VETO SESS ION 2011 & 2012 Bills Enacted

Updated as of 8/28/12

Full enacted Public Act should be reviewed before reliance.

Comments are those of the writer only.

http://www.ilga.gov/

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HB196
Short Description: POLICE MERIT BD CONVICTION FEE
Status: P.A.97-1051, eff. 1-1-13
20 ILCS 2610/7.2 new 30 ILCS 105/5.811 new 705 ILCS 105/27.6

Summary
Amends the State Police Act. Creates the State Police Merit Board Public Safety Fund which shall be used to provide training for law enforcement personnel. Provides that the fund is not subject to sweeps or any other fiscal or budgetary maneuver from that fund into another State fund.
Amends the State Finance Act to add the State Police Merit Board Public Safety Fund as a special fund in the State treasury.
Amends the Clerks of Courts Act. Provides that in addition to any other fines and costs, a person who is convicted of or pleads guilty to a violation of the Criminal Code of 1961, or of a similar provision of a local ordinance, or who is convicted of, pleads guilty to, or receives a disposition of court supervision for a violation of the Illinois Vehicle Code, or of a similar provision of a local ordinance, shall pay an additional fee of $15 to the circuit court clerk. Provides that this fee shall not be considered a part of the fine for purposes of any fine reduction for time served. Provides that 2.5% of the fee shall be retained by the clerk to defray administrative costs. Provides that the clerk shall send the fees collected under this provision to the State Treasurer within 60 days after receipt for deposit into the State Police Merit Board Public Safety Fund.

*HB909
Short Description: PUBLIC CORRUPTION FORFEITURE – ADD OFFENSE
Status: P.A. 97-657, eff. 1-13-12
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.

*HB930
Short Description: LAW ENF FED GRANTS – NO MOTORCYCLE ONLY
Status: P.A. 97-746, eff. 7-6-12
30 ILCS 105/8.56 new

Summary .
Amends the State Finance Act. Provides that a law enforcement agency of this State or a political subdivision of this State may not accept federal funding the purpose of which is to establish motorcycle-only roadside checkpoints. Effective immediately.

HB1554
Short Description: LIQUOR - UNDERAGE DRINKING
Status: P.A. 97-1049, eff. 1-1-13
235 ILCS 5/6-16

Summary
Amends the Liquor Control Act of 1934. Provides that a parent or guardian who knowingly permits his or her residence, or any other private property under his or her control, to be used by an invitee, under the age of 21, of the parent's child or the guardian's ward in a manner that constitutes a violation of the Act's prohibited sales and possession provisions is guilty of a Class A misdemeanor. Provides that a parent or guardian is deemed to have knowingly permitted his or her residence, or any other private property under his or her control, to be used in violation of the Act if he or she knowingly authorizes or permits consumption of alcohol by underage invitees. In provisions concerning the use of a residence by an underage invitee, modifies some of the elements of the offense by (i) providing that any person, including a tenant or lessee, who knowingly authorizes or permits a residence which he or she occupies to be used by an invitee under 21 years of age for possession or use of an alcoholic beverage violates the Act, if other specified conditions are met; and (ii) by striking the requirement that the person occupying the residence know that the underage person who possesses or consumes alcohol left the residence intoxicated. Provides that a person shall not be in violation of the provisions of this Act concerning prohibited underage alcohol consumption at a residence if (A) he or she requests assistance from the police department or other law enforcement agency to either (i) remove any person who refuses to abide by the person's performance of his or her legal duties under this Act or (ii) terminate the activity because the person has been unable to prevent a person under the age of 21 years from consuming alcohol despite having taken all reasonable steps to do so and (B) this assistance is requested before any other person makes a formal complaint to the police department or other law enforcement agency about the activity.

Note: Exemption for minor under direct supervision of parent/guardian in the privacy of a home. 235 ILCS 5/6-20(g); People v. Finkenbinder, 2011 IL App (2d) 100901.

HB1708
Short Description: CRIM CD-SILENCER-EXEMPTION
Status: P.A. 97-676, eff. 6-1-12
720 ILCS 5/24-1.2-5 720 ILCS 5/24-2

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that the offense of unlawful use of weapons relating to the possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of a firearm and the offense of aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm do not apply to a peace officer while serving as a member of a tactical response team or special operations team. Provides that a peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. Provides that these devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.

*HB1907
Short Description: CRIM CD, LITTLE RICO – PENALTY
Status: P.A. 97-686, eff. 6-11-12
720 ILCS new 33G

Summary
Amends the Criminal Code of 1961. Adds the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law (RICO) as a new Article of the Code. Defines criminal enterprise as any group of individuals associated in fact for an illegal purpose, with an ascertainable structure distinct from the pattern of predicate activity. Applies to organizers, recruiters, operators, etc. Predicate felonies specified (Class 2 or higher). Creates offense of intentional participation in the operation or management of the enterprise (super X 7-30) and unlawful acquisition of real or personal property (includes money) – Class X 6-30. Unlawful death of a person as a necessary and natural consequence of any violation nets a term of imprisonment of 25 years to natural life.

Further creates remedial procedures and forfeiture to disgorge illicit proceeds. Provides that "pattern of predicate activity" means at least 3 occurrences of predicate activity that are in some way related to each other and that have continuity between them, and that are separate acts; limits "predicate activity" to Class 2 or higher felonies that involve the various proscribed offenses and to acts under the laws of another jurisdiction for an offense that could be charged as a Class 2 or felony or higher in this State; provides that the State's Attorney, or a person designated by law to act for him or her and to perform his or her duties during his or her absence or disability, may authorize a criminal prosecution under the RICO Law; provides that

prior to any State's Attorney authorizing a criminal prosecution under the RICO Article, the State's Attorney shall adopt rules and procedures governing the investigation and prosecution of any offense enumerated in the RICO Article; provides that nothing in the RICO Article shall be construed as to make unlawful any activity which is arguably protected or prohibited by the National Labor Relations Act, the Illinois Educational Labor Relations Act, the Illinois Public Labor Relations Act, or the Railway Labor Act; provides that the following organizations, and any officer or agent of those organizations acting in his or her official capacity as an officer or agent, may not be sued in civil actions under the RICO Article: (i) a labor organization; or (ii) any business defined in Division D, E, F, G, H, or I of the Standard Industrial Classification as established by the Occupational Safety and Health Administration, U.S. Department of Labor; prescribes that federal law (7th Cir. Jury instructions) is a guide for interpretation of the Law; and provides that a labor organization and any officer or agent of that organization acting in his or her capacity as an officer or agent of the labor organization are exempt from prosecution under the RICO Article. Further provides a 5-year sunset provision. Effective immediately.

Comment: 7th Circuit jury instructions are located @
http://www.ca7.uscourts.gov/Pattern_Jury_Instr/pattern_jury_instr.html

*HB1927
Short Description: CRIM CD-FORFEITURE BOND
Status: P.A. 97-680, eff. 3-16-12
720 ILCS 5/36-1.5 725 ILCS 150/3.5

Summary:
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.

HB1958
Short Description: PREGNANT PRISONER-RESTRAINTS [COOK COUNTY]
Status: P.A. 97-660, eff. 6-1-12
55 ILCS 5/3-15003.6

Summary:
Amends the Counties Code,for counties over 3 million population. Provides that a county department of corrections and the Illinois Department of Corrections 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 or the Illinois 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, the staff of the Illinois Department of Corrections, 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. Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that the county department of corrections official is immune from civil liability when applying security restraints to pregnant prisoners or those in postpartum recovery, except for willful and wanton conduct.
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. Also: (1) 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; and (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.

HB2582
Short Description: CLEAR BILL – REORG #1 – CRIM CD 2012
Status: P.A. 97-1108, eff. 1-1-13
20 ILCS, 625 ILCS, 720 ILCS, 730 ILCS multi

Summary
Amends the Criminal Code of 1961 and certain other Acts. Moves, adds, deletes, renumbers, repeals, and changes certain provisions. Adds or changes mental states for certain offenses. Changes certain statutory evidence presumptions to permissive inferences. Repeals various Acts and replaces those Acts by adding certain provisions from those Acts to the Criminal Code of 1961. Reassign Illinois Compiled Statutes designation for various Acts. Renames the "Criminal Code of 1961" as the "Criminal Code of 2012". Makes statute cross-reference changes.

HB3366
Short Description: CLEAR BILL – REORG #2
Status: P.A. 97-1109, eff. 1-1-13
20 ILCS, 625 ILCS, 720 ILCS, 730 ILCS multi

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. Creates the Yo-Yo Waterball Sales Prohibition Act containing provisions similar to the provisions of the Criminal Code of 1961 prohibiting the sale of yo-yo waterballs. Repeals the Hazing Act, the Neglected Children Offense Act, the Adoption Compensation Prohibition Act, and the Child Curfew Act, all of which are being relocated into the Criminal Code. Amends various Acts to: make conforming changes, combine multiple versions of criminal statutes, correct cross-references, and make other changes.

HB3782
Short Description: RIGHT TO PRIVACY IN THE WORKPLACE-SOCIAL NET
Status: P.A. 97-875, eff. 1-1-13
820 ILCS 55/10

Summary:
Amends the Right to Privacy in the Workplace Act. Provides that it is unlawful for an employer to request a password or other account information in order to access an employee's or prospective employee's social networking website. Permits employers to maintain lawful workplace policies relating to Internet use, social networking site use and electronic mail use. Permits employers to obtain, regarding employees and prospective employees, information in the public domain and information obtained in compliance with this amendatory Act. Defines terms.

*HB3801
Short Description: CRIM CD-HEROIN DELIVERY & TOBACCO FLAVOR
Status: P.A. 97-917, eff. 8-9-12
720 ILCS 685/4 720 ILCS 685/5 730 ILCS 5/5-5-3

Summary
Amends the Unified Code of Corrections. Provides that the offense of knowingly manufacturing or delivering heroin, or possessing heroin with intent to manufacture or deliver, is not eligible for probation, conditional discharge, or periodic imprisonment if the amount of the heroin is 3 (rather than over 5) grams or more. Class 1 felony.

Amends the Tobacco Accessories and Smoking Herbs Control Act. Provides that a person shall not knowingly sell, give away, barter, exchange, or otherwise furnish to any person any wrapping paper or wrapping leaf, however characterized, including, without limitation, cigarette papers, blunt wraps, cigar wraps, or tubes of paper or leaf, or any similar device, for the purpose of making a roll of tobacco or herbs for smoking, that is or is held out to be, impregnated, scented, or imbibed with, or aged or dipped in, a characterizing flavor, other than tobacco or menthol, including, without limitation, alcoholic or liquor flavor, or both, chocolate, fruit flavoring, vanilla, peanut butter, jelly, or any combination of those flavors or similar child attractive scent or flavor. Provides that a violation is a petty offense for which the offender shall be fined an amount of not less than $100 and not more than $1,000. Effective immediately.

*HB3806
Short Description: JUV CT-CHRONIC TRUANT DEFINED
Status: P.A. 97-975, eff. 8-17-12
705 ILCS 405/3-33.5

Synopsis As Introduced
Amends the Juvenile Court Act of 1987. In the provision relating to truant minors in need of supervision, changes the definition of "chronic truant" to having the meaning ascribed to it in the School Code. Effective immediately.

HB3825
Short Description: RECYCLABLE METAL-PURCHASES
Status: P.A. 97-923, eff. 1-1-13
815 ILCS 325 multi

Summary .
Amends the Recyclable Metal Purchase Registration Law. Mandates use of an electronic record-keeping system for each purchase of recyclable metal. Requires a photograph or video of the seller and of the materials as presented on the scale. Purchase records shall be retained for 3 years (now 2). Photographs shall be retained for 3 months; videos recordings for one month.
Restricts certain purchases of governmentally identified property, cemetery plaques, etc. Provides exemptions for units of government, utilities, etc.
Metal dealer shall not pay cash for air conditioner evaporator coil or condenser having a value of $100 or more; it must be by check. Suspected lost or stolen property must be reported immediately to law enforcement. Class A for first offense; Class 4 for second or subsequent offense.

*HB3826
Short Description: SCHOOL CD&CRIM CD-SERVICE DOGS

Status: P.A. 97-956, eff. 8-14-12
105 ILCS 5/14-6.02 720 ILCS 630/Act title 720 ILCS 630/0.01 720 ILCS 630/1

Summary
Amends the School Code and Guide Dog Access Act. In provision permitting a service animal to accompany a student with a disability at all school functions, whether in or outside the classroom, defines "service animal" to include miniature horses - an animal trained or being trained as: a hearing animal; a guide animal; an assistance animal; a seizure alert animal; a mobility animal; a psychiatric service animal; or an autism service animal. Provides that reasonable accommodations must be sought for the use of a service animal to accompany a person with a disability in places of public accommodation.

Changes the short title of the Guide Dog Access Act to the Service Animal Access Act and makes the Act applicable to animals other than dogs. Also permits a person accompanied by a service animal and the service animal access and use of a public place of accommodation even if the animal is not wearing a harness, backpack, or vest identifying it as a service animal; Violation of the Act is a Class C misdemeanor. Effective immediately.

*HB3887
Short Description: ABUSED CHILD-MANDATED REPORTRS
Status: P.A. 97-711, eff. 6-27-12
325 ILCS 5/4

Synopsis As Introduced
Amends the Abused and Neglected Child Reporting Act. Adds personnel of institutions of higher education, athletic program personnel, and early intervention providers to the list of mandated reporters under the Act. Effective immediately.

HB3888
Short Description: BOATS-AQUATIC LIFE TRANSPORT
Status: P.A. 97-850, eff. 1-1-13
625 ILCS 45/5-23 new

Synopsis As Introduced
Amends the Boat Registration and Safety Act. Provides that no person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in waters of this State if it has any aquatic plants or aquatic animals attached to the exterior of the vehicle, seaplane, watercraft, or other object. Provides that no person may take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached to the exterior of the seaplane, vehicle, watercraft, or other object. Provides exceptions. Provides that a person must comply with instructions given by a law enforcement officer who has reason to believe that the person is in violation of the new provisions. Provides that the Department of Natural Resources shall produce and make copies available of a notice

containing a summary of the new provisions and that owners of boat access sites must post and maintain a copy of the notice.

*HB3948
Short Description: VEH CD-POLICE CDL EXEMPTION
Status: P.A. 97-750, eff. 7-6-12
625 ILCS 5/6-500

Synopsis As Introduced
Amends the Illinois Vehicle Code. Exempts police emergency equipment from the definition of "commercial motor vehicle". Effective immediately.

HB3982
Short Description: TAXI SAFETY-DRIVER REQUIREMENT
Status: P.A. 97-1062, eff. 1-1-13
625 ILCS 55/15 new

Summary
Amends the Taxi Safety Act of 2007. Contains legislative findings. Taxi safety reporting. In counties in which vehicle citation records are not readily available to the public, the clerk of the circuit court shall furnish a list of all moving violations involving a taxi or an individual licensed or registered as a taxi driver upon the request of a unit of government that licenses, registers, or otherwise regulates taxi drivers.

*HB3986
Short Description: ELDER ABUSE-INTERNET RPT TOOL
Status: P.A. 97-860, eff. 7-30-12
320 ILCS 20/4

Summary
Amends the Elder Abuse and Neglect Act. Provides that the Department on Aging or the agency designated to receive mandated reports of elder abuse, neglect, financial exploitation, or self-neglect may establish a manner in which a mandated reporter can make a report of elder abuse, neglect, financial exploitation, or self-neglect through a Internet reporting tool. Provides that information sent and received through the Internet reporting tool is subject to the same rules as other types of confidential reporting established by the designated agency or the Department. Effective immediately.

*HB4003
Short Description: MHDD CD-MANDATED FORMS

Status: P.A. 97-752, eff. 7-6-12
405 ILCS 5/3-201 405 ILCS 5/4-202

Summary
Amends the Mental Health and Developmental Disabilities Code. Provides that the Department of Human Services shall publish all forms concerning admission to mental health and developmental disability facilities in electronic format and post the forms to its website (rather than print and furnish an initial supply of such forms to the clerks of the circuit courts). Effective immediately.

HB4013
Short Description: RECYCLABLE METAL – COPPER
Status: P.A. 97-924, eff. 1-1-13
815 ILCS 325/3

Synopsis As Introduced
Amends the Recyclable Metal Purchase Registration Law. Provides that recyclable metal dealers in this State shall enter specified identifying information into forms provided by the Department of State Police and shall keep a copy of the form for a specified period for each transaction involving the purchase of recyclable metal containing copper in addition to purchases of recyclable metal valued at $100 or more and metal street signs.

HB4028
Short Description: ADOPTION-DCFS-CONSENT FORM
Status: P.A. 97-1063, eff. 1-1-13
750 ILCS multi 325 ILCS 5/3

Summary
Amends the Abused and Neglected Child Reporting Act. Expands the definition of the term "person responsible for the child's welfare" to include any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services.
Amends the Adoption Act. Creates the Adoption Advisory Council and sets forth its membership. Provides that Council members shall receive no compensation for their service. Provides that the Council shall meet no less often than once every 6 months and shall make recommendations regarding the development of rules, procedures, and forms that will ensure efficient and effective operation of the adoption process and the effective delivery of adult post-adoption services. Provides that the Adoption Registry Advisory Council and the Confidential Intermediary Council shall turn over their records to the Adoption Advisory Council and shall cease to function. Deletes provisions that established the Confidential Intermediary Advisory Council. Repeals a provision that established the Adoption Registry Advisory Council. Makes other changes.

Further amends the Adoption Act. In provisions creating the Adoption Advisory Council, provides that the Director of Public Health and the Director of Children and Family Services shall serve as co-chairpersons. Provides that the Council has only an advisory role to the Directors and may make recommendations to the pertinent department regarding the development of rules, procedures, and forms that will promote the efficient and effective operation of the Illinois Adoption Registry, the Office of Vital Records as it pertains to the Registry and access to the non-certified copy of the original birth certificate, and the Confidential Intermediary Program in Illinois. Makes various changes in the functions of the Council. . Effective January 1, 2013, except specified provisions take effect upon becoming law.

*HB4031
Short Description: CD CORR- SPAC SUNSET
Status: P.A. 97-775, eff. 7-13-12
730 ILCS 5/5-8-8

Synopsis As Introduced
Amends the Code of Corrections. Extends the sunset repeal of the Illinois Sentencing Policy Advisory Council from December 31, 2012 to December 31, 2015. Effective immediately.

*HB4063
Short Description: FIREARM OWNERS ID-FIREARM
Status: P.A. 97-776, eff. 7-13-12
430 ILCS 65/1.1

Synopsis As Introduced
Amends the Firearm Owners Identification Card Act. Excludes from the definition of "firearm", any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or (rather than and) which has a maximum muzzle velocity of less than 700 feet per second. Effective immediately.

HB4081
Short Description: CRIM CD-EAVESDROPPING EXEMPT (NARCs)
Status: P.A. 97-846, eff. 1-1-13
720 ILCS 5/14-3

Synopsis As Introduced
Amends the Criminal Code of 1961. Exempts from an eavesdropping violation, with prior notification to and verbal approval of the State's Attorney or his or her designee of the county in which the conversation is anticipated to occur, recording or listening with the aid of an eavesdropping device to a conversation in which a law enforcement officer, or any person acting at the direction of a law enforcement officer, is a party to the conversation and has

consented to the conversation being intercepted or recorded in the course of an investigation of a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or a felony violation of the Methamphetamine Control and Community Protection Act. Provides that whenever any wire, electronic, or oral communication has been intercepted as a result of this exception that is not related to a felony violation of the Illinois Controlled Substances Act, felony violation of the Cannabis Control Act, or felony violation of the Methamphetamine Control and Community Protection Act or conspiracy related to those violations, no part of the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State if the disclosure of that information would be in violation of this provision unless the violation involves a forcible felony.

Comment: Existing par. (g) has limited admissibility: if a party injured or for impeachment..

See Sun-Times editorial in opposition.
http://www.suntimes.com/opinions/12868419-474/editorial-bad-bill-would-erode-privacy-rights.html

HB4119
Short Description: SHARK FIN BAN
Status: P.A. 97-733, eff. 1-1-13
515 ILCS 5/5-30 new

Summary
Amends the Fish and Aquatic Life Code. Provides that a person may not possess, sell, offer for sale, trade, or distribute a shark fin. Defines "shark" and "shark fin". Provides that a "shark fin" means a raw, dried, or otherwise processed fin.

Comment: Unclassified offenses are petty or business offenses… 730 ILCS 5/5-4.5-85

*HB4145
Short Description: COUNTIES-INOPERABLE VEHICLES
Status: P.A. 97-779, eff. 7-13-12
55 ILCS 5/5-12002.1 new 625 ILCS 5/4-203 65 ILCS 5/11-40-3.1

Summary
Amends the Counties Code. Makes legislative findings. Defines "hazardous dilapidated motor vehicle". Authorizes a county board to declare by ordinance all inoperable motor vehicles, whether on public or private property and in view of the general public, to be hazardous dilapidated motor vehicles. Further provides that a county board may authorize a law enforcement agency to remove certain hazardous dilapidated motor vehicles.
Amends the Illinois Vehicle Code. Provides that when a vehicle is determined to be a hazardous

dilapidated motor vehicle pursuant to certain Sections, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

Amends the Counties Code and the Illinois Municipal Code. Provides that Sections authorizing a county board or the corporate authorities in municipalities of more than 1,000,000 inhabitants, as applicable, to remove certain hazardous dilapidated motor vehicles do not apply to motor vehicles on the premises of a place of business engaged in the selling of motor vehicles. .

Further amends the Counties Code. Provides that the ordinance concerning the removal of inoperable vehicles shall include a requirement that notice must be sent by certified mail to either the real property owner of record or the vehicle owner at least 10 days prior to removal. . Effective immediately..

*HB4453
Short Description: SEX TRANSMISSIBLE-PRISONERS
Status: P.A. 97-928, eff. 8-10-12
410 ILCS 325/9

Summary
Amends the Illinois Sexually Transmissible Disease Control Act. Provides that the Department of Public Health, in consultation with the Department of Corrections (instead of the Department of Corrections and local health departments), shall develop and implement written procedures that establish a process for confidentially notifying and recommending sexually transmissible disease testing of the contacts of a committed person who has been diagnosed with a sexually transmissible disease and for notifying and recommending sexually transmissible disease testing of a committed person who has had contact with one diagnosed with a sexually transmissible disease (instead of (1) contacts in the community of a prisoner diagnosed with a sexually transmissible disease and (2) prisoners whose contacts in the community or in the prison have been diagnosed with a sexually transmissible disease. Effective immediately.

*HB4523
Short Description: CRIM CD-CAUSTIC SUBSTANCES
Status: P.A. 97-929, eff. 8-10-12
720 ILCS 5/12-38

Synopsis As Introduced
Amends the Criminal Code of 1961. Exempts household products from the statute requiring a person seeking to purchase a substance which is regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label, prior to taking possession to: (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. Defines "household product". Effective immediately.

HB4531
Short Description: ID CARD ACT-DISABILITY ID
Status: P.A. 97-1064, eff. 1-1-13
10 ILCS multi 15 ILCS multi 5 ILCS multi 305 ILCS 5/3-1 320 ILCS 25/3.14 515 ILCS 5/20-5 5 520 ILCS 5/3.1 625 ILCS 5/3-616 705 ILCS multi

Summary
Amends the Illinois Identification Card Act. Substitutes the term "person with a disability" for the term "disabled person". Redefines the terms "developmental disability", "visual disability", "physical disability", and "mental disability". Provides that blindness is a Class 1A disability. Changes the name of the Illinois Disabled Person Identification Card to the Illinois Person with a Disability Identification Card. Makes conforming changes in the Election Code, Property Tax Code, Mobile Home Local Services Tax Act, Illinois Public Aid Code, Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, Fish and Aquatic Life Code, Wildlife Code, Illinois Vehicle Code, Jury Act, and Jury Commission Act. Effective January 1, 2013.

HB4577
Short Description: VEH CD-PENALTIES: FUNDS TO USE
Status: P.A. 97-931, eff. 1-1-13
625 ILCS 5/11-501.01 625 ILCS 5/16-104a

Summary
Amends the Illinois Vehicle Code. In a subsection concerning administrative sanctions related to a conviction for driving under the influence of alcohol, provides that with respect to funds: provides that moneys designated for the Department of State Police shall be remitted to the State Police for deposit into the State Police DUI Fund. Provides that moneys designated for the Department of Natural Resources shall be deposited by the Department into the Conservation Police Operations Assistance Fund.

*HB4590
Short Description: CD CORR-MASTER FILE
Status: P.A. 97-696, eff. 6-22-12
730 ILCS 5/3-5-1

Synopsis As Introduced
Amends the Unified Code of Corrections. Includes in the committed person's master record file:

(1) disciplinary infraction tickets and Administrative Review Board action; (2) criminal history; (3) current and past gang affiliations and ranks; (4) information regarding associations and family relationships; (5) any grievances filed and responses to those grievances; and (6) other information that the Department of Corrections or Department of Juvenile Justice determines is relevant to the secure confinement and rehabilitation of the committed person. Effective immediately.

*HB4592
Short Description: FOIA-DEPT OF CORRECTIONS
Status: P.A. 97-783, eff. 7-13-12
5 ILCS 140/7

Synopsis As Introduced
Amends the Freedom of Information Act. Exempts from the Act's copying and disclosure requirements records requested by persons committed to the Department of Corrections if those materials (i) are available in the library of the correctional facility where the inmate is confined, (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information, or (iii) are available through an administrative request to the Department of Corrections. Effective immediately.

*HB4596
Short Description: FOIA-LAW ENFORCEMENT
Status: P.A. 97-1065, eff. 8-24-12
5 ILCS 140/7

Amends the Freedom of Information Act. Provides that a law enforcement record created for law enforcement purposes and contained in a shared electronic record management system is exempt from disclosure under the Act if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system. Effective immediately.

*HB4598
Short Description: VEH CD-SLOW MOVING EMBLEM FINE
Status: P.A. 97-958, eff. 8-15-12
625 ILCS 5/12-709

Summary
Amends the Illinois Vehicle Code. Provides that a slow-moving vehicle emblem may not be displayed in public view from a highway on an object other than an animal drawn vehicle, farm tractor, implement of husbandry and certain special mobile equipment. Provides that the fine for

a first or subsequent offense of improperly displaying a slow-moving vehicle is $75. Adds certain non-highway vehicles to the list of vehicles exempt from the new provisions. Effective immediately.

*HB4636
Short Description: CRIM CD-ORDER OF PROTECTION
Status: P.A. 97-919, eff. 8-10-12
720 ILCS 5/12-3.4 was 720 ILCS 5/12-30

Summary
Amends the Criminal Code of 1961. Provides that violation of an order of protection is a Class 4 felony if the defendant had certain specified prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the Illinois offenses listed in which the prior conviction would result in the violation of an order of protection being a Class 4 felony. Effective immediately

*HB4673
Short Description: CRIM CD-FIREARM OWNERS ID
Status: Passed both Houses; Amendatory Veto
430 ILCS 65/4 430 ILCS 65/8

Summary
Amends the Firearm Owners Identification Card Act. Provides that an active law enforcement officer employed by a unit of local government may not be denied a Firearm Owner's Identification Card and his or her Card may not be revoked and seized, if he or she has been a patient in a mental institution within the past 5 years, as a result of work in law enforcement, where a referral is made by the employing unit of local government or voluntarily sought for evaluation, and treatment is provided by a clinical psychologist, psychiatrist, or qualified examiner (as defined in the Mental Health and Developmental Disabilities Code), so long as the officer has not been involuntarily admitted as an inpatient in a mental institution or has not been an inpatient in a mental institution for more than 30 days. Effective immediately.

Amendatory Veto: adds language providing for a required finding by treating psych that officer and the public not in danger as officer was not “acting in a manner which was threatening to the officer, another person, or the public.” Further, requires notice to the Illinois State Police.

HB4692
Short Description: VEH CD-DRIVERS LICENSE: Physical Conditions
Status: P.A. 97-1127, eff. 1-1-13
625 ILCS 5/6-110

Summary
Amends the Illinois Vehicle Code. Provides that the Secretary of State may adopt rules to establish informational restrictions that can be placed on the driver's license regarding specific conditions of the licensee.

*HB4749
Short Description: COUNTIES CODE – SPECIAL STATES ATTY FEES
Status: P.A. 97-982, eff. 8-17-12
55 ILCS 5/3-9008

Summary
Amends the Counties Code. Provides that prior to appointing a private attorney to perform the functions of the State's Attorney, when the State's Attorney is sick or absent, or unable to attend, or is interested in any cause or proceeding, civil or criminal, which it is or may be his duty to prosecute or defend, 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.

*HB4862
Short Description: LOW SPEED VEHICLES - TITLE
Status: P.A. 97-983, eff. 8-17-12
625 ILCS 5/3-101

Summary
Amends the Illinois Vehicle Code. Provides that every owner of a low-speed vehicle manufactured after January 1, 2010 shall make application to the Secretary of State for a certificate of title. Effective immediately.

HB4863
Short Description: VEHICLE FORFEITURE – OUT OF STATE SUSPEND/REVOKE
Status: P.A. 97-984, eff. 1-1-13
625 ILCS 5/6-303

Summary .
Amends the Illinois Vehicle Code. Provides that a motor vehicle used in violation of the Section concerning driving on a suspended or revoked license is subject to seizure and forfeiture if the

person's driving privileges were revoked or suspended as a result of a similar provision of a law of another state relating to: (1) operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, (2) leaving the scene of a motor vehicle accident involving personal injury or death; (3) failure to submit to drug or alcohol testing; or (4) reckless homicide.

HB4901
Short Description: CRIMINAL LAW-WEAPONS EXEMPT REENACTORS
Status: P.A. 97-936, eff. 1-1-13
720 ILCS 5/24-2

Summary
Amends the Criminal Code of 1961. Changes the exemption from the unlawful use of weapons statute and the aggravated unlawful use of a weapon statute for military re-enacting. Provides that the exemption applies to a person possessing a rifle with a barrel or barrels less than 16 inches in length if: (A) the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B) the person is an active member of a bona fide, nationally recognized military re-enacting group and 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. Retains provision that during transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible

*HB4926
Short Description: CORRECTIONS-SPECIALITY COURTS & CONFIDENTIALITY
Status: P.A. 97-946, eff. 8-13-12
730 ILCS multi 740 ILCS 110/9.2

Summary .
Amends the Drug Court Treatment Act, the Veterans and Servicemembers Court Treatment Act, and the Mental Health Court Treatment Act. Changes the definitions of "drug court professional", "Veterans and Servicemembers Court professional", and "mental health court professional" to include peer recovery coaches and coordinators. Provides that a Veterans and Servicemembers Court may be established as a problem solving court and includes a mental health court. Deletes provisions that exclude from a Veterans and Servicemembers Court program or a mental health court program a defendant who has previously completed or has been discharged from such program within 3 years of that completion or discharge. Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that in addition to other entities prescribed by law, mental health court professionals, Veterans and Servicemembers Court professionals, and juvenile detention facilities may disclose a recipient's

mental health record or communications, without consent, to each other, but only for the purpose of admission, treatment, planning, or discharge. Effective immediately.

HB4937
Short Description: CRIMINAL LAW-DRUG FORFEITURE PROCEEDS
Status: P.A. 97-985, eff. 1-1-13
720 ILCS 550/12 720 ILCS 570/505 720 ILCS 646/85

Summary
Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if: (1) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services; (2) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000.00 per year; (3) the seizure took place within the geographical limits of the municipality; and (4) the funds are used only for the enforcement of laws governing cannabis and controlled substances or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

HB4966
Short Description: DCFS-CHILD DEATH-INJURY REPORT
Status: P.A. 97-1068, eff. 1-1-13
325 ILCS 5/4.2

Synopsis As Introduced
Amends the Abused and Neglected Child Reporting Act. Provides that a copy of any documents, files, records, books, and papers created or used in connection with the Department of Children and Family Services' investigation of a child's death or serious life-threatening injury shall be included in the Department's investigation report.

*HB4988
Short Description: VEH CD-IMMOBILIZATION: VEH TAX
Status: P.A. 97-937, eff. 8-10-12
625 ILCS 5/3-704.1 625 ILCS 5/11-1430.1 new

Summary
Amends the Illinois Vehicle Code. Provides that a municipality may provide by ordinance for a program of vehicle immobilization to facilitate enforcement of municipal vehicle tax liability.

Contains additional provisions governing notice and procedural matters involving implementation of the new Section. Provides that payment in full of any fine or penalty resulting from a vehicle tax violation shall constitute a final disposition of that violation. Effective immediately..

*HB4991
Short Description: COURTS-23RD JUDICIAL CIRCUIT
Status: P.A. 97-1069, eff. 8-24-12
705 ILCS 35/2 705 ILCS 35/2a

Synopsis As Introduced
Amends the Circuit Courts Act. Provides that in the 23rd judicial circuit, there shall be no at large circuit judgeships and only resident circuit judges shall be elected as provided in the Act. Adds the 23rd judicial circuit as an exception, along with Cook County, to the provision that provides that 4 circuit judges shall be elected in any circuit in which there is situated any State institution providing educational or welfare facilities for more than 25,000 persons. Makes other changes. Effective immediately.

HB5021
Short Description: VEH CD-DUI FUND: USE OF MONEYS
Status: P.A. 97-1050, eff. 1-1-13
625 ILCS 5/11-501.01

Summary
Amends the Illinois Vehicle Code. Provides that moneys in the State Police DUI Fund and the Secretary of State Police DUI Fund shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.
Provides that certain moneys collected by local law enforcement agencies shall be used in the same manner as moneys in the State Police DUI Fund and the Secretary of State Police DUI Fund

HB5023
Short Description: MISSING PERSONS CLEARINGHOUSE
Status: P.A. 97-938, eff. 1-1-13
30 ILCS 105/6a-5 325 ILCS multi

Synopsis As Introduced
Amends the State Finance Act. Eliminates a provision providing that unexpended grant funds for I-SEARCH Units shall be deposited into the Missing and Exploited Children Trust Fund. Amends the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services shall report the disappearance of any child under its custody or guardianship to the local law enforcement agency working in cooperation with the State Missing Persons Clearinghouse (rather than the I-SEARCH Unit located nearest the last known whereabouts of the child. Amends the Intergovernmental Missing Child Recovery Act of 1984. Eliminates the I-SEARCH Unit and corresponding programs and instead provides that the Department of State Police shall establish a State Missing Persons Clearinghouse as a resource to promote an immediate and effective community response to missing children. Requires the State Missing Persons Clearinghouse to establish and maintain contacts with other state missing persons clearinghouses and missing persons non-profit organizations. Requires the Director of the Department to report by June 30 (rather than December 31) of each year to the Governor and the General Assembly on the operations of the State Missing Persons Clearinghouse (rather than I-SEARCH program) for the previous calendar (rather than fiscal) year. Repeals a provision concerning an I-SEARCH program's eligibility to receive State grants to help defray the costs of operation. Repeals a provision requiring the Department to monitor operations of all I-SEARCH Units and determine the program's eligibility to receive State grants. Effective January 1, 2013.

HB5056
Short Description: VEH CD-PERSONS DISABILITIES
Status: P.A. 97-844, eff. 1-1-13
625 ILCS multi

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that it is a Class A misdemeanor with a $2,500 fine to use a disability license plate or parking decal or device to exercise privileges granted through the use of those items while the person to whom the disability license plate or parking decal or device was originally issued is deceased, and that a person who violates the new provisions or a similar local ordinance shall have his or her parking privileges revoked by the Secretary of State. Provides that a person who commits a first violation of provisions prohibiting the use of a disability license plate or parking decal or device by a person who is not the authorized holder or is not transporting the authorized holder to or from the parking location shall be fined $500 and have his or her driving privileges suspended. Provides that a person who commits a second or subsequent violation is guilty of a Class A misdemeanor, shall be fined $2,500, and shall have his or her driving privileges revoked. Provides that the Secretary of State shall suspend the driving privileges of a person who violates a similar provision of a local ordinance concerning fictitious or unlawfully altered disability license plates or parking decals or devices or concerning fraudulent disability license plates or parking decals or devices.

HB5062
Short Description: ADOPTION-PROCESS-CONSENT
Status: P.A. 97-988, eff. 1-1-13
750 ILCS 50/7 750 ILCS 50/10

Summary
Amends the Adoption Act. Provides that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem has been or will be appointed. Changes the form of consent to be given by a child 14 years of age or over or by an adult by adding a statement that the person enters his or her appearance in the proceeding and waives service of summons.
Further amends the Adoption Act. Provides that nothing in the provisions added by the introduced bill stating that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem has been or will be appointed is intended to override any provision of the Act which relates to information to which an adopted person is entitled under specified provisions of the Act.

*HB5073
Short Description: SECRETARY OF STATE-VARIOUS
Status: P.A. 97-835, eff. 7-20-12 & 1-1-13 in part
15 ILCS 305/5.5 15 ILCS 305/6b new 15 ILCS 305/6b new 625 ILCS multi
625 ILCS 5/11-501.6

Summary
Amends the Secretary of State Act. Provides that fees for dishonored payments apply to any payment (instead of to each check, money order, or bank draft). Provides that the Secretary shall assess a penalty of 25% for certain dishonored payments. Provides that the Secretary may waive fees for certain duplicate documents for disaster victims who meet specified criteria.

Amends the Illinois Vehicle Code. Increases the fee for dishonored payments from $19 to $25 and makes the fee applicable to all dishonored payments (instead of only to checks). Provides that out of each fee collected for dishonored payments, $5 shall be deposited in the Secretary of State Special Services Fund. Provides that penalty fees take effect if the total amount due to the Secretary exceeds $100 (instead of $50). Provides that certain Armed Forces members are exempt from driver's license requirements for a period of 120 (instead of 90) days following the service members' return to the United States. Puts restrictions on the issuance of a graduated driver's license to persons under 18 years of age who are not legally emancipated (instead of legally emancipated by marriage). Removes provisions containing certain restrictions on the operation of a motor vehicle by a graduated driver's license holder.
Provides that the Secretary may cancel any license or permit upon determining that the holder has had his or her medical examiner's certificate, medical variance, or both removed or rescinded by the Federal Motor Carrier Safety Administration or has failed to self-certify as to the type of driving in which the CDL driver engages or expects to engage. Provides that certain information collected from a driver education provider applicant may be used at administrative

hearings relating to the denial, cancellation, suspension, or revocation of a driver training school license.

Removes certain language concerning the applicability of a Section concerning chemical testing of motorists involved in a personal injury or fatal motor vehicle accident. ~~"This Section shall not apply to those persons arrested for a violation of Section 11-501 or a similar violation of a local ordinance, in which case the provisions of Section 11-501.1 shall apply."~~

Provides that the authority to waive certain fees for disaster victims extends only for a period of 30 days after the Governor files the proclamation of the disaster and provides additional procedural requirements concerning fee waivers for disaster victims. Provides that if, upon review of the documentation provided by the citizen, the Secretary finds that the citizen was not entitled to a waiver of fees as a disaster victim, the Secretary is to demand payment for services rendered within 60 days and that if payment is not made, the Secretary may cancel or revoke the duplicate certificate of title, vehicle registration, driver's license, or State identification card. Provides that the citizen may request a hearing to contest the action of the Secretary under the new provisions. Changes the definition of "highly restricted personal information" under the Illinois Vehicle Code to include an individual's personal email address.Sec. 5.5 of Section 5 and Sec. 3-821 of Section 10 are effective January 1, 2013. The remainder of the Act is effective immediately.

*HB5099
Short Description: VEH CD-ACCIDENTS: NO CELL PHNES
Status: P.A. 97-828, eff. 7-20-12
625 ILCS 5/12-610.1 625 ILCS 5/12-610.2

Summary
Amends the Illinois Vehicle Code. Provides that no person may use a wireless telephone while operating a motor vehicle within 500 feet of an emergency scene except for specified purposes. Adds digital photographs and video to the definition of "electronic message" in provisions prohibiting the use of electronic communication devices while operating a motor vehicle. Defines "emergency scene" as a location where an authorized emergency vehicle as defined by the Code is present and has activated its oscillating, rotating, or flashing lights. Exempts wireless telephones and electronic communication devices used in voice-operated mode. Effective immediately.

HB5101
Short Description: VEH CD-CDL TEXTING & CELL USE
Status: P.A. 97-829, eff. 1-1-13
625 ILCS 5/6-500 625 ILCS 5/6-526 new 625 ILCS 5/6-527 new

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that a driver may not use a hand-held mobile

telephone or engage in texting while driving a commercial motor vehicle. Provides exceptions. To the definition of "serious traffic violation", adds violations concerning texting or using a hand-held mobile telephone while driving. Defines other terms.

HB5121
Short Description: CD CORR-ATTEMPTED TERRORISM @ 85%
Status: P.A. 97-990, eff. 1-1-13
730 ILCS 5/3-6-3

Synopsis As Introduced
Amends the Unified Code of Corrections. Provides that a prisoner who is serving a term of imprisonment for attempt to commit terrorism shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment. Effective January 1, 2013.

*HB5122
Short Description: CRIM CD-ABUSE OF CORPSE
Status: P.A. 97-1072, eff. 8-24-12
720 ILCS 5/12-20.6 new

Summary
Amends the Criminal Code of 1961. Creates the offense of abuse of a corpse. Provides that a person commits the offense if he or she intentionally: (1) engages in sexual conduct with a corpse or involving a corpse; or (2) removes or carries away a corpse and is not authorized by law to do so. Establishes penalties. Provides exemptions from violations for removing or carrying away a corpse. Exempts from a violation, the removal or carrying away of a corpse by persons employed by a county medical examiner's office or coroner's office acting within the scope of their employment.
Provides that the offense of abuse of a corpse does not apply to removing or carrying away a corpse by cemeteries and cemetery personnel while performing acts pursuant to a bona fide request from the involved cemetery consumer or his or her heirs, or pursuant to an interment or disinterment permit or a court order, or as authorized under the Cemetery Protection Act to correct an encroachment on interment, entombment, or inurnment rights, or any other actions legally authorized for cemetery employees.
Provides that abuse of a corpse does not apply to removing or carrying away a corpse by the employees, independent contractors, or other persons designated by the federally designated organ procurement agency engaged in the organ and tissue procurement process. Immediate effective date.

HB5187
Short Description: VICTIMS RIGHTS & NOTICE

Status: P.A. 97-815, eff. 1-1-13
50 ILCS 705/7 725 ILCS 120/4 725 ILCS 120/4.5

Synopsis As Introduced
Amends the Illinois Police Training Act. Provides that the curriculum for probationary police officers shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act.
Amends the Rights of Crime Victims and Witnesses Act. Provides that any law enforcement agency that investigates an offense committed in the State shall provide a crime victim with a written statement and explanation of the rights of crime victims within 48 hours of law enforcement's initial contact with a victim. Provides that the Clerk of the Circuit Court shall post the rights of crime victims set forth in the Illinois Constitution and the Act within 3 feet of the door to any courtroom where criminal proceedings are conducted. Provides that the clerk may also post the rights in other locations in the courthouse. Provides that when the defendant has been committed to the Department of Human Services, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody.

*HB5190
Short Description: UCC-FRAUDULENT FILING
Status: P.A. 97-836, eff. 7-20-12
810 ILCS 5/9-501.1 new 810 ILCS 5/9-510 810 ILCS 5/9-516

Summary
Amends the Secured Transactions Article of the Uniform Commercial Code. Provides that a person may not cause to be communicated to a filing office for filing a false record the person knows or reasonably should know: is not authorized or permitted under specified provisions; is not related to a valid existing or potential commercial or financial transaction, an existing agricultural or other lien, or a judgment of a court of competent jurisdiction; and is filed with the intent to harass or defraud the person identified as debtor in the record or any other person. Provides that violators are subject to criminal penalties (Class A misdemeanor, 2d + Class 4 felony) and civil damages. Provides that a person identified as debtor in a filed record the person believes was caused to be communicated to the filing office in violation of the new provisions may file with the Secretary of State an affidavit to that effect and the Secretary of State shall adopt and make available a form affidavit. Contains provisions regarding: administrative action; review of documentation by the Secretary of State; termination, reinstatement, and acceptance of filed records; fees; notice; refiling; liability; effectiveness; certain types of transactions; and other matters. Effective immediately.

HB5235
Short Description: CRIM CD-CHILD PORNOGRAPHY: AGE ELEMENT
Status: P.A. 97-995, eff. 1-1-13
720 ILCS 5/11-20.1 720 ILCS 5/11-20.1B rep.

Summary
Amends the Criminal Code of 1961. Makes these changes: (1) provides that child pornography where the child depicted is under the age of 13, other then the possession of any film, videotape, photograph or other similar visual reproduction or depiction by computer of a child under 13 engaged in certain activities prescribed in the statute, is a Class X felony with a mandatory minimum fine of $2,000 and a maximum fine of $100,000; (2) provides that where the child depicted is under the age of 13, the possession of any film, videotape, photograph or other similar visual reproduction or depiction by computer of a child under 13 engaged in certain activities prescribed in the statute is a Class 2 felony with a mandatory minimum fine of $1,000 and a maximum fine of $100,000; (3) provides that child pornography, other than possession of any film, videotape, photograph or other similar visual reproduction or depiction by computer of a child under 13 engaged in certain activities prescribed in the statute, where the child depicted is under the age of 13, where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of $2,000 and a maximum fine of $100,000; and (4) provides that where the child depicted is under the age of 13, a person who possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of a child under 13 engaged in certain activities prescribed in the statute where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

HB5250
Short Description: CONTROLLED SUBSTANCES-CODONE
Status: P.A. 97-997, eff. 1-1-13
720 ILCS 570/401

Synopsis As Introduced
Amends the Illinois Controlled Substances Act. Provides for enhanced penalties for the

manufacturing or delivery, or possession with intent to manufacture or deliver, of any substance containing hydrocodone, dihydrocodeinone, dihydrocodeine, oxycodone, or any of the salts, isomers and salts of isomers, or analog of those substances.

*HB5264
Short Description: CRIM PRO-DOMESTIC VIOLENCE
Status: P.A. 97-1036, eff. 8-20-12
725 ILCS 5/115-7.4

Synopsis As Introduced
Amends the Code of Criminal Procedure of 1963. Provides that in a criminal prosecution in which the defendant is accused of first degree murder or second degree murder when the commission of the offense involves domestic violence, evidence of the defendant's commission of another offense or offenses of domestic violence against the same victim is admissible, and may be considered for its bearing on any matter to which it is relevant – subject to balance with undue prejudice. Effective immediately.

Comment: Codification of People v. Chapman, 2012 IL 111896.

HB5265
Short Description: CRIM CD-CHILD ABDUCTION
Status: P.A. 97-998, eff. 1-1-13
720 ILCS 5/10-5

Synopsis As Introduced
Amends the Criminal Code of 1961. Redefines child abduction by luring. Provides that the offense consists of intentionally luring or attempting to lure a child: (1) under the age of 17 (rather than under the age of 16) or (2) while traveling to or from a primary or secondary school into a motor vehicle, building, housetrailer, or dwelling place without the consent of the child's parent or lawful custodian for other than a lawful purpose.

HB5266
Short Description: ELDER ABUSE-RECORDS ACCESS
Status: P.A. 97-864, eff. 1-1-13
320 ILCS 20/8

Synopsis As Introduced
Amends the Elder Abuse and Neglect Act. Expands the list of persons and agencies that shall have access to all records generated as a result of a report of elder abuse, neglect, financial exploitation, or self-neglect to include a law enforcement agency, fire department agency, or fire protection district having proper jurisdiction pursuant to a written agreement between a provider

agency and the law enforcement agency, fire department agency, or fire protection district under which the provider agency may furnish to the law enforcement agency, fire department agency, or fire protection district a list of all eligible adults who may be at imminent risk of elder abuse, neglect, financial exploitation, or self-neglect.

HB5278
Short Description: HUMAN TRAFFICKING LIMITATIONS
Status: P.A. 97-897, eff. 1-1-13
720 ILCS multi 725 ILCS multi 730 ILCS multi 325 ILCS 5/3
705 ILCS multi 740 ILCS 128/10

Summary .
Amends the Criminal Code of 1961. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. Eliminates from the elements of involuntary servitude that the labor or services must be forced upon the victim. Provides that a person also commits the offense when he or she uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint. Provides that the penalty for that violation is a Class 4 felony. Eliminates subjecting a person to forced labor or services from the offense of trafficking in persons. Replaces that provision with subjecting the person to involuntary servitude. In the statute permitting the impoundment of a vehicle used in certain human trafficking and prostitution related offenses, provides that the provisions apply to violations of related municipal ordinances. Provides that the proceeds of the impoundment fee paid by the defendant shall be distributed to the law enforcement agency (rather than the unit of government) whose peace officers made the arrest for the costs incurred by the law enforcement agency to investigate and to tow and impound the vehicle. Amends various other Acts to make conforming changes.

Deletes references to "trafficking of persons for forced labor or services". Also changes reference from "Violent Crime Victims Assistance Fund" to "DHS State Projects Fund".

HB5280
Short Description: HABITUAL CHILD PREDATOR - MSR & GPS
Status: P.A. 97-1073, eff. 1-1-13
730 ILCS multi

Summary
Amends the Sex Offender Registration Act. Defines "sexual predator" to include a person who was convicted of luring of a minor (rather than a second or subsequent such offense). In

addition to the conditions of mandatory supervised release set forth in the Code, be electronically monitored for a minimum of 24 months from the date of release as determined by the Prisoner Review Board. Provides that the mandatory supervised release term of a person who commits a second or subsequent offense of luring of a minor committed on or after the effective date of the amendatory Act when the person has a prior conviction in Illinois 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 shall range from a minimum of 3 years to a maximum of the natural life of the defendant.

HB5289
Short Description: USE/OCC TAX-PENALTIES
Status: P.A. 97-1074, eff. 1-1-13
35 ILCS 120/13

Summary:
Creates the offense of sales tax evasion. Provides that the offense of sales tax evasion of $100,000 or more is a Class 4 to 1 felony, depending on the amount evaded. Provides that the term "affirmative act in furtherance of the evasion" means an act designed in whole or in part to (i) conceal, misrepresent, falsify, or manipulate any material fact or (ii) tamper with or destroy documents or materials related to a person's tax liability. Allows for aggregation of acts, and expands the statute of limitation from 3 to 5 years.

*HB5330
Short Description: SEXUALLY VIOLENT PERSONS
Status: P.A. 97-1075, eff. 8-24-12
725 ILCS multi 730 ILCS 5/3-3-4 730 ILCS 5/3-3-5

Summary
Amends the Sexually Violent Persons Commitment Act. Establishes procedures for serving a petition upon a person who is alleged to be sexually violent. Provides that if a person has been committed as a sexually violent person and has not been discharged, the Department of Human Services shall submit a written report to the court on his or her mental condition at least once every 12 months after his or her initial commitment for the purpose of determining (1) whether the person has made sufficient progress in treatment to be conditionally released, and (2) whether the person's condition has so changed since the most recent periodic reexamination (or initial commitment, if there has not yet been a periodic reexamination) that he or she is no longer a sexually violent person. Provides that at a discharge hearing the State has the right to have the person evaluated by experts chosen by the State. Incorporates into the discharge Section provisions relating to additional discharge hearings.
Amends the Unified Code of Corrections. Provides that in making its determination of parole, the Prisoner Review Board shall consider the person's eligibility for commitment under the Sexually Violent Persons Commitment Act. Provides that if the Board paroles a person who is

eligible for commitment as a sexually violent person, the effective date of the Board's order shall be stayed for 90 days for the purpose of evaluation and proceedings under the Sexually Violent Persons Commitment Act.

Changes the provision concerning the service of a petition alleging that a person is a sexually violent person. Provides that if a person alleged to be a sexually violent person is in the custody of or is being supervised on parole or mandatory supervised release by the Department of Corrections or Department of Juvenile Justice, a petition filed under the Sexually Violent Persons Commitment Act may be served on the person by personnel of the Department of Corrections or Department of Juvenile Justice. Provides that service may be proved by affidavit of the person making service. Provides that the affidavit shall be returned to the Attorney General or State's Attorney of the county where the petition is pending for filing with the court. Provides that this service is in addition to other manners of service provided for in the Act and the Code of Civil Procedure. Provides that the bill is effective immediately

*HB5441
Short Description:  CRIM PRO - STATE APP. DEFENDER
Status: P.A. 97-1003, eff. 8-17-12
725 ILCS 105/10

Synopsis As Introduced
Amends State Appellate Defender Act. Deletes the discretionary duty of the State Appellate Defender to provide assistance to trial counsel in capital cases. Adds the discretionary duty to provide training, assistance of expert witnesses, and investigators to public defenders from funds appropriated for those purposes. Prohibits the State Appellate Defender from being appointed as trial counsel. Deletes authority of investigators for the Capital Trial Assistance Unit and Capital Post Conviction Unit to access the Law Enforcement Agencies Data System (LEADS) for witness background checks. Deletes the authority for the State Appellate Defender to request appropriations from the Capital Litigation Trust Fund for capital case expenses in assisting trial counsel, representing petitioners in post-conviction proceedings, and in defending cases in counties other than Cook County. Effective immediately.

*HB5493
Short Description:  VEH CD-DRIVING PRIVILEGES:DRUG POSSESSION
Status: P.A. 97-838, eff. 7-20-12
625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke the driving privileges of a person convicted of *second or subsequent conviction of illegal possession,* while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis

prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act. Provides that a defendant *found guilty of this offense whi*le operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State. Provides that a *person convicted for a first time shall have his or her driving privileges suspended for a period of one* year. Removes language providing that the Secretary of State shall suspend the driving privileges of a person convicted for a second or subsequent time for a period of 5 years.
Further amends the Illinois Vehicle Code. Provides that the Secretary of State may require (instead of "allow, but not require") licensees under certain Chapters of the Code to submit any required record by using electronic media deemed feasible by the Secretary in addition to (rather than "instead of") requiring the actual submittal of the original paper record. Provides that the Secretary may also allow (instead of "allow, but not require") a person or licensee to receive any record to be provided by the Secretary by using electronic media instead of providing the original paper record. Provides that the Secretary may issue a dealer lien release certificate of title for a fee of $20, provided certain conditions are met. Provides that the Secretary may deny, revoke, or suspend the dealer license of a licensee who has failed to pay, within 90 days after notice has been given, any fine or fee owed as a result of an administrative citation issued by the Secretary. Provides that instead of filing a criminal complaint against an entity licensed by the Secretary, a Secretary of State Police investigator may issue administrative citations for violations of statutes or rules concerning dealers, transporters, wreckers and rebuilders. Contains procedural requirements concerning the issuance of administrative citations. Provides that the penalty imposed by issuance of an administrative citation shall not exceed $50 per violation. Provides that penalties paid as a result of the issuance of administrative citations shall be deposited in the Secretary of State Police Services Fund. Provides that only the provisions added by the amendment are effective immediately.

Comment: Nexus requirement of People v. Lindner, 127 Ill2d 174 (1989) – sex offense, modified by holding in People v. Boeckmann, 238 Ill2d 1 (2010) – minor’s unlawful alcohol possession.

*HB5586
Short Description:  MNTL HLTH RE-LOCATION
Status: P.A. 97-1007, eff. 8-17-12
405 ILCS 5/2-103

Summary
Amends the Mental Health and Developmental Disabilities Code. Provides that whenever, as the result of the closing or the reduction in the number of units or available beds of any mental health facility operated by the Department of Human Services, the State determines to enter into a contract with any mental health facility to provide hospitalization to persons who would otherwise be served by the State-operated mental health facility, the resident shall be entitled to

the same rights as provided if the resident was in a State-operated mental health facility. Effective immediately.

*HB5592
Short Description: DCFS-SIBLING PLACEMENT-CONTACT
Status: P.A. 97-1076, eff. 8-24-12
20 ILCS 505/7 20 ILCS 505/7.4 705 ILCS multi 750 ILCS 50/18.3

Summary
Amends the Children and Family Services Act. Provides that in placing a child under the Act, the Department of Children and family Services shall place the child with the child's sibling or siblings unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. Provides that if the child is not placed with a sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest.
Amends the Juvenile Court Act of 1987. Provides that where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, and when the child has siblings in care, the Department of Children and Family Services shall file with the court and serve on the parties a sibling placement and contact plan within 10 days, excluding weekends and holidays, after the appointment.
Amends the Adoption Act. Provides that former wards of the Department of Children and Family Services between the ages of 18 and 21 who have been surrendered or adopted shall not be required to complete an Illinois Adoption Registry Application prior to commencement of the search of birth parent information.
Provides that the Post Permanency Sibling Contract Agreement shall not be enforceable in any court of law or administrative forum and no cause of action shall be brought to enforce the Agreement. Provides that former wards of the Department of Children and Family Services between the ages of 18 and 21 who have been surrendered or adopted and who are seeking contact or an exchange of information with siblings shall not be required to complete an Illinois Adoption Registry Application prior to commencement of the search, provided that the search is performed consistent with applicable Sections of the Adoption Act. Effective immediately.

HB5602
Short Description: JUVENILE RECORDS-RELEASE
Status: P.A. 97-1104, eff. 1-1-13
105 ILCS 5/22-20 705 ILCS 405/1-7 705 ILCS 405/5-905

Summary
Amends the School Code to further allow disclosure of court and law enforcement reports on detained minors to “appropriate school officials,” instead of the principal, counselors and teachers.

Amends the Juvenile Court Act confidentiality provisions to expand inspection and copying of law enforcement records by school officials “if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds.” Expands the reciprocal reporting system for arrests to also includes new offenses (sec. 1-2 of the Harassing and Obscene Communications Act, Hazing Act, assault & battery-type offenses). “The information derived from the law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. Authorizes *oral reports only*, when a child is under investigation “that is directly related to school safety.” Investigation defined as “an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity.”

*HB5606
Short Description: METH-VIOLATION-NO PRECURSOR W/O Rx
Status: P.A. 97-1008, eff. 8-17-12 720
ILCS 646/120 new

Synopsis As Introduced
Amends the Methamphetamine Control and Community Protection Act. Provides that whenever any person pleads guilty to, is found guilty of, or is placed on supervision for an offense under the Act, in addition to any other penalty imposed by the court, no such person shall thereafter knowingly purchase, receive, own, or otherwise possess any substance or product containing a methamphetamine precursor, without the methamphetamine precursor first being prescribed for the use of that person in the manner provided for the prescription of Schedule II controlled substances under Article III of the Illinois Controlled Substances Act. Provides that a violation is a Class 4 felony. Effective July 1, 2012.

HB5624
Short Description: VEH CD-DISABILITIES-PARKING
Status: P.A. 97-845, eff. 1-1-13
625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Disabled person’s exemption from paying most parking meter fees ends 1-1-14. A county or municipality can still contract with shopping centers, hospitals, etc. to regulate parking. “Beginning 1-1-14, a vehicle displaying a decal or device issued … shall be exempt from the payment of fees generated by parking in a metered space or in a publicly owned parking structure or area.” Beginning 1-1-14 the Secretary of State hall provide by administrative rule for the issuance of a separate and distinct parking decal or device for persons with disabilities. Specifies criteria for determination of disability (can’t manipulate coins, approach meter, etc.) and requires a certification from a licensed physician, PA or APN. Also applicable for a disability decal is the parent/guardian of a disabled child, under age 18 who is incapable of driving.

Most fictitious or unlawfully altered disability license plate or decal violations increased to $1,000 minimum fine (from $500) for a first offense (Class A misdemeanor), and to a minimum $2,000 fine (from $1,000) for a second or subsequent offense (Class IV felony). Unlawful transfer of decal – (b)(6) violations minimum fine increase to $1,000 for a first offense, and $2,000 for a second or subsequent offense (both Class A). Makes it a new offense for a physician, PA, or APN to knowingly falsify a certification that a person is a person with disabilities as defined – Class A first offense; Class 4 second or subsequent.

HB5635
Short Description: IL POLICE TRAINING-CORONER
Status: P.A. 97-1009, eff. 1-1-13
50 ILCS 705/10.11

Synopsis As Introduced
Amends the Illinois Police Training Act. In a Section concerning death and homicide investigation, provides that the Illinois Law Enforcement Training and Standards Board shall conduct or approve a training program for the training of coroners. Provides that only coroners who successfully complete the program may be assigned as a lead investigator in coroner's investigations of a death or homicide, and the completion of the program must be evidenced by a certificate. Further provides that the Illinois Law Enforcement Training and Standards Board shall develop a process for waiver applications sent by a local law enforcement agency administrator (now, an agency administrator) or from a coroner's office for certain officers or coroners that qualify for a waiver. Provides that provisions concerning training in death and homicide investigations do not affect or impede the powers of the office of the coroner to investigate all deaths.

HB 5653
Short Description: CRIM CD-FINANCIAL EXPLOITATION
Status: P.A. 97-865, eff. 1-1-13
720 ILCS 5/17-56 was 720 ILCS 5/16-1.3

Synopsis As Introduced
Amends the Criminal Code of 1961 concerning financial exploitation of an elderly person or a person with a disability. Includes in the definition of intimidation, criminal intimidation. Includes in the definition of a person who stands in a position of trust and confidence with an elderly person or person with a disability, a paid or unpaid caregiver for the elderly person or person with a disability
Provides that if a person is charged with financial exploitation of an elderly person or a person with a disability that involves the taking or loss of property valued at more than $5,000, a prosecuting attorney may file a petition with the circuit court of the county in which the defendant has been charged to freeze the assets of the defendant in an amount equal to but not greater than the alleged value of lost or stolen property in the defendant's pending criminal proceeding

for purposes of restitution to the victim. Provides that the burden of proof required to freeze the defendant's assets shall be by a preponderance of the evidence.

HB5682
Short Description: CRIM CD-SECURITY-TRAINING
Status: P.A. 97-1010, eff. 1-1-13
720 ILCS 5/24-2

Synopsis As Introduced
Amends the Criminal Code of 1961. In the statute exempting from an unlawful use of weapons violation or an aggravated unlawful use of a weapon violation, persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon, deletes provision that the Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training and that the documentation shall be carried at all times when those persons are in possession of a concealable weapon. Provides that the licensed person shall be considered eligible for the exemption if he or she has completed the required 20 hours of training under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Provides that conditions for the renewal of firearm control cards issued under these provisions shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the firearm control card shall be carried by the licensed person at all times when he or she is in possession of a concealable weapon.

*HB5685
Short Description: DNR LAND-DISORDERLY CONDUCT
Status: P.A. 97-1011, eff. 8-17-12 20
ILCS 805/805-518 new 20 ILCS 805/805-550

Synopsis As Introduced
Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Provides that the Department shall have the authority to remove any individual or group of individuals engaging in illegal activities or disorderly conduct from any lands owned, leased, or managed by the Department and any lands that are dedicated as a nature preserve or buffer area under the Illinois Natural Areas Preservation Act and deny future entry to the same by way of revocation or suspension of access privileges. Provides that hearings on access privileges shall be governed by administrative rule. Provides that the Department may assess a fee of up to $1,000 for the reinstatement of a suspended license, permit, registration, and other privileges that it administers in the exercise of its powers and duties under Illinois law. Effective immediately.

*HB5749
Short Description: APPELLATE PROSECUTOR-DUTIES
Status: P.A. 97-1012, eff.8-17-12
725 ILCS 210/4.01 725 ILCS 210/7.06

Synopsis As Introduced
Amends the State's Attorneys Appellate Prosecutor's Act. Provides that the Office of the State's Attorneys Appellate Prosecutor and all attorneys employed by the Office may also assist State's Attorneys in the discharge of their duties on hearings in post-conviction proceedings. Provides that the Director of the Office of the State's Attorneys Appellate Prosecutor may contract for such investigators (rather than hire no more than 0 investigators) to provide investigative services in criminal cases and tax objection cases for staff counsel and county State's attorneys. Effective immediately.

HB5771
Short Description: CD CORR-GOOD CONDUCT & RELIEF
Status: P.A. 97-1113, eff. 1-1-13
730 ILCS 5/5-5.5-30 730 ILCS 5/5-5.5-5

Summary
Amends the Unified Code of Corrections concerning certificates of good conduct and certificates of relief from disabilities. Provides that the certificate may be granted to an eligible offender who has demonstrated by clear and convincing evidence that he or she has been a law-abiding citizen and is fully rehabilitated.

Further amends the Unified Code of Corrections. Provides that a person is eligible for relief from disabilities and a certificate of good conduct if he or she has been convicted of a crime in this State or of an offense in any other jurisdiction that does not include any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act, the Arsonist Registration Act, or the Murderer and Violent Offender Against Youth Registration Act. Provides that an eligible offender does not include a person who has been convicted of committing or attempting to commit a Class X felony, aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, aggravated domestic battery, or a forcible felony.

Retains provisions that a certificate of relief from disabilities and a certificate of good conduct may not be issued unless the court is satisfied of certain factors based on clear and convincing evidence. Provides that the minimum period of good conduct in which the applicant must have conducted himself or herself if the most serious crime of which the individual was convicted is a misdemeanor shall be one year and if the most serious crime of which the individual was convicted is a Class 1, 2, 3, or 4 felony shall be 2 (rather than 3) years.

HB5780
Short Description: POLICE PLATES – NO TRANSFER FEE
Status: P.A. 97-794, eff. 1-1-13
625 ILCS 5/3-808.1

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that beginning with the 2013 registration year, municipally-owned vehicles operated by or for any police department shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Provides that each municipal police department shall report to the Secretary of State any transfer of registration plates. Provides that the Secretary of State shall adopt rules to implement the new provisions.

HB5877
Short Description: JUDICIAL PRIVACY ACT
Status: P.A. 97-847, eff. 9-24-12 & 1-1-13m

Statutes Amended In Order of Appearance
New Act 5 ILCS 140/7 10 ILCS 5/7A-1 10 ILCS 5/10-10.5 new
15 ILCS 335/4 15 ILCS 335/5 625 ILCS 5/3-405 625 ILCS 5/6-106 625 ILCS 5/6-110

Summary:
Michael Lefkow and Donna Humphrey Judicial Privacy Improvement Act of 2012.
Section 1-5: Purpose; Section 1-10 Definitions; includes “personal information” – a home address, home telephone number, mobile telephone number, page number, personal email address, social security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under the age of 18; Section 2-1 Civil Provisions: governmental agencies shall not publicly post or display publicly available content that contains a judicial officer’s personal information, provided that the governmental agency has received a written request in accordance with Section 2-10 of this Act that it refrain from disclosing the judicial officer’s personal information. Injunctive and declaratory relief provided. Section 2-5 All persons, businesses and associations shall refrain from publicly posting or displaying on the Internet publicly available content that includes a judicial officer’s personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information. After receipt, 72 hours had to remove the personal information from the Internet. Injunctive and declaratory relief provided. Section 2-10: Procedure for completing a written request…if the AOIC has a policy and procedure for a state judicial officer to file the written request with the AOIC to notify government agencies, the state judicial officer may send the written request to the AOIC. A judicial officer shall disclose the identity of the officer’s immediate family and indicate that the personal information of those family members shall also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer. Section 3-1 Criminal Provisions: It is unlawful for any person to knowingly publicly post on the Internet the personal information of a judicial officer or of the judicial officer’s immediate family if the person knows or reasonably should know that publicly posting the

personal information poses an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family, and the violation is a proximate cause of bodily injury or death of the judicial officer or a member of the judicial officer's immediate family. Class 3 felony. Exemption for government employees acting in good faith. Section 4-1 Construction and Severability.

Section 4-10 -- FOIA Act: Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under the Act.

Section 4-15 -- Election Code: Retention -- Upon certification of a Judge's candidacy for retention by the Secretary of State, the judicial candidate may file a written request with the Secretary of State for redaction of the judicial candidate's home address information from the candidate's declaration of candidacy for retention. Redaction within 5 business days. Nomination papers: Upon expiration of the period for filing an objection to a judicial candidate's certificate of nomination or nomination papers, a judicial officer who is a judicial candidates may file a written request with the State Board of Elctions for redaction of the home address information. Redaction within 5 business days. After redaction, home address only available for in-camera judicial review.

Section 4-18 -- ID Card Act: Judicial officer applicant may elect to list his office or work address instead of the residence.

Sectin 4-20 – Illinois Vehicle Code: Judicial officer applicant may elect to list his business address instead of the residence.

Effective Dates: Generally effective 60 days after enactment. Sections 4-18 & 4-20 effective 1-1-13.

HB5922
Short Description: NO CONTACT ORDER-SHORT FORM
Status: P.A. 97-1017, eff. 1-1-13
740 ILCS 21/115 740 ILCS 21/117 new 740 ILCS 22/218 740 ILCS 22/218.1 new 750 ILCS 60/222.10

Synopsis As Introduced
Amends the Stalking No Contact Order Act and the Civil No Contact Order Act. Provides that the sheriff, a law enforcement official, special process server, or a specified category of personnel in the Department of Corrections may serve a respondent with a short form notification of a civil no contact order or a stalking no contact order, which must include this information: names of the protected parties; date and county in which the no contact order was filed; hearing date and time; conditions that apply to the respondent; and related information. Provides that the short form notification must also inform the respondent that the no contact order is in effect, that he or she must obtain a copy of the order, and that he or she is subject to arrest for any violation of the order. Provides that a law enforcement official may detain a respondent for a reasonable time necessary to prepare and to serve the short form notification.

Provides that the Attorney General shall provide adequate copies of the short form to law enforcement agencies. Makes related changes
Amends the short form notification provisions of the Illinois Domestic Violence Act of 1986 so that they conform to the short form notification provisions of the Stalking No Contact Order Act and the Civil No Contact Order Act.

SENATE
BILLS_____

*SB73
Short Description: Meth Precursor Tracking Act
Status: P.A. 97-670, eff. 1-19-12
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.

Expands Williamson County (Marion) pilot program statewide. Electronic transaction record to Central Repository or log book.  Purge of record after 48 months.

Violations: Retail distributor – Min $500 fine for first offense; $1,000 for a second offense at the same location within 3 years of prior offense; $5,000 for a 3d or subsequent at the same location within 3 years. Employee or agent liability – Class A for a first offense; Class 4 for a second offense; Class 1 for a 3d or subsequent offense.  Imm effective date

*SB681
Short Description: FOID-AMMUNITION SHIPMENT
Status: Passed both Houses; Amendatory Veto
430 ILCS 65/3

Summary:
Amends the Firearm Owners Identification Card Act. Permits an Illinois resident to purchase ammunition from a person within or outside of Illinois if shipment is by United States mail or by a private express carrier authorized by federal law to ship ammunition. Provides that a resident purchasing ammunition within or outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. Effective immediately.

Governor Amendatory Veto Message
Proposes replacing the current provisions of the bill with amendments to the Criminal Code of 1961. Provides that 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge. Provides that beginning 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a large capacity ammunition feeding device. Provides that these provisions do not apply to a person who possessed a prohibited weapon, device, or attachment before the effective date of this amendatory Act if the person has provided proof of ownership to the Department of State Police within 90 days after the effective date of this amendatory Act. Provides that on or after the effective date of this amendatory Act, such person may transfer such device only to an heir, an individual residing in another state maintaining that device in another state, or a dealer licensed as a federal firearms dealer. Specifies penalties for violations. Provides exemptions. Provides that the provisions of the Act are severable.

*SB758
Short Description: LIQUOR-CULINARY STUDENT
Status: P.A. 97-1058, eff. 8-24-12
235 ILCS 5/6-20

Summary
Amends the Liquor Control Act of 1934. Provides that the provisions of the Act prohibiting the possession of alcoholic liquor by a person under 21 years of age and dispensing of alcoholic liquor to a person under 21 years of age do not apply in the case of a student under 21 years of age, but 18 years of age or older, who: (1) tastes, but does not imbibe, alcoholic liquor only

during times of a regularly scheduled course while under the direct supervision of an instructor who is at least 21 years of age and employed by an accredited educational institution; (2) is enrolled as a student in a college, university, or post-secondary educational institution that is accredited or certified by an agency recognized by the United States Department of Education or a nationally recognized accrediting agency or association or that has a permit of approval issued by the Board of Higher Education pursuant to the Private Business and Vocational Schools Act of 2012; (3) is participating in a culinary arts, food service, or restaurant management degree program of which a portion of the program includes instruction on responsible alcoholic beverage serving methods modeled after the Beverage Alcohol Sellers and Server Education and Training (BASSET) curriculum; and (4) tastes, but does not imbibe, alcoholic liquor for instructional purposes as a part of a required course in which the student temporarily possesses alcoholic liquor for tasting, not imbibing, purposes only and, thereafter, the alcoholic liquor is possessed and remains under the control of the instructor. Further amends the Liquor Control Act of 1934. In an exception to the prohibition against an underage person possessing alcoholic liquor, provides that a person who meets other requirements and is a culinary, food service, or restaurant management student may taste, but not imbibe, alcoholic liquor up to, but not exceeding, 6 times per class (instead of 6 times per course) for instructional purposes as a part of a required course. Effective immediately.

SB965
Short Description: VEH CD-AUTOMATED SPEED ENFORCE
Status: P.A. 97-672, eff. 7-1-12 (also see SB1865)
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 additional 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.

SB968
Short Description: VEH CD-COMMERCIAL MOTOR VEHICL: DEFINITIONS
Status: P.A. 97-795, eff. 1-1-13
625 ILCS 5/18b-101

Summary
Amends the Illinois Vehicle Code. Changes the definition of "commercial motor vehicle" to include vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation (instead of "vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location").

SB1034
Short Description: FIREARM REGULATION – ENTRY TO IL; MENTAL HLTH
Status: P.A. 97-1131, eff. 1-1-13
20 ILCS 2630/2.2 new 430 ILCS multi 725 ILCS multi 730 ILCS 5/5-6-3 740 ILCS 21/80 750 ILCS 60/214

Summary
Amends the Criminal Identification Act and the Code of Criminal Procedure of 1963. Establishes procedures for notifying the Department of State Police Firearm Owner's Identification Card Office of certain convictions for offenses that constitute domestic violence.

Amends the Firearm Owners Identification Card Act. Provides that new residents, who are not otherwise prohibited from obtaining, possessing, or using a firearm, firearm ammunition, stun gun, or taser, shall have 60 calendar days from when they obtain an Illinois driver's license or State identification card to make application and obtain a Firearm Owner's Identification Card. Provides that during this 60 day period these new residents, who are not otherwise prohibited, may possess a firearm, firearm ammunition, stun gun, or taser but shall not transfer or purchase firearms or ammunition. Provides that for the purposes of the provisions providing for the denial of an application for and revocation and seizure of a Firearm Owner's Identification Card of a

person convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction, if the applicant or person who has been issued a Firearm Owner's Identification Card knowingly and intelligently waives the right to have that offense tried by a jury, by guilty plea or otherwise, resulting in conviction for an offense in which a domestic relationship is not a defining element of the offense but in which a determination of domestic relationship is made under the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card or for revoking and seizing a card previously issued. Provides that an applicant for a Firearm Owner's Identification Card must be a resident of Illinois, except for a person who is employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois. Provides that it is grounds for the Department of State Police to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act if the person is not a resident of Illinois. Provides that each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or State Identification Card number. Provides that the court shall not issue an order directing the Department of State Police to issue a Firearm Owner's Identification Card when the Card has been denied, revoked, or seized because of certain specified violations and the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

Amends the Code of Criminal Procedure of 1963. In the statute that relates to the disposition of defendants suffering disabilities, provides that if the court imposes a sentence of imprisonment upon an offender who has a mental disability, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department. Amends the Stalking No Contact Order Act and the Illinois Domestic Violence Act of 1986 to make conforming changes.

Fiscal Note, House Committee Amendment No. 2 (Illinois State Police)

SB 1034 (H-AM 2) would bring the State of Illinois into compliance with State and federal law and secure Illinois' eligibility for the NICS Act Record Improvement Program (NARIP) Grant. The Illinois Criminal Justice Information Authority (ICJIA) determined the Illinois State Police was not eligible to apply for the FFY2011 $1.2 million grant; therefore, application was not made. The grant would enable the Illinois State Police to improve its access to records of mental health adjudications and commitments that prohibit individuals from processing or receiving firearms. The automation achieved from this grant would have allowed for electronic access of court records and streamlined the reporting of mental health records; thus, reducing the days law-abiding gun owners must wait for their FOID card or a firearms purchase.

*SB1047
Short Description: CRIMINAL LAW-PROBATION FEES

Status: P.A. 97-761, eff. 7-6-12
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 such $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.

*SB1338
Short Description: RENTRY EMPLOYMENT TF – STATE AGENCIES
Status: P.A. 97-1132, eff. 8-28-12
20 ILCS 5000/15

Summary
Amends the Task Force on Inventorying Employment Restrictions Act. Provides that the Task Force on Inventorying Employment Restrictions shall report to the Governor and the General Assembly on its findings and recommendations by July 1, 2013 (now, September 1, 2012). Effective immediately.

SB1697
Short Description: CNTY CD-STATE'S ATTORNEYS FEES
Status: P.A. 97-673, eff. 6-1-12
55 ILCS 5/4-2002 55 ILCS 5/3-4012 new 55 ILCS 5/4-2002.1

Summary:
Amends the Counties Code. Provides that State's Attorneys 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.

SB1701
Short Description: DRUG OVERDOSE 911 - USE IMMUNITY
Status: P.A. 97-678, eff. 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. Provides that the action of seeking or obtaining emergency medical assistance for an overdose may be used as a mitigating factor in a criminal prosecution for Class 3 felony or higher possession, manufacture or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog, or in the case of methamphetamine Class 2 felony or higher

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.

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. 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:
If possession is charged based on evidence developed from the 911 call, a *Kastigar* hearing may be appropriate to compel State to produce independent evidence of the crime … ”evidence for the possession charge was *acquired as a result* of the person seeking or obtaining emergency medical assistance.” See for analogy *United States v. Poindexter*, 951 F.2d 369 (D.C. Cir. 1991) – prosecution after grant of use immunity.
Other states too have similar “as a result” limited immunity statutes: N.M. Stat. Ann. Sec. 30-31-27.1; Rev. Code Wash. (ARCW) sec. 69.50.315; NY CLS Penal sec. 220.78; Conn. Gen. Stat. sec. 21a-279; Colo. Rev. Stat. sec. 18-1-711.

SB1865
Short Description: SCHOOL SPEED CAMERA #2
Status: P.A. 97-674, eff. 7-1-12
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.

SB2488
Short Description: VEH CD-WORK ZONES-CELL USE BAN
Status: P.A. 97-830, eff. 1-1-13
625 ILCS 5/12-610.1 625 ILCS 5/11-605.1

Summary.
Amends the Illinois Vehicle Code. Expands the definition of "construction or maintenance speed zone" to include an area where the Department of Transportation, Toll Highway Authority, or local agency has posted signage advising drivers that a construction or maintenance speed zone is being approached. Provides that if it is determined that a preexisting established speed limit is safe with respect to the conditions expected to exist in the construction or maintenance speed zone, additional signs shall be posted which give proper due warning that a construction or maintenance speed zone is being approached, indicate the maximum speed limit in effect, and state the amount of the minimum fine for a violation. Provides that the Section prohibiting the use of wireless telephones in school speed zones and construction or maintenance speed zones does not apply to a person using a telephone in voice-operated (instead of "voice-activated") mode or to a person using a wireless telephone by pressing a single button to initiate or terminate a voice communication. Provides that voice-operated mode includes the use of a headset.

SB2492
Short Description: COUNTIES CD-WAIVE JUROR FEES
Status: P.A. 97-840, eff. 1-1-13
55 ILCS 5/4-11001 55 ILCS 5/4-11002

Synopsis As Introduced
Amends the Counties Code. Provides that a juror may elect to waive any fees paid for service, transportation, or day care, or any combination thereof, as well as the fees paid for attending an inquest.

SB2520
Short Description: CRIM CD-CONCEALING FUGITIVE
Status: P.A. 97-741, eff. 1-1-13
720 ILCS 5/31-5

Summary:
Amends the Criminal Code of 1961. Provides that every person, 18 years of age or older, who, with intent to prevent the apprehension of the offender, aids or assists the offender, by some volitional act, in fleeing the municipality, county, State, country, or other defined jurisdiction in which the offender is to be arrested, charged, or prosecuted, commits a Class 4 felony.

*SB2524
Short Description: VEH CD-INSURANCE-BUS DRIVERS
Status: P.A. 97-1078, eff. 8-24-12
625 ILCS 5/12-707.01

Summary
Amends the Illinois Vehicle Code. Decreases until January 1, 2013 the required amount of insurance for certain vehicles to $25,000 (instead of $1,000,000) for any one person in any one accident and $100,000 (instead of $5,000,000) for two or more persons in any one accident. Provides that liability insurance policies issued or renewed on and after January 1, 2013 shall comply with the following: (1) any vehicle that is used for a purpose that requires a school bus driver permit and is used in connection with the operation of private day care facilities, day camps, summer camps, or nursery schools shall carry a minimum of liability insurance in the amount of $1,000,000 combined single limit per accident; (2) all other vehicles which are used for a purpose that requires a school bus driver permit shall carry a minimum of liability insurance in the amount of $2,000,000 combined single limit per accident; and (3) any commuter van or passenger car used for a for-profit ridesharing arrangement shall carry a minimum of liability insurance in the amount of $500,000 combined single limit per accident. Effective immediately.

*SB2528
Short Description: VEH CD-MOTORCYCLES-RED LIGHTS #2
Status: P.A. 97-762, eff. 7-6-12
625 ILCS 5/11-208.6 625 ILCS 5/11-306

Synopsis As Introduced
If and only if House Bill 2860 of the 97th General Assembly becomes law (P.A. 97-627, eff. 1-1-12), amends the Illinois Vehicle Code. Provides that the driver of a motorcycle may proceed through a red light which fails to change to a green light "within a reasonable period of time not less than 120 seconds" (instead of "within a reasonable period of time"). Effective immediately.

SB2537
Short Description: CRIM CD-DEATH-MISSING CHILD & THREAT TO SOCIAL WORKER
Status: P.A. 97-1079, eff. 1-1-13
720 ILCS 5/10-10 new 720 ILCS 5/31-4 720 ILCS 5/12-9

Summary .
Amends the Criminal Code of 1961. Creates the offense of failure to report the death or disappearance of a child under 13 years of age. Provides that a parent, legal guardian, or caretaker of a child under 13 years of age commits failure to report the death or disappearance of a child under 13 years of age when he or she knows or should know and fails to report the child as missing or deceased to a law enforcement agency within 24 hours if the parent, legal guardian, or caretaker reasonably believes that the child is missing or deceased. Provides that in the case of a child under the age of 2 years, the reporting requirement is reduced to no more than one hour. Provides that a parent, legal guardian, or caretaker of a child under 13 years of age must report the death of the child to the law enforcement agency of the county where the child's corpse was found if the parent, legal guardian, or caretaker reasonably believes that the death of the child was caused by a homicide, accident, or other suspicious circumstance.

Provides exemptions. Further provides that the Department of Children and Family Services Guardianship Administrator shall not personally be subject to the reporting requirements in the new statute concerning failure to report the death or disappearance of a child.

Provides that obstructing justice also consists of a parent, legal guardian, or caretaker of a child under 13 years of age reporting materially false information to a law enforcement agency, medical examiner, coroner, State's Attorney, or other governmental agency during an investigation of the disappearance or death of a child under circumstances described in the provisions relating to failure to report the death or disappearance of a child under 13 years of age.

Further amends the Criminal Code of 1961 concerning threatening a public official. Provides that for purposes of a threat to a social worker, caseworker, or investigator, the threat must contain specific facts indicative of a unique threat to the person, family or property of the individual and not a generalized threat of harm. Defines "public official" to include a social worker, caseworker, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, or the Department of Children and Family Services.

*SB2545
Short Description: INTERNET DATING SAFETY ACT
Status: P.A. 97-1056, eff. 8-24-12
815 ILCS 505/2MMM new

Summary
Creates the Internet Dating Safety Act. Defines “Criminal background screening” to include public and private sector databases. Defines internet dating service. Criminal conviction includes any crime. Safety awareness notifications required. If an Internet dating service (IDS) does not conduct criminal background screenings on its members, the service shall disclose clearly to all Illinois members that the IDS does not conduct criminal background screenings. If an IDS does conduct criminal background screenings on its members, the service shall clearly disclose that it does so, but note that such screenings are not foolproof. Failure to provide notice or false notice is a Unlawful Business Practice. An ISP or website housing service does not violate the Unlawful Business Practice Act be being an intermediary. Immediate Effective Date.

*SB2559
Short Description: DHS-REPORTS-FITNESS TO STAND TRIAL
Status: P.A. 97-1020, eff. 8-17-12
725 ILCS 5/104-18 20 ILCS 1305/1-60 new

Summary
Amends the Department of Human Services Act. Provides that the Department of Human Services shall prepare 2 reports on the impact of the new provisions of the Code of Criminal

Procedure of 1963 (Hearing within 14 days of report per P.A.97-37, eff. 6-28-11). Provides that a preliminary report shall be prepared and submitted to the Governor and the General Assembly by November 1, 2012. Provides that a final report shall be prepared and submitted to the Governor and the General Assembly by October 1, 2013. Each report shall be posted on the Department's website within a week of its submission. Provides that each report shall discuss the number of admissions during the reporting period, any delay in admissions, the number of persons returned to the county under the new provisions of the Code of Criminal Procedure of 1963, and any issues the county sheriffs or other county officials are having with the returns. Provides that each report shall include a recommendation from the Department of Human Services and one from an association representing Illinois sheriffs whether to continue the pilot study. Provides that if either report indicates that there are serious deleterious effects from the new provisions of the Code of Criminal Procedure of 1963 or that the new provisions of the Code of Criminal Procedure of 1963 are not producing adequate results, the General Assembly may take necessary steps to eliminate the new provisions prior to January 1, 2014.

Amends the Code of Criminal Procedure of 1963. Provides that whenever the court is sent a report from the supervisor of the defendant's treatment in which the treatment supervisor believes that the defendant has attained fitness, the treatment provider shall arrange with the court for the return of the defendant to the county jail before the 90 day period. Provides that the new provision is inoperative on and after January 1, 2014. Effective immediately.

SB2579
Short Description: VEH CD-KINGPIN-REAR AXLE LIMIT
Status: P.A. 97-883, eff. 1-1-13
625 ILCS 5/15-107

Summary
Amends the Illinois Vehicle Code. Provides that the length limits for the distance between the kingpin and the center of the rear axle of semitrailers longer than 48 feet shall not apply to trailers or semi-trailers used for the transport of livestock, as that term is defined in the Act.

*SB2621
Short Description: ADDITIONAL SENTENCE CREDIT – PROGRAMMING & ELEC MON
Status: P.A. 97-697, eff. 6-22-12
730 ILCS multi

Summary:
Amends the Unified Code of Corrections. Changes the references to "good conduct credit" and "early release" on felony sentences to "sentence credit", and the references to "good conduct for meritorious service" to "sentence credit for good conduct". Provides that the Department of Corrections shall provide annual reports to the Governor and General Assembly on award, amount, holding offenses, and revocation of sentence credit for good conduct. Provides that the

rules and regulations for sentence credit shall provide that the sentence credit accumulated and retained by an inmate during specific periods of time in which the inmate is engaged full-time in behavior modification programs or life skills courses and satisfactorily completes the assigned program as determined by the standards of the Department of Corrections shall be multiplied by a factor of 1.50 for program participation. **Provides that the rules and regulations shall also provide that sentence credit, subject to the same offense limits and multiplier, may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and successfully completed a full-time 60 day or longer substance abuse program, educational program, behavior modification program, or life skills course provided by a county department of corrections or county jail.** ***Requires the county program credit to be calculated at sentencing and included in the sentencing order***. Deletes prohibition on an inmate receiving additional sentence credit for time spent in an educational or training program if the inmate previously served more than one prior sentence for a felony in an adult correctional facility. Provides that the Department may also award 60 days of sentence credit to any committed person who passed the high school level Test of General Educational Development (GED) while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections. Provides that the Department's rules and regulations for revoking sentence credit, includes revocation of sentence credit for good conduct.
Provides that eligible inmates for an award of sentence credit for specific instances of good conduct may be selected to receive the credit at the Director's or his or her designee's sole discretion. Provides that consideration may be based on, but not limited to, any available risk-assessment analysis on the inmate, any history of conviction for violent crimes as defined by the Rights of Crime Victims and Witnesses Act, facts and circumstances of the inmate's holding offense or offenses, and the potential for rehabilitation. Provides that no inmate shall be eligible for the additional good conduct credit in which the inmate is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning who (i) has previously received increased good conduct credit for that participation and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility. Effective upon becoming law.

*SB2819
Short Description: CD CORR-DEPT CORR-REPORTS
Status: P.A. 97-800, eff. 7-13-12
730 ILCS multi

Synopsis As Introduced Unified Code of Corrections. Eliminates various reports that the Department of Corrections must submit to the Governor and General Assembly. Provides that reports about the pilot residential and treatment program for women shall be required only if the program is operational. Repeals provision requiring the Department of Corrections to publish an annual report available to trial and appellate court judges for their use in imposing or reviewing

sentences under the Code and to other interested parties upon a showing of need. Effective immediately.

SB2837
Short Description: SOS-VETERANS-ID CARD & LICENSE
Status: P.A. 97-739, eff. 1-1-13; 7-1-15
15 ILCS multi 625 ILCS multi

Summary
Amends the Illinois Identification Card Act and Illinois Vehicle Code to provide that: the Secretary of State must inquire as to whether an applicant for a State identification card or driver's license is a veteran for purposes of issuing a State identification card or driver's license with a veteran designation; the Secretary shall determine by rule what forms of proof of a person's status as a veteran are acceptable; and the Secretary may disclose an individual's social security number or associated information to the Illinois Department of Veterans' Affairs for the purpose of confirming veteran status. Defines "veteran" and other terms
Adds legislative findings. Provides that to assist the State in identifying veterans and in delivering vital services and benefits, the Secretary of State is authorized to issue Illinois Identification Cards, Illinois Disabled Person Identification Cards, and drivers' licenses with the word "veteran" appearing on the face of the cards. Provides that the Secretary may not issue any other identification card or driver's license which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the holder which is unrelated to the purpose of the identification card or license. Provides that the Illinois Department of Veterans' Affairs shall confirm the status of the applicant as an honorably discharged veteran before the Secretary may issue the identification card or driver's license. Effective January 1, 2013. Provides that the Secretary shall implement the provisions of the amendatory Act no later than July 1, 2015.

SB2839
Short Description: BOAT REG-FLOTATION:SAILBOARDS
Status: P.A. 97-801, eff. 1-1-13
625 ILCS 45/4-1

Synopsis As Introduced
Amends the Boat Registration and Safety Act. Provides that certain provisions concerning flotation devices shall not apply to sailboards (instead of sailboats).

*SB2844
Short Description: CD CORR-CONTRACTS-HEALTH&FOOD; IDOC co-pay
Status: P.A. 97-802, eff. 7-13-12
730 ILCS 5/3-2-2 730 ILCS 5/3-6-2

Synopsis As Introduced
Amends the Unified Code of Corrections. Provides that when the Department of Corrections lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider or lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds have an investment grade or higher rating (rather than rated AAA) by a bond rating organization. Changes the definition of an "indigent" committed person in relation to the exemption from the $5 co-payment for medical and dental services. Provides that the committed person who has $20 or less in his or her Inmate Trust Fund at the time of such services and (rather than or) for the 30 days prior to such services. Effective immediately.

*SB2849
Short Description: ABUSED CHILD RPT ACT-DEFINITON
Status: P.A. 97-803, eff. 7-13-12
325 ILCS 5/3

Summary
Amends the Abused and Neglected Child Reporting Act. Expands the definition of the term "neglected child" to include any child who is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities. Defines the term "blatant disregard" to mean an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. Effective immediately.

Comment: Response to “indicated” reversal case – Julie Q. v. DCFS, 2011 IL App (2d) 100643; pla granted.

SB2869
Short Description: COURT ORDERS-PROTECTION
Status: P.A. 97-904, eff. 1-1-13
725 ILCS 5/112A-22 740 ILCS 21/115 740 ILCS 22/218 750 ILCS 60/222

Synopsis As Introduced
Amends the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986 relating to a respondent of an order of protection, stalking no contact order, or civil no contact order. Provides that if the respondent, at the time of the issuance of the order, is committed to the custody of the Illinois

Department of Corrections or is on parole or mandatory supervised release, the sheriff or other law enforcement officials charged with maintaining Department of State Police records shall notify the Department of Corrections within 48 hours of receipt of a copy of the order from the clerk of the issuing judge or the petitioner. Provides that such notice shall include the name of the respondent, the respondent's IDOC inmate number, the respondent's date of birth, and the LEADS Record Index Number.

SB2888
Short Description: SPECIFIED SPEEDING VIOLATIIONS – NO SUPERVISION
Status: P.A. 97-831, eff. 7-1-13
730 ILCS 5/5-6-1

Summary
Amends the Unified Code of Corrections. Provides that the court shall not enter an order of supervision to a defendant charged with speeding when the defendant drives a vehicle upon any highway of the State at a speed that is 31 miles per hour or more (rather than 40 miles per hour or more) in excess of the applicable maximum speed limit established under the Illinois Vehicle Code or a local ordinance. Provides that the court shall not enter an order of supervision to a defendant charged with speeding when the defendant was operating a vehicle, in an urban district, at a speed in excess of 25 miles per hour over the posted speed limit. Adds a July 1, 2013 effective date to the bill.

*SB2944
Short Description: DEPT CORR-REFERENCES Adult Division
Status: P.A. 97-1083, eff. 8-24-12
20 ILCS 5/5-335 705 ILCS 405/1-7 730 ILCS multi

Summary
Amends the Civil Administrative Code of Illinois, the Juvenile Court Act of 1987, and the Unified Code of Corrections. Eliminates references to the Adult Division of the Department of Corrections. Changes those references to the Department of Corrections. Provides that the Assistant Director of Corrections shall receive an annual salary as set by the Compensation Review Board for the Assistant Director of Corrections-Adult Division. Effective immediately.

SB3258
Short Description: CRIM CD-CHILD SEX OFFENDERS
Status: P.A. 97-698, eff. 1-1-13
720 ILCS 5/11-9.3 720 ILCS 5/11-9.4-1 20 ILCS 2630/5.2

Summary
Amends the Criminal Code of 1961 in relation to child sex offenders residing or being present

near certain places. Changes the definition of "child sex offender" to provide that the victim is a person under 18 years of age at the time of the offense. Changes the definition of "sex offense" to include forcible detention, custodial sexual misconduct, sexual misconduct with a person with a disability, sexual relations within families, promoting prostitution (other than arranging or offering to arrange a situation in which a person may practice prostitution), grooming, traveling to meet a minor, and permitting sexual abuse of a child. Changes cross references to conform to Public Act 96-1551.Deletes patronizing a prostitute from the definition of "sex offense" in the statute prohibiting child sex offenders from being present within a school zone and from approaching, contacting, residing with, or communicating with a child within certain places Adds bikeway and trail to the definition of "public park" which applies to the offenses of approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited and sexual predator and child sex offender presence or loitering in or near public parks prohibited.

Amends the Criminal Identification Act provisions on expungement and sealing of records of arrests or charges not initiated by arrest that result in an order of supervision for or conviction of reckless driving or a similar provision of a local ordinance by permitting the court to order the expungement or sealing of records for misdemeanor reckless driving or a similar provision of a local ordinance if the arrest or charge for reckless driving or a similar provision of a local ordinance occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for DUI or reckless driving or a similar provision of a local ordinance; and provides that these records may be sealed after the petitioner has reached the age of 25 years.

SB3336
Short Description:  VEH CD-SKATERS TREATED AS PEDISTRIANS
Status: P.A. 97-1023, eff. 1-1-13
625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Provides that the definition of "pedestrian" includes a person wearing in-line speed skates. Defines "in-line speed skates". Provides that in municipalities with a population of under 2,000,000 inhabitants, upon highways where the maximum posted speed limit is 45 miles per hour or less, and during the period from sunrise to sunset, a pedestrian who is 18 years of age or older and wearing in-line speed skates may travel upon the roadway as near as practicable to an outside edge of the roadway. Provides that pedestrians wearing in-line speed skates upon a roadway may not impede or obstruct other vehicular traffic. Provides that pedestrians wearing in-line speed skates shall be subject to all other rights and duties under the Article concerning pedestrians. Provides that nothing in the Code shall be construed to prevent a pedestrian wearing in-line speed skates from using a lane designated for bicycles.

SB3349
Short Description:  CD CORR-DEFERRED PROSECUTION

Status: P.A. 97-1118, eff. 1-1-13 720
ILCS multi 20 ILCS 2630/5.2 730 ILCS 5/5-6-3.3 new

Summary
Amends the Criminal Identification Act, the Criminal Code of 1961, the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Unified Code of Corrections. Creates Offender Initiative Program. Provides that whenever any person who has not previously been convicted of, or placed on probation or conditional discharge for, any felony offense, under the laws of this State, the laws of any other state, or the laws of the United States, is arrested for a charged with a probationable felony offense of *theft, retail theft, forgery, possession of a stolen motor vehicle, burglary, possession of burglary tools, possession of cannabis, possession of a controlled substance, or possession of methamphetamine, the court, with the consent of both the defendant and the State's Attorney, may, without entering a judgment*, continue the case and allow the defendant to participate in and complete the program. Both parties are required to waive the preliminary hearing. Establishes the terms and conditions of the program (not less than 12 months). Provides that upon fulfillment of the terms and conditions of the program, the court shall discharge the person and dismiss the proceedings against the person. Provides that upon violation of a term or condition of program, the court may continue the matter for arraignment and proceed as otherwise provided by law.

Exemptions. A defendant shall not be eligible for this Program if the offense he or she has been arrested for and charged with is a violent offense. For purposes of this Program, a "violent offense" is any offense where bodily harm was inflicted or where force was used against any person or threatened against any person, any offense involving sexual conduct, sexual penetration, or sexual exploitation, any offense of domestic violence, domestic battery, violation of an order of protection, stalking, hate crime, driving under the influence of drugs or alcohol, and any offense involving the possession of a firearm or dangerous weapon. A defendant shall not be eligible for this Program if he or she has previously been adjudicated a delinquent minor for the commission of a violent offense as defined in this subsection.

Comment: Codification of existing Cook County deferred prosecution program. Alternative 1st-offender expungeable probation rejected by the sponsor, as prosecutors wanted veto power over entry.

SB3409
Short Description: VEH CD-HWY: NO-INJURY ACCIDENTS
Status: P.A. 97-763, eff. 1-1-13
625 ILCS 5/11-402

Synopsis As Introduced
Amends the Illinois Vehicle Code. Provides that the driver of a vehicle involved in a motor vehicle accident resulting only in damage to a vehicle may move the vehicle as soon as possible off the highway to the nearest safe location on an exit ramp shoulder, a frontage road,

the nearest suitable cross street, or other suitable location that does not obstruct traffic and remain at that location until the driver has fulfilled the requirements of the Section of the Code concerning the duty to give information and render aid.

SB3423
Short Description: DRUG ABUSE-METH-TREATMENT
Status: P.A. 97-889, eff. 1-1-13
20 ILCS 301/40-5

Synopsis As Introduced
Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that treatment under the supervision of a licensed program designated by the Department of Human Services is not available to: a first-time offender charged or convicted of possession of 15 grams or more (rather than any amount) of methamphetamine; or a person who is otherwise ineligible for probation under specified provisions of the Methamphetamine Control and Community Protection Act.

SB3433
Short Description: CRIM ID-SEALED RECORDS (Pardon)
Status: P.A. 97-1026, eff. 1-1-13
20 ILCS 2630/5.2 20 ILCS 2630/13

Synopsis As Introduced
Amends the Criminal Identification Act. Provides that criminal records sealed by the Department of State Police may be disseminated by the Department only to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Strikes provision that permitted the dissemination to other parties of criminal records sealed as required by law.

SB3452
Short Description: VEH CD: DPT ST POL-VARIOUS
Status: P.A. 97-743, eff. 1-1-12
625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Provides that police officers who confiscate certain driver documents shall return them or cause them to be returned to the Secretary of State. Relocates and redefines provisions concerning registration plate covers (requires character be covered or recorded image distorted, and provides that a registration plate on a motorcycle may be mounted vertically, with conditions. Deletes prohibition against clear/non-distorting plate covers. Provides that a person who sells or advertises the sale of registration plate covers shall be guilty

of a business offense. Provides that a person may not modify a vehicle's original mounting location so as to hinder a peace officer from obtaining the registration; that a person who does so is guilty of a Class A misdemeanor; and that the Secretary of State may suspend the driving privileges of a person who violates the new provisions.
Adds concealing or altering a vehicle's license plate to the list of aggravating factors for fleeing or attempting to elude a peace officer. Provides that a police officer may order the removal of a vehicle that has had its registration suspended, cancelled, or revoked.
Provides that the handlebars of a motorcycle may not be higher than the height of the operator's head and that the operator must keep at least one hand on the handlebars at all times the motorcycle is in motion.
Provides that a person commits aggravated operating a motorcycle, motor driven cycle, or moped on one wheel when he or she operates on one wheel while speeding. Provides that a first violation of aggravated operating a motorcycle, motor driven cycle, or moped on one wheel is a petty offense with a minimum fine of $100, a second violation is a Class B misdemeanor, and a third or subsequent violation is a Class A misdemeanor. Provides that motorcycles and motor-driven cycles may be equipped with a red or amber stop lamp on the rear of the vehicle that flashes and becomes steady only when the brake is actuated.

SB3458
Short Description: CRIM ID&CD CORR-SEALING RECORD; PRB RECOMMEND
Status: P.A. 97-1120, eff. 1-1-13
20 ILCS 2630/5.2 20 ILCS 2630/13 730 ILCS 5/3-3-2

Summary .
Amends the State Police Law, Criminal Identification Act and the Unified Code of Corrections. Provides financial institutions can access sealed convictions for “a felony or any criminal offense relating to dishonesty, breach of trust, or money laundering.” Sealing statute expanded to cover some Class 3 & 4 felonies, if the offender gets a Prisoner Review Board recommendation which he files with his judicial sealing petition. PRB recommendation must be by a 3-person unanimous panel. Requires: 5 years since expiration of sentence; 5 years from any arrest (except petty offense, traffic offense, conservation offense or ordinance violation); drug convictions require proof of completion of drug treatment program. Excluded offenses include: any sex offense, agg assault, agg battery, domestic battery, agg dom battery, violation of OP, firearm offenses, DUI or Agg DUI, and any crime of violence under the Crime Victims Compensation Act. If PRB denies the request, the person must wait 4 years before re-filing. The PRB has exclusive discretion to grant or deny the request. Only one certificate of eligibility can be had for one information or indictment in one’s lifetime.

*SB3517
Short Description: CHILD CARE-CRIME-LIC DENIAL
Status: P.A. 97-874, eff. 7-31-12
225 ILCS 10/4.2

Summary
Amends the Child Care Act of 1969. Provides that no applicant may receive a license from the Illinois Department of Children and Family Services and no person may be employed by the Department or a child care facility licensed by the Department who has been convicted of committing or attempting to commit specified offenses unless, after careful review of the circumstances surrounding the convictions, through questioning of the applicant and accessing and reviewing official documents, the Department determines that the applicant does not pose a threat to State resources or clients.
Includes provisions with regard to applicants with access to confidential financial information or who submit documentation to support billing. Provides that in evaluating certain exceptions, the Department of Children and Family Services must carefully review any relevant documents to determine whether the applicant, despite the disqualifying convictions, poses a substantial risk to State resources or clients. Sets forth guidelines to be used in making the determination. Makes other changes. Effective immediately.

*SB3518
Short Description: CNTY & MUNI CODES-SOLICITATION
Status: P.A. 97-692, eff. 6-15-12
55 ILCS 5/5-1182 new 65 ILCS 5/11-80-9

Summary:
Amends the Counties Code and the Illinois Municipal Code. Provides that no county or municipality may prohibit a charitable organization from soliciting for charitable purposes, including solicitations taking place on public roadways from passing motorists, if certain requirements are met. Sets forth requirements regarding the groups involved, applications and liability insurance. Defines "local agency" to mean a municipality, county, special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois. Limits the concurrent exercise of home rule powers. Effective immediately.

*SB3530
Short Description: VEH CD-FORMER MILITARY REGISTR
Status: P.A. 97-811, eff. 7-13-12
625 ILCS multi

Summary
Amends the Illinois Vehicle Code. Defines "former military vehicle" as a vehicle or trailer, regardless of size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to depict or represent military design or markings, and does not include a vehicle used for any commercial or production agriculture purpose. Provides that the owner of a former military vehicle may register the vehicle for a fee not to; $25 for a trailer with a weight of 3,000 pounds or less; or $75 for a trailer with a weight of over 3,000 pounds. Provides that the Secretary of State may prescribe that former military vehicle plates be

issued for a definite or an indefinite term, such term to correspond to the term of registration plates issued generally as provided by law. Provides that any person requesting former military vehicle plates may also apply to have vanity or personalized plates. Provides that a vehicle registered as a former military vehicle is not subject to weight tax requirements.

Provides that a vehicle may not be registered under the new provisions unless a title for the vehicle has been issued by the Secretary and the vehicle is eligible for registration without regard to its status as a military vehicle.

Provides that the owner of a former military vehicle may register the vehicle for a fee not to exceed $100 for a vehicle with a gross vehicle weight rating of 26,000 pounds or less; Provides that the owner of a former military vehicle may register the vehicle for a fee not to exceed the following amounts: $150 for a vehicle with a gross vehicle weight rating of 26,001 to 45,000 pounds;$500 for a vehicle with a gross vehicle weight rating of 45,001 to 65,000 pounds; and $1,000 for a vehicle with a gross vehicle weight rating of over 65,000 pounds.

*SB3533
Short Description: WILDLIFE CODE-CASE DEFINITION
Status: P.A. 97-1027, eff. 8-17-12
520 ILCS 5/1.2b-1

Synopsis As Introduced
Amends the Wildlife Code. Changes the definition of "case" to mean any case, firearm carrying box, shipping box, or container acceptable under specified provisions of the Code of 1961. Effective immediately.

Comment: Meant to codify People v. Diggins, 235 Ill. 2d 48 (2010) OVERVIEW: For purposes of instant case, center console of vehicle fell within ordinary definition of case, and thus, defendant's conduct fell within exception set forth in 720 ILCS 5/24-1.6(e)(iii

*SB3544
Short Description: ABUSED NEGLECT CHILD-UNFOUNDED
Status: P.A. 97-1089, eff. 8-24-12
325 ILCS 5/7.7

Summary
Amends the Abused and Neglected Child Reporting Act. Provides that if an individual is the subject of a subsequent investigation that is pending, the Department of Children and Family Services shall maintain all prior unfounded reports pertaining to that individual until the pending investigation has been completed or for 12 months, whichever time period ends later. Effective immediately.

SB3555
Short Description: VEH CD-SOS: PLATES; VARIOUS
Status: P.A. 97-914, eff. 1-1-13
625 ILCS 5/3-658 625 ILCS 5/3-806.9 new 625 ILCS 5/3-696 rep. 625 ILCS 5/3-806.8 rep.

Synopsis As Introduced
Amends the Illinois Vehicle Code. Adds motorcycles to the list of vehicles for which the Secretary of State may issue Professional Sports Teams license plates. Provides that the Comptroller shall order transferred and the Treasurer shall transfer all moneys in the Professional Sports Team Education Fund to the Common School Fund every 6 months (instead of "All moneys in the Professional Sports Teams Education Fund shall, subject to appropriation by the General Assembly and distribution by the Secretary, be deposited every 6 months into the Common School Fund"). Provides that the Secretary may provide an expedited process for the issuance of vehicle registration plates and contains additional provisions concerning applications and fees for expedited vehicle registration. Repeals a Section concerning a corporate-sponsored license plate study and a Section concerning a graduated registration fee study.

SB3579
Short Description: CRIM CD-CHILD SEX OFFENDER & HOLIDAY PARTIES
Status: P.A. 97-699, eff. 1-1-13
720 ILCS 5/11-9.3

Synopsis As Introduced
Amends the Criminal Code of 1961. Provides that it is Class 4 felony for a child sex offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. Exempts from a violation where (1) the sex offense conviction which brought the person into the child sex offender category was criminal sexual abuse in which the victim was at least 13 years of age but under 17 years of age and the offender was less than 5 years older than the victim; or (2) the child sex offender is a parent or guardian of children under 18 years of age that are present in the home and no non-familial minors are present.

Comment: Expands on existing condition of probation & MSR in Code of Corrections from P.A. 94-159.

*SB3602
Short Description: CRIME VICTIMS ASSISTANCE FUND

Status: P.A. 97-816, eff. 7-16-12
725 ILCS 240/10

Summary
Amends the Violent Crime Victims Assistance Act. Changes the additional penalty imposed, the proceeds of which are deposited into the Violent Crime Victims Assistance Fund to: (1) $100 for a felony; (2) $50 for an offense under the Illinois Vehicle Code, excluding speeding offenses and certain equipment offenses and certain other violations; and (3) $75 for a misdemeanor, excluding conservation offenses. Effective July 1, 2012.
In the Violent Crime Victims Assistance Act, provides that notwithstanding any other provision, the penalty established for funding the Violent Crime Victims Assistance program shall be assessed for driving 31 miles per hour or more in excess of the applicable maximum speed limit, speeding in highway construction or maintenance zones, or speeding in parks and recreation facilities and areas. Effective July 1, 2012.

SB3638
Short Title: SOMB REORGANIZATION
Status: P.A. 97-1098; multiple eff. dates
730 ILCS multi

Summary:
Creates the Sex Offender Evaluation and Treatment Provider Act. Provides that there is established within the Department of Financial and Professional Regulation the Sex Offender Evaluation and Treatment Licensing and Disciplinary Board to be appointed by the Secretary of the Department. Provides that the Board shall be composed of 8 persons who shall serve in an advisory capacity to the Secretary. Provides that the Board shall elect a chairperson and a vice chairperson. Provides that the Department shall license sex offender evaluators, sex offender treatment providers, and associate sex offender providers. Establishes qualifications for licenses and the duration of licenses. Provides for revocation of licenses under certain conditions. Establishes civil and criminal penalties for violations of the Act.

Amends the Sex Offender Management Board Act. Changes the Board's duties to evaluation and management (rather than evaluation, identification, behavior management, monitoring, and treatment) of sex offenders. Adds duty to assist in the education and training of parole, probation, law enforcement, treatment providers, and others involved in the management of sex offenders, to standardize the evaluation, treatment, and management of sex offenders. Deletes duty to provide a plan to research and analyze effectiveness of evaluation, identification, and counseling processes and programs services under the Act. Increases membership of the Board from 20 to 22 and rearranges representation on the Board. Transfers all but $5,000 from the Sex Offender Management Board Fund to the General Professions Dedicated Fund.

Amends the Sex Offender Registration Act. Increases from $30 to $35 the amount of the initial registration fee going to the registering law enforcement agency. Reduces from $10 to $5 the amount of the initial registration fee going to the Sex Offender Management Board Fund.

Amends the Sexually Dangerous Persons Act and the Sexually Violent Persons Commitment Act to make conforming changes.

Requires a sex offender evaluator, sex offender treatment provider, or associate sex offender provider to be licensed under the Act to provide sex offender evaluations or sex offender treatment pursuant to the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act. Limits the application of the Act to the provision of sex offender evaluations or sex offender treatment only under these circumstances. States that nothing in the Act shall be construed to require any licensed physician, advanced practice nurse, physician assistant, or other health care professional to be licensed under the Act for the provision of services for which the person is otherwise licensed. Requires the appointment of the President of the Illinois Polygraph Society and the President of the Illinois Chapter of the Association for the Treatment of Sexual Abusers, or their designees to the Sex Offender Management Board to be made by the Governor.

Provides that a person who holds himself or herself out to practice as a licensee without being licensed under the Sex Offender Evaluation and Treatment Provider Act (rather than a person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a licensee without being licensed under the Act) shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department of Financial and Professional Regulation. Effective July 1, 2013, some provisions at other dates.

Section 999. Effective date. This Act takes effect July 1, 2013, except that this Section, Section 175, Section 180, and the amendatory changes to Sections 2 and 3 of the Sex Offender Registration Act take effect on January 1, 2013, the other amendatory changes to Section 3-5 of the Sex Offender Registration Act, the amendatory changes to the Sexually Dangerous Persons Act, and the amendatory changes to the Sexually Violent Persons Commitment Act take effect January 1, 2014.

SB3665
Short Description: CRIM CD-LETTER CARRIERS Agg Factor Sentencing
Status: P.A. 97-693, eff. 1-1-13
730 ILCS 5/5-5-3.2

Summary
Amends the Unified Code of Corrections. Provides that it is an aggravating factor in sentencing that the defendant committed the offense of assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person that the defendant knew or reasonably should have known was a letter carrier or postal worker while that person was performing his or her duties delivering mail for the United States Postal Service.

*SB3673
Short Description: CRIM CD-CRIM TRANSMISSION HIV; Confidentiality

Status: P.A. 97-1046, eff. 8-21-12
410 ILCS 305/9 720 ILCS 5/12-5.01 was 720 ILCS 5/12-16.2

Synopsis As Introduced
Amends the AIDS Confidentiality Act. Provides that the identity of any person upon whom an HIV test is performed, and the results of such a test in a manner which permits identification of the subject of the test may be disclosed to a court in accordance with the provisions of the statute concerning the offense of criminal transmission of HIV. Amends the Criminal Code of 1961 concerning criminal transmission of HIV. Requires the defendant to have the specific intent to commit the offense. Requires the defendant to know that he or she is infected with HIV. Changes an element of the offense from engaging in intimate contact with another to engaging in sexual activity with another without the use of a condom when the defendant knows that he or she is infected with HIV. Provides that a prosecuting entity may issue a subpoena duces tecum for the records of a person charged with the offense of criminal transmission of HIV or a subpoena for the attendance of a person with relevant knowledge thereof so long as the return of the records or attendance of the person pursuant to the subpoena is submitted initially to the court for an in camera inspection. Provides that only upon a finding by the court that the records or proffered testimony are relevant to the pending offense, the information sought by the subpoena shall be disclosed to the prosecuting entity and admissible if otherwise permitted by law. Effective immediately.

SB3693
Short Description: CRIME VICTIMS-COURT OF CLAIMS
Status: P.A. 97-817, eff. 1-1-13
740 ILCS multi 730 ILCS 5/5-5-6 6 770 ILCS 23/30

Summary
Amends the Unified Code of Corrections. Provides that when a victim's out-of-pocket expenses have been paid under the Crime Victims Compensation Act, the court shall order restitution to be paid to the compensation program. Amends the Crime Victims Compensation Act. Adds to the definition of "crime of violence" certain offenses under the Criminal Code of 1961 relating to the death of an unborn child, the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Vehicle Code. Adds to the definition of "victim" the spouse of a person killed or injured as a result of a crime of violence. Defines "parent". Adds categories of benefits, payments, or awards that a victim must report on the compensation program application. Sets forth a procedure for a rehearing before the Court of Claims. Provides that an applicant must report if an offender is ordered by a court to pay restitution. Provides that only the Court of Claims may reduce the State's lien under the Crime Victims Compensation Act. Amends the Health Care Services Lien Act to provide that under that Act only the Court of Claims may reduce a lien created under the Crime Victims Compensation Act. Makes other changes.

Further amends the Crime Victims Compensation Act. In provisions describing what is included in the term "pecuniary loss", includes: a crime victim's replacement services loss to a maximum of $1,250 (instead of $1,000) per month; a crime victim's dependent's replacement services loss

to a maximum of $1,250 (instead of $1,000) per month; in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial to a maximum of $7,500 (instead of $5,000); in the case of a dismembered or desecrated body, expenses for a funeral and burial, not to exceed $7,500 (instead of $5,000); and in cases of a loss of earnings, compensation to a maximum of $1,250 (instead of $1,000) per month.

*SB3798
Short Description: GENERAL REVISORY
Status: P.A. 97-813, eff. 7-13-12
Statutes affected include 625 ILCS, 705 ILCS, 720 ILCS, 725 ILCS, 730 ILCS multi

Synopsis As Introduced
Creates the First 2012 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.

*SB3809
Short Description: PARK DISTRICT-DELINQUENTS
Status: P.A. 97-700, eff. 6-22-12
70 ILCS 1205/8-23 70 ILCS 1505/16a-5 705 ILCS 405/5-905

Synopsis As Introduced
Amends the Park District Code and the Chicago Park District Act. Prohibits a park district from knowingly employing an applicant who has been adjudicated a delinquent minor for committing specified offenses. Provides that the Illinois Department of State Police shall conduct a search of the Illinois criminal history records database to ascertain if an applicant being considered for employment with a park district has been adjudicated a delinquent minor for committing specified offenses. Adds that a park district shall not knowingly employ a person who has been convicted, or adjudicated a delinquent minor, for stalking, aggravated stalking, or cyberstalking. Amends the Juvenile Court Act of 1987. In provisions concerning the confidentiality of the law enforcement records of minors, provides that the president of a park district may have access to specified records of an applicant for employment who has been adjudicated a delinquent minor. Effective immediately.

*SB3823
Short Description: DISSOLUTION-VISITATION ABUSE
Status: P.A. 97-1047, eff. 8-21-12
625 ILCS mult 750 ILCS 5/607.1

Summary

Amends the Illinois Vehicle Code and the Illinois Marriage and Dissolution of Marriage Act. Provides that the Secretary of State shall suspend, pursuant to court order, the driver's license of a person adjudicated by a court to have engaged in visitation abuse. Provides procedures for that suspension process. Provides that the court, upon finding that a party engaged in visitation abuse, *may order: the suspension* of the offending party's Illinois driving privileges pursuant to the Illinois Vehicle Code, until the court has determined that there has been sufficient compliance with the court's visitation order and that full driving privileges shall be reinstated; the issuance of a family responsibility driving permit to the offending party to allow limited driving privileges for employment, for medical purposes, and to transport a child pursuant to a visitation order; the placement of the offending party on probation; or the sentencing of the offending party to periodic imprisonment for up to 6 months, provided that the court may allow periods of release for work.

Further amends the Illinois Marriage and Dissolution of Marriage Act. Provides if the court, upon holding a party in contempt for violation of a visitation order and finding that the party engaged in visitation abuse, may find that the party is guilty of a petty offense and impose a fine of no more than $500 for each finding of visitation abuse. Effective immediately.

Comment: of questionable constitutionality, Nexus requirement of People v. Lindner, 127 Ill 2d 174 (1989) – sex offense, modified by People v. Boeckmann, 238 Ill2d 1 (2010) – minor’s unlawful alcohol possession.

Further, contemnor may have an Illinois Constitutional right to a jury under Art. I, sec. 13.

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