required defendant's knowledge of the victim's status. See SB115; P.A. 95-0362, eff. 1-1-08.

\*HB4775

Short Description: BOATS-ENGINE CUT-OFF SWITCH

Status: P.A. 96-1033, eff. 7-14-10  
625 ILCS 45/4-11

Synopsis As Introduced

Amends the Boat Registration and Safety Act. Provides that no person may operate any motorboat equipped with an

engine cut-off switch while the engine is running and the motorboat is underway without verifying that the engine cut-off switch is operational and fully-functional and attaching the engine cut-off switch link to the operator or activating the wireless cut-off system (rather than only requiring that a lanyard engine cut-off switch be attached to the operator on motorboats equipped with a lanyard cut-off switch). Effective immediately.

HB4776

Short Description: CD CORR-DUI-PERM DISABILITY 85%

Status: P.A. 96-1230, eff. 1-1-11  
730 ILCS 5/3-6-3; 730 ILCS 5/5-4-1

Synopsis As Introduced

Amends the Unified Code of Corrections. Provides that the rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof that involved a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries and the offense was committed on or after the effective date of the amendatory Act, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

\*HB4779

Short Description: VEH CD-EMERGENCY RESPONDERS-RESTITUTION

Status: P.A. 96-1173, eff. 7-22-10  
625 ILCS 5/16-104a

Summary:

Amends the Illinois Vehicle Code. Provides that in addition to any other fine or penalty required by law, the court

may assess an additional criminal penalty in an amount not exceeding \$100 per public agency for each emergency response related to a person's first violation for reckless driving or speeding in excess of 40 miles per hour over the posted speed limit, and \$500 for a second or subsequent violation. Effective July 1, 2010.

\*HB4796

Short Description: VEH CD-DRIVE-AWAY PERMITS  
Status: P.A. 96-1035, eff. 7-14-10  
625 ILCS 5/3-603

Synopsis As Introduced  
Amends the Illinois Vehicle Code. Changes the length of time that a vehicle operated pursuant to a drive-away permit from 7 days to 30 days. [Sale to out of state resident]. Effective immediately.

\*HB4798

Short Description: CORRECTIONAL INDUST-CONTRACTS  
Status: P.A. 96-0943, eff. 7-1-10  
30 ILCS 500/45-30; 730 ILCS multi

Summary:  
Amends the Illinois Procurement Code and the Unified Code of Corrections. Provides that if and only if the provisions of House Bill 1994 of the 96th General Assembly that are changed by the amendatory Act become law, to the extent not inconsistent with the function and role of the Illinois Correctional Industries, the Department may enter into a contract, lease, or other type of business agreement, not to exceed 20 years, with any private corporation, partnership, person, or other business entity for the purpose of utilizing committed persons in the provision of services or for any other business or commercial enterprise deemed by the

Department to be consistent with proper training and rehabilitation of committed persons. Provides that Illinois Correctional Industries shall have a financial officer who shall report to the chief executive officer. Effective July 1, 2010.

Comment: P.A. 96-0877 a related corrections bill wherein an amendatory veto changed the effective date thereof to 7-1-10.

HB4801

Short Description: DANGEROUS ANIMALS-PRIMATES  
Status: P.A. 96-1219, eff. 1-1-11  
720 ILCS 585/0.1; 720 ILCS 585/1

Summary:  
Amends the Illinois Dangerous Animals Act. Prohibits a person from having a right of property in, keeping, harboring, caring for, acting as custodian of or maintaining in his or her possession any primate, except at a properly maintained zoological park, federally licensed exhibit, circus, college or university, scientific institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure. Provides that this provision does not prohibit a person who had lawful possession of a primate before January 1, 2011, from continuing to possess that primate if the person registers the animal by providing written notification to the local animal control administrator on or before April 1, 2011. Provides for other notification requirements.

Exempts from a violation the possession of a single capuchin monkey by a person who is permanently disabled with a severe mobility impairment person to assist the person in performing daily tasks if: (1) the capuchin monkey was obtained from and trained at a licensed nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code

of 1986, the nonprofit tax status of which was obtained on the basis of a mission to improve the quality of life of severely mobility-impaired individuals; and (2) certain notification requirements are met.

\*HB4807

Short Description: CRIM PRO-INSANE DEFENDANT PLACEMENT

Status: P.A. 96-1138, eff. 7-21-10  
730 ILCS 5/5-2-4

Synopsis As Introduced

Amends the Unified Code of Corrections. Provides that after a defendant is found not guilty by reason of insanity, any victim impact statement prepared under the Rights of Crime Victims and Witnesses Act shall be sent to the Department of Human Services. Provides that individualized placement evaluations by the Department of Human Services determine the most appropriate setting for forensic treatment based upon a number of factors including mental health diagnosis, *proximity to surviving victims*, security need, age, gender, and proximity to family. Effective immediately.

\*HB4820

Short Description: SECRETARY OF STATE-VARIOUS

Status: P.A. 96-0962, eff. 7-2-10  
625 ILCS multi; 720 ILCS 5/33-6

Synopsis As Introduced

Amends the Illinois Vehicle Code and Criminal Code of 1961. Provides that in addition to existing requirements, applicants for a school bus driver permit must not have been convicted of aggravated reckless driving or driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof (rather than driving

while intoxicated). Deletes a requirement that the Secretary of State forward a certified copy of the record of such action to the motor vehicle administrator in the State where such person resides when a nonresident's operating privilege is suspended or revoked. Renames "driver exam training school" as "driver training school" in the Illinois Vehicle Code and Criminal Code of 1961. Changes the definition of "medical examiner" or "medical practitioner" in the Driver's License Medical Review Law of 1992 to include any person licensed to practice medicine in all its branches in the State of Illinois or any other state (rather than just the State of Illinois). Makes other technical changes. Effective immediately.

\*HB4825

Short Description: JUV CT-RETURNING CHILD HOME

Status: P.A. 96-1375, eff. 7-29-10  
705 ILCS 405/2-28; 705 ILCS 405/2-34

Synopsis As Introduced

Amends the Juvenile Court Act of 1987. Provides that the permanency plan shall include a finding by the court whether conditions that gave rise to a finding of parental abuse or neglect or of the minor's dependency have been remedied prior to returning the child home. Changes the conditions under which a motion to reinstate parental rights may be filed by the Department of Children and Family Services regarding any minor who is a ward of the court because of abuse, neglect, or dependency.

Provides that the services contained in the service plan shall include services reasonably related to remedy the conditions that gave rise to removal of the child from the home of his or her parents, guardian, or legal custodian or that the court has found must be remedied prior to returning the child

home. Provides that any tasks the court requires of the parents, guardian, or legal custodian or child prior to returning the child home, must be reasonably related to remedying a condition or conditions that gave rise to or which could give rise to any finding of child abuse or neglect. Effective immediately.

\*HB4858

Short Description: STATE ID-DRIVERS LICENSE

Status: P.A. 96-1231, eff. 7-23-10  
15 ILCS multi; 625 ILCS multi; 735 ILCS 5/21-105 new

Summary:

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides the Secretary of State may require an applicant to utilize the same residence address and name on a State identification card, driver's license, and instruction permit. Provides that the Secretary of State may allow applicants for a driver's license or State identification cards to provide a mailing address in addition to a residence address. Provides that the Secretary of State may adopt rules regarding the use of foreign language interpreters during the application and examination process.

Further amends the Illinois Identification Card Act and Illinois Vehicle Code. Provides that the fee for any duplicate identification card, driver's license, or permit shall be waived for any person who presents the Secretary of State with a police report showing that his or her identification card, driver's license, or permit was stolen. Provides that the fee for any duplicate identification card, driver's license, or permit shall be waived for any person age 60 or older whose identification card, driver's license, or permit has been lost or stolen. Provides that there shall be no fee for a duplicate identification card,

driver's license, or permit issued to an active-duty member of the United States Armed Forces. Amends the Code of Civil Procedure. Provides that common law name changes adopted in this State on or after July 1, 2010 are invalid. Provides that all name changes shall be made pursuant to marriage or other legal proceedings. Effective immediately.

HB4859

Short Description: MOTOR VEH-RDPs & COURT REPORTS

Status: P.A.96-1180, eff. 1-1-11  
625 ILCS 5/6-205; 625 ILCS 5/6-206;  
730 ILCS 5/5-4-1

Synopsis As Introduced

Amends the Illinois Vehicle Code to provide that in certain undue hardship cases where a person's driving privileges have been suspended or revoked, the Secretary of State may issue a restricted driving permit to allow a person to transport children, elderly persons, or disabled persons who do not hold driving privileges and are living in the person's household (rather than just children living in the person's household) to and from daycare. Amends the Unified Code of Corrections. Provides that during a sentencing hearing, the court must make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced. Provides that in cases in which the court finds that a motor vehicle was used in the commission of the offense, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

\*HB4860

Short Description: TOW-TRUCK OPERATORS-NO SOLICIT

Status: P.A. 96-1376, eff. 7-29-10

625 ILCS 5/11-1431 new; 815 ILCS 505/2Z

Summary:

Amends the Illinois Vehicle Code and Consumer Fraud and Deceptive Business Practices Act. Provides that it is a violation of the Illinois Vehicle Code (petty for 1<sup>st</sup> & 2d – 625 ILCS 5/16-104) and an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act for a person who owns or operates a tow-truck (a tower) or an employee or agent of a tower to: (i) stop at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle for the purpose of soliciting the owner or operator of the damaged or disabled vehicle to enter into a towing service transaction; or (ii) stop at the scene of an accident or at or near a damaged or disabled vehicle unless called to the location by a law enforcement officer or the owner or operator of the damaged or disabled vehicle.

Provides that the Illinois Department of Transportation, the Illinois State Toll Highway Authority, a local agency having jurisdiction over the highway may also call a tower to the scene of a damaged or disabled vehicle. Provides that the provisions of this amendatory Act do not apply to employees of the Illinois Department of Transportation, the Illinois State Toll Highway Authority, or local agencies when engaged in their official duties.

Provides that provisions of the engrossed bill shall not prevent a tower from stopping at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle if the owner or operator signals the tower for assistance from the location of the motor vehicle accident or damaged or disabled vehicle. Effective immediately.

\*HB4873

Short Description: VEH CD-SCHOOL BUS PERMIT & CDL

Status: P.A.96-1182, eff. 7-22-10

625 ILCS 5/6-106.1; 625 ILCS 5/6-508

Summary:

Amends the Illinois Vehicle Code. Adds several offenses to the list of existing offenses that disqualify a person for a school bus driver permit or a commercial driver's license. Includes soliciting a prostitute, child luring, aggravated child porno, child photography by sex offender, grooming, traveling to meet a minor, aggravated battery, drug-induced bodily harm, cyberstalking, possession of stolen firearm, residential arson, unlawful sale/purchase of a firearm, contributing to criminal delinquency, terrorism & methamphetamine offenses. Effective immediately.

HB4895

Short Description: CRIM CD-TATTOO & BODY PIERCING

Status: P.A. 96-1311, eff. 1-1-11

720 ILCS 5/12-10.3 new

Summary:

Amends the Criminal Code of 1961. Creates the offense of false representation to a tattoo or body piercing business as the parent or legal guardian of a minor. Provides that a violation is a Class C misdemeanor. Includes in the violation falsely representing oneself as a parent or legal guardian for the purpose of accompanying the minor to a business that provides body piercing as required under the statute concerning piercing the body of a minor.

\*HB4982

Short Description: VEH CD-MUNI FINES-REPAYMENT PLAN

Status: P.A. 96-1184, eff. 7-22-10

625 ILCS 5/6-306.5

Summary:

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall terminate the driving privileges suspension of a person who failed to pay fines or penalties for standing, parking, compliance, or automated traffic law violations whenever the person has entered into a payment plan pursuant to which the municipality has agreed to terminate the suspension. Provides that Secretary of State shall suspend the driving privileges of a person who is more than 14 days in default of such a payment plan. Makes other changes. Effective immediately.

HB4987

Short Description: RAILROAD - MISCHIEF

Status: P.A. 96-1132, eff. 1-1-11  
625 ILCS 5/18c-7502

Summary:

Amends a provision of the Illinois Vehicle Code concerning malicious removal of or damage to railroad property or freight. Provides that a person is guilty of an offense ranging from a Class A misdemeanor to a Class 4 felony, depending on property damages, if he or she is found to have willfully placed upon an active railroad track or railroad right of way any object or objects that would adversely affect safe railroad operations.

\*HB5006

Short Description: CD CORR-DOC-ABSCONDING-WARRANT

Status: P.A. 96-1265, eff. 7-26-10  
730 ILCS 5/3-2-2

Synopsis As Introduced

Amends the Unified Code of Corrections. Provides that the Department of Corrections has the power to issue an order, whenever a

person committed to the Department absconds or absents himself or herself, without authority to do so, from any facility or program to which he or she is assigned. Provides that the order: shall be certified by the Director of Corrections, the Supervisor of the Apprehension Unit, or any person duly designated by the Director, with the seal of the Department affixed; shall be directed to all sheriffs, coroners, and police officers, or to any particular person named in the order; and shall be sufficient warrant for the officer or person named in the order to arrest and deliver the committed person to the proper correctional officials and shall be executed the same as criminal process. Effective immediately.

\*HB5007

Short Description: DPT JUV JUST-MORTALITY REVIEW

Status: P.A. 96-1378, eff. 7-29-10  
New Act; 5 ILCS 120/2; 5 ILCS 140/7

Summary:

Creates the Department of Juvenile Justice Mortality Review Team Act and amends the Open Meetings Act and the Freedom of Information Act. Provides that upon the occurrence of the death of any youth in the Department of Juvenile Justice's custody, the Director of Juvenile Justice shall appoint members and a chairperson to a mortality review team. Provides for membership of the teams. Provides for a team's review of every death of a youth that occurs within a facility of the Department or as the result of an act or incident occurring within a facility of the Department, including as the result of suspected illness, injury, self-harm, or unknown cause. Provides for a team's recommendations to the Director of Juvenile Justice and for the Director's reply; also requires the Director to submit a report to the Executive Inspector General appointed by the

Governor under the State Officials and Employees Ethics Act. Provides that team meetings are not subject to the Open Meetings Act and that records and information provided to or maintained by a team are not subject to inspection and copying under the Freedom of Information Act. Provides for indemnification of team members.

Provides that State policy includes a requirement that the response to the death of a youth committed to the custody of the Department of Juvenile Justice must include a determination of the factors contributing to the death. Adds, as a member of a mortality review team, a representative of the Office of the Governor's Executive Inspector General. Provides that the Director of Juvenile Justice may (instead of shall) request that a team review a subsequent death if the death occurs while a prior youth death is under review. Provides that a mortality review team's evaluation of means by which a death might have been prevented is not limited to the evaluation of specified "systems" of the Department of Juvenile Justice. Provides that one of a mortality review team's purposes is to recommend (instead of promote) continuing education and training for Department of Juvenile Justice staff. Effective immediately.

HB5043

Short Description: SEX OFFENDER REG-PREDATOR

Status: P.A. 96-1089, eff. 1-1-11

730 ILCS 150/2

Synopsis As Introduced

Amends the Sex Offender Registration Act. Provides that a person convicted of certain additional sex offenses against victims under 18 years of age is also defined as a sexual predator (sexually motivated murder, sexual misconduct with a disabled minor, non-familial

kidnapping, sexually motivated child abduction, etc). Effective January 1, 2011.

\*HB5060

Short Description: CD CORR-PAROLE HEARINGS

Status: Passed both Houses; Veto

730 ILCS 5/3-3-2; 730 ILCS 5/3-3-4

Summary:

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board or one who has allegedly violated the conditions of his or her parole or mandatory supervised release may require by subpoena the production of physical evidence, electronic evidence, computer files, DVD's, audio or tape recordings, or any other evidence relating to any matter under investigation or hearing. Provides that the Prisoner Review Board shall not release any material to the inmate, the inmate's attorney, any third party, or any other person containing any information from the victim or from a person related to the victim by blood, adoption, or marriage who has written objections, testified at any hearing, or submitted audio or visual objections to the inmate's parole, unless provided with a waiver from that objecting party.

Changes the types of evidence that may be sought to be produced in an alleged violation of conditions of parole or mandatory supervised release, in a hearing before the Chairman of the Board or an agent, committee, or subcommittee, or in a case of disobedience to a subpoena. Provides that, if the release of evidence in an electronic format would create a risk of harm to a third party, the responding entity shall submit that evidence in an alternative format and shall redact all information necessary to protect the identity and safety of the third party. Effective immediately.

Veto message: Concern over access to ongoing criminal investigations.

\*HB5095

Short Description: DISABLED PEDESTRIAN SAFETY

Status: P.A. 96-1167, eff. 7-22-10

New Act; 625 ILCS 5/2-112; 625 ILCS 5/6-109

Summary:

Creates the Pedestrians with Disabilities Safety Act. Defines service animal, "mobility device", "motorized wheelchair", and "pedestrian with a disability". Provides that a person with a disability: has the same right as a nondisabled person to the full use of the streets and public places; and, if the person has a service or support animal, has the right to be accompanied by the animal in any of the places listed without being required to pay an extra charge provided that the person shall be liable for any damage done by the animal. Provides that a vehicle operator shall accommodate a pedestrian with a disability who is using a mobility device, service animal, or white cane and take all necessary precautions to avoid injury. Provides that any person who interferes with the rights of a person with a disability under the Act is guilty of a Class A misdemeanor with a minimum fine of \$500 per violation. Provides that each year the Governor is authorized and requested to proclaim Pedestrians with Disabilities Safety Day. Amends the Illinois Vehicle Code. Provides that the Secretary of State is mandated to revise its publications, including the Illinois Rules of the Road, and the drivers license examination to reflect the provisions of the Pedestrians with Disabilities Safety Act. Contains other provisions. Effective July 1, 2010.

\*HB5120

Short Description: VEH CD-SCHOOL BUS DRIVERS

Status: P.A. 96-1066, eff. 7-16-10

625 ILCS 5/12-813.1; 625 ILCS 5/12-816

Summary:

Amends the Illinois Vehicle Code. Provides that a school bus must contain either an operating cellular radio telecommunication device (cell phone) or two-way radio (rather than just a two-way radio) while the school bus driver is in possession of a school bus and provides that the cell phone or two-way radio must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request. Provides that a school bus driver may use a cell phone to communicate with school authorities or their designees about any other issue relating to the operation of the school bus or the welfare and safety of any passenger. Deletes a provision concerning the use of cell phone that has a digital two-way radio. Makes corresponding changes in a provision concerning post-trip inspections of school busses. Effective immediately.

\*HB5130

Short Description: MONEY LAUNDERING-FUND

Status: P.A. 96-1234, eff. 7-23-10

20 ILCS multi; 30 ILCS 105/5.756 new; 720 ILCS 5/29B-1; 730 ILCS multi

Summary:

Amends the Department of State Police Law of the Civil Administrative Code of Illinois and the Criminal Code of 1961. Provides that moneys and the sale proceeds distributed to the Department of State Police pursuant to the money laundering statute shall be deposited in a special fund in the State treasury to be known as the Money Laundering Asset Recovery Fund. Provides that the moneys deposited in the Money

Laundering Asset Recovery Fund shall be appropriated to and administered by the Department of State Police for State law enforcement purposes. Amends the State Finance Act. Creates the Money Laundering Asset Recovery Fund in the State treasury.

Further amends the Department of State Police Law of the Civil Administrative Code of Illinois and amends the Unified Code of Corrections. Provides that the proceeds from the additional penalties for the possession or delivery of cannabis, a controlled substance, or methamphetamine shall be deposited into the Drug Traffic Prevention Fund (rather than the State Police Services Fund). Provides that these moneys deposited into the Drug Traffic Prevention Fund shall be appropriated to and administered (rather than shall be used for grants) by the Department of State Police for funding of drug task forces and Metropolitan Enforcement Groups in accordance with the Intergovernmental Drug Laws Enforcement Act. Effective immediately.

\*HB5132

Short Description: DHS & DCFS-  
DISABLED PERSONS-ABUSE  
Status: P.A. 96-1446, eff. 8-20-10  
20 ILCS 1305/1-17; 325 ILCS 5/4.4a  
new

Summary:

Amends the Department of Human Services Act, the Abuse of Adults with Disabilities Intervention Act, and the Abused and Neglected Child Reporting Act. DHS Act . Adult student with disability defined. Inspector General to report criminal acts by or upon such students through the Domestic Abuse Program under the Abuse of Adults with Disabilities Intervention Act or respective law enforcement agency as appropriate.

Abused and Neglected Child Reporting Act changes. DCFS shall be responsible for receiving and investigating reports of adult resident abuse or neglect. Adult resident defined as any person between 18 and 22 who resides in a DCFS-licensed facility. DCFS to facilitate reports of suspected abuse, neglect or financial exploitation of a disabled adult 18-59, if residing in a DCFS licensed facility to DHS's Inspector General. Effective immediately.

\*HB5139

Short Description: NOVELTY  
LIGHTERS-PROHIBIT  
Status: P.A. 96-1174, eff. 7-22-10  
New Act

Summary:

Creates the Retail Sale and Distribution of Novelty Lighters Prohibition Act. Defines a "novelty lighter" as a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that is designed to resemble a cartoon character, toy, or similar articles, or has other entertaining features; sets forth exclusions. Prohibits the sale and distribution of novelty lighters. Sets forth exceptions to the prohibition. Provides that a violation is a petty offense, for which a fine not to exceed \$500 for each violation may be imposed. Provides for enforcement by the Office of the State Fire Marshal, by a State, county, or municipal law enforcement officer, or by a municipal code enforcement officer. Provides that a person employed by a retail establishment as a clerk shall not be found in violation of the Retail Sale and Distribution of Novelty Lighters Prohibition Act unless he or she sells a novelty lighter with the intent to violate the Retail Sale and Distribution of Novelty Lighters Prohibition Act. Effective immediately.

\*HB5150

Short Description: CD CORR-PAROLE  
& MAND SUP REL - WARRANT  
Status: P.A. 96-1447, eff. 8-23-10  
730 ILCS 5/3-14-2

Summary:

Amends the Unified Code of Corrections. Provides that if the parolee or releasee is on parole or mandatory supervised release for a forcible felony and commits an act that constitutes first degree murder, a Class X felony, a Class 1 felony, a Class 2 felony, or a Class 3 felony, the supervising officer of the parolee or releasee shall request the Department of Corrections to issue a warrant and the Department shall issue the warrant and the officer or the Department shall file a violation report with notice of charges with the Prisoner Review Board. Effective immediately.

\*HB5154

Short Description: PERSONNEL  
RECORD-EVALUATION & FOIA  
Status: Passed both Houses; AV  
820 ILCS 40/11

Summary:

Amends the Personnel Record Review Act. Provides that disclosure of performance evaluations under the Freedom of Information Act shall be prohibited. Effective immediately.

Amendatory Veto:

“My recommendation for change narrows the scope of House Bill 5154 to restrict its applicability to the performance evaluations of local and State law enforcement personnel. If disclosed, these evaluations could be used by criminal suspects or defendants to undermine a police investigation or attack the credibility and integrity of a police officer.”

Comment: Partial response to FOIA police-complaint ruling in Gekas v.

Williamson, No. 4-08-0733 (2009). But see tightening of language in 5 ILCS 140/7 (1) N. AFSCME to oppose AV.

\*HB5194

Short Description: STATE POLICE  
RADIO-REBROADCAST  
Status: P.A. 96-1236, eff. 7-23-10  
20 ILCS 2615/12 new

Summary:

Amends the State Police Radio Act. Provides that a person receiving public safety voice or data communication transmitted via the facilities of the State's public safety radio system by wire or radio shall not, without the written authority of the originator of the communication, rebroadcast the communication via any means, or otherwise divulge or publish the existence, contents, substance, purport, effect, or meaning thereof. Provides that this provision does not apply to the public safety radio communication transmitted by any system station for the use of the general public, including Amber Alerts and other communications specifically intended for rebroadcast to the public. Provides that radio access to the public safety radio system within the State may only be accomplished upon receipt of written authorization granted by the appropriately licensed authority. Provides that a violation of these provisions is a Class A misdemeanor. Effective immediately.

\*HB5214

Short Description: VETERANS COURT  
Status: P.A. 96-0924, eff. 6-14-10  
New Act; 55 ILCS 5/5-1101

Summary:

Creates the Veterans and Servicemembers Court Treatment Act. Provides that the Chief Judge of each judicial circuit may establish a Veterans and Servicemembers Court program

including a format under which it operates under the Act. Provides that the Veterans and Servicemembers Court may, at the discretion of the Chief Judge, be a separate court or a program of a drug court within the Circuit. Provides that at the discretion of the Chief Judge, the Veterans and Servicemembers Court program may be operated in one county in the Circuit, and allow veteran and servicemember defendants from all counties within the Circuit to participate. Provides that a defendant may be admitted into a Veterans and Servicemembers Court program only upon the agreement of the prosecutor and the defendant and with the approval of the Court. Establishes conditions in which veterans and servicemembers are eligible for the program. Provides for substance abuse treatment of eligible members. Amends the Counties Code. Provides that a \$10 fee shall be paid by the defendant on a judgment of guilty or a grant of supervision to be placed in the county general fund and used to finance the Veterans and Servicemembers Court. Effective immediately.

\*HB5285

Short Description: SERIOUS TRAFFIC VIOLATION-FEES

Status: P.A. 96-1175, eff. 9-20-10

625 ILCS 5/16-104d; 705 ILCS 105/27.5; 705 ILCS 105/27.6; 730 ILCS 5/5-6-1

Summary:

Amends the Illinois Vehicle Code, the Clerks of Courts Act, and the Unified Code of Corrections. Provides that any person who is convicted of or pleads guilty to a serious traffic violation, as defined in the Illinois Vehicle Code, shall pay an additional fee of \$35 (rather than \$20 currently). Provides that \$15 (rather than \$7.50) of the fee shall be deposited into the Fire Prevention Fund in the State treasury, \$15 (rather than \$7.50)

shall be deposited into the Fire Truck Revolving Loan Fund in the State treasury, and \$5 (current law) shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court. Makes technical changes. Effective 60 days after becoming law.

Comment: "Serious traffic violation" defined @ 625 ILCS 5/1-187.001.

\*HB5290

Short Description: CIV PRO-PROCESS SERVER-INMATES

Status: P.A. 96-1451, eff. 8-20-10

735 ILCS 5/2-202; 735 ILCS 5/2-203.2  
new

Summary:

Amends the Code of Civil Procedure. Provides that private process servers may operate in counties of less than 2 million population (now less than 1 million).

Service on an inmate. For the security of a correctional institution or facility or jail, a process server may be refused entry into that correctional institution or facility or jail. Each correctional institution or facility or jail shall designate a representative to accept service from a licensed or registered private detective or agency for purposes of effectuating service upon an inmate in the custody of the institution, facility, or jail. With respect to an inmate incarcerated in an Illinois Department of Corrections facility, the process server shall contact the chief administrative officer in advance to arrange and designate the time and date, during regularly scheduled business hours that the facility representative will meet with and accept service from the process server. Service upon a warden's or sheriff's representative shall constitute substitute service and a mailing to the inmate of the process shall be completed by the server in accordance with Section 2-

202. A warden's or sheriff's representative accepting substitute service shall forward the process to the inmate, but if for any reason the process is not forwarded to the inmate, the sheriff, sheriff's representative, warden, or warden's representative shall not be responsible for any civil fine or penalty, or have other liability. If for any reason an inmate is not in the correctional institution or facility or jail at the time of the service of process, a warden's or sheriff's representative may refuse to accept service for the inmate. If it is determined after the process has been left with the designated representative, that the inmate is not present at that institution or facility or jail, the designated representative shall promptly return it to the licensed or registered private detective or agency, indicating that the substitute service could not be effectuated. The process server shall promptly notify the court of the unsuccessful service. Immediate effective date.

\*HB5295  
Short Description: MUNICIPAL PROSECUTION FEE  
Status: P.A. 96-1186, eff. 7-22-10  
55 ILCS 5/4-2002 55 ILCS 5/4-2002.1

Synopsis As Introduced  
Amends the Counties Code. Provides that, in counties under 3,000,000 population, a municipality is entitled to a \$25 fee (now \$10) for each conviction for a violation of the Illinois Vehicle Code or a municipal vehicle ordinance prosecuted by the municipal attorney. In counties of 3,000,000 or more population, a municipality is entitled to a \$25 fee (now \$10) for each conviction for a violation of the Illinois Vehicle Code or a municipal vehicle ordinance prosecuted by the municipal attorney. Effective immediately.

HB5321  
Short Description: CRIM CD-SEXUAL EXPLOITATION  
Status: P.A. 96-1090, eff. 1-1-11  
720 ILCS 5/11-9.1.1

Synopsis As Introduced  
Amends the Criminal Code of 1961. Provides that a person also commits sexual exploitation of a child if he or she in the presence or virtual presence, or both, of a child engages in the sexual act or exposure of his or her sex organs, anus, or breast for the purpose of sexual arousal or gratification of one whom he or she believes to be a child if the person has the intent or knowledge that one whom he or she believes to be a child would view his or her acts. Defines "virtual presence".

\*HB5330  
Short Description: VEH CD-ACCIDENT REPORTS - RESEARCH  
Status: P.A. 96-1147, eff. 7-21-10  
625 ILCS 5/11-408

Synopsis As Introduced  
Amends a provision of the Illinois Vehicle Code concerning accident reports. Provides that upon request, the Department of Transportation shall furnish copies of its written accident reports to federal, State, and local agencies that are engaged in highway safety research and studies. Provides that the reports shall be for the privileged use of the federal, State, and local agencies receiving the reports and shall be held confidential. Effective immediately.

\*HB5340  
Short Description: SCH CD – BACKGROUND CHECKS  
Status: P.A. 96-1452, eff. 8-20-10  
105 ILCS multi

Summary:

Amends the School Code. In provisions concerning criminal history records checks in school districts other than the Chicago school district, adds the Department of State Police or Statewide Sex Offender Database, or both to the list of persons or entities to which the president of the school board or regional superintendent may transmit information concerning the record of convictions.

Provides that in order to student teach in the public schools, a person is required to authorize a fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the public schools, with authorization for and payment of the costs of the checks furnished by the student teacher. Provides that results of the checks must be furnished to the higher education institution where the student teacher is enrolled and the superintendent of the school district where the student is assigned. Amends the Chicago School District Article of the School Code to make similar changes. Effective immediately.

HB5341

Short Description: VEH CD-INTOXICATED INSTRUCTORS  
Status: P.A. 96-1237, eff. 1-1-11  
625 ILCS 5/11-507 new; 625 ILCS 5/6-107.1

Summary:

Amends the Illinois Vehicle Code. Provides that it is an offense against the regulations governing the movement of vehicles (?) for a person to accompany or provide instruction to a driver who is a minor and driving a motor vehicle pursuant to an instruction permit, while under the influence of alcohol, other

drug or drugs, intoxicating compound or compounds or any combination thereof.

Further amends the Illinois Vehicle Code. In a provision concerning instruction permits, provides that an instruction permit shall be restricted, by the Secretary of State, to the operation of a motor vehicle by the minor only when "under direct supervision of" (rather than "accompanied by") the adult instructor of a driver education program during enrollment in the program or when practicing "under direct supervision of" (rather than "with") a parent, legal guardian, family member, or other person who is 21 years of age or more, has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

\*HB5350

Short Description: MHDD CD-INVOLUNTARY ADMISSION & CONFIDENTIALITY  
Status: P.A. 96-1453, eff. 8-20-10 [same SB3129]  
405 ILCS multi; 740 ILCS multi

Summary:

Amends the Mental Health and Developmental Disabilities Code and the Mental Health and Developmental Disabilities Confidentiality Act. Changes certain existing provisions regarding involuntary admission to provisions regarding either (i) "involuntary admission on an inpatient basis" or (ii) "involuntary admission on an inpatient or outpatient basis"; adds provisions under which a person 18 years of age or older may be found by a court to be subject to involuntary admission on an outpatient basis and may receive alternative treatment in the community or may be placed in the care and custody of a relative or other person; changes certain existing provisions regarding orders for alternative treatment or care and

custody to provisions regarding orders for "admission on an outpatient basis"; makes various changes regarding definitions, court hearings, discharge, restoration, transfer, persons who are entitled to inspect and copy an admitted person's mental health records - their attorneys under POAs or Treatment Preference Declaration Act and caretakers under 3-811, *subpoenas require a court order and notice to respondent before the order's issuance, agencies that may disclose a person's mental health records and communications to other agencies, and other matters*; and repeals certain provisions concerning dangerous conduct, examination and detention, and the duration and contents of certain orders.

The definition of "person subject to involuntary admission on an inpatient basis" provides: "A person with mental illness and who because of his or her illness is reasonably expected, unless treated on an inpatient basis, to engage in conduct placing such person or another in physical harm or in *reasonable expectation of being physically harmed.*" *Also includes a person who refuses treatment, is unable to understand the need for treatment, and "if not treated on an inpatient basis, is reasonably expected after such deterioration to meet the criteria [above]."*

If the certificate states that the person is subject to involuntary admission, but not in need of immediate hospitalization, the person may remain in his or her place of residence pending a hearing..."

Effective immediately.

Comment: 2009 definition of "dangerous conduct" held unconstitutionally vague in *In re Torski C.*, 395 Ill. App.3d 1010 (4th D. 2009); PLA granted No. 109623 (2010)

HB5351

Short Description: MHDD CD-VIDEO  
CONFERENCING

Status: P.A. 96-1321, eff. 1-1-11  
405 ILCS 5/3-806.1 new

Synopsis As Introduced  
Amends the Mental Health and Developmental Disabilities Code. Provides that the Illinois Supreme Court or any circuit court of this State may adopt rules permitting the use of video conferencing equipment in all court hearings, subject to certain criteria. Provides that any court may permit any witness, including a psychiatrist, to testify by video conferencing equipment from any location in the absence of a court rule specifically prohibiting such testimony.

\*HB5381

Short Description: CIR CLERK-  
ELECTRONIC NOTICE

Status: P.A. 96-0971, eff. 7-2-10  
705 ILCS 105/12.1 new

Summary:  
Amends the Clerks of Courts Act. Provides that the circuit clerk may provide notice to a party by hard copy or by electronic notice, pursuant to a uniform and standard policy adopted by the circuit clerk. Provides that a recipient may elect to receive notices by hard copy or electronically via the electronic address he or she has registered with the circuit clerk and that the clerk must provide notice in the recipient's chosen format. Provides that for electronic notices, the circuit clerk shall maintain a copy of the electronic content and a delivery receipt. Provides that administrative communications of either the clerk or the court are not subject to the electronic notice requirements. Provides that if all policies and statutes are complied with, electronic notices shall have the same effect as hard copy notices. Effective immediately.

\*HB5410

Short Description: APP DEFENDER-FUNDS

Status: P.A. 96-1148, eff. 7-21-10  
725 ILCS 105/9.1; 725 ILCS 105/10

Synopsis As Introduced

Amends the State Appellate Defender Act. Provides that for each State fiscal year, the State Appellate Defender shall request a direct appropriation from the Capital Litigation Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys in cases in which the death sentence is an authorized disposition. Makes other changes. Effective immediately.

\*HB5444

Short Description: CRIM CD-VEHICLE FORFEITURE - DUI

Status: P.A. 96-1267, eff. 7-26-10  
720 ILCS 5/36-1

Synopsis As Introduced

Amends the Criminal Code of 1961. In the seizure and forfeiture provisions concerning a vehicle that is seized for certain DUI violations of the owner of the vehicle, changes cross references to reflect changes in the DUI statute. Effective immediately.

\*HB5459

Short Description: ABANDONED NEWBORN-INFO PACKET

Status: P.A. 96-1114, eff. 7-20-10  
325 ILCS 2/35

Summary:

Amends the Abandoned Newborn Infant Protection Act. Provides that the information packet given to a relinquishing parent in accordance with the Act shall not exceed 5 pages and shall include, in addition to other required information, a one-page

brochure (self-mailer) that describes the Safe Haven Law; a one-page brochure (self-mailer) that describes the Illinois Adoption Registry; and a one-page brochure describing health information for the mother and how she can get medical care if she needs it. Requires the information packet to be designed in coordination between the Office of Vital Records and the Department of Children and Family Services. Requires the Office of Vital Records to continue to maintain and distribute the information packet.

Eliminates language requiring a hospital, police station, fire station, or emergency medical facility that receives an abandoned newborn infant to inform the relinquishing person that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous. Eliminates language providing that the information packet given to a relinquishing person must include all Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll-free phone number of the Registry. Provides that the Information packet given to a relinquishing parent must include a brochure (with a self-mailer attached) that describes the Abandoned Newborn Infant Protection Act and the rights of birth parents, including an optional section for the parent to complete and mail to the Department of Children and Family Services, that shall ask for basic anonymous background information about the relinquished child; a brochure that describes the Illinois Adoption Registry, including a toll-free number and website information; and a brochure describing postpartum health

information for the mother (rather than, a one-page brochure (self-mailer) that describes the provisions of the Abandoned Newborn Infant Protection Act; a one-page brochure (self-mailer) that describes the Illinois Adoption Registry; and a one-page brochure describing health information for the mother and how she can get medical care if she needs it).. Provides that the information packet shall be designed in coordination between the Office of Vital Records and the Department of Children and Family Services, with the exception of the resource list of providers of counseling services and adoption agencies, which will be provided by the hospital, fire station, police station, sheriff's office, or emergency medical facility (rather than, the information packet shall be designed in coordination between the Office of Vital Records and the Department of Children and Family Services and that the Office of Vital Records shall continue to maintain and distribute the information packet). Imm effective date.

HB5489

Short Description: CRIM PRO & DOM VIOLENCE-ORDERS  
Status: P.A. 96-1239, eff. 1-1-11  
725 ILCS 5/112A-14; 725 ILCS 5/112A-17; 750 ILCS 60/214

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Makes changes so that the civil and criminal statutes relating to remedies when the court issues an order of protection are consistent.

HB5494

Short Description: CRIM PRO-FAIL TO APPEAR - FEE  
Status: P.A. 96-1431, eff. 1-1-11  
725 ILCS 5/110-7

Summary:

Amends the Code of Criminal Procedure of 1963. Provides that when a court appearance is required for an alleged violation of the Criminal Code of 1961, the Illinois Vehicle Code, the Wildlife Code, the Fish and Aquatic Life Code, the Child Passenger Protection Act, or a comparable offense of a unit of local government as specified in Supreme Court Rule 551, and if the accused does not appear in court on the date set for appearance or any date to which the case may be continued and the court issues an arrest warrant for the accused, based upon his or her failure to appear when having so previously been ordered to appear by the court, the accused upon his or her admission to bail shall be assessed by the court a fee of \$75. Provides that the fee shall be in addition to any bail that the accused is required to deposit for the offense for which the accused has been charged and may not be used for the payment of court costs or fines assessed for the offense. Provides that the clerk of the court shall remit \$70 of the fee assessed to the arresting agency who brings the offender in on the arrest warrant. Provides that the clerk of the court shall remit \$5 of the fee assessed to the Circuit Court Clerk Operation and Administrative Fund.

Comment: per sponsor, compensation for police court appearances when def no show.

HB5510

Short Description: DOM VIOL ORDER DELIVERY-SHERIF  
Status: P.A. 1241, eff. 1-1-11  
750 ILCS 60/217; 725 ILCS 5/112A-17

Summary:

Amends the Illinois Domestic Violence Act of 1986. Provides that if an emergency order of protection is issued

when the court is not in session, the judge who issued the order shall promptly communicate or convey the order to the sheriff to facilitate the entry of the order by the Department of State Police into the Law Enforcement Agencies Data System. Amends the Code of Criminal Procedure of 1963. Provides that if an emergency order of protection is issued when the court is not in session, the judge who issued the order shall promptly communicate or convey the order to the sheriff to facilitate the entry of the order by the Department of State Police into the Law Enforcement Agencies Data System.

\*HB5513

Short Description: FIRE SPRINKLER-REQUIREMENTS [IDENTITY THEFT]  
Status: P.A. 96-1455, eff. 8-20-10  
225 ILCS 317/32 new; 720 ILCS 5/16G-15

Summary:

Amends the Criminal Code of 1961. Adds provision that a person commits the offense of identity theft when he or she knowingly, in the course of applying for a building permit with a unit of local government, provides the license number of a fire sprinkler contractor whom he or she does not intend to have perform the work on the fire sprinkler portion of the project. Provides that it is an affirmative defense to prosecution under the provision that the building permit applicant promptly informed the unit of local government that issued the building permit of any change in the fire sprinkler contractor. Provides that a person who commits identity theft under the provision shall be guilty of a Class 4 felony. Amends the Fire Sprinkler Contractor Licensing Act. Provides a cross-reference to the new criminal penalty for identity theft under the Criminal Code of 1961. Effective immediately.

\*HB5523

Short Description: CIV PRO-EVICT-DEFENSE-VIOLENCE  
Status: P.A. 96-1188, eff. 7-22-10  
735 ILCS 5/9-106.2 new

Synopsis As Introduced

Amends the Code of Civil Procedure. Provides that it is an affirmative defense to a forcible entry action if the demand for possession is based on: the status of the tenant, lessee, or household member as a victim of domestic violence, dating violence, stalking, or sexual violence; an incident of domestic violence, dating violence, stalking, or sexual violence against a tenant, lessee, or household member; or criminal activity engaged in by a member of a tenant's or lessee's household or any guest or other person under the tenant's, lessee's, or household member's control directly relating to domestic violence, dating violence, stalking, or sexual violence and against the tenant, lessee, or household member. Provides that the existence of the affirmative defense does not prevent a landlord from seeking possession solely against a tenant, household member, or lessee who perpetrated the violence.

Provides that the affirmative defense is available if the demand for possession is based solely on one of the listed grounds specifies types of evidence that shall be provided to support the affirmative defense; and states that the new provisions do not prevent a landlord from seeking possession against the entire household, including the tenant, lessee, or household member who is a victim of domestic violence, dating violence, stalking, or sexual violence if the tenant, lessee, or household member's continued tenancy would pose an actual and imminent threat to other tenants, lessees, household

members, the landlord or their agents at the property.

Provides that the affirmative defense is available if the court makes a finding that grounds for an affirmative defense exists; adds, as a ground for an affirmative defense, that the tenant did not knowingly allow entry to a person that the landlord had barred from the premises. Provides that: a landlord may seek possession if that tenant, lessee, or household member has committed the criminal activity on which the demand for possession is based; and a landlord may bar a person, other than a tenant or household member, from the premises by written notice to the tenant that states that if the tenant invites the barred person onto the premises, then the landlord may treat this as a breach of the lease, regardless of the lease terms. Provides the requirements of a landlord's notice to a barred person which informs the person that if he or she violates the notice by entry onto the premises, the person is guilty of criminal trespass to real property. Makes other changes. Effective immediately.

\*HB5525

Short Description: CRIM CD-PENAL-CONTRABAND  
Status: P.A. 96-1325, eff. 7-27-10 (also see SB3503)  
720 ILCS 5/31A-1.2

Synopsis As Introduced

Amends the Criminal Code of 1961. Provides that it is a Class 1 felony for an employee of a penal institution, without authority of any person designated or authorized to grant such authority, to bring into or to attempt to bring into the penal institution, or to possess in the penal institution a tool to defeat security mechanisms or a cutting tool. Provides that it is a Class X felony with a minimum term of imprisonment of 10 years for a person who is an employee of a penal institution to knowingly and

without authority of any person designated or authorized to grant such authority to deliver or possess with intent to deliver electronic contraband in the penal institution. Effective immediately.

HB5640

Short Description: EXTENDED TERM – SEX CRIME (ALCOHOL)  
Status: Passed House; Passed Senate w/ amend; House Concur Cal MTC; RR  
**CLEAR BILL (SFAs 2, 3.4&5 non sub)**  
730 ILCS 5/5-5-3.2

Summary: Amends the Unified Code of Corrections. Provides that the court may impose an extended term sentence upon an offender who has been convicted of a felony violation of: (1) criminal sexual assault, (2) aggravated criminal sexual assault, (3) predatory criminal sexual assault of a child, (4) criminal sexual abuse, or (5) aggravated criminal sexual abuse when the victim of the offense is under 18 years of age at the time of the commission of the offense and, during the commission of the offense, the victim was under the influence of alcohol, regardless of whether or not the alcohol was supplied by the offender.

Senate Committee Amendment No. 1  
Replaces everything after the enacting clause. Amends the Unified Code of Corrections. Makes technical changes in the Section concerning aggravating factors in sentencing.

SFA#2

Replaces everything after the enacting clause. Amends the Criminal Code of 1961. Adds, changes, renumbers, and repeals various Sections of the Code for the purpose of reorganizing provisions concerning *bodily harm*. Adds or changes a scienter requirement in connection with certain offenses involving bodily harm. Amends various

other Acts to make conforming changes. Centralizes definition sections. Intimidation statute reworded. Effective January 1, 2011.

#### SFA#3

Further amends the Criminal Code of 1961. Reorganizes provisions concerning sex offenses, including certain offenses involving *bodily harm*. Adds a scienter requirement in connection with certain offenses. Repeals a provision of the Wrongs to Children Act concerning permitting sexual abuse of a child, and transfers that provision to the Criminal Code of 1961. Centralizes definition section. Amends various other Acts to make conforming changes.

#### SFA#4

Further amends the Criminal Code of 1961. Adds, changes, renumbers, and repeals various Sections of the Code for the purpose of reorganizing provisions concerning *deception and fraud*. Adds or changes a scienter requirement in connection with certain offenses involving deception or fraud. Amends various other Acts to make conforming changes. Creates more specific deceptive practice, fraud and false personation offenses. Creates offense of deceptive sale of gold or silver, based on purity; petty offense. Substitutes permissive inference for rebuttable presumption in computer tampering statute.

#### Senate Floor Amendment No. 5

Makes a technical change in connection with a definition of "data".

#### \*HB5666

Short Description: CRIM PRO-MARITAL PRIVILEGE-INVESTIGATION  
Status: P.A. 96-1242, eff. 7-23-10  
725 ILCS 5/115-16

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Permits a husband or wife to testify as to any communication or admission made by either of them to the other or as to any conversation between them during marriage when either is charged with or under *investigation for (rather than just charged with)* criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse and the victim is a minor under 18 years of age in either spouse's care, custody, or control at the time of the offense. Effective immediately.

#### HB5669

Short Description: SOS-SPECIAL NEEDS ALERT

Status: P.A. 96-1168, eff. 1-1-11  
15 ILCS 335/11A; 625 ILCS 5/6-117.2

#### Summary:

Amends provisions of the Illinois Identification Card Act and the Illinois Vehicle Code concerning the Secretary of State's emergency contact database. Defines "disability", "public safety worker", and "special needs individuals". Provides that law enforcement officers may share information contained in the emergency contact database, including disabilities and special needs information, with other public safety workers on scene, as needed to conduct official law enforcement duties. Provides that except for willful or wanton misconduct, neither the law enforcement officer, nor the law enforcement agency that employs the law enforcement officer, shall incur any liability relating to the reporting or use of the database during a motor vehicle accident or other emergency situation. Provides that except for willful or wanton misconduct, the Secretary of State shall not incur any liability relating to the reporting of disabilities or special needs individuals. Effective January 1, 2011.

HB5712

Short Description: VEH CD-RAIL-  
TRACK EQUIPMENT

Status: P.A. 96-1244, eff.1-1-11  
625 ILCS multi

Summary

Amends the Illinois Vehicle. Defines "railroad track equipment" as all vehicles operated upon rails for the purpose of the maintenance of railroads including, but not limited to, all hi-rail vehicles and on-track roadway maintenance machines. In provisions of the Illinois Vehicle Code concerning approaching trains, provides that approaching railroad track equipment shall be treated the same approaching trains.

\*HB5718

Short Description: VEH CD-DNR-MINE  
RESCUE VEH

Status: P.A. 96-1190, eff. 7-22-10  
625 ILCS 5/1-105; 625 ILCS 5/12-215

Synopsis As Introduced

Amends provisions of the Illinois Vehicle Code to change the name of an authorized emergency vehicle used by the Department of Natural Resources, which is permitted to use oscillating, rotating, or flashing lights, from a "mine rescue emergency response vehicle" to a "mine rescue and explosives emergency response vehicle". Effective immediately.

HB5745

Short Description: CRIM CD-MEDICAL  
PERSONNEL- 1<sup>st</sup> Degree Murder

Status: P.A. 96-1475, eff. 1-1-11  
720 ILCS 5/9-1(b-5) new; 730 ILCS  
5/5-8-1(a)

Summary:

Amends the Criminal Code of 1961 and the Unified Code of Corrections.

Provides that A defendant who has been found guilty of first degree murder and who at the time of the commission of the offense had attained the age of 18 years or more *may* be sentenced to natural life imprisonment if (i) the murdered individual was a physician, physician assistant, psychologist, nurse, or advanced practice nurse, (ii) the defendant knew or should have known that the murdered individual was a physician, physician assistant, psychologist, nurse, or advanced practice nurse, and (iii) the murdered individual was killed in the course of acting in his or her capacity as a physician, physician assistant, psychologist, nurse, or advanced practice nurse, or to prevent him or her from acting in that capacity, or in retaliation for his or her acting in that capacity.

HB5749

Short Description: DECEPTIVE  
PRACTICES – DOCUMENT

Status: P.A. 96-1432, eff. 1-1-11  
720 ILCS 5/17-1

Summary:.

Amends the Criminal Code of 1961. Provides that a person who commits a deceptive practice by causing another, by deception or threat, to execute a document disposing of property or a document by which a pecuniary obligation is incurred, when the value of the property so obtained, in a single transaction, or in separate transactions within a 90 day period, exceeds \$150, is guilty of a Class 4 felony. Provides that in the case of a prosecution for separate transactions totaling more than \$150 within a 90 day period, such separate transactions shall be alleged in a single charge and provided in a single prosecution.

Comment: Per Senate sponsor, related to police officer who fraudulently filled out time

sheet. Dept waited until he was paid to prosecute him.

HB5762

Short Description: CRIM CD&CD  
CORR-BABY SHAKING - REGISTRY  
Status: P.A. 96-1115, eff. 1-1-11  
730 ILCS 154/5

Summary: Amends the Child Murderer and Violent Offender Against Youth Registration Act. Includes in the definition of "violent offender against youth", involuntary manslaughter where baby shaking was the proximate cause of death of the victim of the offense and endangering the life or health of a child that results in the death of the child where baby shaking was the proximate cause of the death of the child.

Comment: House sponsor agreed to delete sentence enhancement.

HB5790

Short Description: CRIM CD-DOG  
FIGHTING-CHILD  
Status: P.A. 96-1091, eff. 1-1-11  
720 ILCS 5/26-5

Synopsis As Introduced  
Amends the Criminal Code of 1961. Increases the penalty for a parent, legal guardian, or other person who is 18 years of age or older who brings a person under 13 years of age to a dog fighting show, exhibition, program, or other activity from a Class 4 to a Class 3 felony for a first violation and from a Class 3 to a Class 2 felony for a second or subsequent violation. Provides that a person is guilty of a Class 3 (rather than a Class 4) felony for a first violation and a Class 2 felony for a second or subsequent violation if the person conducts the dog fighting show within 1,000 feet of a school, public park, playground, child care institution, day care center, part day child care facility,

day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age.

Provides that a person who ties or attaches or fastens any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation, and may be fined an amount not to exceed \$50,000.

HB5791

Short Description: CRIME VICTIMS  
NOTIFICATION  
Status: P.A. 96-1092, eff. 1-1-11  
25 ILCS 120/8.5

Synopsis As Introduced  
Amends the Rights of Crime Victims and Witnesses Act. Provides that the Attorney General may establish a crime victim and witness notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses under certain provisions of the Sex Offender Community Notification Law (rather than just under the Rights of Crime Victims and Witnesses Act).

\*HB5819

Short Description: VEH CD-VEH  
COMBINATIONS-ACCESS  
Status: P.A. 96-1352, eff. 7-28-10  
625 ILCS 5/15-107

Synopsis As Introduced  
Amends the Illinois Vehicle Code. Specifies the allowable access from any State designated highway to county, township, or municipal highways for combinations of vehicles meeting certain length, width, and weight requirements. Provides that certain combinations of vehicles over 65 feet in

length operated by household goods carriers have unlimited access to points of loading and unloading. Effective immediately.

HB5832

Short Description: AGGRAVATED UUW – NO FOID- NO PROBATION  
Status: P.A. 96-1107, eff. 1-1-11  
720 ILCS 5/24-1.6

Amends the Criminal Code of 1961. Provides that a first offense of aggravated unlawful use of a weapon committed with a firearm by a person 18 years of age or older where both: (1) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; and (2) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card is a Class 4 felony, for which the person shall be sentenced to a term of imprisonment of not less than one year and not more than 3 years (Class 4 felony).

\*HB5861

Short Description: MHDD CD-NOTIFY STATE POLICE  
Status: P.A. 96-1191, eff. 7-22-10  
740 ILCS 110/12.2

Synopsis As Introduced  
Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that when a forensic recipient is on an unauthorized absence or otherwise has left the facility without being discharged or being free to do so, the facility director, or designee, of a mental health facility or developmental facility operated by the Department shall immediately provide information about the recipient to the Department of State Police and the appropriate local law enforcement agency (instead of only to the

appropriate local law enforcement agency). Effective immediately.

HB5913

Short Description: CD CORR-SHARED SERVICES DJJ  
Status: P.A. 96-1022, eff. 1-1-11  
730 ILCS 5/3-2.5-15

Synopsis As Introduced  
Amends the Unified Code of Corrections. Provides that the Director of Juvenile Justice may (rather than shall), with the approval of the Office of the Governor, assign to and share functions, powers, duties, and personnel with other State agencies (rather than the Department of Corrections or other State agencies) such that administrative services and administrative facilities are provided by a shared administrative service center (rather than by the Department of Corrections or a shared administrative service center). Provides that where possible, shared services which impact youth should be done with child-serving agencies.

Comment: New DJJ Director from DCFS, Arthur Bishop – an ordained minister with no Background in corrections or criminal justice.

HB5914

Short Description: CD CORR-JUV PAROLE STUDY  
Status: P.A. 96-1271, eff. 1-1-11  
20 ILCS 505/17a-5

Summary: Amends the Children and Family Services Act. Provides that the Juvenile Justice Commission shall develop recommendations to recommend due process protections for youth during release decision-making processes including, but not limited to, parole revocation proceedings and release on parole. Amends the Unified Code of Corrections. Provides that the

parole period of a juvenile committed to the Department under the Juvenile Court Act or the Juvenile Court Act of 1987 may be continued under the existing term of parole with or without modifying the conditions of parole, paroled or released to a group home or other residential facility, or recommitted until the age of 21 unless sooner terminated.

HB5931

Short Description: SEX OFFENSE VICTIMS-POLYGRAPH  
Status: P.A. 96-1273, eff. 1-1-11  
725 ILCS 200/1

Synopsis As Introduced

Amends the Sex Offense Victim Polygraph Act. Provides that a law enforcement officer, State's Attorney or other official shall not ask or require an alleged victim of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse to submit to a polygraph examination or any form of a mechanical or electrical lie detector test (rather than as a condition for proceeding with the investigation, charging or prosecution of such offense when the test is administered to the victim solely at the victim's request).

\*HB5969

Short Description: VEH CD&CRIM CD-FORFEITED VEH  
Status: P.A. 96-1274, eff. 7-26-10  
625 ILCS 5/3-821; 625 ILCS 5/4-203;  
720 ILCS 5/36-5 new

Summary:

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Provides that there shall be no fee paid for a certificate of title issued to a county when the vehicle is a junk vehicle and the vehicle is forfeited to the county

under the Vehicle Forfeiture Article of the Criminal Code of 1961. Provides that a county, sheriff, deputy sheriff, or employee of the county sheriff shall not be civilly or criminally liable for any damage to a forfeited vehicle stored with a commercial vehicle safety relocater. Eliminates provision that certain personal property belonging to the vehicle owner of a vehicle that is determined to be a hazardous dilapidated motor vehicle is subject to a lien.

Provides that there shall be no fee paid for a certificate of title issued to a county when the vehicle is forfeited to the county under forfeiture provisions of the Criminal Code of 1961 (rather than limited to a forfeited junk vehicle). Effective immediately.

\*HB5972

Short Description: CNTY CD-CODE HEARING UNIT FINE  
Status: P.A. 96-1157, eff. 7-21-10  
55 ILCS 5/5-41012 new; 55 ILCS 5/5-41020

Synopsis As Introduced

Amends the Counties Code. Provides that the county board of any county that establishes a code hearing unit may, by ordinance, establish a fine schedule for code violations. The fine schedule must include (i) a determinate fine for each code violation that may be voluntarily paid by a respondent prior to his or her hearing date and (ii) the fine that may otherwise be imposed for each code violation. Requires that under specified circumstances a violation notice and report form contain the amount of any fine imposed pursuant to a schedule of fines approved by the county board. Provides that, in lieu of a personal appearance at a hearing, a county may provide for the voluntary payment of a determinate fine in accordance with a schedule of fines approved by ordinance. Effective immediately.

HB5976

Short Description: CIV PRO-RAPE  
CRISIS STATEMENT

Status: P.A. 96-1010, eff. 1-1-10  
735 ILCS 5/8-802.1

Synopsis As Introduced

Amends the Code of Civil Procedure.  
Provides an additional circumstance when the confidential nature of counseling records is not waived: in the case of an adult who has a guardian of his person, if the guardian inspects the records with the victim's consent. Provides that an adult victim who has a guardian of his or her person may knowingly waive the rape crisis statement privilege, but if the adult victim is, in the court's opinion, incapable of knowingly waiving the privilege, the guardian of the adult victim may waive the privilege, unless the guardian is charged with a violent crime against the victim or otherwise has an adverse interest to the victim with respect to the privilege.

\*HB6094

Short Description: VEH CD-  
NEIGHBORHOOD VEHICLES  
Status: P.A. 96-1434, eff. 8-11-10  
625 ILCS 5/1-148.3m; 625 ILCS 5/11-  
1426.1; 625 ILCS 5/11-1426.2

Summary:

Amends the Illinois Vehicle Code.  
Modifies the definition of a neighborhood vehicle, which "does not conform to federal regulations under Title 49 C.F.R. Part 571.500. Further amends the Illinois Vehicle Code regarding non-highway vehicles. Provides that it shall not be unlawful for any person to drive or operate certain non-highway vehicles on a county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm,

farm buildings, and any adjacent or nearby farm land. Provides that the mechanical equipment and mandatory insurance requirements that generally apply to non-highway vehicles when operated on a roadway do not apply to certain non-highway vehicles used for farming operations on a roadway. Provides that if non-highway vehicles used for farming operations on a roadway are not covered under a motor vehicle insurance policy, the vehicles must be covered under a farm, home, or non-highway vehicle insurance policy. Provides that the non-highway or recreational off-highway vehicles used for farming operations on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted. Provides that certain non-highway vehicles used for farming operations may not cross a tollroad, interstate highway, or controlled access highway but may cross a State highway, municipal street, county highway, or road district highway if specified conditions are followed by the operator.

Further amends the Illinois Vehicle Code. In a provision permitting the use of non-highway vehicles on streets, modifies the definition of a non-highway vehicle, and provides that the unit of local government or the Department of Transportation may restrict the types of non-highway vehicles that are authorized to be used on its streets. Provides that a unit of local government or the Department of Transportation may prohibit the operation of low-speed vehicles on any and all streets under its jurisdiction. Makes other changes. Effective immediately.

HB6101

Short Description: CRIM CD-FALSE  
911 CALL

Status: P.A. 96-1261, eff. 1-1-11  
720 ILCS 5/26-1

Synopsis As Introduced  
Amends the Criminal Code of 1961.  
Provides that transmitting a false 911 call is a Class 4 felony.

Comment: Meant to address People v. Klepper, No. 105719 (2009), which upheld false police report (Class 4) – false 911 call (Class A) disparity.

HB6124  
Short Description: CIV PRO-CHILD SEX ABUSE-LIMITS  
Status: P.A. 96-1093, eff. 1-1-11  
735 ILCS 5/13-202.2

Summary:  
Amends the Code of Civil Procedure. Provides that an action for damages for personal injury based on childhood sexual abuse must be commenced within 20 (instead of 10) years of the date the limitation period begins to run or within 20 (instead of 5) years of the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and the injury was caused by that abuse. Further amends the Code of Civil Procedure. Provides that the changes made to the limitations on actions based on childhood sexual abuse apply to actions commenced on or after the effective date if the action would not have been time barred under any statute of limitations or statute of repose prior to the effective date.

HB6129  
Short Description: JUV CT-CONFIDENTIALITY  
Status: P.A. 96-1251, eff. 1-1-11  
705 ILCS 405/5-401.5

Summary:  
Amends the Juvenile Court Act of 1987. Provides that a statement, admission, confession, or incriminating information made by or obtained from a minor or parent or guardian as part of any

behavioral health screening, assessment, evaluation, or treatment, whether or not court-ordered, shall not be admissible as evidence against the minor on the issue of whether the minor committed a delinquent act in a juvenile court proceeding or on the issue of guilt in a criminal proceeding. Provides that the statement, admission, confession, or incriminating information relating to the instant offense, as part of any behavioral health screening, assessment, evaluation, or treatment, shall not be admissible as evidence against the minor on the issue of guilt only in the instant juvenile court proceeding. Provides that these provisions are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency proceedings of information obtained during screening, assessment, or treatment.

HB6151  
Short Description: VEH CD-MINIMUM TRAFFIC FINES  
Status: P.A. 96-1462, eff. 1-1-11  
625 ILCS 5/16-104e new

Summary:  
Minimum penalty for traffic offense. Unless otherwise disposed of prior to a court appearance in the same matter under Supreme Court Rule 529, a person who, after a court appearance in the same matter, is found guilty of or pleads guilty to, including any person receiving a disposition of court supervision, a violation of this Code or a similar provision of a local ordinance shall pay a fine that may not be waived. Nothing in this Section shall prevent the court from ordering that the fine be paid within a specified period of time or in installments under Section 5-9-1 of the Unified Code of Corrections. Effective January 1, 2011.

\*HB6178

Short Description: COUNTY JAIL-MEDICAL EXPENSES

Status: P.A. 96-1280, eff. 7-26-10  
730 ILCS 125/17 from Ch. 75, par. 117

Synopsis As Introduced

Amends the County Jail Act. Provides that an arresting authority shall be responsible for any qualified (rather than incurred) medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. Effective immediately.

HB6195

Short Description: CRIM CD-SOLICIT PROSTITUTION

Status: Passed House; Passed Senate w/ amend; House Concur Cal; RR  
another CLEAR NON-

SUBSTANTIVE BILL

720 ILCS multi; 720 ILCS 5/11-19.3  
new

Summary:

Amends the Criminal Code of 1961. Increases by one class the penalties for solicitation of a sexual act, soliciting for a prostitute, soliciting for a juvenile prostitute, patronizing a prostitute, patronizing a juvenile prostitute, and pimping.

Provides that a peace officer who arrests a person for solicitation of a sexual act, soliciting for a juvenile prostitute, patronizing a prostitute, patronizing a juvenile prostitute, or pimping as well as soliciting for a prostitute may impound any vehicle used by the person in the commission of the offense. Provides that a person charged with such violation shall be charged a \$1,000 fee to be paid to the unit of government that impounded the vehicle. Provides that the fee includes the costs incurred by the unit of government to tow the vehicle to the impound. Provides that \$500 of the fee

shall be distributed to the unit of government whose peace officers made the arrest. Provides that \$500 of the fee shall be deposited in the Violent Crime Victims Assistance Fund and shall be used by the Department of Human Services to make grants to non-governmental organizations for services provided to prostituted persons, persons encountered in the course of investigating any of the described violations, and victims of human trafficking. Provides that upon the presentation of a signed court order by the defendant whose vehicle was impounded showing that the defendant has been acquitted of any of the offenses described in this Section or that the charges have been dismissed against the defendant for that offense, the municipality shall refund the \$1,000 fee to the defendant.

Senate Amendment No. 1

Replaces everything after the enacting clause. Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the short title.

Senate Amendment No. 2

Amends the Criminal Code of 1961. Adds, changes, renumbers, and repeals various Sections of the Code for the purpose of reorganizing provisions concerning bodily harm; adds or changes a scienter requirement in connection with certain offenses involving bodily harm. Reorganizes provisions concerning sex offenses, including certain offenses involving bodily harm; adds a scienter requirement in connection with certain offenses; repeals a provision of the Wrongs to Children Act concerning permitting sexual abuse of a child, and transfers that provision to the Criminal Code of 1961. Adds, changes, renumbers, and repeals various Sections of the Code for the purpose of reorganizing provisions concerning deception and fraud; adds or changes a

scienter requirement in connection with certain offenses involving deception or fraud. Substitutes permissive inferences for rebuttable presumption/prima facie proof in child porno & bad check statutes. Centralizes definitions in deception and fraud statutes. Amends various other Acts to make conforming changes. Effective January 1, 2011.

\*HB6239

Short Description: CNTY/VEH CD-ADMIN ADJUCIATION

Status: P.A. 96-1386, eff. 7-29-10

55 ILCS multi; 625 ILCS multi; 55 ILCS 5/5-41003 new

Summary:

Amends the Counties Code. Provides that a home rule county may provide for a system of administrative adjudication of violations of certain county ordinances. Provides that administrative adjudication is not the exclusive method to enforce the ordinances. Sets forth the powers and qualifications of hearing officers. Provides for notice and opportunity for a hearing at administrative proceedings. Provides that the rules of evidence do not apply in administrative hearings. Provides for judicial review of administrative decisions. Allows a home rule county to enforce judgments of hearing officers. Provides that existing systems of administrative adjudication shall not be affected. Amends the Illinois Vehicle Code. Provides that a municipality or "county" may provide for a system of administrative adjudication for violations of parking, standing, compliance, and automated traffic laws. Sets forth the requirements for a county ordinance establishing a system of administrative adjudication. Provides that the system of administrative adjudication shall provide for (i) a traffic compliance administrator, (ii) a parking, standing, compliance, or automated traffic law violation notice, (iii) a hearing for the registered owner of

a vehicle cited in a violation notice, (iv) a petition to set aside a determination of liability for a violation, and (v) other necessary provisions. Makes other changes.

Further amends the Counties Code. Provides that home rule counties and counties with a population of 750,000 or more (now, home rule counties) may provide for a system of administrative adjudication of violations of certain county ordinances. Makes conforming changes.

Further amends the Counties Code. Provides that the counties of Cook, DuPage, Kane, Lake, McHenry, and Will (now, home rule counties and counties with a population of 750,000 or more) may provide for a system of administrative adjudication of violations of certain county ordinances. Makes conforming changes. Immediate effective date.

Comment: akin to Municipal Code admin hearing statute, which provides for entry of civil judgment after time for appeal.

HB6450

Short Description: SEC OF STATE – NONSUPPORT – RDP

Status: P.A. 96-1284, eff. 1-1-11

305 ILCS 5/10-17.6; 625 ILCS 5/7-702.1

Summary: Amends the Illinois Public Aid Code and Illinois Vehicle Code.

Provides that an unemployed person that has been found in contempt by the court for failure to pay court ordered child support payments or upon a motion by the obligor who is subject to having his or her driver's license suspended pursuant to provisions of the family financial responsibility law of the Illinois Vehicle Code, may be issued a restricted driving permit for the purpose of seeking employment, which may be subject to the requirements set forth in

the Illinois Marriage and Dissolution of Marriage Act.

Provides that except upon a showing of good cause, any permit issued for the purpose of seeking employment shall be limited to Monday through Friday between the hours of 8 a.m. and 12 p.m. Provides that following the certification of delinquency or upon a motion by the obligor who is subject to having his or her driver's license suspended for failure to pay child support, the Department of Healthcare and Family Services may direct the Secretary of State to issue a family financial responsibility driving permit under the purposes and limitations set forth for other family financial responsibility driving permits and sets forth rules and procedures for the issuance of the permit.

HB6459

Short Description: CONTROLLED SUBSTANCE LIST – K 2

Status: P.A. 96-1285, eff. 1-1-11  
720 ILCS 570/204

Summary:

Amends the Illinois Controlled Substances Act. Includes in the list of Schedule I controlled substances certain synthetic cannabinoids. [1-Pentyl-3-(1-naphthoyl)indole ;1-Butyl-3-(1-naphthoyl)indole].

Comment: K-2 formerly used as incense. 5 other states also ban it.

[http://www.stltoday.com/news/local/govt-and-politics/political-fix/article\\_dab3798e-892c-11df-b5d2-0017a4a78c22.html](http://www.stltoday.com/news/local/govt-and-politics/political-fix/article_dab3798e-892c-11df-b5d2-0017a4a78c22.html)

Synthetic Marijuana Spurs State Bans - states have banned K2, a blend of herbs treated with synthetic marijuana that is sending users to emergency rooms across the country.

<http://www.nytimes.com/2010/07/11/us/11k2.html?th&emc=th>

\*HB6462

Short Description: PROSTITUTION OMNIBUS

Status: P.A. 96-1464, eff. 8-20-10  
705 ILCS multi; 720 ILCS multi; 725 ILCS 5/108B-3; 325 ILCS 5/3

Summary:

Amends the Criminal Code of 1961. Provides that if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with prostitution is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense and shall be subject to the temporary custody provisions of the Juvenile Court Act of 1987.

Provides that there is a rebuttable presumption that any person under 18 years of age engaged in prostitution is abused or neglected within the meaning of the Juvenile Court Act of 1987 and that it is necessary to place that person in protective custody until a placement is found that is in the best interests of that person. Changes the age for various offenses that involve prostitution of minors to under 18 years of age. Changes the names of various such offenses.

Amends the Code of Criminal Procedure of 1963. Provides that the State's Attorney may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private communication *when no party has consented* to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit trafficking of persons and involuntary servitude, soliciting for a minor engaged in prostitution, pandering, keeping a place of juvenile prostitution, patronizing a minor engaged in prostitution), juvenile pimping and aggravated juvenile pimping.

Provides that solicitation of a sexual act from a person who is under the age of

18 or who is severely or profoundly mentally retarded is a Class 2 felony. Provides that it is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is severely or profoundly mentally retarded that the accused reasonably believed the person was of the age of 18 years or over or was not a severely or profoundly mentally retarded person at the time of the act giving rise to the charge.

Expands eavesdrop exemptions "necessary for the protection of the law enforcement officer" to include human trafficking, and offenses involving prostitution. Retroactive eavesdrop provision expanded to include human trafficking offenses.

Amends the Abused and Neglected Child Reporting Act. Adds to the definition of "abused child" a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent committed a sex offense against the child under the Wrongs to Children Act or who engaged in involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services upon the child. Amends the Juvenile Court Act of 1987. Changes the definition of "abused child" to include a parent or other adult household member or paramour of the child's parent to commit such offenses and also such adult who allows, encourages or requires a minor to commit any act of prostitution.

Further amends the Criminal Code of 1961. Provides that a law enforcement officer who takes a person under 18 years of age into custody for prostitution shall immediately report an allegation of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services to the Illinois Department of Children and

Family Services State Central Register, which shall conduct an initial investigation into child abuse or child neglect within 24 hours. Makes other changes.

In the amendatory provisions of the Juvenile Court Act of 1987, changes the prima facie evidence of abuse or neglect. Provides that proof that a parent, custodian, or guardian of a minor allows, encourages, or requires a minor to perform, offer, or agree to perform any act of sexual penetration for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification, constitutes prima facie evidence of abuse and neglect.

Changes the previous offenses that the defendant committed for which a more severe penalty shall be imposed.

Provides that a person arrested for the specified offense and whose vehicle was impounded may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of the specified \$1,000 fee.

Amends the Criminal Code to provide that Solicitation of a sexual act from a person who is under the age of 18 or severely mentally retarded is a Class 4 felony. Affirmative defense of reasonable belief. Soliciting for a prostitute penalty increased to a Class 4 felony. Keeping a place of prostitution penalty increased to a Class 4 felony. Patronizing a prostitute (engages in sexual penetration, enters a place of prostitution with intent to) penalty increased to a Class 4 felony. Pimping offense inapplicable to prostitutes under age 18. Effective immediately.

HB6464

Short Description: CHILD SEX  
OFFENDER – CHILD CARE  
Status: P.A. 96-1094, eff. 1-1-11  
720 ILCS 5/12-21.6-5 new; 730 ILCS  
150/3; 730 ILCS 150/6

Summary:

Amends the Criminal Code of 1961. Provides that it is a Class A misdemeanor for a parent or guardian of a minor to knowingly leave that minor in the custody or control of a child sex offender, or allow the child sex offender unsupervised access to the minor. Establishes exceptions. Amends the Sex Offender Registration Act. Provides that if the sex offender is a child sex offender, the sex offender shall within 3 days after beginning to reside in a household with a child under 18 years of age who is not his or her own child report that information to the registering law enforcement agency.

Further amends the Criminal Code of 1961. Provides that the new offense applies to sex offenders required to register under the Sex Offender Registration Act (rather than those registered). Provides that the exceptions to allowing a child sex offender custody, control, or unsupervised access to a minor does not apply to allowing a child sex offender to knowingly reside within 500 feet of the minor victim of the sex offense if prohibited by certain provisions of the Criminal Code of 1961. Provides that the new offense does not prohibit the filing of a petition or the instituting of any proceeding under the Juvenile Court Act of 1987 relating to abused minors. Further amends the Sex Offender Registration Act. Provides that the requirement to report to the registering law enforcement agency that the child sex offender is living in a household with a minor who is not his or her own child does not apply if his or her own child is the victim of the sex offense.

## SENATE BILLS><

\*SB377

Short Description: Income Tax Amnesty  
Status: P.A. 96-1435, eff. 8-16-10  
30 ILCS multi; 35 ILCS multi

Summary:

Provides that the amnesty period shall be for tax liabilities for the taxable period ending after June 30, 2002 and prior to July 1, 2009. In the Tax Delinquency Amnesty Act, provides that participation in an amnesty program shall not preclude a taxpayer from claiming a refund for an overpayment of tax on an issue unrelated to the issues for which the taxpayer claimed amnesty or for an overpayment of tax by taxpayers estimating a non-final liability for the amnesty program pursuant to a specific Section of the Illinois Income Tax Act. Makes other changes.

Provides that the Department of Revenue may sell uncollectible debts to private vendors and approve the compromise of debts by State agencies. Authorizes State agencies to certify certain debts for sale to outside vendors. Requires the State Comptroller to provide the Department of Revenue with the information that the Department requests for the purpose of administering the sale of debts to private vendors. Provides that the amnesty period shall be for a period beginning October 1, 2010 and ending November 8, 2010.

SB384

Short Description: DNR-VETERAN - -  
CAMP-FISH-HUNT LICENSE  
Status: P.A. 96-1014, eff. 1-1-11  
20 ILCS 805/805-305;515 ILCS 5/20-  
47; 520 ILCS 5/3.1-4

Summary:

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois, the Fish and Aquatic Life Code, and the Wildlife Code. Authorizes veterans who are applying for a free camping pass or fishing or hunting license to provide acceptable verification of service or mobilization at a Regional Office of the Department of Natural Resources (rather than only at the Department's office in Springfield). Defines "acceptable verification of service or mobilization" to mean certain types of official documentation from the Department of Defense or the appropriate Major Command showing mobilization dates or service abroad dates. Defines "service abroad" to include, among other things, all active duty service in territories and possessions of the United States. Effective January 1, 2011.

\*SB459

Short Description: USE TAX AMNESTY  
Status: P.A. 96-1388, eff. 7-29-10  
35 ILCS 5/502.1 new; 35 ILCS 105/10  
35 ILCS 105/10.5 new

Summary:

Amends the Illinois Income Tax Act and the Use Tax Act. Provides that the Department of Revenue shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to pay his or her use tax liability he or she may check a box on the return and attach a completed return and payment. Creates a tax amnesty period for taxes due under the Use Tax Act. Provides that the amnesty period shall be in effect from January 1, 2011 through October 15, 2011 and shall apply to taxes due for any taxable period ending after June 30, 2004 and prior to January 1, 2011

Provides that a taxpayer with an annual use tax liability that does not exceed \$600 may report and pay that use tax liability at the same time as his or her individual income tax liability. Provides that, if the taxpayer elects to pay his or her use tax liability at the same time as his or her income tax liability, that use tax liability shall be (i) treated as being due at the same time as the income tax obligation, (ii) assessed, collected, and deposited in the same manner as income taxes, and (iii) treated as an income tax liability for all purposes. Provides that the use tax amnesty period applies only to individual taxpayers. Provides that amnesty shall not be granted to any taxpayer who (i) is a party to any criminal investigation or to any civil or criminal litigation related to the eligible taxes, (ii) is under audit for eligible taxes, or (iii) has been contacted in writing by the Department concerning eligible taxes prior to the taxpayer reporting and paying the eligible taxes. Makes other changes. Effective immediately.

SB935

Short Description: VEH CD-  
AUTOMATED TRAFFIC LAW  
Status: P.A. 96-1016, eff. 1-1-11  
625 ILCS 5/11-208.3 & 5/11-208.6

Summary:

Amends the Illinois Vehicle Code. Provides that in municipalities with a population of less than 1,000,000 and counties with a population of less than 3,000,000, an ordinance that provides for the administrative adjudication of automated traffic law enforcement system violations shall require that all determinations by a technician employed or contracted by the municipality or county that a motor vehicle committed a violation must be reviewed and approved by a law enforcement officer.

Provides that in municipalities with a population of 1,000,000 or more and counties with a population of 3,000,000 or more, an ordinance that provides for the administrative adjudication of automated traffic law enforcement system violations shall require that all determinations by a technician employed or contracted by the municipality or county that a motor vehicle committed a violation must be reviewed and approved by a law enforcement officer or by an additional technician trained in traffic management and not employed by the contractor who employs the technician who made the initial determination.

Provides that in all municipalities and counties, the automated traffic law ordinance shall require that no additional fee shall be charged to the alleged violator for exercising his or her right to an administrative hearing, and the automated traffic law ordinance shall provide that after an administrative hearing where a person is found to have committed a violation, the person shall be given additional time to pay the civil penalty imposed equal to the amount of time that the person had to pay the original violation upon issuance.

Provides that a municipality or county that produces a recorded image of a motor vehicle's violation must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

Provides that a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection during the cycle of the red signal indication unless one or more pedestrians are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop.

Provides that a municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of the systems on the municipality or county website. Provides that an intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices published by the Illinois Department of Transportation. Provides that a municipality or county shall make a certified report to the Secretary of State in order to suspend a registered owner's driving privileges whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of 5 automated traffic law enforcement system violations.

Provides that an automated traffic law ordinance shall provide that after an administrative hearing where a person is found to have committed a violation, the person shall be given at least 25 days to pay the civil penalty (rather than "additional time to pay the civil penalty imposed equal to the amount of time that the person had to pay the original violation upon issuance" as provided by the introduced bill, as amended).

Provides that a municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system and provides further details about the study. Provides that if the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or

appropriate to reduce the number or severity of the accidents at that intersection. Makes other changes.

**\*SB1013**

Short Description: SPECIAL MERITORIOUS GOOD-TIME PUSH  
Status: P.A. 96-0860, eff. 1-15-10  
730 ILCS 5/3-6-3

**Summary:**

Amends the Unified Code of Corrections. Provides that the Director of Corrections shall not award good conduct credit for meritorious service to an inmate unless the inmate has served a minimum of 60 days of the sentence. Provides that these provisions shall not be construed to permit the Director to extend an inmate's sentence beyond that which was imposed by the court. Provides that prior to awarding credit for meritorious service, the Director shall make a written determination of the reasons for awarding the credit. Effective immediately.

Comment: IDOC to develop "procedures" for such grants later in 2010.

**SB1020**

Short Description: EXTENDED TERM – SEX CRIMES  
Status: P.A. 96-1390, eff. 1-1-11  
730 ILCS 5/5-5-3.2

**Summary:**

Amends the Unified Code of Corrections. Provides that the court *may* impose an extended term sentence upon an offender who has been convicted of a felony violation of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse when the victim of the offense is under 18 years of age at the time of the

commission of the offense and, during the commission of the offense, the victim was under the influence of alcohol, regardless of whether or not the alcohol was supplied by the offender. Provides that in order for the court to impose the extended term sentence the offender, at the time of the commission of the offense, had to know or should have known that the victim had consumed alcohol

**SB1702**

Short Description: SEX OFFENDER REG-FEES  
Status: P.A. 96-1096, eff. 1-1-11  
30 ILCS 105/5.755 new

**Summary:**

Amends the State Finance Act. Creates the Attorney General Sex Offender Awareness, Training, and Education Fund in the State treasury. Amends the Sex Offender Registration Act. Increases the initial registration fee and renewal fee that a sex offender must pay from \$20 for the initial fee and \$10 for the annual renewal fee to \$100 for the initial registration fee and \$100 for the annual renewal fee. Provides that \$30 shall be used by the registering agency for official purposes; \$30 by the Department of State Police to maintain and update the Illinois State Police Sex Offender Registry. Provides that \$30 shall be deposited into the Attorney General Sex Offender Awareness, Training, and Education Fund. Provides that moneys deposited into the Fund shall be used by the Attorney General to administer the I-Sort program and to alert and educate the public, victims, and witnesses of their rights under various victim notification laws and for training law enforcement agencies, State's Attorneys, and medical providers of their legal duties concerning the prosecution and investigation of sex offenses. Provides that \$10 shall be deposited into the Sex Offender

Management Board Fund. Effective January 1, 2011.

SB2462

Short Description: SEX OFFENDER – PAROLE CONDITIONS TO POLICE  
Status: P.A. 96-1097, eff. 1-1-11  
730 ILCS 150/3

Summary:

Amends the Sex Offender Registration Act. Provides that a sex offender or sexual predator shall, at the time of registration, provide the law enforcement agency in which the offender registers a copy of the terms and conditions of parole or mandatory supervised release signed by the sex offender and given to the sex offender by his or her supervising officer.

SB2476

Short Description: VEH CD-PARKING METER SYSTEMS  
Status: P.A. 96-1256, eff. 1-1-11  
625 ILCS 5/11-208; 625 ILCS 5/11-1307 new

Summary:

Amends the Illinois Vehicle Code. Provides that if for any reason the parking meter serving a space or, in a centralized parking meter system, serving a parking meter zone is malfunctioning due to the accumulation of ice or snow and it has been reported to the local authorities as malfunctioning prior to a violation for the standing or parking of vehicles being issued, it shall be a valid affirmative defense to such violation until such time as the parking meter is brought back into service.

SB2488

Short Description: CRIM CD- AGGRAVATED ASSAULT ON POLICE  
Status: P.A. 96-1109, eff. 1-1-11  
720 ILCS 5/12-2

Synopsis As Introduced

Amends the Criminal Code of 1961. Provides that aggravated assault of a peace officer, community policing volunteer, private security officer, fireman, employee of a police or sheriff's department, or person who is employed by a municipality and whose duties include traffic control is also a Class 4 felony (rather than a Class A misdemeanor) when a *knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character* is used in the commission of the assault.

\*SB2504

Short Description: CRIM PRO-UNFIT DEFENDANTS [OUTPATIENT ORDER]  
Status: P.A. 96-1069, eff. 7-16-10  
725 ILCS 5/104-31

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Provides that a defendant who has been found unfit to stand trial, plead, or be sentenced and who has been placed in a setting (rather than a secure setting) of the Department of Human Services shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or authorized by the court. Provides that placement of such defendant in a non-secure setting must be approved by specific court order. Provides that the changes made by the amendatory Act are declarative of existing law and shall not be construed as a new enactment. Effective immediately.

\*SB2529

Short Description: COUNTY CD- CORONER'S FEES

Status: P.A. 96-1161, eff. 7-21-10  
55 ILCS 5/4-7001

Summary:

Amends the Counties Code. In a Section concerning coroner's fees, increases the fee for autopsy reports, cremation permits, transcripts, toxicology reports, and miscellaneous reports. Provides that a coroner may waive the permit fee to cremate a dead human body if the coroner determines that the person is indigent and unable to pay the permit fee or under other special circumstances. Provides that the fee for an electronic file containing a picture obtained by the coroner shall be the actual cost or \$3.00, whichever is greater.

Adds that the county treasurer shall establish a special account in the county treasury for the deposit of the coroner's fees (now, the fees are deposited into the general fund of the county).

Provides that moneys in the special account shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies and the operating expenses of the coroner's office. Effective immediately.

\*SB2533

Short Description: DCFS-CHILD  
DEATH TASK FORCE  
Status: P.A. 96-0955, eff. 6-30-10  
20 ILCS 515/45

Synopsis As Introduced

Amends the Child Death Review Team Act. Provides that the Department of Children and Family Services may, from funds appropriated by the Illinois General Assembly to the Department and provided to the Child Death Review Teams Executive Council for this purpose, establish an 18-month (rather than 3 year) pilot program in the Southern Region of the State, under which a special Child Death

Investigation Task Force will be created. Provides that the Child Death Review Teams Executive Council shall submit a report to the Director of Children and Family Services, the General Assembly, and the Governor by July 1, 2011 (rather than January 1, 2010) that summarizes the results of the program. Effective immediately.

SB2551

Short Description: PUBLIC  
CORRUPTION-FORFEITURE  
Status: P.A. 96-1019, eff. 1-1-11  
New Act; 10 ILCS 5/9-8.10; 30 ILCS  
105/5.755 new

Synopsis As Introduced

Creates the Public Corruption Profit Forfeiture Act and amends the Election Code. Provides for the forfeiture to the State of Illinois of proceeds and profits derived through violations of the statutes concerning intimidation by public officials, bribery, or providing, attempting, offering to provide or soliciting, accepting, or attempting to accept a kickback, or including, directly or indirectly, the amount of any kickback prohibited in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to any unit of State or local government for a public contract a kickback. Provides for distribution of the proceeds from forfeited property. Includes a continuing appropriation to the Department of State Police.

Provides that all political contributions held by a political committee and controlled by a person convicted of the federal offenses of extortion, receiving the proceeds of extortion, bribery, and kickbacks shall be paid to the State of Illinois within 30 days from the date of entry of the guilty plea or conviction. Provides that if the prosecution or appeal was conducted by the Attorney

General, then the amount provided for distribution of the forfeited assets shall be paid into the State Asset Forfeiture Fund in the State treasury to be used by the Attorney General in accordance with law. Makes changes in the bill to conform to Public Act 96-832.

Further amends the Public Corruption Forfeiture Act. Provides that if the investigation, arrest or arrests and prosecution leading to the forfeiture or if the appeal were undertaken by the Attorney General, the portion provided hereunder shall be paid into the Attorney General's Whistleblower Reward and Protection Fund in the State treasury to be used by the Attorney General in accordance with law. Provides that all moneys deposited pursuant to the Act in the Attorney General's Whistleblower Reward and Protection Fund shall, subject to appropriation, be used by the Attorney General for State law enforcement purposes and for the performance of the duties of that office. deletes provision that moneys deposited into the State Asset Forfeiture Fund shall be appropriated on a continuing basis. Provides that all moneys deposited pursuant to the Act in the State's Attorneys Appellate Prosecutor Anti-Corruption Fund shall, subject to appropriation, be used by the Office of the State's Attorneys Appellate Prosecutor in the manner set forth in the Act. Amends the State Finance Act. Creates the State's Attorneys Appellate Prosecutor Anti-Corruption Fund in the State treasury. Effective January 1, 2011.

SB2589

Short Description: CRIM CD- INDECENCY-CHILD

Status: P.A. 96-1098, eff. 1-1-11  
720 ILCS 5/11-9 & 5/11-9.1

Synopsis As Introduced

Amends the Criminal Code of 1961. Provides that public indecency and sexual exploitation of a child are Class 4 felonies if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds.

SB2590

Short Description: CRIM CD-CONCEAL DEATH

Status: P.A. 96-1361, eff. 1-1-11  
720 ILCS 5/9-3-1.5 new

Summary:

Amends the Criminal Code of 1961. Provides that a person commits the offense of concealment of death when he or she knowingly conceals the death of any other person. Provides that a violation is a Class 4 felony. Provides that the offense applies only to the knowing concealment of a death of a person who died by other than homicidal means. Also provides that a person commits the offense of concealment of death when he or she knowingly moves the body of a dead person from its place of death, with the intent of concealing information regarding the place or manner of death of that person, or the identity of any person with information regarding the death of that person. Provides that this provision shall not apply to any movement of the body of a dead person by medical personnel, fire fighters, law enforcement officers, coroners, medical examiners, or licensed funeral directors, or by any person acting at the direction of medical personnel, fire fighters, law enforcement officers, coroners, medical examiners, or licensed funeral directors.

SB2605

Short Description: CHILD ABUSE REPORTS

Status: P.A. 96-1196, eff. 1-1-11

325 ILCS 5/3

Summary:

Amends the Abused and Neglected Child Reporting Act. Changes the definition of the term "subject of report" to mean any child reported to the central register of child abuse and neglect as an alleged victim of child abuse or neglect and the parent or guardian of the alleged victim or other person responsible for the alleged victim's welfare who is named in the report or added to the report as an alleged perpetrator of child abuse or neglect.

SB2606

Short Description: PARENTAGE-DNA TESTING STANDRDS

Status: P.A. 96-1074, eff. 1-1-11  
750 ILCS 45/11

Synopsis As Introduced

Amends the Illinois Parentage Act of 1984. Provides how the lab shall determine the databases to use in calculating the probability of paternity based on the ethnic or racial group of an individual. Provides that if the genetic testing does not identify the father, additional testing may be required. Provides that if the alleged father is not excluded by the testing, the report shall contain statistics (instead of contain a combined paternity index relating to the probability of paternity) based upon a prescribed statistical formula. Provides that if the test shows that the alleged father is not excluded, any party may demand that other qualified experts perform tests using blood types or other tests of genetic markers (instead of genetic markers found by Human Leucocyte Antigen (HLA) tests). Provides that if the tests show that the alleged father is not excluded and that there is at least a 99.9 percent probability of paternity (instead of and that the combined paternity index is less than 500 to 1), the alleged father is

presumed to be the father, and this evidence shall be admitted (instead of admitted and weighed with other competent evidence). Provides that a man identified as the father may rebut the DNA test results by other genetic testing that satisfies the Act which exclude the man as the father or identifies another man as the possible father (instead of any parentage presumption is rebutted if the court finds that the conclusion of an expert excludes paternity). Provides that if more than one man is identified as the possible father, the court shall order each identified person to submit to DNA testing. Provides that the test expenses shall be paid by the party requesting the tests, except that the court may apportion the costs between the parties, upon request (instead of paid by the party requesting the test).

\*SB2622

Short Description: DCFS-UNFOUNDED REPORTS

Status: P.A. 96-1164, eff. 7-21-10  
325 ILCS 5/7.7 & 5/7.14

Synopsis As Introduced

Amends the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services shall maintain all unfounded reports, with some exceptions, for 12 months following the date of a final finding. Provides that unfounded reports may only be made available to the subject of the report, provided the Department has not expunged the file in accordance with certain provisions of the Act (rather than provided that the subject requests the report within 60 days of being notified that the report was unfounded). Effective immediately.

\*SB2804

Short Description: VEH CD-RESIDENCE DISTRICT

Status: P.A. 96-0987, eff. 7-2-10  
625 ILCS 5/1-172

Synopsis As Introduced

Amends the Illinois Vehicle Code. In a provision defining a "residence district", provides that for purposes of establishing maximum speed limits, a residence district shall be at least a quarter of a mile long with residences or residences and buildings in use for businesses spaced no more than 500 feet (instead of 300 feet) apart. Effective immediately.

SB2824

Short Description: CRIM CD-SEX  
OFFENDERS-PARKS

Status: P.A. 96-1099, eff. 1-1-11  
720 ILCS 5/11-9.4

Summary:

Amends the Criminal Code of 1961. Provides that it is unlawful for a sexual predator or a child sex offender to knowingly be present in any public park building or on real property comprising any public park. Provides that it is unlawful for a sexual predator or a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park. Provides that a violation is a Class A misdemeanor, except that a second or subsequent violation is a Class 4 felony.

\*SB2863

Short Description: NURSING HOME  
ABUSE

Status: P.A. 96-1373, eff. 7-29-10  
210 ILCS 45/3-808.5 new;  
720 ILCS 5/12-19

Summary:

Amends the Nursing Home Care Act and the Criminal Code of 1961. Requires every licensed long term care facility that receives Medicaid funding to

prominently display in its lobby, in its dining areas, and on each floor of the facility information approved by the Illinois Medicaid Fraud Control Unit on how to report fraud, abuse, and neglect. Contains provisions concerning abuse and neglect reports of long term care facility residents and penalties for any owner or licensee of a long term care facility who willfully files or willfully causes to be filed a document with false information with the Department of Public Health or other specified State agencies. Class A misdemeanor or Class 4 felony.

Makes changes in the definition of "criminal neglect" in connection with the offense of abuse and criminal neglect of a long term care facility resident. Expands the definition to include reckless acts that "create the substantial likelihood that an elderly person's or person with a disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate." Makes other changes. Effective immediately.

SB2951

Short Description: VEH CD-BICYCLIST  
SAFETY

Status: P.A. 96-1007, eff. 1-1-11  
625 ILCS 5/11-703

Summary:

Provides that a person driving a motor vehicle shall not, in a reckless manner, drive the motor vehicle unnecessarily close to, toward, or near a "bicyclist, pedestrian, or a person riding a horse or driving an animal drawn vehicle". Class A misdemeanor if no great bodily harm. Class 3 felony, if great bodily harm.

\*SB2993

Short Description: VEH CD-CDL  
REQUIREMENTS

Status: P.A. 96-1084, eff. 7-16-10  
625 ILCS multi

Summary:

Amends the Illinois Vehicle Code. Decreases the number of days from 10 to 5 days after receiving a report of an Illinois conviction, or other verified evidence, of any driver from another state, for a violation of any law or local ordinance of this State relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, that the Secretary of State must notify the driver licensing authority which issued the person's driver's license of the conviction. Increases the minimum fine from \$2,750 to \$5,000 for a second or subsequent offense of certain provisions related to commercial motor vehicles, and increases a maximum civil penalty. Provides that certain information relating to a first offender's driving under the influence offense is not privileged when the offender is a commercial driver's license holder and operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials. Makes other changes. Effective immediately.

\*SB3024

Short Description: VEH CD-TINTED WINDOWS  
Status: P.A. 96-1056, eff. 7-14-10  
625 ILCS 5/12-503

Synopsis As Introduced

Amends the Illinois Vehicle Code. Deletes a provision concerning side window tinting on multipurpose passenger vehicles and adds a provision providing that on vehicles where a nonreflective smoked or tinted glass that was originally installed by the manufacturer on the windows to the rear of the driver's seat, a nonreflective tint that allows at least 50% light transmittance may be used on the vehicle windows immediately adjacent to each side of the driver. Provides that

the use of a nonreflective, smoked, or tinted glass or nonreflective film is not allowed on the window's to the rear of the driver if window treatment has been applied to the windows immediately adjacent to each side of the driver. Makes other technical changes. Effective immediately.

Comment: Chicago ordinance provides for their "tinting" standard – no tint on side front windows. 9-76-220.  
<[http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago\\_il/municipalcodeofchicago?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicago\\_il](http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il)>

SB3028

Short Description: CRIM CD-ABSOLUTE LIABILITY  
Status: P.A. 96-1198, eff. 1-1-11  
720 ILCS 5/4-9

Synopsis As Introduced

Amends the Criminal Code of 1961. Provides that a person may be guilty of an offense without having, as to each element thereof, one of the mental states described in the Code if the offense is a misdemeanor which is not punishable by incarceration or by a fine exceeding \$1,000 (rather than \$500), or the statute defining the offense clearly indicates a legislative purpose to impose absolute liability for the conduct described.

SB3029

Short Description: CRIM CD-VEHICLE FORFEITURE  
Status: P.A. 96-1289, eff. 1-1-11  
720 ILCS 5/36-1

Summary:

Amends the Criminal Code of 1961. In relation to the provisions concerning forfeiture of vehicles for various DUI offenses, describes the offenses instead

of cross referencing the clauses of the DUI statute.

Provides for vehicle forfeiture if the person committed DUI while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy.

\*SB3030

Short Description: CRIM CD-AGG  
ASSAULT - VEHICLE

Status: P.A. 96-1398, eff. 7-29-10  
720 ILCS 5/12-2

Summary:

Amends the Criminal Code of 1961. Provides that a person also commits an aggravated assault when he or she knowingly and without justification operates a motor vehicle in a manner which places a person in reasonable *apprehension of being struck by a moving vehicle*. Provides that a violation is a Class 4 felony. Provides that if the victim is a peace officer, a community policing volunteer, a private security officer, or a fireman while the officer or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, community policing volunteer, or fireman from performing his or her official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his or her official duties, the violation is a Class 3 felony.

Provides that a person also commits aggravated assault when he or she knows the individual assaulted to be a correctional officer or an employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons or a probation officer, as defined in the Probation and Probation Officers Act, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from

performing his or her official duties, or in retaliation for the officer performing his or her official duties. Provides that the penalty is a Class 4 felony. Effective immediately.

\*SB3084

Short Description: SEX OFFENDER  
REG-RETROACTIVE

Status: Passed both Houses; AV  
730 ILCS 150/2 & 150/3, 150/3-5 &  
150/7/

Summary:

Amends the Sex Offender Registration Act. Provides that a person is required to register as a sex offender who was not previously required to register before the effective date of this amendatory Act because the sex offense that the person committed occurred before a specified date (1-1-96). Requires that person to register within 5 days after the effective date of this amendatory Act. Provides that if the person is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this amendatory Act, he or she shall register in person with the local law enforcement agency within 5 days of discharge, parole, or release. Provides for the duration of the registration – 10 years. Further amends the Sex Offender Registration Act. Provides that notwithstanding any other provisions of the Act to the contrary, no registrant whose registration has been terminated under the provisions relating to termination of registration of an adjudicated delinquent shall be required to register under the provisions of the Act for the offense or offenses which were the subject of the successful petition for termination of registration. Provides that the exemption shall apply only to those offenses which were the subject of the successful petition for termination of registration, and shall not apply to any other or subsequent

offenses requiring registration under the Act.

Provides that the new registration provisions shall not be construed to revive the period of registration of any person who was previously registered as a sex offender and who successfully completed his or her period of registration prior to the effective date of the amendatory Act.

Clarifies provisions relating to notification requirements of persons who are subject to registration as sex offenders as a result of the amendatory Act but were not required to register before the effective date of the amendatory Act. [Burden is on offender to know of the new requirement]. Effective immediately.

Governor Amendatory Veto Message  
Recommends adding a class of persons to be included within the definition of "sexual predator". Recommends providing that a sex offender or sexual predator who was not required to register under the Sex Offender Registration Act before the effective date of the amendatory Act now has a duty to register (instead of providing that any person who was not required to register under the Sex Offender Registration Act before the effective date of the amendatory Act but who is required to register on or after that date shall register in person within 5 days after that date). Recommends providing for notice to those required to register. The predicate for retroactive registration is conviction of a misdemeanor offense or placement on felony parole, MSR, probation or conditional discharge for a felony after 7-1-11. Recommends requiring that persons unable to comply with the registration requirements because of confinement, institutionalization, or imprisonment register within 3 (instead of 5) days after discharge, parole, or release. Recommends changing the effective date of the amendatory Act from "upon

becoming law" to July 1, 2011. Recommends other changes.

SB3085

Short Description: JUV CT-JUV JUR TASK FORCE

Status: P.A. 96-1199, eff. 1-1-11  
20 ILCS 505/17a-9; 705 ILCS 405/5-121 rep.

Summary:

Amends the Children and Family Services Act. Provides that the Illinois Juvenile Justice Commission shall also study the impact of, develop timelines, and propose a funding structure to accommodate the expansion of the jurisdiction of the Illinois Juvenile Court to include youth age 17 under the jurisdiction of the Juvenile Court Act of 1987. Provides that the Commission shall submit a report by December 31, 2011 to the General Assembly with recommendations on extending juvenile court jurisdiction to youth age 17 charged with felony offenses. Provides that on the effective date of the amendatory Act, the Illinois Juvenile Jurisdiction Task Force created by Public Act 95-1031 is abolished and its duties are transferred to the Illinois Juvenile Justice Commission. Amends the Juvenile Court Act of 1987. Repeals provisions creating the Illinois Juvenile Jurisdiction Task Force.

Comment: Retired Judge Timberlake of Mt. Vernon new chair of JJC.

\*SB3090

Short Description: CD CORR-PENALTIES [CLEAR#3]

Status: P.A. 96-1200, eff. 7-22-10  
730 ILCS multi; 725 ILCS multi

Synopsis As Introduced

Amends the Unified Code of Corrections. Changes various headings

and cross references to offenses whose Section numbers have changed. Incorporates in the Section concerning non-probationable offenses those offenses that are non-probationable not mentioned in that Section.

Amends the Code of Criminal Procedure of 1963. Provides that the court may (rather than shall) order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence be held without bond unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released. Provides that the court may (rather than shall) order that a person who has been found guilty of an offense and sentenced to a term of imprisonment be held without bond unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released on bond pending appeal; and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial. Repeals provision of the Post-Conviction Hearing Article that all proceedings under the Article shall be conducted and all petitions shall be considered by a judge who was not involved in the original proceeding which resulted in conviction. Effective immediately.

Comment: conforms statute to constitutional rulings.

SB3091

Short Description: SNOWMOBILES-REGISTRATIONINS

Status: P.A. 96-1291, eff. 4-1-11  
625 ILCS multi

Synopsis As Introduced

Amends the Snowmobile Registration and Safety Act. Provides that operating a snowmobile requires it be registered and numbered under the Act shall. Raises the new, transfer-renewal, and renewal snowmobile registration fee from \$18 to \$30 and to \$45 for the registration years beginning on or after January 1, 2017. Provides that 50 percent (rather than 33 percent) of those collected fees and trail use sticker fees shall be deposited into the Snowmobile Trail Establishment Fund, a special fund in the State treasury. Provides that snowmobiles that are not registered and numbered and that are not exempt from the registration and numbering requirement are required to display a trail use sticker, and the cost of the sticker is \$25. Provides that no person shall operate, register or maintain registration of, and no owner shall permit another person to operate, register or maintain registration of, a snowmobile in this State unless the snowmobile is covered by a liability insurance policy. Provides that a person who is a resident of this State and operates a snowmobile in this State must register and number the snowmobile in this State and a person who is not a resident and operates a snowmobile in this State must either register and number the snowmobile in this State or obtain a trail use sticker. Provides that the mandatory insurance provision of the bill does not apply to a person operating a snowmobile on their own property that is not a posted snowmobile trail, and property other than a posted snowmobile trail in which the owner of the property has given his or her written or oral consent to the person to operate a snowmobile on the property. Provides that a person convicted of violating the mandatory insurance provision shall be required to pay a fine in excess of \$500, but not more than \$1,000. Effective April 1, 2011.

\*SB3129

Short Description: MHDD CD-  
INVOLUNTARY ADMISSION &  
CONFIDENTIALITY

Status: P.A. 96-1399, eff. 7-29-10 [same  
HB5350]

405 ILCS multi; 740 ILCS multi

Summary:

Amends the Mental Health and Developmental Disabilities Code and the Mental Health and Developmental Disabilities Confidentiality Act. Changes certain existing provisions regarding involuntary admission to provisions regarding either (i) "involuntary admission on an inpatient basis" or (ii) "involuntary admission on an inpatient or outpatient basis"; adds provisions under which a person 18 years of age or older may be found by a court to be subject to involuntary admission on an outpatient basis and may receive alternative treatment in the community or may be placed in the care and custody of a relative or other person; changes certain existing provisions regarding orders for alternative treatment or care and custody to provisions regarding orders for "admission on an outpatient basis"; makes various changes regarding definitions, court hearings, discharge, restoration, transfer, *persons who are entitled to inspect and copy an admitted person's mental health records- their attorneys and caretakers, subpoenas require a court order (for in camera inspection) and prior notice to respondent & the treatment provider*, agencies that may disclose a person's mental health records and communications to other agencies, and other matters; and *repeals certain provisions concerning dangerous conduct, examination and detention, and the duration and contents of certain orders.*

The definition of "person subject to involuntary admission on an inpatient

basis" provides: "A person with mental illness and who because of his or her illness is reasonably expected, unless treated on an inpatient basis, to engage in conduct placing such person or another in *physical* harm or in reasonable expectation of being physically harmed." Also includes a person who refuses treatment, is unable to understand the need for treatment, and "if not treated on an inpatient basis, is reasonably expected after such deterioration to meet the criteria [above]."

If the certificate states that the person is subject to involuntary admission, but not in need of immediate hospitalization, the person may remain in his or her place of residence pending a hearing..."

Effective immediately.

Comment: 2009 definition of "dangerous conduct" held unconstitutionally vague in *In re Torski C.*, 395 Ill. App.3d 1010 (4<sup>th</sup> D. 2009); PLA granted No. 109623 (2010)

SB3169

Short Description: ID CARDS--NON-  
EXISTENT ADDRESS

Status: P.A. 96-1120, eff. 1-1-11

15 ILCS 335/14A; 625 ILCS 5/6-301.1

1

Summary:

Amends the Illinois Identification Card Act. Provides that information concerning a non-existent address used to obtain an identification card is false information for the purposes of a particular provision of the Act. Amends the Illinois Vehicle Code. Provides that information concerning a non-existent address used to obtain a driver's license or permit is false information for the purposes of a particular provision of the Code. Also makes technical changes. Provides that false information also includes, among other things, any photograph that falsifies all or in part the

actual identity of the individual issued a license.

**\*SB3173**

Short Description: CRIM CD-  
GAMBLING EXEMPTION

Status: P.A. 96-1203, eff. 7-22-10  
720 ILCS 5/28-1

Synopsis As Introduced

Amends the Criminal Code of 1961. Exempts from a gambling violation games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate. Effective immediately.

**SB3176**

Short Description: SEX OFFENDERS-  
REGISTRATION

Status: P.A. 96-1102, eff. 1-1-11  
730 ILCS 150/3

Synopsis As Introduced

Amends the Sex Offender Registration Act. Provides that a sex offender or sexual predator must register with the appropriate law enforcement agency if the person is *temporarily domiciled for 3 (rather than 5) or more days* in the municipality or unincorporated area of the county. Provides that a sex offender or sexual predator who is temporarily absent from his or her current address of registration for 3 or more days shall notify the law enforcement agency having jurisdiction of his or her current registration, including the itinerary for travel, in the manner provided in the Act for notification to the law enforcement agency having jurisdiction of change of address.

Provides that any sexual predator who lacks a fixed residence must report every other day, in person, with the sheriff's office of the county in which he or she is located if the location is in an unincorporated area, or with the chief of

police in the municipality in which he or she is located. Provides that the agency of jurisdiction shall document each such registration to include all the locations where the person has stayed during the past 2 days. Effective January 1, 2011.

**\*SB3267**

Short Description: ELDER ABUSE-  
BANK INFORMATION

Status; P.A. 96-1103, eff. 7-19-10  
320 ILCS 20/3.5

Summary:

Amends the Elder Abuse and Neglect Act. Provides that in addition to other activities, the Department on Aging shall be responsible for providing financial institutions with training materials and information concerning financial exploitation of the elderly and related financial fraud or abuse to be used by a financial institution for its personnel with direct customer contact and to be made available to the general public. Further provides that such information shall include signage or other written materials and shall contain relevant toll-free telephone numbers for reporting such fraud or abuse; that the Department shall also develop and make available an online training program for use by financial institution employees with direct customer contact; and that such online training shall be utilized by financial institutions unless such financial institutions utilize training programs which must minimally include the elements contained in the Department on Aging Program. Provides that the Department on Aging shall be responsible for the solicitation of financial institutions for the purpose of making information available to the general public warning of financial exploitation of the elderly and related financial fraud or abuse. Provides that the Department shall be responsible for developing by joint rulemaking with the Department of Financial and

Professional Regulation minimum training standards which shall be used by financial institutions for their current and new employees with direct customer contact. Requires the Department of Financial and Professional Regulation to provide bi-annual reports to the Department on Aging setting forth aggregate statistics on the required training programs. Effective immediately.

SB3269

Short Description: SEXUAL ASSAULT EVIDENCE

Status: P.A. 96-1011, eff. 9-1-10  
New Act; 410 ILCS 70/6.4

Summary:

Creates the Sexual Assault Evidence Submission Act. Reinserts the provisions of the introduced bill. Provides that by October 15, 2010, each Illinois law enforcement agency shall provide written notice to the Department of State Police, in a form and manner prescribed by the Department, stating the number of sexual assault cases in the custody of the law enforcement agency that have not been previously submitted to a laboratory for analysis. Provides that within 180 days after the effective date of the Act, appropriate arrangements shall be made between the law enforcement agency and the Department of State Police, or a laboratory approved and designated by the Director of State Police, to ensure that all cases that were collected prior to the effective date of the Act and are, or were at the time of collection, the subject of a criminal investigation, are submitted to the Department of State Police, or a laboratory approved and designated by the Director of State Police. Amends the Sexual Assault Survivors Emergency Treatment Act to make conforming changes. Effective September 1, 2010.

SB3272

Short Description: VEH CD-SAFETY BELT-PASSENGER

Status: P.A. 96-0991, eff. 1-1-11  
625 ILCS 5/12-603.1

Summary:

Amends the Illinois Vehicle Code. Requires the driver of a motor vehicle transporting a passenger who is unable, due to infirmity, illness, or age, to properly adjust and fasten a seat safety belt and is not exempted from wearing a seat safety belt to secure the passenger in a properly adjusted and fastened seat safety belt. Effective January 1, 2011.

SB3282

Short Description: VEH CD-PROPANE CARGO TANK VEH

Status: P.A. 96-1337, eff. 1-1-11  
625 ILCS 5/15-316

Summary:

Amends the Illinois Vehicle Code. In a provision authorizing counties and townships to enact an ordinance or resolution prohibiting the use of or restricting the maximum weight of vehicles upon any highway under their jurisdiction, for a total period of not to exceed 90 days in any one calendar year, whenever any the highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed, provides for an exception for cargo tank vehicles with two or three permanent axles when delivering propane for emergency heating, if the cargo tank is loaded at no more than 50 percent capacity, and the gross vehicle weight of the vehicle does not exceed 32,000 pounds. Provides that the cargo tank vehicle must have an operating gauge on the cargo tank which indicates the amount of propane as a percent of capacity of the cargo tank and must have the capacity displayed on the cargo tank or

documentation of the capacity of the cargo tank in the vehicle.  
Provides that the exception for cargo tank vehicles in the introduced bill applies to counties and townships but does not apply to municipalities.  
Provides that the provisions of the introduced bill do not permit cargo tank vehicles to cross bridges with posted weight restrictions if the vehicle exceeds the posted weight limit.

Provides that the driver of the cargo tank vehicle must notify the appropriate agency or agencies with jurisdiction over the highway before driving the vehicle on the highway pursuant to the exception of the bill.

SB3293

Short Description: SEX OFFENDER REG-TELEPHONE

Status: P.A. 96-1104, eff. 1-1-11  
730 ILCS 150/3 & 150/6

Summary:

Amends the Sex Offender Registration Act. Requires a person registering as a sex offender or sexual predator to provide the Department of State Police with his or her telephone number, including cellular telephone number. Further amends the Sex Offender Registration Act. Provides that a sex offender, other than a sexually dangerous or sexually violent person, shall report in person a change in telephone number or cellular telephone number with the appropriate law enforcement agency within 3 days after the change and the law enforcement agency shall notify the Department of State Police of such change within 3 days of the reporting in person by the sex offender to the law enforcement agency.

\*SB3295

Short Description: CRIMINAL ID-EXPUNGEMENT&SEAL  
Status: P.A. 96-1401, eff. 7-29-10  
20 ILCS 2630/5.2; 20 ILCS 2630/13

Summary:

Amends the Criminal Identification Act. With respect to the expungement and sealing of criminal records, makes changes relating to local ordinances, cases involving multiple charges, and cases involving pardons.

Provides that records impounded by the Department of State Police may be disseminated as required by law.

Provides that impounded records are exempt from disclosure under the Freedom of Information Act. Provides that impounded records are subject to inspection and use by the court and law enforcement agencies and prosecutors in carrying out the duties of their offices. Effective immediately.

Comment: This bill is the trailer bill to last year's big re-write of P.A. 96-0409, eff. 1-1-10.

SB3304

Short Description: CRIM PRO-MISDEMEANOR COMPLAINTS BY POLICE

Status: P.A. 96-1206, eff. 1-1-11  
725 ILCS 5/111-3

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Provides that when a peace officer discovers the commission of a misdemeanor and is the complaining witness, the signing of the complaint by the peace officer is sufficient to charge the defendant with the commission of the offense without the need for the complaint to be sworn to. Provides that the peace officer signing the complaint is subject to the penalty for perjury for false certification.

\*SB3305

Short Description: VIOLENT  
OFFENDER AGAINST YOUTH  
Status: P.A. 96-1294, eff. 7-26-10  
730 ILCS 154/5

Synopsis As Introduced

Amends the Child Murderer and Violent Offender Against Youth Registration Act. Includes in the definition of "violent offense against youth" aggravated battery of a child, aggravated battery of an unborn child, ritualized abuse of a child, domestic battery, aggravated domestic battery, aggravated battery, and heinous battery, if the victim is under 18 years of age. Eliminates from the definition of "violent offense against youth" that the defendant is not a parent of the victim. Effective immediately.

SB3309

Short Description: VEH CD-PARKING  
OBSTRUCTION  
Status: P.A. 96-1125, eff. 1-1-11  
625 ILCS 5/11-1301.8 new

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that no property owner shall allow any unreasonable obstruction of a designated aisle or parking place specifically reserved for persons with disabilities after 24 hours following the conclusion of an adverse weather event. Provides that no property owner shall allow the accumulation of debris or large objects, such as trash containers, to unreasonably obstruct any designated aisle or parking place specifically reserved for persons with disabilities without providing suitable and equivalent alternative parking spaces on-site. Provides that a person who violates these provisions shall be guilty of a petty offense and pay fine of not more than \$250. Effective January 1, 2011.

\*SB3372

Short Description: APPELLATE  
PROSECUTOR  
Status: P.A. 96-0900, eff. 5-18-10  
725 ILCS multi

Synopsis As Introduced

Amends the State's Attorneys Appellate Prosecutor's Act. Provides that the Office of the State's Attorneys Appellate Prosecutor is a judicial agency of State government. Provides that each elected member of the board of governor's of the Office shall serve for a term of 2 years commencing upon their election and until their successors are duly elected or appointed and qualified. Provides that all full-time legal personnel (rather than staff attorneys and deputy directors) shall devote full time to their duties and may not engage in the private practice of law except for part-time staff. Eliminates the power of the Office to hire investigators. Repeals provisions relating to a county's participation in programs of the Office. Effective immediately.

\*SB3389

Short Description: CRIM PRO-  
JOINDER-FINANCIAL  
Status: P.A. 96-1207, eff. 7-22-10  
725 ILCS 5/111-4

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Includes in the joinder provisions financial exploitation of an elderly person or person with a disability, identity theft, aggravated identity theft, and certain violations of the Illinois Financial Crime Law. Effective immediately.

Comment: Meant to reverse the "common interest" partial reversal in *People v. Elcock*, 919 NE2d 984 (2d D. 2009).

\*SB3411

Short Description: CD CORR-EARLY  
RELEASE NOTICE  
Status: P.A. 96-1110, eff. 7-19-10  
730 ILCS 5/3-6-3; 730 ILCS 5/5-8A-5.1  
new

Synopsis As Introduced  
Amends the Unified Code of  
Corrections. Provides that the  
Department of Corrections must also  
make identification information and a  
recent photo of the inmate being  
released accessible on the Internet by  
means of a hyperlink labeled  
"Community Notification of Inmate Early  
Release" on the Department's World  
Wide Web homepage. Provides that the  
identification information shall include  
the inmate's: name, any known alias,  
date of birth, physical characteristics,  
residence address, commitment offense  
and county where conviction was  
imposed. Provides that the identification  
information shall be placed on the  
website within 3 days of the inmate's  
release and the information may not be  
removed until either: completion of the  
first year of mandatory supervised  
release or return of the inmate to  
custody of the Department. Effective  
immediately.

\*SB3421  
Short Description: FIREARM OWNERS  
ID-RELIEF  
Status: P.A. 96-1368, eff. 7-28-10  
430 ILCS 65/10

Synopsis As Introduced  
Amends the Firearm Owners  
Identification Card Act. Provides that  
any person who is prohibited from  
possessing a firearm under certain  
specified provisions of the federal Gun  
Control Act of 1968 (mental treatment)  
may apply to the Department of State  
Police requesting relief from such  
prohibition and the Director of State  
Police shall grant such relief if it is  
established to the Director's satisfaction

that the person will not be likely to act in  
a manner dangerous to public safety  
and granting relief would not be contrary  
to the public interest. Effective  
immediately.

Comment: Mental health commitments  
or other psychiatric treatment can result  
in a FOID card revocation.  
430 ILCS 65/8 & 8.1.

SB3467  
Short Description: SEXUALLY  
VIOLENT PERSON  
Status: P.A. 96-1128, eff. 1-1-11  
725 ILCS multi; 730 ILCS 5/3-6-3

Summary:  
Amends the Sexually Violent Persons  
Commitment Act. Provides that a  
petition alleging that a person is a  
sexually violent person may also be filed  
(not at the request of the agency with  
jurisdiction over the person), by: (1) the  
Attorney General, (2) the State's  
Attorney of the county in which the  
person was convicted of a sexually  
violent offense, adjudicated delinquent  
for a sexually violent offense or found  
not guilty of or not responsible for a  
sexually violent offense by reason of  
insanity, mental disease, or mental  
defect, or (3) the Attorney General and  
the State's Attorney jointly. Provides that  
the State has the right to have the  
person evaluated by experts chosen by  
the State. Provides that the agency with  
jurisdiction shall allow the expert  
reasonable access to the person for  
purposes of examination, to the person's  
records, and to past and present  
treatment providers and any other staff  
members relevant to the examination.  
Makes other changes.  
Petition for Conditional Release's  
probable cause hearing shall consist of  
a document review. Said probable  
cause hearing must be held "as soon as  
practical after the filling of the

reexamination report... [deleted is "within 45 days of"].  
Amends the Unified Code of Corrections. Provides that good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of offenses that may subject the offender to commitment under the Sexually Violent Persons Commitment Act.

#### SB3491

Short Description: POLICE TRAINING-INVESTIGATORS  
Status: P.A. 96-1111, eff. 1-1-12  
20 ILCS 2605/2605-90 new; 50 ILCS 705/10.11 new

#### Synopsis As Introduced

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Requires that the Department of State Police provide training in death and homicide investigation for State police officers. Provides that only State police officers who successfully complete the training may be assigned as lead investigators in death and homicide investigations. Provides that the satisfactory completion of the training shall be evidenced by a certificate issued to the officer by the Department. Amends the Illinois Police Training Act. Requires that the Illinois Law Enforcement Training and Standards Board conduct or approve a training program in death and homicide investigation for the training of law enforcement officers of local government agencies. Provides that only law enforcement officers who successfully complete the training program may be assigned as lead investigators in death and homicide investigations. Provides that the satisfactory completion of the training program shall be evidenced by a certificate issued to the law enforcement officer by the Illinois Law Enforcement

Training and Standards Board. Effective January 1, 2012.

#### SB3503

Short Description: CRIM CD-CONTRABAND-PENAL  
Status: P.A. 96-1112, eff. 1-1-11 (same HB5525)  
720 ILCS 5/31A-1.1; 720 ILCS 5/31A-1.2

#### Summary:

Amends the Criminal Code of 1961 relating to bringing into or possessing contraband in a penal institution. Includes in the definition of "tool to defeat security mechanisms" a popper or any device or instrument used to or capable of unlocking or preventing from locking any handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

#### SB3508

Short Description: CLERK CT-ELECTRONIC CITATION FEE  
Status: P.A. 96-1210, eff. 1-1-11  
705 ILCS 105/27.3e new

#### Synopsis As Introduced

Amends the Clerks of Courts Act. Provides that each Circuit Court Clerk shall charge and collect an electronic citation fee of \$5, which shall be paid by the defendant in any traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision. Provides that 60% of the fee shall be deposited into the Circuit Court Clerk Electronic Citation Fund and 40% of the fee shall be disbursed to the arresting agency to defray expenses related to the establishment and maintenance of electronic citations. Contains provisions regarding the administration of and expenditures from the Circuit Court Clerk Electronic Citation Fund. Provides that the Circuit Court Clerk shall not

charge and collect an electronic citation fee if the County Board has by ordinance elected not to be subject to the new provisions and provides for the disposition of fees collected before such an ordinance takes effect.

SB3540

Short Description: JUV CT&CD CORR-FEES; MINOR VICTIMS & SCHOOL  
Status: P.A. 96-1414, eff. 1-1-11  
705 ILCS 405/5-615 & 405/5-715 & 405/5-905; 730 ILCS 5/5-6-3 & 5/5-6-3.1

Summary:

Amends the Juvenile Court Act of 1987. Increases from \$25 to \$50 the monthly fee imposed by the court for a minor placed on supervision, probation, or conditional discharge.

Provides that the Court may only waive probation fees based on an offender's ability to pay. Provides that the probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. Provides that an offender may elect to pay probation fees due in a lump sum. Provides that any offender that has been assigned to the supervision of a probation department, or has been transferred either under this provision or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

Further amends the Juvenile Court Act of 1987. Provides that if the minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for the purpose of preventing foreseeable future violence involving minors, by a local law enforcement agency pursuant to an agreement established between

the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court.

Amends the Code of Corrections. Adult probation fees not to exceed \$25 per month (existing law) absent an administrative order adopting a standard probation fee guide (technical change). Waiver only based on offender's "ability to pay," with a reevaluation every six months. Adult "supervision fee" (probation involved) not to exceed \$125 per month, subject to waiver and reevaluation conditions as above.

SB3546

Short Description: RAILROAD POLICE-LOCAL LAW ENF  
Status: P.A. 96-1133, eff. 1-1-11  
610 ILCS 80/5 new

Synopsis As Introduced

Amends the Railroad Police Act. Provides that whenever a shipment of firearms, explosives, or other weapons is reported as stolen or missing to the railroad police force, the railroad police force shall report all information regarding the incident to local law enforcement, including the municipal police, the County Sheriff, and the Department of State Police.

SB3568

Short Description: WAGE PAYMENT-PENALTIES  
Status: P.A. 96-1407, eff. 1-1-11  
725 ILCS 5/111-4; 820 ILCS 115/11, /13, /14; 30 ILCS 105/5.755 new

Summary:

Amends the Code of Criminal Procedure of 1963. Provides that 2 or more acts or transactions in violation of certain provisions of the Illinois Wage Payment and Collection Act may be joined in a

single count of an indictment, information, or complaint.

Amends the Illinois Wage Payment and Collection Act. Subject to appropriation, provides that the Department of Labor shall establish an administrative procedure to adjudicate claims or specific categories of claims.

Establishes procedures for an employee who has not been paid the wage the employee is entitled by the Act to recover by filing a claim with the Department or in a civil action, but not both.

Amends the State Finance Act. Creates the Wage Theft Enforcement Fund in the State treasury.

Changes the penalties for an employer who fails to pay wages in accordance with the Illinois Wage Payment and Collection Act (class B misd to Class 4 felony). Retaliation for an employee complaint subject to civil suit. Provides that any employer who has been demanded or ordered by the Department of Labor or ordered by a court to pay wages, final compensation, or wage supplements and who fails to seek timely review of such a demand or order and who fails to comply within 15 calendar days after such demand or within 35 days of an administrative or court order is entered shall also be liable to pay a penalty to the Department of Labor of 20% of the amount found owing and a penalty to the employee of 1% per calendar day of the amount found owing for each day of delay in paying such wages to the employee.

**\*SB3588**

Short Description: FOIA – PERSONNEL RECORDS REVIEW

Status: P.A. 96-1212, eff. 7-22-10  
820 ILCS 40/7

Synopsis As Introduced

Amends the Personnel Record Review Act. Provides that an employer who receives a request for records of a

disciplinary report, letter of reprimand, or other disciplinary action in relation to an employee under the Freedom of Information Act may provide notification to the employee in written form or through electronic mail, if available. Effective immediately.

**\*SB3603**

Short Description: WILDLIFE CD-APPRENTICE HUNTER

Status: P.A. 96-1213, eff. 7-22-10  
520 ILCS 5/3.1-5

Synopsis As Introduced

Amends the Wildlife Code. Provides that an Apprentice Hunter License may be issued to a person of any age. Provides that a person with an Apprentice Hunter License who is 18 years of age or older must be supervised by a validly licensed resident or nonresident hunter who is 21 years of age or older (instead of a validly licensed resident or nonresident hunter of any age). Effective immediately.

**SB3616**

Short Description: VEH CD-DUI \$ SANCTIONS

Status: P.A. 96-1342, eff. 1-1-11  
625 ILCS 5/11-501.01; 705 ILCS 105/27.5 & 1/5/27.6

Summary:

Amends the Illinois Vehicle Code and Clerks of the Court Act. Increases the amount of an administrative sanction imposed in addition to other penalties and liabilities upon a person who is found guilty of or pleads guilty to violating the DUI provision of the Illinois Vehicle Code from \$500 to \$750. Makes corresponding changes in the Clerks of the Court Act. Makes technical changes in provisions concerning disbursement of money collected by circuit clerks of the court.

Provides the distribution formula of the administrative sanction imposed in addition to other penalties and liabilities upon a person who is found guilty of or pleads guilty to violating the DUI provision of the Illinois Vehicle Code by distributing \$350 of the \$750 fee to the law enforcement agency that made the arrest and distributing \$400 of the \$750 fee to the State Treasurer for deposit into the General Revenue Fund. Effective January 1, 2011.

SB3628

Short Description: CRIM JUSTICE INFORMATION AUTH - PD MEMBERS  
Status: P.A. 96-1343, eff. 1-1-11  
20 ILCS 3930/4

Summary:

Amends the Illinois Criminal Justice Information Act. Adds to the membership on the Illinois Criminal Justice Information Authority, the Public Defender of Cook County and a Public Defender of a county other than Cook appointed by the Governor.

\*SB3645

Short Description: HOME REPAIR FRAUD-DISABLED  
Status: P.A. 96-1026, eff. 7-12-10  
815 ILCS 515/5

Synopsis As Introduced

Amends the Home Repair Fraud Act. Provides that a person commits the offense of aggravated home repair fraud when he commits home repair fraud in connection with a home repair project intended to assist a disabled person. Provides that aggravated home repair involving misrepresentation or deception is a Class 3 (instead of Class 4) felony when the amount of the contract or agreement is \$500 or less and a Class 2 (instead of Class 3) felony for a second or subsequent offense when the amount

of the contract or agreement is \$500 or less. Effective immediately.

\*SB3648

Short Description: INC TAX-WRONGFULLY IMPRISONED-DEDUCTION

Status: P.A. 96-1214, eff. 7-22-10  
35 ILCS 5/203

Synopsis As Introduced

Amends the Illinois Income Tax Act. Creates a deduction in an amount equal to any amount awarded to the taxpayer during the taxable year by the Court of Claims for time unjustly served in a State prison. Effective immediately.

SB3684

Short Description: CRIM CD-HOME INVASION-ENTRY

Status: P.A. 96-1113, eff. 1-1-11  
720 ILCS 5/12-11 & 720 ILCS 5/19-3

Summary:

Amends the Criminal Code of 1961. Provides that a person also commits home invasion who falsely represents himself or herself, including but not limited to, falsely representing himself or herself to be a representative of any unit of government or a construction, telecommunications or utility company, for the purpose of gaining entry to the dwelling place of another when he or she knows or has reason to know that one or more persons are present and the other aggravating factors described in the statute are present. Provides that a person commits residential burglary who falsely represents himself or herself, including but not limited to falsely representing himself or herself to be a representative of any unit of government or a construction, telecommunications, or utility company, for the purpose of gaining entry to the dwelling place of another, with the intent to commit therein a felony or theft or to

facilitate the commission therein of a felony or theft by another.

Comment: cosmetic bill to address "gypsy" bandits in Will County.

\*SB3695

Short Description: CD CORR-FINE-STREETGANG MEMBER

Status: P.A. 96-1029, eff. 7-13-10

30 ILCS multi; 730 ILCS 5/5-9-1.19 new; 705 ILCS 105/27.3a

Summary:

Amends the State Finance Act. Provides that all moneys collected and payable to the Department of State Police for the additional streetgang fine shall be deposited into the State Police Streetgang-Related Crime Fund which is created in the State treasury and shall be appropriated to and administered by the Department of State Police for operations and initiatives to combat and prevent streetgang-related crime. Amends the Unified Code of Corrections. Provides that in addition to any other penalty imposed, a fine of \$100 shall be imposed upon a person convicted of any violation of the Criminal Code of 1961 who was, at the time of the commission of the violation a streetgang member. Provides that such additional fine shall be assessed by the court imposing sentence and shall be collected by the circuit clerk. Provides that of this fee, \$5 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds as provided by law. Provides that each such additional fine shall be remitted by the Circuit Court Clerk within one month after receipt to the State Police Streetgang-Related Crime Fund in the State treasury.

Further amends the State Finance Act. Creates the State Police Operations Assistance Fund in the State treasury. Provides that the Fund shall receive revenue as provided in the Clerks of Courts Act. Provides that the Fund may also receive revenue from grants, donations, appropriations, and any other legal source. Provides that the Department of State Police may use moneys in the Fund to finance any of its lawful purposes or functions. Provides that expenditures may be made from the Fund only as appropriated by the General Assembly by law. Provides that investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in these provisions. Amends the Clerks of Courts Act. Provides that starting on the effective date of the amendatory Act, a clerk of the circuit court in any county that imposes fees for automated record keeping, shall charge and collect an additional fee in an amount equal to that amount. Provides that this additional fee shall be paid by the defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision.

Provides that the State Police Streetgang-Related Crime Fund and the State Police Operations Assistance Fund may not be subject to administrative chargebacks. Effective immediately.

Comment: Does this suffer from a 1<sup>st</sup> amendment problem (Dawson v. Delaware, USSC), akin to the "nexus-less" penalty in UUW-gang in P.A. 96-0829, eff. 12-3-09?

\*SB3716

Short Description: VEH CD-CMV-POSITIONING DEVICES TASKFORCE

Status: P.A. 96-1370, eff. 7-28-10

625 ILCS 5/15-117 new

Summary:

Amends the Illinois Vehicle Code. Creates the Global Positioning System Technology and the Designated Truck Route System Task Force. Provides that the task force shall study advances in and utilization of Global Positioning System (GPS) technology relating to routing information for commercial vehicles and the implementation and compliance with the Designated Truck Route System. Contains provisions concerning the composition of the task force, meetings, and reporting obligations to the Governor and the General Assembly. Adds a member to the task force who shall represent the county engineers and be appointed by the Minority Leader of the House of Representatives.

Provides that staff support services may be provided to the task force by the Illinois Department of Transportation, Effective immediately.

SB3732

Short Description: VEH CD-AGG DUI PI TEST REFUSAL-REVOKE  
Status: P.A. 96-1344, eff. 7-1-10  
625 ILCS multi; 725 ILCS 5/115-15

Summary:

Amends the Illinois Vehicle Code. Defines a "statutory summary revocation". Provides that refusal to submit to chemical testing after a person was involved in a motor vehicle accident that caused serious personal injury or death to another will result in the statutory summary revocation of the person's privilege to operate a motor vehicle and will also result in the disqualification of the person's privilege to operate a commercial motor vehicle if the person is a CDL holder. Provides for a right to a judicial hearing after a summary revocation. Provides that a person may apply to have his or her

driving privileges reinstated after one year after revocation and provides for license reinstatement fees. Makes other changes. Makes corresponding changes in the Code of Criminal Procedure of 1963. Effective July 1, 2011.

Comment: Wouldn't this generally be a felony Agg DUI upon conviction? SS now. Better than forced blood draw or criminalizing a refusal?

\*SB3733

Short Description: FIRST 2010 GENERAL REVISORY  
Status: P.A. 96-1000, eff. 7-2-10  
multi (includes 625 ILCS, 720 ILCS, 730 ILCS)

Synopsis As Introduced  
Creates the First 2010 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

SB3796

Short Description: VEH CD- EXCESSIVE SPEEDING  
Status: P.A. 96-1002, eff. 1-1-11  
625 ILCS 5/11-601.5; 730 ILCS 5/5-6-1

Summary:

Amends the Illinois Vehicle Code. Provides that a person who drives a vehicle upon any highway of this State at a speed that is 30 miles per hour or more but less than 40 miles per hour in excess of the applicable maximum speed limit established under the Illinois Vehicle Code or a local ordinance commits a Class B misdemeanor.1 Provides that the Act may be referred to as Chris and Katie's Law. Amends the Unified Code of Corrections. Provides that a person

charged with driving a vehicle upon any highway of the State at a speed that is 40 miles per hour or more in excess of the applicable maximum speed limit established by the Illinois Vehicle Code or a local ordinance may not receive an order of supervision.

#### SB3797

Short Description: CLEAR #4 – THEFT & RETAIL THEFTS FELONY LIMITS  
Status: P.A. 96-1301, eff. 1-1-11  
720 ILCS multi

#### Summary:

Amends the Criminal Code of 1961. Increases the threshold amount in which higher penalties are imposed for theft from exceeding \$300 to exceeding \$500. Increases the threshold amount in which higher penalties are imposed for retail theft and theft by emergency exit and for previous convictions of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion from a full retail value exceeding \$150 to a full retail value exceeding \$300. Provides that "full retail value" includes the *aggregate value of property* obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. Defines "continuing course of conduct". Provides that multiple thefts committed by the same person as part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. Increases various threshold amounts that enhance the penalties for financial crime and online property offenses. Amends the Telephone Charge Fraud Act. Increases from exceeding \$300 to exceeding

\$500, the amount that enhances telecommunications fraud from a Class A misdemeanor to a Class 4 felony.

#### SB3800

Short Description: CRIM CD-PUBLIC RECORDS-TAMPER  
Status: P.A. 96-1217, eff. 1-1-11  
720 ILCS 5/32-8

Replaces everything after the enacting clause. Amends the Criminal Code of 1961. In a provision that relates to tampering with public records, provides that the term "public record" expressly includes, but is not limited to, court records pertaining to any civil or criminal proceeding in any court. Provides that a judge, circuit clerk or clerk of court, public official or employee, court reporter, or other person who knowingly and without lawful authority alters, destroys, defaces, removes, or conceals any public record received or held by any judge or by a clerk of any court commits a Class 3 felony and shall forfeit his or her public office or employment, if any, and specifies other penalties. Authorizes any interested party to demand an investigation. Provides that a prosecution for tampering with court records shall be commenced within 3 years after the act constituting the violation is discovered or reasonably should have been discovered.

#### SB3803

Short Description: ROADSIDE MEMORIAL  
Status: P.A. 96-1371, eff. 1-1-11  
605 ILCS multi; 605 ILCS 125/23 new

#### Summary:

Amends the Roadside Memorial Act. Provides that the Department of Transportation shall, upon application, erect and maintain roadside markers to identify the locations where persons

were killed in accidents involving reckless drivers. Establishes requirements for the application for placement of the markers and for the markers themselves similar to the current provisions of the Roadside Memorial Act concerning DUI memorial markers.

Provides that the Department of Transportation shall report to the General Assembly no later than October 1, 2011 on the evaluation of the program and the number of fatal accident memorial marker requests. Repeals the amendatory Act on December 31, 2011. Makes technical changes.

*enough criminals, one 'makes' them. One declares so many things a crime that it becomes impossible for men to live without breaking laws. Who wants a nation of law-abiding citizens? What's there in that for anyone? But just pass and interpret the kind of laws that can neither be observed nor enforced nor objectively interpreted—and you create a nation of law-breakers –and then you cash in on the guilt.” Ayn Rand, “Atlas Shrugged”*

-0-

-0-

FEDERAL LOAN FORGIVENESS  
UPDATE: P.L. 110-315, eff. 8-14-08  
HR4137 Loan Forgiveness for SAs & PDs

[authorization and partial appropriation @ \$10 mil; Illinois' share - \$365,309. DOJ & ISAC procedures to come in 2010; see <http://www.ojp.usdoj.gov/BJA/grant/johnrjustice.html>

Further posting to come @ <http://www.collegezone.com/> \$4,000 max temporarily. Need- based in part.

Note: effective 9-15-10, new bond rules. SCR 501 & 503 – petty offense - \$160 single; \$500 multiple. Technical fine amount changes for petty guilty plea by mail authorized in SCRs 503, 529, 551 & 553.

*There is then no way to rule innocent men. The only power any government has is the power to crack down on criminals. When there aren't*

