FIRST READING

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Protecting Juror Privacy in Criminal Cases

High-profile criminal trials in which the news media report on the acts of specific jurors have caused new concern about protecting jurors from publicity during and after trials. A possible remedy that has been suggested is keeping the names of all jurors in criminal cases secret indefinitely. But citing constitutional rights of defendants and the public to an open trial, courts have rarely if ever allowed permanent anonymity of jurors. A lesser way to protect their identities is to have a "jury by the numbers" in which jurors' identities are kept secret until after trial. Illinois courts occasionally allow specific jurors to be anonymous if they fear retaliation from defendants charged with gang or other organized crimes. Some court decisions also say that prospective jurors who are reluctant to reveal personal information on juror questionnaires, or in court during jury selection, can ask to give answers privately. But prospective jurors are not necessarily told of that option.

On rare occasions there may be a trial that is subject to such intense public attention, and in which the perceived risks to jurors are so strong, that the judge would be justified in keeping them permanently anonymous, and even closing the trial to the public to prevent juror identities from being discovered. For more typical cases, some changes in Illinois laws and court procedures could give jurors some protection.

This article describes current Illinois practices for calling and selecting jurors. It then summarizes federal and state court decisions on the conflict between juror

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Photographs courtesy of TASER International

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privacy and the rights of defendants and the public to open trials, and suggests some measures that might increase juror privacy without violating those holdings.

Jury Selection Pool

Each Illinois county is required to develop a general jury list using voter registration, drivers' license, Illinois identification card, and Illinois disabled person identification card lists. Each fall the county board, on the recommendation of the circuit judges, sets the number of persons to be drawn from this list for possible jury duty. After the resulting "active jury list" is compiled, the clerk of the circuit court is to select at random the number of persons needed for jury duty. Persons so chosen (called the jury pool or array) will each be summoned to appear in court at a set time and date, when they may be called as prospective jurors for a trial. Before they appear in court, they may receive questionnaires to determine their qualifications as jurors.

Restricting Access to Juror Questionnaires and Voir Dire

Some judicial circuits in Illinois have local rules on releasing jury questionnaires. A rule of the Twelfth Judicial Circuit (Will County) says answers to the jury questionnaire are to be available to the parties before voir dire (examination by the judge and lawyers of prospective jurors). A rule of the Nineteenth Judicial Circuit (Lake and McHenry Counties) says juror personal history and profile forms are confidential and not public records. The rule allows the parties and their attorneys to have access to this information during the jury selection process, but they are prohibited from making it public.

A Missouri Supreme Court rule says all information provided by prospective jurors on questionnaires is confidential and accessible only by the judge and the parties. It requires the court to seal the questionnaires at the end of the trial. Idaho has a similar rule.

Questionnaires and personal history forms for prospective jurors are not explicitly exempted from disclosure by Illinois' Freedom of Information Act. If a Freedom of Information Act request for copies of them were made, a jury commission or other custodian of such records might argue that releasing them would be a "clearly unwarranted invasion of personal privacy"—which under the Act would exempt them from disclosure. If a court hearing a suit under the Act agreed, copies would be ordered disclosed only after redaction of private information.

Some courts have suggested that prospective jurors be told before they complete questionnaires that they can leave an answer blank and request an in camera (private) session with the judge and counsel to avoid public disclosure of embarrassing facts. The U.S. Supreme Court made that suggestion in a 1984 case, while holding that the First Amendment and the historical right to open criminal trials prevents a court from keeping statements during voir dire from the public unless there is a strong justification:

> The jury selection process may, in some circumstances, give rise to a compelling interest of a prospective juror when interrogation touches on deeply personal matters [which] that person has legitimate reasons for keeping out of the public domain. . . .
>
> To preserve fairness and at the same time protect legitimate privacy, a trial judge must at all times maintain control of the process of jury selection and should inform the array of prospective jurors, once the general nature of sensitive questions is made known to them, that those individuals believing public questioning will prove damaging because of embarrassment, may properly request an opportunity to present the problem to the judge in camera but with counsel present and on the record.

The Supreme Court held that the trial judge must make a finding that open proceedings would threaten the defendant's right to a fair trial and the right of jurors to privacy before considering closing the proceedings. Even after making such a finding, the judge must consider alternatives to complete closure, such as holding part of the

voir dire examination in camera with counsel present and on the record.

The Ohio Supreme Court, citing that decision, in 2002 approved an in camera procedure for follow-up questioning of jurors who left blanks on their questionnaires or did not want to discuss their answers publicly. It held that judges should inform prospective jurors of their right, during voir dire, to request an in camera hearing on any written question.

Illinois House Bill 22 (Froehlich-Mathias-Bailey et al.) would make jurors' personal history forms and juror profiles confidential. The bill would prohibit the court from releasing any information on personal history forms or profiles except to the jury commission, judge, clerk of the court, parties to the trial and their attorneys, and any other persons given access to such records by court order. The bill was tabled by its chief sponsor.

Restricting Access to Jurors' Identities

Two major systems are used in some jurisdictions to protect identities and other personal information regarding jurors or prospective jurors. One is impaneling an "anonymous jury"—meaning that only authorized court personnel know the identities of the jurors; prosecutors, defense counsel, and defendants do not know the name, address, or place of employment of any juror. The second is a "jury by the numbers" in which the parties know jurors' identities but the public does not, and jurors are referred to in the courtroom by number only.

Illinois law authorizes the names and addresses of prospective jurors in a criminal trial to be provided to the parties. Subsection 115-4(c) of the Code of Criminal Procedure of 1963, and Supreme Court Rule 434(b), both say: "Upon request the parties shall be furnished with a list of prospective jurors with their addresses if known." That statement seems clear. However, Illinois Appellate Court panels in two districts have allowed exceptions. In People v. Partee (1987) the defendant appealed a conviction partly on the ground that the trial court ordered deletion from the "jury cards" going to the defendant of the addresses of two jurors who had expressed concern about letting him know their addresses. A panel of the Appellate Court in the First District rejected that ground for appeal:

> Defendant also contends that the court erred by deleting the juror's [sic] addresses from the jury cards. Section 115-4(c) . . . states that "upon request the parties shall be furnished with a list of prospective jurors with their addresses if known." The Committee Comments for this section, however, provide that "(t)he additional provision for addresses if known is for the convenience of both parties." We hold that this provision is permissive in nature. Moreover, it is evident that the exclusion of addresses in no way prejudiced defendant.

The Illinois Supreme Court denied review of that decision.

The "committee comments" to which the Appellate Court opinion referred are unofficial commentaries on the Code of Criminal Procedure in the Smith-Hurd Annotated edition of the Illinois statutes, which it says were revised in 1970. They say this about subsection 115-4(c):

> Subsection (c). The previous Illinois law provided that the defendant may have a list of prospective jurors [citation]. Section 115-4(c) retains that rule and includes the State for clarity. The additional provision for addresses if known is for the convenience of both parties.

Similarly in a 1993 case, a panel of the Illinois Appellate Court in the Second District rejected as a ground for appeal a trial judge's denial of a defense request for addresses of prospective jurors. That court panel agreed with Partee:

> [W]e hold that the trial court did not err in denying the request for the prospective jurors' addresses. We adopt the rationale of Partee, particularly in a case like this where the trial judge denies the defendant's request to prevent possible or juror-perceived gang reprisal. Defendant

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> argues that without the street addresses of the prospective jurors he is unable to determine their socioeconomic status. However, there are other questions, such as asking prospective jurors about their jobs, that will provide insight into their socioeconomic status. Thus, defendant has not demonstrated that he was prejudiced by the trial court's decision. In fact, defense counsel was granted his request to see the address of one prospective juror because he believed that the prospective juror and he had been involved in a previous matter. We find no cause for reversal.

Thus in Illinois criminal cases either party, on request, can learn at least the names of prospective jurors. Illinois' Jury Secrecy Act authorizes the judge in any case being heard by a petit jury to prohibit the release to the public of the name of any juror after finding that there would reasonably be a threat of harm to the juror if the name were released. Thus Illinois law does not authorize truly anonymous juries unless both parties waive the right to have names and addresses of prospective jurors. But the "jury by the numbers" system is permitted if the judge makes the finding required by the Jury Secrecy Act.

The Missouri Supreme Court has adopted a rule for criminal trials that makes the jury list presumptively open to the public. The judge can conceal the list only after entering a written finding of specific facts supporting the existence of a compelling reason to conceal the list. The rule makes completed jury questionnaires accessible to the public only after application and a showing of good cause. The rule is a compromise to make the jury list public but keep jury questionnaires confidential. By contrast, the Ohio Supreme Court recently held that juror questionnaires are presumptively open to the press and the public, and can be sealed only after finding an overriding interest that serves a higher value and is narrowly tailored to serve that value. The Ohio court cited as support for its ruling the 1984 U.S. Supreme Court case described above.

A Utah court rule uses another approach. It makes juror identification information (names, addresses, and telephone numbers) private. The judge may release that information to the parties on request, but they may not make it public. After the judge discharges the jurors, juror identification information becomes a public record, unless a juror requests privacy and the judge finds that the juror's interest in privacy outweighs the interests favoring public access to the information.

Constitutional Rights of Defendants

Defendants who have been convicted by anonymous juries or "juries by the numbers" have claimed that such procedures violated these constitutional rights:

- to an impartial trial;
- to the presumption of innocence;
- to peremptory challenges of prospective jurors; and
- to a public trial.

Both the U.S. and Illinois constitutions guarantee accused persons a right to a public trial by an impartial jury. The federal constitutional right to an impartial jury has been applied to states through the Due Process clause of the Fourteenth Amendment. The U.S. Supreme Court has stated that the presumption of innocence is a fundamental liberty secured by the Due Process clause of the Fourteenth Amendment. Although the U.S. Constitution does not mention peremptory challenges, the U.S. Supreme Court has held that such challenges are among the most important rights secured to a criminal defendant, and their denial or impairment is reversible error without any showing of harm to the defendant. Federal and state courts have stated that the right to a public trial serves the purpose of protecting the defendant's right to a fair trial.

However, federal courts have also held that (in the words of a U.S. Court of Appeals in a 1995 case) "neither the right to a presumption of innocence nor the right to exercise peremptory challenges is a constitutional absolute; each at

times must yield to the legitimate demands of trial administration and courtroom security as long as steps are taken to ensure the defendant receives a fair trial." The right to a public trial must be balanced against other interests that may justify keeping jurors' identities secret. Nevertheless, impaneling an anonymous jury can suggest that the defendant is a dangerous person, requiring jurors to be protected from the defendant. This affects the presumption of innocence, the right to an impartial jury, and the basic right to a fair trial guaranteed by the Due Process clause of the Fourteenth Amendment. Juror anonymity also deprives a defendant of information that might help in making challenges—especially peremptory challenges—during jury selection.

In 1991 the U.S. Court of Appeals for the Second Circuit (in New York) held that impaneling an anonymous jury is a drastic measure, warranted only if "there is a strong reason to believe the jury needs protection." The court then imposed two conditions for impaneling an anonymous jury: the trial judge (1) must find that there is strong reason to believe the jury needs protection and (2) must take reasonable precautions to minimize any resulting prejudice and ensure that the defendant's fundamental rights are protected. If those requirements are met, the decision to impanel an anonymous jury is in the trial judge's discretion. Eight other Circuit Courts of Appeals have adopted those conditions for impaneling anonymous juries.

Factors that can be considered in determining that a jury needs protection include the following:

- the defendant's involvement in organized crime;
- the defendant's association with a group or gang having capacity to harm jurors;
- any past attempts by the defendant to interfere with the judicial process;
- the potential that, if convicted, the defendant will be sentenced to a lengthy imprisonment and substantial fine (which could provide a strong motive to tamper with or intimidate jurors); and
- extensive publicity that could increase the possibility that jurors' names would become public, subjecting them to intimidation or harassment.

Several U.S. Courts of Appeals have stated that a trial judge can protect a defendant's rights to the presumption of innocence and an impartial jury by issuing a jury instruction to minimize the significance of their anonymity. The judge could instruct them that they are being kept anonymous to protect each juror's right of privacy or prevent the media or other persons from asking them about the trial. Such an instruction would reduce the chance that the jury will infer that the defendant is dangerous or guilty. The judge must also conduct a careful voir dire to insure that the defendant can exercise peremptory challenges in a meaningful way.

Constitutional Rights of the Public

The U.S. Supreme Court has held that the public ordinarily has a right to attend criminal trials. In Richmond Newspapers Inc. v. Virginia (1980) the defendant moved that his trial for murder be closed to the press and public to prevent leaks to the press which could be seen by the jury. The trial court granted that request, and the Virginia Supreme Court refused to reverse it. Richmond Newspapers Inc. sought review in the U.S. Supreme Court. It reversed the closure order, holding that ordinarily the press and the public have a First Amendment right to attend a criminal trial. The Court's rationale was that freedom of speech implies a right to receive information. Thus, a court cannot arbitrarily cut off information about a criminal trial.

A 1984 U.S. Supreme Court case said that to close a trial to the public, the judge must make findings on the record that the public's First Amendment right to attend the trial must yield to an overriding interest. The right to attend criminal trials includes voir dire proceedings.

Terrorist attacks in the years since those cases were decided have highlighted the need for a variety of options when impaneling juries in very unusual cases. Fear of retaliation by supporters of convicted terrorists, or by persons angered

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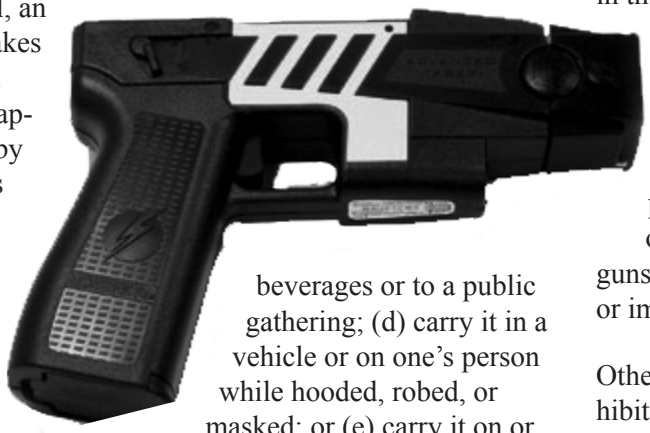
State Laws on Buying, Possessing, and Using Tasers

Tasers are weapons that deliver up to 50,000 volts of electricity through tiny barbs attached to wires, which cause a shock to the person they touch. Tasers immobilize the person by causing an uncontrollable contraction of muscle tissue. TASER International, an Arizona-based company, makes almost all tasers currently in use. Proponents of such weapons say that they save lives by providing non-lethal devices for use in law enforcement, corrections, private security, and personal defense, but critics say there has not been enough research on their safety.



This article describes the laws of Illinois and the 18 states in the Legislative Research Unit's multistate survey list (the 10 most populous states other than Illinois, neighboring states, and regional representatives) on buying, possessing, and using tasers or stun guns.

Illinois

Criminal Code of 1961

The Criminal Code section on unlawful use of weapons imposes the same restrictions on carrying, or transporting in a vehicle, a "stun gun or taser" as it imposes on conventional firearms. It is illegal to (a) carry one with intent to use it unlawfully against another person; (b) transport it in a vehicle or concealed on one's person, except on one's own land or at one's "fixed place of business"; (c) take it into a place licensed to sell alcoholic beverages or to a public gathering; (d) carry it in a vehicle or on one's person while hooded, robed, or masked; or (e) carry it on or about one's person on a street or other public lands within a municipality. Exceptions to those prohibitions apply to weapons that are non-functioning; are not immediately accessible; or are unloaded, enclosed in a case, and carried by a person who has a Firearm Owners Identification Card. (But as we discuss below, the Firearm Owner's Identification Card Act does not mention stun guns or tasers.) Violation of the prohibitions that are designated as (a), (b), and (e) is a Class A misdemeanor; violation of those designated as (c) and (d) is a Class 4 felony.

The section on aggravated unlawful use of a weapon makes it a Class 4 felony to transport a stun gun or taser on one's person or concealed in a vehicle (except on one's own property or fixed place of business), or to carry it on one's person on a street or other public land in a municipality—in each case if any of several aggravating factors are present. Those factors include that the weapon was immediately usable, or that the person carrying it had no Firearm Owner's Identification Card. This section has an exception like that in the section discussed above for weapons that are nonfunctioning or inaccessible.

A section of exceptions to these crimes exempts transportation by common carriers of weapons, including stun guns and tasers, that are not loaded or immediately usable.

Other Criminal Code sections prohibit taking a stun gun or taser into a penal institution, including such taking by an employee who lacks authority to do so.

Finally, the Criminal Code article makes it a Class X felony, with a minimum term of 10 years, to commit "armed violence" when armed with a "Category II" weapon, which includes a stun gun or taser. If the defendant personally discharged the weapon, the minimum sentence is 20 years; if great bodily harm was caused to a person, the minimum sentence is 40 years.

Other Acts

The only other mention of stun guns or tasers in Illinois law is a

section of the State's Attorneys Appellate Prosecutor's Act that authorizes investigators for the Office of the State's Attorneys Appellate Prosecutor to carry stun guns or tasers.

As mentioned earlier, the Firearm Owners Identification Card Act does not explicitly mention stun guns or tasers. It defines a "firearm" thus:

> "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas [with several exceptions].

Tasers have chemical charges that explode, producing gas to propel barbs toward a target. Thus it is possible that the courts would hold that the Act applies to tasers, requiring anyone owning one to have a Firearm Owner's Identification Card, but no reported cases exist on this point. It is far from certain that the courts would so hold, especially in view of the legal maxim that criminal laws are construed strictly (against the government).

Other States

Thirteen of the surveyed states have laws on buying, possessing, or using tasers or stun guns. Six of those 13 states ban such weapons except for police and limited categories of private citizens such as security guards. Five of the 13 states ban tasers or stun guns in specified places such as in or near schools. Two of the 13 states allow people to carry such weapons if they are licensed.

Broad Bans on Tasers

Massachusetts

Selling or possessing tasers or stun guns is prohibited. Violation is punishable by confinement for 6 months to 2 years and/or a fine of $500 to $1,000.

Michigan

Selling or possessing tasers or stun guns is illegal, with exceptions for peace officers, correctional personnel, licensed private investigators, and airplane crews. Violation is a felony punishable by up to 4 years and/or a fine up to $2,000.

New Jersey

Possessing a stun gun is a fourth-degree crime.

New York

Possession of a stun gun is criminal possession of a weapon in the fourth degree, with exceptions for peace officers. Anyone who possesses a stun gun and who has been previously convicted of any crime is guilty of criminal possession of a weapon in the third degree.

Wisconsin

Making, selling, or possessing an "electric weapon" (a weapon that uses an electric current to immobilize or incapacitate another) is a Class H felony, with exceptions for peace officers, correctional personnel, and weapon manufacturers and transporters. Possession of such a weapon by a minor is a Class A misdemeanor. An adult who sells, loans, or gives an electric weapon to a minor commits a Class I felony—or a higher class of felony if the minor causes death by use of the weapon.

Possession Prohibited in Specified Places

California

Possessing a taser or stun gun in any public building, at any public meeting, or at or near any public or private elementary or secondary school is punishable by up to 1 year in jail. Possessing a taser or stun gun in a "sterile" area of an airport brings up to 6 months and/or a fine up to $1,000. Exceptions apply to peace officers, airport security personnel, and others licensed to carry firearms.

Assault with a taser or stun gun brings a sentence up to 3 years. Assaulting a peace officer or firefighter with such a weapon brings a sentence up to 4 years. Using a taser or stun gun to assault a school employee performing official school duties brings a sentence up to 4 years.

Georgia

Tasers and stun guns are included in the definition of "firearm" in a law on hijacking.

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State Laws on Buying, Possessing, and Using Tasers *(continued from p. 7)*

Possessing a taser or stun gun while committing specified crimes is a felony punishable by 5 years. A person previously convicted of specified crimes who possesses a taser or stun gun while committing additional specified crimes commits a felony, punishable by 15 years.

Possessing a taser or stun gun at or near a school is a felony punishable by 2 to 10 years in prison and/or a $10,000 fine.

Iowa

Possession of a stun gun in a correctional facility constitutes possession of contraband, a Class C felony.

North Carolina

It is a Class 2 misdemeanor to carry a stun gun concealed on one's person except on one's own premises. The law exempts law enforcement officers and armed services personnel. It is a Class 1 misdemeanor to possess, or cause a minor to possess, a stun gun, either openly or concealed, on school property.

Virginia

Possessing a stun weapon or taser at or near a school, or on a school bus, is a Class 1 misdemeanor. Exceptions apply to possession by peace officers or as part of a school-sponsored activity. Another section prohibits possession of such weapons by anyone who has been convicted of a felony, or a person under age 29 who has a juvenile conviction for an act committed while at least 14 that would have been a felony if committed by an adult.

Carrying Allowed With License

Florida

It is legal to carry a stun gun in self-defense. A person may carry a stun gun concealed if licensed to do so. Using a stun gun in self-defense against a police officer performing official duties is a third-degree felony.

Stun guns must be traceable to the buyer through records kept by manufacturers and available to police on request.

Indiana

It is illegal to carry a taser or stun weapon in a vehicle or on one's person without a license, except on one's own land or at one's "fixed place of business." Persons convicted of domestic violence or domestic battery may not possess or carry tasers or stun weapons even on their own land.

Use Allowed in Self-Defense

Pennsylvania

Possessing, repairing, or selling a taser or other electronic weapon for unlawful purposes is a first-degree misdemeanor, or a second-degree felony if the person acted with the intent to commit a felony. Any person may use a taser with reasonable force in self-defense or in defense of property.

No Laws

The laws of the other five states in the 18-state list (Arizona, Missouri, Ohio, Texas, and Washington) do not mention tasers or stun guns specifically, but they may be subject to other more general definitions of dangerous weapons. ❑

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by acquittals, could be a strong reason to impanel an anonymous jury. Such a jury was used for the trial of defendants charged with the 1993 World Trade Center bombing. If there is a terrorist attack on a scale equaling or exceeding those of September 11, 2001, and suspects are captured and tried jointly for conspiracy in the attack, the intense public interest in the trial could require even stronger measures to protect jurors' privacy—such as excluding the press and public from the entire trial, or at least the parts at which jurors are present.

At the other extreme, former jurors in high-profile trials may actually identify themselves and try to sell their stories for profit. This problem might be addressed by a law prohibiting all future jurors from disclosing, without a court order, information about their jury service, for monetary gain or other thing of significant value to themselves or to anyone chosen by them. (The exception for disclosure by court order would be helpful in extremely rare cases in which former jurors are called to testify about their deliberations, such as in prosecutions for jury bribery.) Although such a law would likely be challenged on First Amendment grounds, the importance of keeping juror deliberations secret might well persuade the courts to uphold a well-drafted law of this type.

Possible Juror Protections

Courts will allow jurors' identities to be kept secret, or trials to be closed to the public, only in exceptional cases and after a strong showing of need. But there are some legislative actions that might reduce jurors' concern about disclosure of their personal information. They include:

- Amending Illinois' Freedom of Information Act to exempt juror questionnaires from public disclosure.
- Authorizing impaneling of anonymous juries under the two conditions required by U.S. Courts of Appeals cases cited above.
- Directing trial judges to tell prospective jurors that they have a right to an in camera session to discuss sensitive questions or subjects.
- Making "jury by the numbers" the standard procedure in felony trials, but allowing the public to get jury identity information after dismissal of the jury. ❑

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Abstracts of Reports Required to be Filed With General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

Board of Education

Charter schools annual report, 2003-2004

Illinois had 23 charter schools in 2003-2004; enrollment ranged from 83 to 4,302. In over half, more than 75% of students were low-income; 1,047 students had disabilities. ISAT scores for 10 of 17 tested schools were higher than their district counterparts in 2004; 2 of 10 tested schools had higher Prairie State Achievement Exam scores than their district counterparts in 2004. Fourteen schools did not make adequate yearly progress under the No Child Left Behind Act; seven were identified as needing improvement. Statutory changes for consideration include allowing more time to review charter proposals. (105 ILCS 5/27A-12; Jan. 2005, 19 pp. + tables)

Waivers of school code mandates, fall 2004

Summary chart classifies 152 applications for waivers and modifications into 12 general categories and lists

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Biographies of Newly Appointed Legislators

Several new legislators have been appointed since the November election to replace those who resigned. Biographical sketches of them are below.

New Senators

Mike Jacobs (D-36, Moline) was appointed to replace his father, Senator Denny Jacobs, who had resigned. He has a bachelor's degree in political studies from the University of Illinois at Springfield and a master's in political science from the University of West Florida. He is the owner of River Research and has been a Downstate liaison to the Secretary of State's office. His committee assignments are to the Senate Environment & Energy, Executive Appointments, Insurance, Pensions & Investments, and Revenue Committees.

Arthur J. Wilhemi (D-43, Joliet) was appointed to replace Senator Larry Walsh, who resigned. He has a bachelor's degree in English from Loyola University and a law degree from the Chicago-Kent College of Law, and is now a junior partner in a law firm and concentrates in real estate and business law. He has chaired the board of the Joliet Region Chamber of Commerce and served in other economic development posts. His Senate committee memberships are Agriculture & Conservation (vice-chairman), Appropriations II and III, Housing and Community Affairs, and Local Government.

New Representative

Daniel V. Beiser (D-111, Alton) was appointed to fill the vacancy created by the resignation of Representative Steve Davis. He has a bachelor's degree in mass communications and park and recreation administration, and a master's in special education, both from SIU—Edwardsville. He was a teacher from 1979 to 1989 and an Alton alderman from 1987 to 1989, and has been Alton's treasurer since 1989. He has also been the president of the Illinois Municipal Treasurers Association, and is a member of the board of the Greater Alton Convention and Visitors Bureau. His House committee assignments are to the Aging (vice-chairman), Appropriations-Higher Education, Elections & Campaign Reform, Elementary & Secondary Education, Higher Education, Local Government, and Transportation & Motor Vehicles Committees.

Abstracts of Reports Required to be Filed With General Assembly *(continued from p. 9)*

their status: Content of Evaluation Plans (2 transmitted to GA); Criminal Background Checks (1 withdrawn or returned); Driver Education (2 approved, 11 transmitted to GA, 6 withdrawn or returned); Legal School Holidays (78 approved, 11 withdrawn or returned); Limitation of Administrative Costs (1 transmitted to GA); Non-Resident Tuition (1 transmitted to GA); Parent-Teacher Conferences (9 transmitted to GA, 1 withdrawn or returned); Physical Education (4 approved, 10 transmitted to GA, 3 withdrawn or returned); PSAE—Instructional Time (3 approved); School Improvement/ Inservice Training (5 transmitted to GA, 1 withdrawn or returned); Statement of Affairs (1 transmitted to GA); Substitute Teachers (2 transmitted to GA). Section I summarizes the 42 requests transmitted to the General Assembly. Section II lists the requests acted upon by the State Board. Section III describes the 23 requests withdrawn or returned. (105 ILCS 5/2-3.25g; Sept. 2004, 47 pp. + executive summary)

Cumulative report on waivers and modifications, 1995-2004
Summary chart classifies 3,338 approved waivers and modifications into seven general categories for school districts: calendar or instruction time (2,146); course offerings (662); employment issues (212); fiscal issues (178); health and safety (47); accountability (17); and governance (9). Waivers and modifications were also approved for regional offices of education (34); special education cooperatives (27); and area vocational centers (6). To date, waivers or modifications were approved for 847 districts (96%); 23 special education cooperatives (33.8%); 20 regional offices of education (44.4%); and 6 vocational centers (24%). Recommendations include local level control for observing school holidays; adjusting the school day on testing days; increasing the driver's education fee; and block scheduling, other activities, and statutory inadequate facility waivers for physical education requirements. (105 ILCS 5/2-3.25g; Jan. 2005, 20 pp.)

Board of Higher Education
Report on underrepresented groups in higher education, 2004
Enrollment of black students rose 2.9% in fall 2003 to 13.2% of total enrollment, and increased by 22.6% between 1993 and 2003. Latino enrollment rose 7.0% last year to 7.9% of total enrollment, and increased by 69.9% between 1993 and 2003. Total degrees awarded to black students increased by 10.5% last year. Total degrees awarded to Latino students increased by 11.8% last year. Institutional efforts to improve services to students with disabilities are summarized. (110 ILCS 205/9.16; June 2004, 76 pp. + 28 tables)

Annual report on public university revenues and expenditures: FY 2004
Illinois public universities (Chicago State, Eastern, Governors State, Illinois State, Northeastern, Northern, Southern, University of Illinois, and Western) reported $4.7 billion in revenues and $4.6 billion in expenditures for fiscal year 2004. State appropriated funds were the largest source of revenue at 28.0%. From FY 2003 to FY 2004 expenditures from all fund sources grew from $4.5 billion to $4.6 billion, or 2.5%. The largest expenditure was for personal services, 54.6% of total funds. The largest overall expenditure by function was for instructional programs, 26.2% of total funds. (30 ILCS 105/13.5, Nov. 2004, 125 pp. 4 tables, 5 appendices)

Budget Recommendations, FY 2006
Total general fund recommendation for operations and grants was $2.4 billion. Major recommendations for institutions: U of I, $704 million; community colleges, $307 million; SIU, $219 million; NIU, $103 million; ISU, $81 million; WIU, $57 million; EIU, $48 million; Northeastern Illinois, $39 million; Chicago State, $38 million; Governors State, $24 million; Illinois Math and Science Academy, $15 million. Other major recommendations: Illinois Student Assistance Commission, $403 million; State Universities Retirement Systems, $312 million; adult education programs, $46 million; workforce and economic development, $13 million; statewide access and diversity initiatives, $8 million. Total recommended for capital improvements was $349.9 million. (110 ILCS 205/8; Jan. 2005, 154 pp. + tables)

Commerce Commission
Transportation regulatory fund annual report, FY 2004
Fund received $8.1 million and spent $7.81 million. Nearly $3.76 million went to regulate motor carriers and $4.06 million for railroads. Income from motor carriers was nearly $4.86 million, and from railroads $3.25 million. Fund had 72 employees. (625 ILCS 5/18c-1604; Sept. 2004, 10 pp.)

Electric Utilities Experimental Programs, 2003
Electric utilities have operated a total of 19 experimental programs since the Electric Service Customer Choice and Rate Relief Law was enacted in 1997. During 2003, four programs were in effect. AmerenCIPS and AmerenUE began offering curtailment programs in 1999, giving customers a credit for each kWh curtailed. No curtailments were called during 1999-2003. The companies have since received approval from the ICC to offer similar programs, effectively ending the experimental programs. ComEd offered a high density electrical load commercial installation pricing experiment in 2001. The program closed to new participants in 2002. Currently, one customer is participating in the program, in which ComEd installed facilities for anticipated heavy use by businesses. The businesses received refunds on installation charges if they met anticipated usage. The program is now offered under Rider 2. Illinois Power's voluntary load curtailment program began in 2000 and will end December 31, 2004. No curtailments were called during 2000-

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Abstracts of Reports Required to be Filed With General Assembly *(continued from p. 11)*

2003. Appendix lists all programs since 1997. (220 ILCS5/16-106, Sept. 2004, 13 pp. + appendix)

Competition in Illinois retail electric markets, 2003
Non-coincidental peak demand was 29,946 megawatts, growing almost 1.6% annually since 1991. The Alternative Retail Electrical Suppliers (ARES) accounted for 11.6% of all electric utilities sales. Almost 30% of ComEd's customers switched to the Power Purchase Option (PPO). Twelve Retail Electric Suppliers (RESs) sold power and energy to retail customers, almost the same as in 2002. (220 ILCS 5/16-120(b); April 2004, 9 pp. + tables)

Commerce and Economic Opportunity Dept.
High-Impact Business designation
Target Corporation plans to invest over $100 million and create over 500 jobs in DeKalb. The company qualifies for Illinois High Impact Business tax credits and exemptions for up to 20 years, provided it fulfills the minimums for investments and jobs. (20 ILCS 655/5.5(h); August 2004, 2 pp.)

Enterprise zone annual report, FY 2004
DCEO has designated 95 enterprise zones throughout the state. In FY 2004, investments of $2.5 billion in these zones created 14,001 jobs and kept 19,302 jobs. From 2002 to 2003, population rose in 42 zones and dropped in 46; unemployment dropped in 57 zones and increased in 34; 3 zones had no change (there was no statistical data included for the Jo-Carroll zone). From 2000 to 2001, income per capita rose an average of 1.5%. Describes incentives generally, lists investments and jobs by zone, and population and unemployment by county containing the zone. (20 ILCS 655/6; Oct. 2004, 10 pp.)

Corrections Dept.
Statistical Presentation, 2003
The Department operates 27 adult correctional centers, eight Adult Transition Centers, seven work camps, two Impact Incarceration Program facilities, and 26 parole offices. In 2003, the prison population increased 1.7% to 43,418; violent offenders increased 2.6% to 22,457; female inmates increased 7.1% to 2,700; and drug offenders decreased 0.7% to 10,808. The female population has grown at nearly three times the rate of the male population since 1994. For 2003, prison population by offense were: 51.7% violent, 24.9% drug, 21.8% property, and 1.6% other. Includes statistics on prison population, length of stay, recidivism rates, sentences imposed, and admissions. (730 ILCS 5/5-5-4.3, Aug. 2004, 136 pp., tables, figures, 2 appendices)

Economic and Fiscal Commission
Wagering in Illinois, 2004
Examines the impacts of state lottery, horse racing, and riverboat gambling on Illinois' economy. State lottery transferred $570 million, 5.6% more than FY 2003, to the Common School Fund; riverboat gambling transferred to the Education Assistance Fund and deposited in the Common School Fund a total of $661 million, 19.3% more than FY 2003; and horse racing generated $12.8 million in revenue for the state, unchanged from FY 2003. While total revenue from riverboats increased about 14% due to tax changes, adjusted gross receipts and admissions declined, likely because this was the first year P.A. 93-27 and P.A. 93-28 were effective. Those laws increased taxes and restricted the re-issuance of owners' licenses. Proposals to increase overall gaming revenues include: establishing three new riverboats and a land-based casino in Chicago; lowering admission and wagering taxes; and additional gaming positions for riverboats and horse racing facilities. (S. Res. 875 [1991]; September 2004, 33 pp., tables and charts)

Gaming Board
Annual report, 2003
In 2003, the State received $617.8 million in casino taxes, an 11.17% increase from 2002. Local governments received $102 million in casino taxes, a 7.55% increase from 2002. Total Adjusted Gross Receipts were $1.079 billion, a 6.64% decrease from 2002. Casino admissions were 16,597,552 patrons, an 11.82% decrease from 2002. Each casino's Adjusted Gross Receipts were: Alton Belle, $109 million; East Peoria Par-A-Dice, $138.1 million; Casino Rock Island, $39.4 million; Joliet-Empress, $232.9 million; Metropolis-Harrah's, $134.9 million; Joliet-Harrah's, $269.7; Aurora-Hollywood, $246.8 million; East St. Louis Casino Queen, $158 million; Elgin Grand Victoria, $380.7 million. (230 ILCS 10/5(b)(10); Feb. 2004, 88 pp.)

Human Services Dept.
Salary and staffing survey of licensed child care facilities, 2003
A 2003 survey of 345 licensed child care centers showed that 19% of centers were accredited; 61% of early childhood teachers had completed a college degree, with 32% of those completing a degree in early childhood education or development. At child care centers, average annual salaries were $31,200 for administrative directors, $18,741 for full-time early childhood teachers, and $15,600 for full-time assistant teachers. The same survey of 386 licensed family home care providers showed that 7% were accredited and 56% had gross annual incomes of at least $17,001. Of 373 family home care providers, 62% had some college education. (20 ILCS 505/5.15; April 2004, 68 pp.)

Illinois Courts Administrative Office
Court-annexed mandatory arbitration annual report, FY 2004
This program, created by the Supreme Court and General Assembly to reduce civil case backlogs and resolve complaints faster, began in 1986 and operates in 15 counties. Cases with "modest" claims (up to $30,000 in Cook and Will Counties; and $50,000

in Boone, DuPage, Ford, Henry, Kane, Lake, McHenry, McLean, Mercer, Rock Island, St. Clair, Whiteside, and Winnebago) are automatically assigned to arbitration. If it fails, they may go to trial.

There were 33,727 cases referred to arbitration in FY 2004. Among cases on the pre-hearing calendar, 50.5% were settled or dismissed before hearing. In 45.3% of cases, one or both parties rejected the arbitration decision. Less than 2% of referred cases went to trial. (735 ILCS 5/2-1008A; undated, rec'd Feb. 2005, 29 pp.)

Industrial Commission
Annual report, FY 2003
Public Act 93-721 changes the name of the Commission to the Worker's Compensation Commission, effective January 1, 2005. Also, Public Act 93-32 authorized an annual fee to employers in the state as an independent source of operating funds for the Commission. Over 20% more trials have been conducted since 2002. The Commission closed 70,436 cases in 2003, down 2% from FY 2002. It brought 39 employers into compliance with insurance law and collected over $137,000 in fines. Illinois' 2001 workers' compensation injury rate was 45% lower than 1991. Workers' compensation benefit payments totaled $2.1 billion in 2001, up 3% from 2000. Illinois is ranked sixth in the nation in wages paid, and nineteenth in workers' compensation premium rates. (820 ILCS 305/15; June 2004, 26 pp.)

Metropolitan Pier and Exposition Authority
Affirmative Action Plan, FY 2005
Agency analyzed underuse of women and minorities, and set hiring goals by department. As of June 30, 2004, it had 580 full-time employees, of whom 370 (64%) were men; 352 (61%) white; 156 (27%) black; 61 (11%) Hispanic; and 8 (1%) of Asian descent. It had 272 part-time employees, of whom 237 (87%) were men; 189 (69%) white; 62 (23%) black; 19 (7%) Hispanic; and 1 of Asian descent. Of 71 officials and managers, 40 (56%) were men; 54 (76%) white; 6 (8%) black; 7 (10%) Hispanic; and 4 (6%) Asian. Of 184 full-time skilled craft workers, 175 (95%) were men; 130 (71%) white; 26 (14%) black; 26 (14%) Hispanic; and none Asian. Of 150 part-time skilled craft workers, 135 (90%) were men; 116 (77%) white; 22 (15%) black; 11 (7%) Hispanic; and 1 (1%) Asian. (70 ILCS 210/23.1; Sept. 2004, 135 pp. + tables and appendices)

Property Tax Appeal Board
Annual report, FY 2004
Board hears property tax assessment appeals for residential, commercial, industrial, and farm property and determines the accurate assessment. Lists total reduction requests over $100,000, total cases decided, and total change in assessed value in each county for the past seven years (commercial and industrial appeals only). Board decided 34,831 commercial and industrial cases from 1997 to 2003; and closed out approximately 4,200 residential appeals in 2004. (35 ILCS 200/16-190(b); Feb. 2004, 18 pp

Public Aid Dept.
Medical Assistance Program annual report, FY 2003
DPA spent $5.9 billion on health benefits in FY 2003; 1.6 million people were served in an average month. Over 174,000 participants enrolled in the SeniorCare prescription drug benefit program. The Health Benefits for Workers with Disabilities Program provided coverage to 454 employed people with disabilities. Kidcare enrollment rose nearly 14% in FY 2003 to 85,642. During FY 2003, DPA served over 57,000 people each month in 769 nursing facilities. Over 43,000 women received medical coverage under the Medicaid Presumptive Eligibility (MPE) program in FY 2003. Inpatient spending was $1.7 billion, up 6 %. DPA collected $9.4 million in state supplemental rebates from drug manufacturers in FY 2003. (305 ILCS 5/5-5 and 305 ILCS 5/5-5.8; July 2004, 55 pp. + graphs)

Medicaid Managed Care Task Force, FY 2004
The Medicaid Managed Care Task Force recommends that a third-party entity review all received proposals. Other recommendations include strict enforcement of contract provisions regarding submission of encounter data; required reporting of existing managed care efforts; and open discussions regarding any future managed care expansion. The Affirmative Choice proposal, submitted by the Illinois Association of Health Plans (IAHP) would switch the Family Health Plan population of Cook County and the "Collar" counties to managed care over the next three years. A primary case management system, care coordination for complex cases model, and fee-for-service (FFS) system were also proposed to the Task Force. (305 ILCS 5/5-16.13 (f); Nov. 2004, 59 pp.)

Public Health Dept.
Report under Nursing Home Care Act and Abused and Neglected Long-Term Care Facility Residents Reporting Act, 2003
Illinois had 1,284 nursing homes with 126,650 beds in 2003. Allegations of physical abuse by aides decreased from 149 in 2002 to 138 in 2003; IDPH put findings of abuse, neglect, or misappropriation of property into the listings of 237 aides. Total reports of abuse and neglect decreased from 3,590 in 2002 to 2,668 in 2003. IDPH found 23% valid in 2003. (210 ILCS 45/3-804 and 30/6; July 2004; 47 pp. + appendices)

State Appellate Defender
Annual report, FY 2004
Backlog of unbriefed cases grew 22% from 2,237 to 2,730 in fiscal 2003. Number of appellate briefs is 1,599; Supreme Court briefs 31. Motions to withdraw or dismiss were granted in 532 instances; and summary motions filed was 167. (725 ILCS 105/10; undated, rec'd Sept. 2004, 63 pp.)

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2004-2005
Legislative Staff Interns

Front row: Jamie Mitchell, Jessica Handy, Beth Ferrari, Jonathan Plaskas, former Governor Jim Edgar, Kareem Kenyatta, Kelly Wingard, Michelle Putman, and Susmita Saha
Back row: Jennifer Moyer, Daphne Hurley, Sarah Franklin, Phillip Keene, Randy Hanning, Andrew Proctor, Gabriella Pehanich, Bryen Johnson, Adrian Guerrero, Geoffrey Starks, and Lacey Albrecht

Legislative Research Unit
Jessica Handy, Millikin University
Daphne Hurley, University of Illinois-Springfield
Jennifer Moyer, Oberlin College
Jamie Mitchell, Knox University
Sarah Franklin, Eastern Illinois University

Senate Democrats
Lacey Albrecht, Illinois College
Adrian Guerrero, DePaul University
Bryen Johnson, Southern Illinois University-Carbondale
Susmita Saha, University of Wisconsin-Madison
Geoffrey Starks, Harvard University

Senate Republicans
Phillip Keene, Southern Illinois University at Carbondale
Michelle Putman, St. Louis University
Kelly Wingard, Greenville College, University of Illinois-Champaign-Urbana, University of Illinois-Springfield

House Democrats
Randy Hanning, Northwestern Illinois University
Kareem Abdul Kenyatta, Northern Illinois University
Gabriella Pehanich, Southern Illinois University-Carbondale
Elizabeth Ferrari, Northwestern University, University of Chicago

House Republicans
Jonathan Plaskas, Illinois State University
Andrew Proctor, University of Illinois-Urbana-Champaign

Special Leadership Opportunity for Legislators

Each year, the Bowhay Institute for Legislative Leadership Development – BILLD – awards fellowships to 36 select legislators in the Midwestern states and provinces to help them develop the skills they need to be effective leaders and policymakers.

The 11th annual Bowhay Institute will be held July 8-12 in Madison, Wis. The intensive five-day program is conducted by the Midwestern Legislative Conference of The Council of State Governments, in partnership with The Robert M. La Follette School of Public Affairs at the University of Wisconsin.

Faculty from the La Follette School and outside experts conduct seminars and workshops on a variety of topics to enhance leadership skills and knowledge of key public policies. Leadership training – the most crucial element of the program – is provided on topics such as strategic thinking, coalition building, and conflict resolution. Fellows also participate in professional development seminars on topics such as communicating with the media and priority management.

The annual fellowships are awarded on a competitive, nonpartisan basis by the BILLD Steering Committee, a bipartisan group of legislators from each state in the region. ***Applications, which are due by March 23***, are now available from CSG's Midwestern Office. Recipients of the 2005 fellowships will be announced in May.

Applicants are evaluated based on their leadership potential, including problem-solving skills, their dedication to public service, and their commitment to improving the legislative process. Each fellowship covers the cost of tuition, lodging, and meals. A nominal travel stipend is also offered to each participant.

For application materials, or more information, please contact Laura A. Tomaka at (630) 810-0210 or visit CSG Midwest's Web site at www.csgmidwest.org.

The following is a list of legislators who have attended in the past:

Sen. Jacqueline Y. Collins, 2004
Rep. Elaine Nekritz, 2004
Rep. Robert W. Pritchard, 2004

Rep. Maria A. Berrios, 2003
Rep. Chapin Rose, 2003
Rep. Kathleen A. Ryg, 2003

Rep. Annazette Collins, 2002
Rep. Charles Jefferson, 2002
Rep. Karen Yarbrough, 2002

Rep. Randall M Hultgren, 2001
Rep. David E. Miller, 2001
Rep. Harry Osterman, 2001
Rep. Cynthia Soto, 2001

Rep. Suzanne Bassi, 2000
Rep. William Delgado, 2000
Rep. Timothy L. Schmitz, 2000

Rep. Sidney H. Mathias, 1999

Rep. Elizabeth Coulson, 1998
Rep. John A. Fritchey, 1998
Sen. Terry Link, 1998

Sen. James Clayborne, 1997
Rep. Connie A. Howard, 1997
Sen. Christine Radogno, 1997

Rep. Thomas Holbrook, 1996
Rep. Michael K. Smith, 1996

Rep. Sara Feigenholtz, 1995
Rep. David Winters, 1995

Abstracts of Reports Required to be Filed With General Assembly *(continued from p. 13)*

State's Attorneys Appellate Prosecutor
Annual report, 2004
Agency completed 1,547 appellate cases. The Local Drug Prosecution Support Unit helped in 4,233 criminal cases and 1,027 drug asset forfeiture cases. Continuing Legal Education division published a monthly newsletter and presented four, week-long trial advocacy programs. Special Prosecution Unit assisted in 226 cases in 66 counties. Total office funding was $12.74 million. (725 ILCS 210/4.06; Oct. 2004, 53 pp.)

State Police
Use of Eavesdropping Devices, 2003
Reports from 65 counties listed 622 applications (582 original + 40 extension) for eavesdropping with consent of one party. Types of crimes investigated were: 65% drug-related, 8% sex-related, 4% theft-related, 4% other, 3% murder-related, and 16% not reported. Eavesdropping brought 652 arrests with 182 convictions, along with 253 arrests pending and 372 trials pending. Table gives basic facts on each order, including county, requesting police agency, and type of crime suspected. (725 ILCS 5/108A-11(c); April 2004, 28 pp. + appendix)

State Universities Retirement System
Report on minority- or female-owned investment managers
As of July 2004, nine of SURS' 23 "active" (non-index) investment managers were owned by minorities, women, and/or persons with disabilities. SURS' actively managed program totals $6.2 billion, of which $695 million (11.2%) is managed by emerging investment managers. Explains SURS' method of selecting investment managers and includes affirmative action reports of emerging businesses and others providing investment services to SURS. (40 ILCS 5/1-109.1; Aug. 2004, 10 pp. + appendices)

Teachers' Retirement System
Report on minority investment managers, FY 2004
Minority-, women-, disabled-, and veteran- (MWDV) owned firms managed $3.5 billion or 11% of the TRS total portfolio in FY 2004. TRS now has eleven MWDV money managers. Assets managed by these firms have increased over $2.8 billion since FY 2000. TRS plans to increase MWDV managed assets to 12.5% in FY 2005. (40 ILCS 5/1-109.1(4); Aug. 2004, 15 pp.)

FIRST READING
A publication of the Legislative Research Unit

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Special leadership training opportunity for legislators, p. 15

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