



State of Illinois  
Illinois State Police  
Leo P. Schmitz

# 99th General Assembly 2016 Spring Session Legislative Update



Illinois State Police



# 99th General Assembly 2016 Spring Session Legislative Update

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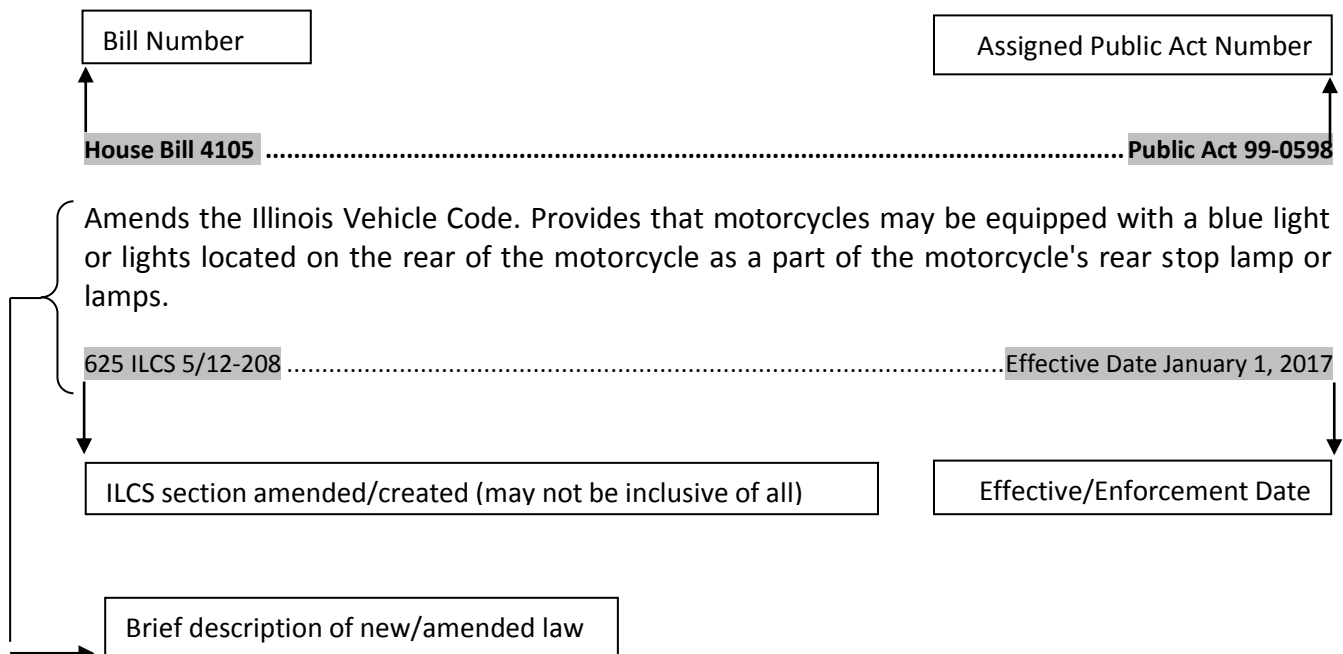
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The 99th General Assembly 2016 Spring Session Legislative Update is designed as a briefing concerning law enforcement and other state agency related legislation. **DO NOT take enforcement action based solely upon the description of any new laws or statutory change described herein.** Enforcement action should be based upon review and understanding of the actual statutory language contained in the public act or a revised statutory document containing the new laws (Vehicle Code or Criminal Code publication). You are encouraged to view the full public act and all current Compiled Statutes at <http://www.ilga.gov>

The legislation contained in this guide has been categorized based upon the Chapter of the Illinois Compiled Statutes (ILCS) most affected. Each entry should be read as follows:



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# **CHAPTER 5**

## **GENERAL PROVISIONS**

House Bill 5540 ..... Public Act 99-0642  
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.  
First 2016 General Revisory .....Effective Date July 28, 2016

House Bill 5683 ..... Public Act 99-0714  
Amends the Open Meetings Act. Provides that where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person may bring a civil action in the circuit court within 60 days of the decision by the Attorney General to resolve a request for review by a means other than the issuance of a binding opinion, if the person timely files a request for review with the Public Access Counselor.  
5 ILCS 120/3 .....Effective Date August 5, 2016

House Bill 4715 ..... Public Act 99-0586  
Amends the Freedom of Information Act. Creates additional penalties for public bodies that a Court has determined are willfully and intentionally failing to comply with the Freedom of Information Act. In addition to the current fine of \$2,500 to \$5,000, under this bill a Court may impose an additional penalty of up to \$1,000/day on the public body if they fail to comply with the Court's Order within 30 days. Exceptions are given if the public body appeals the Order, or is given more time by the Court to comply. Provides for a new avenue of relief for requesters for a public body not complying with a binding opinion by the Attorney General. Currently, the Attorney General can seek a Court to enforce a binding opinion if they so choose. This would give the requester themselves standing to bring such a suit against the public body. Such suit may occur if the public body does not comply with or seek review of the binding opinion within 35 days of when they are served with the opinion (mirroring the timeline for review of the Administrative Review Act). A public body can rebut this presumption by showing that they have made a "good faith effort" to comply with the binding opinion within 35 days.  
5 ILCS 140/2, 11, and 11.6 (NEW) ..... Effective Date January 1, 2017

House Bill 6083 ..... Public Act 99-0587  
Amends the Freedom of Information Act. The bill provides that this Act may be referred to as Molly's Law. It also makes the following changes to the Wrongful Death Act. Provides that an action may be brought within 5 years after the date of the death if the death is the result of violent intentional conduct or within one year after the final disposition of the criminal case if

the defendant is charged with (1) first degree murder, (2) intentional homicide of an unborn child, (3) second degree murder, (4) voluntary manslaughter of an unborn child, (5) involuntary manslaughter or reckless homicide, (6) involuntary manslaughter or reckless homicide of an unborn child, and (7) drug-induced homicide. Provides that the new provisions extend the statute of limitations only against the individual who allegedly committed a violent intentional act or was the defendant charged with one of the specified crimes. Provides that the new provisions do not extend the statute of limitations against any other person or entity. Provides that the changes apply to causes of action arising on or after the effective date of the amendatory Act.

5 ILCS 140/11 and 740 ILCS 180/2 ..... Effective Date January 1, 2017

House Bill 5018 ..... Public Act 99-0808  
Amends the State Commemorative Dates Act. Designates the second full week of April of each year as National Public Safety Telecommunicators' Week, as a week to honor the dedicated men and women who answer calls for help at 911 centers across the country.

5 ILCS 490/190 (NEW) ..... Effective Date January 1, 2017

# ***CHAPTER 15***

## ***EXECUTIVE OFFICERS***

Senate Bill 637 ..... Public Act 99-0511  
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. This legislation brings Illinois into compliance with the federal government's REAL ID standards.

15 ILCS 335/2, 5, 8, 625 ILCS 5/6-103, and 6-106 ..... Effective Date January 1, 2017

House Bill 4257 ..... Public Act 99-0829  
 Amends the Illinois Identification Card Act. Provides that upon approval an applicant's Illinois Person with a Disability Identification Card, the Secretary of State shall inform the applicant of the availability of a Person with a Disability Wallet Card that specifies that the cardholder has been medically diagnosed with a disability, and shall provide that Wallet Card upon the applicant's request. Provides that the Wallet Card may only be available to applicants with a Type Two or Type Five Disability. Provides that the Department of Human Services shall design the Wallet Card in consultation with the Secretary of State, after which, the Department of Human Services shall produce and distribute the cards to the Secretary of State. Provides that the Secretary of State shall work with the Department of Human Services to adopt rules in the administration of the Wallet Card. Provides legislative findings and intent.  
 15 ILCS 335/4A-1 (NEW) ..... Effective Date January 1, 2017

# ***CHAPTER 20***

## ***EXECUTIVE BRANCH***

Senate Bill 42 ..... Public Act 99-0886  
 Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Adds involuntary sexual servitude of a minor to the offenses for which a health care worker license can be revoked. Provides that if a licensed health care worker has been convicted of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act or involuntary sexual servitude of a minor that is a forcible felony, and the health care worker has had his or her license revoked, the health care worker may petition the Department of Financial and Professional Regulation to restore his or her license if more than 5 years have passed since the conviction or more than 3 years have passed since the health care worker's release from confinement for that conviction, whichever is later.. Establishes factors that the Department shall consider in determining whether a license shall be restored. Further provides that this process for petition and review by the Department shall apply to a person whose licensed is denied under these provisions. Provides that the Department may also consider other evidence of rehabilitation, along with any voluntary remedial actions taken by the health care worker, when determining whether a license shall be restored.  
 20 ILCS 2105/2105-165 ..... Effective Date January 1, 2017

House Bill 5781 ..... Public Act 99-0648  
 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. 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. 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.

20 ILCS 2610/40 (NEW), 50 ILCS 705/10.19(NEW),

55 ILCS 5/3-3045(NEW), 210 ILCS 150/5, and

210 ILCS 150/18(NEW) ..... Effective Date January 1, 2017

House Bill 6328 ..... Public Act 99-0881

Amends the Criminal Identification Act. Deletes provision that a petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest that have not resulted in a conviction, other than excluded offenses, only when the petitioner has never been convicted of a criminal offense. Provides that when a petitioner seeks to have a record of arrest expunged under this Section, and the offender has been convicted of a criminal offense, the State's Attorney may object to the expungement on the grounds that the records contain specific relevant information aside from the mere fact of the arrest. Deletes provision that the person whose 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. Provides that no fee shall be required for filing a petition for expungement or sealing if the petitioner has obtained a court order waiving fees under Supreme Court Rule 298 or it is otherwise waived. Provides that for a period of one year from the effective date of the amendatory Act or until January 1, 2018, whichever is later, in a county of 3,000,000 or more inhabitants, no fee shall be required to be paid by a petitioner if the records sought to be expunged or sealed were arrests resulting in release without charging or arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, unless excluded. 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.

20 ILCS 2630/5.2 and 705 ILCS 405/5-915 ..... Effective Date January 1, 2017

Senate Bill 2228 ..... Public Act 99-0697

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.

Numerous Sections .....Effective Date July 29, 2016

House Bill 6324 ..... Public Act 99-0880  
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.

20 ILCS 2635/3 .....Effective Date August 22, 2016

House Bill 1437 ..... Public Act 99-0666  
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.

20 ILCS 2637/ (NEW ACT) ..... Effective Date January 1, 2017

House Bill 5572 ..... Public Act 99-0873  
Amends the Illinois Criminal Justice Information Act. Creates the Sex Offenses and Sex Offender Registration Task Force to ensure that law enforcement and communities are able to identify and monitor high-risk sex offenders. The Task Force will hold public hearings to receive input from the public and give recommendations to the General Assembly to effectively classify sex offenders based on individual risk to public safety. Provides that the Task Force shall present its

findings in a written report on or before January 1, 2018. Repeals the new provisions on January 1, 2019.

20 ILCS 3930/15 (NEW) ..... Effective Date January 1, 2017

House Bill 2822 ..... Public Act 99-0864  
Creates the Human Trafficking Task Force Act. Provides requirements regarding the 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, 2017. Abolishes the task force and repeals the Act on July 1, 2017.

20 ILCS 5085/ (NEW) .....Effective Date August 22, 2016

House Bill 5613 ..... Public Act 99-0874  
Creates the Law Enforcement Information Technology Task Force Act. Creates the Law Enforcement Information Technology Task Force to analyze, study, and make recommendations regarding the criminal discovery process, information sharing by law enforcement agencies, and other matters. Contains provisions concerning membership. Provides that the members of the Task Force will not be compensated. Provides that the Law Enforcement Information Task Force shall be established within the Illinois Criminal Justice Information Authority and the Illinois Criminal Justice information Authority shall serve as the technology and policy advisor to assist the Task Force. 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 Task Force shall issue a final report to the Governor and General Assembly on or before January 15, 2017. Provides that the Act is repealed on February 1, 2017.

20 ILCS 5090/ (NEW) .....Effective Date August 22, 2016

# ***CHAPTER 55***

## ***COUNTIES***

Senate Bill 3284 ..... Public Act 99-0754  
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 government (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. 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. Makes conforming changes in the Division.

55 ILCS 5/5-43010, 43015, 43020, 43025, 43035, 43040, and 43045. .... Effective Date January 1, 2017

## ***CHAPTER 60***

### ***TOWNSHIPS***

House Bill 4391 ..... Public Act 99-0546  
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.

60 ILCS 1/55-6 (NEW) ..... Effective Date July 15, 2016

## ***CHAPTER 70***

### ***SPECIAL DISTRICTS***

House Bill 5611 ..... Public Act 99-0811  
Provides that a fire chief has authority to enforce the provisions of any rules adopted and promulgated by the State Fire Marshal under the provisions of the Fire Investigation Act or to carry out the duties imposed on local officers under the Fire Investigation Act. Provides that the fire chief shall order removal or remedy of dangerous conditions including that the fire chief may order that the property be vacated until an inspection occurs and the dangerous condition is no longer present. Provides notice requirements and procedures for dangerous conditions. Provides that a fire chief to refer matters to the State's Attorney when a person fails to comply with the fire chief's orders enforcing the provisions of the Fire Investigation Act.

70 ILCS 705/111 ..... Effective Date August 15, 2016

Senate Bill 3005 ..... Public Act 99-0884  
Amends the Park District Code. Provides that a park district shall not knowingly employ a person who has been convicted of specified drug offenses until 7 years following the end of a sentence imposed including periods of supervision or probation (currently, may not employ any person convicted of the specified drug offenses); prohibits employment for convictions of Class 4 felony public indecency (currently, any convictions for public indecency); and amends the Chicago Park District Act making similar changes.  
70 ILCS 1205/8-23 and 1505/16a-5 .....Effective Date August 22, 2016

# ***CHAPTER 105***

## ***SCHOOLS***

House Bill 6131 ..... Public Act 99-0720  
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.  
105 ILCS 5/27-24.2, 24.2a (NEW), and 625 ILCS 5/6-419..... Effective Date January 1, 2017

House Bill 3199 ..... Public Act 99-0596  
Amends the Charter Schools Law of the School Code. Requires a charter school to comply with all applicable absenteeism and truancy policies and requirements applicable to public schools under the laws of the State of Illinois. Sets forth how a charter school must define a truant, chronic or habitual truant, truant minor, and dropout.  
105 ILCS 5/27A-5.5 (NEW) .....Effective Date July 22, 2016



# **CHAPTER 210**

## **HEALTH FACILITIES**

House Bill 5603 ..... Public Act 99-0784  
Amends the Authorized Electronic Monitoring in Long-Term Care Facilities Act. Adds references to facilities licensed under the MC/DD Act to the definitions of "facility" and "resident's representative". In a provision that requires a resident conducting authorized electronic monitoring to obtain the consent of any new roommate, provides that if a new roommate does not consent to authorized electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility shall (instead of may) turn off the device. Provides that all electronic monitoring device installations and supporting services shall comply with the requirements of the 2012 edition (instead of the 2000 edition) of the National Fire Protection Association (NFPA) 101 Life Safety Code. Provides that the Department of Public Health's distribution of up to \$50,000 in funds to certain residents for the purchase and installation of authorized electronic monitoring devices is subject to appropriation. Amends the MC/DD Act. Provides that a resident shall be permitted to conduct authorized electronic monitoring of the resident's room. Provides that it is a business offense for a person to intentionally retaliate or discriminate against any resident for consenting to authorized electronic monitoring under the Authorized Electronic Monitoring in Long-Term Care Facilities Act. Provides that it is a business offense for a facility to prevent the installation or use of an electronic monitoring device by a resident who has provided the facility with the required notice and consent. Provides that all electronic monitoring device installations and supporting services shall comply with the edition of the National Fire Protection Association 101 Life Safety Code in force at the time the device is installed and shall remain in compliance with that or any subsequent edition of the Code pursuant to specified federal regulations (rather than comply with the 2012 edition of the Life Safety Code). Makes changes to a provision concerning rulemaking.  
210 ILCS 32/5, 15, 25, 27, 65, 46/2-116 (NEW), and 3-318..... Effective Date January 1, 2017

Senate Bill 3335 ..... Public Act 99-0862  
Amends the Emergency Medical Services (EMS) Systems Act. Permits EMT, EMT-I, A-EMT, or paramedics who have successfully completed a Department of Public Health approved course in the administration of epinephrine to administer epinephrine from a glass vial, auto-injector, ampule, or pre-filled syringe.  
210 ILCS 50/3.55 ..... Effective Date January 1, 2017

# **CHAPTER 230**

## **GAMING**

House Bill 0940 ..... Public Act 99-0757  
Amends the Raffles and Poker Runs Act. Provides that law enforcement agencies and statewide associations that represent law enforcement officials may organize raffles under the Act. Provides that a law enforcement agency or statewide association that represents law enforcement officials organizing a raffle must only be licensed in the key location of the raffle, even if raffle tickets are sold beyond the borders of the governing body of the county or municipality in which the key location is located. Provides that law enforcement agencies and statewide associations that represent law enforcement officials must abide by the requirements established by the governing body of the county or municipality in which the key location is located. Defines "key location" and "law enforcement agency". Makes changes concerning the number of inter-track wagering locations a race track may establish. Provides that inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations that are within 160 (rather than 140) miles of that race track where the particular organization licensee is licensed to conduct racing. Provides that an inter-track wagering location license authorized by the Board in 2016 that is owned and operated by a race track in Rock Island County shall be transferred to a commonly owned race track in Cook County on the effective date of the amendatory Act. Provides that the pari-mutuel tax credit under the Act shall not be applied toward any pari-mutuel tax obligation of the inter-track wagering location licensee of the license that is transferred.  
230 ILCS 15/2, 15/9 (NEW), and 5/26 .....Effective Date August 12, 2016

# **CHAPTER 235**

## **LIQUOR**

House Bill 4820 ..... Public Act 99-0550  
Amends the Liquor Control Act of 1934. Provides that alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of a community college district for events that the Board of Trustees of that community college district may determine are public events and not student-related activities. Provides that the Board of Trustees of a community college district shall issue a written policy within 6 months after the effective date of the amendatory Act concerning the types of events that would be eligible for an exemption. Provides that the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. Specifies factors that the Board of Trustees shall, in addition to other factors it considers relevant and important, consider in forming its written policy. Provides that the provisions do not apply to certain community college districts authorized to sell or serve alcoholic liquor.

235 ILCS 5/1-1 .....Effective Date July 15, 2016

Senate Bill 3095 ..... Public Act 99-0800  
Amends the Liquor Control Act of 1934. Provides that no person licensed as a distributor or importing distributor shall be granted a non-resident dealer's license. Provides that no person licensed as a non-resident dealer shall be granted a distributor's or importing distributor's license.

235 ILCS 5/5-1.....Effective Date August 12, 2016

Senate Bill 2989 ..... Public Act 99-0904  
Amends the Liquor Control Act of 1934. Provides that the application form for a winery shipper's license shall include all addresses from which the applicant for a winery shipper's license intends to ship wine, including the name and address of any third-party authorized to ship wine on behalf of certain manufacturers of wine. Requires a winery shipper's licensee to include certain acknowledgements and disclosures in its application. Provides that a third-party provider, except a common carrier, shipping wine on behalf of a winery shipper's license holder is the agent of the winery shipper's license holder. Requires certain third-party providers to file with the Illinois Liquor Control Commission a statement detailing each shipment made to an Illinois resident. 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. Requires the State Commission to adopt rules to implement the requirements of the amendatory Act and to adopt rules prohibiting the third-party appointment of a third-party provider that has been deemed by the State Commission to have violated the provisions of the Act with regard to any winery

shipper licensee. Increases the fees for certain licenses and establishes different fees for licenses that are renewed online. Provides that any person who both has received an initial cease and desist letter from the State Commission and for compensation ships alcoholic liquor into this State without a license shall be guilty of a Class 4 felony. Prohibits and establishes criminal penalties for the manufacture, importation for distribution, distribution, sale, or transportation of more than a certain amount of beer, wine, or spirits into the State without a license or for transporting beer, wine, or spirits into the State for sale or resale without a license. Makes other changes.

235 ILCS 5/5-1, 6-29.1, 8-12, and 10-1.....Effective Date August 26, 2016

House Bill 3540 ..... Public Act 99-0484  
Amends the Liquor Control Act of 1934. Authorizes the sale of alcoholic liquor at specific premises located within 100 feet of a specific church located in the City of Chicago. Provides that alcoholic liquors may be delivered to and sold on any property owned, operated, or controlled by Lewis and Clark Community College.

235 ILCS 5/6-11 and 15 .....Effective Date October 30, 2015

House Bill 6125 ..... Public Act 99-0558  
Authorizes the issuance and renewal of a license to sell alcoholic liquor at specific premises located within 100 feet of a church or churches in the City of Chicago.

235 ILCS 5/6-11 .....Effective Date July 15, 2016

Senate Bill 0399 ..... Public Act 99-0559  
Amends the Liquor Control Act of 1934. Provides that alcoholic liquors may be delivered to and sold at retail in any building owned by a public library district, provided that the delivery and sale is approved by the board of trustees of that public library district and is limited to library fundraising events or programs of a cultural or educational nature. Provides that before the board of trustees of a public library district may approve the delivery and sale of alcoholic liquors, the board of trustees of the public library district must have a written policy that has been approved by the board of trustees of the public library district governing when and under what circumstances alcoholic liquors may be delivered to and sold at retail on property owned by that public library district. Requires the written policy to (i) provide that no alcoholic liquor may be sold, distributed, or consumed in any area of the library accessible to the general public during the event or program, (ii) prohibit the removal of alcoholic liquor from the venue during the event, and (iii) require that steps be taken to prevent the sale or distribution of alcoholic liquor to persons under the age of 21. Provides that any public library district that has alcoholic liquor delivered to or sold at retail on property owned by the public library district shall provide dram shop liability insurance in maximum insurance coverage limits so as to save harmless the public library districts from all financial loss, damage, or harm. Makes a conforming change.

235 ILCS 5/6-15 .....Effective Date July 15, 2016

Senate Bill 2824 ..... Public Act 99-0795  
Amends the Liquor Control Act of 1934. Provides that alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Southern Illinois University for events

that the Board may determine are public events and not student-related activities. Provides that the Board of Trustees shall issue a written policy within 6 months after the effective date of the amendatory Act concerning the types of events that would be eligible for an exemption. Provides that the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. Specifies factors that the Board of Trustees shall, in addition to other factors it considers relevant and important, consider in forming its written policy. Provides that the provisions of the Act prohibiting the possession of alcoholic liquor by and the dispensing of alcoholic liquor to a person under 21 years of age do not apply in the case of a student under 21 years of age, but 18 years of age or older, who is participating in a fermentation science degree program and meets certain other requirements. Adds a non-acceleration provision.

235 ILCS 5/6-15 and 20 .....Effective Date August 12, 2016

# ***CHAPTER 305***

## ***PUBLIC AID***

Senate Bill 3007 ..... Public Act 99-0870  
 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 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 coverage shall be subject to federal approval. 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

305 ILCS 5/ Several new sections.....Effective Date August 22, 2016

Senate Bill 2331 ..... Public Act 99-0566  
 Amends the Medical Assistance Article of the Illinois Public Aid Code. Makes changes to provisions concerning sensitive health services information held by Medicaid Managed Care Entities. Provides that Medicaid Managed Care Entities and their respective business associates shall not disclose, directly or indirectly, including by sending a bill or explanation of benefits, information concerning the sensitive health services received by enrollees of the Medicaid Managed Care Entity to any person other than covered entities and business associates, which may receive, use, and further disclose such information solely for the purposes permitted under applicable federal and State laws and regulations if such use and further disclosure satisfies all applicable requirements of such laws and regulations (rather than providing that Medicaid Managed Care Entities shall not divulge, directly or indirectly, including by sending a bill or explanation of benefits, information concerning the sensitive health services received by enrollees of the Medicaid Managed Care Entity to any person other than providers and care coordinators caring for the enrollee and employees of the entity in the course of the entity's internal operations). Provides that Medicaid Managed Care Entities or their respective business associates may communicate directly with their enrollees regarding care coordination activities for those enrollees. Defines "business associate", "covered entity", "disclosure", and "use".  
 305 ILCS 5/5-30 ..... Effective Date January 1, 2017

# **CHAPTER 320**

## **AGING**

House Bill 4552 ..... Public Act 99-0547  
 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. Removes a provision making such records subject to disclosure as authorized by other applicable law. Restores a provision making records concerning reports of abuse, neglect, financial exploitation, or self-neglect and records generated as a result of those reports subject to disclosure as authorized by other applicable law.  
 320 ILCS 20/8 ..... Effective Date July 15, 2016

# **CHAPTER 405**

## **MENTAL HEALTH**

Senate Bill 2459 ..... Public Act 99-0535  
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.  
405 ILCS 5/2-107.4 (NEW) ..... Effective Date January 1, 2017

# **CHAPTER 410**

## **PUBLIC HEALTH**

House Bill 4462 ..... Public Act 99-0711  
Creates the Epinephrine Auto-Injector Act. Provides that a health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity where allergens capable of causing anaphylaxis may be present. Requires each employee, agent, or other individual of the authorized entity to complete a training program before using an epinephrine auto-injector. Provides that a trained employee, agent, or other individual of the authorized entity may either provide or administer an epinephrine auto-injector to a person whom the employee, agent, or other individual believes in good faith is experiencing anaphylaxis. Contains provisions concerning costs, limitations, and rulemaking. Amends the School Code in provisions concerning the self-administration and self-carry of asthma medication and epinephrine auto-

injectors and the administration of undesignated epinephrine auto-injectors or an opioid antagonist. With respect to asthma medication and epinephrine auto-injectors, provides that before and after normal school activities includes while being transported on a school bus. Provides that the secure location for a supply of undesignated epinephrine auto-injectors must be accessible before, during, and after school. Makes other changes concerning definitions, costs, training, reporting to the State Board of Education, and the amount of epinephrine auto-injectors. Amends the State Police Act and the Illinois Police Training Act creating the Annie LeGere Law and amends the Illinois Food, Drug and Cosmetic Act. Provides that the Department of State Police and the Illinois Law Enforcement Training Standards Board may conduct or approve training programs for officers to recognize and respond to anaphylaxis, including the administration of an epinephrine auto-injector. Provides that the Department of State Police or a local governmental agency may authorize officers to carry, administer, or assist in the administration of epinephrine auto-injectors if they have completed the requiring training and must provide for policies on the use of epinephrine auto-injectors. Limits liability for the use of epinephrine auto-injectors by police officers. Amends the State Mandates Act to require implementation without reimbursement.

410 ILCS 27/ (NEW), 620/3.21, 105 ILCS 5/22-30, 20 ILCS 2610/40 (NEW),  
50 ILCS 705/10.19 (NEW), and 30 ILCS 805/8.40 (NEW)..... Effective Date January 1, 2017

Senate Bill 0010 ..... Public Act 99-0519  
Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Adds conditions to the definition for "debilitating medical condition". Defines "excluded offense" for cultivation center agents and dispensing organizations. Defines "excluded offense" for qualifying patients and designated caregivers. Removes a provision from the definition for "written certification" requiring a physician to state that a patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis. Makes corresponding changes in a provision concerning notification to the Department of Public Health. Makes changes to provisions concerning the addition of debilitating medical conditions. Provides that registry cards shall expire after 3 years (rather than one year) after the date of issuance. Adds provisions concerning qualifying patients under the age of 18. Provides that an individual who submits an application as someone who is terminally ill shall have all fees and fingerprinting requirements waived. Provides that all applicants for a registry card shall be fingerprinted as part of the application process if they are a first-time applicant, if their registry card has already expired, or if they previously have had their registry card revoked or otherwise denied. Provides that at renewal, cardholders whose registry cards have not yet expired, been revoked, or otherwise denied shall not be subject to fingerprinting. Adds an exception to provisions prohibiting individuals convicted of specified felonies from being eligible for a registry card. Provides that upon issuance of a registry card, the Department of Public Health shall forward the registered qualifying patient's identification card information to the Prescription Monitoring Program for purposes of making a specified notation on a person's prescription record. Provides that in the event a person no longer holds a valid registry card, the Department of Public Health shall notify the Prescription Monitoring Program and Department of Human Services to remove the notation. Requires the Department of Human Services and Prescription Monitoring Program to create a system by which such information may be shared electronically. Establishes procedures for the addition of debilitating



medical conditions by petition. Requires the Department of Public Health to convene a Medical Cannabis Advisory Board. Contains provisions concerning the Advisory Board's duties and procedures. Provides that the Act is repealed on July 1, 2020 (rather than 4 years after the effective date of the Act). Makes other changes.

410 ILCS 130/5, 7 (NEW), 10, 15, 35, 45, 57 (NEW), 60, 70, 75, 220 . Effective Date June 30, 2016

# **CHAPTER 430**

## **PUBLIC SAFETY**

House Bill 6331 ..... Public Act 99-0787  
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.

430 ILCS 65/3.1.....Effective Date January 1, 2017

Senate Bill 2213 ..... Public Act 99-0696  
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.

430 ILCS 65/8.1.....Effective Date July 29, 2016

# **CHAPTER 510**

## **ANIMALS**

House Bill 6084 ..... Public Act 99-0658  
Amends the Animal Control Act. Provides that a veterinarian immunizing a dog, cat, or ferret against rabies shall provide the Administrator of the county in which the dog, cat, or ferret resides with a certificate of immunization. Provides that any owner, agent, or caretaker of an animal documented to have bitten a person shall present the animal to a licensed veterinarian within 24 hours. Provides that at the end of the confinement period, the animal shall be examined by a licensed veterinarian, inoculated against rabies, if eligible, and microchipped, if the dog or cat has not been already, at the expense of the owner. Provides that when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory. Provides that the owner, or if the owner is unavailable, an agent or caretaker of an animal documented to have bitten a person shall present the animal to a licensed veterinarian within 24 hours. Provides that when a person has been bitten by a search and rescue dog that is currently vaccinated against rabies, the search and rescue dog may continue to perform its duties for the handler or owner or agency and any period of observation of the dog may be under the supervision of its handler or owner. Provides that a person who conceals the whereabouts, euthanizes, sells, gives away, or otherwise disposes of any animal known to have bitten a person, until it is examined and released from confinement is guilty of a Class A misdemeanor for a first violation. A second or subsequent violation is a Class 4 felony. Makes other changes.  
510 ILCS 5/8 and 13..... Effective Date July 28, 2016

House Bill 5010 ..... Public Act 99-0782  
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 (rather than determined) by a doctor of veterinary medicine.  
510 ILCS 70/3.01..... Effective Date August 12, 2016

Senate Bill 3129 ..... Public Act 99-0817  
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.

510 ILCS 82/ (NEW).....Effective Date January 1, 2017

# ***CHAPTER 515***

## ***FISH AND AQUATIC LIFE CODE***

House Bill 5788 ..... Public Act 99-0867  
Amends the Fish and Aquatic Life Code. Adds catfish to the list of aquatic life that may be taken by pitchfork, underwater spear gun, bow and arrow or bow and arrow device, including a sling shot bow, spear, or gig. Provides that specified fish shall not be sold or bartered unless authorized by the Department of Natural Resources. Provides that the daily take, harvest limits, or additional species are subject to and set forth in administrative rule.

515 ILCS 5/10-110.....Effective Date January 1, 2017

House Bill 5796 ..... Public Act 99-0532  
Amends the Fish and Aquatic Life Code. Provides that the limits on the number and size of fish a person may take in a day do not apply to a person fishing in waters wholly within his or her private property.

515 ILCS 5/10-150 (NEW).....Effective Date July 8, 2016

# **CHAPTER 520**

## **WILDLIFE CODE**

House Bill 4604 ..... Public Act 99-0866  
Amends the Wildlife Code. Changes the name of the fee from "Public Hunting Grounds for Pheasants" to "Public Hunting Grounds for Game Birds". Provides that the Department of Natural Resources may permit hunters to take bobwhite quail, chukar partridge, and gray partridge on public hunting grounds. Authorizes the Department to set the hunting season for game birds by administrative rule between the dates of September 1st and March 31st, both inclusive.

520 ILCS 5/1.13 ..... Effective Date January 1, 2017

Senate Bill 3003 ..... Public Act 99-0869  
Amends the Wildlife Code. Combines current provisions for deer, turkey, and combination hunter licenses to Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt upon their land only, resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. Provides that the Department of Natural Resources may, on an annual basis, establish a youth-only spring wild turkey season which shall include 2 consecutive weekends.

520 ILCS 5/2.10, 2.11, 2.96, and 3.1-6 (NEW) ..... Effective Date January 1, 2017

House Bill 4558 ..... Public Act 99-0528  
Amends the Wildlife Code. Provides that it shall be unlawful to take or possess deer in this State, except if the person has complied with various provisions of this Act.

520 ILCS 5/2.24 ..... Effective Date July 8, 2016

Senate Bill 2410 ..... Public Act 99-0868  
Amends the Wildlife Code. Provides that a resident youth 18 and under may apply to the Department of Natural Resources for a Youth Trapping License, which extends limited trapping privileges. Provides that the Youth Trapping License shall be renewable and expire on the March 31 following the date of issuance. Provides that possession of a Youth Trapping License shall serve in lieu of a valid trapping license, but does not exempt the licensee from compliance with the requirements of the Code. Provides that a youth with a Youth Trapping License shall not trap or carry a hunting device, including, but not limited to, a firearm, bow and arrow, or crossbow unless the youth is accompanied by and under the close supervision of a parent, grandparent, or guardian who is 21 years of age or older and has a valid Illinois trapping license.

Provides that at age 19 years or when the youth chooses to trap by himself or herself, he or she is required to successfully complete a trapper safety course approved by the Department prior to being able to obtain a full trapping license and subsequently trap by himself or herself. Provides that in order to be approved for the Youth Trapping License, the applicant must request a Youth Trapping License from the Department and submit a \$7 fee, which shall be separate from and additional to any other stamp, permit, tag, or license fee that may be required for trapping under the Code. Provides that the Department shall adopt rules for the administration of the program, but shall not require any certificate of competency or other trapping education as a condition of the Youth Trapping License. Provides that no trapping license shall be issued to any person born on or after January 1, 1998, unless he or she presents to the Department evidence that he or she has a certificate of competency.

520 ILCS 5/3.1-9 and 3.3..... Effective Date January 1, 2017

## ***CHAPTER 605***

# ***ROADS & BRIDGES***

House Bill 4344 ..... Public Act 99-0802  
Creates the Heroes Way Designation Program Act. Allows a person who is related to a member of the United States Armed Forces who was killed in action while performing active military duty to apply for a designation allowing the placement of an honorary sign along designated Illinois roads. Provides that honorary signs may be placed upon interstate or state-numbered highway interchanges or upon bridges or segments of highway under the jurisdiction of the Department of Transportation. Provides requirements for petition and approval of applications by the General Assembly to designate a specified road. Provides that no interchange, bridge, or segment of highway may be named or designated if it carries an existing designation. Defines "Department", "Secretary", and "United States Armed Forces".

605 ILCS 127/ (NEW) ..... Effective Date January 1, 2017

# **CHAPTER 620**

## **AIR TRANSPORTATION**

House Bill 4387 ..... Public Act 99-0605  
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.  
620 ILCS 5/42 ..... Effective Date January 1, 2017

# **CHAPTER 625**

## **VEHICLE CODE**

Senate Bill 3018 ..... Public Act 99-0748  
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.  
625 ILCS 5/1-118, 1-123.8 (NEW), 3-107, 3-406 ..... Effective Date August 5, 2016

House Bill 5651 ..... Public Act 99-0644  
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.  
625 ILCS 5/3-414 ..... Effective Date January 1, 2017

House Bill 4433 ..... Public Act 99-0805  
Amends the Illinois Vehicle Code. Allows the spouse of a deceased military service member who was issued military oriented special plates to retain the plates so long as that spouse is a

resident of Illinois and transfers the registration to his or her name within 180 days of the death of the service member. Defines the term, "service member".

625 ILCS 5/3-506 (NEW) ..... Effective Date January 1, 2017

House Bill 1081 ..... Public Act 99-0483

Amends the Illinois Vehicle Code to provide for the issuance of Universal special license plates. Provides that no further special license plates, after the creation of Universal special license plates, shall be authorized by the General Assembly unless that special license plate recognizes the applicant's military service or receipt of a military medal or award. Provides that when authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. Provides that additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Requires that upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. Provides that the Secretary of State shall not issue a series of special plates, or Universal special license plates, unless applications have been received for 2,000 (rather than 10,000) plates of that series. Repeals Section allowing for issuance of Universal Charitable Organization license plates. Additionally, limit eligibility for the employment exemption for operating a motor vehicle without a required interlock ignition device by a person convicted of a second or subsequent driving under the influence offense, within a 5-year period, until one year has elapsed during which the person had his or her driving privileges revoked or had a restricted driving permit which required use of the device. Amends Public Act 99-333 to make the Public Act effective on December 30, 2015 instead of the uniform effective date of January 1, 2016. Effective immediately, except that Sections 1, 5, and 10 take effect on July 1, 2016, and Section 20 takes effect on January 1, 2016.

625 ILCS 5/3-600, 3-699.14 (NEW), 6-205, and 6-206 ..... Effective Date October 23, 2015

House Bill 5649 ..... Public Act 99-0812

Amends the Illinois Vehicle Code. Provides that Illinois Fire Fighters' Memorial license plates may be affixed to motorcycles. Provides that a motorcycle having an engine over 150cc shall be able to affix the special registration plate designated to be an Illinois Fire Fighters' Memorial license plate. Deletes the provision that the Secretary of State must issue a version of the special registration plate in a form appropriate for motorcycles.

625 ILCS 5/3-634 ..... Effective Date January 1, 2017

House Bill 4315 ..... Public Act 99-0865

Amends the Illinois Vehicle Code. Provides that Illinois Route 66 license plates can be affixed to motorcycles having an engine over 150cc.

625 ILCS 5/3-661 ..... Effective Date January 1, 2017

Senate Bill 2431 ..... Public Act 99-0815  
Amends the Illinois Vehicle Code. Provides that the Secretary of State must make a version of the Chicago Police Memorial Foundation license plate in a form appropriate for motorcycles.  
625 ILCS 5/3-697 ..... Effective Date January 1, 2017

House Bill 6182 ..... Public Act 99-0723  
Amends the State Finance Act. Creates the Roadside Monarch Habitat Fund as a special fund in the State treasury. Amends the Illinois Vehicle Code to allow for the issuance of decals by the Illinois Department of Natural Resources. Provides for the original and renewal fees and fee distribution for Universal special license plates with decals issued by the Illinois Department of Natural Resources.  
625 ILCS 5/3-699.14 .....Effective Date August 5, 2016

House Bill 6149 ..... Public Act 99-0814  
Amends the Illinois Vehicle Code to allow for the issuance of decals by Illinois Veterans' Homes. Provides for the original fee, renewal fees, and fee distribution for Universal special license plates with decals issued by Illinois Veterans' Homes.  
625 ILCS 5/3-699.14 ..... Effective Date January 1, 2017

House Bill 5723 ..... Public Act 99-0613  
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.  
625 ILCS 5/3-707 ..... Effective Date January 1, 2017

House Bill 5402 ..... Public Act 99-0809  
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 re-class his or her registration upon acquiring a specified special license plate without a replacement plate fee or registration sticker cost.  
625 ILCS 5/3-802 ..... Effective Date January 1, 2017

Senate Bill 2974 ..... Public Act 99-0707  
Amends the Illinois Vehicle Code. Provides for 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. Provides that beginning with the 2017 registration year, permanent vehicle registration plates shall be issued, for a one-time fee of \$8.00, to vehicles that do not require a school bus driver permit to operate, and are owned by a public school district from grades K-12 or a public community college. Provides that beginning with the 2017 registration year, permanent vehicle registration plates shall be issued, for a one-



time fee of \$8.00, to vehicles of the first division or vehicles of the second division weighing not more than 8,000 pounds that are owned by a medical facility or hospital of a municipality, county, or township.

625 ILCS 5/3-806.3 and 3-808.1.....Effective Date July 29, 2016

House Bill 4445 ..... Public Act 99-0607  
Amends the Illinois Identification Card Act. Provides that the fee for a duplicate temporary Illinois Identification Card is \$5. Amends the Illinois Vehicle Code. Provides that, for drivers of a truck-tractor semitrailer combination or combinations, the waiver of provisions concerning Commercial Driver's Licenses and Commercial Learner's Permits apply when the driver is a farmer, or a member of the farmer's family, if certain conditions are met. Requires drivers of truck-tractor semitrailer combinations operating as covered farm vehicles to successfully complete any tests the Secretary of State deems necessary. Allows the Secretary to suspend or revoke the driving privileges of any person, without a preliminary hearing, upon a showing of the person's records or other sufficient evidence that the person has submitted a falsified or altered medical examiner's certificate to the Secretary or provided false information to obtain a medical examiner's certificate. Provides that, if the total amount of dishonored payment due and owing to the Secretary for registration and title fees exceeds the sum of \$100 and has not been paid within 60 days from the date the dishonored payment was first delivered (rather than from the date the fee or tax became due), the Secretary shall assess a penalty of 25% of the amount remaining unpaid. Provides that, for purposes of ensuring a person is medically fit to drive a commercial motor vehicle, the Secretary may release medical information to the Federal Motor Carrier Safety Administration about an applicant or a holder of a CDL or CLP. Provides examples of medical information.

625 ILCS 5/3-821, 6-206, 6-507, and 6-508.1 .....Effective Date July 22, 2016

House Bill 4334 ..... Public Act 99-0887  
Amends the Illinois Vehicle Code. 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 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. Provides the added provision inoperative on and after June 30, 2017.

625 ILCS 5/3-821.2 .....Effective Date August 25, 2016

House Bill 1056 ..... Public Act 99-0593  
Amends the Illinois Vehicle Code. Requires dealers of manufactured homes and community-based manufactured homes to be licensed in this State for the purpose of selling manufactured homes or park models. Provides that an application for a manufactured home dealer's license

or a community-based manufactured home dealer's license shall be filed with the Secretary of State, duly verified by oath on a form prescribed by the Secretary, and shall contain certain required information concerning the dealer's business and the fees to be paid for the license. Requires the Secretary to grant the manufactured home or community-based manufactured home dealer's license in writing within a reasonable period of time after receipt of the application for the license, if the license application meets the proper requirements. Provides that the instrument evidencing the license, or a certified copy of the instrument, shall be posted in the established place of business of the dealer. Provides that dealer's licenses shall expire on December 31 of the calendar year for which they are granted, unless sooner revoked or cancelled. Defines "community-based manufactured home dealer", "established place of business", "manufactured home", "manufactured home dealer", "park model", and "supplemental license".

625 ILCS 5/5-101.2(NEW) and 401.2.....Effective Date July 22, 2016

Senate Bill 0627 ..... Public Act 99-0467  
Amends the Illinois Vehicle Code. Provides that a person issued a restricted driving permit may not operate a vehicle unless it has been equipped with an ignition interlock device, if that person's license or permit is revoked or suspended 2 or more times (regardless of whether it occurs during a 10 year period) due to any combination of certain listed violations. Provides that a person requested to submit to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content or drug content of the person's blood, shall also acknowledge, in writing, receipt of the warning that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration or drug content in violation of the Code, may result in the loss of that person's driving privileges. Provides that if the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. Provides that a person's refusal to sign the warning shall not be evidence that the person was not read the warning. Deletes driving while driver's license, permit, or privilege to operate a vehicle is suspended or revoked from the restricted driving permit with required interlock provision. Deletes one year waiting period for the Secretary of State to issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense. Allows a monitoring device driving permit (MDDP) to become effective prior to the 31st day of the original statutory summary suspension. Allows the Secretary to issue a restricted driving permit following a statutory summary suspension of driving privileges for violation of implied consent provisions when the person was not a first offender. Makes conforming changes.

625 ILCS 5/6-106.1a, 205, 206, 206.1, 208.1, 517,  
11-501.1, 501.6, and 501.8..... Effective Date January 1, 2016

Senate Bill 2567 ..... Public Act 99-0737  
Amends the Illinois Vehicle Code. Removes the repeal date of a Section concerning the verification of liability insurance policies.

625 ILCS 5/7-604 .....Effective Date August 5, 2016

Senate Bill 2882 ..... Public Act 99-0799  
Amends the Illinois Vehicle Code. Provides that beginning January 1, 2017, a contract carrier transporting employees, including but not limited to railroad employees, is required to verify hit and run and uninsured motor vehicle coverage and underinsured motor vehicle coverage in an amount not less than \$500,000 (rather than \$250,000) per passenger.

625 ILCS 5/8-101 .....Effective Date August 12, 2016

Senate Bill 2261 ..... Public Act 99-0848  
Creates the Statewide Relocation Towing Licensure Commission Act. Creates the Statewide Relocation Towing Licensure Commission. Provides for the appointment procedures for the members of the Commission and the Commission's meeting requirements. Provides that the Commission, no later than July 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. Amends the Illinois Vehicle Code. Removes authority for a county or municipality to impose fees for impounding a vehicle for unauthorized parking in a disabled person parking spot, parking in certain specified locations, or parking on a designated snow or tow route. Provides that if an administrative hearing officer finds that a county or municipality that impounds a vehicle exceeded its authority under the Illinois Vehicle 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. Removes limitation on regulation of fees by home rule unit. Provides that a vehicle owner, or his or her authorized agent or automobile insurer, may bring a claim against a company or person who willfully and materially violates the Section concerning solicitations at accident or disablement scenes and a court may award the prevailing party reasonable attorney's fees, costs, and expenses. Removes changes to parking or standing prohibitions. Removes provision requiring the final invoice a commercial vehicle safety relocater. Provides upon demand to a vehicle owner or operator of a relocated damaged or disabled vehicle to accurately record in writing all items set forth in the Section concerning disclosures to vehicle owners or operations.

625 ILCS 5/11-208.7, 11-1431, and 625 ILCS 65/ (NEW).....Effective Date August 19, 2016

House Bill 6006 ..... Public Act 99-0681  
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.

625 ILCS 5/11-701 and 11-907.5 (NEW)..... Effective Date January 1, 2017

Senate Bill 2806 ..... Public Act 99-0663  
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.  
625 ILCS 5/11-1201 ..... Effective Date January 1, 2017

Senate Bill 2835 ..... Public Act 99-0740  
Amends the Illinois Vehicle Code. Removes highways on public school property from the classification of non-designated highways. 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 (rather than any location, including highways on public school property) for the purpose of receiving or discharging pupils.  
625 ILCS 5/11-1414 ..... Effective Date January 1, 2017

Senate Bill 1582 ..... Public Act 99-0888  
Amends the Illinois Vehicle Code Provides that a student in grades K through 12 with an Individualized Education Plan with a staff to student ratio of 1 to 5 and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, or New Horizon Academy may be transported in a multi-function school activity bus for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home  
625 ILCS 5/11-1414.1 ..... Effective Date January 1, 2017

House Bill 5912 ..... Public Act 99-0785  
Amends the Illinois Vehicle Code. Clarifies 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.  
625 ILCS 5/11-1502 ..... Effective Date January 1, 2017

House Bill 4105 ..... Public Act 99-0598  
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.  
625 ILCS 5/12-208 ..... Effective Date January 1, 2017

Senate Bill 0629 ..... Public Act 99-0689  
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".

625 ILCS 5/1-218.10 (NEW), 12-604.1, and 12-604.3 (NEW) ..... Effective Date January 1, 2017

House Bill 2262 ..... Public Act 99-0595

Amends the Illinois Vehicle Code. Provides that the minimum amount of \$2,000,000 of liability insurance required for a vehicle with a school bus driver permit may be satisfied by either (i) a \$2 million combined single limit primary commercial automobile policy; or (ii) a \$1 million primary commercial automobile policy and a minimum \$5 million excess or umbrella liability policy. Provides that excess or umbrella liability coverage requirements may be met by securing surplus line insurance. Provides that if the excess or umbrella liability coverage requirement is met by securing surplus line insurance, that coverage must be effected through a licensed surplus line producer acting under the surplus line insurance laws and regulations of this State. Provides that nothing shall be construed as prohibiting a licensed and admitted insurance carrier, an intergovernmental cooperative, or a certified self-insurer from retaining risk or issuing a single primary policy meeting the requirements under certain provisions. Provides that each owner of a vehicle required to obtain the minimum liability requirements under certain provisions shall attest that the vehicle meets the minimum insurance requirements. Provides that the Secretary of State shall create a form for each owner of a vehicle to attest that the owner meets the minimum insurance requirements and the owner of the vehicle shall submit the form with each registration application. Provides that the form shall be valid for the full registration period, but if at any time the Secretary has reason to believe that the owner does not have the minimum required amount of insurance for a vehicle, the Secretary may require a certificate of insurance, or its equivalent, to ensure the vehicle is insured. Provides that if the owner fails to produce a certificate of insurance, or its equivalent, within 2 calendar days after the request was made, then the Secretary may revoke the vehicle owner's registration until the Secretary is assured the vehicle meets the minimum insurance requirements. Provides that if the owner of a vehicle participates in an intergovernmental cooperative or is self-insured, then the owner shall attest that the insurance is equivalent to or greater than the insurance required under certain provisions. Allows the Secretary to adopt any rules necessary to enforce certain specified provisions.

625 ILCS 5/12-707.01 ..... Effective Date January 1, 2017

House Bill 6093 ..... Public Act 99-0717

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 (rather than 75 feet), with an overhang of less than 4 feet (rather than 3 feet) and a rear overhang of less than 6 feet (rather than 4 feet). Provides an automobile transporter of these lengths can also be used when transporting other cargo or general freight on a backhaul. 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 toway trailer transporter combination may not exceed 82 feet overall dimension. Provides toway 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.

Numerous IVC sections effected .....Effective Date August 5, 2016

House Bill 4369 ..... Public Act 99-0526  
 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.

625 ILCS 45/5-18 .....Effective Date July 8, 2016

# **CHAPTER 705**

## **COURTS**

House Bill 6109 ..... Public Act 99-0718  
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.  
705 ILCS 5/7.5 (NEW) and 750 ILCS 60/202 ..... Effective Date January 1, 2017

Senate Bill 2512 ..... Public Act 99-0625  
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.  
705 ILCS 405/2-10 ..... Effective Date January 1, 2017

Senate Bill 2777 ..... Public Act 99-0628  
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, and shall set conditions of aftercare release for all youth committed to the Department under 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. 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 or the Juvenile Court Act of 1987. Provides that persons under 18 (rather than under 17) years of age committed to the Department of Juvenile Justice under the Code shall be sight and sound separate from adult offenders committed to the Department of Corrections. Amends various other Acts to make conforming changes. Several amended sections ..... Effective Date January 1, 2017

Senate Bill 2370 ..... Public Act 99-0882  
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 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 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.

705 ILCS 405/5-170, 5-401.5, and 725 ILCS 5/103-2.1..... Effective Date January 1, 2017

House Bill 0114 ..... Public Act 99-0664  
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.

705 ILCS 405/5-745 ..... Effective Date January 1, 2017

House Bill 6291 ..... Public Act 99-0879  
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. 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.

705 ILCS 405/5-710 and 5-715..... Effective Date January 1, 2017

House Bill 5017 ..... Public Act 99-0835  
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. Provides that no objection may be filed to a petition under this provision. Deletes provision that no objection may be filed to a petition filed to seek automatic expungement of law enforcement records and juvenile court records of a person who 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 relating to that incident under the circumstances described in the bill.

705 ILCS 405/5-915 ..... Effective Date January 1, 2017

# ***CHAPTER 720***

## ***CRIMINAL CODE***

House Bill 5910 ..... Public Act 99-0651  
 Amends the Criminal Code of 2012. Changes references to various federal law enforcement agencies from their previous names to their current names. Includes in the definition of "peace officer" under the Criminal Code of 2012 for particular purposes: United State Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws, United States Department of Homeland Security, United Citizenship and Immigration Services, United States Coast Guard, United States Customs and Border Protection, and United States Immigration and Customs Enforcement, and the Alcohol and Tobacco Tax and Trade Bureau. 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.

50 ILCS 705/3, 720 ILCS 5/2-13, and 745 ILCS 22/5 ..... Effective Date July 28, 2016

House Bill 5805 ..... Public Act 99-0820  
 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.

720 ILCS 5/3-5 and 3-6 .....Effective Date August 15, 2016

Senate Bill 2947 ..... Public Act 99-0816  
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.

720 ILCS 5/12-0.1, 12-2, 12-3.05, 24-1.2, and 24-1.2-5 .....Effective Date August 15, 2016

House Bill 6010 ..... Public Act 99-0656  
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.

720 ILCS 5/12-5.02 ..... Effective Date January 1, 2017

Senate Bill 1120 ..... Public Act 99-0534  
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.

720 ILCS 5/16-3 ..... Effective Date January 1, 2017

Senate Bill 2167 ..... Public Act 99-0561  
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.

720 ILCS 5/17-2 .....Effective Date July 15, 2016

Senate Bill 2907 ..... Public Act 99-0631  
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.

720 ILCS 5/21-1, 1.2, and 1.3 ..... Effective Date January 1, 2017

House Bill 6303 ..... Public Act 99-0885  
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 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. 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. 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.

720 ILCS 5/24-3B (NEW) and 730 ILCS 5/5-5-3 ..... Effective Date August 23, 2016

Senate Bill 0212 ..... Public Act 99-0686  
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.

720 ILCS 550/12, 570/505, 646/85, and 725 ILCS 175/5 ..... Effective Date July 29, 2016

Senate Bill 0210 ..... Public Act 99-0585  
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. 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 violation of 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 upon conviction for a violation of the Act. 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.

720 ILCS 570/401 and 720 ILCS 542(NEW)..... Effective Date January 1, 2017

Senate Bill 0032 ..... Public Act 99-0496  
Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Provides that a person under 18 years of age shall not possess an alternative nicotine product.

720 ILCS 675/1.5 and 2..... Effective Date June 1, 2016

## ***CHAPTER 725***

# ***CRIMINAL PROCEDURES***

Senate Bill 2880 ..... Public Act 99-0630  
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.

725 ILCS 5/106B-5 ..... Effective Date January 1, 2017

Senate Bill 2252 ..... Public Act 99-0618

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".

725 ILCS 5/110-9 ..... Effective Date January 1, 2017

Senate Bill 2876 ..... Public Act 99-0629

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.

725 ILCS 5/111-4 ..... Effective Date January 1, 2017

House Bill 5538 ..... Public Act 99-0810

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.

725 ILCS 5/112A-27 and 750 ILCS 60/301.1 ..... Effective Date January 1, 2017

Senate Bill 0211 ..... Public Act 99-0685

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.

725 ILCS 5/115-9.2 ..... Effective Date January 1, 2017

Senate Bill 3106 ..... Public Act 99-0752  
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.

725 ILCS 5/115-10 ..... Effective Date January 1, 2017

House Bill 5472 ..... Public Act 99-0671  
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.

725 ILCS 120/3 and 740 ILCS 45/2 ..... Effective Date January 1, 2017

House Bill 4683 ..... Public Act 99-0778  
Amends the Code of Criminal Procedure of 1963. Provides whenever the prosecuting attorney in a criminal case learns of the death of the defendant prior to the entry of a final and appealable judgment in the case, he or she shall promptly notify the other party and file a certificate of notice of the defendant's death with the circuit court before which the case is

pending. Upon filing of the certificate, the court shall enter an order abating the proceedings entirely. Creates a new Article in the Code for pending direct appeal after the defendant's death. Provides whenever the prosecuting attorney learns of the death of the defendant following the entry of a final and appealable judgment but prior to the conclusion of the defendant's direct appeal from the conviction, he or she shall promptly notify the other party and file a certificate of notice of the defendant's death with the reviewing court before which the direct appeal is pending. Provides unless the executor or administrator of the defendant's estate or other successor in interest files a verified motion to intervene in the direct appeal within 30 days of the filing of a certificate of notice of the defendant's death, the reviewing court shall dismiss the direct appeal without disturbing the judgment of the circuit court. Provides if the court receives a timely petition for leave to intervene by an authorized party in the criminal case, the reviewing court shall permit the petitioning party to intervene in the direct appeal in place of the defendant and the direct appeal shall proceed in the same manner as if the defendant were still alive. Provides nothing in the provisions for pending direct appeal after the defendant's death shall be construed to authorize the filing or continued litigation of a post-conviction petition or other collateral attack on a criminal conviction or sentence on behalf of a deceased defendant.

725 ILCS 5/121A-1 (NEW), 121A-2 (NEW), and 121A-3 (NEW) ..... Effective Date January 1, 2017

Senate Bill 2885 ..... Public Act 99-0883  
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.

725 ILCS 5/124A-15 ..... Effective Date January 1, 2017

Senate Bill 2343 ..... Public Act 99-0622  
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. All non-target data must be deleted as soon as reasonably practicable, but no later than once every 24 hours for known communications, and no later than 72 hours for unknown communication devices, absent a court order preserving the non-target data and directing that it be filed under seal with the court. Provides that the court may retain data obtained from a non-target communications device under a court order showing good cause for no longer than the period required under Supreme Court Rules. Provides that the law enforcement agency is prohibited from accessing data obtained from a non-target communications device for the purpose of any investigation not authorized by the original court order. Provides that a court order issued may be sealed upon a showing of need, but for no more than 180 days, with any extensions to be granted upon a certification that an investigation remains active or a showing of exceptional circumstances. 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 immediate deletion of data obtained from non-target communications devices. 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. Defines "cell site simulator device", "communications device", and "law enforcement agency".

725 ILCS 137/ (NEW) ..... Effective Date January 1, 2017

House Bill 4999 ..... Public Act 99-0610  
Amends the Right to Privacy in the Workplace Act. Makes it unlawful for an employer or prospective employer to request, require, or coerce an employee or applicant to authenticate or access a personal online account in the presence of the employer, to request, require, or coerce 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. Provides that when an employer pays for or provides additional features to an employee's personal online account and the employee uses only those features for business purposes, the rest of the account shall be considered a personal online account. Removes the employee's profile on a social networking website from the scope of the Act. Amends the Freedom from Location Surveillance Act to make a complementary cross reference change.

725 ILCS 168/5 and 820 ILCS 55/10 ..... Effective Date January 1, 2017

Senate Bill 2875 ..... Public Act 99-0798  
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. 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.

725 ILCS 168/10 and 15..... Effective Date January 1, 2017

Senate Bill 2221 ..... Public Act 99-0617  
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.  
725 ILCS 202/15, 20, and 42 (NEW) .....Effective Date July 22, 2016

Senate Bill 3096 ..... Public Act 99-0801  
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. 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.

725 ILCS 203 (NEW) Several additional new sections..... Effective Date January 1, 2017

# **CHAPTER 730**

# **CORRECTIONS**

House Bill 6037 ..... Public Act 99-0877  
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.

730 ILCS 5/5-5-3.1 ..... Effective Date August 22, 2016

Senate Bill 3164 ..... Public Act 99-0861  
Amends the Unified Code of Corrections. Provides that in imposing a sentence of imprisonment or periodic imprisonment for only Class 3 or Class 4 felonies 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.

730 ILCS 5/5-4-1, and 5/5-8-8..... Effective Date January 1, 2017

House Bill 5771 ..... Public Act 99-0875

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.

730 ILCS 5/5-4.5-105 and 5/5-8-1..... Effective Date January 1, 2017

Senate Bill 3354 ..... Public Act 99-0755

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).

730 ILCS 148/10, 150/3, and 154/10 .....Effective Date August 5, 2016

# ***CHAPTER 755***

## ***ESTATES***

House Bill 4648 ..... Public Act 99-0775

Creates the Revised Uniform Fiduciary Access to Digital Assets Act (2015). Defines terms. Provides procedures and requirements for the access and control by guardians, executors, agents, and other fiduciaries of the digital assets of persons who are deceased, under a legal disability, or subject to the terms of a trust. Adds provisions concerning: applicability; user direction for disclosure of digital assets; terms-of-service agreements; fiduciary duty and authority; custodian compliance and immunity; the Act's relation to federal laws governing electronic signatures; and severability. Adds references to designated recipients in provisions governing user direction for disclosure of digital assets; terms of service agreements; and fiduciary duty and authority. Makes a corresponding change. Updates a cross-reference in a Section concerning custodian compliance and immunity. Changes the definition of "online tool". Makes changes in provisions concerning: disclosure of content of electronic communications of a deceased user; disclosure of content of electronic communications of a person with a disability; fiduciary power and authority; and custodian compliance and authority. In provisions concerning the disclosure of certain electronic communications of a deceased user, permits a custodian to request, among other things, a finding by the court that the user had a specific account with the custodian, identifiable by specified information. Makes corresponding changes in the Criminal Code of 2012.

755 ILCS 70 (NEW ACT) 720 ILCS 5/17-51, 54.....Effective Date August 12, 2016

# **CHAPTER 775**

## **HUMAN RIGHTS**

House Bill 4562 ..... Public Act 99-0548  
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.  
775 ILCS 5/8B-104 ..... Effective Date January 1, 2017

Senate Bill 2286 ..... Public Act 99-0565  
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.  
775 ILCS 50/5 ..... Effective Date July 1, 2017

# **CHAPTER 815**

## **BUSINESS TRANSACTIONS**

House Bill 4377 ..... Public Act 99-0768  
Provides that any retail sale of a used motor vehicle made to a consumer by a licensed vehicle dealer within the meaning of certain provisions of the Illinois Vehicle Code or by an auction company at an auction that is open to the general public (instead of any retail sale of a motor vehicle made to a consumer by a used motor vehicle dealer within the meaning of certain provisions of the Illinois Vehicle Code) is made subject to the provisions limiting modifications to or a disclaimer of an implied warranty of merchantability. Provides that if the implied

warranty of merchantability is breached, the consumer shall give reasonable notice to the seller no later than 2 business days after the end of the statutory warranty period (instead of if the implied warranty of merchantability is breached, the consumer shall give reasonable notice to the seller within 15 days after the date of the breach). Provides that an implied warranty of merchantability is met if a used motor vehicle functions free of a defect in a power train component (instead of an implied warranty of merchantability is met if a used motor vehicle functions substantially free of a defect that significantly limits the use of the used motor vehicle for the ordinary purpose of transportation on any public highway). Defines "power train component". Makes changes to provisions concerning: (i) the language required in a disclosure statement within an agreement for the sale of a used motor vehicle and (ii) express or implied warranties other than the 15-day, 500-mile implied warranty of merchantability. Removes a provision concerning remedies for an aggrieved consumer or seller. Excludes vehicles with more than 150,000 miles. Provides for a consumer payment of \$100 for each repair; however, the consumer is only responsible for a maximum payment of \$100 if the consumer brings in the vehicle for a second repair for the same defect. Authorizes waiver of warranty for specific defects including with respect to rebuilt or flood-branded titled vehicles.

815 ILCS 505/2L.....Effective Date July 1, 2017

House Bill 1260 ..... Public Act 99-0503  
Amends the Personal Information Protection Act. Includes breaches of security involving medical information, health insurance information, and certain unique biometric data to the types of breaches for which notice is required. Adds requirements concerning notices disclosing a breach of security involving a user name or email address in combination with a password or security question and answer. Permits substitute notice to prominent local media under specified conditions. Requires notice of a breach of security to be provided to the Attorney General under certain circumstances. Requires certain data collectors to use reasonable security measures to protect records. Provides that a covered entity or business associate that is subject to and in compliance with the privacy and security standards for the protection of electronic health information under the federal Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act is deemed to be in compliance with the Personal Information Protection Act if a covered entity or business associate required to provide notification of a breach to the Secretary of Health and Human Services under the Health Information Technology for Economic and Clinical Health Act also provides the notification to the Attorney General within 5 business days of notifying the Secretary. Adds and changes definitions.

815 ILCS 530/5, 10, 12, 45 (NEW), and 50 (NEW)..... Effective Date January 1, 2017

# **CHAPTER 820**

## **EMPLOYMENT**

Senate Bill 2613 ..... Public Act 99-0703  
Creates the Child Bereavement Leave Act and amends the State Finance Act. Provides that an employee may use specified amounts of bereavement leave to grieve the death of the employee's child, attend services in relation to the death of the employee's child, or make arrangements necessitated by the death of the employee's child. Provides for enforcement by the Department of Labor. Provides for civil penalties. Authorizes the Attorney General to collect penalties. Creates the Child Bereavement Fund as a special fund in the State treasury.

820 ILCS 154/ (NEW) and 30 ILCS 105/5.875 (NEW) .....Effective Date July 29, 2016

House Bill 6162 ..... Public Act 99-0841  
Creates the Employee Sick Leave Act. Provides that employees may use personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. Provides that the Department of Labor shall issue rules to implement the Act. Provides that the Department of Labor is prohibited from adopting any rules in contravention of the Act. Deletes language providing that the Department shall adopt rules to implement the Act, including, but not limited to, rules to further define employee recourse in cases of violation of the Act. Deletes a short or long-term disability plan from an exclusion from the term "personal sick leave benefits". Removes a reference to rights and remedies under the Act as being cumulative. Provides that employers who have policies that provide the required leave do not have to modify those policies.

820 ILCS 191/ (NEW) ..... Effective Date January 1, 2017

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