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To:

2016 Legislation Alive Update 8/26/16

- i. Senate bills
- ii. House bills

*denotes immediate effective date
VS=Nov/December 2016 veto session

Reliance should be had only upon review of the Public Act <http://www.ilga.gov/>

Senate Bills

*SB10

Short Description: MEDICAL CANNABIS PILOT PROGRAM MODIFICATIONS

Status: P.A. 99-519, eff. 6-30-16
410 ILCS 130/5 etc.

Summary:

Amends the Medical Cannabis Pilot Program Act. Adds definition of lawful user not considered an addict. Expands definition of “debilitating medical condition” to include PTSD and a terminal illness with a diagnosis of 6 months or less. Adds to excluded offenses for cultivation or dispensing agents/patient or caregiver a felony violation of Cannabis or Methamphetamine Control Acts, unless waived by the registering department (“reasonable amount of cannabis intended for medical use”). Modifies medical certification language to delete therapeutic benefit language. Provides DPH shall accept petitions for additional medical conditions during a one-month period per year. Medical Advisory Board to be reconstituted, with selection by the Governor. DPH to update Prescription Monitoring Program upon registration or removal. Registry cards valid for 3 years (now 1). Repeal date extended to July 1, 2020. Immediate effective date.

SB42

Short Description: HEALTH CARE LICENSING – Conviction time bar

Status: P.A. 99-886, eff. 1-1-17
20 ILCS 2105/2105-165 225 ILCS 46/multi

Summary

Amends the Health Care Worker Background Check Act. Provides an opportunity to restore a revoked health care license on account of a forcible felony conviction, except those requiring registration under the Sex Offender Registration Act and a conviction for involuntary sexual servitude of a minor. Such a

person with a forcible felony conviction can petition to have their license restored following a wait period of 5 years since conviction or 3 years since completion of sentence. It also lists a number of factors that IDFPR should consider in these cases. (Currently a forcible felony conviction operates as a lifetime bar even when an applicant may, in IDFPR's view, be qualified to be licensed).

SB210

Short Description: BATH SALTS

Status: P.A. 99-585, eff. 1-1-17

New Act 720 ILCS 570/401

Summary

Creates the Bath Salts Prohibition Act. Provides that a person may not sell or offer for sale any bath salts in a retail mercantile establishment located within this State (*reckless mens rea*?). Provides that a violation is a Class 3 felony for which a fine not exceeding \$150,000 may be imposed. Provides that in addition to any other penalty that may be imposed for a conviction under the Act, the unit of local government that issued a retailer's license for the retail mercantile establishment whose merchant violated the Act may revoke the retailer's license of that retail mercantile establishment. Defines "bath salts" as any synthetic or natural material containing any quantity of a cathinone chemical structure, including any analogs, salts, isomers, or salts of isomers of any synthetic or natural material containing a cathinone chemical structure. Provides that this includes, but is not limited to, *synthetic cathinones* as defined in the Illinois Controlled Substances Act, and any related "controlled substance analog" as defined in the Illinois Controlled Substances Act, regardless of how the product is labeled or marketed. Amends the Illinois Controlled Substances Act. Exempts from a violation of knowingly manufacturing or delivering, or possessing with intent to manufacture or deliver, a controlled substance, the sale or offering for sale of bath salts in a retail mercantile establishment.

Comment: response to AM-2201 "potpourri" conviction "knowing" reversal in *People v. Chatha*, 2015 IL App (4th) 130652. As no mental state specified, arguable reckless mental state required per 720 ILCS 5/4-3, /4-9.

SB211

Short Description: CRIMINAL PRO - OAF\$ COPIES

Status: P.A. 99-686, eff. 1-1-17

725 ILCS 5/115-9.2 new

Summary

Amends the Code of Criminal Procedure of 1963. Provides that in a prosecution in which United States currency was used by a law enforcement officer or agency or by a person acting under the direction of a law enforcement officer or agency in an undercover investigation of an offense that has imprisonment as an available sentence for a violation of the offense, the court shall receive as competent evidence, a photograph, photostatic copy, or photocopy of the currency used in the undercover investigation, if the photograph, photostatic copy, or photocopy (1) will serve the purpose of demonstrating the nature of the currency; (2) the individual serial numbers of the currency are clearly visible or if the amount of currency exceeds \$500 the individual serial numbers of a sample of 10% of the currency are clearly visible, and any identification marks placed on the currency by law enforcement as part of the investigation are clearly visible; (3) complies with federal law, rule, or regulation requirements on photographs, photostatic copies, or photocopies of United States currency; and (4) is otherwise

admissible into evidence under all other rules of law governing the admissibility of photographs, photostatic copies, or photocopies into evidence. Provides that the fact that it is impractical to introduce into evidence the actual currency for any reason, including its size, weight, or unavailability, need not be established for the court to find a photograph, photostatic copy, or photocopy of that currency to be competent evidence. Provides that if a photograph, photostatic copy, or photocopy is found to be competent evidence, it is admissible into evidence in place of the currency and to the same extent as the currency itself.

*SB212

Short Description: FORFEITURE \$ USE

Status: P.A. 99-686, eff. 7-20-16

720 ILCS 550/12

720 ILCS 570/505

720 ILCS 646/85

725 ILCS 175/5

Summary

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Narcotics Profit Forfeiture Act. Provides that all moneys and the sale proceeds of all other property forfeited and seized under these Acts may be used for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. Immediate effective date.

SB320

Short Description: YOUTH DIVERSION TASKFORCE

Status: P.A. 99-894, eff. 1-1-17

New Act

Summary

Creates the Mental Health Opportunities for Youth Diversion Task Force Act. Creates the Opportunities for Youth Diversion Task Force within the Department of Human Services. Provides that the members of the Task Force shall serve without compensation and are responsible for the cost of all reasonable and necessary travel expenses connected to Task Force business. Provides that the Task Force members shall not be reimbursed by the State for these costs. Provides that the Task force shall: (1) develop an action plan for State and local law enforcement and other agencies to divert youth in contact with law enforcement agencies that require mental health treatment into the appropriate health care setting rather than initial or further involvement in the juvenile justice system; (2) review existing evidence based models and best practices around diversion opportunities for youth with mental health needs from the point of police contact and initial contact with the juvenile justice system; (3) identify existing diversion programs across this State and highlight implemented programs demonstrating positive evidence based outcomes; (4) identify all funding sources which can be used towards improving diversion outcomes for youth with mental health needs, including funds controlled by the State, funds controlled by counties, and funding within the health care system; (5) identify barriers to the implementation of evidence based diversion models and develop sustainable policies and programs to address these barriers; (6) recommend an action plan that includes pilot programs and policy changes based on the research required by these provisions for increasing the number of youth diverted into community based mental health treatment rather than further engagement with the juvenile justice system; and (7) complete and deliver the action plan with recommendations to the Governor and General Assembly within one year of their first meeting. Provides that upon the completion and delivery

of the action plan to the Governor and General Assembly, the Task Force shall be dissolved. Repeals the Act on December 31, 2018.

Comment: PD juvenile defender member selected by House Minority leader.

SB392

Short Description: BURGE COMM – EXPAND

Status: P.A. 99-688, eff. 7-29-16

775 ILCS 40/35

Summary

Amends the Illinois Torture Inquiry and Relief Commission Act. Provides that "claim of torture" includes torture occurring within a county of more than 3,000,000 inhabitants (instead of torture allegedly committed by Commander Jon Burge or any officer under the supervision of Jon Burge). Provides that the powers and duties of the Illinois Torture Inquiry and Relief Commission include conducting inquiries into claims of torture (instead of "inquiries into claims of torture, with priority to be given to those cases in which the convicted person is currently incarcerated solely for the crime to which he or she claims torture by Jon Burge or officers under his command, or both"). Provides that the Act applies to claims of torture filed not later than 10 (instead of 5) years after the effective date of the Act. Effective immediately.

Comment: Response to People v. Allen, 2016 IL App (1st) 142125 Affirmed.

Illinois Torture Inquiry and Relief Commission Act does not provide relief to a petitioner who alleges that his conviction resulted from evidence which was physically coerced at the hands of police officers other than former Chicago police commander Jon Burge or his subordinates. Explicit language of the Act limits its application only to petitioners who were victims of Burge or his subordinates.

SB629

Short Description: IVC COMMERCIAL EVENT RECORDER

Status: P.A. 99-689, eff. 1-1-17

625 ILCS 5/1-218.10 new 625 ILCS 5/12-604.1 625 ILCS 5/12-604.3 new

Summary

Amends the Illinois Vehicle Code. Provides that a person may operate a video event recorder in a contract carrier vehicle. Provides that a contract carrier vehicle carrying passengers that is equipped with a video event recorder shall have a notice posted in a visible location stating that a passenger's conversation may be recorded. Provides that any data recorded by a video event recorder shall be the sole property of the registered owner or lessee of the contract carrier vehicle. Defines "video event recorder".

SB637

Short Description: REAL ID ACT FEDERAL COMPLIANCE

Status: P.A. 99-0511, eff. 1-1-17

15 ILCS 335 multi

625 ILCS 5/6-103

625 ILCS 5/6-106

Summary

Amends the Illinois Identification Card Act. Provides that beginning July 1, 2017, the Secretary of State shall refuse to issue any identification card to any person who has been issued a driver's license under the Illinois Vehicle Code. Provides that any person may surrender his or her driver's license in order to become eligible to obtain an identification card. Provides that beginning July 1, 2017, all applicants for standard Illinois Identification Cards and Illinois Person with a Disability Identification Cards shall provide proof of lawful status in the United States. Provides that applicants who are unable to provide the Secretary with proof of lawful status are ineligible for identification cards. Provides further criteria for the expiration of Illinois Identification Cards and Illinois Person with a Disability Identification Cards. Amends the Illinois Vehicle Code to make similar changes concerning Illinois driver's licenses, except that driver's license applicants who are unable to provide proof of lawful status in the United States may apply for a temporary visitor's driver's license.

Comment: Beginning next year, a resident cannot get both an Illinois ID & DL. Temporary documents will be given out at the SOS facility. Permanent IDs and DLs will be produced in a secure facility and mailed out.

SB1120

Short Description: THEFT OF RENTAL PROPERTY > \$500

Status: P.A. 99-534, eff. 1-1-17

720 ILCS 5/16-3

Summary

Amends the Criminal Code of 2012. Includes in the theft of rental property renting or leasing equipment exceeding \$500 in value including tools, construction or industry equipment, and such items as linens, tableware, tents, tables, chairs and other equipment specially rented for a party or special event. Allows the trier of fact to infer evidence that the person is without good cause for failure to return the property if the person signs the agreement with a name or address other than his or her own. Provides that in addition to any other penalty imposed, the court may order a person convicted of the offense to make restitution to the victim of the offense.

Comment: As a penalty increase, ex post facto limitation mandates an offense date of 1-1-7 or later.

*SB2167

Short Description: CRIM CD-FALSE PERSONATION

Status: P.A. 99-561, eff. 7-15-16

720 ILCS 5/17-2

Synopsis As Introduced

Amends the Criminal Code of 2012. Provides that a person also commits a false personation when he or she knowingly and falsely represents himself or herself to be: (1) an active-duty member of the Armed Services or Reserve Forces of the United States or the National Guard or a veteran of the Armed Services or Reserve Forces of the United States or the National Guard; and (2) obtains money, property, or another tangible benefit through that false representation. Provides that a violation is a petty offense for which the offender shall be fined at least \$100 and not more than \$200. Effective immediately.

Comment : Federal version (w/o acquisition of \$) held unconstitutional in U.S. v. Alvarez, No. 11-210 (2012 SCOTUS).

Is there a proportionate challenge available for theft by deception if so charged?

By analogy, see theft by deception/theft by unauthorized control analysis in People v. Graves, 207 Ill. 2d 478, 483-485 (Ill. 2003). Held: "unauthorized" theft does not contain the same elements as theft by deception.

SB2173

Short Description: SOS-VETERAN ID AND LICENSE

Status: P.A. 99-544, eff. 7-15-16

15 ILCS 335/5 625 ILCS 5/6-106

Synopsis As Introduced

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Illinois Department of Veterans' Affairs shall advise the Secretary of State as to what other forms of proof of a person's status as a veteran are acceptable. Allows the issuance of an identification card or a driver's license with a veteran designation to a member of the armed forces, including a member of any reserve component or National Guard unit, regardless of whether he or she served on active duty. Makes conforming changes. Effective immediately.

*SB2213

Short Description: FOID CARD-MENTAL DISABILITY

Status: P.A. 99-696, eff. 7-29-16

430 ILCS 65/8.1

Summary

Amends the Firearm Owners Identification Card Act. Provides that beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Department of State Police, notify the Department of State Police, Firearm Owner's Identification (FOID) department if the court has not directed the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) Department within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court or if no person has been involuntarily admitted. Provides that the Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Department of State Police under this provision, or any other orders or rules necessary to implement the requirements of the Act. Effective immediately.

*SB2221

Short Description: SEXUAL ASSAULT DNA TESTING

Status: P.A. 99-617, eff. 7-22-16

725 ILCS 202/15 725 ILCS 202/20 725 ILCS 202/42 new

Summary

Amends the Sexual Assault Evidence Submission Act. Provides if a consistent DNA profile has been identified in a sexual assault case by comparing the submitted sexual assault evidence with a known standard from a suspect or with DNA profiles in the CODIS database, the Department of State Police

shall notify the investigating law enforcement agency of the results in writing, and the Department shall provide an automatic courtesy copy of the written notification to the appropriate State's Attorney's Office for tracking and further action, as necessary. Beginning June 1, 2016 or on and after the effective date of this amendatory Act, whichever is later, each law enforcement agency must conduct an annual inventory of all sexual assault cases in the custody of the law enforcement agency and provide written notice of its annual findings to the State's Attorney's Office having jurisdiction to ensure sexual assault cases are being submitted as provided by law. Beginning January 1, 2017 and each year thereafter, the Department of State Police shall publish a quarterly report on its website, indicating a breakdown of the number of sexual assault case submissions from every law enforcement agency. Effective immediately.

*SB2228

Short Description: CANNABIS-PENALTIES; DUI

Status: P.A. 99-697, eff. 7-29-16

20 ILCS 2630/5.2	410 ILCS 130/65	620 ILCS 5/43d	620 ILCS 5/43e
625 ILCS 5/multi	705 ILCS 405/5-125	720 ILCS multi	725 ILCS 5/115-15
725 ILCS 5/115-23 new	730 ILCS 5/5-9-1.9		

Synopsis As Introduced

Amends the Cannabis Control Act. Provides that the possession of 10 grams or less of cannabis is a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Creates the offense of unlawful use of cannabis-based product manufacturing equipment. Provides that a violation is a Class 2 felony. Provides that the provisions of any ordinance enacted by any municipality or unit of local government which imposes a fine upon cannabis other than as defined in the Cannabis Control Act are not invalidated or affected by this Act. Amends the Drug Paraphernalia Control Act. Provides that if a person is convicted of 10 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the arrest for that offense shall be a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Provides for distribution of these fines.

Amends Illinois Vehicle Code. Provides that a person shall not drive or be in actual physical control of any vehicle, snowmobile, or watercraft within this State when the person has, within 2 hours thereof, a tetrahydrocannabinol (THC) concentration in the person's whole blood or other bodily substance of 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance from the unlawful consumption of cannabis (rather than a cannabis THC concentration in any amount). Amends various other Acts to make conforming changes. Effective immediately.

Comments: Uses AV language from last year's HB218. Applicability to pending cases? 11-501a6 DUI's maybe not as a substantive change. *Caveney v. Bower*, 207 Ill.2d 82 (2003); *People v. Campbell*, 2016 IL App (1st) 101573-B. *People v. Glisson*, Docket No. 92482, SUPREME COURT OF ILLINOIS, 202 Ill. 2d 499; 782 N.E.2d 251; 2002 Ill. LEXIS 963; 270 Ill. Dec. 57, December 5, 2002, Opinion Filed, On remand at *People v. Glisson*, 2005 Ill. App. LEXIS 892 (Ill. App. Ct. 5th Dist., Aug. 24, 2005)

OVERVIEW: Appellate Court of Illinois erred by vacating defendant's conviction for chemical breakdown of an illicit controlled substance after state legislature reorganized statute which criminalized possession of methamphetamine manufacturing chemicals.

But the cannabis decrim probably benefits pending misdemeanor cases (5 ILCS 70/4).

SB2252

Short Description: CRIM PRO-BAIL-ACCEPTING CASH

Status: P.A. 99-628, eff. 1-1-17
725 ILCS 5/110-9

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Provides that a peace officer taking cash bail or bail deposits shall accept payments made in the form of currency, and may accept other forms of payment as authorized by the sheriff. Defines "currency".

Comment: Why is this needed given SCR501 definition? Because Winnebago jail credit card machine was inoperative, and they initially refused to accept cash.

*SB2261

Short Description: IMPOUND VEH -ADMIN FEE

Status: P.A. 99-848, eff. 8-19-16

New Act 625 ILCS 5/11-208.7 625 ILCS 5/11-1431

Summary

Amends the Statewide Relocation Towing Licensure Commission Act. Maintains the appointment procedures for the members of the Commission and the Commission's meeting requirements. The Illinois Commerce Commission shall provide administrative and other support to the Commission. Provides that the Commission, no later than January 1, 2017, shall submit a report to the Governor and to the General Assembly evaluating the current towing laws of this State and providing recommendations for a towing program. Said report shall include a review of all potential litigation costs for an owner of an impounded vehicle, a towing company, and a county or municipality.

Amends the Illinois Vehicle Code. Maintains existing list of offenses for which vehicle impound is authorized. Provides that a tower who stops at the scene of an accident for the purpose of soliciting and has not been called to the location by a law enforcement officer, the Department of Transportation, the State Toll Highway Authority, a local agency having jurisdiction over the highway, or the owner or operator of the damaged or disabled vehicle, or his or her automobile insurer or motor club, shall be guilty of a Class 4 felony (rather than a business offense). Provides that a vehicle owner, or his or her automobile insurer, may bring a claim against a commercial safety vehicle relocater who fails to comply with the requirements for the towing of a vehicle, and a court may award the prevailing party reasonable attorney's fees, costs, and expenses.

Adds provision that "if the administrative hearing officer finds that a county or municipality that impounds a vehicle exceeded its authority under this Code, the county or municipality shall be liable to the registered owner or lessee of the vehicle for the cost of storage fees and reasonable attorney's fees." Exempts some home rule ordinance operations.. Effective immediately.

*SB2282

Short Description: CD CORR-CONDITIONS-MSR

Status: P.A. 99-698, eff. 7-29-16

730 ILCS 5/3-3-7

Summary

Amends the Unified Code of Corrections. Provides that the condition of parole, aftercare release, or mandatory supervised release that the subject not knowingly associate with other persons on parole, aftercare release, or mandatory supervised release without prior written permission of his or her parole agent or aftercare specialist does not apply when the association involves activities related to community programs, worship services, volunteering, and engaging families. Effective immediately.

SB2286

Short Description: TRAFFICKING NOTICE - HOTELS

Status: P.A. 99-565, eff. 7-1-17

775 ILCS 50/5 775 ILCS 50/15

Summary

Amends the Human Trafficking Resource Center Notice Act. Provides that the notice required to be posted under the Act shall be posted, among other places, within hotels and motels in clear view of the employees where similar notices are customarily posted. Provides that upon request, the Department of Human Services shall furnish copies of the model notice without charge to the owner of a hotel or motel. Effective July 1, 2017.

SB2343

Short Description: CELL SITE SIMULATOR DEVICE-USE (Stingray)

Status: P.A. 99-622, eff. 1-1-17

New Act

Summary

Creates the Citizen Privacy Protection Act. Provides that a law enforcement agency may not use a cell site simulator device, except to locate or track the location of a communications device or to identify a communications device. Except as provided in the Freedom From Location Surveillance Act, a court order based on probable cause that a person whose location information is sought has committed, is committing, or is about to commit a crime, is required for any permitted use of a cell site simulator device. Provides that an application for a court order to use a cell site simulator device, including an emergency application under the Freedom From Location Surveillance Act, must include a description of the nature and capabilities of the cell site simulator device to be used and the manner and method of its deployment, including whether the cell site simulator device will obtain data from non-target communications devices. Provides that an application for a court order to use a cell site simulator device, including an emergency application under the Freedom From Location Surveillance Act, must also include a description of the procedures that will be followed to protect the privacy of non-targets of the investigation, including the deletion of data obtained from non-target communications devices, absent a judicial preservation order.

Provides that if the court finds by a preponderance of the evidence that a law enforcement agency used a cell site simulator to gather information in violation of the limits in the Act, then the information shall be presumed to be inadmissible in any judicial or administrative proceeding, subject to the State proving a judicially recognized exception to the exclusionary rule.. Defines "cell site simulator device", "communications device", and "law enforcement agency".

Comment: USDOJ requires warrant for use of "stingrays": Department of Justice Policy Guidance: Use of Cell-Site Simulators 3 (2015), <https://www.justice.gov/opa/file/767321/download>

Cases finding a reasonable expectation of privacy that cellphone won't be used as a tracking device. State v. Andrews, 227 Md. App. 350; 134 A.3d 324 2016; USA v. Lambis, 2016 US Dist. LEXIS 90085 (NY).

SB2370

Short Description: JUV-COUNSEL REPRESENTATION

Status: P.A. 99-882, eff. 1-1-17

55 ILCS 5/3-4006

705 ILCS 405/5-170

705 ILCS 405/5-401.5

725 ILCS 5/103-2.1

Summary

Amends the Juvenile Court Act of 1987. Provides that in a proceeding under the Juvenile Court Act of 1987, a minor who was under 15 (rather than 13) years of age at the time of the commission of an act that if committed by an adult would be a violation of various offenses of the Criminal Code of 1961 or the Criminal Code of 2012 (homicide; sex offenses) must be represented by counsel throughout the entire custodial interrogation of the minor. Provides that an oral, written, or sign language statement of a minor, who at the time of the commission of the offense was under 18 years of age, is presumed to be inadmissible when the statement is obtained from the minor while the minor is subject to custodial interrogation by a law enforcement officer, State's Attorney, juvenile officer, or other public official or employee prior to the officer, State's Attorney, public official, or employee *reading modified Miranda* rights in its entirety to the minor.

Amends the Code of Criminal Procedure. Provides that an oral, written, or sign language statement of a minor who at the time of the commission of the offense was under 18 years of age, made as a result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence in a criminal proceeding or a juvenile court proceeding for an act that if committed by an adult would be a misdemeanor sex offense or a felony offense unless (1) an electronic recording is made of the custodial interrogation; and (2) the recording is substantially accurate and not intentionally altered.

Amends the Counties Code. Provides that a case involving a minor who was under 15 years of age at the time of the commission of the offense who is required to have representation throughout the entire custodial interrogation that occurs in a county with a full-time public defender office, a public defender, without fee or appointment, may represent and have access to a minor during a custodial interrogation. Provides that a case involving a minor who was under 15 years of age at the time of the commission of the offense who is required to have representation throughout the entire custodial interrogation that occurs in a county without a full-time public defender, the law enforcement agency conducting the custodial interrogation shall ensure that the minor is able to consult with an attorney who is under contract with the county to provide public defender services. Provides that representation by the public defender shall terminate at the first court appearance if the court determines that the minor is not indigent.

Comment: "Simplified Miranda" language suggested by the ABA in a generic resolution

http://www.americanbar.org/groups/child_law/tools_to_use/attorneys/simplified_mirandawarningsforjuveniles.html

Language here based on a New York bill in 2016 (S6754; <https://www.nysenate.gov/legislation/bills/2015/s6754>)

SB2459

Short Description: MHDDC-VIDEO CONFERENCING-HEARG

Status: P.A. 99-535, eff. 1-1-17

405 ILCS 5/2-107.4 new

Synopsis As Introduced

Amends the Mental Health and Developmental Disabilities Code. Provides that the Illinois Supreme Court or any circuit court of this State may adopt rules permitting the use of video conferencing equipment in any hearing concerning the administration of psychotropic medication or electroconvulsive therapy subject to the following conditions: (1) if the parties, including the respondent, and their attorneys, including the State's Attorney, are at a mental health facility, or some other location to which the respondent may be safely and conveniently transported, and the judge and any court personnel are in another location; or (2) if the respondent and his or her attorney are at a mental health facility or some other location to which the respondent may be safely and conveniently transported, and all of the other participants including the judge are in another location, if, and only if, agreed to by the respondent and the respondent's attorney. Provides that in a hearing concerning the administration of psychotropic medication or electroconvulsive therapy, any court may permit any witness, including a psychiatrist, to testify by video conferencing equipment from any location in the absence of a court rule specifically prohibiting that testimony.

Comment: It is already the law. See 405 ILCS 5/3-806.1. Not used by GAC.

SB2465

Short Description: REPEAL IDOC INCARCERATION COST-RIMB

Status: Passed both Houses; Amend Veto (IDOC rule)

730 ILCS 5/3 multi 735 ILCS 5/4-101

Synopsis As Introduced

Amends the Unified Code of Corrections. Repeals provision that committed persons shall be responsible to reimburse the Department of Corrections for the expenses incurred by their incarceration at a rate to be determined by the Department. Amends the Code of Civil Procedure to make conforming changes.

Comment: AG & IDOC neutral on the bill in committee. \$355K in FY15.

SB2512

Short Description: JUV CT-INFO-RELATIVES

Status: P.A. 99-625, eff. 1-1-17

705 ILCS 405/2-10

Synopsis As Introduced

Amends the Juvenile Court Act of 1987 concerning abused, neglected, or dependent minors. Provides that the court shall ensure, by inquiring in open court of each parent, guardian, custodian or responsible relative, that the parent, guardian, custodian or responsible relative has had the opportunity to provide the Department of Children and Family Services with all known names, addresses, and telephone numbers of each of the minor's living maternal and paternal adult relatives, including, but not limited to, grandparents, aunts, uncles, and siblings. Provides that the court shall advise the parents, guardian,

custodian or responsible relative to inform the Department if additional information regarding the minor's adult relatives becomes available.

SB2524

Short Description: DCFS YOUTH ID CARDS

Status: P.A. 99-659, eff. 1-1-17

15 ILCS 335/1A

15 ILCS 335/12

Summary

Amends the Illinois Identification Card Act. Provides for the application and fee waiver for first identification cards issued to a youth for whom the Department of Children and Family Services is legally responsible for or foster children upon turning the age of 16 years old until they reach the age of 21 years old. Defines "Youth for whom the Department of Children and Family Services is legally responsible for" or "Foster child". Effective one year after becoming law.

*SB2567

Short Description: -VEHICLE INSURANCE VERIFY

Status: P.A. 99-737, eff. 8-5-16

625 ILCS 5/7-604

Summary

Amends the Illinois Vehicle Code. Removes the repeal date of a Section concerning the verification of liability insurance policies. Effective immediately.

SB2601

Short Description: DHS-TASC-VACATE JUDGMENT

Status: P.A. 99-574, eff. 1-1-17

20 ILCS 301/40-10

Synopsis As Introduced

Amends the Alcoholism and Other Drug Abuse and Dependency Act. In a provision concerning a person who has successfully completed alcohol or drug addiction treatment as a condition of probation, provides that if such a person qualifies for a vacation of the judgment of conviction, he or she must file a motion to vacate the judgment of conviction at any time from the date of the entry of the judgment to a date that is not more than 60 days after the discharge of the probation (rather than within 30 days of the entry of the judgment).

SB2767

Short Description: CNTY CD-ENFORCE ORDINANCES

Status: Passed both Houses; Full Veto (lose tax sale protections)

55 ILCS 5/5-43035

Synopsis As Introduced

Amends the Counties Code. Provides that section concerning enforcement of judgments also applies to any tax or fee, or part of any tax or fee, unpaid after an administrative hearing are also a debt due and owing to the county (currently, only fines, other sanctions, or costs imposed in the administrative hearing).

SB2777

Short Description: DJJ PAROLE CONDITIONS & REVOCATIONS; JUVENILE SENTENCING

Status: P.A. 99-629, eff. 1-1-17

20 ILCS 4026/17

705 ILCS multi

725 ILCS multi

730 ILCS multi

Summary

Amends the Unified Code of Corrections. Provides that the Department of Juvenile Justice rather than the Prisoner Review Board shall decide the date of release on aftercare for youth committed to the Department under the Juvenile Court Act of 1987, except those committed for first degree murder & habitual offenders, and shall set conditions of aftercare release for all youth committed to the Department under the Juvenile Court Act of 1987. Provides that the Department of Juvenile Justice shall be responsible for all persons under 18 (rather than under 17) years of age when sentenced to imprisonment and committed to the Department under the Code of Corrections or the Juvenile Court Act of 1987. Amends various other Acts to make conforming changes.

In the amendatory changes to the Juvenile Court Act of 1987, provides that in no event shall a guilty minor be committed to the Department of Juvenile Justice for an offense which is a Class 4 felony of criminal trespass to a residence, criminal damage to property, criminal damage to government supported property, criminal defacement of property, disorderly conduct, or obstructing justice. In the amendatory changes to the Unified Code of Corrections, continues the Prisoner Review Board's authority to hear violations of aftercare release as filed by the Department of Juvenile Justice. Makes additional changes concerning the terms of aftercare release.

Comment: Question to DJJ as to application of adult/JSORA geographical and other sex offender restrictions?

SB2806

Short Description: VEH CD-RAIL SIGNAL CROSSING

Status: P.A. 99-663, eff. 1-1-17

625 ILCS 5/11-1201

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that a driver of a vehicle that approaches a railroad grade crossing under circumstances in which a stop is required and does not stop within 50 feet but not less than 15 feet from the nearest rail, commits a petty offense for which a \$500 fine (previously \$250) shall be imposed for the first violation and a \$1,000 fine (previously \$500) shall be imposed for any subsequent violations.

SB2833

Short Description: COUNTY CODE-ENFORCE JUDGMENTS

Status: P.A. 99-739, eff. 1-1-17

55 ILCS 5/5-43035

Synopsis As Introduced

Amends the Counties Code. Provides that a judgment relating to a county code violation is a debt due and owing to a county and the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court (currently, may be collected in accordance with applicable law).

SB2835

Short Description: VEH CD-PUBLIC SCHOOL HIGHWAYS

Status: P.A. 99-740, eff. 1-1-17

625 ILCS 5/11-1414

Summary

Amends the Illinois Vehicle Code. Requires a vehicle to stop before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils.

SB2861

Short Description: IL CODE OF MILITARY JUSTICE

Status: P.A. 99-796, eff. 1-1-17

20 ILCS 1805/34.1 etc

30 ILCS 105/5.875 new

Summary

Creates the Illinois Code of Military Justice (Code) in conformity with the federal Uniform Code of Military Justice to permit discipline of the Illinois National Guard by providing a military justice system including court-martial authorities meeting current legal standards of due process. Prohibits Guard members who are dismissed or dishonorably discharged from holding any elective or appointive office, position, or State or county employment for a period of 5 years unless such disability is removed by the Governor. Repeals provisions concerning: the separation of Guard members from active service; discharged Guard members ineligible to hold elective office or State or county employment; military offenses; courts-martial; board investigations of Guard members accused of certain acts while on military duty; and payment of a Guard member's defense expenses by the Adjutant General. Amends the State Finance Act. Creates the State Military Justice Fund. Effective January 1, 2017.

Amends the Illinois Administrative Procedure Act. Permits the Adjutant General to adopt emergency rules in order to provide for the expeditious and timely implementation of the provisions of the amendatory Act. Further amends the Military Code of Illinois. Restores and makes changes to a provision concerning the prosecution of civil or criminal actions committed by a member of the Illinois National Guard while in the performance of military duties. Maintains a provision concerning defense expenses paid by the Adjutant General. Effective January 1, 2017.

*SB2870

Short Description: ELEC MONITOR-DRUGS & ALCOHOL – PROBATION

Status: P.A. 99-797, eff. 8-12-16

725 ILCS 5/110-10 730 ILCS 5/5-6-3 3 730 ILCS 5/5-6-3.1 730 ILCS 5/5-7-1 1
730 ILCS 5/Ch. V Art. 8A various

Summary

Amends the Code of Criminal Procedure of 1963 and the Unified Code of Corrections. Provides that the Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any electronic monitoring device.

Amends the Electronic Home Detention Law. Changes the name of the Law to the Electronic Monitoring and Home Detention Law. Provides that an approved electronic monitoring device may also be used to record or transmit information as to the defendant's consumption of alcohol, consumption of drugs, location as determined through GPS, cellular triangulation, Wi-Fi, or other electronic means. Provides that if the supervising authority is a probation department, the Chief Judge of the circuit court may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. Provides that the program shall include provisions for indigent offenders and the collection of unpaid fees and shall not unduly burden the offender and shall be subject to review by the Chief Judge of the circuit court. Effective immediately.

Comment: Meant to authorize vendor collection of SCRAM FEES. Initiative of IPCSA.

SB2875

Short Description: SURVEILLANCE-LOCATION AUTHORITY - AV

Status: P.A. 99-798, eff. 1-1-17

725 ILCS 168/10 & /15

Summary

Amends the Freedom From Location Surveillance Act. Provides that a court may grant a law enforcement's request to obtain current or future location information through testimony made through electronic means using a simultaneous video and audio transmission between the requestor and judge, based on sworn testimony communicated in the transmission. The entity making the request, and the court authorizing the request shall follow the same procedure under the Code of Criminal Procedure of 1963, which authorizes the electronic issuance of search warrants.

Further amends the Freedom from Location Surveillance Act. Provides that an investigative or law enforcement officer may seek to obtain location information in an emergency situation if the situation involves a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) the use of force or the threat of the imminent use of force, (2) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force, or (3) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel, or aircraft. Provides that an investigative or law enforcement officer may seek to obtain location information in an emergency situation if the situation involves escape as defined in the Criminal Code of 2012.

Comment: Underlying controversy over constitutionality of acquiring cell-site location information (CSLI) without a warrant continues to split the federal district courts. OK in the 4th Cir.: USA v. Graham, No. 12-4659 (4th Cir. 2016 en banc). Court order not required under Stored Communications Act upon a showing of relevancy to an ongoing criminal investigation. In accord, USA v. Davis, 785 F.3d 498 (2015 en banc).

SB2876

Short Description: JOINDER & MONEY LAUNDERING

Status: P.A. 99-629, eff. 1-1-17

725 ILCS 5/111-4

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Adds the criminal offense of money laundering to the list of offenses that can be joined into one count of an indictment, rather than requiring each transaction to be prosecuted separately.

SB2880

Short Description: `CRIM PRO-VICTIM TESTIMONY; REMOTE VIDEO

Status: P.A. 99-630, eff. 1-1-17

725 ILCS 5/106B-5

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. Provides that a court may order the testimony of a victim who is a child under 18, a person with a moderate, severe, or profound intellectual disability, or a person affected by a developmental disability by means of a closed circuit television in a proceeding for the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse **aggravated battery or aggravated domestic battery**, the testimony is taken during the proceeding, and the judge determines that testimony by the child victim or victim with a moderate, severe, or profound intellectual disability or victim affected by a developmental disability in the courtroom will result in the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability suffering serious emotional distress such that the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability cannot reasonably communicate or that the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability will suffer severe emotional distress and is likely to cause the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability to suffer severe adverse effects.

Comment: Child sex complainant testimony via closed circuit testimony upheld in *Maryland v. Craig*, 497 U.S. 836 (1990).

SB2885

Short Description: CRIM PRO-REVERSAL REFUND

Status: P.A. 99-883, eff. 1-1-17

725 ILCS 5/124A-15

Synopsis As Introduced

Amends the Code of Criminal Procedure of 1963. In provision regarding refund of costs, fines, or fees upon reversal of conviction on a finding of actual innocence, the refund shall be determined by the judge and paid by the clerk of the court based upon the availability of funds in the subject fund account.

SB2907

Short Description: CRIM CD-PROP DAMAGE-THRESHOLD

Status: P.A. 99-631, eff. 1-1-17

720 ILCS 5/21-1 720 ILCS 5/21-1.2 720 ILCS 5/21-1.3

Synopsis As Introduced

Amends the Criminal Code of 2012. For the offenses of criminal damage to property, institutional vandalism, and criminal defacement of property, increases the threshold amount of the damage to property from exceeding \$300 to exceeding \$500 in which the offense is enhanced from a misdemeanor to a felony or in which the offense is enhanced to a higher class of felony.

Comment: As no mention of prospective effect only, Statute on Statutes allows application to pending cases. (5 ILCS 70/4). See prior theft \$ change; People v. Hendree, 2012 IL App (1st) 110520-U.

*SB2947

Short Description: CRIM CD-EMS-DEFINITION

Status: P.A. 99-816, eff. 8-15-16

720 ILCS 5/12-0.1 720 ILCS 5/12-2 720 ILCS 5/12-3.05 720 ILCS 5/24-1.2 720 ILCS 5/24-1.2-5

Summary

Amends the Criminal Code of 2012. Redefines various statutes concerning bodily harm directed against emergency medical services personnel. Changes various references from "emergency medical technician" to "emergency medical services personnel" in the Bodily Harm and Deadly Weapons Article of the Code.

Provides that "emergency medical services personnel" includes all ambulance crew members, including drivers or pilots. Effective immediately

*SB2974

Short Description: VEH CD- REG FEE

Status: P.A. 99-707, eff. 7-29-16

625 ILCS 5/3-806.3 625 ILCS 5/3-808.1

Summary

Amends the Vehicle Code. Adds a Section concerning the registration fee paid by a vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief Act. Provides that any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief Act, or a person who is the spouse of such a person, shall not be required to pay specified surcharges that would otherwise be collected in addition to the vehicle registration fee.

Expands permanent registration plate provision to include additional school district/community college/governmental medical facility vehicles. Effective immediately.

SB2989

Short Description: LIQUOR-TRANSPORT OF ALCOHOL
Status: P.A. 99-904, eff. 8/26/16 in part (fees); 1/1/17 in part
235 ILCS 5/multi

Summary

Amends the Liquor Control Act. Winery shipper's license application must include all addresses from which the applicant intends to ship wine, including third-party provider. Various license fee amounts changed. Violations of cease and desist orders = Class 4 felony. Various business offense fine/Class 4 penalty limits depending on amount of distilled spirits, wine, or beer; subsequent offenses and license status.

Provides that certain restrictions on the manufacture, importation for distribution, transportation from outside the State into the State, and distribution or sale of alcoholic liquor without a license under the Act do not apply to a rail carrier. License fee changes effective immediately. Other provisions effective 1/1/17.

*SB3005

Short Description: PARK DIST-CRIM BACKGRND CHECK
Status: P.A. 99-884, eff. 8-22-16
70 ILCS 1205/8-23 70 ILCS 1505/16a-5

Summary

Amends the general Park District Act and the Chicago Park District Act. Removes lifetime barriers on employment in Park Districts for people with drug convictions. The bill inserts a 7 year wait period since sentence completion after which people with drug convictions would be eligible to apply and considered for employment by park districts. It also recognizes Certificate of Good Conduct for overcoming employment barriers and removes low level cannabis offenses, prostitution and misdemeanor public indecency from the list of permanently disqualifying offenses.. Effective immediately.

*SB3007

Short Description: PUB AID-TRAFFICKING VICTIMS
Status: P.A. 99-870, eff. 8-22-16
305 ILCS 5/multi

Synopsis As Introduced

Amends the Illinois Public Aid Code. Includes persons who are foreign-born victims of trafficking, torture, or other serious crimes in the categories of non-citizens who are eligible for cash or medical assistance under the Code. Defines "foreign-born victims of trafficking, torture, or other serious crimes". Provides that beginning January 1, 2018, the Department of Healthcare and Family Services shall provide (subject to federal approval) medical assistance coverage to foreign-born victims of human trafficking, torture, or other serious crimes and to their derivative family members who: reside in Illinois; are not otherwise eligible under the Code; meet certain income guidelines; and have filed or are preparing to file a formal application for status pursuant to specified provisions of the United States Code. Provides that such a person is ineligible for continued medical assistance coverage if he or she has not filed a formal application for status within one year after the date of his or her application for cash assistance or SNAP benefits; and that if there is a final denial of the person's visa or asylum application, any medical assistance coverage provided to that person and his or her derivative family members shall be

terminated. Adds the Survivor Support and Trafficking Prevention Article to the Code with provisions concerning: cash assistance and SNAP benefits for persons who are foreign-born victims of trafficking, torture, or other serious crimes and their derivative family members; eligibility determinations; work requirements and exemptions; and termination of benefits. Grants the Department rulemaking authority to implement these provisions.

Provides that the program is inoperative on and after June 30, 2019. Effective immediately.

*SB3018

Short Description: TRUCK GLIDER TITLING

Status: P.A. 99-748, eff. 8-5-16

625 ILCS 5/multi

Summary

Amends the Illinois Vehicle Code. Provides that an "essential part" does not include an engine, transmission, or a rear axle that is used in a glider kit. Defines "glider kit". Provides that an owner of a glider kit who wishes to have the vehicle titled or registered as a glider kit shall submit an application to be inspected by the Secretary of State Department of Police. Upon successful completion of the inspection, provides the method of title or registration for the glider kit. Effective immediately.

*SB3034

Short Description: DONATE JURY FEES-PILOT PROGRAM

Status: P.A. 99-583, eff. 7-15-16

55 ILCS 5/4-11001.5 new

Synopsis As Introduced

Amends the Counties Code. Creates the Lake County Children's Advocacy Center Pilot Program. Provides that under the pilot program, which begins January 1, 2017 and ends December 31, 2018, any grand or petit juror in Lake County may elect to have his or her juror fees donated to the Lake County Children's Advocacy Center. Provides that the Lake County board shall create rules and policies concerning the pilot program and report yearly to the General Assembly and Governor on the pilot program. Further provides that the Section will be repealed on December 31, 2019. Effective immediately.

SB3096

Short Description: SEX CRIME – POLICE TRAINING & RAPEKIT CONSENT; ISP TOXICOLOGY REPORTS

Status: P.A. 99-801, eff. 1-1-17

New Act	20 ILCS 2605/multi	50 ILCS 705/multi	410 ILCS 70/multi
725 ILCS 202/10	20 ILCS 2605/multi	30 ILCS 500/1-10	730 ILCS 5/5-4-3a

Summary

Creates the Sexual Assault Incident Procedure Act. Provides that on or before January 1, 2018, every law enforcement agency shall develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse. Provides that the Office of the Attorney General in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police shall develop this model policy. Provides guidelines on reporting of sexual assault and sexual abuse to law enforcement agencies, and the release and storage of sexual assault evidence. Makes

corresponding changes in the Illinois Police Training Act, the Civil Administrative Code of Illinois, the Sexual Assault Evidence Submission Act, and the Sexual Assault Survivors Emergency Treatment Act. Provides that a State's Attorney who is notified that a hospital is in possession of sexual assault evidence shall, within 72 hours, contact the appropriate law enforcement agency to request that the law enforcement agency take immediate physical custody of the sexual assault evidence. Makes other technical changes.

Further Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Division of Forensic Services shall establish administrative rules in order to set forth standardized requirements for the disclosure of toxicology results and other relevant documents related to a toxicological analysis. Provides that these administrative rules are to be adopted to produce uniform and sufficient information to allow a proper, well-informed determination of the admissibility of toxicology evidence and to ensure that this evidence is presented competently. Provides that these administrative rules are designed to provide a minimum standard for compliance of toxicology evidence and is not intended to limit the production and discovery of material information. Provides that the administrative rules shall be submitted by the Department of State Police into the rulemaking process on or before June 30, 2017. Provides that the Department of State Police shall employ laboratory technicians and other specially qualified persons to aid in the identification of criminal activity, and permits the Department of State Police to employ polygraph operators.

Amends the Unified Code of Corrections. Provides that in consultation with and subject to the approval of the Chief Procurement Officer, the Department of State Police may obtain contracts for services, commodities, and equipment to assist in the timely completion of forensic biology, DNA, drug chemistry, firearms/toolmark, footwear/tire track, latent prints, toxicology, microscopy, trace chemistry, and Combined DNA Index System (CODIS) analysis.

Amends the Illinois Procurement Code. Provides that contracts for services, commodities, and equipment to support the delivery of timely forensic science services are not subject to various provisions of the Illinois Procurement Code, but only for a period of 2 years. Makes other changes.

Comment: Standardized toxicology results via administrative rule akin to DNA disclosure pursuant to SCR 417 for DNA evidence. It is a floor, not a ceiling. Start tracking the Flinn Report.

SB3106

Short Description: CRIM PRO-INTELLECT DISABILITY

Status: P.A. 99-752, eff. 1-1-17

725 ILCS 5/115-10

Summary

Amends the Code of Criminal Procedure of 1963. Makes the hearsay exemption apply to a person with an intellectual disability, a person with a cognitive impairment, or a person with a developmental disability. Defines a person with an intellectual disability as a person with significantly subaverage general intellectual functioning which exists concurrently with an impairment in adaptive behavior. Defines a person with cognitive impairment as a person with a significant impairment of cognition or memory that represents a marked deterioration from a previous level of function. Cognitive impairment includes, but is not limited to, dementia, amnesia, delirium, or a traumatic brain injury. Defines a person with a developmental disability as a person with a disability that is attributable to (1) an intellectual disability, cerebral palsy, epilepsy, or autism, or (2) any other condition that results in an impairment

similar to that caused by an intellectual disability and requires services similar to those required by a person with an intellectual disability.

Comment: Like it or not – “when the declarant appears for cross-examination at trial, the confrontation clause places no constraints at all on the use of prior testimonial statements.” *People v. Sharp*, 391 Ill. App.3d 947, 953 (4th D. 2009).

*SB3112

Short Description: FOIA-PERSONS IN CUSTODY & INFO

Status: Passed Senate; Passed House w/ amend; Senate Concur/MTR

5 ILCS 140/3 5 ILCS 140/3.4 new

Summary

Amends the Freedom of Information Act. Provides that a public body shall respond to a request for records from a person committed to the Department of Corrections or a county jail within 21 working days after receipt. Exempts from disclosure under the Act specified records requested by a person in a county jail or committed to the Department of Corrections. Exempts from inspection and copying, while the case is pending at the trial level, information or materials received, generated, or maintained by a State's Attorney or county sheriff as part of the criminal discovery process that the disclosure of which would violate the Supreme Court Rule concerning the disclosure of discovery materials in felony cases. Effective immediately.

House Committee Amendment No. 1

Deletes reference to:

5 ILCS 140/3 from Ch. 116, par. 203

5 ILCS 140/3.4 new

Deletes language providing that a public body shall respond to a request for records from a person committed to the Department of Corrections or a county jail within 21 working days after receipt. To provisions exempting disclosure of certain documents while a case is pending at the trial level, adds information and materials of other prosecutors.

House Floor Amendment No. 2

Deletes language exempting from inspection and copying records requested by a person committed to the Department of Corrections or a county jail if those materials include law enforcement records of other persons in the custody of or committed to the Department of Corrections or a county jail, except as these records may be relevant to the requester's current or potential case or claim. Exempts instead law enforcement records of other persons requested by a person committed to the Department of Corrections or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim. Deletes language exempting from inspection and copying certain information or materials that the disclosure of which would violate the Supreme Court Rule concerning the disclosure of discovery materials in felony cases. ***Exempts instead certain information or materials that relate to a criminal case pending at the trial level.***

Comment: AG takes position in Du Page County that video in a pending criminal case is FOIDable!

SB3129

Short Description: POLICE DOG RETIREMENT

Status: P.A. 99-817, eff. 1-1-17

New Act

Synopsis As Introduced

Creates the Police Dog Retirement Act. Provides that a police dog, which is deemed no longer fit for public service, may be offered by the county, municipality, or State law enforcement agency to the officer or employee who had custody and control of the animal during its service. If the officer or employee does not wish to keep the dog, it may be offered to another officer or employee in the agency, or to a non-profit organization or a no-kill animal shelter that may facilitate an appropriate adoption of the dog.

*SB3162

Short Description: COURT CLERK: E-BUSINESS FEE

Status: P.A. 99-859, eff. 8-19-16

55 ILCS 5/5-39001 705 ILCS 105/27.1a;27-2;27.3a&c ; 27.7 705 ILCS 105/28

Summary

Counties Code amended to provide civil filing fee for law library not to exceed \$21 (current) through December 31, 2021; and \$20 thereafter.

Clerk of Courts Act 27.1a (counties not over 500,000) civil filing fee shall be a maximum of \$160 (current) through December 31, 2021; and a maximum of \$154 thereafter.

Clerk of Courts Act 27.2 (counties 500,000 to 3 million) civil filing fee shall be a maximum of \$190 (current) through December 31, 2021; and \$184 thereafter.

Clerk of Courts Act 27.2a (counties 3 million or more) civil filing fee shall be a maximum of \$240 (current) through December 31, 2021; and \$234 thereafter.

Clerk of Courts Act 27.3a automated record keeping fee expanded to include e-business programs. Starting on day 30 after the effective date, a clerk that imposes such a civil filing fee shall also charge and collect an additional \$9 e-business fee. Waiver only if specifically so waived by the court. Not applicable to changes of venue, or administrative ruling review. Fee remission to Treasurer for deposit into the Supreme Court Special Purposes Fund – not subject to administrative chargebacks.

Clerk of Court Act 27.7 Children's waiting room civil filing fee to be \$10 maximum (current) through December 31, 2021, and \$8 maximum thereafter.

Moneys in the Supreme Court Special Purposes Fund shall be used additionally for e-business programs in the circuit (new) and reviewing courts. Immediate effective dates

SB3164

Short Description: CD CORR-SENTENCING-SPAC REPORT

Status: P.A. 99-861, eff. 1-1-17

730 ILCS 5/5-4-1 730 ILCS 5/5-8-8

Summary

Amends the Unified Code of Corrections. Provides that in imposing a sentence of imprisonment or periodic imprisonment for Class 3 or 4 felony offense for which a sentence of probation or conditional

discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the defendant shall not be sentenced to imprisonment before review and consideration of a presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of specified statutory aggravating factors apply and that probation or conditional discharge is not an appropriate sentence.

Provides that the Sentencing Policy Advisory Council shall publish a report on the trends in sentencing for these offenders, the impact of the trends on the prison and probation populations, and any changes in the racial composition of the prison and probation populations that can be attributed to the changes made to sentencing by the amendatory Act.

Comment: "imprisonment" appears to include only IDOC.
(730 ILCS 5/5-1-10) (from Ch. 38, par. 1005-1-10)

Sec. 5-1-10. Imprisonment. "Imprisonment" means incarceration in a correctional institution under a sentence of imprisonment and does not include "periodic imprisonment" under Article 7.

SB3284

Short Description: CNTY CD-ADMINISTRATIVE HEARING; INTER-GOVT AGREEMENT

Status: P.A. 99-754, eff. 1-1-17

55 ILCS 5/5-multi

Summary

Amends the Administrative Adjudication - Specified Counties Division of the Counties Code. Provides that specified counties may provide administrative hearings for ordinance violations for units of local governments (including not-for-profit corporations organized for the purpose of conducting public business) as well as county ordinance violations (currently, only county ordinance violations) if the county and unit of local government have entered into an intergovernmental agreement or contract for the county to do so. Makes conforming changes in the Division.

Provides that the specified counties may provide for a system of administrative adjudication of violations of ordinances enacted by a unit of local government only if it meets the requirements of the amendatory Act. Adds a requirement that the unit of local government must not have a system of administrative adjudication in order for the county to administratively adjudicate the unit of local government's violations.

*SB3354

Short Description: OFFENDER REG ACTS-REGISTRATION; Chicago

Status: P.A. 99-755, eff. 8-5-16

730 ILCS 148/10 730 ILCS 150/3 730 ILCS 154/10

Synopsis As Introduced

Amends the Arsonist Registration Act, the Sex Offender Registration Act, and the Murderer and Violent Offender Against Youth Registration Act. Provides that the place of registration for a person who is required to register under any of the Acts with the Chicago Police Department is at a fixed location designated by the Superintendent of the Chicago Police Department (rather than at the Chicago Police Department Headquarters). Effective immediately.

Comment: Based on school being near 35th & State in Chicago.

*SB3401

Short Description: VETERANS/SERVICEMEMBERS COURT

Status: P.A. 99-819, eff. 8-15-16

730 ILCS 167/multi

Summary

Amends the Veterans and Servicemembers Court Treatment Act. Provides that assessments, mentoring, and treatment programs may be provided by a veterans assistance commission. Effective immediately.

SB3441

Short Description: VIOLENT GUN OFFENDER SENTENCNG (Shell bill)

Status: Senate Assigns

Senate Sponsors

Sen. Antonio Muñoz - Kwame Raoul - Jacqueline Y. Collins - Julie A. Morrison

Statutes Amended In Order of Appearance

New Act

Synopsis As Introduced

Creates the Violent Gun Offender Sentencing Act. Contains only short title and purpose provisions.

Comment: Chicago Police Department and CCSAO smarting after loss of AUUW's mandatory minimum 1-year DOC sentence in People v. Mosley, 2015 IL 115872.

House Bills

HB114

Short Description: JUV CT-CRITICAL INCIDENT RPT

Status: P.A. 99-664, eff. 1-1-17

705 ILCS 405/5-745

Summary

Amends the Juvenile Court Act of 1987. Provides that if the Department of Children and Family Services is appointed legal custodian or guardian of a minor under this Act, the Department of Children and Family services shall file updated case plans with the court every 6 months (rather than providing a guardian or legal custodian appointed under this Act shall file updated case plans with the court every 6 months).

Provides the Department of Juvenile Justice shall notify the court in writing, filed within 10 days of the occurrence, of a critical incident involving a youth committed to the Department and a youth who has been released by the Prisoner Review Board but remains in a Department facility solely because the

youth does not have an approved aftercare release site. Provides that the Department shall notify the court in writing of a youth, except a youth who has been adjudicated a habitual or violent offender, or committed for first degree murder, who has been held in a Department facility for over one consecutive year with a supplemental report filed every 6 months thereafter. Provides that the notification shall contain a brief description of the incident or situation and a summary of the minor's current physical, mental, and emotional health and the actions the Department took in response. Provides that upon receipt of the notification, the court may require the Department to make a full report. Provides that with respect to any report required to be filed with the court, the Independent Juvenile Ombudsman shall provide a copy to the minor's court appointed guardian ad litem and to the minor's attorney. Provides that under specified circumstances, the Independent Juvenile Ombudsman shall send a notice to the minor's parents or guardian that the report is available and will be provided by the Independent Juvenile Ombudsman upon request.

Comment: Prompted by downstate youth misdemeanor having a mental breakdown @ Kewanee.

HB1127

Short Description: SEX OFFENSE STATUTE OF LIMITATIONS

Status: Passed House; SCRIM sub (Bertino-Tarrant); time ext 12/31

720 ILCS 5/3-5 720 ILCS 5/3-6 6

Summary

. Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or *felony criminal sexual abuse* may be commenced at any time regardless as to whether corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so. Makes conforming changes.

HB1128

Short Description: SEX OFFENSE – STATUTE OF LIMITATIONS

Status: Passed House; SCRIM sub (Cullerton); time ext 12/31

720 ILCS 5/3-5 720 ILCS 5/3-6

Summary

Amends the Criminal Code of 2012. Provides that a prosecution may be commenced at any time when the victim is under 18 years of age at the time of the offense for: involuntary servitude, involuntary sexual servitude of a minor, trafficking in persons, indecent solicitation of a child, indecent solicitation of an adult, sexual exploitation of a child, permitting sexual abuse of a child, failure to report sexual abuse of a child, custodial sexual misconduct, sexual misconduct with a person with a disability, sexual relations within families, solicitation of a sexual act, promoting prostitution, promoting juvenile prostitution, patronizing a prostitute, or patronizing a minor engaged in prostitution.

HB1129

Short Description: SEX OFFENSE – STATUTE OF LIMITATIONS

Status: Passed House; SCRIM sub (Cullerton) ; time ext 12/31

Summary

Amends the Criminal Code of 2012. Provides that a prosecution may be commenced at any time when the victim is under 18 years of age at the time of the offense for: solicitation to meet a child, child pornography, posting of identifying or graphic information on a pornographic Internet site or possessing graphic information with pornographic material, non-consensual dissemination of private sexual images, grooming, or traveling to meet a minor.

HB1437

Short Description: CRIM PROSECUTION STATS ANALYSIS

Status: P.A. 99-666, eff. 1-1-17

New Act

Summary

Creates the Criminal Diversion Racial Impact Data Collection Act. Requires that, in accordance with reporting guidelines for law enforcement agencies under the Criminal Identification Act, the Illinois Criminal Justice Information Authority shall report the number of persons arrested and released without charging, and the racial and ethnic composition of those persons. Requires that, in accordance with reporting guidelines for State's Attorneys under the Criminal Identification Act, the Authority shall report the number of persons for which formal charges were dismissed, and the racial and ethnic composition of those persons. Requires that, in accordance with reporting guidelines for circuit court clerks under the Criminal Identification Act, the Authority shall determine and report the number of persons admitted to a diversion from prosecution program, and the racial and ethnic composition of those persons, separated by each type of diversion program. Provides that the Authority shall publish information received and an assessment of the quality of that information under the Act every calendar year. Provides that the Authority, Department of State Police, Administrative Office of Illinois Courts, and Illinois State's Attorneys Association may collaborate on any necessary training concerning the provisions of the Act. Contains legislative findings. Defines required terms. Provides for a repeal date of the Act on December 31, 2020. Effective January 1, 2017.

HB2569

Short Description: COLLATERAL CONSEQUENCE ADMONITIONS-GUILTY PLEA

Status: P.A. 99-871, eff. 1-1-17

725 ILCS 5/113-4

Summary

Amends the Code of Criminal Procedure. Provides that if the defendant pleads guilty the plea shall not be accepted until the court shall have fully explained to the defendant the sentence for any future conviction may be increased or there may be a higher possibility of the imposition of consecutive sentences ; that as a consequence of a conviction or a plea of guilty, there may be registration requirements that restrict where the defendant may work, live, or be present ; and that as a consequence of a conviction or a plea of guilty, there may be an impact upon the defendant's ability to, among others: retain or obtain housing in the public or private market; retain or obtain employment; and retain or obtain a firearm, an occupational license, a driver's license.

Comment: Employment Flag-- Law governing employment. Employment requiring fingerprints also is a flag. Also if occupation licensed through State Department of Financial and Professional Regulation.

See the ABA collateral consequence website www.abacollateralconsequences.org

Note also "certificates of relief from disability and of good conduct" from Safer Foundation. Anthony Lowery Director, Policy & Advocacy, Safer Foundation; Office: 312-431-8992; E-mail: anthony.lowery@saferfoundation.org Website: www.saferfoundation.org

Contacts: Beth Johnson, Cabrini Green Legal Aid (312-738-2452); Margaret Stapleton, Shriver Center on Poverty Law (312-368-3327); **Todd Belcore of Chicago Social Change** (773-263-3830) tbelcore@chicagosocialchange.org; Safer Foundation; CARPLS for Cook County (312-738-9200).

Public housing/Section 8 housing bars "any drug-related behavior on or off the premises by a household member." Chicago pilot waiver program -- if gets treatment. Violent behavior (even a battery w/ court supervision) could put renter at risk of eviction. Contact Chicago Coalition for the Homeless; attn.: Rachel Ramirez @ 312-641-4140; or Lawrence Wood, Housing Director, LAF @ 312-347-9330. Note: Yearly record checks by HUD officials of renters & occupants.

For employment licensing/waiver questions, query Samantha Tuttle @ Heartland Alliance (312-660-1300) STuttle@heartlandalliance.org

For driver's license & CDL impact, contact Charlie Beach (312-739-0500) or Steve Baker (ISBA Traffic list serve) @ 312-603-0720.

Relief in other states? <https://www.nacdl.org/rightsrestoration/>

*HB2822

Short Description: HUMAN TRAFFICKING TASK FORCE

Status: P.A. 99-864, eff. 8-22-16

New Act

Summary

Creates the Human Trafficking Task Force Act. Provides requirements regarding the legislative/administrative composition and duties of the task force. Provides that the task force shall provide a report containing specified information to the General Assembly and Governor no later than June 30, 2016. Abolishes the task force and repeals the Act on or before June 30, 2017. Taskforce abolished thereafter. Administrative support provided by DCFS. Effective immediately.

HB3363

Short Description: RECYCLABLE METAL TASK FORCE

Status: P.A. 99-760, eff. 1-1-17

815 ILCS 325/6.5

Summary

Amends the Recyclable Metal Purchase Registration Law. Adds a representative of a local exchange carrier doing business in Illinois to serve as a public member of the Recyclable Metal Theft Task Force.

HB4036

Short Description: VICTIM ECON SECURITY ALL4WKS

Status: P.A. 99-765, eff. 1-1-17

820 ILCS 180/10

820 ILCS 180/20

Summary

Amends the Victims' Economic Security and Safety Act. Provides that the term "employer" includes any person who employs at least one employee. Provides that leave may be used by an employee who has a family or household member who is the victim of domestic or sexual violence. Provides that leave may be used for the time a victim is experiencing an incident of domestic or sexual violence. Provides that employees working for an employer that employed at least one but not more than 14 employees shall be entitled to 4 workweeks of leave during any 12-month period. Effective January 1, 2017.

HB4105

Short Description: VEH CD-BLUE DOT TAIL LIGHTS

Status: P.A. 99-598, eff. 1-1-17

625 ILCS 5/12-208

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that motorcycles may be equipped with a blue light or lights located on the rear of the motorcycle as a part of the motorcycle's rear stop lamp or lamps.

HB4264

Short Description: BARBER/COSMETOLOGY ACT - TRAINING AMENDMENTS

Status: P.A. 99-766, eff. 1-1-17

225 ILCS 410/multi

Summary

Amends the Barber, Cosmetology, Esthetics, Hair Braiding & Nail Technology Act. Provides for criminal and civil immunity for action or inaction taken by trained licensees concerning domestic violence or sexual assault. Mandates the continuing education component includes domestic violence and sexual assault awareness education as prescribed by rule of DFPR. Waiver authorized by rule.

HB4326

Short Description: CD CORR-HARDIN CTY WORK CAMP

Status: Passed both Houses; Full Veto (No \$)

730 ILCS 5/3-2-2.3 new

Synopsis As Introduced

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall operate the Hardin County Work Camp located in Cave-In-Rock, Illinois. Effective immediately.

Comment: Closed due to fire.

*HB4334

Short Description: VEH CD-REGISTRATION RENEWAL

Status: P.A. 99-887, eff. 8-25-16

625 ILCS 5/3-821.2

Summary

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall not impose a delinquent registration renewal fee if a vehicle's registration expires during a period of time in which no notice, by U.S. mail, was sent to the vehicle owner by the Secretary. Provides that any local, county, municipal, or State law enforcement agency may not issue a citation for an expired registration until one month after the expiration of the registration. Provides that the Secretary may resume collection of the delinquent registration renewal fee when the Secretary resumes mailing the registration renewal notices to vehicle owners, and that any local, county, municipal, or State law enforcement agency may resume citing a vehicle with an expired registration without waiting the one-month period. Provides that the changes made by the amendatory Act apply only to vehicle registrations that expire on or after the effective date of the amendatory Act.

Provides that a computer print-out from the Secretary of State's website setting forth the calendar months in which registration renewal notices were not sent to all owners of passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds shall be admissible as evidence to establish an affirmative defense to a citation issued by any local, county, municipal, or State law enforcement agency within one month after the expiration of the vehicle expiration. Provides the computer print-out shall be prima facie evidence of the correctness of the information contained in it.

Makes the added provision inoperative on and after June 30, 2017. Effective immediately.

*HB4360

Short Description: SCH CD-EDUCATOR QUALIFICATIONS

Status: P.A. 99-667, eff. 7-29-16

105 ILCS 5/ multi

Synopsis As Introduced

Amends the School Code. Provides that no one may be licensed to teach or supervise in the public schools of this State who has been convicted of certain drug offenses **until 7 years** following the end of the sentence for the offense. Makes changes to provisions relating to the conviction of certain offenses as grounds for revocation of an educator license, including changing the definitions of terms, providing for disqualification for licensure, and providing that suspension of a license or denial of an application for a license of a person who has been convicted of certain drug offenses shall last until 7 years (now forever) following the end of the sentence for the offense. Makes technical corrections in provisions requiring a criminal history records check to be performed with regard to applicants for employment with a school district. Effective immediately.

*HB4369

Short Description: BOAT RACING CERT & INSURANCE

Status: P.A. 99-526, eff. 7-8-16

625 ILCS 45/5-18

Summary

Amends the Boat Registration and Safety Act. Provides that a boating safety certificate is not required for a person who is temporarily using the waters of this State for the purpose of participating in a boat racing event sanctioned by the Department of Natural Resources or authorized federal agency. Requires the organizer or holder of the sanctioned event to possess liability insurance for property damage and bodily injury or death with a minimum benefit of \$1,000,000 that shall remain in effect through the entirety of the event. Effective immediately.

HB4387

Short Description: PILOT LICENSE REGISTRATION

Status: P.A. 99-605, eff. 1-1-17

620 ILCS 5/42

Summary

Amends the Illinois Aeronautics Act. Provides registration of an airman with the Division of Aeronautics of the Department of Transportation shall be one-time with a fee of \$20 payable at registration.

*HB4391

Short Description: TWP CD-CRIMINAL CONVICTIONS

Status: P.A. 99-546, eff. 7-15-16

60 ILCS 1/55-6 new

Synopsis As Introduced

Amends the Township Code. Provides that a person is not eligible to hold any office if that person, at the time required for taking the oath of office, has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony. Effective immediately.

HB4425

Short Description: DCFS-ABUSE RPT-SERVICE MEMBER

Status: P.A. 99-638, eff. 1-1-17

325 ILCS 5/4.4b new

Summary

Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to determine the military status of each parent or guardian who is named as the alleged perpetrator in a child abuse or neglect report.

In a provision requiring the Department of Children and Family Services to notify a Department of Defense Family Advocacy Program if the Department determines that a parent or guardian who is named as the alleged perpetrator of child abuse or neglect is a service member, requires the Department to notify the geographically closest Department of Defense Family Advocacy Program within the State that there is an allegation of abuse or neglect against the parent or guardian that is open for investigation. Provides that if the Department determines that a person or guardian is a member of the Illinois National Guard, the Department shall also notify the Office of the Adjutant General that there is an allegation of abuse or neglect against the parent or guardian that is open for investigation.

*HB4445

Short Description: SECRETARY OF STATE MISCELLANY

Status: P.A. 99-607, eff. 7-22-16

15 ILCS 335/12

625 ILCS 5/ multi

Summary

Amends the Illinois Identification Card Act. Provides that the fee for a duplicate temporary Illinois Identification Card shall be \$5.

Amends The Illinois Vehicle Code. Modifies the dishonored payment penalty provision to mandate the 25% penalty to commence after 60 days from the date the dishonored payment was first delivered (now from when the fee or tax is due). 6-206's discretionary authority to suspend or revoke to include submission of a false or altered medical examiner's certificate, or the provision of false information to obtain the certificate (for CDL). In 6-506's Commercial Driver's License section, federal exemption for CDL exemption for covered farm vehicles is affirmed, but "the driver must successfully complete any tests the SOS deems necessary." The exemption only applies to drivers age 21 or older in interstate driving, and to persons 18 or older in intrastate driving. Administrative rules authorized. CDL medical information may be shared with Federal Motor Carrier Safety Administration. Immediate effective date.

HB4447

Short Description: PARENTAGE ACT-VARIOUS

Status: P.A. 99-769, eff. 1-1-17

750 ILCS 46/103 etc/

Summary

Amends the Illinois Parentage Act of 2015. Makes numerous changes in provisions concerning: definitions; the establishment of the parent-child relationship; presumption of parentage; proceedings to declare the non-existence of the parent-child relationship; voluntary acknowledgment; rules for acknowledgment and denial of parentage; temporary orders; injunctive relief; standing; venue; genetic testing; joinder of proceedings; men who father through sexual assault or sexual abuse; judgment; the provision of information to the State Case Registry; enforcement; modification; and the right to counsel.

Makes changes concerning the required notices on the voluntary acknowledgment of parentage form. Changes the definition of "gestational surrogacy". Changes "acknowledgment" to "voluntary acknowledgment" and makes corresponding changes. Provides that any voluntary acknowledgment or denial or rescission of acknowledgement of parentage that was completed prior to January 1, 2016 (the effective date of the Illinois Parentage Act of 2015) is valid if it met all criteria for validity at the time it was signed. In a Section concerning temporary orders, specifies that "child" includes a non-minor child with a disability. In a Section concerning the authority to deny genetic testing, provides that it shall be presumed to be equitable and in the best interests of the child to grant a motion by the child seeking an order for genetic testing, and the presumption may be overcome by clear and convincing evidence that extraordinary circumstances exist making the genetic testing contrary to the child's best interests. Makes a change concerning the guidelines and standards the court must use in determining temporary child support. Makes a change in the Section concerning standing. Makes changes in provisions governing the effect of a judgment that lacks an explicit allocation of parental responsibilities. In provisions concerning support, changes "father" and "non-custodial parent" to "person obligated to pay

support". Provides that the Act applies to all pending actions and proceedings commenced prior to its effective date with respect to issues on which a judgment has not been entered. Deletes language providing that the repeal of the Illinois Parentage Act of 1984 shall not affect rights or liabilities under that Act which are the subject of proceedings pending on the effective date of the Illinois Parentage Act of 2015. Makes other changes.

Provides that the court's order granting a child's request for genetic testing must specify the ways in which the testing results may be used for purposes of protecting the child's best interests.

*HB4515

Short Description: HEALTH CARE WORKER REGISTRY

Status: P.A. 99-872, eff. 1-1-17

210 ILCS 45/3-206.01 225 ILCS 46/multi

Summary

Amends the Nursing Home Care Act. Requires the Department of Public Health to make the Health Care Worker Registry that includes background check and training information accessible by health care employers. Allows the Department to maintain a publicly accessible registry. Makes changes regarding information that must be contained in the registry accessible to health care employers. Requires the Department to limit specific offense information on an applicant or employee. *Requires that the public registry report than an individual is eligible for employment if he or she has received a waiver but not the waiver information.*

Amends the Health Care Worker Background Check Act. Allows a health care employer to hire an individual with a disqualifying offense if the individual has received a waiver under the Act. Creates a Health Care Worker Registry working group in the Office of the Governor. Makes other changes.

In provisions amending the Health Care Worker Background Check Act, provides that the Department of Public Health may, at the discretion of the Director of Public Health, grant a waiver to an applicant, student, or employee listed on the registry. In provisions concerning an applicant receiving a written notification by the Department of its decision on whether to grant a waiver, removes the exception in cases where a rehabilitation waiver is granted. In provisions concerning the Health Care Worker Registry working group, provides that the Department of Public Health and the Governor's Office shall provide the working group with any relevant aggregate data currently available that is related to the waiver process and its effectiveness. Provides that the working group shall identify any gaps in information currently collected that would inform the working group's efforts and make recommendations to the Governor's Office and the General Assembly about what additional data should be collected to evaluate and monitor the success of the waiver process by July 1, 2017. Makes other changes.

In provisions amending the Health Care Worker Background Check Act, provides that when the Department of Public Health sends an applicant, student, or employee written notification of its decision whether to grant a waiver, the written notification shall include a list of the specific disqualifying offense for which the waiver is being granted not denied. Provides that the Department shall issue additional copies of the written notification upon the applicant's, student's, or employee's request.

In provisions amending the Nursing Home Care Act, provides that after January 1, 2017 the publicly accessible Health Care Worker Registry shall report if an individual is ineligible because of a disqualifying offense and has not received a waiver. Changes the effective date to January 1, 2017

*HB4552

Short Description: AGING-ABUSE RECORDS-DISCLOSURE

Status: P.A. 99-547, eff. 7-15-16

320 ILCS 20/8

Summary

Amends the Adult Protective Services Act. Adds State's Attorney's offices to the list of persons and agencies granted access, upon request, to records concerning reports of abuse, neglect, financial exploitation, or self-neglect. Effective immediately.

HB4562

Short Description: HUMAN RIGHTS ACT-PENALTIES (REAL ESTATE)

Status: P.A. 99-548, eff. 1-1-17

775 ILCS 5/8B-104

Synopsis As Introduced

Amends the Illinois Human Rights Act. Increases the amount of civil penalties for civil rights violations relating to real estate transactions as follows: (i) a maximum of \$16,000 (instead of \$10,000) if the respondent has not been adjudged to have committed any prior civil rights violation concerning real estate transactions; (ii) a maximum of \$42,500 (instead of \$25,000) if the respondent has been adjudged to have committed one other civil rights violation concerning real estate transactions during the 5-year period ending on the date of the filing of the current charge; and (iii) a maximum of \$70,000 (instead of \$50,000) if the respondent has been adjudged to have committed 2 or more civil rights violations concerning real estate transactions during the 7-year period ending on the date of the filing of the current charge.

*HB4603

Short Description: CNTY CD-PUBLIC DEFENDER REPORT; COUNTY BD VOTING

Status: P.A. 99-774, eff. 8-12-16

55 ILCS 5/3-4010 55 ILCS 5/2-1005

Summary:

Amends the Counties Code. Requires Public Defenders in counties with a population under 1,000,000 to report quarterly or monthly as directed by the county board.

Provides that a county board may use an omnibus vote to approve any 2 or more designated ordinances, orders, resolutions, or motions placed into a single voting group. Effective immediately.

HB4683

Short Description: CRIM PRO-APPEAL-DEFENDNT DEATH

Status: P.A. 99-778, eff. 1-1-17

725 ILCS 5/115-4.5 new 725 ILCS 5/Art. 121A new multi

Summary

Amends the Code of Criminal Procedure of 1963. When a prosecutor learns of the death of a defendant prior to final judgement, a certificate of notice of death shall be filed, and the court shall enter an order abating the proceedings ab initio.

Unless otherwise provided by Supreme Court Rule, death of a defendant on direct appeal shall be handled in the following way. 1) When a prosecutor learns of the death of a defendant on direct appeal, he shall promptly notify the other party and file a certificate of notice of death with the reviewing court. 2) Unless the executor or administrator of the defendant's estate files a motion to intervene (based on companion civil case implications?), the reviewing court shall dismiss the direct appeal without disturbing the judgement of guilt. 3) If a timely petition to intervene is filed, the reviewing court shall permit the intervention, and the direct appeal shall proceed in the same manner as if the defendant were alive. Nothing in this Section authorizes post-conviction proceedings to be filed or litigated.

HB4715

Short Description: GOVERNMENT-FOIA

Status: P.A. 99-586, eff. 1-1-17

5 ILCS 140/2

5 ILCS 140/11 & 11.6 new

Summary

Amends the Freedom of Information Act. Allows a person denied access to public records to file an action to enforce a binding opinion issued under section 9.5 of this Act. It allows the court to impose an additional penalty of up to \$1,000 for each day the violation continues if: the public body fails to comply with the court's order after 30 days; the court's order is not appealed or stayed; and the court does not grant the public body additional time to comply with a court order to disclose public records. Changes apply to actions filed on or after January 1, 2016. A requester that files an action seeking to enforce a binding opinion will have a rebuttable presumption that the public body willfully and intentionally failed to comply with this Act if: the attorney general issues a binding opinion under section 9.5; the public body does not file for administrative review within 35 days after the binding opinion is served on the public body; and the public body does not comply with the binding opinion within 35 days after it is served on the public body. This presumption may be rebutted by the public body showing that it is making a good-faith effort to comply with the binding opinion, but the compliance was not possible within the 35-day time frame. This section applies to binding opinions of the attorney general requested or issued on or after January 1, 2016.

HB4999

Short Description: WORK PRIVACY SOCIAL MEDIA

Status: P.A. 99-610, eff. 1-1-17

725 ILCS 168/5

820 ILCS 55/10

Summary

Amends the Right to Privacy in the Workplace Act. Makes it unlawful for an employer or prospective employer to request or require an employee or applicant to authenticate or access a personal online account in the presence of the employer, to request or require that an employee or applicant invite the employer to join a group affiliated with any personal online account of the employee or applicant, or join an online account established by the employer. Prohibits retaliation against an employee or

applicant for reporting a violation of the Act. Amends the Freedom from Location Surveillance Act to make a complementary cross reference change.

In language providing that certain provisions of the bill do not prohibit or restrict an employer from complying with a duty to screen employees or applicants before hiring or monitoring or retaining employee communications under specified laws if the password, account information, or access sought by the employer relates only to an online account that is supplied or paid for by an employer.

HB5003

Short Description: VETERANS COURTS-MANDATES

Status: P.A. 99-807, eff. 1-1-18

730 ILCS 167/15

Synopsis As Introduced

Amends the Veterans and Servicemembers Court Treatment Act. Provides that the Chief Judge of each judicial circuit shall (rather than may) establish a Veterans and Servicemembers Court program including a format under which it operates under the Act. Effective January 1, 2018.

Comment: Separation of powers problem?

*HB5010

Short Description: ANIMAL ABUSE-EXPOSURE

Status: P.A. 99-782, eff. 8-12-16

510 ILCS 70/3.01

Summary:

Amends the Humane Care for Animals Act. Provides that no owner of a dog or cat that is a companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that results in hypothermia, hyperthermia, frostbite, or similar condition as diagnosed by a doctor of veterinary medicine.

HB5017

Short Description: JUV CT-EXPUNGE-NON ADJUD&MIS

Status: P.A. 99-835, eff. 1-1-17

705 ILCS 405/5-915

Summary

Amends the Juvenile Court Act of 1987. Provides that whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, the person may petition the court at any time for expungement of law enforcement records and juvenile court records relating to the incident and upon termination of all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Department of State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, but only in any of the following circumstances: (1) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; (2) the minor was charged with an offense and the petition or petitions were dismissed without a finding of delinquency;

(3) the minor was charged with an offense and was found not delinquent of that offense; (4) the minor was placed under supervision, and the order of supervision has since been successfully terminated; or (5) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult

*HB5104

Short Description: IDOC Medical/Mental Hlth Employees

Status: Passed both Houses; Amend Veto

730 ILCS 5/3-2-2

Summary

Amends the Unified Code of Corrections. Provides that on and after the effective date of the amendatory Act, the Department of Corrections may not let bids for contracts that would have the effect of reducing the number of Department employees, whose employment is related to the provision of medical or mental health services, lower than the number of Department employees on January 1, 2016 whose employment is related to the provision of medical or mental health services. Effective immediately.

Amendatory Veto

On page 13, by replacing lines 8 through 14 with "Act of the 99th General Assembly, before letting bids for contracts that would have the effect of reducing the number of Department employees whose employment is related to the provision of medical or mental health services, the Department shall prepare a cost comparison between the projected expenses if the work continued to be performed by Department employees and the projected expenses if a third party provided such services and shall allow for a reasonable time to meet with the affected employees or their labor organization representatives and discuss alternatives."

HB5402

Short Description: LICENSE PLATE RENEWAL

Status: P.A. 99-809, eff. 1-1-17

625 ILCS 5/3-802

Summary

Amends the Illinois Vehicle Code. Provides that beginning with the 2018 registration year, any individual who has registration issued for certain vehicles and qualifies for a special license plate under certain specified Sections of the Code may reclass his or her registration upon acquiring a specified special license plate without a replacement plate fee or registration sticker cost.

HB5472

Short Description: VICTIM & WITNESS RIGHTS

Status: P.A. 99-671, eff. 1-1-17

740 ILCS 45/2 725 ILCS 120/

Summary

Amends the Crime Victims Compensation Act. Includes within the scope of the term "victim" a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime.

Amends the Rights of Crime Victims and Witnesses Act. Changes the definition of "witness" to include a person who will be called by the prosecution to give testimony establishing a necessary nexus between the offender and the violent crime.

HB5538

Short Description: DOM VIOLENCE-POLICE TRAINING

Status: P.A. 99-810, eff. 1-1-17

725 ILCS 5/112A-27 750 ILCS 60/301.1

Summary

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that in developing arrest procedure policies in domestic violence situations, each law enforcement agency shall (instead of "is encouraged to") consult with community organizations and other law enforcement agencies with expertise in recognizing and handling domestic violence incidents. Provides that in the initial training of new recruits and every 5 years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects. Provides that the Law Enforcement Training Standards Board shall formulate and administer the training as part of the current programs for both new recruits and active law enforcement officers. Provides that the Board shall formulate the training by July 1, 2017, and implement the training statewide by July 1, 2018. Provides that in formulating the training, the Board shall work with community organizations with expertise in domestic violence to determine which topics to include. Provides that the Law Enforcement Training Standards Board shall oversee the implementation and continual administration of the training.

*HB5540

Short Description: FIRST 2016 GENERAL REVISORY

Status: P.A. 99-642, eff. 7-28-16

Includes 625 ILCS multi; 720 ILCS multi; 725 ILCS multi; 730 ILCS multi

Synopsis As Introduced

Creates the First 2016 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.

HB5551

Short Description: DCFS-FICTIVE KIN

Status: P.A. 99-836, eff. 1-1-17

20 ILCS 505/7 20 ILCS 505/6a 705 ILCS 405/2-13

Summary

Amends the Children and Family Services Act. In provisions requiring the Department of Children and Family Services to develop a case plan for each client for whom the Department is providing placement services, requires the Department to ensure that incarcerated parents are able to participate in case plan reviews via teleconference or videoconference; and requires the case plan to address the tasks that must be completed by an incarcerated parent and other matters. Requires the Department to use the child's best interest standard under the Juvenile Court Act of 1987 when considering a placement that will permit the child to maintain a meaningful relationship with his or her parents. Expands the definition of "fictive kin" to include any individual, unrelated by birth or marriage, who is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule.

Amends the Juvenile Court Act of 1987. In provisions concerning a petition for the termination of parental rights involving minors who are committed to the care of the Department, provides that such a petition shall be filed unless a good cause exists that filing the petition is contrary to the child's best interests. Lists a parent's incarceration or prior incarceration, under certain conditions, as a good cause for not filing a petition for the termination of parental rights. Removes language concerning transitional rules for children living in foster care.

Amends the Adoption Act. Removes language that provides that a child living in foster care for 15 months out of any 22-month period is a ground for finding a parent to be unfit.

HB5572

Short Description: SEX REGISTRATION-TASK FORCE

Status: P.A. 99-873, eff. 1-1-17

20 ILCS 3930/15 new

Summary

Amends the Illinois Criminal Justice Information Act. Appoints various members to the Sex Offenses and Sex Offender Registration Task Force, including the Executive Director of the Illinois Criminal Justice Information Authority, legislators, IDOC & DJJ representative, 2 academics or researchers who have studied issues related to adult sex offending, a representative of a legal organization that works with adult sex offenders who focus on the collateral consequences of conviction and registration, 2 treatment providers who specialize in adult treatment, a treatment provider who specializes in working with victims of sex offenses, 2 representatives from community-based organizations that work with adults convicted of sex offenses on re-entry, a statewide organization that represents or coordinates services for victims of sex offenses, a representative of a statewide organization that represents or is comprised of individuals convicted as adults of a sex offense who are currently on a registry, *a public defender (appointed by ICJIA), and an appellate defender (appointed by ICJIA)*. Provides that the Illinois Criminal Justice Information Authority may consult, contract, work in junction with, and obtain any information from any individual, agency, association, or research institution deemed appropriate by the Authority. Its suits to review include risk assessment, evidence-based practices and collateral consequences of registration. Report due by January 1, 2018. Provides the Task Force provision is repealed on January 1, 2019.

HB5593

Short Description: OPIOID ADDICTION TREAT ED

Status: P.A. 99-553, eff. 1-1-17

20 ILCS 301/20-25 new

Synopsis As Introduced

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that all programs serving persons with substance use issues licensed by the Department of Human Services under the Act must provide educational information concerning treatment options for opioid addiction, including the use of a medication for the use of opioid addiction, recognition of and response to opioid overdose, and the use and administration of naloxone, to clients identified as having or seeking treatment for opioid addiction. Provides that the Department shall develop educational materials that are supported by research and updated periodically that must be used by programs to comply with this requirement.

HB5594

Short Description: DRUG COURT-OPIOID ABUSE

Status: P.A. 99-554, eff. 1-1-17

730 ILCS 166/25 730 ILCS 166/35

Summary

Amends the Drug Court Treatment Act. Provides that if the defendant needs treatment for opioid abuse or dependence, the court may not prohibit the defendant from participating in and receiving medication assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches. Provides that drug court participants may not be required to refrain from using medication assisted treatment as a term or condition of successful completion of the drug court program.

*HB5613

Short Description: TASK FORCE-CRIMINAL DISCOVERY

Status: P.A. 99-874, eff. 8-22-16

New Act

Summary

Creates the Law Enforcement Information Task Force Act. Provides that the Law Enforcement Information Technology Task Force (within the Illinois Criminal Justice Information Authority) shall analyze both the criminal discovery process and the process of information sharing between law enforcement agencies to strategize for the possible creation of a standardized statewide case records management system or other standardized information sharing technology system to provide for a more efficient criminal discovery process.

Members include a Public Defender representative from Cook County, and the IPDA (Governor selects IPDA representative). Members elect the chair. No compensation provided. The Task Force shall issue a final report to the Governor and General Assembly on or before January 10, 2017. Provides that the Act is repealed on January 11, 2017.

Provides that the Illinois Criminal Justice Information Authority shall work with State and local criminal justice agencies to promote information sharing systems through its access to technical expertise and its grant-making powers for technology information projects. Provides that the Illinois Criminal Justice

Information Authority shall provide staff to serve as a liaison between the Law Enforcement Information Task Force and its stakeholders to provide guidance in criminal justice information sharing, best practices and strategies, and to effectuate the mission of the Task Force. Provides that the chair of the Task Force shall convene the first meeting of the Task Force on or before August 31, 2016. Provides that the Task Force shall meet at least twice a month thereafter until it completes its duties, or until December 31, 2016, whichever is earlier. Provides that the Task Force shall provide a preliminary report to the Governor and General Assembly on or before December 15, 20016 if the final report is not completed by then. Provides that the Task Force shall issue a final report to the Governor and General Assembly on or before January 15, 2017 Provides the repeal date on the Act is February 1, 2017. Effective immediately.

Comment: Initiative of John Corrigan, a lobbyist (Human Rights Watch re JLWOP). Modeled on Colorado TF, where defense counsel formerly obligated to pay a fee for discovery. Is not this what IIJS is for?

HB5651

Short Description: VEH CD-REG EXPIRATION-BIRTHDAY

Status: P.A. 99-644, eff. 1-1-17

625 ILCS 5/3-414

Summary

Amends the Illinois Vehicle Code. Allows the Secretary of State to require an owner of a motor vehicle of the first division or a motor vehicle of the second division weighing not more than 8,000 pounds to select his or her birthday as the motor vehicle's registration expiration date. Provides that if the motor vehicle has more than one registered owner, the owners may select one registered owner's birthday as the date of registration expiration. Provides the Secretary of State may adopt any rules the Secretary deems necessary.

HB5656

Short Description: DHFS-COURTS-VISITATION; Great Grandparents

Status: P.A. 99-838, eff. 1-1-17

20 ILCS 505/35.8 20 ILCS 505/35.9 new

Summary

Amends the Department of Children and Family Services Act. Requires the Department of Children and Family Services to make reasonable efforts and accommodations to provide for visitation privileges to a non-custodial grandparent (now) or great-grandparent (new) of a child who is in the care and custody of the Department. Provides that any visitation privileges provided shall be separate and apart from any visitation privileges provided to a parent of the child. Requires the Department to provide visitation privileges only if doing so is in the child's best interest, taking into consideration certain factors set out in the Juvenile Court Act of 1987 and other additional factors as specified. Provides that any visitation privileges provided shall automatically terminate upon the child leaving the care or custody of the Department. Provides that if the Department determines that a grandparent or great-grandparent is inappropriate to serve as a visitation resource and denies visitation, the Department shall: (i) document the basis of its determination and maintain the documentation in the child's case file and (ii) inform the grandparent or great-grandparent of his or her right to a clinical review in accordance with Department

rules and procedures. Provides that the Department may adopt any rules necessary to implement the provisions of the bill.

*HB5665

Short Description: DCFS-FOSTER CARE-ACTIVITIES

Status: P.A. 99-839, eff. 8-19-16

20 ILCS 505/7.3a new

Summary

Amends the Children and Family Services Act. Provides that each child who comes into the care and custody of the Department of Children and Family Services is fully entitled to participate in appropriate extracurricular, enrichment, cultural, and social activities in a manner that allows that child to participate in his or her community to the fullest extent possible. Requires caregivers to use the reasonable and prudent parent standard in determining whether to give permission for a child in out-of-home care to participate in appropriate extracurricular, enrichment, cultural, and social activities. Requires caregivers to consider certain factors when using the reasonable and prudent parent standard, including: (i) the child's age, maturity, and developmental level to promote the overall health, safety, and best interests of the child; and (ii) the importance and fundamental value of encouraging the child's emotional and developmental growth gained through participation in activities in his or her community. Provides that a caregiver is not liable for harm caused to a child in out-of-home care who participates in an activity approved by the caregiver. Grants the Department rulemaking authority. Effective immediately.

HB5723

Short Description: VEH CD-NO INS-PETTY OFFENSE

Status: P.A. 99-613, eff. 1-1-17

625 ILCS 5/3-707

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides that a person convicted of operating a motor vehicle without an insurance policy shall be guilty of a petty offense (rather than a business offense), unless the person has been convicted of this same offense 3 or more times.

Comment: Petty offense fine is max \$1,000 or amount specified in offense statute. Business offense has fine max as specified in offense statute. 730 ILCS 5/5-4.5-80 & -75.

HB5771

Short Description: CD CORR-SENTENCING OF MINORS; No JLWOP

Status: P.A. 99-875, eff. 1-1-17

730 ILCS 5/5-4.5-105 730 ILCS 5/5-8-1

Synopsis As Introduced

Amends the Unified Code of Corrections. Corrects a cross reference in the provision concerning sentencing of persons who were under the age of 18 at the time of the commission of an offense. Provides that certain mandatory natural life sentencing provisions for criminal sexual assault,

aggravated criminal sexual assault, and predatory criminal sexual assault of a child apply only to a person who has attained the age of 18 years at the time of the commission of the offense.

Comment: Consistent with Miller v. Alabama principles.

HB5781

Short Description: DISPOSAL OF MEDS OF DECEASED

Status: P.A. 99-648, eff. 1-1-17

20 ILCS 2610/40 new 50 ILCS 705/10.19 new 55 ILCS 5/3-3045 new 210 ILCS 150/5
210 ILCS 150/18 new

Summary

Amends the Safe Pharmaceutical Disposal Act. Provides that that police officers, coroners, and medical examiners may dispose of unused medications found at the scene of a death after consulting with any law enforcement agency investigating the death. Limits types of medications of which may be disposed.. Amends the State Police Act, the Illinois Police Training Act, the Counties Code, Medical Practice Act of 1987, and the Nurse Practice Act making conforming changes.

Provides that prior to disposal of unused medication collected as evidence in a criminal investigation, a State Police officer, police officer, coroner, or medical examiner shall photograph the unused medication and its container or packaging, if available; document the number or amount of medication to be disposed; and include the photographs and documentation in the police report, coroner report, or medical examiner report. Further provides if an autopsy is performed as part of a death investigation, no medication seized shall be disposed of until after a toxicology report is received by the entity requesting the report.

*HB5805

Short Description: LIMITATION-THEFT-EXPLOIT ELDER

Status: P.A. 99-820, eff. 8-15-16

720 ILCS 5/3-5 720 ILCS 5/3-6

Synopsis As Introduced

Amends the Criminal Code of 2012. Provides that a prosecution for theft of property (rather than involving real property) exceeding \$100,000 in value or financial exploitation of an elderly person or a person with a disability may be commenced within 7 years of the last act committed in furtherance of the crime. Effective immediately.

Note: Statute of Limitations change cannot retroactively resurrect an expired limitations period. Stogner v. California, 539 U.S. 609 (2003)

*HB5808

Short Description: DRONE TASK FORCE APPT

Status: P.A. 99-649, eff. 7-28-16

20 ILCS 5065/15 20 ILCS 5065/20

Summary

Amends the Unmanned Aerial System Oversight Task Force Act. Provides for the appointment of members to the Unmanned Aerial System Task Force also by the General Assembly. Includes a member of a statewide broadcasters association. Provides that the Task Force shall submit a report with recommendations to the Governor and General Assembly no later than July 1, 2017. Provides that the Act is repealed on September 1, 2017. Effective immediately.

*HB5910

Short Description: FED LAW ENFORCEMENT AGENCIES

Status: P.A. 99-651, eff. 7-28-16

720 ILCS 5/2-13

745 ILCS 22/5

50 ILCS 705/3

Summary

Amends the Criminal Code of 2012. Changes references of various federal law enforcement agencies from their previous names to their current names.

Amends the Illinois Police Training Act. Removes the Special Agent in Charge of the Springfield, Illinois, division of the Federal Bureau of Investigation from the Illinois Law Enforcement Training Standards Board. Makes this change effective upon becoming law.

HB5912

Short Description: BICYCLES-RIGHT OF WAY

Status: P.A. 99-785, eff. 1-1-17

625 ILCS 5/11-1502

Summary

Amends the Illinois Vehicle Code. Provides that a person riding a bicycle has all the rights applicable to a driver of a vehicle, including those regarding a vehicle's right-of-way under the Code.

Comment: Meant to clarify inconsistent appellate rulings classifying bicyclists as pedestrians, vehicles, or neither. *People v. Isaacson*, 288 Ill. App.3d 560 (4th D. 1997); *Bekele v. Ngo*, 236 Ill. App.3d 330 (1st D. 1992). 625 ILCS 5/11-1512[c] should be read together with 625 ILCS 5/11-1205.

HB5973

Short Description: OCCUPATION LIC-CRIM CONVICTION

Status: P.A. 99-876, eff. 1-1-17

225 ILCS multi

Summary

Amends the Funeral Directors and Embalmers Licensing Code, the Illinois Roofing Industry Licensing Act, and the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Reduces occupational and business licensing barriers based on a criminal record for the professions of barbering, cosmetology, esthetics, hair braiding, nail technology, roofing and funeral services. Currently a person with any felony or a directly related misdemeanor may be denied a license. This bill removes misdemeanors as a basis for denying a license. It also has IDFPR limit denials to offenses that are directly related, as defined in the bill, to the practice of each of the licensed professions. IDFPR would also have

to consider these directly related offenses in light of other mitigating factors, similar to EEOC's guidance. Finally, it provides an annual reporting requirement, effective 2018 for clarity on licensing policies concerning applicants with a record. Effective January 1, 2017.

HB6006

Short Description: VEH CD-DISABLED VEHICLES

Status: P.A. 99-681, eff. 1-1-17

625 ILCS 5/11-701 625 ILCS 5/11-907.5 new

Summary

Amends the Illinois Vehicle Code. Provides that a driver of a vehicle approaching a disabled vehicle, with lighted hazard lights, on a highway of at least 4 lanes, of which at least 2 are proceeding in the same direction, shall, proceeding with due caution, make a lane change into a lane not adjacent to the disabled vehicle or, if changing lanes would be impossible or unsafe, reduce the speed of the vehicle and maintain a safe speed for the road conditions. Provides that a violation of this provision shall be a petty offense.

HB6010

Short Description: VEHICULAR ENDANGERMENT

Status: P.A. 99-656, eff. 1-1-17

720 ILCS 5/12-5.02 was 720 ILCS 5/12-2.5

Summary

Amends the Criminal Code of 2012. Provides that the offense of vehicular endangerment includes striking a motor vehicle by causing an object to fall from an overpass or other elevated location above or adjacent to and above a highway (rather than just an overpass) in the direction of a moving motor vehicle with the intent to strike a motor vehicle while it is traveling upon a highway in this State.

*HB6037

Short Description: CD CORR-MITIGATION-MENTAL ILL

Status: P.A. 99-877, eff. 8-22-16

730 ILCS 5/5-5-3.1

Synopsis As Introduced

Amends the Unified Code of Corrections. Provides that the following ground shall be accorded weight in favor of withholding or minimizing a sentence of imprisonment that at the time of the offense, the defendant was suffering from a serious mental illness which, though insufficient to establish the defense of insanity, substantially affected his or her ability to understand the nature of his or her acts or to conform his or her conduct to the requirements of the law. Effective immediately.

Comment: codifies case law. *People v. Heider*, 231 Ill. 2d 1, May 22, 2008, OVERVIEW: Imposition of a non-minimum term of imprisonment on defendant upon finding that his mental retardation made him dangerous was error, as the record did not support a finding of his dangerousness and it had been relied upon to increase the term of sentence; retardation was a mitigating factor under 730 Ill. Comp. Stat. Ann. 5/5-5-3.1(a) (13) (2002).

*HB6093

Short Description: VEH CD-AUTO TRANSPORTER-LENGTH

Status: P.A. 99-717, eff. 8-5-16

625 ILCS 5/multi

Synopsis As Introduced

Amends the Illinois Vehicle Code. Provides a definition for "automobile transporter" and "backhaul." Amends the definition for "stinger-steered semitrailer" and "truck tractor." Provides that the length of a stinger-steered semitrailer specifically designed to transport motor vehicles or an automobile transporter cannot exceed 80 feet (as opposed to 75 feet), with an overhang of less than 4 feet (as opposed to 3 feet) and a rear overhang of less than 6 feet (as opposed to 4 feet). Provides an automobile transporter of these lengths can also be used when transporting other cargo or general freight on a backhaul.

Further amends the Illinois Vehicle Code. Defines "covered heavy duty tow and recovery vehicle", "towaway trailer transporter combination", and "trailer transporter towing unit". Provides the Code Chapter governing weight of vehicles applies to fire apparatus, but maintains the fire apparatus Code exemption for size and load. Provides on Class I and Class II highways that: (1) a truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 97 feet overall dimension (rather than 75 feet) and (2) a towaway trailer transporter combination may not exceed 82 feet overall dimension. Provides towaway trailer transporter combinations, with no overall length limitations, with certain exceptions, have unlimited access to points of loading, unloading, or delivery to or from a manufacturer, distributor, or dealer. Exempts from the Code's general wheel and axle load and gross weight formula: (1) a covered heavy duty tow and recovery vehicle, (2) a vehicle or combination of vehicles that uses natural gas or propane gas as a motor fuel may exceed the Code's weight limitations by up to 2,000 pounds on all highways (rather than providing an exception for interstate highways), (3) an emergency vehicle that is a vehicle designed to be used under emergency conditions to transport personnel and equipment, and used to support the suppression of fires and mitigation of other hazardous situations, may not exceed 86,000 pounds gross weight, or any of the following weight allowances: (i) 24,000 pounds on a single steering axle; (ii) 33,500 pounds on a single drive axle; (iii) 62,000 pounds on a tandem axle; or (iv) 52,000 pounds on a tandem rear drive steer axle, and (4) a bus, motor coach, or recreational vehicle may carry a total weight of 24,000 pounds on a single axle, but may not exceed other weight provisions of the Code. Provides the covered heavy duty tow and recovery vehicle license plate must cover the operating empty weight of the covered heavy duty tow and recovery vehicle only. Provides the total allowance for vehicles that uses natural gas or propane gas as a motor fuel is calculated by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas or propane gas tank and fueling system carried by the vehicle, and the weight of a comparable diesel tank and fueling system. Provides a vehicle with a fully functional APU shall be allowed an additional 550 pounds (rather than 400 pounds) or the certified unit weight, whichever is less. Relocates a provision allowing a State or local agency to authorize the issuance of excess size or weight permits for vehicles and loads, involving the transporting of fluid milk products, that are divisible and that can be carried, when divided, within the existing size or weight maximum specified in the Code; but removes the limitations on the permit that a single axle may not exceed 20,000 pounds, a gross weight may not exceed 80,000 pounds, the permit issued by the State does not apply to interstate highways, and that all road and bridge postings must be obeyed. Repeals provision setting the fee for special permits to transport raw milk at \$12.50 per quarter and \$50 annually. Effective immediately.

HB6109

Short Description: ORDERS OF PROTECTION: E-FILING

Status: P.A. 99-718, eff. 1-1-17

705 ILCS 5/7.5 new 750 ILCS 60/202

Synopsis As Introduced

Amends the Supreme Court Act. Provides that the Supreme Court *may* establish a pilot program for the filing of petitions for temporary orders of protection by electronic means and for the issuance of such orders by audio-visual means. Provides that the administrative director of the courts shall maintain an up-to-date and publicly available listing of the sites, if any, at which petitions for ex parte temporary orders of protection may be filed, and at which electronic appearances in support of such petitions may be made. Provides that in developing a pilot program, the administrative director shall strive for a program that is regionally diverse and takes into consideration, among other things, the availability of public transportation, population density, and the availability of facilities for conducting the program. Amends the Illinois Domestic Violence Act of 1986. Defines terms and provides substantive and procedural requirements for the pilot program.

HB6131

Short Description: DRIVER ED-TRAFFIC STOP-POLICE

Status: P.A. 99-720, eff. 1-1-17

105 ILCS 5/27-24.2 105 ILCS 5/27-24.2a new 625 ILCS 5/6-419

Synopsis As Introduced

Amends the School Code and the Illinois Vehicle Code. Provides that a driver education course (whether offered by a public school, a non-public school, or a driver training school) shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

*HB6167

Short Description: SUFFRAGE RIGHTS AT SEVENTEEN

Status: P.A. 99-722, eff. 8-5-16

10 ILCS 5/5-8.5 new 10 ILCS 5/3-6

Summary

Amends the Election Code. Provides that an individual who will be 18 years of age or older at the next general election may sign and circulate candidate petitions and register to vote, and shall be deemed competent to execute and attest to any voter registration forms, with the registration held in abeyance by the appropriate election authority until such time as that individual attains the required age to vote.

Further amends the Election Code. Provides that a person who is 17 years old on the date of a caucus or consolidated primary election and who is other qualified to vote is qualified to vote at that consolidated primary if that person will be 18 years old on the date of the immediately following consolidated election for which candidates are nominated at that primary. Provides that an individual who is 17 years of age, will be 18 years of age on the date of the immediately following general or consolidated election,

and is otherwise qualified to vote shall be deemed competent to circulate a nominating petition or a petition proposing a public question. Makes conforming changes. Effective immediately.

HB6190

Short Description: ACCELERATED RES CT-EXTENDS

Status: P.A. 99-724, eff. 1-1-17

730 ILCS 169/multi

Synopsis As Introduced

Amends the Accelerated Resolution Court Act. Changes the name of the Act to the Accelerated Resolution Program Act. Includes for eligibility for the Program, a defendant charged with: (1) a traffic offense, except for any offense involving fleeing or attempting to elude a peace officer or aggravated fleeing or attempting to elude a peace officer, driving under the influence, or any offense that results in bodily harm, or (2) a Class 4 felony violation of the Illinois Controlled Substances Act. Deletes provision that once referred to the Program by the Cook County Sheriff or his or her designee, written notice shall be given by the Sheriff to the Presiding Judge of the Criminal Division of the Circuit Court of Cook County. Deletes provision that if a person is released on his or her own recognizance, the conditions of the release shall be that he or she shall file written notice with the clerk of the court before which the proceeding is pending of any change in his or her address within 24 hours after the change. Deletes provision that the address of a defendant who has been released on his or her own recognizance shall at all times remain a matter of public record with the clerk of the court. Provides that the Act is repealed on June 30, 2019 (rather than June 30, 2017).

HB6200

Short Description: CD CORR-INMATE CALLS-FEES

Status: P.A. 99-878, eff. 1-1-17

730 ILCS 5/3-4-1

Summary

Amends the Unified Code of Corrections. Provides that beginning January 1, 2018, the Department of Central Management Services shall contract with the qualified vendor who proposes the lowest per minute rate not exceeding 7 cents per minute for debit, prepaid, collect calls and who does not bill to any party any tax, service charge, or additional fee exceeding the per minute rate. Retains language that moneys received by the Department of Corrections as commissions from inmate collect call telephone systems shall be deposited into the Department of Corrections Reimbursement and Education Fund. Effective January 1, 2017.

HB6291

Short Description: JUV COURT-PROBATION

Status: P.A. 99-879, eff. 1-1-17

705 ILCS 405/5-715 705 ILCS 405/5-710

Summary

Amends the Juvenile Court Act of 1987. Provides that the period of probation or conditional discharge of a juvenile shall be a period of at least 5 years, or until the minor has attained the age of 21, whichever is

less, only if the juvenile is found to be guilty of first degree murder, and not if the juvenile is found to be guilty of a Class X felony or a forcible felony.

Further amends the Juvenile Court act of 1987. Provides that in no event shall a guilty minor be committed to the Department of Juvenile Justice for an offense that is a Class 3 or Class 4 felony violation of the Illinois Controlled Substances Act unless the commitment occurs upon a third or subsequent judicial finding of a violation of probation for substantial noncompliance with court ordered treatment or programming.

Provides that *the period of probation for a minor* who is found guilty of aggravated criminal sexual assault, criminal sexual assault, or aggravated battery with a firearm shall be at least 36 months. Provides that the period of probation for a minor who is found to be guilty of any other Class X felony shall be at least 24 months. Provides that the period of probation for a Class 1 or Class 2 forcible felony shall be at least 18 months. Provides that if a juvenile is subject to probation for various offenses the court shall schedule hearings to determine whether it is in the best interest of the minor and public safety to terminate probation after the minimum period of probation has been served. Provides that in such a hearing, there shall be a rebuttable presumption that it is in the best interest of the minor and public safety to terminate probation. Effective January 1, 2017.

Comment: Retroactive application to those on probation prior to 1-1-17? See general savings clause @ 5 ILCS 70/4.

*HB6303

Short Description: CRIM CD-FIREARMS TRAFFICKING

Status: P.A. 99-885, eff. 8-23-16

720 ILCS 5/24-3B new

730 ILCS 5/5-5-3

Summary

Amends the Criminal Code of 2012. Creates the offense of firearms trafficking. Provides that a person commits the offense when he or *she has not been issued a currently valid Firearm Owner's Identification Card* and knowingly brings, or causes to be brought, into the State, a firearm or firearm ammunition, or both, for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person. Provides that firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years. Provides that firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony.

Provides that the offense of firearms trafficking does not apply to: (1) a person exempt under the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition; (2) a common carrier under the exemption from unlawful use of weapons violations under the Criminal Code of 2012; or (3) a non-resident who may lawfully possess a firearm in his or her resident state

Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment or conditional discharge *shall not be imposed when the person has been found guilty of firearms trafficking involving both a firearm and firearm ammunition*. Provides that the court shall sentence the offender to not less than the minimum term of imprisonment for the offense. Effective immediately.

*HB6324

Short Description: CRIM-SENTENCING COMMISSION

Status: P.A. 99-880, eff. 8-22-16

20 ILCS 2635/3

Synopsis As Introduced

Amends the Illinois Uniform Conviction Information Act. Provides that the Sentencing Policy Advisory Council will provide analysis and research to assist in the administration of criminal laws. Effective immediately.

*HB6325

Short Description: CD CORR-SPAC MEMBERS

Status: P.A. 99-533, eff. 7-8-16

730 ILCS 5/5-8-8

Synopsis As Introduced

Amends the Unified Code of Corrections. Deletes provision that 2 sitting judges shall serve on the Illinois Sentencing Policy Advisory Council. Provides that the retired judges on the Council shall be selected by certain other members of the Council (rather than by the Chief Justice of the Illinois Supreme Court). Effective immediately.

HB6328

Short Description: CRIM ID-EXPUNGEMENT&SEALING

Status: P.A. 99-881, eff. 1-1-17

20 ILCS 2630/5.2 705 ILCS 405/5-915

Summary

Amends the Criminal Identification Act. It no longer precludes a person with a conviction history from expunging a new arrest that didn't lead to a conviction. It waives fees for adult petitioners who obtain a court order (in forma pauperis petition). The bill institutes a Cook County fee waiver pilot program that would waive fees for sealing and expungement for one year.

Amends the Juvenile Court Act of 1987. Deletes provision that a person whose juvenile records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police.

HB6331

Short Description: FOID-REVOKE-ORDER OF PROTECT

Status: P.A. 99-787, eff. 1-1-17

430 ILCS 65/multi 30 ILCS 65/8.2 rep.

Summary

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police shall provide notice of the revocation of a person's Firearm Owner's Identification Card for being subject to an existing order of protection to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

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Cook County Ordinance 16-2631, eff 1-1-17

ANIMAL ABUSE REGISTRY; Sec, 46-38 to 46-45 of Cook County Code

Summary:

Upon "conviction" (includes supervision) after effective date, of Cook County resident for predicate animal abuse offense (510 ILCS 70/3.01 Cruel Treatment; 3.02 Aggravated Cruelty; 3.03 Animal Torture; 3.03-1 Depiction of Animal Cruelty; 720 ILCS 5/48.1 Dog Fighting), requirement for Sheriff's website registration for 15 years. \$125 registration fee. Change of address notification within 5 days. Current pets of registrant must be transferred

Retroactive application to out of county folks who move into Cook County.

Animal shelters, Pet sellers, etc. barred from selling pets to registrants.

Penalties: Failure to register (fine up to \$2,000); offender who acquires animal (except a service animal) – fine up to \$5,000; Animal Shelter/Pet Seller who transfers animal to an offender - \$1,000 first offense; \$2,000 for 2d offense; fine for \$5,000 for 3d +).

Applicability: All Cook County, except areas governed by an ordinance of another governmental entity.

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Note: Within the past year, the State Police mandated 911 answering points should retain storage media for a minimum of 90 days, per Title 83 Admin Code sec. 1325.415 (m). It implemented P.A. 99-006, eff. 1-1-16.

Retention of some otherwise not regulated records (PODs, etc.) governed by one's Local Records Commission. Title 44 Admin Code sec. 4500.10 (Cook County); 4000.10 downstate.

Retention of Officer-worn body camera recordings is mandated for 90 days (50 ILCS 706/10-20).

Note: Local Records Commission not pressing CPD for records destruction schedules. Last one done in the 1990's. "No public record, except as otherwise provided by law, shall be disposed of by any officer or agency unless written approval of the Commission is first obtained. Public record defined very broadly in Title 44, Admin Code, sec. 4500.20.

A. If camera grant through Illinois Law Enforcement Training Standards Board, in-car videos must be stored for 2 years. 50 ILCS 707/15. ILETS FOIA'd 10/18/16 re Chicago.

CPD Special Order re in-car videos provides for a 90-day retention period.

Officer-worn body camera grants. No retention period mentioned in 50 ILCS 707/20.

Officer-worn Body Camera Act (50 ILCS 706/10-1 et seq) provides for a 90-day retention period, unless flagged. CPD Special Order likewise, unless flagged.

OEMC Police Observation Device (POD) retention period set by CPD order only. Special Order S02-04-01. 72-hours for non-wireless and 15 days for wireless PODs.