2011 97th G.A.
State of Illinois

Summary
Bills Passed

House Bills
Senate Bills
Recent Supreme Court Rule changes

Last updated 12-19-11

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*denotes immediate effective date

Status & full view of bill can be found @ http://www.ilga.gov/

Reliance should be had only after review of the enacted bill.
Comments reflect the view of the writer only.

House Bills

HJRCA29
Short Description: CRIME VICTIMS RIGHTS
Status: 3d House (?)

House Sponsors
Rep. Lou Lang

ILCON Art. 1, Sec. 8.1

Synopsis As Introduced
Proposes to amend the Bill of Rights Article of the Illinois Constitution concerning crime victim's rights. Provides that in addition to other rights provided in the Constitutional provision, a crime victim has the right to: (1) be free from harassment, intimidation, and abuse; (2) refuse to disclose information that is privileged or confidential by law; (3) timely notification of post-trial proceedings; (4) be heard in person or in any other reasonable manner the victim chooses at any proceeding involving a post-arraignment release decision, plea, sentencing, post-conviction or post-adjudication release decision, or any proceeding in which a right of the victim is at issue; (5) receive a report prepared for sentencing, reduction in sentence, parole, early release, or clemency, when available to the accused; and (6) have the safety of the victim

and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction. Provides that nothing in this Constitutional provision creates any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court. Effective upon being declared adopted.

Comments: Particularly troublesome is the right to refuse to disclose confidential information (ex. Initial rape complaint to ER), victim access to full PSI, and elimination of the witness exclusion rule. The definition of a victim could often include the entire community, but it's modeled after the Federal statutory victim's rights amendment.
See Chicago Sun-Times editorial opposing.
http://www.suntimes.com/opinions/5316194-474/editorial-help-crime-victims-but-protect-justice.html

HJR52
Short Description: ILLINOIS& COOK COUNTY SEPARATE

House Sponsors
Rep. Bill Mitchell - Adam Brown

Last Action
Date Chamber Action
11/22/2011 House Filed with the Clerk by Rep. Bill Mitchell

Synopsis As Introduced
Urges Congress to enact legislation dividing Illinois and Cook County into separate states.

HR550
Short Description: CONCEALED CARRY TASKFORCE
Status: Passed House

Summary:
Creates the Firearm Public Awareness Task Force. Membership includes House Majority and Minority appointees; Illinois State Police; Cook County Sheriff; Illinois State's Attorneys' Association; Illinois FOP; Illinois Sheriff's Assn; NRA; ISRA; Illinois Council Against Handgun Violence; Illinois Fireams Mfr Assn; Cook County States Attorney; and victim advocate appointed by the Speaker. Staffing for 3 public hearings supplied by the Illinois State Police. Report due 3-1-12. No reimbursement of travel expenses.
Data from states that have concealed carry to be reviewed, to compare gun crimes (gun thefts, suicide, self-defense shootings, etc.), and victimology before and after enactment.

*HB21
Short Description: CRIM CD- DRUG INDUCED HOMICIDE
Status: P.A. 97-191, eff. 7-22-11
720 ILCS 5/9-3.3

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that a person also commits the offense of drug induced homicide by causing another person's death through absorption of an unlawfully delivered controlled substance. Effective immediately.

Comment: prompted by recent oxycontin-patch overdoses via scoring.

HB78
Short Description: SAFE SCHOOL ZONE TRESPASS
Status: P.A. 97-547, eff. 1-1-12
720 ILCS 5/21-5.5 new

Summary
Amends the Criminal Code of 1961. Creates the offense of criminal trespass to a safe school zone, a Class A misdemeanor.
"Safe school zone" means an area that encompasses any of the following places during regular school hours or within 60 minutes before or after the school day or 60 minutes before or after a school-sponsored activity. This shall include any school property, ground, or street, sidewalk, or public way immediately adjacent thereto and any public right-of-way situated immediately adjacent to school property. The safe school zone shall not include any portion of the highway not actually on school property.
A person commits the offense of criminal trespass to a safe school zone when he or she knowingly: (1) enters or remains in a safe school zone without lawful business, when as a student or employee, who has been suspended, expelled, or dismissed for disrupting the orderly operation of the school, and as a condition of the suspension or dismissal, has been denied access to the safe school zone for the period of the suspension or in the case of dismissal for a period not to exceed the term of expulsion, and has been served in person or by registered or certified mail, at the last address given by that person, with a written notice of the suspension or dismissal and condition; or (2) enters or remains in a safe school zone without lawful business, once being served either in person or by registered or certified mail that his or her presence has been withdrawn by the school administrator, or his or her designee, and whose presence or acts interfere with, or whenever there is reasonable suspicion to believe, such person will disrupt the orderly operation, or the safety, or peaceful conduct of the school or school activities.
This clause (b)(2) has no application to conduct protected by the Illinois Educational Labor Relations Act or any other law applicable to labor relations.
This clause (b)(2) has no application to conduct protected by the First Amendment to the Constitution of the United States or Article I of the Illinois Constitution, including the exercise of free speech, free expression, and the free

exercise of religion or expression of religiously based views.

HB83
Short Description: COURTS-DJJ SENTENCE
Status: P.A. 97-362, eff. 1-1-12
705 ILCS 405/5-750

Summary
Amends the Juvenile Court Act of 1987. Provides that the court may not commit a minor to the Department of Juvenile Justice unless it finds that commitment to the Department of Juvenile Justice is the least restrictive alternative based on evidence that efforts were made to locate less restrictive alternatives to secure confinement and the reasons why efforts were unsuccessful in locating a less restrictive alternative to secure confinement. Provides that before the court commits a minor to the Department of Juvenile Justice, it shall make a finding that secure confinement is necessary, following a review of specified individualized factors. Provides that before the court commits a minor to the Department of Juvenile Justice, the court must find reasonable efforts have been made to prevent or eliminate the need for the minor to be removed from the home, or reasonable efforts cannot, at this time, for good cause, prevent or eliminate the need for removal, and removal from home is in the best interests of the minor, the minor's family, and the public.

*HB106
Short Description: SAFE HAVEN-INFANTS-POLICE DEPT
Status: P.A. 97-293, eff. 8-11-11
325 ILCS 2/10

Summary
Amends the Abandoned Newborn Infant Protection Act.
Changes the definition of "police station" to mean a municipal police station, a county sheriff's office, a campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees of the campus police department are present, or any of the district headquarters of the Illinois State Police. Adds an immediate effective date.

HB123
Short Description: A BUDGET BILL – INC CAP LITIGATION & SVP $
Status: P.A. 97-056, eff. 7-1-11

Summary:
Includes $2,941,200 for Cook County State's Attorney; $2,750,000 for Cook County Public Defender; $1,750,000 for Cook County private counsel. Includes $379,600 for Ill Sup Ct to administer for SVP representation.

Governor Item Veto PA Message

Vetoes an item of appropriations to the Senate Operations Commission.
Approves all other items of appropriations in the bill.

Comment: Per Treasurer's office, only Cook got appropriation for FY12 as they pay FY11 bills with FY12 moneys.

HB124
Short Description: A BUDGET BILL – INCLUDES CHIEF PD SALARY $
Status: P.A. 97-057, eff. 7-1-11

Summary:
Includes total of $6.5 million for Chief PD Salary reimbursement.

*HB143
Short Description: CRIM CD-MILITARY REENACTOR
Status: P.A. 97-465, eff. 8-22-11
720 ILCS 5/24-2

Summary
Amends the Criminal Code of 1961. Exempts, from provisions prohibiting the sale, manufacture, purchase, possession, or carrying of specified weapons, an active member of a bona fide, nationally recognized military re-enacting group possessing a vintage rifle or modern reproduction thereof with a barrel or barrels less than 16 inches in length for the purpose of using the rifle during historical re-enactments if: (1) the modification is required and necessary to accurately portray the weapon for historical re-enactment purposes; the re-enactor is in possession of a valid and current re-enacting group membership credential; and the overall length of the weapon as modified is not less than 26 inches; or (2) the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives.
New exemption for persons who have been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives before the re-enactment exemption. Effective immediately.

HB147
Short Description: VEH CD-SCHL BUS-ALCOHOL TEST
Status: P.A. 97-466, eff. 1-1-12
625 ILCS 5/6-106.1; 625 ILCS 5/6-106.1c new

Summary
Amends the Illinois Vehicle Code. Provides that an employer of a school bus driver permit holder who holds a commercial driver's license and who works for the employer as a school bus driver and is therefore subject to 49 CFR 382.307 shall, within 48 hours, notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test discloses any amount of drugs (see below); or (iii) when a driver refuses testing.

Provides that a non-CDL holder who holds a school bus driver permit and his or her employer shall be subject to reasonable suspicion drug and alcohol testing. Provides that testing of non-CDL holders shall be in conformance with federal regulations, except that the results of the tests shall be reported in a manner and form approved by the Secretary of State instead of on federal forms. Provides that an applicant for a school bus driver permit must consent to the release of the results of reasonable suspicion drug and alcohol tests. Provides that the Secretary shall suspend for a period of 3 years the school bus driver permit of a driver who refuses testing or tests positive for the presence of alcohol drugs or intoxicating compounds. Sets reporting requirements for the employer

Provides that provisions regarding notification requirements go into effect when a test discloses "any amount of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or any intoxicating compound listed in the Use of Intoxicating Compounds Act" Provides that the cost of a reasonable suspicion test shall be the responsibility of the employer, unless otherwise provided by contract or a collective bargaining agreement.

Provides that employers of school bus drivers with or without commercial driver's licenses shall notify the Secretary of State of the result of a reasonable suspicion test when the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing federal standards. Provides that the Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice indicating that the permit holder yielded a positive result on a National Institute on Drug Abuse five-drug panel utilizing federal standards.

HB167
Short Description: CRIM CD-LASER AT AIRCRAFT
Status: P.A. 97-153, eff. 1-1-12
720 ILCS 5/Art. 24.6 heading; 720 ILCS 5/24.6-5; 720 ILCS 5/24.6-25 new

Synopsis As Introduced
Amends the Criminal Code of 1961. Prohibits knowingly discharging a laser into the cockpit of an aircraft in the process of taking off, landing, or while in flight. Provides that the penalty is a Class A misdemeanor. Defines "aircraft" and "laser".

*HB176
Short Description: PAROLE OFFENDER SUPERVISION FUND
Status: P.A. 97-262, eff. 8-8-11
30 ILCS 105/5.7886 new; 730 ILCS 5/5-9-1.20 new

Summary

Amends the State Finance Act. Creates the Illinois Department of Corrections Parole Division Violent Offender Supervision Fund in the State treasury. Amends the Unified Code of Corrections. Provides that an additional fine of $25 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 offense in violation of parole orders. Provides that $5 of the fine 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 the remainder of each such additional fine shall be remitted by the Circuit Court Clerk within one month after receipt to the State Treasurer for deposit into the Illinois Department of Corrections Parole Division Violent Offender Supervision Fund in the State treasury. Effective immediately.

*HB180
Short Description: CRIM CD-CONDUCT AT FUNERALS
Status: P.A. 97-359, eff. 8-15-11
720 ILCS 5/26-6

Summary:
Amends the Criminal Code of 1961 relating to the offense of disorderly conduct at a funeral or memorial service. Retains the time period for which the conduct at the funeral or memorial service is prohibited before at 30 minutes and increases the distance from which the conduct is prohibited from 200 feet to 300 feet of any ingress or egress of the funeral site. Effective immediately.

Comment: Snyder v. Phelps, 179 L. Ed. 2d 172 (2011).
OVERVIEW: Protestors' speech, which involved picketing 1,000 feet from church where funeral was being held for a marine killed in the line of duty, was at a public place on a matter of public concern; thus, speech was entitled to special protection under First Amendment. Such speech could not be restricted simply because it was upsetting or aroused contempt. Tort of intentional infliction of mental distress barred.

HB192
Short Description: NO CONTACT ORDER-STUDENT
Status: P.A. 97-294, eff. 1-1-12
740 ILCS 21/80; 750 ILCS 60/223

Summary:
Amends the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986. Provides that when the respondent attends a public, private, or non-public elementary, middle, or high school the court may tailor the order protecting a petitioner after considering all relevant factors including the physical danger or emotional distress to the petitioner, the severity of the act, and all factors relating to the education of a petitioner and respondent. Provides that the court may order that the respondent accept a

change of educational placement or program, as determined by the school district or private or non-public school. Provides that if a respondent claims that an educational transfer, a change of placement, or a change of program of the respondent is not available, the respondent may not base that assertion on the grounds that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or that the respondent fails, refuses, or take actions for a transfer, change of placement, or change of program. Provides that the court may make the parents, guardian, or legal custodian of the respondent responsible for costs associated with the respondent's placement under the order. Provides that, with respect to the enforcement of an order, the court: (i) shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene; and (ii) may hold the parents, guardian, or legal custodian of the minor respondent in civil or criminal contempt for a violation of an order for conduct of the minor in violation of the Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the minor in the conduct. Makes other changes.

HB219
Short Description: VEH CD-SEAT BELTS REQUIRED
Status: P.A. 97-0016, eff. 1-1-12
625 ILCS 5/12-603.1

Summary
Amends the Illinois Vehicle Code. Provides that every driver and passenger (rather than every driver, front seat passengers, and certain passengers under the age of 19) of a motor vehicle operated on a street or highway of this State must wear a properly adjusted safety belt, with specified exceptions.
Adds the driver or passenger of an authorized emergency vehicle and a back seat passenger of a taxicab to the list of persons exempted from the requirement to wear a safety belt.

HB233
Short Description: CRIM CD-AGG BATTERY-TORTURE
Status: P.A. 97-467, eff. 1-1-12
720 ILCS 5/12-4

Summary:
Amends the Criminal Code of 1961. Provides that the penalty for the offense of aggravated battery that causes great bodily harm or permanent disfigurement when the aggravated battery was intentional and involved the infliction of torture as defined in the statute concerning first degree murder is a Class 1 (probationable) felony.
Torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim [720 ILCS 9-1(b) (14)].

HB263
Short Description: CD CORR-1ST DEGREE MURDER - REGISTRY
Status: P.A. 97-154, eff. 1-1-12
30 ILCS 105/5.669; 105 ILCS 5/10-21.9; 105 ILCS 5/27A-5
105 ILCS 5/34-18.5; 325 ILCS 40/6; 730 ILCS multi

Summary
Amends the Sex Offender Registration Act. Provides that any first degree murder that is sexually motivated is a sex offense regardless of the age of the victim or the defendant. Provides for lifetime registration of such offenders. Exempts from such lifetime registration individuals released from incarceration more than 10 years prior to the effective date of the amendatory Act.
Amends the Child Murderer and Violent Offender Against Youth Registration Act. Changes the short title of the Act to the Murderer and Violent Offender Against Youth Registration Act. Changes the name of the Child Murderer and Violent Offender Against Youth Registration Fund to the Murderer and Violent Offender Against Youth Registration Fund. Provides for 10 year registration of a first degree murderer of an adult (a person 18 years of age or older at the time of the commission of the offense). Exempts from such registration individuals released from incarceration more than 10 years prior to the effective date of the amendatory Act.
Amends various Acts to make conforming changes. Provides that the amendatory Act may be referred to as Andrea's Law. Effective January 1, 2012.

HB276
Short Description: COUNTY JAIL-PRISONER REMOVAL
Status: P.A. 97-104, eff. 1-1-12
730 ILCS 125/14

Synopsis As Introduced
Amends the County Jail Act. Provides that at any time, in the opinion of the Warden, the lives or health of the prisoners are endangered or the security of the penal institution is threatened (rather than just the lives or health of the prisoners are endangered), to such a degree as to render their removal necessary, the Warden may cause an individual prisoner or group of prisoners (rather than the prisoners) to be removed to some suitable place within the county, or to the jail of some convenient county, where they may be confined until they can be safely returned to the place whence they were removed.

HB277
Short Description: SEX OFFENDER-VICTIM HARASS
Status: P.A. 97-468, eff. 1-1-12
720 ILCS 5/12-7.4

Summary:
Amends the Criminal Code of 1961. Provides that in addition to other elements of the offense a person commits aggravated stalking when he or she is required

to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

*HB286
Short Description: DCFS-PSYCHOTROPIC MEDS-KIDS
Status: P.A. 97-245, eff. 8-4-11
New Act

Summary:
Creates the Administration of Psychotropic Medications to Children Act. Requires the Department of Children and Family Services to promulgate final rules, on or before October 1, 2011, amending its current rules establishing and maintaining standards and procedures to govern the administration of psychotropic medications. Sets forth the substance of the amended rules. Requires the Department to establish and maintain rules designed to ensure compliance with the rules promulgated pursuant to the Act. Requires the Department to submit an annual report to the General Assembly concerning the administration of psychotropic medication to persons for whom it is legally responsible. Effective immediately.

HB295
Short Description: SEX OFFENDER REG-HIGHER ED
Status: P.A. 97-155, eff. 1-1-12
730 ILCS 150/3

Synopsis As Introduced
Amends the Sex Offender Registration Act. Provides that a sex offender shall also register with the public safety or security director of the institution of higher education which he or she is employed at or attends. Provides that the registration fees shall only apply to the municipality or county of primary registration, and not to campus registration.

*HB297
Short Description: EMPLOYMENT RESTRICTIONS REPORT
Status: P.A. 97-501, eff. 8-23-11
20 ILCS 5000/15

Summary
Amends the Task Force on Inventorying Employment Restrictions Act. Requires that the Task Force on Inventorying Employment Restrictions submit to the Governor and the General Assembly findings and recommendations concerning employment restrictions that are not reasonably related to public safety. Provides that the findings and recommendations must be submitted to the Governor and the General Assembly by September 1, 2012.

Provides that the Executive Director of the Illinois Criminal Justice Information Authority shall serve as an ex officio member of the Task Force. Provides that on or before February 1, 2012 (now, September 1, 2010), all State agencies shall produce a report for the Task Force that describes the employment restrictions that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards. Effective immediately.

*HB298
Short Description: CRIM ID-SEALING RECORDS
Status: P.A. 97-443, eff. 8-19-11
20 ILCS 2630/5.2

Synopsis As Introduced
Amends the Criminal Identification Act. Adds that the court shall not order the sealing of records of an arrest which results in the petitioner being charged with a felony offense or records of a charge not initiated by arrest for a felony offense unless (i) the charge results in acquittal, dismissal, or the petitioner's release without conviction or (ii) the charge results in a conviction, but the conviction was reversed or vacated. Effective immediately.

HB350
Short Description: NOTARY PUBLIC – IDENTIFICATION
Status: P.A. 97-397, eff. 1-1-12
5 ILCS 312/6-102

Summary
Amends the Illinois Notary Public Act. Provides that the phrase "identification documents" includes documents issued by a consulate that bear (i) the signature of the individual and (ii) his or her photograph.

*HB909
Short Description: PUBLIC CORRUPT FORFEITURE – TECH
Status: Passed both Houses; STG 12/8/11
5 ILCS 283/10

Summary:
Amends the Public Corruption Profit Forfeiture Act. Provides that a person who is convicted of fraudulently obtaining public moneys reserved for disadvantaged business enterprises shall forfeit certain profits and proceeds related to that activity to the State. Effective immediately.

HB1069
Short Description: ISP TRAINING – HOMICIDE INVESTIGATORS
Status: P.A. 97-553, eff. 1-1-12
20 ILCS 2605/2605-90; 50 ILCS 705/10.11

Summary
Amends the Department of State Police Law of the Civil Administrative Code of Illinois and the Illinois Police Training Act. Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Director of the Department of State Police, instead of the Illinois Law Enforcement Training and Standards Board, shall develop a process for waiver applications for qualified State police officers to act as death and homicide investigators and may grant waivers. Effective January 1, 2012.

HB1093
Short Description: VEH CD-VEHICLE EMISSION INSPECTION
Status: P.A. 97-106, eff. 2-1-12
625 ILCS 5/13C-5; 625 ILCS 5/13C-15; 625 ILCS 5/13C-25

Summary
Amends the Illinois Vehicle Code. Modifies the definitions of "malfunction indicator lamp" and "on-board diagnostic system". Makes changes in the categories of vehicles that are subject to vehicle emissions inspection requirements. Deletes provisions permitting the substitution of a steady-state idle exhaust gas analysis and evaporative system integrity test for the on-board diagnostic system test. Adds a provision permitting the substitution of a visual inspection test for the on-board diagnostic test in certain cases.
Provides that a motor vehicle may be exempted from certain inspection requirements on the basis of determination by the Illinois Environmental Protection Agency that the vehicle is located and primarily used outside of the affected counties and (instead of "or") in other jurisdictions where vehicle emissions inspections are not required. Effective February 1, 2012.

*HB1112
Short Description: VIOLENT CRIMES VICTIMS
Status: P.A. 97-108, eff. 7-14-11
725 ILCS 240/8; 725 ILCS 240/10

Synopsis As Introduced
Amends the Violent Crime Victims Assistance Act. Provides that the victim and witness assistance centers shall provide assistance in exercising rights provided in the Roadside Memorial Act for the families of victims of fatal injury crashes on roadways. Provides that the offenses for which the additional penalty shall be assessed for deposit into the Violent Crime Victims Assistance Fund include the offenses of driving 30 miles per hour or more in excess of the applicable speed limit, driving in excess of the speed limit in a construction or maintenance zone, or in a park zones. Effective immediately.

HB1195
Short Description: STATE POLICE CANINE BOARD
Status: P.A. 97-469, eff. 7-1-12

20 ILCS 2605/2605-95 new

Summary
Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that all police dogs used by the Department of State Police for drug enforcement purposes shall be trained by programs that meet the certification requirements set by the Director of State Police or the Director's designee.

HB1220
Short Description: VEH CD-ADMINISTRATIVE IMPOUND
Status: P.A. 97-109, eff. 1-1-12
625 ILCS 5/11-208.7 new

Summary:
Amends the Illinois Vehicle Code. Provides that any municipality may, consistent with the new provision, establish by ordinance procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and for the imposition of a reasonable administrative fee related to the municipality's administrative and processing costs associated with the removal, impoundment, storage, and release of the vehicle. Provides that the administrative fee shall be waived by the municipality upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded. Lists the costs for which fees may be imposed. Provides that the registered owner of the impounded vehicle is entitled to a hearing to contest the imposition of fees. Adds costs associated with the investigation, arrest, and detention of an offender to the fees which may be imposed. Provides that the fee imposed may be in addition to any fees charged for the towing and storage of an impounded vehicle. Adds felony theft and felony retail theft to the list of offenses for which a vehicle may be impounded and provides that a municipality may by ordinance authorize the impoundment of a vehicle used during the commission of any other misdemeanor or felony under the Criminal Code of 1961. Adds provisions setting notice and hearing requirements. Provides that unclaimed vehicles shall be disposed of in accordance with provisions of the Illinois Vehicle Code concerning the disposal of unclaimed vehicles. Provides that fees or penalties imposed by a hearing officer which remain unpaid after the deadline for seeking judicial review may be enforced as if entered by a court of competent jurisdiction.

Comment: Impoundment ordinances have generally been upheld as constitutional if a timely administrative hearing is available. Gable v. City of Chicago, 296 F.3d 531 (7th Cir. 2002); Ernst v. City of Chicago, 63 F. Supp.2d 908 (N.D. Ill. 1999). Damage or lost property can be remedied through bailment and replevin state court suits.

HB1222
Short Description: CHILD SAFETY COURSE FORMS
Status: P.A. 97-026, eff. 1-1-12

625 ILCS 25/6a

Synopsis As Introduced
Amends the Child Passenger Protection Act. Provides that upon completion of a child passenger safety instructional course to the satisfaction of the technician conducting the course, the technician shall issue a letter of completion printed on a form or in a manner required by the Illinois Department of Transportation (rather than on the technician's letterhead). Effective January 1, 2012.

*HB1241
Short Description: VEH CD-DUI TESTING-ACCIDENTS
Status: P.A. 97-471, eff. 8-22-11
625 ILCS 5/11-501.2 & 11-501.1

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that if a law enforcement officer has probable cause to believe a driver was under the influence of alcohol or drugs, the law enforcement officer shall request a chemical test. Effective immediately.

Comment: Possible response to CPD not timely testing fellow officers after an accident.

HB1253
Short Description: SEX OFFENDER REG-RETROACTIVE
Status: P.A. 97-578, eff. 1-1-12
730 ILCS multi

Summary
Amends the Sex Offender Registration Act. Provides that a sex offender or sexual predator, who has never previously been required to register under the Act, has a duty to register *if the person has been convicted of any felony offense after July 1, 2011.* Provides that a person who previously was required to register under the Act for a period of 10 years and successfully completed that registration period has a duty to register if: (1) the person has been convicted of any felony offense after July 1, 2011, and (2) the offense for which the 10 year registration was served currently requires a registration period of more than 10 years. Makes other changes.

Comment: Last year's retroactive version AV'd by Gov due to law enforcement agencies having concerns identifying sex offenders who are out of the system. SB3084 – 96th G.A. [bill dead]. Retroactive provision is a "substantial compliance" mandate of the Adam Walsh Act.
Note recent Ohio Supreme Court opinion finding retroactive application a violation of state constitution's ex post facto clause. State v. Williams, 2011 Ohio 3374. However, the Illinois Supreme Court has repeatedly held that sex offender registration is not punishment. People ex rel. Birkett v. Konetski, 233 Ill. 2d 185 (2009).

HB1258
Short Description: REIMBURSE FIRST RESPONDER-DRUG
Status: P.A. 97-434, eff. 1-1-12
720 ILCS multi

Summary
Amends the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that a person convicted of or placed on supervision for manufacturing or delivering a controlled substance, or methamphetamine whose violation proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of the emergency response.
Provides for additional assessments for persons convicted of any such offenses. Provides for the distribution of the additional assessments to various units of government. Provides that any moneys received by a law enforcement agency under these provisions shall be used to purchase law enforcement equipment that will assist in the prevention of drug related criminal violence throughout the State.
Amends the Clerks of Courts Act. Provides that of the amounts collected as fines under, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act for emergency response, 99% shall be deposited to the law enforcement agency or fund specified and 1% shall be deposited into the Circuit Court Clerk Operation and Administrative Fund to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law.

Sec. 411.4. Reimbursement of unit of government for emergency response.
(a) As used in this Section, "emergency response" means the act of collecting evidence from or securing a site where controlled substances were manufactured, or where by-products from the manufacture of controlled substances are present, and cleaning up the site, whether these actions are performed by public entities or private contractors paid by public entities.
(b) Every person convicted of violating Section 401, 407, or 407.2 of this Act whose violation proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of an emergency response and shall ***be assessed a fine of $750, payable*** to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating Section 401, 407, or 407.2 of this Act, the fine shall be $1,000, and the circuit clerk shall distribute the money to the law enforcement agency that made the arrest.
Methamphetamine Control Act's additional fine is $2,500 for a first offense and $5,000 for a second or subsequent offense.

Comment: Unconstitutional taking or legitimate conviction fee?
Fines and Fees 4th Dist.
People v. Brown, No. 4-10-0058 (March 18, 2011; 2011 Ill App Unpub LEXIS 765 – 4/21/11; no PLA) Adams Co. (MYERSCOUGH) Affirmed as modified; remanded with directions.

Defendant pled guilty to one count of aggravated DUI, in exchange for sentence of probation and dismissal of four other charges. Court's sentence ordering restitution of $269 to City Police Department properly included time spent preparing the restitution report and the supervisor's report, as this was part of the "costs of emergency response" subject to restitution per Vehicle Code. Defendant was entitled to credit against his fine, for time spent in custody prior to imposition of original sentence. Constitutionality not challenged. (KNECHT, concurring; APPLETON, concurring in part and dissenting in part.)

HB1272
Short Description: CRIM PRO- BOND CONDITION -FOID TO STATE POLICE
Status: P.A. 97-401, eff. 1-1-12
725 ILCS 5/110-10

Synopsis As Introduced
Amends the Code of Criminal Procedure of 1963. Provides that when a person is released prior to conviction (by bail payment or recognizance) and submits his or her FOID card to the clerk of the circuit court as a condition of bond, the circuit court clerk shall mail the confiscated card to the Illinois State Police.

HB1295
Short Description: VEH CD-SOS-CDL-MEDICAL CARD
Status: P.A. 97-208, eff. 1-1-12
625 ILCS multi

Synopsis As Introduced
Amends the Illinois Vehicle Code. Requires interstate Commercial Driver's License (CDL) holders subject to the physical qualification requirements of the Federal Motor Carrier Safety Regulations to provide a current original or copy of their medical examiner's certificate or medical variance to the Secretary of State prior to the issuance of a new, renewed, upgraded or transferred CDL. Provides that the Secretary is authorized to cancel the CDL of any person who fails to submit or submits a fraudulent medical examiner's certificate. Defines terms. Provides that a commercial motor vehicle may not be operated unless the driver has in his or her possession a copy of his or her medical variance, if one is required by law. Provides that no person shall be issued a commercial driver instruction permit or CDL unless the person certifies to the Secretary one of the following types of driving operations in which he or she will be engaged: (i) non-excepted interstate; (ii) non-excepted intrastate; (iii) excepted interstate; or (iv) excepted intrastate. Provides persons who hold a commercial driver instruction permit or CDL on January 30, 2012 must self-certify to the Secretary one of the above-mentioned classifications no later than January 30, 2014. Contains reporting requirements applicable to the Secretary. Provides that a driver's certification status shall become non-certified within 10 calendar days of the expiration of a medical examiner's certificate or medical variance or both and that failure to provide an updated medical examiner's certificate or medical variance or both within 60 calendar days of a driver's medical certification

status becoming non-certified shall result in cancellation of the CDL. Effective January 1, 2012.

*HB1298
Short Description: ST POLICE CITATION FUND
Status: P.A. 97-402, eff. 8-16-11
705 ILCS 105/27.3e; 20 ILCS 2605-375

Summary
Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that funds may be appropriated from the LEADS Maintenance Fund to the Department to finance any of its lawful purposes or functions in relation to defraying the expenses associated with establishing, maintaining, and supporting the issuance of electronic citations.
Amends the Clerks of Courts Act. Provides that the circuit court clerk shall remit electronic citation fees designated for the Department to the State Treasurer for deposit into the LEADS Maintenance Fund (now, the State Police Electronic Citation Fund). Effective immediately.

HB1315
Short Description: VEH CD-RIDING IN CARGO AREAS
Status: P.A. 97-0017, eff. 1-1-12
625 ILCS 5/11-1408

Summary
Amends the Illinois Vehicle Code. Replaces the language of the existing law prohibiting a person from occupying a house trailer or travel trailer while it is being towed upon a public highway with language prohibiting a person from occupying a trailer, semitrailer, farm wagon, or other vehicle while it is being towed upon a public highway, unless: the occupancy of the towed vehicle is necessary to avoid an imminent threat to a person's safety due to extreme weather conditions or another emergency situation; the speed of the vehicle does not exceed 15 miles per hour and the vehicle is used in connection with a parade, farming-related activity, or similar activity; or the speed of the vehicle does not exceed 15 miles per hour and the passenger is over the age of 18.

HB1317
Short Description: JURY-EXCLUDE PERM DISABILITY
Status: P.A. 97-436, eff. 1-1-12
705 ILCS 305/10.4 new; 705 ILCS 310/10.5 new

Summary
Amends the Jury Act. Provides that if a prospective juror is found to be unqualified or is excused due to a total and permanent disability, the county board, the jury administrator, or the jury commissioners shall permanently exclude the person from all jury lists. Provides that the proof of total and permanent disability shall be a licensed physician's written statement that

concludes that the person has a total and permanent disability as defined in the Act, describes the disability, and explains how it prevents service as a juror. Defines "total and permanent disability" as any physical or mental impairment, disease, or loss of a permanent nature that prevents performance of the duties of a juror.
Amends the Jury Commission Act. Provides that if a prospective juror is found to be unqualified or is excused due to a total and permanent disability, the jury administrator or the jury commissioners shall permanently exclude the person from all jury lists. Provides that the proof of total and permanent disability shall be a licensed physician's written statement that concludes that the person has a total and permanent disability as defined in the Act, describes the disability, and explains how it prevents service as a juror. Defines "total and permanent disability" as any physical or mental impairment, disease, or loss of a permanent nature that prevents performance of the duties of a juror.

*HB1339
Short Description: MUNI CD-MUNI BOND FEES
Status: P.A. 97-368, eff. 8-16-11.
65 ILCS 5/1-2-12.1 new

Synopsis As Introduced
Amends the Illinois Municipal Code. Provides that a municipality may impose a bail processing fee up to $20 against any person arrested for violating a bailable municipal ordinance or a State or federal law. Effective immediately.

HB1377
Short Description: VEH CD-TRUCK ROUTES/CDL GPS
Status: P.A. 97-291, eff. 1-1-12
625 ILCS 5/11-214 new; 625 ILCS 5/11-215 new

Summary:
Amends the Illinois Vehicle Code. Provides that local units of government shall report to the Illinois Department of Transportation and the Department shall post on its official website all preferred truck routes under the local unit of government's jurisdiction which are not classified as Class II or Class III truck routes. Provides that local units of government shall report their designated truck route network or lack of truck routes to the Illinois Department of Transportation. Provides that the Secretary of State shall include in its commercial drivers license curriculum and study guide, and in materials relating to obtaining or renewing a commercial drivers license, the distinctions between utilizing a truck-attributed global positioning system device and other non-truck-attributed global positioning system devices.
Further: (1) provides that the Department shall post on its website a local unit government's preferred truck routes and designated truck route network (2) provides that if a local unit of government has no preferred truck routes or designated truck routes (instead of only designated truck routes), the local unit of government shall affirm its lack of truck routes to the Department; and (3) provides that the Secretary of State shall develop and make available a

brochure regarding distinctions between utilizing different types of global position devices. Effective January 1, 2012.

*HB1385
Short Description: VEH CD-REMOVE SSN EXEMPTION
Status: P.A. 97-263, eff. 8/8/11
625 ILCS 5/6-106; 625 ILCS 5/6-110; 625 ILCS 5/6-510

Synopsis As Introduced
Amends the Illinois Vehicle Code. Removes the religious exemption to the requirement that an individual provide his or her social security number when applying for a driver's license or instruction permit. Removes provision for the use of a federal tax number or other distinctive number in lieu of a driver's license applicant's social security number. Removes provision for the use of an alternate identifying number in place of a commercial drivers license applicant's social security number. Effective immediately.

HB1484
Short Description: ID CARD-PHOTOGRAPH EXEMPTION
Status: P.A. 97-371, eff. 1-1-12
15 ILCS 335/4; 15 ILCS 335/5

Summary:
Amends the Illinois Identification Card Act. In provisions concerning Illinois Identification Cards and Illinois Disabled Person Identification Cards, authorizes the Secretary of State to provide by rule for the issuance of identification cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph.

Comment: SOS has publicly expressed reservations about the practice.

*HB1524
Short Description: MHDD CD-QUALIFIED EXAMINER
Status: P.A. 97-121, eff. 7-14-11
405 ILCS 5/3-807

Synopsis As Introduced
Amends the Mental Health and Developmental Disabilities Code. Provides that no respondent may be found subject to involuntary admission on an inpatient or outpatient basis unless at least one psychiatrist, clinical social worker, clinical psychologist, or qualified examiner (rather than at least one psychiatrist, clinical social worker, or clinical psychologist) who has examined the respondent (rather than who has examined him) testifies in person at the hearing. Effective immediately.

HB1553
Short Description: LAW ENFORC-PROP DISPOSE-CHARTY
Status: P.A. 97-028, eff. 1-1-12
765 ILCS 1030/3

Summary
Amends the Law Enforcement Disposition of Property Act. Provides that if there is property in the custody of a law enforcement agency whose ownership has been unascertained for at least 6 months, a sheriff, police chief, or principal law enforcement official, who determines that the public interest would be served, may donate the property to a registered charity or transfer the property to the local government of which the official is a part or to the State (instead of transfer the property to the local government of which the official is a part or to the State).
Further amends the Law Enforcement Disposition of Property Act. Provides that if the sheriff, chief of police, or other principal law enforcement official determines that the public interest would be best served by donating unclaimed property, he or she may donate unclaimed property that is worth less than $100, if the donation is approved by the governing body of which the law enforcement agency is a part (instead of donate the property), to a charitable organization that is currently registered with the State.

*HB1591
Short Description: MHDD CD-MEDICATION-ADMISSIONS
Status: P.A. 97-375, eff. 8-15-11
405 ILCS multi; 740 ILCS 110/11; 755 ILCS 5/11a-10

Synopsis As Introduced
Amends the Mental Health and Developmental Disabilities Code, the Mental Health and Developmental Disabilities Confidentiality Act, and the Probate Act of 1975. Adds provisions concerning: (i) the administration of psychotropic medication and electroconvulsive therapy on an inpatient and outpatient basis; (ii) the right of a community mental health provider or inpatient mental health facility to be represented by counsel during a respondent's commitment proceedings; (iii) the transportation of a mental health patient by a licensed ambulance service; (iv) the filing of an involuntary admission petition prior to the expiration of an agreed order for outpatient admission; (v) a respondent's right to object to a motion for voluntary dismissal; (vi) the extension of an order for admission on an outpatient basis; (vi) the right of a guardian ad litem to inspect and copy any medical or mental health records; and other matters. Effective immediately.

HB1593
Short Description: VEH CD-TRAFFIC CAMS-RENTAL CAR
Status: P.A. 97-029, eff. 1-1-12
625 ILCS multi

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that liability for an automated traffic law enforcement violation may be imposed on a vehicle lessee Provides that an authority shall request the name and address of a lessee who has committed a traffic law enforcement system violation within 120 days.
No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section. Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

HB1689
Short Description: CRIM CD-FINAN EXPLOIT-ELDERLY
Status: P.A. 97-482, eff. 1-1-12
720 ILCS 5/17-56 was 720 ILCS 5/16-1.3

Summary
Amends the Criminal Code of 1961 relating to financial exploitation of an elderly person or a person with a disability. Provides that the offense is a Class 1 felony if the value of the property is $50,000 (rather than $100,000) or more. Amends the Unified Code of Corrections relating to restitution. Permits restitution payments for financial exploitation of an elderly person or a person with a disability to be made in excess of 5 years.

*HB1702
Short Description: VEH CD-APPROVED DUI TESTERS
Status: P.A. 97-450, eff. 8-19-11
625 ILCS multi

Synopsis As Introduced
Amends the Illinois Vehicle Code. Adds licensed physician assistants and licensed advanced practice nurses to the list of persons qualified to draw blood for alcohol and drug testing. Effective immediately.

*HB1716
Short Description: FOIA-STORAGE & RETRIEVAL COSTS
Status: P.A. 97-579, eff. 8-28-11
5 ILCS 140/6; 140/2; 140/3.2 new; 140/9.5

Summary:

Amends the Freedom of Information Act. Creates separate FOIA guidelines for "recurrent requestors" to be answered within a reasonable period of time considering the size and complexity if the request. "Recurrent requestors" means a person that in the 12 months immediately preceding a request has submitted to the same public body any of the following: (1) a minimum of 50 requests for records; (2) a minimum of 15 requests for records within a 30-day period; or a minimum of seven requests within a seven-day period. News media and non-profit, scientific or academic organizations are exempt if the principal purpose of the request is academic, scientific, or public research or education. Within five business days the public body must notify the requestor that (1) the requestor is being treated as a recurrent requestor and why it is being treated as such; and (2) the requestor will get an initial response within 21 days with the four different authorized responses. Within 21 business days the public body must (1) estimate the time and estimated fees required to comply with the request; (2) deny the request citing the authority to do so; (3) notify the requestor that the request is unduly burdensome and give the requestor an opportunity to reduce it to manageable proportions; or (4) provide the records. A public body may charge a commercial request up to $10 for each hour spent by personnel in searching for and retrieving a requested record, except that no fees may be charged or the first eight hours. If the public records are maintained by contract with a third-party storage company in an off-site storage facility, the public body may charge for the actual cost of retrieving and transporting those public records. A requestor for commercial purposes may not appeal to the Public Access Counselor except for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose.

*HB1748
Short Description: CD CORR-PRISONER TESTING-HIV
Status: P.A. 97-323, eff. 8-12-11
730 ILCS multi

Summary:
Amends the Unified Code of Corrections. Provides that prior to the release of any inmate committed to a facility of the Department of Corrections or the Department of Juvenile Justice, the Department must provide the inmate with appropriate information verbally, in writing, by video, or other electronic means, concerning HIV and AIDS. Provides that the Department shall develop the informational materials in consultation with the Department of Public Health. Provides that at the same time, the Department must also offer the committed person the option of testing for infection with human immunodeficiency virus (HIV), with no copayment for the test. Provides that pre-test information shall be provided to the committed person and informed consent obtained as required in the AIDS Confidentiality Act. Provides that the Department may conduct opt-out HIV testing. Provides that the Department shall follow procedures established by the Department of Public Health to conduct HIV testing and testing to confirm positive HIV test results. Eliminates references to the ELISA test and the Western Blot Assay test. Eliminates provision that HIV information and testing provided to inmates is subject to appropriation.

Provides that nothing in these provisions shall require the Department to offer HIV testing to an inmate who is known to be infected with HIV, or who has been tested for HIV within the previous 180 days and whose documented HIV test result is available to the Department electronically.
Amends the County Jail Act. Provides that inmates of the Cook County Jail shall be provided information and testing conducted by an employee of the Cook County Health & Hospitals System (rather than the Bureau of Health Services). Provides that nothing in these provisions shall require the Cook County Health and Hospitals System to offer HIV testing to inmates who are known to be infected with HIV. Effective August 1, 2011.

HB1908
Short Description: CD CORR-METH CONVICTION; Rx EPHEDRINE
Status: P.A. 97-560, eff. 1-1-12
730 ILCS multi

Summary:
Amends the Unified Code of Corrections. Provides that as a condition of mandatory supervised release, probation, or conditional discharge a person convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense shall have access to pseudoephedrine restricted. Provides that the Department of Corrections shall establish procedures to provide notice to the Department of State Police of the release or discharge of persons convicted of violations of the Methamphetamine Control and Community Protection Act or a violation of the Methamphetamine Precursor Control Act. Provides that the Department of State Police shall make this information available to local, State, or federal law enforcement agencies upon request.
Provides that as a condition of mandatory supervised release, probation, or conditional discharge a person convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense may purchase, possess, or have under his or her control a product containing pseudoephedrine if prescribed by a physician.

HB1909
Short Description: CNTY CD-NOTICE TO APPEAR
Status: P.A. 97-561, eff. 1-1-12
55 ILCS 5/5-1114

Summary
Amends the Counties Code. Provides that in the case of a property maintenance code violation by a repeat offender, a notice to appear may be used as the proper service of process against the owner of the property. Sets forth the requirements of the notice. Further provides that the county shall post the notice on the property where the violation occurred, and if the owner fails to appear in court, the Court may issue a warrant or summons. Defines "repeat

offender" to mean a person who has been found guilty of 2 or more violations of a property maintenance code.
Further amends the Counties Code. Provides that the notice to appear may be issued by a code enforcement officer of the county where the violation occurred subject to the approval of an ordinance administrator. Further provides that the date to appear in court for a violation of the property maintenance code shall be no sooner than 15 days after the notice to appear is served upon the property owner.
Further amends the Counties Code. Provides that a notice to appear for a repeat violation of a property maintenance code shall include a statement that failure to correct the violation prior to the hearing date may result in a fine. Provides that "repeat offender" means a person who has been found guilty of 2 or more "similar" violations of a property maintenance code "at the same location in a 36-month period

HB1927
Short Description: FORFEITURE - BOND; TEMP RETURN
Status: Passed Senate w/; House Concur Cal

Senate Committee Amendment No. 1
Deletes reference to:
720 ILCS 5/12-30 (Order of Protection penalty)
Adds reference to:
720 ILCS 5/36-1.5
725 ILCS 150/3.5

Replaces everything after the enacting clause. Amends the Criminal Code of 1961 and the Drug Asset Forfeiture Procedure Act. Provides that upon making a finding of probable cause as to whether property is subject to forfeiture during a preliminary review, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding. Establishes procedures relating to forfeiture of conveyances. Provides that if the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the registered owner or his or her authorized designee shall post a cash security with the Clerk of the Court as ordered by the court. Provides that if the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. Provides that the court shall also make a determination of the full market value of the conveyance prior to it being released. Provides that if the conveyance subject to forfeiture is released and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. Provides that if the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. Effective January 1, 2012.

*HB1928
Short Description: OPEN PAROLE HEARING-VICTIM IMPACT
Status: P.A. 97-299, eff. 8-11-11
730 ILCS 105/5; 730 ILCS 105/35

Synopsis As Introduced
Amends the Open Parole Hearings Act. Defines "victim" to include any person legally related to the victim by blood, marriage, adoption, or guardianship, or any friend of the victim, or any concerned citizen. Provides that victim impact statements either oral, written, video-taped, tape recorded or made by other electronic means (rather than only written statements) shall not be considered public documents under provisions of the Freedom of Information Act. Effective immediately.

HB1929
Short Description: CD CORR-MEDICAL-INMATE CO-PAY
Status: P.A. 97-562, eff. 1-1-12
730 ILCS 5/3-6-2

Summary
Amends the Unified Code of Corrections. Increases from $2 to $5 the co-payment that a person committed to the Department of Corrections who is not otherwise exempt from the payment must pay to the Department for each visit for medical or dental services on a non-emergency basis.
Provides that for the purpose of exempting a committed person who is indigent from the co-payment for non-emergency medical or dental services only, defines "indigent" as a committed person who has $20 or less in his or her Inmate Trust Fund at the time of such services or for the 30 days prior to such services.

HB1958
Short Description: PREGNANT PRISONER-RESTRAINTS-COOK County
Status: Passed both Houses; STG 12/14/11
55 ILCS 5/3-15003.6

Summary
Amends the Counties Code, and the County Jail Act. Provides that a county (over 3 million) department of corrections and shall not apply security restraints to a prisoner that has been determined by a qualified medical professional to be pregnant and is known by the county department of corrections to be pregnant or in postpartum recovery, unless the corrections official makes an individualized determination that the prisoner presents a substantial flight risk or some other extraordinary circumstance that dictates security restraints be used to ensure the safety and security of the prisoner, her child or unborn child, a county department of corrections, or the medical facility, other prisoners, or the public. Provides that leg irons, shackles, or waist shackles

shall not be used on any pregnant or postpartum prisoner regardless of security classification.
Provides that the fiscal year report of every instance where restraints of pregnant prisoners were used shall be reported to the Illinois General Assembly and the Office of the Governor.
Provides that except for therapeutic restraints, no restraints of any kind may be applied to prisoners during labor; (2) provides that when restraints are necessary during transport of pregnant prisoners who are not in labor or pregnancy-related medical distress, restraints shall be limited to handcuffs in front; (3) provides that the County Department of Corrections shall require all security staff to undergo training in the treatment, movement, and transportation of pregnant prisoners during their initial training and shall also include such training as a component in an annual training program.

*HB1985
Short Description: PEACE OFFICERS-COMPLAINTS
Status: P.A. 97-472, eff. 8-22-11
50 ILCS 725/3.8

Summary
Amends the Uniform Peace Officers' Disciplinary Act. Requires that any sworn complaint against a peace officer that contains knowingly false and material information shall be presented to the appropriate State's Attorney for a determination of prosecution. Effective immediately.

HB2048
Short Description: DRUG PROCEEDS-TREATMENT
Status: P.A. 97-253, eff. 1-1-12
720 ILCS 550/12; 720 ILCS 570/505; 720 ILCS 646/85

Synopsis As Introduced
Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that the State's Attorneys from their share of the monies and the sale proceeds of all other property forfeited and seized under the Acts, in addition to other authorized purposes, may make grants to local substance abuse treatment facilities and half-way houses.

Comment: One of many recommendations of the Disproportionate Justice Impact Study Commission (P.A. 95-995, eff. 6-1-09)

HB2066
Short Description: JURY COMMISSN-UNEMPLOYMNT LIST
Status: P.A. 97-034, eff. 1-1-12
705 ILCS multi

Summary

Amends the Jury Act and the Jury Commission Act. Provides that lists of claimants for unemployment insurance shall be added to the other lists (Illinois driver's license, Identification Card, Disabled Person Identification Card, and registered voters lists) now used to create jury lists. Provides that the Director of the Department of Employment Security shall annually compile a list of persons who in the last 12 months filed a claim for unemployment insurance and shall send the list to the Secretary of State to be combined with lists of Illinois driver's license, Illinois Identification Card, and Illinois Disabled Person Identification Card holders to constitute the master list for jury lists.

Further amends the Jury Act and the Jury Commission Act. Provides that the Director of the Department of Employment Security shall annually compile a list of persons age 18 or older, who, in the prior 12 months, filed a claim for unemployment insurance and send the list to jury administrators, jury commissioners, and the Administrative Office of the Illinois Courts for use in the preparation of jury lists.

Further amends the Jury Act and the Jury Commission Act. Provides that the Department of Employment Security's unemployment lists shall be sent to the Administrative Office of the Illinois Courts (instead of to the Administrative Office of the Illinois Courts or the county board of each county), which shall furnish that list for the preparation of jury lists to the county board of each county, except that in those counties with jury commissions the Department shall furnish that list to the jury administrator or the jury commissioners. Provides that the list shall be in the format currently prescribed by the Administrative Office of the Illinois Courts.
In provisions stating that the list of unemployment insurance claimants shall be in the format currently prescribed by the Administrative Office of the Illinois Courts, adds language providing that the list shall be provided subject to federal regulation.

*HB2089
Short Description: CONTROLLED SUB-MDPV-SCHED-I
Status: P.A. 97-192, eff. 7-22-11
720 ILCS 570/204

Summary
Amends the Illinois Controlled Substances Act. Adds MDPV to the list of Schedule I controlled substances.
Adds certain cannabinoids to the list of Schedule I controlled substances. Effective immediately.

Comment: Methylenedioxypyrovalerone - Wikipedia, the free encyclopedia
Appearance · Pharmacology · Effects · Chemistry
Oz: Bath Salts| MDPV Bath Salts Drug Over The Counter. ^ News Desk Manager, Samantha Morgan (9 November 2010). "Parents cautioned against over the counter synthetic speed". en.wikipedia.org/wiki/MDPV

HB2093
Short Description: DCFS-CHILD ABUSE-REQUIRED RPTS
Status: P.A. 97-254, eff. 1-1-12
325 ILCS 5/4

Summary:
Amends the Abused and Neglected Child Reporting Act.
Provides that any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any office, clinic, or any other physical location (rather than any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, licensed professional counselor, office personnel, or volunteer of any office, clinic, or any other physical location) that provides abortions, abortion referrals, or contraceptives (rather than that provides abortions, abortion counseling, abortion referrals, contraceptives, contraceptive counseling, sex education, or gynecological care and services) having reasonable cause to believe a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department of Children and Family Services. Adds language providing that any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.

HB2193
Short Description: CRIM CD-CAUSTIC SUBSTANCES & LOG
Status: P.A. 97-565, eff. 1-1-12
720 ILCS 5/12-37 new; 720 ILCS 5/12-38 new

Summary:
Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for any person knowingly to have in his or her possession or to carry about any of the substances which are regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and are required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label. Establishes exemptions for commercial or consumer product sales (e.g. batteries), agricultural application, etc. Provides that the exemption to the prohibition on the possession and sale of the caustic and noxious substances applies only if the product is not used to threaten, intimidate, injure, or cause distress to another.

Provides that a person seeking to purchase a substance which is regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and is required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label, must prior to taking possession: (1) provide a valid driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and (2) *sign a log documenting* the name and address of the person, date and time of the transaction, and the brand, product name and net weight of the item. Provides that a violation is a business offense for which a fine not exceeding $1,500 may be imposed. Provides exemptions as above. Preempts home rule. Effective January 1, 2012.

*HB2265
Short Description: TRANSPORTATION-SCHOOL BUS
Status: P.A. 97-378, eff. 8-15-11
625 ILCS 5/11-1414.1; 625 ILCS 5/1-148.3a-5

Summary
Amends the Illinois Vehicle Code. Provides that "multifunction school-activity bus" means a school bus manufactured for the purpose of transporting 11 or more persons (rather than 11 to 15 persons), including the driver, whose purposes do not include transporting students to and from home or school bus stops. Effective immediately.

HB2267
Short Description: UNINSURED MOTOR VEHICLE – PENALTY
Status: P.A. 97-407, eff. 1-1-12
625 ILCS 5/3-707

Summary
Amends the Illinois Vehicle Code. Provides that a person convicted of a third or subsequent charge of operation of an uninsured motor vehicle shall be required to pay a fine of $1,000. Provides that if a person is convicted of the offense of operation of a motor vehicle causing bodily harm (currently a Class A) and has 2 or more previous convictions of operation of an uninsured motor vehicle or operation of an uninsured motor vehicle causing bodily harm, a fine of $2,500, in addition to any sentence of incarceration, must be imposed.

HB2362
Short Description: MENTAL HEALTH RECORDS – UNFITNESS
Status: P.A. 97-566, eff. 1-1-12
740 ILCS 110/10

Summary
Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that records and communications made to or by a therapist in the course of court-ordered treatment to render the recipient fit to stand trial or in the course of an assessment, diagnosis, screening, or treatment at an

outpatient facility, a residential treatment facility, or a local jail or detention center may be disclosed to a court-appointed therapist, psychologist, or psychiatrist (instead of in the course of court-ordered treatment to render the recipient fit to stand trial) for use in determining a person's fitness to stand trial. Provides that the records and communications shall be admissible only as to issues involving the recipient's physical or mental condition and only to the extent that these are germane to such proceedings.
Further amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that a recipient's records and communications may be disclosed to a court-appointed therapist, psychologist, or psychiatrist for use in determining a person's fitness to stand trial if the records were made within the 180-day period before the date of the mental health professional's court appointment. Provides that these records and communications shall be admissible only as to the issue of the person's fitness to stand trial.

Comment: Clarifies current (a) (1) exemption when litigant introduces his mental state in the litigation: "introduces his mental condition… as an element of his claim or defense."

*HB2550
Short Description: TOWNSHIP ENFORCEMENT OFFICER
Status: P.A. 97-330, eff. 8-12-11
60 ILCS 1/100-10

Summary:
Amends the Township Code. Provides that a township board may appoint one "or more" township enforcement officers, and may remove the officer with or without cause (now, for cause). Provides that township enforcement officers are authorized to enforce county ordinances within areas of a county located within the township pursuant to intergovernmental agreements between the respective county and township to the extent authorized by the agreement. Further provides that enforcement of county ordinances shall be in accordance with procedures adopted by the county and any applicable State law. Makes conforming changes. Effective immediately.

*HB2554
Short Description: COUNTY SHERIFF – AUXILLIARY DEPUTIES
Status: P.A. 97-379, eff. 8-15-11
55 ILCS 5/3-6013

Amends the Counties Code. In a Section concerning auxiliary deputies, provides that auxiliary deputies may receive compensation as set by the county board not to exceed the lowest hourly pay of a full-time sworn member of the regular county police or sheriff's department. Further amends the Counties Code. Provides that auxiliary deputies may receive compensation as is set by the County Board "with the advice and consent of the Sheriff". Effective immediately.

*HB2556
Short Description: MUNICIPAL PROSECUTOR FEE
Status: P.A. 97-331, eff. 8-12-11
55 ILCS 5/4-2002

Summary:
Amends the Counties Code. Provides that a municipality shall be entitled to a $25 prosecution fee for each violation of (i) the Illinois Vehicle Code prosecuted by the municipal attorney, (ii) a municipal vehicle ordinance, or (iii) a nontraffic ordinance which "results in a finding of guilt" (instead of "is tried") before a circuit or associate judge "or in which a defendant has stipulated to the facts supporting the charge or a finding of guilt and the court has entered an order of supervision". Further provides that the fee shall be taxed as costs to be collected from the defendant upon disposition of the case (now, upon conviction). Effective immediately.

*HB2558
Short Description: LOCAL GOVT – SPEC STATES ATTY
Status: Passed House; Passed Sen w/ amend; House Concur Cal

Adds reference to:
55 ILCS 5/3-9008 from Ch. 34, par. 3-9008

Synopsis As Introduced
Amends the Counties Code. Makes a technical change in a Section concerning the short title.

House Floor Amendment No. 1
Deletes reference to:
55 ILCS 5/1-1001
Adds reference to:
55 ILCS 5/3-9008 from Ch. 34, par. 3-9008

Replaces everything after the enacting clause. Amends the Counties Code. Provides that prior to appointing a private attorney to perform the functions of the State's Attorney, the court shall contact certain public agencies to determine a public prosecutor's availability to serve as a special prosecutor at no cost to the county. Provides that the county shall participate in all agreements relating to the compensation of a special prosecutor. Further provides that the power and authority of a special prosecutor shall not be expanded without prior notice to the county and an opportunity for the county to present information in court concerning the financial impact of an expansion. Sets forth limits on a court's interpretation regarding certain orders and the requirement of a county to pay legal fees. Effective immediately.

Senate Committee Amendment No. 1
Adds reference to:
5 ILCS 140/7 from Ch. 116, par. 207

Replaces everything after the enacting clause. Amends the Freedom of Information Act. Provides that certain matters under seal are exempt from inspection and copying. Amends the Counties Code. Provides that in the event that a verified petition is filed, by an officer of the court or any resident within the county, alleging the State's attorney is unable to perform some or all of his or her duties, then the court shall determine whether sufficient facts exist to justify the appointment of a competent attorney or attorneys to serve as special prosecutors. Sets forth provisions concerning pleadings, preferences, and hearings. Provides that when a special prosecutor is appointed, a proposed estimated budget shall be submitted. Sets forth the requirements concerning the budget. Further provides that special prosecutors shall be compensated for their service and sets limitations on that compensation.

Senate Floor Amendment No. 2
Provides that a circuit judge (rather than the court) shall hear and decide petitions alleging that a State's Attorney is unable to perform at least one of the duties of his or her office.

HB2581
Short Description: BAIL BFW FEE
Status: P.A. 97-175, eff. 1-1-12
725 ILCS 5/110-7

Summary
Amends the Code of Criminal Procedure of 1963. Provides that the payment of the $75 fee assessed by the court against an accused upon his or her admission to bail for failure to appear in certain cases in which a court appearance is required shall be a condition of release unless otherwise ordered by the court. Provides that if the Department of State Police is the arresting agency, $70 of the fee assessed shall be remitted by the clerk of the court to the State Treasurer within one month after receipt for deposit into the State Police Operations Assistance Fund.

Comment: meant to address argument that the bfw fee was payable only upon sentencing.

HB2590
Short Description: PRIVATE JAIL BAN
Status: P.A. 97-380, eff. 1-1-12
730 ILCS 140/2; 730 ILCS 140/3

Summary:
Amends the Private Correctional Facility Moratorium Act. Includes units of local government and county sheriffs in the prohibition on contracting with a private

contractor or private vendor for the provision of services relating to the operation of a correctional facility

HB2595
Short Description: DRUG-SCH 1 – CANNABINOID AGONISTS
Status: P.A. 97-193, eff. 1-1-12
720 ILCS 570/204

Summary
Amends the Illinois Controlled Substances Act. Adds to the list of Schedule I controlled substances certain cannabinoid agonists.

*HB2836
Short Description: TRANSPORTATION-TRUCK LENGTH
Status: P.A. 97-200, eff. 7-27-11
625 ILCS 5/15-107

Summary
Amends the Illinois Vehicle Code. Provides that a truck tractor semitrailer may draw one converter dolly or one semitrailer . Provides that length restrictions applicable to truck tractor-semitrailer-trailer combinations shall also be applicable to truck tractor semitrailer combinations. Effective immediately.

*HB2853
Short Description: GENERAL REVISORY
Status: P.A. 97-333, eff. 8-12-11
(Includes 625, 720, 725, 730 ILCS)

Synopsis As Introduced
Creates the First 2011 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.

HB2860
Short Description: VEH CD-MOTORCYCLES-RED LIGHTS
Status: P.A. 97-627, eff. 6-1-12
625 ILCS 5/11-208.6

Summary
Amends the Illinois Vehicle Code. Provides that in municipalities with less than 2,000,000 inhabitants, the driver of a motorcycle, facing any steady red signal which fails to change to a green signal within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight, has the right to proceed, after yielding the right of way to oncoming traffic facing a green signal,

subject to the rules applicable after making a stop at a stop sign. Provides that a county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

Comment: see SB2528 trailer bill – 120 second wait.

HB2917
Short Description: PRESCRIPTION REWRITE – Medication Shopping
Status: P.A. 97-334, eff. 1-1-12
720 ILCS multi

Summary:
Amends the Illinois Controlled Substances Act. Changes defined terms. Makes numerous changes relating to the scheduling, prescribing, and dispensing of controlled substances. Changes the list of anabolic steroids. Adds various substances to the Schedules. Permits an authorized prescriber to issue electronic prescriptions for Schedule II through V controlled substances if done in accordance with federal rules. Makes changes relating to the Prescription Monitoring Program; combines the Schedule II and Schedule III though V monitoring programs into a single program. *Defines and prohibits medication shopping and pharmacy shopping*, but it does not specify a penalty! Makes other substantive and technical changes.

Provides that nothing in the Act shall be construed to limit the authority of a hospital pursuant to the Nurse Practice Act to grant hospital clinical privileges to an individual advanced practice nurse to select, order or administer medications, including controlled substances to provide services within a hospital. Nothing in this Act shall be construed to limit the authority of an ambulatory surgical treatment center pursuant to the Nurse Practice Act to grant ambulatory surgical treatment center clinical privileges to an individual advanced practice nurse to select, order or administer medications, including controlled substances to provide services within an ambulatory surgical treatment center.

Deletes from the definition of "controlled substance" a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of 21 U.S.C. 352 (part B). Provides that an electronic prescription for a Schedule II, II, IV, or V controlled substance may be issued if done in accordance with the federal rules for electronic prescriptions, as amended.
Provides that: a Chief of Investigations of the Department of Financial and Professional Regulation's Division of Professional Regulation appointed by the Secretary of Financial and Professional Regulation on or after the effective date of the amendatory Act is a conservator of the peace and as such has all the powers possessed by policemen in municipalities and by sheriffs, except that he

or she may exercise such powers anywhere in the State; and any other employee of the Department of Financial and Professional Regulation appointed by the Secretary of Financial and Professional Regulation or by the Director of Professional Regulation on or after the effective date of the amendatory Act is not a conservator of the peace. Effective January 1, 2012.

Comment: DHS initiative with health care providers. Oddly, deceptive acquisition is now a Class 4 felony for the first offense under 720 ILCS 570/406, but is most commonly charged as a forged prescription (Class 3).
DHS may add a penalty for doctor/pharmacy shopping later. Per 730 ILCS 5/5-4.5-85, an unclassified offense is a petty offense or business offense.

*HB2935
Short Description: ELECTRONIC COMMUNICATION
Status: P.A. 97-303, eff. 8-11-11
720 ILCS 5/12-7.5; 720 ILCS 135/1-2

Synopsis As Introduced
Amends the Criminal Code of 1961 and the Harassing and Obscene Communications Act. Provides that "electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail (rather than transmissions by a computer through the Internet to another computer). Effective immediately.

*HB2936
Short Description: MHDD CD-INVOLUNTARY ADMISSION
Status: P.A. 97-130, eff. 7-14-11
405 ILCS 5/3-811; 405 ILCS 5/3-909

Summary
Amends the Mental Health and Developmental Disabilities Code. Provides that a transferring facility remains subject to the federal Emergency Medical Transport and Active Labor Act (EMTALA) when implementing a court order for the involuntary admission of a person on an inpatient basis or a court order for the transfer of a mental health patient to an alternative facility or program of alternative treatment. Requires a transferring facility to satisfy certain duties prior to implementing the order and in addition to those duties provided under the EMTALA. Effective immediately.

*HB2937
Short Description: ROADSIDE MEM-RECKLESS DRIVERS
Status: P.A. 97-304, eff. 8-11-11
605 ILCS 125/23

Synopsis As Introduced

Amends the Roadside Memorial Act. Provides that the fatal accident memorial marker program is repealed on December 31, 2012 (instead of December 31, 2011). Effective immediately.

HB3005
Short Description: TERM PARENTAL RTS – SEX OFFENSE - CONCEPTION
Status: P.A. 97-568, eff. 8-25-11
705 ILCS 405/1-3; 705 ILCS 405/6-9; 750 ILCS 45/6.5

Summary:
Amends the Juvenile Court Act. Provides that the term "parent" does not include a person who has been or could be determined under law to be a parent if that person has been convicted of or pled guilty or nolo contendere to a crime that resulted in the conception of the child (sec. 12-15[c] and 12-16[d] offenses exempted) unless any party to the juvenile court proceedings, other than the offender, makes a request that the court deem the offender to be a parent and the court finds that to do so for purposes of the juvenile court proceedings is in the child's best interest.
Amends the Illinois Parentage Act of 1984. Provides that a person who was convicted of or pled guilty or nolo contendere (instead of convicted or pled guilty) to a criminal offense that resulted in the conception of a child is not entitled to custody of or visitation with that child without the consent of the child's mother and the father cannot give this consent even if he is the guardian of the child or of the mother.

HB3033
Short Description: ICJIA GRANT TRAINING
Status: P.A. 97-435, eff. 1-1-12
20 ILCS 3930/7

Summary:
Amends the Illinois Criminal Justice Information Act. Provides that the Illinois Criminal Justice Information Authority shall have the power to provide technical assistance in the form of training to local governmental entities requesting such assistance for the purposes of procuring grants for gang intervention and gang prevention programs or other criminal justice programs from the United States Department of Justice.

*HB3042
Short Description: CONTROLLED SUBSTANCES-SCHED I
Status: P.A. 97-194, eff. 7-22-11
720 ILCS 570/204

Summary
Amends the Illinois Controlled Substances Act. Adds certain cathinone derivatives to the list of Schedule I controlled substances. Effective immediately.

Comment: Per Wikipedia...
Cathinone, or Benzoylethanamine, is a monoamine alkaloid found in the shrub Catha edulis (khat) and is chemically similar to ephedrine, cathine and other amphetamines. Cathinone induces the release of dopamine from striatal preparations that are prelabelled either with dopamine or its precursors.[1] It is probably the main contributor to the stimulant effect of Catha edulis. Cathinone differs from many other amphetamines in that it has a ketone functional group. Other amphetamines that share this structure include the antidepressant bupropion and the stimulant methcathinone, among others.

*HB3178
Short Description: WILDLIFE CODE-ROAD KILL
Status: P.A. 97-628, eff. 11-30-11
520 ILCS 5/2.30; 520 ILCS 5/2.31

Summary:
Amends the Wildlife Code. Provides that a person who possesses an appropriate license, stamp, or permit for fur-bearing mammals and the season for the species is open, shall be able to take or possess a fur-bearing mammal that is found dead or unintentionally killed by a vehicle along a roadway.
Makes a change in the provision concerning taking wild birds from any public right-of-way or highway. Makes corresponding changes. Effective immediately.

HB3238
Short Description: CD CORR, CERTAIN ARRESTEES-DNA
Status: P.A. 97-383, eff. 1-1-12
730 ILCS 5/5-4-3; 730 ILCS 150/8

Summary
Amends the Unified Code of Corrections and the Sex Offender Registration Act. Provides that the specimens of blood, saliva, or tissue shall be taken of persons arrested for certain offenses after an indictment has been returned by a grand jury, or following a preliminary hearing and a judge finds there is probable cause to believe the arrestee has committed one of the designated offenses, or an arrestee has waived a preliminary hearing. Provides that the specimens shall be provided within 14 days after indictment or a judicial finding of probable cause. Makes structural changes to the DNA analysis provisions. In the amendatory changes to the Sex Offender Registration Act, makes conforming changes. Upon dismissal or acquittal, expunction of DNA by operation of law (no exclusionary rule).
Offense list: (A) first degree murder; (B) home invasion; (C) predatory criminal sexual assault of a child; (D) aggravated criminal sexual assault; or (E) criminal sexual assault.

Comment: ISBA and CCPDO have for years asserted need for predicate pc finding to avoid dragnet arrests, and expunction in the trial court. Expect offense addition next year. Per ISP, as they have an intergovernmental agreement with the FBI/CODIS, expunction as a matter of law can be done, with notice to the defendant.

Majority of appellate courts have upheld the practice as constitutional, akin to fingerprint identification. See inter alia: *Anderson v. Virginia*, 274 Va. 469 (2007; cert denied); *U.S. v. Pool*, 621 F.3d 1213 (9th Cir. 2010; rehearing en banc granted 2011). ACLU will continue to oppose DNA collection pre-conviction, as they have a 9th Circuit appeal pending after denial of their California-Proposition 69 challenge in *Haskell v. Brown*, 677 F.Supp.2d 1187 (2009) .

*HB3273
Short Description: VETERANS MONUMENT PROTECTION
Status: P.A. 97-384, eff. 8-15-11
New Act

Synopsis As Introduced
Creates the Veterans' Monument Protection Act. Prohibits any business or recyclable metal dealer, as defined in the Recyclable Metal Purchase Registration Law, to purchase, accept, or give anything of value in exchange for any metal taken from the grave marker of a veteran. Provides that a business or recyclable metal dealer who commits a violation of the Act is guilty of a business offense and shall be fined a maximum of $1,000 per grave marker. Provides that upon discovering that metal from the grave marker of a veteran is missing, a cemetery official shall notify the local law enforcement agency and, if possible, the family of the deceased veteran. Effective immediately.

HB3274
Short Description: WILDLIFE – VETERAN FEES
Status: P.A. 97-498, eff. 4-1-12
515 ILCS 5/20-45; 520 ILCS 5/3.2

Summary
Amends the Fish and Aquatic Life Code. Commencing with the 2012 license year, sets (i) the fishing license fee for resident veterans after returning from service abroad or mobilization by the President at one-half of the fishing license fee for residents and (ii) the sportsmen's combination license fee at one-half of the sportsmen's combination license fee for residents. Requires veterans to provide verification of their service. Authorizes the Department to establish what constitutes suitable verification of service for the purpose of issuing these licenses to resident veterans at a reduced fee.
Amends the Wildlife Code. Commencing with the 2012 license year, sets the hunting license fee for resident veterans after returning from service abroad or mobilization by the President at one-half of the hunting license fee for residents. Requires veterans to provide verification of their service. Authorizes the Department to establish what constitutes suitable verification of service for the purpose of issuing hunting licenses to resident veterans at a reduced fee. Provides that veterans must provide to the Department, at one of the Department's 5 regional offices, verification of their service for the purpose of issuing licenses to a resident veteran for a reduced fee. Effective April 1, 2012.

HB3283
Short Description: CRIM CD-CHILD PORNOGRAPHY - FILMING
Status: P.A. 97-157, eff. 1-1-12
720 ILCS 5/11-20.1

Summary:
Amends the Criminal Code of 1961 in relation to child pornography. Provides that the commission of the offense by filming or videotaping or creating a moving image or possession of such film, videotape, or other moving depiction is a felony one class higher than photographing or possessing photographs of child pornography.
No liability for ISP's, etc.

HB3292
Short Description: CLEAR REORG – HARM TO CHILDREN OFFENSES, ETC.
Status: Passed Senate w/ amend; House Concur Cal

720 ILCS new & multi; 105 ILCS 5/21B-80; 225 ILCS 10/14.6; 225 ILCS 46/25; 325 ILCS 2/25; 625 ILCS 5/6-106.1; 625 ILCS 5/6-508; 720 ILCS various rep.
725 ILCS new & multi; 730 ILCS multi; 20 ILCS 505/7; 20 ILCS 2630/5.2; 65 ILCS 5/10-1-7; 70 ILCS 3605/28b; 225 ILCS multi; 625 ILCS 5/6-206; 705 ILCS multi; 740 ILCS 45/2 from Ch. 70, par. 72; 740 ILCS 128/10; 750 ILCS 5/503; 750 ILCS 50/1; 755 ILCS 5/2-6.2; 755 ILCS 5/2-6.6

Summary:
Amends the Criminal Code of 1961 to reorganize provisions concerning harms to children and incorporate provisions from certain other Acts concerning harms to children. Changes rebuttable presumptions to permissive inferences. Adds mental states. Moves the Yo-Yo Waterball Sales Prohibition Act. Moves the Hazing Act, the Neglected Children Offense Act, the Adoption Compensation Prohibition Act, the Child Curfew Act, the Improper Supervision of Children Act, and the Sale of Immoral Publications to Children Act. In various statutes, changes "mentally retarded" to "intellectually disabled."Amends various Acts to reintegrate the deletions above: make conforming changes, combine multiple versions of criminal statutes, correct cross-references, and make other changes. Effective January 1, 2012.

HB3300
Short Description: CRIME VICTIM ADVOCATE-TRAINING
Status: P.A. 97-572, eff. 1-1-12
725 ILCS 120/3, /4.5 & /6

Summary:
Amends the Rights of Crime Victims and Witnesses Act. Provides that the Office of the State's Attorney or victim advocate personnel shall provide information about available victim services, including referrals to programs, counselors, and agencies that assist a victim to deal with trauma, loss, and grief.

Further amends the Rights of Crime Victims and Witnesses Act. Regarding victim impact statement rights, *it deletes from the exempt definition* of "sentencing hearing" cases in which both parties have agreed to the imposition of a specified sentence.
Provides that *in any case where a defendant has been convicted of a violation of any statute, ordinance, or regulation relating to the operation* or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, except parking violations, *if the violation resulted in great bodily harm or death, the person who suffe*red great bodily harm, the injured person's representative, or the representative of a deceased person shall be entitled to notice of the sentencing hearing; (3) provides that if the injured person, the injured person's representative, or a representative of a deceased person is present in the courtroom at the time of sentencing, the injured person or his or her representative and a representative of the deceased person shall have the right to address the court regarding the impact that the defendant's criminal conduct has had upon them; and (4) provides that if more than one representative of an injured or deceased person is present in the courtroom at the time of sentencing, the court has discretion to permit one or more of the representatives to present an oral impact statement.

HB3331
Short Description: VEH CD-DRIV LIC-MILITARY DUTY
Status: P.A. 97-079, eff. 1-1-12
625 ILCS 5/6-115

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that the Secretary of State may defer the expiration of the driver's license of a licensee who is serving in the Armed Forces of the United States on active duty outside this State or who is the spouse or a dependent child living with such a licensee until up to 120 (instead of 90) days after the licensee's return to this State. Effective January 1, 2012.

*HB3342
Short Description: TOLLWAY ACT-PRIVACY PROTECTION
Status: P.A. 97-342, eff. 8-12-11
5 ILCS 140/7.5; 605 ILCS 10/19.1 new

Summary
Amends the Toll Highway Act and the Freedom of Information Act. Provides that the Illinois State Toll Highway Authority may not sell or otherwise provide to third parties personally identifiable information obtained through its electronic toll collection system. Provides that the Authority may store personally identifiable information only if the information is required to perform account functions such as billing, account settlement, or toll violation enforcement activities. Provides that the Authority shall establish a privacy policy containing certain provisions by December 31, 2011. Provides exceptions to the prohibition on release of personally identifiable information.

Provides that personally identifiable information generated through the Authority's toll collection process shall be exempt from release under the Illinois Freedom of Information Act. Effective immediately.

*HB3346
Short Description: ILLINOIS LAW ENFORCEMENT FUND
Status: P.A. 97-453, eff. 8-19-11
30 ILCS 105/5.786 new; 30 ILCS 105/6z-87 new; 705 ILCS 105/27.3a

Summary
Amends the State Finance Act. Creates the Illinois Law Enforcement Alarm Systems (ILEAS) Fund in the State treasury for use for support in law enforcement, airborne, and terrorism operations.
Amends the Clerks of Courts Act. Provides that the Director of State Police may direct the use of the additional fee paid by a defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision for homeland security purposes by quarterly transferring these fees into the ILEAS Fund. Provides that, subject to the approval of the ILEAS Executive Board, the amounts transferred from the additional fees into the Fund shall be allocated as follows: (i) 66.6% for homeland security initiatives and (ii) 33.3% for airborne operations. Effective immediately.

*HB3360
Short Description: PEOA-DISCHARGED CONVICTS
Status: P.A. 97-136, eff. 7-14-11
20 ILCS 1015/1d

Synopsis As Introduced
Amends the Public Employment Office Act. Provides that the Department of Employment Security in cooperation with the Department of Corrections shall seek to provide proper employment opportunities for discharged convicts or prisoners. Deletes obsolete references to the Department of Public Welfare. Deletes redundant language. Effective immediately.

HB3365
Short Description: FIREARMS-PROHIBITIONS- DOM VIOL
Status: P.A. 97-158, eff. 1-1-12
430 ILCS 65/4; 430 ILCS 65/8 ; 725 ILCS 5/112A-14; 750 ILCS 60/214

Summary
Amends the Firearm Owners Identification Card Act. Provides that a person who has been convicted of domestic battery, aggravated domestic battery, or violation of an order of protection shall not be able to obtain a Firearm Owner's Identification Card and any Card issued to such person shall be subject to revocation and seizure by the Department of State Police regardless of when the conviction occurred.

Amends the Domestic Violence: Order of Protection Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that a respondent against whom an order of protection was issued against shall not possess any firearms and shall surrender his or her Firearm Owner's Identification Card during the duration of the order where the order: (1) *was issued after a hearing* of which such person received actual notice, and at which such person had an opportunity to participate; (2) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (3)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

*HB3390
Short Description: CD C0RR-AGG ASSAULT ON POLICE-PENALTIES
Status: P.A. 97-159, eff. 7-21-11
730 ILCS 5/5-5-3

Summary
Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for aggravated assault committed by a person who, in committing an assault, uses a firearm, if the firearm is aimed toward the person against whom the firearm is being used, other than by discharging the firearm, against a peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical technician, employee of a police department, employee of a sheriff's department, or traffic control municipal employee: (1) performing his or her official duties; (2) assaulted to prevent performance of his or her official duties; or (3) assaulted in retaliation for performing his or her official duties. Effective July 1, 2011.

HB3403
Short Description: VEH CD VIDEO DEVICES
Status: P.A. 97-499, eff. 1-1-12
625 ILCS 5/12-604.1

Summary
Amends the Illinois Vehicle Code. Provides that a person may not operate a vehicle if a device capable of displaying a television broadcast or video signal that produces entertainment or business applications is operating and is located in the vehicle in a position where the moving images are visible to the driver while the vehicle is in motion.
Adds navigation displays to the list of exceptions to the prohibition and provides that exceptions to the prohibition apply whether or not the excepted equipment is permanently installed in a vehicle.

HB3417
Short Description: CD CORR-MONITORING FEE
Status: P.A. 97-454, eff. 1-1-12
730 ILCS 5/5-6-3; 730 ILCS 5/5-6-3.1

Synopsis As Introduced
Amends the Unified Code of Corrections. Provides that moneys collected from the fee imposed on defendants convicted of non-alcohol and non-drug offenses and placed on probation or conditional discharge shall be deposited in the probation and court services fund (rather than the working cash fund). Provides for transferring jurisdiction over an offender from the sentencing court to the court of another circuit.

HB3431
Short Description: CRIM CD-DELIVER STOLEN FIREARM
Status: P.A. 97-347, eff. 1-1-12
720 ILCS 5/16-16; 720 ILCS 5/16-16.1; 720 ILCS 5/24-3

Synopsis As Introduced
Amends the Criminal Code of 1961. Eliminates delivery as an element of possession of a stolen firearm and as an element of aggravated possession of a stolen firearm. In the statute concerning the aggravated possession of a stolen firearm, changes a reference from more than 31 firearms to 31 or more firearms. Establishes the elements of those offenses in the statute concerning unlawful sale of firearms. Changes the name of the offense to unlawful sale or delivery of firearms.

*HB3468
Short Description: DHS-MENTAL HLTH-RECORDS
Status: P.A. 97-138, eff. 7-14-11
20 ILCS 1705/10.1

Synopsis As Introduced
Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department of Human Services to record the menstrual cycles of every woman of child-bearing age who is admitted to and remains in a mental health facility for more than 60 days. Effective immediately.

*HB3500
Short Description: FOID-FOIA
Status: P.A. 97-080, eff. 7-5-11
5 ILCS 140/7.5

Summary:

Amends the Freedom of Information Act. Provides that the names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act are exempt from inspection and copying, except in criminal investigations as otherwise provided for in that Act. Effective immediately.

Comment: Injunction against disclosure of FOID card holders agreed to Dec. 8, 2011, in Peoria County [ISRA v. ISP, No. 11 CH 151].

SENATE BILLS

*SB63
Short Description: ADDTNL JUDICIAL CIRCUIT FROM 16TH
Status: P.A. 97-585, eff. 8-26-11
705 ILCS 35/1; 705 ILCS 35/2f-9; 705 ILCS 35/2f-10 new;
705 ILCS 35/2f-11 new

Summary:
Amends the Circuit Courts Act. Provides that the 16th judicial circuit (Kane, DeKalb, and Kendall Counties) is divided into the 16th judicial circuit (Kane County) and the new 23rd judicial circuit (DeKalb and Kendall Counties). Provides that the 16th judicial circuit shall have 4 subcircuits (instead of 5 subcircuits) and 7 resident judgeships elected at large. Provides that the 16th circuit shall have one additional resident judgeship to be filled by election at the 2012 general election. Provides that the Supreme Court shall allocate (i) all vacancies in resident judgeships of the 16th circuit existing on or occurring after the effective date and (ii) the new resident judgeship until there are 2 resident judges to be elected from each subcircuit. Provides that the 23rd judicial circuit shall have 6 resident judgeships. Contains provisions regarding the assignment or allotment of certain resident judgeships, appointments by the Supreme Court, the elimination of a judgeship, the election of certain judgeships, and related matters. Makes other and corresponding changes. Effective immediately.

Comment: Also see SB1586

SB64
Short Description: CRIM CD-FALSE PERSONATION
Status: P.A. 97-219, eff. 1-1-12
720 ILCS 5/17-2; 720 ILCS 5/32-5

Summary:
Amends the Criminal Code of 1961. Provides that in addition to other violations, a person commits a false personation when he or she knowingly and falsely represents himself or herself to be: (1) another actual person and does

an act in such assumed character with intent to intimidate, threaten, injure, defraud, or to obtain a benefit from another; or (2) a representative of an actual person or organization and does an act in such false capacity with intent to obtain a benefit or to injure or defraud another. Provides that a violation may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication. Provides that the trier of fact may infer that a person falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government if the person: (1) wears or displays without authority any uniform, badge, insignia, or facsimile thereof by which a public officer or public employee or official or employee of the federal government is lawfully distinguished; or (2) falsely expresses by word or action that he or she is a public officer or public employee or official or employee of the federal government and is acting with approval or authority of a public agency or department.

Comment: Partial response to fake Facebook pages being set up.
http://www.law.com/jsp/law/LawArticleFriendly.jsp?id=1202522461522&slreturn=1

*SB73
Short Description: METH PRECURSOR TRACKING
Status: Passed both Houses; 12/7/11 STG

New Act; 720 ILCS multi

Summary:
Creates the Methamphetamine Precursor Tracking Act. Establishes a statewide precursor tracking program coordinated and administered by the Illinois State Police to track purchases of targeted methamphetamine precursors across multiple locations: (1) for the likely purpose of manufacturing methamphetamine; (2) to starve methamphetamine manufacturers of the methamphetamine precursors they need to make methamphetamine; (3) to locate and shut down methamphetamine laboratories; and (4) ultimately to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois and beyond. Provides that every covered pharmacy must comply with the Act. Provides that the regulation of the tracking of methamphetamine precursors is an exclusive power and function of the State. Provides that a county or municipality, including a home rule unit, may not regulate the tracking of methamphetamine precursors. Provides that the tracking program created by the Act is the sole precursor tracking program in Illinois. Amends the Methamphetamine Precursor Control Act to make conforming changes. Also prohibits a county or municipality, including a home rule unit, from regulating the sale of targeted methamphetamine precursors and targeted packages. Effective immediately.

Comment: Expansion of pilot program in Williamson County (Marion) – P.A. 96-0050, eff. 10-21-09.

*SB74
Short Description: CRIM PRO-FITNESS- HEARING DATE
Status: P.A. 97-037, eff. 6-28-11
725 ILCS 5/104-20

Synopsis As Introduced
Amends the Code of Criminal Procedure of 1963 relating to a defendant found unfit to stand trial or plead and who is receiving treatment to attain fitness. Provides that the first hearing following the receipt by the court of the report from the supervisor of the defendant's treatment shall be set within 14 (rather than 21) days unless good cause is demonstrated why the hearing cannot be held. Effective immediately.

*SB106
Short Description: DCFS-ABUSED&NEGLECT CHILD-RPTS
Status: P.A. 97-387, eff. 8-15-11
325 ILCS 5/4; 325 ILCS 5/7; 325 ILCS 5/10

Summary
Amends the Abused and Neglected Child Reporting Act. Provides that the privileged quality of communication between any professional person required to report a suspected case of child abuse or neglect and his or her patient or client shall not constitute grounds for failure to share information or documents with the Department of Children and Family Services during the course of a child abuse or neglect investigation. Provides that written reports from persons required to report shall be admissible in evidence in any judicial proceeding or administrative hearing (rather than judicial proceeding) relating to child abuse or neglect. Provides that evidence shall not be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the child subject of the report and any person who is required to report a suspected case of abuse or neglect under the Act or the person making or investigating the report (rather than communications between the alleged perpetrator of abuse or neglect, or the child subject of the report and the person making or investigating the report).
Provides that if requested by a professional required to report an abused or neglected child, the Department of Children and Family Services shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation. Effective immediately.

SB151
Short Description: CRIM CD-ID THEFT-RFID-FELONY
Status: P.A. 97-388, eff. 1-1-12
720 ILCS 5/16G-10; 720 ILCS 5/16G-15; 720 ILCS 5/16G-20

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that a person commits identity theft when he or she knowingly uses, possesses, or transfers a radio frequency identification device capable of obtaining or processing personal identifying information from a radio frequency identification (RFID) tag or transponder with knowledge that the device will be used by the person or another to commit a felony violation of State law or any violation of the Identity Theft Law. Provides that, in addition to other elements of the offense, aggravated identity theft consists of the proscribed conduct. Establishes various penalties.

SB265
Short Description: SOMB membership
Status: P.A. 97-257, eff. 1-1-12
20 ILCS 4026/15

Summary:
Amends the Sex Offender Management Board Act. Requires that the appointment by the Governor of the member of the Sex Offender Management Board to represent probation services be based on the recommendation of the Illinois Probation and Court Services Association. Changes the composition of the Board by removing 4 members. Provides that the terms of the 2 members appointed by the Attorney General who are licensed mental health professionals with documented expertise in the treatment of sex offenders shall end on the effective date of the amendatory Act. Requires the Attorney General to appoint a member who is a licensed mental health professional with documented expertise in the treatment of sex offenders to fill the vacancy created by the amendatory Act.

SB956
Short Description: VEH CD-OSCILLATING LIGHTS
Status: P.A. 97-039, eff. 1-1-12
625 ILCS 5/12-215

Summary
Amends the Illinois Vehicle Code. Provides that blue oscillating, rotating or flashing lights and flashing white headlights and blue grill lights on certain emergency vehicles may be lighted when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

SB965
Short Description: VEH CD-AUTOMATED SPEED ENFORCE
Status: Passed both Houses; STG 12/8/11
625 ILCS 5/1-105.1 new; 625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Provides that in cities of over 1,000,000 inhabitants, a governmental agency may establish automated speed

enforcement (ASE) systems in designated safety zones. Defines terms. Provides that the municipality may impose liability on a registered owner of a vehicle that violates the applicable law, with exceptions. Provides that notwithstanding any other applicable consequences under the Illinois Vehicle Code, the penalty for and consequence of a traffic violation recorded by an ASE system is a civil fine not to exceed $100 for each violation. Contains provisions governing the expenditure of funds generated by the use of ASE systems. Provides that unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer within one-eighth of a mile and 15 minutes of a violation recorded by an ASE system, the owner of the vehicle will be liable for the civil penalty. Provides that a violation for which a civil penalty is imposed is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. Contains provisions concerning notice and administrative hearing procedures related to implementation of the amendatory Act. Provides that recorded images are confidential, with specified exceptions. Provides defenses to ASE system violations. Provides equipment and signage requirements. Provides that a municipality operating an ASE system shall conduct a statistical analysis to assess the safety impact of the system and provides procedures for conducting the statistical analysis. Adds severability language. Makes corresponding changes in other Sections of the Vehicle Code..
Provides testing requirements for ASE equipment and specifies that equipment shall be tested once each week. Provides that ASE systems shall be operational and violations shall be recorded only between 6 a.m. and 10 p.m. in safety zones based upon schools, and if the safety zone is based upon property owned by a park district, only between one hour before and one hour after the hours the property is open to the public. Provides that no penalty may be imposed for an ASE system violation if the recorded speed of a vehicle is 5 miles per hour or less over the legal speed limit, and that a municipality may send a speed violation warning notice where the violation involves a speed of 5 miles per hour or less above the legal speed limit. Effective July 1, 2012.

Comment: Also, see Trailer bill – SB1865.

*SB1035
Short Description: AG/SA ADMIN SUBPOENA – ISP SEX CRIMES
Status: P.A. 97-475, eff. 8-22-11
725 ILCS 5/115-17b new; 730 ILCS 5/5-8-4

Summary:
Amends the Code of Criminal Procedure of 1963. Provides that in any criminal investigation of an offense involving the sexual exploitation of children, the Attorney General, or his or her designee, or a State's Attorney, or his or her designee, may issue in writing and cause to be served subpoenas duces tecum to providers of electronic communication services or remote computing services requiring the production of records relevant to the investigation.
Includes in the definition of "offense involving the sexual exploitation of children", the offenses of solicitation to meet a child, grooming, and traveling to

meet a minor. Also provides that the offense must involve a victim under 18 years of age.
Provides that a witness who is duly subpoenaed who neglects or refuses to comply with the subpoena shall be proceeded against and punished for contempt of the court. Provides whenever a subpoena is issued under these provisions the Attorney General or his or her designee or the State's Attorney or his of her designee shall be required to provide a copy of the subpoena to the Chief Judge of the county in which the subpoena is returnable. Provides that notwithstanding any federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under these provisions, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of Illinois to any customer or other person for such production or for nondisclosure of that production to the customer.
Amends the Unified Code of Corrections. Provides that consecutive sentences shall be imposed when one of the offenses is child pornography or aggravated child pornography. Effective immediately.

Comment: Related to federal Stored Communications Act, 18 USC 2701 et seq.
Although there is no statutory exclusionary rule, 4th amendment and Illinois privacy concerns could arise – People v. Krueger, 175 Ill.2d 60 (1996).
United States v. Warshak, 631 F.3d 266 (6th Cir. 2010), Rehearing, en banc, denied by United States v. Warshak, 2011 U.S. App. LEXIS 5007 (6th Cir. Mar. 7, 2011)
OVERVIEW: Government agents violated defendant's Fourth Amendment rights by compelling an Internet service provider to turn over his emails without first obtaining a warrant based on probable cause. However, because the agents relied in good faith on provisions of the Stored Communications Act, the exclusionary rule did not apply.
Note: 4th amendment applicable to request for court order to obtain cell-site information (cell-tower usage) for a wireless telephone issued to an individual subscriber. In the Matter of Application, 736 F. Supp.2d 578 (USDC ED NY 2010) – denial of ex parte application for court order.
Phone users have no reasonable expectation of privacy in dialed telephone numbers (pen register). Smith v. Maryland, 442 US 735 (1979).

SB1037
Short Description: PROSTITUTION – CONVICTION VACATUR – HUMAN TRAFFICKING
Status: P.A. 97-267, eff. 1-1-12
725 ILCS 5/116-2.1 new

Summary:
Amends the Code of Criminal Procedure of 1963. Provides that a motion may be filed at any time following the entry of a verdict or finding of guilty where the conviction was first offender felony prostitution or a similar local ordinance and the defendant's participation in the offense was a result of having been a trafficking victim under the Criminal Code of 1961 or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act. Provides that the court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking, and sets forth evidence that may be considered by the court. Provides that if the

court grants a motion, it must vacate the conviction and may take such additional action as is appropriate in the circumstances.

SB1038
Short Description: CHILD ABDUCTION – UNLAWFUL PURPOSE DEFINED
Status: P.A. 97-160, eff. 1-1-12
720 ILCS 5/10-5

Summary
Amends the Criminal Code of 1961 relating to the offense of child abduction. Adds definitions of "express consent", "luring", and "unlawful purpose". "Unlawful purpose" means any misdemeanor or felony violation of State law or a similar federal or sister state law or local ordinance.
Changes provision that the luring or attempted luring of a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the child's parent or lawful custodian is prima facie evidence of other than a lawful purpose. Provides that the trier of fact may infer that such luring without the express consent of the child's parent or lawful custodian or with the intent to avoid the express consent of the child's parent or lawful custodian was for other than a lawful purpose.
Provides that a person convicted of this form of child abduction shall undergo a sex offender evaluation prior to a sentence being imposed. Provides that this form of child abduction when a person has a prior conviction of a sex offense as defined in the Sex Offender Registration Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense is a Class 2 felony.

SB1040
Short Description: SEX OFFENDER REGISTRY
Status: Passed Senate; Pass House w/ amend; Sen. Con Cal (no MTC)
730 ILCS 150 multi

Summary:
Amends the Sex Offender Registration Act. Includes in the definition of "sex offender" those persons convicted of conspiracy to commit the offense, or solicitation to commit the offense and who receives a disposition of court supervision, deferred sentence, deferred adjudication, or a similar disposition for the offense, an attempt to commit the offense, conspiracy to commit the offense, and solicitation to commit the offense. Includes in the definition of "sex offense", a second or subsequent conviction for luring a minor, unauthorized video recording and live video transmission, if the victim is under the age of 18, and certain federal offenses. Adds to the information the sex offender must provide to the registering law enforcement agency. Changes the period of registration for a person convicted or adjudicated of a misdemeanor sex offense from 10 to 15 years. Provides that any other person, other than a person who must register for his or her natural life, who is required to register under the Act shall be required to register for a period of 25 years after conviction or adjudication if not confined to a penal institution, hospital or any other

institution or facility, and if confined, for a period of 25 years after parole, discharge or release from any such facility. Establishes procedures that a law enforcement agency must take if a sex offender is non-compliant with the registration provisions. Provides that moneys in the Sex Offender Registration Fund shall be used by the Department of State Police to maintain and update the Illinois State Police Sex Offender Registry and for education and administration of any Section of the Act. Deletes provision that 50% of the moneys in the Fund shall be allocated by the Department for sheriffs' offices and police departments.

House Floor Amendment No. 2
Adds reference to:
730 ILCS 152/116
730 ILCS 154/5

Replaces everything after the enacting clause. Reinserts the provisions of the bill as amended. Further amends the Sex Offender Registration Act. Provides that a person who is required to register under the Act, other than: (1) a person who has been adjudicated to be sexually dangerous and later released, (2) a sexually violent person or sexual predator, (3) a person who becomes subject to registration under the Act who has previously been subject to registration under the Act or under the Child Murderer and Violent Offender Against Youth Registration Act or similar registration requirements of other jurisdictions, or (4) a person who is convicted or adjudicated of a misdemeanor sex offense, shall be required to register for a period of *25 years* after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 25 years after parole, discharge or release from any such facility. Provides that any such person required to register for a period of 25 years shall report in person to the law enforcement agency with whom he or she last registered no later than 6 months after the date of his or her last registration and every 6 months thereafter for the duration of his or her registration. Provides that a person who is convicted or adjudicated of a *misdemeanor sex offense* shall be required to register for a period of *15 years* after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 15 years after parole, discharge or release from any such facility. Eliminates sexual motivation for certain offenses committed against victims under 18 years of age. Amends the Sex Offender Community Notification Law. Provides that the Missing Sex Offender Information on the Internet page of the Department of State Police shall also include information that rewards may be (rather than are) available to persons who inform the Department of State Police or a local law enforcement agency of the whereabouts of a missing sex offender. Amends the Child Murderer and Violent Offender Against Youth Registration Act. Provides that the registration of a person who was registered under the Act before the effective date of the amendatory Act for the commission of the offense of kidnapping, aggravated kidnapping, unlawful restraint, or aggravated unlawful restraint when the victim was a person under 18 years of age or for child abduction committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful

purpose, shall be transferred to the Sex Offender Registry created under the Sex Offender Registration Act on the effective date of the amendatory Act. Provides that on and after the effective date of the amendatory Act, registration of a person who commits any of these offenses shall be under the Sex Offender Registration Act and not the Child Murderer and Violent Offender Against Youth Registration Act.

Comment: Does not include options under the Adam Walsh Act (42 USC 16901 et seq) to exclude Romeo & Juliet from SORA [720 ILCS 5/12-15c] and discretionary reduction of the SORA term @ 42 USC 16911[5][C].
Note, a misdemeanor "get off SORA early" bill died in House 36-73-1 as HB1139. ATSA & like-minded advocates contacted Senate sponsor with concerns about a categorical approach v.v. use of a risk assessment tool. Meeting this summer netted no consensus with ISP. AG's position is unclear.

SB1043
Short Description: COLD CASE REOPEN – VICTIM NOTICE
Status: P.A. 97-457, eff. 1-1-12
725 ILCS 120/4.5

Summary:
Amends the Rights of Crime Victims and Witnesses Act. Provides that when law enforcement authorities re-open a closed case to resume investigating, they shall provide notice of the re-opening of the case, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.

*SB1047
Short Description: ADDTL "PROBATION" COURT COST - $10 ALL CASES
Status: Passed Senate; House Rules
705 ILCS 105/27.3a; 730 ILCS 110/15.1

Summary:
Amends the Clerks of Courts Act. Provides that starting on the effective date of the amendatory Act and pursuant to an administrative order from the chief judge of the circuit or the presiding judge of the county authorizing such collection, a clerk of the circuit court in any county that imposes a court automation fee shall also charge and collect an additional $10 operations fee for probation and court services department operations. Provides that such fees shall be deposited into the probation and court services fund. Provides that the operations 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, except su*ch $10 operations fee shall not be charged and collected in cases governed by Supreme Court Rule 529 in which the bail amount is $120 or less. Provides that the collected monies shall be disbursed from the probation and court services fund only at the direction of the chief judge of the circuit or another judge designated by the Chief Circuit Judge in accordance with the policies and guidelines approved by the Supreme Court.

Amends the Probation and Probation Officers Act. Provides that in relation to the payment of salaries of probation officers and other court services personnel whose salaries are reimbursed under the Act in any State fiscal year that the appropriation for reimbursement to counties for probation salaries and services is less than the amount appropriated to the Supreme Court for these purposes for State Fiscal Year 2002, the Administrative Office of the Illinois Courts shall adjust this amount appropriated in 2002 by 3% per year and may continue to permit use of the probation and court services fund for salaries in any State fiscal year where the State reimbursement to counties is regularly delayed more than 4 months. Effective immediately.

SB1228
Short Description: CLEAR – THEFT REORGANIZATION
Status: P.A. 97-597, eff. 1-1-12
720 ILCS multi; 225 ILCS multi; 625 ILCS 5/6-205.2; 730 ILCS multi; 725 ILCS 5/111-4; 815 ILCS multi

Summary:
Amends the Criminal Code of 1961 to reorganize provisions relating to theft. Also makes other changes in those provisions, including with respect to scienter, inferences, and other matters. Amends various other Acts to make conforming changes. Effective January 1, 2012.

*SB1234
Short Description: MENTL HLTH MEDICATION RECORDS
Status: P.A. 97-515, eff. 8-23-11
740 ILCS 110/9.4 new

Summary:
Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that for purposes of treatment and coordination of care, State agencies, including the Department of Corrections, county jails, insurance companies, and integrated health systems, may disclose records of a recipient without the recipient's consent, if the recipient is in a program administered or operated by the Department of Healthcare and Family Services or the Department of Human Services to hospitals, physicians, therapists, emergency medical personnel and members of an interdisciplinary team treating a recipient with or without the recipient's consent. Provides that providers on an interdisciplinary care team treating a recipient may disclose the recipient's records without the recipient's consent to other members of the team. Provides that the records that may be disclosed are services rendered, providers rendering the services, pharmaceuticals prescribed or dispensed, and diagnoses. Provides that all disclosures must be made in a manner consistent with the federal Health Insurance Portability and Accountability Act (HIPAA). Provides that for a recipient in a program operated or administered by the Department of Healthcare and Family Services or the Department of Human Services, the recipient's records may be disclosed without consent by county jails, insurance companies, integrated health systems, and State agencies

(instead of county jails, insurance companies, and State agencies) to hospitals, physicians, therapists, emergency medical personnel, and members of an interdisciplinary team treating a recipient for the purposes of treatment and coordination of care; this type of disclosure must be consistent with existing federal and State laws and regulations and HIPAA (instead of consistent with HIPAA); and definitions of "integrated health system" and "interdisciplinary team". Effective immediately.

SB1292
Short Description: JUV COURT - POST RELEASE
Status: P.A. 97-518, eff. 1-1-12
705 ILCS 405/5-745

Synopsis As Introduced
Amends the Juvenile Court Act of 1987 giving the court the ability to require the Department of Juvenile Justice to report about efforts to secure post-release placement.

*SB1361
Short Description: AUTO THEFT PREVENTION-SUNSET
Status: P.A. 97-141, eff. 7-14-11
20 ILCS 4005/12

Synopsis As Introduced
Amends the Illinois Motor Vehicle Theft Prevention Act. Repeals the Act on January 1, 2016 (now, 2012). Effective immediately.

SB1470
Short Description: PRB PAROLE REHEARING – 5 YEARS
Status: P.A. 97-522, eff. 1-1-12
730 ILCS 5/3-3-5

Summary:
Amends the Unified Code of Corrections. Provides that the Prisoner Review Board may, after denying parole, schedule a rehearing no later than 5 (rather than 3) years from the date of the parole denial, if the Board finds that it is not reasonable to expect that parole would be granted at a hearing prior to the scheduled rehearing date.

SB1471
Short Description: PRB PAROLE HEARING – VICTIM IMPACT ACCESS
Status: P.A. 97-523, eff. 1-1-12
730 ILCS 5/3-3-4

Summary:

Amends the Unified Code of Corrections. 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.

*SB1554
Short Description: CRIM CD-TRESPASS-EXCEPTION
Status: P.A. 97-184, eff. 7-22-11
720 ILCS 5/21-3

Summary:
Amends the Criminal Code of 1961. Provides that the statute concerning criminal trespass to real property does not apply to the following persons while serving process: (1) civilian employees of the office of the county sheriff; (2) licensed private detectives under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; or (3) registered employees of a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the criminal trespass to real property statute does not apply to: (1) a person authorized to serve process under the Code of Civil Procedure; or (2) a special process server appointed by the circuit court.
Effective immediately.

*SB1585
Short Description: VEH CD-DRIVER'S LIC MED REVIEW
Status: P.A. 97-185, eff. 7-22-11
625 ILCS 5/6-103; 625 ILCS 5/6-901

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that the Secretary of State may accept written statements to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety from certain licensed physician assistants and advanced practice nurses (in addition to competent medical specialists). Amends the definition of "medical examiner" or "medical practitioner" found in the Driver's License Medical Review Law of 1992 to include certain licensed physician assistants and advanced practice nurses.
Effective immediately.

*SB1586
Short Description: ELECTION CODE CHANGES & 23d CIRCUIT COURT
Status: P.A. 97-081, Effective Date July 5, 2011; Generally Effective; Some parts effective on the Effective Date of Senate Bill 63 of the 97th General Assembly.

Summary:
Various changes to Election Code…
Adds provisions amending the Circuit Courts Act. Provides that if and only if the provisions of Senate Bill 63 of the 97th General Assembly become law: (i) the Supreme Court shall allot all vacancies in at large judgeships or resident judgeships from Kane County of the 16th circuit occurring after the 2012 general election (instead of shall allot all vacancies in at large judgeships existing on or occurring on or after the effective date), excluding a designated vacancy; (ii) an additional resident judgeship in the 16th Circuit shall be filled by election beginning at the 2012 general election and shall be assigned to subcircuit 2 for election (instead of assigned to subcircuit 2); (iii) the 23rd circuit shall have 7 (instead of 6) resident judgeships consisting of 5 existing resident judgeships, the added resident judgeship for Kendall County, and the resident judgeship created by the first vacancy of an at large judgeship (instead of an at large resident judgeship) or a resident judgeship in the new 16th circuit; and (iv) the added resident judgeship for Kendall County shall be filled at the 2012 general election.
Further, judicial candidates an only file nominating petitions for one vacancy in a subcircuit and one vacancy in a circuit in any one election filing period. In addition, in Cook County, the measure increases the number of signatures judicial candidates need on their nominating petitions from a minimum of 500 to at least 1,000. Effective immediately, except that provisions amending the Circuit Courts Act take effect upon becoming law or upon the effective date of Senate Bill 63 of the 97th General Assembly, whichever is later.

SB1589
Short Description: CRIM CD-WEAPONS-FELON-IMPRISON
Status: P.A. 97-237, eff. 1-1-12
720 ILCS 5/24-1.1

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that unlawful use or possession of a weapon by a felon who is not confined to a penal institution or who is on parole or mandatory supervised release is an offense for which the person shall receive a mandatory sentence of imprisonment. Class 2 or 3 felony, depending on criminal background (forcible felony).

Comment: Partial response to challenges to non-probationable UUW/gang statute – P.A. 96-0829, eff. 12-3-09. Next was Class 4 Non probationable UUW w/o FOID – P.A. 96-1107, eff. 1-1-11.

*SB1641
Short Description: VEH CD-LOW-SPEED VEHICLES
Status: P.A. 97-144, eff. 7-14-11
625 ILCS 5/11-1426.1; 625 ILCS 5/11-1426.2; 625 ILCS 5/1-148.3m rep.

Summary

Amends the Illinois Vehicle Code. Removes reference to neighborhood vehicles from the definition of "non-highway vehicle". Provides that a unit of local government may authorize the operation of low-speed vehicles on streets that have a speed limit of more than 30 miles per hour but not greater than 35 miles per hour, provided that it first considers the volume, speed, and character of traffic on the street and whether low-speed vehicles may travel safely on that street. Provides that if a street is under the jurisdiction of more than one unit of government, each unit of government must agree to allow low-speed vehicles on that street. Provides that upon authorization of low-speed vehicles on a street, appropriate signs shall be posted. Removes signs or decal requirements for low-speed vehicles.
Makes a change in a subsection reference so it conforms to the renumbered definition of "non-highway vehicle". Effective immediately.

SB1644
Short Description: VEH CD-TRUCK OVERWEIGHTS LIMITS
Status: P.A. 97-202, eff. 1-1-12
625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Defines "auxiliary power unit". Provides that trucks equipped with auxiliary power units may exceed weight limits by the lessor of the weight of the auxiliary power unit or 400 pounds, provided specified conditions are met. Provides that home rule counties or municipalities shall not impose further weight limits or require permits for any weight and size in excess of local restrictions on trucks and other commercial vehicles when gaining access to or egress from points of loading or unloading by the most direct and shortest route available. Makes changes to Sections concerning: the effect of provisions regarding weight and axle limits; requirements for clearance, identification, and side marker lamps; and when the Department of Transportation or a local authority may restrict highway use. Makes changes to a Section concerning wheel and axle loads and gross weights and conforming changes to various other Sections.
Provides that whenever the gross weight of a vehicle with a registered gross "weight of 77,000 pounds or less" exceeds certain weight limits by 2000 pounds or less, the owner or operator of the vehicle must remove the excess. Provides that whenever the gross weight of a vehicle with a registered gross "weight over 77,000 pounds or more" (instead of "weight of 77,000 pounds or more") exceeds certain weight limits by 1,000 pounds or less or 2,000 pounds or less if weighed on wheel load weighers, the owner or operator of the vehicle must remove the excess.
Provides for municipal exemptions for cities having a population of more than 50,000, upon notice to the department of such an ordinance enactment. Additional exemptions provided for public utility emergency repair vehicles, tow truck and vehicles, weight of APU, etc.

*SB1669
Short Description: VEH CD-SCHOOL BUS DRIVERS

Status: P.A. 97-224, eff. 7-28-11
625 ILCS multi

Summary:
Amends the Illinois Vehicle Code. Provides that a school bus driver permit may not be issued to persons who have been placed under court supervision for certain offenses. Provides that entities who have a contract to transport students, teachers, or other personnel of a school district for compensation shall not permit any person to operate a school bus or any first division vehicle, including a taxi, when used for a purpose that requires a school bus driver permit if the driver has not complied with requirements concerning school bus driver permit holders. Provides that vehicles used for purposes requiring a school bus driver permit may not have previously been in salvage or junk status and that drivers of such vehicles may not allow smoking within the vehicle while it is used for a purpose requiring a school bus driver permit. Provides that school districts must maintain copies of the school bus driver permits of each individual operating a vehicle for the school district for a purpose requiring a school bus driver permit. Provides that certain vehicles, including vehicles used for purposes requiring a school bus driver permit, must carry minimum personal injury liability insurance in the amount of $1,000,000 for one person in any one accident and $5,000,000 for 2 or more persons injured by reason of the operation of the vehicle in any one accident. Provides that vehicles used for purposes requiring a school bus driver permit must pass safety tests prior to registration and subsequently every 6 months. Provides that vehicles used for purposes requiring a school bus driver permit which are in safe mechanical condition shall be issued and display the Certificate of Safety and that a vehicle which is not in safe mechanical condition may not be operated on the highways until it has been repaired and passes a subsequent inspection. Effective immediately.

*SB1694
Short Description: CIV PRO-DECEASED-MED RECORDS
Status: P.A. 97-623, eff. 11-23-11
735 ILCS 5/8-802; 735 ILCS 5/8-2001; 735 ILCS 5/8-2001.5 new;
755 ILCS 45/4-3

Summary:
Amends the Code of Civil Procedure. Provides that, if there is no legally authorized personal representative for a deceased patient, the deceased had not appointed an agent under a power of attorney for health care who was authorized to act for the deceased after death, and the deceased had not specifically objected to disclosure in writing, a spouse, adult child, parent, or sibling of the deceased may request copies of the deceased patient's records and health care facilities and practitioners are authorized to provide a copy of those records upon payment of the statutory fee and a signed Authorized Relative Certification attesting to the fact that the person is authorized to receive the records. Sets forth the contents of the Authorized Relative Certification, provides for immunity, and amends other statutes to conform to the new provisions.

Amends the Illinois Power of Attorney Act. Adds the function of accessing medical records to the existing instances when a health care agency may extend beyond the principal's death which now are to allow for an anatomical gift, an autopsy, or the disposition of remains.
Further amends the Code of Civil Procedure. Adds a cross-reference to another part of the Code that describes 12 different circumstances under which a physician's records may be released to someone other than the patient. Provides that an adult relative of the deceased may request the deceased relative's health care records if there is no executor or administrator of the person's estate, no surviving spouse, and no agent authorized under a power of attorney for health care. Effective October 1, 2011.

SB1697
Short Description: CNTY CD-STATE'S ATTORNEYS FEES
Status: Passed both Houses in VS (eff. 6-1-12); STG 12/8/11
55 ILCS 5/4-2002; 55 ILCS 5/4-2002.1; 55 ILCS 5/3-4012 new

Summary:
Amends the Counties Code. Provides that State's Attorneys in counties of less than 3 million shall be entitled to a $2 fee paid by the defendant on a judgment of guilty or grant of supervision for any violation of the Illinois Vehicle Code, as well as any felony, misdemeanor, or petty offense. Provides that the fees shall be used by the State's Attorney's office to establish and maintain automated record keeping systems, and requires that the fees be remitted to the county treasurer to deposit into a special fund.
Further amends the Counties Code. Provides that State's attorneys and public defenders in counties of 3,000,000 or more shall be entitled to a $2 fee paid by the defendant on a judgment of guilty or grant of supervision for any violation of the Illinois Vehicle Code, as well as any felony, misdemeanor, or petty offense. Provides that the fees shall be used by the State's Attorney's office or Public Defender's office, as applicable, to establish and maintain automated record keeping systems, and requires that the fees be remitted to the county treasurer to deposit into a special fund.

SB1699
Short Description: CRIM CD-FINANCIAL CRIME
Status: P.A. 97-147, eff. 1-1-12
720 ILCS 5/16H-60

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that a financial crime, the full value of which exceeds $500,000 but does not exceed $1,000,000, is a Class 1 non-probationable felony. Provides that a financial crime, the full value of which exceeds $1,000,000, is a Class X felony.

SB1701
Short Description: DRUG OVERDOSE-911 USE IMMUNITY

Status: Passed both House; STG 12/15/11; eff. Date. 6-1-12
720 ILCS 570/414 new; 720 ILCS 646/115 new; 730 ILCS 5/5-5-3.1

Summary:
Amends the Illinois Controlled Substances Act and the Methamphetamine Control and Community Protection Act. Provides that a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose shall not be charged or prosecuted for Class 4 felony possession of a controlled, counterfeit, or look-alike substance, a controlled substance analog, or Class 3 felony methamphetamine **if** evidence for the possession charge was acquired as a result of the person seeking or obtaining emergency medical assistance. Provides that a person who is experiencing an overdose shall not be charged or prosecuted for Class 4 felony possession of a controlled, counterfeit, or look-alike substance, or a controlled substance analog, or in the case of methamphetamine Class 3 felony possession if evidence for the possession charge was acquired as a result of the person seeking or obtaining emergency medical assistance.
Further amends the Illinois Controlled Substances Act. Provides that the limited immunity shall only apply to a person possessing a specified recovered amount for possession of a controlled, look-alike, or counterfeit substance or a controlled substance analog in violation of the Act. (Ex. less than 3 grams of a substance containing heroin).
Amends the Methamphetamine Control and Community Protection Act. Provides that the limited immunity shall only apply to a person possessing a recovered amount of less than one gram of methamphetamine or a substance containing methamphetamine.
"The limited immunity described in subsections (b) and (c) of this Section shall not be extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search the person described in subsection (b) or (c) of this Section for criminal activity and the reasonable suspicion or probable cause is based on information obtained prior to or independent of the individual described in subsection (b) or (c) taking action to seek or obtain emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance. Nothing in this Section is intended to interfere with or prevent the investigation, arrest, or prosecution of any person for the delivery or distribution of cannabis, methamphetamine or other controlled substances, drug-induced homicide, or any other crime."
Amends the Unified Code of Corrections. Provides that it is a mitigating factor in sentencing that the defendant sought or obtained emergency medical assistance for an overdose and was convicted of a Class 3 felony or higher possession, manufacture, or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog under the Illinois Controlled Substances Act or a Class 2 felony or higher possession, manufacture or delivery of methamphetamine under the Methamphetamine Control and Community Protection Act.

Comment: Is a pre-trial hearing an option to force the State to show the possession prosecution was not the "direct result" of the 911 call? In the use immunity context, see United States v. Poindexter, 951 F.2d 369 (D.C. Cir. 1991).

SB1703
Short Description: CONSERVATION POLICE OPERATIONS
Status: P.A. 97-046, eff. 7-1-12
30 ILCS 105/5.786 new; 30 ILCS 105/6z-87 new; 705 ILCS 105/27.3a

Summary:
Amends the State Finance Act. Creates the Conservation Police Operations Assistance Fund as a special fund in the State treasury. Provides that the Department of Natural Resources may use moneys in the Fund to support any lawful operations of the Illinois Conservation Police.
Amends the Clerks of Courts Act. Provides that a clerk of the circuit court in any county that imposes a fee for automated record keeping shall charge and collect an additional fee in an amount equal to the amount of that fee. Provides that the additional fee shall be paid by the defendant upon a judgment of guilty or grant of supervision for specified offenses. Provides that the additional fee shall be deposited into the Conservation Police Operations Assistance Fund.
Senate Committee
Provides that the additional fee charged for conservation violations shall not be imposed twice for the same conservation violation. Makes the effective date of the bill July 1, 2012.

SB1708
Short Description: CRIM CD-HATE CRIME-EDUCATION
Status: P.A. 97-161, eff. 1-1-12
720 ILCS 5/12-7.1

Summary
Amends the Criminal Code of 1961. Provides that any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency for hate crime shall include a condition that the offender enroll in an educational program discouraging hate crimes if the offender caused criminal damage to property consisting of religious fixtures, objects, or decorations. Provides that the educational program may be administered, as determined by the court, by a university, college, community college, non-profit organization, or the Holocaust and Genocide Commission.
Provides that nothing prohibits courses discouraging hate crimes from being made available online. Effective January 1, 2012.

SB1739
Short Description: AGG INTIMIDATION-REPORT FELONY
Status: P.A. 97-162, eff. 1-1-12
720 ILCS 5/12-6.2

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that in addition to other elements of the offense a person commits aggravated intimidation when he or she commits the offense of intimidation and the person knew that the victim was a

civilian reporting information regarding a forcible felony to a law enforcement agency and the offense was committed because the person reported information regarding a forcible felony to a law enforcement agency.

SB1740
Short Description: CD CORR- MANDATORY SUP-RELEASE TERM IN ORDER
Status: P.A. 97-531, eff. 1-1-12
730 ILCS 5/5-8-1; 730 ILCS 5/3-3-7; 730 ILCS 5/3-3-8

Summary
Amends the Unified Code of Corrections by requiring that the parole or mandatory supervised release term shall be written as part of the sentencing order.
Further amends the Unified Code of Corrections clarifying date ambiguities and moving a clause regarding reduction of parole or mandatory supervised release upon passing the GED to another Section in the Code. Also provides that if the subject is in compliance with the terms and conditions of his or her parole or mandatory supervised release, the Prisoner Review Board may reduce the period of a parolee or releasee's parole or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma during the period of his or her parole or mandatory supervised release.

Comment: IDOC initiative. Partial response to People v. Whitfield, 217 Ill.2d 177 (2005), wherein the sentence was reduced due to failure to admonish about MSR term. People v. Morris, 236 Ill.2d 354 (2010) "encouraged trial court judges…to add the MSR term to the written order of conviction and sentence." Also, see People v. Rinehart, 406 Ill. App.3d 272 (4th D. 2010; pla granted) on the question of who sets the 3 years to natural life MSR term for certain sex offenses (730 ILCS 5/5-8-1(d)(4). Contra holding as to whether IDOC or trial court sets the MSR term in People v. Schneider, 403 Ill. App.3d 301 (2d D. 2010).
As to mandate of a 3-year MSR term for certain Class X (Class 2 recidivist) offenders, see People v. McKinney, 399 Ill. App. 3d 77 (2d D. 2010).
OVERVIEW: Trial court did not err in imposing three-year term of mandatory supervised release (MSR) upon defendant after he was convicted of Class 2 felony of robbery but his criminal history dictated he be sentenced as a Class X offender; under 730 ILCS 5/5-8-1(d)(1), the MSR had to be based on type of offender he was rather than on the offense committed.

*SB1754
Short Description: CRIM CD-AGG ASSAULT-JUV DETENT
Status: P.A. 97-225, eff. 7-28-11
720 ILCS 5/12-2

Synopsis As Introduced
Amends the Criminal Code of 1961. Includes in the offense of aggravated assault, the assault of an employee of a county juvenile detention center who provides direct and continuous supervision of residents of a juvenile detention

center, including an employee of a county juvenile detention center who supervises recreational activity for residents of a juvenile detention center. Effective immediately.

*SB1766
Short Description: CIV PRO-LEASE-CRIM ACTIVITY
Status: P.A. 97-235, eff. 8-2-11
735 ILCS 5/9-120

Synopsis As Introduced
Amends the Code of Civil Procedure. Provides that a written lease shall notify the lessee that if the lessee or any occupant uses or permits the use of the premises for a felony or Class A misdemeanor, the lessor may void the lease. Provides that the failure to include this warning in a written or oral lease does not waive or impair the lessor's rights. Provides that nothing in these provisions diminishes the lessor's other rights. Provides that a forcible entry and detainer action may be brought by the lessor, State's Attorney, or corporation counsel of the municipality in which the property is located. Makes other changes. Effective immediately.

*SB1807
Short Description: CD CORR-PAROLE VIOLATION
Status: P.A. 97-389, eff. 8-15-11
730 ILCS 5/3-14-2

Synopsis As Introduced
Amends the Unified Code of Corrections. Provides that the supervising officer of a parolee or releasee shall request the Department of Corrections to issue a parole violation warrant, and the Department shall issue a parole violation warrant if the parolee or releasee is charged with a felony offense of domestic battery (rather than domestic battery) or if the parolee or releasee is on parole or mandatory supervised release for a murder, a Class X felony or a Class 1 felony violation of the Criminal Code of 1961, or any felony that requires registration as a sex offender under the Sex Offender Registration Act (rather than 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. Effective immediately.

*SB1808
Short Description: CRIM CD-TAMPERING PUBLIC RCD
Status: Passed Senate; HJUD II
720 ILCS 5/32-8

Summary:
Amends the Criminal Code of 1961. Provides that any judge, circuit clerk or clerk of court, public official or employee, court reporter, or other person who knowingly and without lawful authority falsifies any public record received or

held by any judge or by a clerk of any court commits a Class 3 felony. Effective immediately.

Comment: Possible response to indirect contempt prosecution of Sangamon County judge for falsely noting on a ticket that it was a dismissal on State's motion.

- www.sj-r.com/top-stories/x445944328/Hall-pleads-guilty-law-license-to-be-suspended

*SB1828
Short Description: ORDERS OF PROTECTION -- IDOC
Status: P.A. 97-050, eff. 6-28-11
725 ILCS multi; 730 ILCS multi; 750 ILCS multi

Synopsis As Introduced
Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that personnel assigned by the Department of Corrections to investigate the alleged misconduct of committed persons or alleged violations of a parolee's or releasee's conditions of parole or mandatory supervised release may serve respondents with short form notifications of the issuance of orders of protection.
Amends the Unified Code of Corrections. Provides that as a condition of parole or mandatory supervised release, the parolee or releasee must immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department of Corrections. Provides that as a condition of parole or mandatory supervised release, the parolee or releasee must comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued pursuant to the Civil No Contact Order Act; or a no contact order issued pursuant to the Stalking No Contact Order Act. Effective immediately.

SB1837
Short Description: CD CORR-MENTAL HEALTH COURT – KANE COUNTY
Status: P.A. 97-440, eff. 1-1-12
730 ILCS 168/40 new

Amends the Mental Health Court Treatment Act. Provides that the mental health court currently operating in Kane County is directed to demonstrate the impact of alternative treatment court, crisis intervention training for first responders, and assisted outpatient treatment in reducing the number of mentally ill people admitted into the correctional system. Provides that the mental health court in Kane County is authorized to cooperate with one or more accredited mental health service providers to provide services to defendants as directed by the mental health court. Provides that the mental health court in Kane County is authorized to cooperate with one or more institutions of higher education to publish peer-reviewed studies of the outcomes generated by the mental health court.

SB1865
Short Description: AUTOMATIC SPEED ENF CHGO trailer bill
Status: Passed both Houses; STG 12/19/11
625 ILCS 5/11-208.8

Summary:
If and only if Senate Bill 965 of the 97th General Assembly becomes law in the form in which it passed the Senate, amends the Illinois Vehicle Code. Provides that if a safety zone is based upon the property line of any facility, area, or land owned by a school district, an automated speed enforcement system shall be operational and violations shall be recorded only on school days and no earlier than 6 a.m. and no later than 8:30pm if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday. Replaces existing civil penalties for automated speed enforcement system violations with the following civil penalties: a maximum of $50 if the recorded speed is no less than 6 miles per hour and no more than 10 miles per hour over the legal speed limit plus an additional penalty of not more than $50 if the original penalty is not paid in a timely manner; and a maximum of $100 if the recorded speed is more than 10 miles per hour over the legal limit plus an additional penalty of not more than $100 if the original penalty is not paid in a timely manner. Adds after school programs to the list of purposes for which the net proceeds from automated speed enforcement systems may be used. Effective July 1, 2012.

*SB1877
Short Description: POWER ATTY-HEALTH CARE-FORM
Status: P.A. 97-148, eff. 7-14-11
755 ILCS 45/4-10

Summary
Amends the Illinois Power of Attorney Act. Deletes language in the Illinois Statutory Short Form Power of Attorney for Health Care providing that: (i) the authority given to the agent who is to serve as the personal representative under HIPAA and its regulations and to access individually identifiable health information or authorize the release of that information to third parties takes effect immediately, even if the power of attorney states that the agency takes effect at some future date; and (ii) in information provided to the principal, the agent can act immediately as to the access to records and sharing of information, even if the agency takes effect at a later date.
Provides that the effective date is July 1, 2011.

SB1913
Short Description: VEH CD-TRUCK SPEED LIMITS
Status: P.A. 97-202, eff. 1-1-12
625 ILCS 5/11-601

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that speed limits for first and second division vehicles on 4-lane highways outside the counties of Cook, DuPage, Kane, Lake, McHenry, and Will shall be uniform. Effective January 1, 2012.

*SB1914
Short Description: CRIM CD-TRESPASS-POSTING-PURPLE MARK
Status: P.A. 97-477, eff. 8-22-11
720 ILCS 5/21-3

Summary
Amends the Criminal Code of 1961 relating to criminal trespass to real property. Provides that notice that entry to the property is forbidden may be posted by the owner or lessee of the property by placing identifying purple marks on trees or posts around the area to be posted. Prescribes the requirements for the *purple marks*. Provides that prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.
Provides that any owner or lessee who marks his or her real property using the method of purple marking on trees or posts around the area to be posted must also provide the oral or written notice described in the statute concerning criminal trespass to real property. Provides that the public of the State shall be informed of the purple marking provisions by the Illinois Department of Agriculture and the Illinois Department of Natural Resources. Provides that these Departments shall conduct an information campaign for the general public concerning the interpretation and implementation of the purple marking provisions. Provides that the Departments may prepare a brochure or may disseminate the information through agency websites. Provides that non-governmental organizations including, but not limited to, the Illinois Forestry Association, Illinois Tree Farm and the Walnut Council may help to disseminate the information regarding the purple marking requirements and its applicability based on materials provided by the Departments. Provides that this provision is inoperative on and after January 1, 2013.
Provides that the amendatory provisions do not apply if the real property is located in a municipality of over 2,000,000 inhabitants.
Provides that nothing in the new provisions shall be construed to authorize the owner or lessee of any real property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument.
Effective immediately.

*SB1924
Short Description: VEH CD, ID CARD ACT-VARIOUS
Status: P.A. 97-229, eff. 7-28-11
625 ILCS multi; 15 ILCS multi

Synopsis As Introduced

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Makes changes to provisions regarding: the issuance of driver's licenses and identification cards; confidentiality of driver medical reports; information on school bus driver permits; application of school bus driver permit restrictions; issuance of graduated licenses and probationary licenses; cancellation of licenses or permits; discretionary authority to suspend or revoke licenses or permits; impoundment or forfeiture of a vehicle related to multiple summary suspensions; length of summary suspensions; driver training schools; and commercial driver's licenses. Effective immediately.

*SB1949
Short Description: JUV CT-PERMANENCY HEARING
Status: P.A. 97-425, eff. 8-16-11
705 ILCS 405/2-28

Synopsis As Introduced
Amends the Juvenile Court Act of 1987 relating to abused, neglected, and dependent minors. Provides that the initial permanency hearing shall be held within 12 months from the date temporary custody of the minor was taken, regardless of whether an adjudication or dispositional hearing has been completed within that timeframe. Effective immediately.

Comment: Conforms practice to federal grant requirements.

*SB1950
Short Description: ABUSED CHILD ACT-FALSE RPTS
Status: P.A. 97-189, eff. 7-22-11
325 ILCS 5/4; 325 ILCS 5/7; 325 ILCS 5/7.6

Synopsis As Introduced
Amends the Abused and Neglected Child Reporting Act. Enhances the criminal penalty for persons who knowingly transmit a false report of child abuse or neglect to the Department of Children and Family Services. Some violations are Class 4 felonies. Effective immediately.

SB2004
Short Description: CRIM CD-AGG-ASSAULT & BATTERY
Status: P.A. 97-313, eff. 1-1-12
720 ILCS 5/12-2; 720 ILCS 5/12-4

Summary:
Provides that assault and battery are enhanced to aggravated assault and aggravated battery if the defendant knows the individual assaulted or harmed to be a person authorized to serve process under the Code of Civil Procedure or a special *process server* appointed by the circuit court; while that individual is in the performance of his or her duties as a process server.

SB2027
Short Description: CRIM CD-FORGERY-FALSE DOCUMENT
Status: P.A. 97-231, eff. 1-1-12
720 ILCS 5/17-3

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that a person commits forgery when, with intent to defraud, he or she knowingly makes a false document or alters any document to make it false and that document is apparently capable of defrauding another (rather than knowingly makes or alters a document apparently capable of defrauding another in such manner that it purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority). Defines "false document" or "document that is false" to include a document whose contents are false in some material way, or that purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority.

Comment: Partial response to Springfield judge who falsely noted a box "Motion dismiss State," when it was not; and People v. De Filippo, 235 Ill. 2d 377; 919 N.E.2d 921(2009) Overview: Plain language showed that "purports to have been made by another" was an essential part of the forgery statute, 720 ILCS 5/17-3(a)(1). Thus, a conviction was properly reversed, as letters did not purport to have been made by another or to have been made at another time, with different provisions, or under the authority of anyone besides defendant.

*SB2034
Short Description: VEH CD-FIRE MARSHAL-LIGHTS
Status: P.A. 97-149, eff. 7-14-11
625 ILCS 5/1-105; 625 ILCS 5/12-215

Synopsis As Introduced
Amends the Illinois Vehicle Code. Adds vehicles of the Office of the Illinois State Fire Marshal to the definition of authorized emergency vehicle. Provides that vehicles of the Office of the Illinois State Fire Marshal may use oscillating, rotating, or flashing lights. Effective immediately.

SB2040
Short Description: CRIM CD-USE OF RECORDED SOUND
Status: P.A. 97-538, eff. 1-1-12
720 ILCS 5/16-7

Summary
Amends the Section of the Criminal Code of 1961 creating the offense of unlawful use of recorded sounds or images. Provides that the offense of unlawful use of recorded sounds or images with respect to sound recordings

applies only to sound recordings that were initially recorded before February 15, 1972.

Comment: response to recent preemption case…
People v. Williams, No. 105453 (Nov. 19, 2009).
Illinois statute prohibiting pirating of sound recordings is preempted by federal copyright law. Illinois statute prohibiting improper labeling of sound recordings (without indicating name of manufacturer and artist) is not preempted, and is not a denial of free speech, as name of artist need be only the name used as performer. Labeling act is not denial of substantive due process as it is rationally related to legitimate public interest in protecting consumer from deceptive recordings and in preventing piracy.

SB2064
Short Description: VEH CD-SOS-SUSPEND REGIS GUNRUNNING
Status: P.A. 97-540, eff. 1-1-12
625 ILCS 5/3-704

Summary
Amends the Illinois Vehicle Code. The Secretary of State may suspend the registration of a vehicle when a court finds that the vehicle was used in a violation of Section 24-3A of the Criminal Code of 1961 relating to gunrunning. A suspension of registration under this subsection (c) may be for a period of up to 90 days. Effective date January 1, 2012.

SB2069
Short Description: CIV PRO-PROCESS SERVERS
Status: P.A. 97-427, eff. 1-1-12
735 ILCS 5/2-202

Summary:
Amends the Code of Civil Procedure. Provides that in counties with a population of less than 2,000,000, process may be served by a registered employee of a private detective agency. Provides that a detective or detective agency shall send a copy of his, her, or its individual detective license or detective agency certificate to the county sheriff in each county in which the detective or detective agency serves process. Provides that a detective agency shall maintain a list of its registered employees by category: a Permanent Employee Registration Card holder; a person whose application for a Permanent Employee Registration Card is pending; a current peace officer; and a licensed private detective. Provides that a detective agency shall send this list to any sheriff who requests the list.

SB2151
Short Description: JUVENILE DELINQUENT – JSORA TASKFORCE
Status: P.A. 97-163, eff. 1-1-12
20 ILCS 505/17a-5

Summary
Amends the Children and Family Services Act. Provides that the Juvenile Justice Commission shall study and make recommendations to the Governor and General Assembly to ensure the effective treatment and supervision of the specialized population of juvenile offenders who are adjudicated delinquent for a sex offense. Provides that the Commission shall utilize available information and research on best practices within the state and across the nation including, but not limited to research and recommendations from the U.S. Department of Justice. Provides that the Commission shall: consider requiring specially trained probation, parole or aftercare officers to supervise juveniles adjudicated as sex offenders; explore the development of individualized probation or parole orders which would include, but is not limited to, supervision and treatment options for juveniles adjudicated as sex offenders; and consider the appropriateness and feasibility of *restricting juveniles adjudicated as sex offenders from certain locations including schools and parks.*

*SB2162
Short Description: VEH CD SHERIFF PLTS – NO TRANSFER FEE
Status: P.A. 97-430, eff. 1-1-12
625 ILCS 5/3-808.1

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that beginning with the 2012 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs shall be exempt from fees related to the transfer of registration plates from one vehicle to another. Provides that each county sheriff shall submit to the Secretary of State a list of all vehicles issued permanent vehicle registration plates containing (1) the Vehicle Identification Number of the Vehicle; and (2) the corresponding license plate number. Provides that each county sheriff shall submit to the Secretary an annual report advising the Secretary of (1) any vehicles previously reported to the Secretary which have been wrecked and no longer in use; (2) any additional vehicles acquired for use by the county sheriff and designated deputy sheriffs; (3) any additional registration plates issued; and (4) any transfer of registration plates from a wrecked vehicle to its replacement. Provides that the Secretary shall adopt rules to implement the provisions of this amendatory Act. Effective immediately.

*SB2267
Short Description: CRIM CD-STALKING-THIRD PARTY
Status: P.A. 97-311, eff. 8-11-11
720 ILCS multi

Summary:
Amends the Criminal Code of 1961 concerning the offenses of stalking, aggravated stalking, cyberstalking, and violation of an order of protection. Provides that a defendant who directed the actions of a third party to commit any of these offenses, under the principles of accountability set forth in the

Criminal Code of 1961, is guilty of the offense as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant. Effective immediately.

SB2268
Short Description: DRUG ASSET FORFEITURE PRELIM
Status: P.A. 97-544, eff. 1-1-12
720 ILCS 5/36-1.5 new; 720 ILCS 550/12; 720 ILCS 570/505 720 ILCS 646/85; 725 ILCS 150/3.5 new; 725 ILCS 150/6

Summary:
Amends the Criminal Code of 1963 and the Drug Asset Forfeiture Procedure Act. Provides that within 14 days of seizure, the State shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture. Provides that, upon making a finding of probable cause, the circuit court shall enter a restraining order or injunction or take other appropriate action to ensure that the property is not removed from the court's jurisdiction and is not concealed, destroyed, or otherwise disposed of by the property owner or interest holder before a forfeiture hearing is conducted. Provides that judicial in rem forfeiture proceedings may be instituted if the value of the non-real property exceeds $150,000 (rather than $20,000), excluding the value of any conveyance.

Provides that the court shall issue the restraining order or injunction or other appropriate action to prevent concealment, removal, destruction, or other disposition of the property after a finding of probable cause that the property may be subject to forfeiture and after taking into account the respective interests of all known claimants to the property including the State.
Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that in the event of seizure of the property, notice shall be given forthwith to all known interest holders that forfeiture proceedings, including a preliminary review, shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act and such proceedings shall thereafter be instituted in accordance with that Act. Provides that upon a showing of good cause, the notice required for a preliminary review under these provisions may be postponed.

Comment: Initiative of the CCSAO after class certification in remand of Alvarez v. Smith 175 L.Ed.2d 447 (2009); USDC ND IL ED. Also see Don Ramsell's case pending before the Illinois Supreme Court – People v. One 1998 GMC, No. 110236

*SB2270
Short Description: VIOLENT OFFENSE YOUTH-REDEFINED
Status: P.A. 97-432, eff. 8-16-11
730 ILCS 154/5

Summary

Amends the Child Murderer and Violent Offender Against Youth Registration Act. Eliminates the application of the Act to certain offenses committed on or after July 26, 2010 (Domestic Battery now only when offender 18 or older and victim under 18, & some Aggravated Batteries excluded when defendant under age 18. Other offenses added). Provides for limited retroactive application of registration to certain specified offenses. Effective August 1, 2011.

Comment: Initiative of Loyola/Northwestern juvenile advocate.

*SB2271
Short Description: RACIAL IMPACT STUDY – SENTENCING NOTE
Status: P.A. 97-433, eff. 8-16-11
New Act

Summary
Creates the Racial and Ethnic Impact Research Task Force Act. Creates the Racial and Ethnic Impact Research Task Force to determine a practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrestees by State and local law enforcement agencies. Provides that the Task Force shall hold one or more public hearings, at which public testimony shall be heard.
Provides that the Task Force shall report its findings and recommendations to the General Assembly on or before July 1, 2012. Provides that the recommendations shall include, but are not limited to: (1) identifying a practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrestees by State and local law enforcement agencies; and (2) providing proposed legislation, drafted with the assistance of the Legislative Reference Bureau, and using the identified practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrestees by State and local law enforcement agencies, to create a Racial and Ethnic Impact Statement providing an analysis of the likely racial and ethnic identity of arrestees under proposed changes to the Criminal Code of 1961, the Code of Criminal Procedure of 1963, and the Unified Code of Corrections. Staffing provided by UIC Jane Addams College of Social Work/Great Lakes Addiction Technology Transfer Center. Members include OSAD and CCPDO. Effective immediately.

Comment: follow-up to Racial Impact Study Group in P.A. 95-0995, eff. 6-1-09.

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2011 Supreme Court Rule changes (eff. 12/7/11)
http://www.state.il.us/court/SupremeCourt/Rules/Amend/2011/default.asp

Rule 526 *Bail Schedule – Traffic offenses*
Certain truck offenses (adds 625 ILCS 5/3-401(d)
Deletes Leaving Scene of Accident – Death or Injury

Rule 529 *Fines on Written Pleas of Guilty in Minor Traffic & Conservation Offenses*
Adds violation of 625 ILCS 5/3-401(d)
Chief Judge may opt out of Court Supervision on written plea of guilty

Rule 553 *Posting Bail*
Where: adds weigh station or portable scale unit
In counties other than Cook: to sworn police officer

Rules 570-579 *Rules governing ordinance prosecutions (County or muni)*
Rule 571 – Code of Civil Procedure applies
Rule 572 – Form of Charging Document
Rul3 573 – Service of Charging Doc – NTA or cert mail
Rule 574 – Out of court settlement
Rule 575 – Failure to appear; Discovery; etc.
Rule 576 – No right to appointed counsel if jail not a penalty
Rule 577 – Jury demand fee
Rule 578 – Burden of proof (preponderance)
Rule 579 – Disposition and Appeal (includes restitution); Court supervision authorized

Rules 751 – 779 *ARDC prosecution of the unauthorized practice of law*

Rule 791 *Persons subject to MCLE requirement – includes judicial law clerks, etc.*