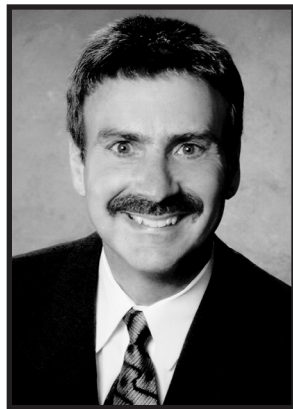


## Legislative Research Unit Co-chairs



Representative  
Sara Feigenholtz



Senator  
Larry Bomke


### New State Amphibian!

See page 30



Picture by Dr. Ronald Brandon

## Major bills passed by the Illinois General Assembly

This issue of *First Reading* summarizes selected bills as they passed both houses of the General Assembly and reports the Governor's action on each of them. A total of 716 bills passed both houses during the 2005 spring session. This issue summarizes 378 bills of general interest in 13 categories. The General Assembly passed 22 bills which provide special benefits or consideration for veterans, indicated by 

Page 38 of this issue gives Public Act numbers for bills that have been signed or have become law without the Governor's signature, and information on vetoes. Information on all bills of the session is available on the World Wide Web at: <http://www.ilga.gov/>

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# Appropriations & State Budget

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The state budget enacted for fiscal year 2006 is \$55.8 billion—1.9% above last year’s \$54.7 billion. Appropriations from the General Revenue Fund rose 2.7%, from \$23.7 billion to \$24.4 billion. Appropriations from other state funds and federal funds rose 1.3%, from \$31.0 billion to \$31.4 billion.

The agencies getting the largest dollar increases were the Department of Healthcare and Family Services (formerly Public Aid) with \$3.3 billion, +27.8%; Department of Commerce and Economic Opportunity (\$446 million, +42.4%); Illinois Emergency Management Agency (\$157 million, +32.1%); Department of Human Services (\$101 million, +2.0%); and Department of Transportation (\$70 million, +3.7%).

The increase to the Department of Healthcare and Family Services (DHFS) reflects its assumption from the Department of Central Management Services of the State Employees Group Insurance program. With the increase, DHFS can keep the same Medicaid reimbursement rates and expand FamilyCare eligibility. The Department of Commerce and Economic Opportunity’s increase is for various purposes including establishing 20 Entrepreneur Centers to provide recruiting, legal, financial, and other support services to entrepreneurs. The increase to the Illinois Emergency Management Agency is for terrorism and emergency preparedness training. The Department of Human Services’ increase reflects expansion of the Home Services Program and Temporary Assistance to Needy Families due to higher enrollments. The Transportation Department’s increase includes grants to the Regional Transportation Authority for paratransit services, to Downstate mass transit systems for operational assistance, and for various Road Fund projects.

The largest dollar declines were in the budgets of the Department of Central Management Services (\$2.5 billion,

-70.7%); Environmental Protection Agency (\$139 million, -10.4%); Department of Corrections (\$98 million, -7.1%); Supreme Court (\$34 million, -10.8%); and Court of Claims (\$21 million, -30.8%). CMS’ decrease reflects transfer of the State Employees Group Insurance Program to DHFS. The EPA and Court of Claims declines represent reductions in retirement lines. The Department of Corrections decrease likewise represents reductions in retirement lines, along with elimination of expansion funding for the Sheridan Correctional Center. The Supreme Court’s decrease reflects transfer of court reporter personal services, travel, and transcript fees to the Comptroller’s budget.

The five retirement systems also get large reductions, corresponding to annual limits on the state’s contributions to its pension systems set by P.A. 94-4 (enacted by S.B. 27, Schoenberg-Sandoval—Molaro-Giles). Total appropriations to all five systems fell \$667 million (-42.9%).

Elementary and secondary education gets an additional \$228 million (+2.8%) from all funds. Its share of the total state budget declined slightly, from 15.5% to 14.3% (see Figure 1 on the next page). Its share of General Revenue Fund spending rose slightly, from 24.5% to 25.0%. The Foundation spending level per student is \$5,214 this school year, up \$250 (+4.8%). Total fiscal year 2006 appropriations to local public schools are \$8.288 billion.

State college and university funding fell \$13.2 million (-0.5%) to \$2.5 billion; the percentage of the state budget

going to higher education also fell, from 4.8% to 4.3% (Figure 1). General Revenue Fund appropriations to higher education rose about 0.1%, but higher education’s share of General Revenue Fund spending declined, from 8.9% to 8.6%.

No increases in general obligation or Build Illinois bonds were authorized.

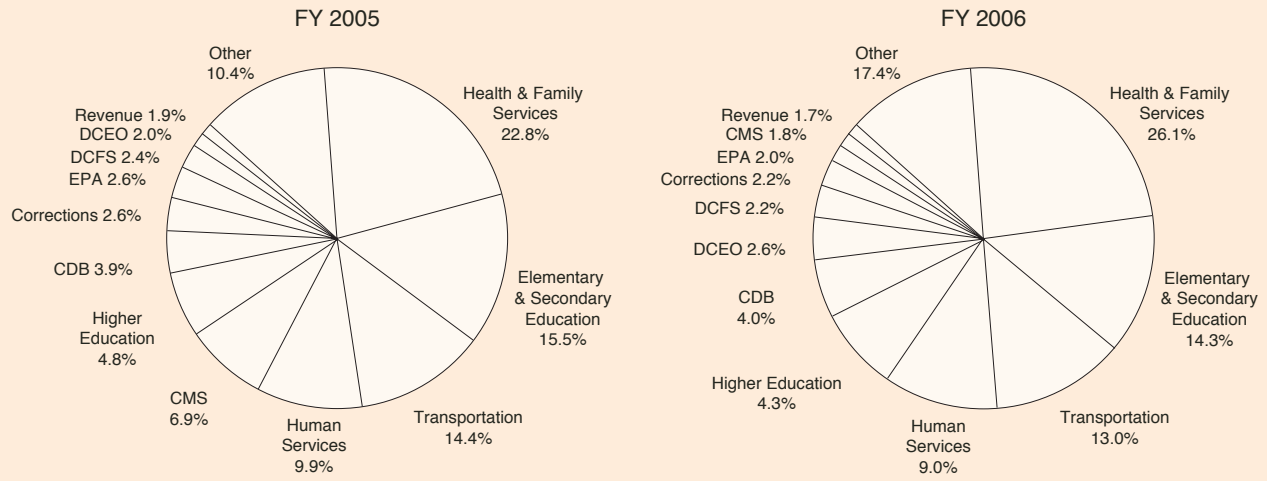
The General Assembly appropriated \$353.9 million from the Tobacco Settlement Recovery Fund for these purposes: Medicaid, \$298 million; capital maintenance, \$15 million; medical research and treatment, \$14 million; tobacco prevention and control, \$13 million; “circuit breaker” property tax relief and pharmaceutical assistance programs, \$10 million; technology marketing and the Illinois Technology Enterprise Corp., \$3.5 million; and other, \$300,000.

Total appropriations exceeded the Governor’s budget recommendation by \$2.8 billion. New appropriations are \$49.6 billion; the remaining \$6.2 billion consists of reappropriations. (Actual reappropriations will be slightly less, because some funds will have been spent between the time of the budget requests and the fiscal yearend.)

(P.A. 94-15, enacted by S.B. 1548, Trotter-Schoenberg-Hunter-J.Collins-Crotty—Madigan-Hannig-M.Davis). □

Nicole Babcook  
Senior Research Associate

**Figure 1: Allocation of Appropriations by Program Area (excluding capital projects)**



**Appropriations From All Funds (billions)**

	FY 2005	Share of '05 total	FY 2006	Share of '06 total	Dollar Change
Healthcare & Family Services	\$11.9	22.8%	\$15.2	26.1%	\$3.3
Education (K-12)	8.1	15.5	8.3	14.3	0.2
Transportation	7.5	14.4	7.5	13.0	0.0
Human Services	5.1	9.9	5.2	9.0	0.1
CMS	3.6	6.9	1.0	1.8	-2.5
Higher Education	2.5	4.8	2.5	4.3	0.0
Capital Development Board	2.0	3.9	2.1	3.5	0.1
DCEO	1.1	2.0	1.5	2.6	0.4
DCFS	1.3	2.4	1.3	2.2	0.0
Corrections	1.4	2.6	1.3	2.2	-0.1
Environmental Protection Agency	1.3	2.6	1.2	2.0	-0.1
Revenue	1.0	1.9	1.0	1.7	0.0
All others	5.4	10.4	10.0	17.3	4.6
Total appropriations*	\$52.0*	100.0%	\$58.1*	100.0%	\$6.1*

\* Totals may not add exactly due to rounding.

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# Business & Economic Development

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*The General Assembly voted to fight identity fraud in several ways, including letting victims stop credit bureaus from facilitating loans in their names; regulate the “payday loan” industry; inhibit predatory lending where it causes many mortgage foreclosures; and strengthen workers’ rights under workers’ compensation. Legislators also passed several measures to help persons called to military duty, and authorized loans to businesses hit by military callups.*

**Business Parks.** The Department of Commerce and Economic Opportunity (DCEO) may set standards for business parks and certify those meeting them (H.B. 361, Rose-Hultgren-B.Mitchell et al.—Righter-Sandoval).

**Buying American.** The Procurement of Domestic Products Act is amended in several minor ways, such as counting products as American-made if design or other significant activities for them took place in the U.S., and expanding the purposes for which state agencies can buy equipment abroad (S.B. 1723, Clayborne—Lang-Franks-Chapa LaVia-Boland et al.).

**Day-Labor Agencies** must be registered with the Department of Labor, and employers using such agencies must verify that they are registered. Agencies must give detailed information to each worker, and keep records for 3 years, on hours, locations, pay, deductions, and other matters. Agencies may not require workers to buy meals, or charge them more than the actual cost of meals or transportation. Agencies must protect any workers they transport or refer for transportation, and pay unemployment insurance premiums. Retaliation against workers for exercising rights under the act on such agencies is prohibited, and maximum penalties for violations are increased (H.B. 3471, Soto-Yarbrough-Acevedo-Delgado-Burke et al.—del Valle et al.).

**Film Production Credit.** Taxpayers having Film Production Services Tax Credit can transfer it to other taxpayers, or carry it forward for up to 5 years. To earn such credit on future

productions, a taxpayer must have a plan to hire female and minority employees, and make good-faith efforts to achieve its goals. The credit will be 35% of labor spending (instead of 25%) in areas of high poverty or unemployment (S.B. 1965, Hendon-Trotter-J.Collins-Harmon—Dunkin-Saviano-Colvin-Granberg-Holbrook et al.).

**Food Policy Council.** Under the Buy Illinois Program, DCEO can establish an interagency Illinois Food Systems Policy Council to develop food-related policies for state government and agri-businesses, covering issues of food access and security, healthy food options, and obesity and including development of performance indicators to evaluate the Council’s impact (H.B. 211, Delgado-Lindner-Dugan-Graham-Soto et al.—Hunter-Lightford-Demuzio-Martinez-Raoul et al.).

**Health Insurance Discontinuation.** If an insurer ends its individual health insurance coverage in Illinois, but has affiliates that offer such coverage, it must give insureds 180 days’ notice and allow them to buy coverage from the affiliates, counting their existing coverage toward any pre-existing conditions requirement. The insurer must notify the Department of Financial and Professional Regulation (DFPR) 90 days before notifying other parties (H.B. 2375, Beiser-Dugan-Boland et al.—Haine).

**Home Care Services.** Agencies that send persons to private homes for nursing and/or non-nursing personal services must be licensed by the Illinois Department of Public Health by September 1, 2008. A Home Health



and Home Services Advisory Committee will recommend standards for such licensing, and report on its progress to the General Assembly by July 2007 (S.B. 159, Crotty-Schoenberg-J.Collins et al.—Mathias-Mendoza-Yarbrough-Holbrook-J.Watson et al.).

**Home Repair.** Contract clauses requiring arbitration, or waiving jury trials, must be shown to consumers, who may reject them but cannot force contractors to work for the same amount without the clauses (H.B. 2594, Delgado et al.—Cullerton-Sandoval).

**Hotel Housekeepers.** Hotel and motel cleaning staff in Cook County must get a total of 60 minutes’ paid break and lunch time per shift of at least 7 hours, and have a comfortable room for breaks and lunch. Retaliation for exercising rights under these provisions is prohibited (H.B. 3485, Fritchey-Osterman-Delgado-Colvin-McKeon et al.—Silverstein-Sandoval-J.Collins et al.).

**Identity Theft.** *College students.* Public colleges and universities may not print Social Security numbers on cards or documents required to get products or services (S.B. 445, Martinez—Fritchey-Froehlich-Munson-Eddy-Hannig et al.).

*Credit after theft.* A consumer victim of identity theft, who has taken described actions to address it, cannot be denied either credit or public utility

service due solely to the theft (H.B. 2696, Munson-Krause-Mulligan-Bailey-Osmond et al.—Althoff-J.Collins-Crotty et al.).


**Credit freeze.** Identity theft victims can require a credit reporting agency to put a “security freeze” on their credit reports, preventing release to third parties, by writing to the agency and enclosing copies of police reports or complaints. A valid freeze will remain until lifted by the victim, who must be given an identification number for use to authorize release of the report to specific recipients. Freezes will not block reports to governments; collection agencies having court orders; credit prescreeners; and entities checking credit for the victim (H.B. 1058, Colvin-Lindner-Mendoza-Graham-Feigenholtz et al.—Hunter-Crotty-Raoul-Pankau-Silverstein et al.).


**Notice of theft.** Any holder of personal identification data on Illinois residents must notify them if their information security is breached, with two exceptions: (1) If there are over 500,000 victims; it would cost over \$250,000 to notify all of them; or contact information on them is not available, they can be notified by contacting the news media and using e-mail (if possible). (2) If the entity has notification procedures generally consistent with the new act, it need not comply with the act’s specific requirements (H.B. 1633, Fritchey-Currie-Mulligan-Colvin-Black et al.—Silverstein-Raoul-Lauzen-Radogno-J.Collins et al.). Also, the Illinois Department of Revenue must notify any person if it has reason to believe that someone else has used that person’s Social Security number (S.B. 1799, Roskam et al.—Mathias-Froehlich-Dugan-McCarthy-Beiser et al.).


**Immigration Aid.** Providers of aid to immigrants (presumably excluding lawyers) may not charge more than the fees listed in an existing law limiting fees of notaries public. The Attorney General can set maximum fees for

immigration services not listed (S.B. 233, Sandoval-Schoenberg-J.Collins-Hunter et al.—Chavez-Jefferson-Yarbrough-Mendoza-Berrios et al.).


**Insurance Risk Scores.** Insurers using credit information to rate risks must consider a customer’s written statement on how a catastrophic illness or death of a family member, job loss, identity theft, or divorce lowered the risk score (H.B. 265, Millner-Pihos-Washington et al.—B.Brady).


 **Military Base Closings.** An interagency committee of executive and legislative officers, and residents of counties near a base, will become the state’s clearinghouse for efforts to prevent base closures or to develop civilian uses for them (S.B. 1354, Haine-Sandoval-Jacobs—Stephens-Poe-Brauer-B.Mitchell-Hoffman et al.).

 **Military Service.** *Business assistance.* DCEO can make Military Reservist Business Assistance Loans at low rates to small businesses that lose owners or key employees due to military callups (S.B. 323, Wilhelmi et al.—Jakobsson-Chapa LaVia-Boland-McGuire-Verschoore et al.).

 **Contract relief.** A person contracting in the future for cell-phone service, but later ordered to active military duty, can cancel the service using described procedures. The Department of Central Management Services can obtain long-distance telephone service at wholesale rates to connect persons on active duty with their families. Utilities may not stop electric or gas service to homes of persons called to service, and must allow them time to pay upon return. Life insurance policies qualifying under a federal law will not lapse while an insured is doing up to 2 years of military service. If a person in the future makes a residential lease and then is deployed, a judge may adjust the lease to protect all parties’ interests. Debts incurred in the future by persons later deployed will accumulate interest and finance charges at only 6% annually. Future

motor vehicle leases made by persons later deployed for at least 180 days can be terminated on their request (S.B. 2060, D.Sullivan-Geo-Karis-Peterson-J.Jones-Winkel et al.—Chapa LaVia-Beiser-Dugan-Jakobsson et al.).

 **Job security.** A new hire who is called to active military duty before starting work can require the employer to provide a written description of the employment offered, and after return must be given preference for employment. The Adjutant General will inform National Guard members called to active duty of this and their re-employment rights under Illinois law (H.B. 593, Moffitt-Black-Bost-Chapa LaVia-J.Watson et al.—J.Sullivan-Risinger et al.).

 **Leave.** An employer of 15 to 50 persons must offer up to 15 days’ unpaid leave to spouses or parents of persons who have worked for them at least 12 months before being called to over 30 days of active duty; an employer of over 50 persons must offer up to 30 days in such cases (S.B. 1627, Ronen-Demuzio-Hunter et al.—Hoffman-Chapa LaVia-Holbrook-M.Davis-Flider et al.).

**Mortgages.** *Predatory lending.* The Department of Financial and Professional Regulation (DFPR) must have a 4-year pilot program in areas of Cook County with high mortgage foreclosure rates due mostly to predatory lending. Mortgage brokers and originators must report each proposed mortgage there to a confidential DFPR database for analysis. If the analysis suggests that a would-be borrower does not understand or will have trouble repaying a proposed loan, the borrower must have credit counseling (paid by the broker or originator) before the loan is made. Data on loans made will also go into the database. DFPR will report annually on the program to the Governor and General Assembly (H.B. 4050, Madigan-Mendoza-Currie-Washington-Osterman et al.—Sandoval-J.Collins-del Valle-Meeks-Hunter et al.).

(continued on p. 16)

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# Civil Law

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*The General Assembly passed a major bill intended to control medical malpractice liability and insurance costs. Other measures will protect children if their parents are divorced and one is a sex offender; expand a law promoting free dental clinics; and raise the dollar limit on parents' responsibility for vandalism by their children.*

**Children. Adoption.** One ground for deciding that consent to adoption is not needed from the father of a child is changed from the father's having been "indicated" as committing a serious sexual crime against the child's mother while she was a minor, to his being a "family member" of the mother as defined, or being at least 5 years older than the child's mother who was under 17 when the child was conceived, unless both parents voluntarily acknowledge paternity (S.B. 511, Cullerton-Hunter—Feigenholtz-Currie et al.).

**Felons as guardians.** The prohibition on felons' serving as guardians of minors or disabled persons is relaxed to allow a court to appoint a felon as guardian if it would be in the ward's best interest—unless the felony involved harm or threat to a child, including felony sex crimes (S.B. 658, Cullerton-Link-Raoul-Silverstein-J.Collins-et al.—Currie-Eddy).

**Terminology.** The word "illegitimate" and related words in several laws are changed to refer instead to children born out of wedlock (S.B. 529, Cullerton-E.Jones-Crotty et al.—Feigenholtz-May-Coulson-Lindner-Currie et al.).

**Visitation.** If the Department of Children and Family Services' Guardian-ship Administrator is named "executive temporary custodian" of an abused, neglected, or dependent child, the Department must file a plan for parental visits. Detailed standards are listed for courts to use in deciding those visitation issues (H.B. 3415, Flowers-Mathias-Bassi-Meyer-Bellock et al.—Trotter-J.Collins).

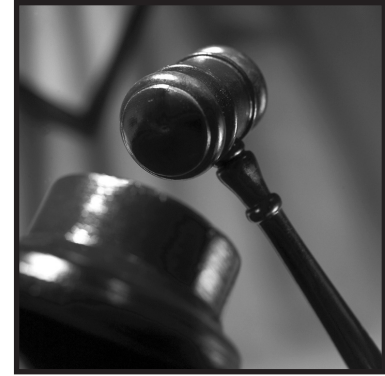
**Condo Fees.** Late fees up to the greater of \$25 or 10% of amounts due can be charged for late assessment payments (S.B. 1915, Cullerton—Feigenholtz-Osterman), **vetoed**.

**Courts. Circuits.** A 2005 act that divided the 12th, 16th, 17th, 19th, and 22nd Judicial Circuits into subcircuits to elect judges is amended by making some changes in the division in the 12th, 16th, and 19th Circuits (including increasing the 16th Circuit's subcircuits from four to five), affecting Lake, DeKalb, Kane, Kendall, and Will Counties (H.B. 337, Madigan-Currie-McKeon—Link).

**Fees.** The limit on court automation fees is tripled to \$15 (S.B. 1443, Silverstein-Trotter—Turner-Soto-Colvin-Yarbrough et al.). The limit on "court document fees" is also tripled to \$15, and the exemption of moving-violation tickets in DuPage County municipalities from such fees is deleted (S.B. 1444, Silverstein—Turner-Soto-Colvin-Yarbrough et al.).

**Jury size.** Cases involving damages up to \$50,000 (was \$15,000) will be tried with a jury of six unless either party demands a jury of 12 (H.B. 174, Osmond-Mathias-Rose-Beaubien-E.Sullivan et al.—Geo-Karis-Peterson et al.).

**Dental Care.** Free clinics may be sponsored by any of various kinds of nonprofit organizations (formerly only a "community or public health based program"), and be held in private dental offices in addition to dental clinics. But no reimbursement for services at



such clinics can go directly or indirectly to a dentist or hygienist (H.B. 950, Fritchey-Miller-Delgado-Osterman—Harmon-Dillard).

**Divorce Cases. Child representation.** A court can appoint a lawyer for a child in any of three capacities: attorney, guardian ad litem, or child representative (each as defined). Courts can order counseling for a child, family counseling, or parental education, to be paid for by the parties—or by one party who has violated a court order (H.B. 360, Rose-Mathias-Lang-Pihos—Winkel).

**Child support** can be paid through a currency exchange, by giving it information on the parent to receive it (H.B. 783, Soto-Yarbrough-Chavez-Berrios-Acevedo et al.—Martinez).

**Maintenance.** Any existing or future award of maintenance for an ex-spouse will constitute a series of judgments that, if unpaid, will accrue interest like child support and can be enforced by methods including seizing real or personal property (S.B. 95, Garrett-J.Collins-Ronen—Lindner-Bellock et al.).

**Mediation; training.** A court may not order mediation between divorced parents if it would endanger either of them. A chief or presiding judge may approve 3 hours of training (on subjects including domestic violence) for guardians ad litem and other personnel

appointed by the court in divorce cases (S.B. 98, W.Jones et al.—Mathias-Bassi-Dunkin et al.).

*Sex offender as parent.* In determining the best interest of a child, the court may consider whether either parent is a sex offender. A divorced parent planning to marry or live with a sex offender must inform the other parent, and that information can support a custody change at any time (H.B. 712, Chapa LaVia-Mendoza-Rose et al.—Martinez).

**Housing Discrimination.** Preventing or retaliating for exercise of rights under the Human Rights Act article on real estate transactions is prohibited (H.B. 917, Yarbrough-Froehlich-Soto-Graham-Kelly et al.—Ronen).

**IDs.** A securely laminated photo ID issued by a foreign government, having several listed security features, must be accepted for identification (but not as evidence of eligibility for services, voting, or a driver's license) by state or local governments unless they reasonably consider it invalid (S.B. 1623, Sandoval-Viverito-Link-D.Sullivan-E.Jones et al.—Burke-Washington-Lang-R.Bradley et al.).

**Medical Malpractice.** (Note: These provisions are nonseverable; all will fall if one is struck down.) Non-economic damages in any future medical malpractice suit are limited to \$1 million against a hospital and \$500,000 against a physician. Future signers of affidavits of merit in medical malpractice suits must be in the same profession and have the same class of license as the defendant if an individual; or be experienced in standards of care and relevant treatments if the defendant is an institution. They must also meet Illinois standards for expert witnesses (which this act tightens), and be identified by name, address, and state of licensure.

The Department of Financial and Professional Regulation (DFPR) will hire more investigators for complaints against physicians. An alleged pattern of incompetence by a physician for up to 10 years in the past can be considered. At DFPR request, after a report of suspected physician violation of practice standards, an attorney for a person suing the physician must send medical records on the plaintiff's care to DFPR. DFPR will open a Web site with information on each physician's record, including any discipline.

DFPR will hold a hearing on a medical malpractice insurer's rates if they rise more than 6% (apparently per year); at least 1% or 25 members of a medical specialty request it; or DFPR's Secretary so decides. After a hearing, the Secretary can change the rates. An insurer choosing to stop issuing medical malpractice insurance in Illinois must give 180 days' notice. Medical malpractice insurers must send information on claims, losses, and (starting in 2006) suits to DFPR, which must make public everything except names of parties.

A medical provider's expression of sorrow about an unfavorable outcome, within 72 hours after learning of its possible cause, will not be admissible in any forum. A pilot program (limited in its first year to one Metro East hospital) can seek to reduce malpractice liability costs by offering "fair" and prompt settlements (S.B. 475, Clayborne-Forby-Haine-Demuzio-Jacobs et al.—Reitz-Holbrook-Beiser-Phelps-Cross et al.).

**No-Contact Orders** may be issued in emergencies based on evidence of nonconsensual sexual *conduct* (added to penetration) by the respondent (H.B. 617, Fritchey—Cullerton-Raoul).

**Nursing Mothers** can be excused from jury duty (S.B. 517, Harmon-Hunter—Froehlich-Mathias).

**Parental Responsibility Law.** The limit on damages recoverable is increased eightfold to \$20,000 (H.B. 766, Hultgren-Mathias-Pihos-Froehlich-Wait—Haine-Maloney).

**Recreation on Land.** An act limiting the liability of landowners who let others use their land for recreation is limited to hunting and shooting, and will not apply inside residences (S.B. 251, Demuzio-J.Sullivan-Wilhelmi-Forby et al.—Black-J.Watson-Reitz-Bost-Winters et al.).

**Remains—Disposition.** Any competent person can name someone, in a notarized document meeting stated requirements, to control disposition of that person's remains after death. If no such document exists, the executor has first priority to make that decision, followed by the widow(er) and other family members (H.B. 1517, D.Brady-Eddy—Link-Rutherford).

**Voting in Jail.** Persons held in jail before trial can vote as absentees (H.B. 114, Feigenholtz—Cullerton et al.). □

*Robert M. Rogers*  
Staff Attorney

## 2005 VETO SESSION

October  
19 Perfunctory  
25, 26, 27 Session  
November  
2, 3, 4 Session

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# Criminal Law

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Over 100 bills on criminal law seek to fight methamphetamine production, distribution, and use; prevent identity theft; and protect emergency workers and public employees against attacks for performing their duties. Other bills address human servitude; protecting children from sex offenders; and punishing persons who continue driving after license revocation or suspension, despite numerous convictions for doing so.

**Airport Security. Impersonation; trespassing.** Claiming a connection with an airline or airport contractor to get a uniform or other identification becomes a Class A misdemeanor. Improperly using such identification when entering or remaining in an airport's restricted area becomes a Class 4 felony (H.B. 1559, Cross-Mathias-Millner et al.—Dillard-Lauzen-Raoul et al.).

**Trespassing.** Entering or staying in a restricted area of an airport, with notice that one is forbidden to be there, is raised from a Class A misdemeanor to a Class 4 felony—or Class 3 if carrying a weapon (H.B. 349, Mathias-Bellock-Froehlich-Bailey-Pihos et al.—Dillard-Harmon-Hunter et al.).

**Arson.** Injuring working correctional officers (added to police and firefighters) by arson will be aggravated arson (S.B. 104, Raoul et al.—D'Amico-Froehlich-Mathias-Patterson et al.; H.B. 444, D'Amico-Joyce-Bellock-Miller-Mendoza et al.—Raoul-J.Collins et al.).

**Assault.** Sites of college, professional, or Olympic sporting events are added to the places where assault will be aggravated assault (H.B. 1432, Cross-Mathias-Jenisch-Pihos-Bellock et al.—Dillard-Sandoval-Maloney).

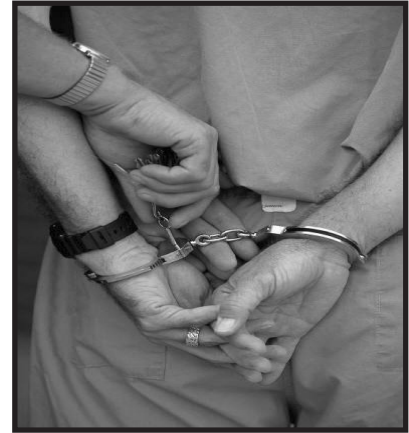
**Badge Misuse.** Making or distributing a law enforcement badge without the consent of the police agency identified on it (except as a memento; for a collection or display; or for a dramatic

presentation) is prohibited (S.B. 1230, Harmon-Maloney-J.Collins—Graham).

**Battery. Emergency workers.** Assault or battery of an emergency management worker (paid or a volunteer) performing official duties, or to prevent or retaliate for such performance, will be the aggravated form of the crime. Penalties can be as severe as 60 years if the crime involves shooting a firearm at such a worker. Knowing murder of an emergency management worker will bring a mandatory life sentence. Knowingly obstructing an emergency management worker acting in that capacity will be a Class A misdemeanor (S.B. 190, Haine et al.—Reitz-Froehlich-Molaro-Fritchey et al.).

**High-risk workers.** Aggravated battery will be a more serious felony if committed against a community policing volunteer, correctional employee, Department of Human Services employee supervising sexually violent or dangerous persons, or firefighter (H.B. 864, Sacia-Millner-Mathias-Bailey et al.—Munoz-Haine).

**Public employees.** Provisions that convert battery into aggravated battery if it is committed against specified classes of public employees (such as police, conservation, and social-service personnel) are expanded to protect *all* public officers and employees performing duties of their office or employment (H.B. 1588, Lang-Bailey-Flider et al.—Cullerton).



**Cemetery Crimes.** New offenses added to the Cemetery Protection Act include unauthorized trespassing in cemetery sheds, crematories, or employee areas; soliciting mourners or harassing cemetery employees on cemetery grounds; or removing or disturbing cemetery property (S.B. 1210, Cullerton-E.Jones et al.—Saviano-Molaro-D.Brady).

**Children. Abuse reports.** “Identifying” information in “indicated” reports of serious child abuse, torture, or death must be kept at least 50 years (H.B. 172, J.Watson-Verschoore-McGuire—Demuzio et al.).

**Identification.** With written parental consent, the Department of State Police may keep a child's fingerprints taken at a place such as a fair, for use only if the child is later missing or abducted. The prints may be kept only until the child turns 18, unless the former child gives permission to keep them (H.B. 181, J.Watson—Demuzio-Dillard-Sandoval et al.).

**Pornography.** Depicting or portraying a lewd exhibition of a transparently clothed (added to unclothed) child or mentally retarded person will be child pornography (H.B. 1173, Fritchey-Millner-Brosnahan-Molaro-Acevedo et al.—Halvorson-J.Collins).



*Sex offenders.* A provision allowing child sex offenders to visit their children's schools is limited to conferences with school staff, except that they are not barred from voting at schools (H.B. 23, J.Mitchell-Eddy-Feigenholtz-Rose-Bailey et al.—Righter-J.Collins-Martinez-Sandoval et al.; S.B. 100, W.Jones-Burzynski—Bassi-Eddy-Schock-Mathias-Froehlich et al.).

*Sexual exploitation.* A person convicted of this crime cannot get only supervision (S.B. 1897, Cronin-Martinez-J.Collins et al.—Froehlich-Dugan-Bailey-Granberg-Beaubien et al.). Also, this crime (normally a Class A misdemeanor) becomes a Class 4 felony if the victim is under 13 (S.B. 1898, Cronin-Martinez-J.Collins et al.—Gordon-Dugan-J.Bradley-Beiser-Jakobsson et al.).

**Conspiracy** to commit treason, first-degree murder, aggravated kidnapping, aggravated criminal sexual assault or predatory criminal sexual assault is raised from a Class 4 or 2 felony to a Class 1 felony (H.B. 923, Acevedo et al.—Haine-J.Collins).

**Contractor Fraud.** A contractor for state or local government commits a Class 3 felony if the contractor uses false records to change an obligation to pay or transmit money or property; performs an illegal act; performs an act beyond contractual responsibility to obtain private advantage; or solicits or accepts a fee or reward knowing it is unlawful. Also, a “special government agent” for a statewide executive-branch officer can be charged with official misconduct like a public officer or employee (H.B. 3874, Brosnahan-Patterson-Colvin et al.—Silverstein-Sandoval-J.Collins et al.).

**Crime Stoppers Anonymity.** If a person gives a tip on a crime to police or Crime Stoppers and requests anonymity, the person's identity is not subject to discovery or admissible

in evidence—unless the identity is sought in a criminal court proceeding; the evidence is not otherwise available; and nondisclosure would violate a defendant's constitutional rights, or the need for the evidence outweighs the interest in protecting confidentiality (H.B. 598, Black-Moffitt-Jakobsson et al.—Winkel-Shadid).

**Crime Victim Compensation.** *Compensable costs.* Pecuniary loss under the Crime Victims Compensation Act is expanded to include a security deposit, one month's rent, and other reasonable relocation expenses required by a violent crime (S.B. 416, Raoul-Dillard-Althoff-Harmon-J.Collins et al.—Howard-Nekritz-Schock-Smith-Soto et al.) and reasonable expenses for clinical professional counselors due to a violent crime (H.B. 1134, Pritchard-Froehlich-Mathias-Dunkin et al.—Radogno-Raoul).

*Other provisions.* Post-traumatic stress disorder is added to the conditions for which crime victims can be compensated. The deadline for victims to notify police to qualify for compensation is extended from 3 days to 7 for victims of sex crimes; some actions, such as seeking hospital care for sexual assault, can substitute for notifying police (H.B. 2389, Gordon-Dugan-Beiser-J.Bradley-Verschoore et al.—Rutherford-J.Collins-Raoul-Hunter).

**Criminal Living in Nursing Home.** If a nursing home resident is a registered sex offender or other specified type of offender, the home must give local police access to the resident to determine compliance with the Sex Offender Registration Act and/or parole requirements. The nursing home must notify its other residents of the presence of such offender(s), and comply with Illinois Department of Public Health regulations to supervise them. If a person on parole becomes a resident of a public or state-licensed facility, the Department of Corrections

must give the facility information on the person's court documents and prison behavior (H.B. 2062, Brosnahan-Joyce-McCarthy-Beiser-J.Bradley et al.—Maloney-Shadid-J.Collins-Harmon-Crotty et al.).

**Death-Penalty Fees.** Appointed defense counsel in capital cases must submit estimated trial budgets for court approval before trial, subject to re-evaluation if circumstances change. If the judge finds a bill unreasonable, payment can be denied (S.B. 2082, Cullerton-J.Jones et al.—Granberg-Froehlich-Fritchey-Turner).

**Domestic Battery.** The maximum age of a child for whom a person convicted of domestic battery may be ordered to pay counseling costs is raised from 16 to 18; and the minor need not be a child of the defendant or victim for costs to apply (H.B. 3449, Schock et al.—Haine-J.Collins et al.).

**Domestic Violence Victims** can get different license plates if they turn in their old ones and show their identities, vehicle ownership, and evidence of being such victims (H.B. 2467, Kelly-Graham-Yarbrough-Miller-M.Davis-et al.—Crotty).

**DNA Samples.** Persons sentenced, whether in the past or the future, to life in prison or death must provide blood, saliva, or tissue samples (H.B. 992, Delgado-Franks et al.—Martinez).

**Driving Offenses (DUI).** *Fatality.* A person convicted of DUI that caused death must be sentenced to at least 3 years in prison unless the court finds extraordinary circumstances that require probation (S.B. 1495, Dillard-Haine et al.—Rose-Dugan et al.; H.B. 1081, W.Davis-L.Jones-Froehlich-Giles et al.—J.Collins-Dillard-Sandoval et al.).

*Habitual violator.* Committing DUI at least six times makes the last one

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## Criminal Law

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a Class X felony (H.B. 1132, Black-Froehlich-Mathias-E.Lyons-Parke et al.—Geo-Karis-Sandoval).

*Interrogations.* The results of interrogating a minor for DUI that caused death (added to other kinds of homicide already listed) will ordinarily be inadmissible unless the interrogation was recorded (S.B. 72, Harmon-Sandoval—Lindner et al.).

*Local prosecutions barred.* To avoid double-jeopardy problems, all local governments are forbidden to prosecute offenses that could be prosecuted as DUI under state law (H.B. 887, Black-Froehlich-Mathias et al.—Cronin).

*Penalties.* A person who is at least 21 and, while under the influence, transports a person under 16 can be sentenced to 6 months in jail plus 25 days of community service. If such a violation proximately caused bodily harm to the minor, it is a Class 4 felony subject to 1 year in prison, 25 days' community service, and a mandatory \$2,500 fine. Repeat violations will bring still heavier penalties (H.B. 657, Franks-Tryon-Beaubien-Mathias-Chapa LaVia et al.—Link-Althoff et al.).

*Repeat offenses.* A third DUI within 5 years is raised from a Class 3 to a Class 2 felony. A fourth DUI in a lifetime is a nonprobationable Class 2 felony; a fifth or additional DUI is a nonprobationable Class 1 felony (H.B. 3816, Pihos-Mathias-Froehlich-Krause et al.—Roskam-J.Collins-Sandoval).

*Snowmobiles.* A “first time offender” of snowmobile DUI will exclude persons who got supervision or forfeited bail for snowmobile DUI, or whose privileges were suspended for refusing testing. Snowmobile privilege suspensions by federal, other states’, or Canadian province authorities will make

operation in Illinois illegal (H.B. 1339, Verschoore-Froehlich—Jacobs).

*Unlicensed or uninsured violation.* A person driving under the influence while completely unlicensed, or lacking liability insurance, will commit aggravated DUI (H.B. 1471, Black-Froehlich-Bailey-Dugan et al.—Cronin-Munoz-Dillard et al.).

**Driving Offenses (other).** *Hit-and-run.* Anyone arrested for leaving the scene of an accident can be tested for alcohol and drugs within 12 hours after the accident, and get a summary suspension for refusing testing (H.B. 1351, Graham-Mathias-Froehlich et al.—J.Collins-Sandoval-Harmon et al.). Leaving the scene of an accident with death or personal injury, or failing to give information or aid after such an accident, will have no statute of limitations (H.B. 885, Mendoza-Pihos-Jenisch-Delgado-Millner et al.—Cronin-Radogno-J.Collins et al.).

*Speeding.* Driving more than 20 m.p.h. over the speed limit while committing the crime is a ground for imposing a sentence toward the upper end of the range for reckless homicide or DUI (H.B. 767, Franks-Froehlich-Chapa LaVia-Mathias et al.—Althoff), or for reckless or aggravated reckless driving (H.B. 3648, Dunn-Meyer-Froehlich-Mathias-Pihos—Roskam). The latter measure also prohibits supervision, probation, or conditional discharge for a person who, for a second time in a year, commits any driving misdemeanor or felony.

*Supervision* will not be allowed for more than two moving violations within one year (H.B. 1483, Dugan-Froehlich-Mendoza et al.—Halvorson-Trotter).

*Unlicensed driving.* A 10th through 14th offense of driving after one’s license was revoked or suspended for hit-and-run or DUI is a nonprobationable Class 3 felony. A 15th or later

offense is a nonprobationable Class 2 felony (H.B. 888, Black-Mathias-Pihos-Jenisch et al.—Cronin-Link).

**Drug Crimes (General).** *Controlled substance analogs* designed to cause effects in humans similar to those of controlled substances in Schedule I or II will be treated under the Controlled Substances Act as if they were the controlled substances of which they are analogs (H.B. 763, Feigenholtz—Cullerton).

*Drug-induced homicide* will be committed whenever a person delivers a controlled substance to another and death results to anyone (formerly only to that person) (H.B. 1109, Pihos-Millner et al.—Sandoval-Cronin).

*Sentences.* Illegal making, possession, or delivery of drugs in the presence of a person under 17 is added to a list of facts that sentencing judges can consider as grounds for imposing the most severe sentences (H.B. 529, Mendoza-Rose-J.Bradley-Gordon-Beiser et al.—Hendon et al.).

**Drug Crimes (Methamphetamine).** *Ammonia-security grants.* If funds are available, the Department of Agriculture will make grants to help protect anhydrous ammonia from theft for making meth, by means such as additives to make it unusable, locks, or alarm systems (H.B. 3526, Rose et al.—Winkel-J.Sullivan et al.).

*Child victims.* The Departments of State Police and Children and Family Services, and the State Board of Education will jointly develop a protocol to provide services to children living where meth has been made or used, and post it on their Web sites (H.B. 3531, Eddy-Reis-Black-D.Brady-Rose et al.—Righter-Ronen-J.Collins).

*Cleanup.* The Department of State Police must develop and post on its Web site a protocol for removing all meth ingredients and equipment from

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meth-making sites (H.B. 3532, Moffitt-Smith-Sacia-Boland-Mathias et al.—Risinger-D.Sullivan et al.).

**Comprehensive act.** A new Methamphetamine Control and Community Protection Act takes numerous statutory provisions on methamphetamine from the Illinois Controlled Substances Act and other acts, combining them into a comprehensive program to fight methamphetamine abuse. It includes more detailed and specific provisions on providing, obtaining, or possessing chemicals for making meth; facilitating its making; and operating laboratories to make it. Existing laws will apply to meth crimes occurring before the new act's effective date (S.B. 562, Haine-Forby-Cullerton-Righter-Schoenberg et al.—J.Bradley-Flider-Rose-Beiser-D.Brady et al.).

**Drug courts.** The Administrative Office of the Illinois Courts is to hold seminars for judges on how to run drug courts, emphasizing meth-possession cases (H.B. 3515, D.Brady-Rose-Pritchard-Pihos-Meyer et al.—Hunter-Crotty-J.Collins et al.).

**Fines.** Everyone convicted of possessing or delivering meth, or of possessing ingredients with intent to make it, must pay a fine of at least the street value of the substance(s) seized, plus \$100 to go to a new Methamphetamine Law Enforcement Fund. The Fund will be used to pay agencies that clean up meth labs; salaries of drug police officers; and medical or dental costs of imprisoned meth addicts (H.B. 3504, Pritchard-Hultgren-Bellock-Reis-Rose et al.—Righter-Burzynski).

**Restitution.** Both police and public and private contractors that secure meth labs can get restitution from offenders. Local agencies involved in a response will have priority in getting restitution, followed by state and finally federal agencies (H.B. 3507, Reis-Rose et al.—Righter-J.Collins).

**Treatment.** A Methamphetamine Abusers Pilot Program will be set up at Franklin County's jail and its juvenile detention center. Courts anywhere in the state can seek to get meth abusers and addicts into the Program, involving medical and psychiatric treatment. The Secretary of Human Services will determine its effectiveness and report to the General Assembly after one year (H.B. 2411, J.Bradley-Froehlich-Phelps-Bailey-Fritchey et al.—Forby-J.Collins et al.).

**Eavesdropping.** Non-oral communications (such as text messages) are added to the kinds of communications for which state's attorneys can authorize applications to judges for emergency interception orders (S.B. 74, Harmon—Joyce-Froehlich-Sacia-Flowers-J.Watson et al.).

**Evidence. Marijuana preservation.** Police must keep as much as 6 kilograms and/or 51 plants for a marijuana prosecution; the judge may transfer any excess for destruction (H.B. 804, J.Lyons-Winters-D'Amico—Shadid-Munoz).

**Prior statements** by a witness now declining to testify, or deceased, can be admitted in a criminal proceeding only if they were made in a legal proceeding, under oath, with cross-examination by the other party (S.B. 78, Haine et al.—Rose-Froehlich-Mathias-Holbrook-M.Davis).

**Extradition.** A person imprisoned in a federal facility can be turned over to accredited personnel of another state if the person violated release conditions or has a remaining sentence in the other state, and the other state has jurisdiction over and has issued a valid warrant or commitment order for the person (S.B. 45, Cullerton—Froehlich-Mathias-Holbrook).

**Farm Damage.** Criminal damage to farm equipment or buildings is raised to the next higher crime class for that

range of monetary damages. Trespassing in a motor vehicle on farm fields, barns, barnyards, or orchards after being told to stay out becomes a Class A misdemeanor (H.B. 120, B.Mitchell-Franks-Chapa LaVia et al.—B.Brady-Winkel).

**Financial Exploitation.** Financial institutions can provide a senior or disabled person's financial information to an investigating entity if the entity (or the financial institution as under current law) suspects financial exploitation of the person (H.B. 1301, Fritchey-Pihos et al.—Silverstein-J.Collins).

**Firearms. Ammunition.** A person buying ammunition for shipment into Illinois must send the seller copies of a valid Firearm Owner's Identification Card and Illinois driver's license or Identification Card. The ammunition can be shipped only to an address on one of those cards (S.B. 53, Peterson-J.Sullivan-Forby et al.—E.Sullivan-Reis et al.).

**Armed habitual criminal.** Having or transferring a firearm after at least two convictions of violent crimes or serious drug crimes becomes a Class X felony. Such an "armed habitual criminal" can get only 4½ days of good-conduct credit per month in prison (H.B. 1039, Brosnahan-Froehlich-Miller-Joyce et al.—Sandoval-Shadid-DeLeo-Maloney).

**Attempt to buy.** If a person who tries to buy a firearm is disqualified from doing so for any reason unrelated to minority, the Department of State Police must notify local police (H.B. 348, Mathias-Moffitt-Franks-Chapa LaVia—Schoenberg).

**Exchanging** one operable firearm for another will not require a waiting period (H.B. 340, Reis-J.Bradley-Phelps—Sieben), **vetoed**.

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## Criminal Law

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**Gun-show sales.** Anyone, not a federally licensed firearms dealer, who wants to transfer a firearm at a gun show as defined in this act must ask the Department of State Police to check the prospective recipient's eligibility. If it approves, the transferor must keep the identification number it provides. Approvals by the Department are valid for 30 days (S.B. 1333, Cullerton-E.Jones-J.Collins-Schoenberg-Garrett et al.—Osterman-Millner-Acevedo-Currie-Coulson et al.). Another bill that is identical, except for calling for the Department's records of gun-show sales to be destroyed after 90 days, was **vetoed** (S.B. 57, Roskam-Radogno-B.Brady—Millner).

**Mandatory sentences** of 3-7 years are required for crimes involving machine guns, silencers, or having a firearm near a school, in public housing, or in a prison; and for some repeated firearms crimes (H.B. 524, Graham-Yarbrough-Osterman-Millner-Meyer et al.—Harmon-J.Collins-Crotty et al.).

**Return to owner.** Legally possessed firearms will no longer be returned to a person convicted of misdemeanor domestic battery after sentence completion (H.B. 892, Sacia-Osterman-Millner-Verschoore-Froehlich et al.—Roskam et al.).

**Tasers and stun guns** may not be sold except to a person having a FOID card and after a 24-hour wait (S.B. 1962, Schoenberg-Sandoval-Trotter-J.Collins—Nekritz-Coulson).

**Transfer records** must include the date of application for transfer, starting next January 1. Each weapon possessed in violation of specified weapons prohibitions becomes a separate offense (H.B. 132, Millner-Franks-Meyer-Parke-Bailey et al.—Roskam-Harmon-Lauzen-J.Collins).

**Transportation.** Local governments, including home-rule units, may not regulate transportation of firearms or their accessories (S.B. 2104, Sieben—Phelps), **vetoed**.

**Trigger locks.** Federally licensed firearm dealers may not transfer a handgun to an ordinary buyer without providing with it an external or integrated lock (S.B. 1832, Harmon—Graham-Hamos et al.).

**Hate Crime.** Interrupting telephonic or other electronic communication service is added to the actions constituting hate crime if done for prohibited reasons (S.B. 287, Silverstein-Schoenberg-J.Collins-Ronen—Lang-Acevedo-Chapa LaVia-Franks-Coulson et al.).

**Human Servitude.** An added Criminal Code article prohibits involuntary servitude, involuntary sexual servitude of a minor, and transporting persons for forced labor. Extended terms can be imposed for more serious violations, and the most serious are Class X felonies. Restitution is mandatory. Offenders will forfeit any money or property obtained or kept by such crimes. The Department of Human Services can aid victims if funds are available. Illinois enforcement agencies will notify federal agencies of victims who cooperate in investigations, to help them get special immigrant visas and other federal benefits (H.B. 1469, Chavez-Bailey-Soto-Mendoza et al.—Cullerton-J.Collins-Martinez et al.).

**Identity Crimes. Card decrypters.** Possessing software and/or other means usable for decrypting information stored on Illinois drivers' licenses or identification cards, except for legally authorized purposes, is prohibited as a Class A misdemeanor (H.B. 1565, Soto—Munoz-Martinez).

**Limitations.** The statute of limitations for identity theft (regular or aggravated) will run for 5 years instead of 1½ or 3 years (H.B. 457, Biggins-Bailey-Pihos-Coulson-Kelly et al.—Cronin-Crotty-Raoul et al.).

**Penalties.** Identity theft penalties are raised by one class of felony (H.B. 2699, Munson-Mathias-Pihos-Franks-Bailey et al.—Maloney-Althoff-Crotty-Raoul-J.Collins et al.).

**Snooping on ATMs.** Secretly recording data from financial transactions, such as card numbers and PINs at ATMs, without account owners' consent becomes a Class A misdemeanor. Police performing official duties are exempt (H.B. 2697, Pihos-Munson-Kosel-Coulson-Jenisch et al.—Pankau-J.Collins-Althoff).

**Venue.** A prosecution for identity theft or aggravated identity theft may occur in any county where the crime occurred, the information was illegally used, or the victim resides (H.B. 2700, Pihos-Munson-Krause-Coulson-Jenisch et al.—Radogno).

**Impersonation.** False claiming to be a firefighter or emergency worker becomes a Class 4 felony (Class 3 if in the course of another felony) (H.B. 596, Boland-Schock-Froehlich-Bell-ock-Moffitt et al.—Jacobs-Dahl et al.).

**Jail Phones.** A provision allowing authorized Department of Corrections employees to listen to prisoner phone calls is extended to authorized employees of jails and other correctional institutions (H.B. 884, Millner-Harmon).

**Juror Contact** by a person who represented himself in a criminal trial, and was convicted, is prohibited—except that with court permission, a court officer can call the juror by phone and ask whether the juror consents to talk with the convicted person (H.B. 1095, Flider et al.—F.Watson).

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**Juvenile Court. Counsel.** A minor charged with delinquency in a juvenile proceeding cannot waive the right to counsel. A person under 17 cannot waive counsel in a criminal proceeding—unless charged with an offense for which the only penalty is a fine, or with a Vehicle Code violation other than reckless driving, DUI, or involvement in an accident causing injury or death (S.B. 1953, Raoul-Hunter—A.Collins-L.Jones-Patterson-Flowers et al.).

**Victim attendance.** A crime victim, or parents of a minor killed by crime, can attend juvenile court hearings on that crime (S.B. 292, Risinger—Moffitt).

**Minority Contract Fraud** becomes a Class 2 felony; those convicted of it must pay a penalty of 1½ times the value of a contract obtained by falsely claiming minority, female, or persons with disabilities ownership (H.B. 381, Colvin-Miller-Fritchey-Acevedo-Osterman et al.—J.Collins-Hunter-Raoul et al.).

**Minors (Teenage). Steroids.** Providing dietary supplements containing precursors of ephedrine or anabolic steroids to a minor will be a Class A misdemeanor. Sellers must request IDs of persons trying to buy them who look under 18 (S.B. 102, Cullerton et al.—Feigenholtz-Mathias-Froehlich-Molaro).

**Tattooing and piercing.** The age below which a person may be tattooed only by a physician is lowered from 21 to 18; but violation is raised from a Class C to a Class A misdemeanor. A tattooing or body piercing business is forbidden to allow anyone under 18 to be on the premises except with a parent or legal guardian. Violation will be a Class A misdemeanor. Exceptions to the ban on tattooing or piercing a person under 18 are created for persons under 18 who do those things to other

persons under 18, away from a tattooing business (H.B. 29, J.Mitchell—Cullerton), **amendatorily vetoed**.

**Videogames.** Providing a violent or sexually explicit videogame to a minor will bring a \$1,000 fine. Several affirmative defenses are provided, including that the minor showed false identification or the game was prepackaged and rated as suitable for minors. Retailers must label violent or sexually explicit videogames to indicate which may not be offered to minors, and use a sign of specified design to inform customers of the rating system. Existing prohibitions on providing “harmful materials” to minors are rewritten to cover more materials (H.B. 4023, Chapa LaVia-Fritchey-Froehlich-M.Davis-Jefferson et al.—Demuzio-Raoul-J.Collins-W.Jones-Wojcik et al.).

**Missing Persons.** Police agencies must put information on “missing endangered seniors” on the Law Enforcement Agencies Data System. Within 5 hours after notification of a missing person, the Department of State Police must prepare a report including physical description; time and place last seen; and address, and send it immediately to all police agencies near the person’s home; all agencies named by the person reporting the person missing; all agencies that request such a report; and the National Crime Information Center’s Missing Person File if appropriate. The Department must begin investigating a missing-person case within 24 hours. The Illinois Law Enforcement Training Standards Board will train police on the coordinated missing endangered senior alert system (H.B. 2241, Beiser-Currie-Franks-Boland-Holbrook et al.—Viverito-Maloney-J.Collins-Raoul-Sandoval et al.).

**Money Laundering** is expanded to include transporting, transmitting, or transferring crime-derived monetary instruments or attempting to do so, with intent to commit crime or avoid

a state transaction reporting requirement. The Department of State Police will enforce money laundering prohibitions. Courts can make orders to protect property that may be forfeitable (H.B. 1002, Joyce-Froehlich-Miller-E.Lyons-Brosnahan et al.—Harmon-Maloney-J.Collins).

**Prisons. Drug treatment.** Good-conduct credit will be denied prisoners who at sentencing were recommended for drug treatment (changed from prisoners who committed drug crimes) unless they participate in such treatment in prison. A prisoner who never gets off a waiting list for such treatment may be eligible for waiver by the Director of Corrections of the ban on good-conduct credit (S.B. 2090, Lightford—Yarbrough-Graham-Giles-Colvin-Soto et al.).

**GED programs.** Prisoners (with some exceptions) can get 60 days’ good-conduct credit for earning GED certificates. The Department of Corrections must try to double the number of prisoners pursuing GED certificates in the next 4 years (S.B. 326, J.Collins-Trotter-Raoul-Hunter—Howard-Froehlich-Giles-Rita-Washington et al.), **vetoed**.

**Reentry programs.** Counties or cities with jails can create reentry programs for felons sent to them by the Department of Corrections. Participants will be considered still imprisoned, will be under the custody of the sheriff or police chief, and will lose good-conduct credit if they break rules. The Department can contract for services such as drug treatment, transitional housing, and vocational training for them (S.B. 554, Halvorson-Link-J.Collins-Raoul—Gordon-Dugan-Howard-Flowers-M.Davis et al.).

**Protection Orders.** Several crimes including child pornography, aggravated battery of a senior citizen, cyberstalking, and harassment by phone are added to those for which protection

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# Education

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## Elementary & Secondary

*The General Assembly voted to increase numbers of core courses required for high school graduation, phased in for students entering high school over the next several years, and to set standards for Advanced Placement and gifted programs. Each school must be inspected annually by a person selected by the State Fire Marshal. Applicants for school jobs must be checked against the Statewide Sex Offender Database.*

**Advanced Placement.** If funds are appropriated, the State Board of Education will issue training requirements for Advanced Placement teachers. The Board must encourage schools to offer rigorous courses in grades 6-11 to prepare students for Advanced Placement classes (S.B. 574, del Valle-Lightford-J.Collins et al.—Giles-Soto-Patterson-A.Collins-Howard).

**Autism.** The State Board may fund a three-year “Giant Steps” pilot program to study autism and train professional workers, starting this fall, somewhat like one authorized for 1997-2001 (S.B. 3, E.Jones-Harmon-Maloney-J.Collins-Garret et al.—Bellock-Washington-E.Lyons-Delgado-Feigenholtz et al.).

**Blind and Deaf Students.** Districts must try to inform parents about local schools providing services similar to the Illinois Schools for the Visually Impaired and the Deaf (S.B. 87, Garrett-J.Collins-Hunter—May-J.Watson-Washington-Nekritz).

**Bilingual Programs.** The State Board can extend how long students in bilingual programs may have to take state tests. The Limited English Proficient assessment will replace the Illinois Measure of Annual Growth in English (H.B. 678, Chapa LaVia-Acevedo-Munson-Pihos et al.—del Valle-Cronin-Crotty-Lightford-Hunter et al.).

**Curriculum. Character.** Public schools must teach character education, including the values of trustworthiness, caring, fairness, responsibility, respect, and citizenship (H.B. 1336, Coulson-Bassi-Sacia—Schoenberg-Pankau).

*Holocaust* studies must include an added unit on genocide, including the Armenian Genocide, the Famine-Genocide in Ukraine, and recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan (H.B. 312, Fritchey-Froehlich-Lang-Colvin-Osterman et al.—J.Collins-Silverstein-Garrett-Schoenberg-Hunter et al.).

**Employee Criminal Checks.** Schools must check each applicant for employment against the Statewide Sex Offender Database, and apparently may not hire persons named in it (H.B. 3451, Bellock-Biggins-Kosel-Jenisch-Mathias—Dillard).

**GED Testing.** The State Board’s powers and duties for high school equivalency testing are transferred to the Illinois Community College Board (S.B. 463, Maloney-Lightford-J.Collins et al.—Black-McCarthy-Ryg).

**Gifted Programs.** Starting in 2006-07, gifted and talented programs must meet listed standards to get state funds. The State Board must name a staff person to supervise and assist such programs. The State School Superintendent will name a 7-member advisory council for such programs



(S.B. 223, del Valle-Garrett-Munoz et al.—Kosel-Mathias-Pihos et al.; H.B. 881, Kosel-Smith-Mathias-Jefferson-Pihos et al.—del Valle et al.).

**Graduation Requirements.** To graduate from high school, students entering 9th grade this fall must take 3 years of math (now 2). Those entering 9th grade in 2006 must take algebra for 1 of their years of math and a course including some geometry for another; and take 2 years of writing-intensive courses (1 of which can count toward another requirement). Those entering 9th grade in 2007 must take 2 years of science (now 1). Those entering 9th grade in 2008 must take 4 years of language arts (now 3). Students with disabilities in individualized programs are exempt (S.B. 575, del Valle-Lightford-Trotter-J.Collins—Giles-M.Davis-Berrios-Soto-Colvin et al.).

**Health. First aid,** including CPR and defibrillator use, is added to allowable topics at teacher institutes (S.B. 58, Burzynski-Hunter et al.—Osmond et al.).

*Physical education* must be required (deleting “as soon as practicable”) for students in public schools and public teacher-prep universities, subject to existing exceptions. A new exception is if a high school student needs the time for special education (S.B. 211, Hunter et al.—Lang-Cross et al.;

H.B. 1540, Cross-Coulson-Eddy-Bellock—Hunter).

*School recognition.* The State Board must recognize schools whose programs encourage healthy eating and increased physical activity (H.B. 1541, Cross-Coulson-Eddy-Schock et al.—Garrett).

*Steroid abuse.* Education on steroid abuse prevention must be given specifically to students in interscholastic athletics (S.B. 64, D.Sullivan-Maloney et al.—Mathias-Dugan-M.Davis et al.).

*Vision care.* If funds are available, the Chicago Board of Education must have a program to help low-income students get vision care and glasses (H.B. 2004, Acevedo-Currie-Giles-Soto-Delgado et al.—Munoz).

*Wellness.* School districts are encouraged to have wellness policies meeting CDC recommendations. A School Wellness Policy Taskforce will report to the General Assembly on those policies (S.B. 162, Hunter-Lightford-Martinez-Garrett-J.Collins et al.—Delgado-Schock-Soto-Patterson-Acevedo et al.; H.B. 733, Delgado-Bellock-McGuire-Verschoore-Acevedo et al.—Hunter-Raoul et al.), **vetoed**.

**Homeless Children.** Each regional superintendent must name an ombudsman to resolve disputes on educating homeless children. State-wide meetings will be held to promote implementation of the Education for Homeless Children Act and a similar federal act (S.B. 1931, Halvorson—Miller).

**No Child Left Behind.** Schools or districts will be put, or will stay, on academic early warning or watch if they fail to meet annual progress criteria for two consecutive years in (added) the same subgroup and subject as those on which they failed before, or in participation, graduation, or attendance rates.

Schools or districts will be removed from academic watch or early warning after one year (was two years) of meeting progress criteria (H.B. 3678, Schock-Giles-Leitch-Munson et al.—Lightford-Raoul-Cronin-Hunter).

**Parental Involvement.** If funds are available, the State Board starting in fall 2006 will make grants to four districts around the state to promote parental involvement in schools. Local boards must report on such programs to the State Board, which must report to legislators before 2011 (S.B. 10, del Valle-Lightford-Crotty-Trotter-Raoul et al.—Delgado-M.Davis et al.).



**Residency.** A student whose residence changes due to military service of a parent with custody can remain in the same school until the military service ends, but must provide necessary transportation (H.B. 156, Moffitt-Colvin-Bost-Chapa LaVia-J.Watson et al.—Clayborne).

**Safety Inspections.** A person delegated by the State Fire Marshal must inspect each school annually for fire safety. The State Board will issue rules for documenting school facility inspections. A State Board task force will review those documents, recommend training standards for persons doing the reviews and inspections, and report to the Governor and General Assembly by next January (S.B. 383, Link—Mathias-Smith-Moffitt-Ryg).

**State Aid; Testing.** The Foundation level of school funding per student is raised from \$4,964 in 2004-05 to \$5,164 in 2005-06. If a district would get less state aid in fiscal year 2006 than it did in fiscal 2005, the state will make up the difference. But the floors for Low Income Concentration Level grants will decline by about one-third in 2006-07 and two-thirds in 2007-08. The State Board must give writing tests to all students in grade 5 in 2006-07; in grades 5, 6, and 8 in 2007-08; and afterward in grades 3, 5, 6, and 8.

No such tests may be given in 2005-06 (S.B. 1815, del Valle-Lightford-Trotter-J.Collins-Martinez et al.—Hannig et al.).

**Student Advisor.** A school board may appoint a nonvoting student advisor (S.B. 1638, Burzynski-F.Watson—Flider-Pritchard-Giles-Osterman-Dugan et al.).

**Teacher Certification.** Master School Service Personnel Certificates may be given to persons certified under the National Board for Professional Teaching Standards, valid for 10 years. Holders of such certificates need meet no other certification requirements in Illinois except criminal background checks (S.B. 1676, Cronin-F.Watson-Maloney—Pihos-Schock).

**Union Payments.** Schools must continue deducting “fair share” amounts from teacher pay under an expired union contract until a new contract requiring such payments is reached (H.B. 908, Colvin—Lightford et al.).

**Vending Contracts.** A school board can require that all contracts expected to bring the district over \$1,000 in revenue (such as for vending machines or sports uniforms) get its approval. School district budget forms must separate taxes from other sources when reporting receipts and expenditures (H.B. 3480, Kosel-Schock-Coulson-Bassi et al.—Radogno-Pankau-Cronin), **amendatorily vetoed**.



**Veteran Scholarships.** Private elementary, secondary, and apparently post-secondary schools are added to the kinds of schools for which children of disabled veterans can get scholarships from the Department of Veterans’ Affairs if funds are available (S.B. 2032, J.Sullivan-Jacobs-Maloney-Sandoval et al.—Reis-Chapa LaVia-Moffitt-J.Watson et al.).

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# Higher Education (continued from p. 15)

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*The General Assembly voted to extend the time allowed to fulfill teaching obligations under some teacher-scholarship programs, and to allow returning military veterans to finish, at no added charge, courses they dropped due to military service.*


**Community College Board.** The Illinois Community College Board must include a faculty member of an Illinois public community college and a trustee of such a college (S.B. 2112, Demuzio-Sandoval—McCarthy-Froehlich-Brosnahan-Joyce-R. Bradley et al.).

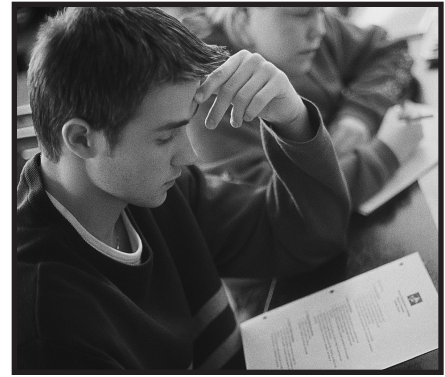
**Scholarships.** *Minority; special education.* Recipients of minority teaching or Illinois Future Teacher Corps Program scholarships can take more time to fulfill the teaching obligations while (1) taking classes needed for teacher certification or (2) fulfilling teaching requirements of another Illinois Student Assistance Commission program. Special education teacher scholarship recipients can take more time under item (2). The latter scholarships may additionally be awarded to high school graduates, not certified as teachers, who apply and agree to take courses to prepare to teach special education. The Child

Development Teacher Scholarship Act is repealed (H.B. 1051, Mendoza-McCarthy-Giles-Acevedo-Soto et al.—Lightford-Harmon).


*Teacher shortage.* If funds are appropriated, the Illinois Student Assistance Commission will award scholarships to persons who agree to teach for at least 5 years in school districts or subject areas having teacher shortages (H.B. 60, Lang-Kosel-Osterman-Mendoza et al.—Maloney-Sandoval).

**Transfer Courses.** The Board of Higher Education must post on a Web site information on requirements for transferring credit among Illinois public and private colleges and universities (H.B. 2515, Schock-McCarthy-Bost-Eddy-Jakobsson et al.—Garrett-J. Collins).

 **Veteran Grants.** Minor changes are made in the program of free tuition and mandatory fees at



public colleges and universities to veterans who entered the military from Illinois (H.B. 815, J. Watson-Chapa La Via-Froehlich-Schock-Black et al.—Haine-Demuzio et al.).

 **Veterans Returning.** Public colleges and universities must allow students who were called to military duty to complete unfinished courses (except those for which they got course credit or full refunds) at no extra charge (H.B. 3724, Jenisch-Bost-Meyer-D. Brady-Leitch et al.—Garrett J. Collins et al.). □


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## Business & Economic Development

(continued from p. 5)

*Tax payments.* Lenders that pay property taxes out of escrow accounts must either inform borrowers of each payment within 45 days, or offer a way to get that information (such as through the Internet) (H.B. 1428, Yarbrough-Froehlich-Howard-Colvin-Patterson et al.—Martinez-J. Collins-Hunter).

 **Payday Loans** will be regulated under a law effective this December. It limits total charges on a loan to \$15.50 per \$100, and lenders' charges per bounced check to \$25. No loan may be made to a borrower who already has more than one, or already owes the lesser of \$1,000 or 25% of monthly income on such a loan. Lenders must use a database to check whether each applicant is legally eligible for such a loan, and provide written loan contracts. No payday loan

may be extended or refinanced; but a borrower with one outstanding for 35 days must be offered an interest-free repayment plan with at least 55 more days to pay.

More protections are given to payday borrowers in the military, including bans on garnishing their pay and collecting while they are in war zones. Payday lenders must be licensed and regulated by DFPR; pay a \$1,000 annual fee per location; and let the



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Department check their books. The Department will study the industry the first 3 years under this act and recommend changes (H.B. 1100, Miller-Saviano-J.Lyons-Fritchey-Granberg et al.—Lightford-J.Collins-Schoenberg-Althoff-Righter et al.).

**Reporting Revenues.** The Department of Revenue, by January 1 of each year, must send the Governor and General Assembly and post on its Web site a report on all revenues and fee collections by it in the preceding fiscal year (S.B. 1935, Dillard—Hultgren-Franks et al.).

**Riverboat Relocation.** Any relocation of a license to gamble on the Mississippi must be approved by the Illinois Gaming Board (added to the municipality where the boat docked on August 7, 2003) (H.B. 1919, Verschoore-Lang—Jacobs-Clayborne-Hunter-Trotter-Munoz).

**Rural Micro-Loans** may be made under a new DCEO program. To be eligible, a business may not have over five employees. At least 80% of amounts lent must be in counties of up to 100,000 population (S.B. 15, J.Sullivan-Demuzio-Schoenberg-Sandoval et al.—Flider-Beiser-J.Bradley-Granberg-Dugan et al.).

**Steel Promotion.** An Illinois Steel Development Board will advise DCEO on ways to increase use of steel from Illinois companies; help research, market, and promote the state's steel industry; and participate in a consortium to support such activities (S.B. 1699, Wilhelmi-Haine-Shadid-Halvorson-Clayborne et al.—McKeon-McGuire-W.Davis-Granberg-Holbrook et al.).

**Ticket Resales** by Internet auction services or Web sites are legalized if they comply with detailed standards to protect buyers (H.B. 873, Saviano-Colvin-Mulligan-Osterman-W.Davis et al.—Harmon-Rutherford-D.Sullivan).

**Trade Promotion.** A nonprofit Illinois Global Partnership, Inc. will be created. It may host or manage trade missions; collect and provide information; and otherwise promote Illinois' global trade (including assuming the international functions of the Department of Agriculture's Bureau of Marketing) (H.B. 4053, Madigan-Curie-Washington-Mendoza-Yarbrough et al.—Schoenberg-Sandoval).



**Unemployment Insurance.** *Military service.* A provision protecting an employer from paying benefits due to being closed while a key person is on active duty will apply only to weeks after 2002, but will apply regardless contrary provisions in the Unemployment Insurance Act (S.B. 426, Shadid et al.—Schock).

*Rates.* If a business or any of its workforce is moved to a new employer that has "substantial" common ownership with the prior business, the two businesses' experience records will be combined. A transfer may not give a business a lower experience rating if that was the main reason for the transfer (S.B. 411, DeLeo—Hoffman et al.).

**Vehicle Liens** for towing services will apply to personal property in towed vehicles, limited to \$2,000 in value and not applying to property such as wallets, purses, and their contents (S.B. 66, Link—Black-Poe).

**Warranties.** Providers of assistive devices to people with disabilities must warrant them for at least 1 year. If a device does not conform to its warranty and cannot be repaired after a reasonable try, the consumer must get a refund or replacement (S.B. 101, del Valle-Raoul-J.Collins et al.—Feigenholtz-Mathias-J.Watson-Hamos-Colvin et al.).

**Workers' Compensation.** Failure to cover workers becomes a Class 4 felony and can shut down a job site. A worker for a noncovered employer

who is injured can either seek worker's compensation from the employer or sue; in the latter case the employer cannot use defenses that employers could use before workers' compensation began. Employers must pay more into a state fund to adjust permanent total disability payments on past injuries for inflation, and must themselves pay such increases on all future injuries. Minimum weekly compensation rates for disability are raised to a uniform two-thirds of the minimum wage times 40, plus 10% per dependent (up to 100% of the minimum wage times 40). Payments for loss of a body part are raised about 10%.

The Workers' Compensation Commission is enlarged from seven members to ten. It will impose a schedule of payments for medical care, limited to 90% of the 80th percentile of average amounts billed between 2002 and 2004, indexed to the Consumer Price Index (the Commission can change the indexing if necessary for workers to get care). Employers of injured workers must pay medical providers 1% monthly interest from 60 days after the providers send adequate bills. Any "utilization review" program for workers' compensation services must be accredited and be registered with DFPR.

Intentionally false claims or statements in workers' comp cases become Class 4 felonies; violators may have to pay up to triple any benefits received. The Department must investigate reports of such violations. But employers cannot report employees because they file for compensation. Penalties for unreasonable refusal to pay either Workers' Compensation or Workers' Occupational Diseases Act claims are increased (H.B. 2137, Hoffman-Verschoore-McKeon-Flider-Dugan et al.—Link-Jacobs-Forby et al.). □

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# Environment & Conservation

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Legislators passed bills to promote use of biodiesel and other non-fossil fuels in vehicles; strengthen the Illinois EPA's powers to clean up ground and groundwater pollution; and authorize some flood-prone counties to develop comprehensive stormwater management plans. A modified vehicle emissions testing program will take effect in affected counties in 2007.

**Coal Byproducts.** Products of power plants' burning of coal may be used in additional kinds of manufactured products by statute, and used in other products if the EPA, under rules to be issued by the Pollution Control Board, concludes that they pose no health or environmental threat (S.B. 1909, Haine-D.Sullivan et al.—Reitz-Meyer-Holbrook).

**Computer Disposal and Recycling.** A Computer Equipment Disposal and Recycling Commission will investigate the issue, report on existing programs, and make recommendations for pilot programs (H.B. 1149, Millner-Colvin-Biggins-Pihos-Meyer—Garrett).


**Fuels. Government vehicles.** Diesel-engine vehicles of state or local governments must use fuels with at least 2% biodiesel content when refueling at central, government-run fueling stations starting July 1, 2006 (H.B. 112, Feigenholtz-Verschoore-Hamos-Winters-Nekritz et al.—Cullerton et al.).

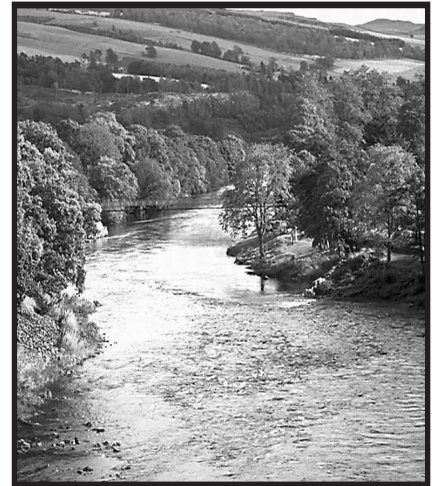
**Rebates.** Owners of vehicles using "domestic renewable fuel" can apply for rebates from the Illinois EPA for part of its higher cost. The quoted term is expanded to include 20% biodiesel fuel in addition to fuels with at least 80% ethanol or 80% bio-based methanol. The Department of Commerce and Economic Opportunity can make grants for building of 20% biodiesel fueling stations. Hydrogen is added to the list of fuels whose users in vehicles are eligible for a separate rebate (S.B. 769, Demuzio-Righter—Eddy-J.Watson-Holbrook-Schock-Beiser et al., **vetoed**; H.B. 931, Phelps-J.Bradley-Beiser-Flider-Lang et al.—Demuzio et al.).

**"Green" Buildings.** The Capital Development Board will hold workshops for state staffers and the construction industry on environmentally friendly building techniques and rating systems. At least three building projects must be used as case studies on meeting national certification standards, with a report to the General Assembly before 2009. A Green Building Advisory Committee will help the Board set state guidelines for construction and renovation (S.B. 250, Cullerton—Winters-Feigenholtz-Coulson-Kosel-Pihos et al.).

**Hunting & Fishing. Licensee privacy.** DNR must assign customer identification numbers instead of Social Security numbers to hunting and fishing license applicants. Social Security numbers may not appear on the licenses (S.B. 123, Sieben et al.—Black-Jakobsson-Munson-Dugan-Washington et al.).

**Residency.** To be a "resident" for hunting or fishing purposes, a person must maintain a permanent abode (not merely reside) in Illinois for 30 days and evidence intent to live here. Fees for nonresident deer hunting permits are raised; but the Department of Natural Resources must allow up to 20,000 nonresident archery deer hunting permits (H.B. 1074, Reitz-Beaubien-Phelps-Verschoore—Sieben).

 **Veteran exemptions.** Illinois residents who were on active military duty abroad or federal mobilization are exempt from camping, hunting, and fishing fees for periods equal to such service (H.B. 2550, Moffitt-Sacia-Phelps-Verschoore-Myers et al.—Risinger et al.).



**Land Pollution. Contaminant releases.** The EPA Director can order actions to protect public health and welfare, and the environment, from a release or substantial threat of release of a hazardous substance (except from underground storage tanks, addressed by current law). The EPA must evaluate and take action against threats of soil or groundwater contamination. Nearby property owners and public water systems must be notified if public safety is threatened. The EPA must establish a searchable Internet database with information on contaminant releases and notifications. It must work with the Illinois Department of Public Health to train local health departments and water well drillers to use information on the site (S.B. 241, Cullerton-Dillard-Hunter—Holbrook-Bellock-Meyer-Fritchey-Smith et al.).

**Dumping.** If the EPA finds that open dumping threatens the environment or public health, it can take corrective action. If funds are available, it can remove up to 20 cubic yards of dumped waste without charge if the landowner agrees to bar future dumping. Owners of land on which open dumping has occurred can be required to pay for its cleanup unless they show lack of involvement in dumping. "Clean construction or demolition debris" may be used to fill excavations only with EPA permits—which may be issued only after considering each applicant's record of waste management. The EPA and Pollution Control Board

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must issue regulations on such filling. Uncontaminated concrete containing rebar will be clean construction debris to the extent permitted by federal law. State officials involved with pollution matters; their licensing staffs; and relatives of those persons may not be financially interested in waste-disposal facilities (S.B. 431, Halvorson-del Valle-Sandoval-Raoul et al.—Hamos-Rose-May-Chapa LaVia-M.Davis et al.).

**Recreation Liability.** An act limiting the liability of landowners who let others use their land for recreation is limited to persons using nonresidential property for hunting and shooting (S.B. 251, Demuzio-J.Sullivan-Wilhelmi-Forby et al.—Black-J.Watson-Reitz-Bost-Winters et al.).

**Stormwater Management.** Any named county in the Metro-East area, or in northeastern Illinois but not under the Northeastern Illinois Planning Commission, may create a stormwater management planning committee. Any plan it prepares must go to the

Department of Natural Resources for approval before going to the county board. The county board may enact the plan, and implement it using funds from bond sales, developer fees, and (by referendum) a property or sales tax. If a municipality has a stormwater management ordinance that is consistent with and at least as strict as the county's, the municipality can bar enforcement of the county plan there (S.B. 1910, Haine—Holbrook-Hoffman-Reitz-Granberg-Lindner).

**Vehicle Emissions Inspections.** The program started in 1995 will be replaced with a new program in February 2007. Vehicles of model years before 1996 that have current inspection stickers in February 2007 will be exempt from further inspection. Each inspection will consist of only an on-board diagnostic system test, except that vehicles not equipped for such tests will be tested conventionally. Inspections at self-service official inspection stations are authorized. Vehicles based in a few additional ZIP

Codes in affected counties will be exempt (S.B. 397, DeLeo—Mautino).

**Vehicular Trespassing.** Farm owners may sue persons who drive vehicles onto farm property after being told they are prohibited, and may collect attorneys' fees in addition to costs and damages (H.B. 4020, E.Sullivan-J.Watson—J.Sullivan).

**Wildlife. Preservation.** Threatened or endangered species protection will get 5% of amounts in the Illinois Wildlife Preservation Fund from Illinois Income Tax checkoffs (H.B. 669, Holbrook—Haine).

*Trapping* of animals using a cable restraint (replacing "snare") is prohibited, except trapping fur-bearing animals without using springs or similar devices and with written permission of the landowner or tenant. Designs of cable restraints are limited (H.B. 1486, Mautino—Sieben et al.), **vetoed**. □

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## Criminal Law

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orders can be issued (H.B. 793, Osterman-Black-Kelly-Feigenholtz-Nekritz et al.—Haine-Radogno-Crotty et al.).

**Restitution.** A court may consider restitution as part of the sentence for any person convicted of crime, independently of whether the person is sentenced to prison. For any crime that results in long-term physical health care costs to the victim, the court can order restitution for such costs, as well as related costs of mental health care, for as long as it is needed, and can modify such orders based on changed circumstances. Existing provisions that require persons convicted of sex crimes involving force or child exploitation to pay for victim counseling are

expanded to cover any kind of medical or psychological treatment (H.B. 701, E.Lyons-J.Lyons-Bellock-Hamos-Turner et al.—Rutherford-J.Collins-Hunter).

**Sex-Crime Trials.** If several defendants will be prosecuted for sex crimes constituting one course of conduct, the court is to consider the impact of multiple trials on the alleged victim before deciding whether to allow separate trials (H.B. 215, Delgado-Franks-Chapa LaVia-Mendoza-Colvin et al.—Martinez-J.Collins-Raoul-Righter-Hunter).

**Sex Offenders. Halfway houses.** The Department of Corrections will license halfway houses for convicted sex offenders put on supervision or parole. They must have 24-hour security and treatment and counseling plans, and

must annually notify police, schools, libraries, and residences within 500 feet. Existing halfway houses may operate while seeking licenses. A person put on supervision for a sex offense, or convicted as a sex offender and put on probation, mandatory supervised release, or conditional discharge, may not knowingly live at the same address, or in the same multiunit complex, as another such offender unless placed by a state agency. Parole officers must verify compliance at least monthly. Violators will have their release revoked (H.B. 350, Joyce-M.Davis-Rita-Howard-Brosnahan et al.—J.Collins-Trotter-Maloney-Hunter).

*Holiday events.* Sex offenders may not participate in holiday events with minors, such as giving Halloween

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# Health & Safety

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The General Assembly voted to require reporting of major adverse events in hospitals and surgery centers, and analysis of their causes to reduce future errors. The state will collect data on the incidence of HIV infection (added to AIDS), and on autism and related disorders. Changes to the Illinois Anatomical Gift Act will make prospective organ donation after death easier and more legally effective. Income tax checkoffs and a Lottery game will fund research into and treatment of several diseases; programs of public awareness, education, and training for other diseases will be created if funds are available. New programs will target diseases prevalent in minority communities. Several products that create health or safety hazards are banned or more tightly regulated.

**Arthritis.** If funds are available, the Illinois Department of Public Health (IDPH) will have a program of public awareness and arthritis-related education and training. An Advisory Council on Arthritis will advise IDPH on the program. IDPH will study innovations in arthritis care in a pilot program (H.B. 2380, Coulson-Mathias-Miller-Tenhouse-Yarbrough et al.—Schoenberg-Trotter-Hunter).

**Asthma.** The Department of Public Aid must evaluate current standards of asthma treatment (especially for children) this fiscal year, then develop a pilot asthma management program for areas of highest asthma prevalence (H.B. 1133, Soto-Delgado-Acevedo-Burke-Berrios et al.—del Valle-Sandoval-Hunter-Martinez-Maloney et al.).

**Blood Donation Leave.** Employees of private employers with over 51 employees, and of public employers, “may” get up to 1 hour’s leave every 56 days to donate blood (H.B. 324, Rita-McKeon-Chapa LaVia-Moffitt-Boland et al.—Haine-Bomke-Hunter et al.).

**Building Evacuation.** Stairwell doors in buildings of over four floors may not be locked unless they have an electronic release system and a two-way communication device every five floors in the stairwell. Stairwell doors at ground level must never be locked

against exit. Home-rule municipalities that regulated this subject before 2005 are exempted (S.B. 46, Silverstein-J.Collins-Crotty-Hunter et al.—Mathias-Washington-M.Davis-Bailey et al.).

**Campers Taking Medicine.** Recreational camps must allow children with severe allergies to have and administer asthma inhalers or epinephrine auto-injectors with parental authorization (H.B. 991, Graham-Nekritz-Dunkin-Kelly-Franks et al.—Hunter-Raoul-Maloney-Martinez-J.Collins).

**Clinical Trials Information.** IDPH must post on its Web site information on current, publicly or privately funded clinical trials and the results of completed ones (S.B. 2091, Lightford-J.Collins-Hunter—May-Dunn-Rose-Ryg).

### Data Collection and Reporting.

*Adverse events.* Hospitals and ambulatory surgical treatment centers must report to IDPH within 30 days after discovering any major adverse event. These include surgery on a wrong body part; deaths or serious disability from infected or malfunctioning products or devices, air embolisms, suicide attempts, or medication or blood typing errors; hypoglycemia unrelated to the cause of admission; maternal death from low-risk delivery; patient death due to falls, or death or serious



disability from some other kinds of accidents; and major security breaches such as abductions or sexual assaults.

The facility that reported the event must do a “root cause analysis” of it, and either develop a corrective plan or report its reasons for not doing so to IDPH within 90 days after its first report. IDPH must study these reports for systemic problems; recommend changes to appropriate facilities; and issue annual reports describing such events and identifying where they occurred. IDPH may contract for the services it is to perform under this law. Except for the annual reports, the names of facilities and practitioners may not be disclosed, and no adverse action may be taken against a facility for properly reporting under the act. These provisions will be phased in and tested until January 1, 2008 when they must be fully operational (S.B. 157, Schoenberg-J.Collins-Raoul-Hunter et al.—Currie-Flowers-Patterson).

*Autism.* Illinois diagnoses of autism or related disorders must be reported to a registry operated or supervised by IDPH. The Departments of Human Services and Healthcare and Family Services, and the State Board of Education, must report autism-related data they obtain. IDPH will report annually to the Governor and General Assembly starting next year on progress of the autism registry and autism-related studies (S.B. 1698, Link-Garrett-Maloney-Harmon-J.Collins et al.—Mathias-Froehlich-E.Sullivan-Bellock et al.).

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*HIV infection.* IDPH's AIDS registry is expanded to an HIV/AIDS registry, to include cases of HIV infection. HIV test results may be disclosed to local health authorities in Cook County and other places designated by IDPH, subject to confidentiality requirements (H.B. 3420, McKeon-Delgado-L.Jones-Feigenholtz-Currie—Sandoval-Hunter-J.Collins et al.).

*Hospital report cards.* Hospitals must add to their quarterly "report cards" measures of infection prevention and outcomes for clinical procedures and devices chosen by IDPH, based on standards from federal or medical authorities (S.B. 1862, Garrett-Trotter-J.Collins—Hamos-Turner-Bellock-Coulson et al.).

*Surgery centers.* Ambulatory surgical treatment centers (ASTCs), added to hospitals, must adopt systems for submitting patient claims and encounter data for payment by insurers. By January 2006, IDPH must assemble such information on surgical and other invasive procedures from hospitals and ASTCs. IDPH's "Consumer Guide to Health Care" must give information on at least 30 *inpatient* conditions and procedures having the most variation in charges and quality of care; by 2007 the Guide must report on at least 30 such *outpatient* conditions and procedures (H.B. 2343, Hamos-Delgado-Bellock-Flowers-A.Collins et al.—Garrett-Trotter-J.Collins-Martinez-Schoenberg et al.).

**Electronic Records.** IDPH and the Departments of Healthcare and Family Services and Human Services will create an Electronic Health Records Taskforce to create a plan to use electronic health records in patient care, and report to the General Assembly by the end of 2006 (H.B. 2345, Hamos-Coulson-Mathias-Froehlich-Feigenholtz et al.—Haine-Rauschenberger-Schoenberg).

**Fireworks.** The requirement that fireworks operators be licensed is extended to fireworks distributors. New definitions are enacted for classes of fireworks. Fireworks operators must (by implication) be employed by distributors (S.B. 926, Link-E.Jones—Saviano).

A bill taking a different approach allows ordinary consumers to set off "consumer displays" using small fireworks after getting training (S.B. 1821, F.Watson-Jacobs et al.—Mautino).

**Health Hazards.** *Children's health.* If funds are available, IDPH will hire a Children's Environmental Health Officer to advise its director on environmental health and protection of children; assess the effectiveness of laws and programs to protect children from environmental hazards; coordinate research and data collection; and lead state agencies' efforts on children's environmental health, reporting to the General Assembly and Governor every 2 years starting in 2007 (H.B. 4067, May-Froehlich-Mathias-Flowers et al.—Hunter-Martinez-J.Collins et al.).

*Flame retardants.* Making, processing, or distributing a product or flame-retardant part of a product containing over 0.1% pentaBDE or octaBDE after 2005 is prohibited—except for used products and replacement parts made before July 2005, and processing recyclables. The Illinois EPA must report by January to the General Assembly and Governor on recent research on health hazards of decaBDE (H.B. 2572, Nekritz-Froehlich-Coulson-Fritchey-Kelly et al.—Ronen-Harmon et al.).

*Mercury in vaccines.* Vaccines with over 1.25 micrograms of mercury per dose are banned next January, and all vaccines with added mercury are banned in January 2008. IDPH can issue a temporary exemption due to a potential bioterror attack or other

emergency (H.B. 511, Granberg-Ryg-Jakobsson-McGuire et al.—Hunter-Harmon-J.Collins-DeLeo et al.).

*Needle disposal.* IDPH and the Illinois EPA will develop standards for safe disposal of hypodermic needles and other sharps used to self-administer medicines. IDPH will issue educational materials on such disposal to pharmacies and the public. A sharps collection station complying with state law need not get a permit for transportation of potentially infectious medical waste (H.B. 523, Graham-Flowers-Kelly-Black-Feigenholtz et al.—J.Collins-Trotter).

*Smoking.* A municipality or home-rule county may regulate public smoking more than the Illinois Clean Indoor Air Act does (H.B. 672, Yarbrough-Krause-Hamos-Coulson-May et al.—Cullerton-Radogno-J.Collins-Sandoval-Viverito et al.).

**Home Medicine Delivery.** A home health agency or hospice can make advance purchases of solutions needed for intravenous hydration therapy or emergency treatment. Registered or advanced practice nurses on its staff can then take those solutions to patients' homes and administer them as directed by the patients' physicians (H.B. 130, Boland-Saviano-Franks-May et al.—Haine-Radogno-Martinez et al.).

**Infants.** *Definition.* Laws or regulations mentioning a "person," "individual," or similar term are declared to include every human infant born alive as defined in this measure (H.B. 984, Phelps-Beiser-Dugan-Reis-Bellock et al.—Haine-Forby-Viverito-Lauzen-Radogno et al.).

*Eye health.* IDPH will name a Newborn Eye Pathology Advisory Committee to develop training for hospitals; devise a referral system for affected infants; issue educational materials for hospital workers, physicians,

(continued on p. 22)

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## Health & Safety

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and parents on followup for babies with a congenital eye abnormality; and monitor all reports on newborns' eye pathology. Hospitals must report congenital eye disease or abnormalities to IDPH (H.B. 480, J.Bradley-Osterman-Joyce-Pihos-Boland et al.—Dillard).

**Mortality.** The Department of Human Services will establish a family case management program to reduce infant mortality and low-birthweight cases. An advisory board will advise the Department on implementation; report to the General Assembly yearly; and recommend funding and reimbursement levels for the program (H.B. 612, L.Jones-Flowers-Soto-Hamos et al.—Trotter-Hunter-Martinez).

**Kidney Disease.** If funds are available, IDPH will start a program of information, testing, and treatment of chronic kidney disease. Program grantees must work with other local service providers to avoid duplication, and collect data and keep records to allow the program to monitor and evaluate their effectiveness (S.B. 1461, Trotter-Link-Hunter-Clayborne et al.—Washington-M.Davis-Coulson-Bellock-Pihos et al.).

**Mandated Coverage. Mammography.** Group health insurers and HMOs must cover mammograms deemed necessary by a doctor, even for a woman under 40, if she has a family history or other risk factors for breast cancer (S.B. 12, Hunter-DeLeo-Wilhelmi-J.Collins-Silverstein et al.—Feigenholtz-Chavez-Jefferson-Washington et al.).

**Mental illness.** A December 31, 2005 sunset for mandatory coverage by health insurers of therapy for serious mental illness is deleted (H.B. 59, Lang-Bellock-Fritchey-Pihos-Yarbrough et al.—Demuzio-Link-Schoenberg-Raoul-Crotty et al.), and

post-traumatic stress disorder is added to the definition of “serious mental illness” for that purpose (H.B. 2190, Lang-Currie-Mautino-Dunkin et al.—Demuzio-J.Collins).

**Ovarian cancer screening.** Group health insurers must cover annual screening for ovarian cancer of all female insureds whose family histories or test results show elevated risk (S.B. 521, Martinez-Hunter-Ronen-Sandoval-J.Collins et al.—Osterman-Mautino-Yarbrough-Coulson-Washington et al.).

**Minority Health. Community programs.** If funds are available, IDPH will offer grants for community and neighborhood projects to improve the health of racial and ethnic minorities. Grant proposals must address areas such as: (1) maternal and infant mortality rates; (2) cancer morbidity and mortality rates; (3) HIV/AIDS; (4) diabetes and cardiovascular disease; (5) raising immunization rates; and (6) reducing disparities in oral health care (H.B. 615, Delgado-Froehlich-Acevedo-Coulson-R.Bradley et al.—Martinez-Hunter-Raoul-J.Collins).

**HIV prevention.** The Governor, Departments of Corrections and Human Services, and IDPH must each have a coordinator of prevention and control efforts for AIDS and related illness in African-Americans. If practical, state agencies having high-traffic facilities open to the public and serving high-risk areas must let community organizations offer free HIV counseling and testing. If funds are available, HIV-related information, testing, counseling, and care will be offered to more persons, including those in prison (H.B. 2578, Howard-L.Jones-Bailey-Feigenholtz-Patterson et al.—Lightford-J.Collins-Raoul-Martinez-Hunter et al.).

**Organ Donation.** Signing an organ donor card will be effective with or without witnesses. A person can agree

to be listed in a Secretary of State “First Person Consent” registry for organ and tissue donation. Doing the latter will provide “full legal authority” to take the person’s organs after death for donation, to encourage medical personnel reluctant to take organs without family consent (H.B. 1077, Ryg-Brady-McAuliffe-Jakobsson-Dugan et al.—J.Collins-Jacobs-Wojcik-Cullerton et al.).

**Research Funding. Autism.** An income tax checkoff will fund grants for Illinois autism research. The Department of Human Services will supervise naming of a scientific review committee to take grant applications (H.B. 18, Bellock-Pihos-E.Lyons-M.Davis-Mathias et al.—Dillard-J.Collins-Harmon-Shadid-E.Jones et al.).

**Blindness and eye care.** An income tax checkoff will fund Illinois programs for blindness prevention research and eye care for children, the elderly, and needy persons. IDPH will create an advisory committee to make recommendations for grants (H.B. 395, Hoffman-Holbrook-Pihos-Mathias-M.Davis et al.—F.Watson et al.).

**Breast cancer.** The State Lottery will have a scratch-off game called “Ticket For The Cure” with net revenues used by IDPH for grants for breast cancer research and patient services (S.B. 1, Hunter-E.Jones-DeLeo-J.Collins-Geokaris et al.—Feigenholtz-Howard-E.Lyons-Kelly-Boland et al.).

**Diabetes.** An income tax checkoff will fund grants by the Department of Human Services for research into prevention, screening, and treatment of diabetes (H.B. 1581, Cross-Mathias-Beaubien et al.—DeLeo-Trotter-Hunter et al.).

**Epilepsy.** If funds are available, IDPH will develop a program of public and professional education and care for epilepsy patients, assisted by an Epilepsy

Advisory Committee. An income tax checkoff will fund education and services to patients and their families (H.B. 788, L.Jones et al.—Trotter-Hunter-Crotty).

*Sarcoidosis.* IDPH will make grants for research into this disease with funds from an income tax check-off (H.B. 2470, Howard-M.Davis-L.Jones—Hunter-Crotty-J.Collins-Raoul-Trotter) and appropriations for that purpose (H.B. 2480, L.Jones-Howard-M.Davis-Washington et al.—Lightford-J.Collins-Raoul-Hunter).

**Safety of Products.** *Children's products.* Changes in the Children's Product Safety Act include expanding it to products designed for children under age 9 (instead of products at least partly intended for children under 6); requiring makers and sellers of recalled products to take immediate action to notify users; increasing the Attorney General's powers to enforce the Act; and expanding penalties (S.B. 526, Ronen-J.Collins-Martinez-Harmon-Crotty et al.—Osterman-Lang-E.Lyons-Currie-Coulson et al.).

*Yo-yo waterballs* (soft, liquid-filled balls with elastic cords) may not be sold in Illinois. Violation will bring a \$1,001 fine (S.B. 1960, Schoenberg-Ronen—Coulson-Ryg-Joyce-Miller).

**Sexual Assault Treatment.** A hospital providing emergency services to a sexual assault victim must include HIV prophylaxis with the victim's consent (S.B. 1878, Cullerton-Hunter-J.Collins-Sandoval—Feigenholtz-Flowers-Bellock-Osterman).

**Shaken Babies.** If funds are available, IDPH will educate parents and other caregivers about the dangers of shaking babies (S.B. 506, Haime-Crotty-Dillard-Trotter-Collins—Hoffman-Lang-Bailey-Giles-Beiser).

**Vaccinations.** Home health agencies must administer or arrange administration of annual flu shots for each client, and one pneumococcal pneumonia shot for each client over 64, unless it is refused or medically contraindicated (S.B. 1220, Maloney-Viverito-J.Collins et al.—Rita-Chapa LaVia-Acevedo-May et al.).

**Vehicle Accidents.** Trauma centers treating children backed over by motor vehicles, or injured by vehicles' power windows, must file reports with the "trauma registry" (apparently of IDPH). If a child dies from either cause, the coroner must notify the Department of Children and Family Services for use by Child Death Review Teams and annual reporting to the General Assembly (H.B. 1350, Graham-Patterson-Kelly-Colvin-Yarbrough—Harmon).

**Worker Background Checks.** Facilities providing long-term care must do criminal history checks on each employee hired after 2005 who will (or may) have contact with residents or their property or records. A federal grant program will be used to help fund these records checks until it expires (H.B. 2531, Joyce-McGuire-Verschoore-Boland-D'Amico et al.—Maloney-Crotty-Raoul-Garrett et al.).

**Worker Safety.** Mental health and developmental disabilities facilities (except hospitals) must adopt and implement plans to prevent, and protect employees from, workplace violence. Plans will be filed with the Department of Human Services or Public Health as appropriate. Facilities must train all employees in violence prevention using their plans, and keep detailed records of violent acts. These provisions will be implemented first in a two-year study at five Illinois facilities (H.B. 399, Lang et al.—Halvorson-J.Sullivan-Crotty-Trotter et al.). □

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## LRU Publications

The following are some of the publications that are made available and can be found on the LRU Internet site at: [http://www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)

### County Data Book

This statistical compilation collects the major demographic, economic, and political statistics for each Illinois county.

### Federal Funds to State Agencies: FY 2003-2005

This publication presents information on federal aid programs administered by Illinois state agencies. It includes program descriptions and outlay information. It also has a State Trust Fund section that identifies the trust fund(s) used for depositing federal grants. A table shows which programs are supported and what regions and populations of Illinois are served by the federal grants.

### How a Bill Becomes Law in Illinois (English and Spanish versions)

This chart shows the progress of a bill through the Illinois General Assembly and the Office of the Governor.

### 1970 Illinois Constitution Annotated for Legislators

This book includes the text of the 1970 Constitution as amended.

### Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

### Laws for Youth

This booklet tells about major laws that affect young persons in Illinois. The laws are divided by subject and arranged in a question-and-answer format to make them easy to find.

### Penalties for Crimes in Illinois

This chart summarizes the sentences and fines for criminal offenses in Illinois.

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# Local Government

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A 17-member commission will study Illinois local government and report by December 2006 on ways to simplify, consolidate, and strengthen it. A new board will oversee land-use and transportation planning in the seven-county northeastern Illinois region. Municipal and county powers to take actions to increase the supply of affordable housing are increased. Public utilities' protections against terrorism are to be strengthened. Several new measures are added to control animal populations and dangerous animals.

**Adult Entertainment.** *City.* Any municipality except Chicago can regulate "adult entertainment facilities" that allow drinking of alcohol but are not licensed to sell it (H.B. 27, B.Mitchell et al.—Haine).

*County.* A county may adopt "reasonable regulations" for businesses offering adult entertainment or viewing of specified bodily areas. An existing ban on adult entertainment places within 3,000 feet of various kinds of buildings is expanded to ban them also within 3,000 feet of a residence, but will not apply in unincorporated areas (H.B. 1333, Mathias-Millner-Froehlich-Jenisch-Moffitt et al.—Sandoval-Dillard).

**Alcoholic Beverages.** A provision barring members of municipal and county governing bodies from having direct interests in the making, distribution, and sale of alcoholic beverages is lifted for an official who is not the mayor, president, or chairman of such a local government; does not enforce laws; and does not participate in meetings or decisions on alcohol-related matters (S.B. 945, Link-E.Jones—Leitch; H.B. 1285, Burke-Saviano-Beaubien-Boland—Link).

**Animal Control.** An income tax checkoff will help fund an Animal Population Control Program in the Illinois Department of Public Health. Low-income pet owners can get their pets spayed or neutered for a \$15 copayment; pets will get rabies shots at the same time. County boards can establish animal population control programs and charge extra fees for

pets that are not spayed or neutered. The definition of "dangerous dog" is expanded to include those on private property if they bite or threaten injury without justification. The owner of a dog running at large in violation of the Animal Control Act, or of an animal that bites, must pay a \$25 fine. The owner of a dog found dangerous must pay a \$50 fine, and the owner of one found vicious a \$100 fine. These fees and fines will help fund animal population control (H.B. 315, Burke-Brosnahan-Holbrook-Fritchey-Feigenholtz et al.—Harmon-Geo-Karis-Dahl et al.).

**Backdoor Referenda** may go on the ballot up to 15 months (was 1 year) after petitions for them are filed (S.B. 599, W.Jones—Reitz).

**Consolidation of Governments.** A 17-member commission (with 12 legislators appointed by legislative leaders and 5 local government representatives appointed by the Governor) will comprehensively study local government in Illinois, aiming at consolidating functions and strengthening local self-government. It must issue a final report by December 31, 2006 (H.B. 62, Lang-Froehlich-Mathias-Chapa LaVia-Franks—Silverstein et al.).

**Contracts—Bidding.** Thresholds requiring bidding on municipal, public library, township, and highway commissioner contracts are doubled to \$20,000 (S.B. 1882, Maloney-Crotty-Sandoval et al.—Mathias-Osterman-Brosnahan et al.).



**Disaster Teams.** A county can authorize and help fund a HazMat and/or technical rescue team, which may be a private nonprofit group. Drivers of vehicles for such teams are exempted from requirements for commercial drivers' licenses (H.B. 2250, Holbrook-Hoffman-Stephens-Reitz-Young et al.—Clayborne).

**Elections.** Children may accompany parents to voting booths on request if voting officers do not think it will disrupt or affect voting (H.B. 1125, Jakobsson-Dugan-Gordon-Graham-Kelly et al.—Halvorson-Richter et al.).

**Emergency Worker Job Protection.** A 2004 act protecting volunteer firefighters from dismissal due to lateness at work while responding to an emergency is extended to local volunteer workers including EMTs and ambulance drivers. It is clarified that the act applies to municipalities of under 3,500 only as *employers* of those workers (H.B. 594, Boland-Moffitt-Smith-Jakobsson et al.—Jacobs et al.).

**Firefighters. EMTs.** Applicants at fire departments who have EMT licenses may be preferred over other applicants (H.B. 3, Kelly-Dugan-Graham-W.Davis-Joyce et al.—Crotty-Sandoval et al.).

*Probation.* Firefighters under civil service or boards of fire and police



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commissioners, or employed by fire protection districts, who are required to be paramedics, can be dismissed, even after the 1-year probation period, for failure to be certified as paramedics; the maximum 1-year probation period will apply to them in all other respects (H.B. 1500, Moffitt-Mathias-Smith-Boland-Froehlich—Haine-Forby et al.).

*Running for office.* Fire department and fire protection district members may seek and serve in elective or appointive offices. When off-duty and out of uniform, they may seek votes or campaign funds, and challenge voters for offices they seek (H.B. 1338, Schmitz et al.—Crotty-Sandoval-Hunter).

**Fire Trucks. Loans.** A revolving loan program to help fire departments and fire protection districts, ended by a 2003 consolidation law, is re-created under the State Fire Marshal and Illinois Development Finance Authority (H.B. 3757, Moffitt-Franks-Smith-Mathias-Boland et al.—Shadid et al.).

*Sales.* A 2003 act authorizing a State Fire Marshal program to help local governments donate fire equipment to one another is made mandatory, and expanded to include sales and trades as well as donations. (H.B. 610, Reis-Stephens-Sacia-Moffitt et al.—Righter et al.).

**Housing. Condo conversions.** A municipality can inspect any apartment building before its conversion to condominium ownership, and require that it meet local codes (S.B. 1219, Harmon—Saviano-Fritchey-Graham).

*Increasing supply.* Municipal and county zoning can be used to promote affordable housing, by methods such as allowing developers that build or preserve such housing to exceed normal density limits. Counties and municipalities can establish housing trust funds and community land trusts to promote affordable housing. Local governments (unless already meeting state affordable housing goals) can

make intergovernmental agreements with other such units within 10 miles to promote affordable housing. Provisions on State Housing Appeals Board oversight of local decisions on new development are modified somewhat; most will not be effective until 2009 (S.B. 966, Garrett-E.Jones-Schoenberg-Martinez-J.Collins et al.—Ryg-Yarbrough-May-Graham-Kelly et al.).

**Insurance Pools** run by local governments may not contravene union rights of local employees. But if some employees are withdrawn into a union-sponsored insurance program, premiums for the remaining group can be reset (H.B. 911, Churchill—Halvorson), **amendatorily vetoed**.

**Jails. Medical care.** The state will reimburse counties for medical care of a prisoner eligible for public aid to the extent it costs over \$500 (was \$2,500) (H.B. 920, Myers et al.—Harmon).

*Parole violators.* The state will pay counties half the cost to keep persons held for mandatory supervised release (parole) violations until their cases are decided (S.B. 1509, Trotter—Colvin-Tryon-W.Davis-Cultra-Mendoza), **amendatorily vetoed**.

**Juvenile Delinquency Programs.** Provisions of P.A. 89-203, held invalid in 1999 for violating the single-subject rule, are re-enacted. They authorize counties and other governments to set up programs to fight juvenile delinquency (S.B. 1884, Winkel—Jakobsson).

**Library District Disconnection.** A municipal or township governing body, or 5% of the voters in a public library district, can call a referendum on disconnecting from the district. A disconnecting municipality must establish its own library within 90 days after a successful vote (S.B. 847, Link-E.Jones—Ryg), **vetoed**.

**Open Meetings Act.** A public body whose Web site is maintained by its full-time staff must post on it agendas

for all regular meetings of its governing body. Starting July 2006, it must also post minutes of each regular meeting for at least 60 days (S.B. 226, Cullerton—Froehlich-M.Davis).

**Planning for Chicago Region.** A Regional Planning Board is established to develop a strategy for integrated land use and transportation planning in northeastern Illinois. It will eventually incorporate the Chicago Area Transportation Study and Northeastern Illinois Planning Commission. Its 15 voting members will come equally from Chicago, Cook County, and the collar counties. It must develop regional comprehensive plans and transportation financial plans for the region at least every 5 years. These changes will require obtaining funding sources for full implementation (H.B. 3121, Bassi-Hamos-Mathias-Miller-Tryon et al.—Halvorson-D.Sullivan-Garrett-Link).

**Police. Age limit.** Former Department of State Police officers are exempt from the 35-year age limit for applying to municipal police forces (S.B. 528, Crotty—Sacia-Rose).

*Retirees carrying guns.* Retired police officers who qualify under (an un-stated) federal law to carry concealed weapons, and who pass a criminal background check, may be trained and certified by the Law Enforcement Training Standards Board (S.B. 189, Haine-Shadid-Winkel-DeLeo et al.—Moffitt-Dugan-Beiser-J.Bradley et al.) A similar measure not calling for criminal background checks was **vetoed** (H.B. 3597, Millner-Sacia-Froehlich-Moffitt-Schock et al.—Haine).

**Tax Sales.** The deadline for a county collector to declare an administrative sale in error is changed from 1 year after the tax sale (180 days if a scavenger sale) to the end of the parcel's redemption period (S.B. 2053, Harmon—Giles-Curie).

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# Professions & Occupations

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*The General Assembly voted to allow nurses from other states who have not passed a national exam to practice temporarily under close supervision; limit unscheduled overtime for hospital nurses; require license suspension of professionals for violating tax or health-care laws; and provide practice (rather than only title) protection of respiratory care practitioners.*

**Athletic Trainers.** Exceptions to the licensing requirement are allowed for some persons learning to become trainers, or licensed in and caring for teams from other states. Some trainers who practiced in other states before 2004 may be licensed by passing an exam and meeting other requirements. License applicants must have graduated from programs accredited by a named accrediting body, and be certified in CPR and AED use. The Athletic Trainers Practice Act is extended to 2016 (H.B. 298, McAuliffe-Millner-Saviano—Haime-Raoul).

**Disaster Immunity.** Professional engineers, architects, land surveyors, and structural engineers are protected from civil liability (except for willful and wanton misconduct) for professional services, given without fee, during and for 60 days after a disaster or catastrophe (H.B. 1318, Chapa LaVia-Franks-Mendoza-Burke-Berrios—Halvorson).

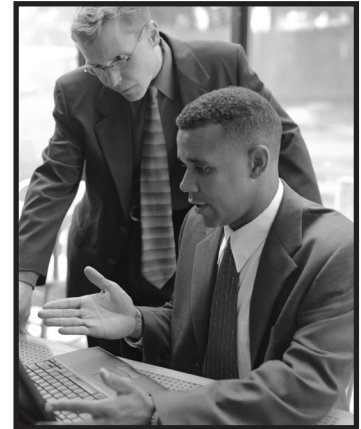
**Genetic Counselors.** The effective date of title protection for licensed genetic counselors is changed from January 1, 2006 to 12 months after licensing regulations are final. Genetic counselors may provide information to families of participants in genetic research projects without medical referrals. A license applicant must have a master's degree from an approved program; be a physician (M.D. or D.O.); or have a doctorate and complete an approved genetics training program. Practicing without a referral (presumably with the exception noted above) becomes a ground for discipline (S.B. 2012, Munoz-Winkel—Moffitt-Rita-Saviano).

**Lawyers.** Persons who are not lawyers may not advertise or hold themselves out as providers of legal services—except by helping participants in administrative hearings under several federal acts, to the extent allowed by those acts or provisions under them (S.B. 1883, Cullerton-Dillard-Sandoval—Mathias).

**Nursing, Externs.** The Department of Financial and Professional Regulation (DFPR) may allow a nurse who is licensed in another U.S. state or territory, but has not taken the National Council Licensure Exam, to work for 1 year under direct supervision of a registered nurse for an employer that made a job offer to the nurse. This program will last 2 years before being evaluated (S.B. 1842, del Valle-Trotter et al.—Soto-Delgado-Berrios-Mendoza-Jenisch et al.).

**Foreign nurses.** Registered nurse license applicants from foreign nursing programs must have their credentials evaluated by a nurse credentialing evaluation service for DFPR. If English is not their mother tongue, they must pass the Test of English as a Foreign Language unless their nursing education program was taught in English (S.B. 2064, Garrett-Trotter et al.—Mendoza).

**Hours.** With some exceptions, a hospital may not require a nurse to work beyond a predetermined work schedule. Allowable exceptions may not exceed 4 hours per shift. A nurse required to work “up to” 12 consecutive hours must get at least 8 consecutive hours off afterward (S.B. 201, Trotter-Crotty-Schoenberg et al.—Saviano-M.Davis-D’Amico-Fritchey).



**Physical Therapy.** The definition of physical therapy is broadened to include more evaluative and diagnostic acts in addition to therapy. Applicants for physical therapist assistant licenses must have associates' degrees from physical therapist assistant programs. The act's repeal is extended to 2016 (S.B. 930, Haime-E.Jones—Saviano-Schock).

**Physician Loan Aid.** If funds are appropriated, the Department of Public Health will make educational loan payments for practicing M.D.'s and D.O.'s who agree to practice in Illinois for 3 more years. No recipient can get a total over \$25,000 (H.B. 1522, Coulson-Mulligan-Munson et al.—Schoenberg).

**Respiratory Care** practitioners get practice protection (formerly only title protection); but several kinds of medical practitioners, as well as patients' family members, may provide respiratory services. During July-December 2006, a person with at least 3 years' supervised experience (for at least 400 hours per year) in 2001-2005 in respiratory care practice must be licensed as a respiratory care practitioner on request. Advanced practice nurses and physician assistants supervised by physicians can order respiratory care. The Respiratory Care Practice Act is extended to 2016 (S.B. 139, Crotty-Maloney-Radogno-Wojcik et al.—Saviano-Granberg).

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# Revenue


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*The General Assembly voted to overhaul the system of hospital provider assessments that help the state get more Medicaid federal matching funds; provide some tax relief to veterans; and require the Department of Revenue to report annually on its collections.*

**Hospital Assessments and Aid.** An assessment is imposed on each hospital, in each fiscal year from 2006 through 2008, at 2.5835% of its “adjusted gross hospital revenue” (as defined) for inpatient and outpatient services in 2003. The obligation to pay the assessments is contingent on federal approval of this act, and on the hospitals’ receiving 17 types of new payments to help adjust for their uncompensated or high-cost caseloads. The assessments also will not apply unless the General Revenue Fund appropriation for Medicaid is at least \$2.5 billion (adjusted to reflect increases in clients) in each of those fiscal years (S.B. 157, Schoenberg-J.Collins-Raoul-Hunter et al.—Currie-Flowers-Patterson).

 **Military and Veterans’ Aid.** *Lottery game.* An instant scratch-off state lottery game may be offered, with net revenue going to a newly created Illinois Veterans Assistance Fund to be appropriated for grants, services, and research on veterans’ illnesses and care (H.B. 3472, Boland-Holbrook et al.—Halvorson-Sandoval et al.).

 **Property tax exemption.** Up to \$70,000 (was \$58,000) in assessed value of a home used exclusively by a disabled veteran, or the veteran’s spouse or unremarried widow(er), is exempt from property tax (H.B. 270, J.Watson-Mathias-Jenisch-Washington-Smith et al.—Demuzio-J.Collins-Sandoval-Geo-Karis et al.).

 **Property tax grace period.** Reserve or National Guard members called to duty are exempt from penalties on property tax for 180 (formerly 30) days after their return, if they notify county clerks of their activation and deactivation (H.B. 551, Black-Reitz-J.Watson-Boland-Osmond et al.—Righter).

**Mobile Home Tax.** Mobile homes that are not, and will not be, used for human habitation are exempt from Mobile Home Local Services Tax (S.B. 485, Halvorson—E.Sullivan).

**Revenue Reports.** The Department of Revenue, by each January 1, must



send the Governor and General Assembly and post on its Web site a report on all its revenues and fee collections in the preceding fiscal year (S.B. 1935, Dillard—Hultgren et al.).

**Sales Tax. Facility exemption.** If a municipality builds an intermodal terminal area of at least 150 acres in a redevelopment project area, building materials used in its construction will be exempt from sales tax (S.B. 572, E.Jones-Meeks-Sandoval—Rita-W.Davis-Moffitt-Kelly).

**Rate limits** for non-home-rule municipal sales taxes are raised from 0.5% to 1% (S.B. 272, Lightford—E.Lyons-Yarbrough-Mautino-Mathias-Biggins et al.), **vetoed.** □

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## Professions & Occupations

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**Sanctions for Violations. Health-care laws.** Persons convicted of health insurance, vendor, or Medicaid fraud must pay restitution plus costs and attorneys’ fees. Health professionals not paying such restitution will be immediately forbidden to practice until

they pay in full (S.B. 538, Righter-Winkel—Mautino-Moffitt).

**Tax laws.** DFPR must deny or suspend any license it issued if the licensee fails to pay a tax administered by the Department of Revenue, reinstating it after all taxes are paid (H.B. 2577, Saviano-Franks-Chapa LaVia—Haine).

**Speech-Language Pathology and Audiology.** Qualifications for audiology licensure are expanded to require

at least 1,500 hours’ supervised experience. Graduate audiology students dispensing hearing aids under a licensed audiologist need not be full-time (S.B. 451, Crotty-Trotter-J.Collins et al.—Saviano-Granberg-McCarthy; H.B. 3498, E.Sullivan—Crotty, **vetoed.**) □

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Research Assistant

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# Social Services

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The General Assembly established new pharmaceutical assistance programs to dovetail with the new Medicare prescription drug benefit and obtain drug discounts for moderate-income residents of all ages; imposed major new requirements on adoption agencies; and created a structure for a new statewide housing assistance program. Legislators also modified several public assistance programs to save money for the fiscal 2006 budget, and raised income or asset eligibility limits for applicants to two programs.

**Abandoned Newborns.** The Abandoned Newborn Infant Protection Act (set for repeal July 1, 2007) is made permanent (H.B. 175, Coulson-Delgado-Fritchey-Bellock-Pihos et al.—Trotter-Martinez-J.Collins-Hunter et al.).

**Adoption. Agency regulation.** Virtually every entity involved in adoptions (except parents, government agencies, and lawyers) must be licensed by the Department of Children and Family Services (DCFS). Beginning 2 years after enactment (with a possible 1-year extension), only 501(c)(3) organizations can be licensed. Licensees must offer described information to the public and applicants; give fee estimates to applicants; disclose “material” facts to all parties to an adoption;

offer training to prospective adoptive parents; and report annually to DCFS and the Attorney General. DCFS will open an adoption agency complaint registry. A publisher or broadcaster “recklessly” issuing an advertisement for an unlicensed adoption agency can be fined up to \$10,000 or its personnel jailed up to 9 months. Numerous kinds of fees involved in adoption are to be limited by DCFS regulation. DCFS can ask the Attorney General or state’s attorneys to seek injunctions against apparent violators. Out-of-state agencies placing children in Illinois must give DCFS copies of authorizations from their home states to place children (H.B. 3628, Feigenholtz-Lindner-L.Jones-Sommer-Jakobsson et al.—Cullerton-Trotter-Garrett-Hunter et al.).



**Death of adoptive parents.** If federal money is available, DCFS can continue supporting a hard-to-place adoptee whose adoptive parents die, until another adoption occurs (H.B. 1548, Currie-Bellock-Delgado-Jakobsson-Coulson et al.—Cullerton-J.Collins-Hunter).

**Foreign.** Foreign adoptions are added to the categories that can go in the Illinois Adoption Registry; but information in the Registry on them is restricted to basic public records such as adoption decrees (S.B. 1458, D.Sullivan et al.—Feigenholtz-Jakobsson-Graham).

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## Local Government

(continued from p. 25)

**Utility Security.** Municipally owned utilities can use conviction information from the Department of State Police to exclude persons with criminal records from working at or visiting their buildings. The Illinois Commerce Commission must require all electric utilities to have policies restricting physical and electronic access to critical systems (H.B. 2580, J.Lyons-D’Amico et al.—DeLeo).

**Vehicle Towing.** Chicago must wait 18 days (was 15) to dispose of unclaimed vehicles, and sometime

during those 18 days those holding a vehicle must send a letter by First Class mail to its registered owner. After deducting all charges, the city can pay owners the proceeds of disposing of booted and/or impounded vehicles (S.B. 501, Hendon-J.Collins-Sandoval-Hunter—Rita).

 **Veterans’ Preference.** The preference for hiring, in civil service cities, of veterans who served around the times of major U.S. wars is extended to all who served at least 1 year of active military duty at any time, if

honorably discharged or put on inactive or reserve duty (H.B. 1458, Chapa LaVia-Moffitt-McAuliffe-Verschore-Bailey et al.—Sandoval et al.).

**Water-Main Extension.** A non-home-rule municipality that extended its water and/or sewer mains to supply another local government’s property cannot later require annexation of that property to it as a condition of continuing service (S.B. 2085, DeLeo—McAuliffe). □

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## Social Services

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**Registry.** More persons, including aunts and uncles of birth parents and adult children of adoptees, can register with the Illinois Adoption Registry and Medical Information Exchange beginning next January 1 to provide or receive information on adoptees' family histories. Also at that time, adoptees and relatives petitioning a court to appoint a confidential intermediary must prove that they have so registered (H.B. 582, Feigenholtz—Cullerton-Trotter-J.Collins-Martinez).

**Budget Savings.** Families in the Children's Health Insurance Program must pay premiums on adults as well as children who are covered, and the maximum number of family members for whom premiums must be paid rises from three to five. Nursing homes will get no inflation adjustment of Medicaid rates in fiscal 2006. The limit of four brand-name drugs per patient under Medicaid is eliminated. The Department of Healthcare and Family Services (formerly Public Aid) is to find \$70 million in net savings by renegotiating its 2003 contracts with HMOs and managed care networks. Funds appropriated for medical care of noncitizen minors cannot be transferred to the Children's Health Insurance Program (H.B. 1197, Hannig-Lang-Washington et al.—Trotter).

**Caring for Adults.** The Department on Aging may support parents 60 or older who care for their adult developmentally disabled children, if money is appropriated or such parents are included in the federal Older Americans Act (S.B. 1665, Geo-Karis-Hunter-Viverito-Crotty-J.Collins—Mathias-Osmond et al.), **vetoed**.

### Child Care.



**Soldiers'.** If federal funds are offered for this purpose, child-care vouchers will be given to needy

families having a parent serving in Iraq or Afghanistan (S.B. 328, Wilhelmi-Crotty-Viverito-J.Sullivan et al.—Pritchard-Chapa LaVia-Acevedo-Bailey-Flider et al.).

**Worker bargaining.** Child and day-care home providers in the Department of Healthcare and Family Services' child care assistance program become public employees—only for purposes of representation and collective bargaining under the Public Labor Relations Act (S.B. 143, Ronen-J.Collins-D.Sullivan-Crotty-Hunter et al.—Osterman-Coulson-Schock-Giles et al.).

**Comprehensive Health Insurance Plan.** The amount of funds left from a judgment or settlement that will disqualify a CHIP applicant is tripled to \$300,000 (H.B. 197, Krause-Osmond—Geo-Karis).

**Data Processing.** The Department of Healthcare and Family Services must work with the Departments of Human Services and Public Health to combine data on their clients. An interagency task force to coordinate client care is created and must report to the Governor and General Assembly by the end of 2005 (S.B. 1986, Rauschenberger-Hunter-Righter et al.—Leitch-Bellock-Hamos-Schock-Krause), **vetoed**.

**Disabled Rehabilitation.** Applicants for services under the Disabled Persons Rehabilitation Act may keep up to \$10,000 in assets, and the Department of Human Services may raise that limit (H.B. 438, Holbrook-Chapa LaVia-Franks-Smith-Beiser et al.—Sandoval-Crotty et al.).

**Earnfare Credit.** The state or federal minimum wage (whichever is higher) must be used to figure credit for hours worked in Earnfare and similar programs (S.B. 519, Martinez-J.Collins-Hunter et al.—Delgado-Soto-Acevedo-Mendoza-Berrios et al.).

**Elder Abuse Volunteers.** The Department on Aging can train volunteers to be companions to eligible adults and promote elder abuse awareness (S.B. 1489, Demuzio-Viverito-Crotty-J.Collins-Wilhelmi et al.—Hannig-Mathias-Froehlich-May-et al.).

**Employer Disclosure.** An applicant for Medicaid or the Children's Health Insurance Program, or for uncompensated care in a hospital, may name the employer of the applicant or, if unemployed, of any adult responsible for support. Hospitals federally required to report on uncompensated care must send to a state department summaries of information on patients getting uncompensated care who report having employers. Apparently using those reports and other sources, the Department of Public Aid will compile and report information on employers and their medical coverage statewide in 2006, 2007, and 2008 (S.B. 157, Schoenberg-J.Collins-Raoul-Hunter et al.—Currie-Flowers-Patterson).

**Housing. Elderly.** Recommendations of the Annual Comprehensive Housing Plan from the Affordable Housing Task Force must be used when addressing affordable housing needs of older adults (S.B. 1967, Forby-Martinez et al.—Flider-Phelps-Beiser-Hamos-M.Davis et al.).

**Rent subsidies.** A Rental Housing Support Program Fund will be supported by a \$10 fee for recording each real property document except those for utility easements. Money may be appropriated from the Fund and other sources for distribution by the Illinois Housing Development Authority to local governments, housing authorities, or nonprofit organizations to subsidize low-income households' rent. At least 10% of the money must be used to support development of affordable rental housing. Subsidies will go directly to landlords or developers to induce them to offer below-market rents

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# State Government & Pensions

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*The General Assembly voted to require any law increasing a state-funded pension system's benefits to fund the increase; make some alternative retirement options for teaching employees unavailable to new hires; require a public hearing before closing a state social services facility; require agencies to try to hire more Hispanic persons at upper levels; and boycott companies associated with Sudan.*


**Alzheimer's Awareness Month.** November of each year is designated as Alzheimer's Awareness Month (H.B. 20, Bassi-Mathias-Lang-Pihos-Beaubien et al.—Hunter-DeLeo-Link-Crotty-W.Jones et al.).


**Amistad Commission.** The Amistad Commission is created in the Illinois Historic Preservation Agency to promote education on the African slave trade, American slavery, and contributions of African-Americans to the U.S. (H.B. 383, M.Davis-Giles-A.Collins-Turner-Jefferson et al.—Lightford-J.Collins-Hunter).

**Facility Closure.** If a facility of the Department of Corrections, Human Services, or Veterans' Affairs that directly serves clients is proposed to be closed, the Commission on Government Forecasting and Accountability must require the executive branch to file a recommendation for closure, and hold at least one public hearing on the recommendation (H.B. 2528, J.Bradley-Gordon-Dugan-Flider-McCarthy et al.—Forby-Demuzio et al.), **vetoed.**

**Hispanic Employment.** The Department of Central Management Services (CMS) must prepare and send annual State Hispanic Employee Plans to the General Assembly. State agencies must "implement strategies and programs" to increase employment of Hispanics and bilingual persons at upper levels. Agencies must report their actions to implement the state plan and results of studies on Hispanic

persons employed at upper levels to CMS and the Department of Human Rights (S.B. 2043, Martinez-del Valle-Sandoval-Munoz-J.Collins—Acevedo-Delgado-Soto-R.Bradley-Burke et al.).

 **Military Honors.** *Pay.* The allowance to Army National Guard or Air National Guard members for performing mandatory funeral honors duty is doubled to \$100 for at least 2 hours of duty in a day (H.B. 415, Holbrook-Verschoore-Chapa LaVia-Stephens—Haime et al.).

 **Replacement buglers.** If no Illinois National Guard personnel are available, the Adjutant General after June 2006 may authorize members of an appropriate organization to perform military funeral honors and receive \$100 (H.B. 518, Holbrook-Stephens-Franks-Chapa LaVia-Gordon et al.—Haime-Righter et al.).

**Pensions.** *Budget adjustments; benefit changes; study.* The state's contributions to the five state-funded pension systems in fiscal years 2006 and 2007 are set by this act. During the 3 years after that, state contribution rates are to rise in equal increments so that by 2011 the state is contributing at levels needed to reach 90% funding by 2045. Every future law increasing public pension benefits, or expanding eligibility for them, that does not also increase pension funding enough to pay for the increase will be void; and any such increase or expansion will sunset after 5 years unless extended by



Picture by Dr. Ronald Brandon

law. If funding for an added benefit or expansion of eligibility becomes inadequate, the benefit or expansion will expire at the end of the fiscal year.

A state university or local school system must pay to SURS (for university employees) or TRS (for teachers) the cost of any increase in a member's benefits to the extent it is due to a pay raise over 6% in any year used to determine that member's pension. SURS Rule 2 and TRS paragraph 16-133(B) (allowing calculation of annuities based on contributions with interest) will not apply to anyone hired after June 2005. A 15-member Advisory Commission on Pension Benefits will consider possible changes in age and service requirements, employee contribution rates, and automatic annual increases in benefits, and report to the Governor and General Assembly by November 1 (S.B. 27, Schoenberg-Sandoval—Molaro-Giles).

**Firefighters.** Each fire protection district must have a pension fund. All terms of firefighters' pension fund board members will end April 17, 2006, subject to holdover until their successors take over. After that date, each board will have five members: two appointed by the mayor or president of municipality or FPD; two active participants in the fund elected by such participants; and one retired firefighter elected by retired firefighters (H.B. 1403, Smith-Black-Bost—Martinez et al.).

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# Transportation

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The General Assembly voted to help the Toll Highway Authority collect money owed by toll evaders, but make the Authority more accountable in its financial operations; ban sales of products to obscure license plates from automatic cameras used in toll or traffic enforcement; ban use of devices to “jam” police speed detection; ban all video screens for entertainment that are visible to drivers during vehicle operation; and sharply raise penalties for parking in spaces for persons with disabilities. The Secretary of State is to study the feasibility of replacing specialty license plates with stickers to go on standard plates.

**Bus & Truck Safety.** School buses made after this year must have switches to disconnect noisy accessories such as fans and radios; drivers must use the switches before crossing train tracks. Additional U.S. Department of Transportation regulations on motor carrier safety are adopted for Illinois purposes (H.B. 1387, McCarthy—Jacobs).

**Cellphone Use.** Persons under 18 who have learners’ permits or graduated drivers’ licenses may not use cell phones while driving except in emergencies (S.B. 210, Cullerton—Froehlich).

**Disability Parking.** The maximum fine for parking in a space for persons with disabilities without showing proper insignia (plates, hanging sign,



or decal) rises from \$100 to \$250, which a municipality can increase to \$350. Using insignia not issued to the driver or passenger is punishable by a fine of \$500 and possible loss of license. Obtaining insignia by giving incorrect information will bring a fine of at least \$500 for a first or \$1,000 for a repeat offense. Having counterfeit insignia will bring a fine of at least

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## State Government & Pensions

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**Marital property.** A member’s ex-spouse, child, or dependent named in a Qualified Illinois Domestic Relations Order may get all or part of a pension system’s death benefit. If such a payee is to get a percentage of a pension, the percentage must be calculated by the persons involved, and the pension system will not be liable for their errors. A form for directing funds to make such payments is prescribed (S.B. 1446, Ronen—Hamos—R. Bradley—McCarthy).

**Municipal.** A municipal early retiree can accept elective office without losing early-retirement benefits if the official does not participate in the IMRF due to the elective service (H.B. 1527, Black—Flider—Winkel—Roskam).

**SERS health coverage; pension buy-out.** The Director of Central Management Services may offer incentives to SERS retirees (state employees) who are ineligible for Medicare but having private health coverage to decline state group health insurance. A new retirement alternative for a limited number of employees under SERS offers twice their employee contributions with interest in lieu of pensions. The Commission on Government Forecasting and Accountability will report to the Governor and General Assembly by January 2007 on that option’s savings (S.B. 1442, Silverstein—Hoffman—Hannig—Flowers).

**State Animals.** The Eastern Tiger Salamander becomes the state amphibian and the Painted Turtle the state reptile (H.B. 847, Biggins—Feigenholtz—Fritchey—Molaro—Beaubien et al.—Rado-gno).

**Statements of Economic Interests** of local officials and employees can be examined without disclosing the

examiner’s identity or triggering notification of the persons making the statements (H.B. 2455, Froehlich—Boland—Garrett—Winkel—Schoenberg—Harmon et al.).

**Sudan Boycott.** Starting next year, neither the State Treasurer nor public pension managers may lend to or invest in for-profit companies organized in or doing business in Sudan; failing to certify that they do no business even with Sudan-based companies; or identified by the Treasury Department as sponsoring terrorism or violating U.S. rules on trading with Sudan. Linked deposits with lenders that provide community reinvestment are exempted (S.B. 23, J. Collins—Hunter—Roskam—Crotty—Raoul et al.—L. Jones—Boland—Chavez et al.). □

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## Transportation

(continued from p. 31)

\$1,000 for a first or \$2,000 for a repeat offense (H.B. 1316, McCarthy-Millner-Joyce-Brosnahan-R.Bradley et al.—Munoz-Crotty-Maloney-Harmon-J.Collins et al.).

**Driver Licensing.** *CDL revocation.* Illinois' requirements for reporting of violations by holders of, and revocation of, commercial drivers' licenses are tightened to match federal regulations (S.B. 1825, Link—Verschoore).

*Judicial driving permits.* Cancellation or denial of a judicial driving permit (formerly optional with a judge if a defendant drove after a license suspension or revocation) becomes mandatory if the defendant commits that offense, or commits DUI during a statutory suspension for DUI (H.B. 396, Lindner-Cross-Bailey-J.Lyons—Petka-J.Collins).

*New residents.* The Secretary of State may not issue a driver's license to a new resident whose license is revoked in another state, but may issue a restricted driving permit (S.B. 301, Munoz—Froehlich-Jefferson-Mathias-Boland-Moffitt et al.).

**Electric Vehicles.** "Neighborhood electric vehicles" with four wheels that can reach 20 to 25 m.p.h. and comply with federal regulations can be allowed by ordinance on local streets with some limitations (S.B. 25, Link—Sacia-Washington-Holbrook-Ryg-Froehlich).

**Insurance.** A former Illinois resident whose Illinois driver's license has been taken away, but who now lives out of state, will be released from the requirement to show insurance or other proof of financial responsibility to obtain reinstatement of the Illinois license (presumably for the purpose of ending or avoiding license sanction in the other state) (S.B. 302, Munoz—Acevedo-Jefferson-Washington).



**License Plates.** *Decorated veterans (I).* Surviving spouses of persons who were awarded the Congressional Medal of Honor, Purple Heart, Bronze Star, or Silver Star, and survivors who were awarded the Gold Star, may receive appropriate license plates (S.B. 1666, Jacobs-Radogno-Sandoval-Demuzio et al.—Verschoore-Jefferson-McGuire-Beiser-J.Bradley et al.).



*Decorated veterans (II).* Purple Heart plates can go to surviving spouses of Illinois residents killed in foreign wars and awarded the Purple Heart (H.B. 386, Hoffman-Bailey-Joyce-Holbrook-J.Lyons et al.—Haine et al.).

*Standardizing.* The Secretary of State must study the feasibility of (1) replacing some or all specialty license plates with a uniform design having a space for specialty stickers; (2) allowing specialty plates on only the fronts of cars and light trucks; and (3) identifying the county of registration on plates. Findings and cost estimates must be sent to the Governor and General Assembly by next March 1 (S.B. 248, Shadid et al.—Franks).

**License Plate Covers; Bike & Hike Trails.** Covers designed to obscure or distort the visibility of a license plate (such as by cameras used for automatic enforcement of traffic laws) are prohibited and may not be advertised. When considering closure of a railroad grade crossing, the Illinois Commerce Commission must consider its status as part of a federally funded bicycle-pedestrian trail (S.B. 1119, Sandoval-E.Jones-Bomke et al.—Brauer-Black-Jakobsson-Tryon-Froehlich et al.).

**Radar Jammers.** Devices designed to interfere with police radar or laser speed detectors are prohibited in motor vehicles except when enclosed and inoperative; the prohibition does not apply to radar *detectors* in noncommercial vehicles (S.B. 1221, Maloney et al.—Meyer-Froehlich-Mendoza).

**School Routes.** If Congress provides funds, the Illinois Department of Transportation will make grants to local governments for bicycle and pedestrian routes and traffic-calming devices on routes to schools (H.B. 744, Wait-Mathias-Nekritz-Jenisch-Pihos et al.—Martinez-Winkel-del Valle-J.Collins et al.).

**Snow-Removal Vehicles** (publicly or privately owned) can exceed size and weight limits if they are not over 12 feet wide, have flags on the driver's side, and display intermittent amber lights (S.B. 54, Peterson—E.Sullivan).

**Tollway Authority.** Procedures are created for enforcing Toll Highway Authority charges by photographic (added) or video surveillance. Registered owners of vehicles using tollways without payment can be fined administratively and have to go to a court unless they successfully contest administrative charges. A vehicle with at least five toll violations can be towed or immobilized. The Authority can offer one or more partial amnesty programs, allowing toll evaders to settle what they owe by paying from 50% to 75% (depending on number of violations) of their outstanding tolls and fines.

Driving on a tollway a vehicle whose license plate has a cover, or has a coating sprayed on it, designed to defeat automatic surveillance devices will bring a fine of \$750 or \$1,000 respectively. The Attorney General can sue persons selling such products for punitive damages, attorneys' fees, and injunctions.

Authority personnel and their families may not financially benefit from Tollway contracts made while they are on its staff and for 1 year afterward, or use nonpublic information from the Authority for personal gain. The Authority must try to contract with more disadvantaged businesses. It may not spend funds for purposes other than



maintaining, improving, and expanding the tollway system. It must hold a public hearing on each annual budget, and post its budget and financial information on its Web site (S.B. 1964, Schoenberg-Garrett-Crotty-Link—Nekritz-Rita-Mathias-Froehlich-May).

**Traffic Signal Preemption.** Ambulances used by municipalities of under 500,000 in Cook County, or over 50,000 in other counties, must be equipped with devices to switch a traffic signal to green if any route they use has traffic signals that can be so controlled and funds are appropriated. A new fund in the state treasury will collect money for this purpose (H.B. 2593, Kelly-M.Davis-L.Jones-W.Davis-Graham—Crotty-Halvorson-J.Collins).

**Vehicle Equipment. Tinted windows.** A vehicle for use by a person with albinism, or systemic or discoid lupus, may have tinted windows if a physician's certificate is kept in it and a copy sent to the Secretary of State, who will issue special plates or stickers for it (H.B. 2351, Leitch-Mathias-Brauer-Tryon-Tenhouse—Risinger-Bomke).

**Video screens.** A prohibition on having broadcast television screens visible to drivers is replaced with a ban on any video screen displaying television or video images for entertainment or business that is forward of the back of the driver's seat or is otherwise visible by the driver. Excepted devices include screens used for global positioning, map or vehicle information displays, and seeing in blind spots; devices that cannot be used for banned purposes while driving; and use in buses (H.B. 960, Berrios-Mathias-Froehlich-J.Lyons-Mendoza et al.—del Valle-Sandoval-Martinez et al.). □

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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.

### **Agriculture Dept.**

#### *Farmland conversion annual report, FY 2003*

State agencies reported 37,095 acres of land purchased or affected by actions of state agencies. The Environmental Protection Agency was responsible for the most converted acres (18,880) for facility planning boundary changes. The Department of Natural Resources was responsible for the conversion of 9,065 acres. Other agencies converting land were: Department of Commerce and Economic Opportunity, 5,949 acres; Department of Transportation, 2,131 acres; and Capital Development Board, 544 acres. An additional 37 acres were purchased as permanent easements. (505 ILCS 75/6; March 2004, 13 pp.)

#### *Farmland conversion annual report, 2004*

State agencies purchased or affected 44,083 total acres of land between July 1, 2003 and June 30, 2004. The EPA converted most land (21,451 acres) due to facility planning area boundary changes in 14 counties. Other major acre conversions: Departments of Commerce and Economic Opportunity (13,792), Natural Resources (4,295), and Transportation (2,069); and Commerce Commission (1,796). Lists conversions by county. (505 ILCS 75/6; March 2005, 15 pp.)

### **Central Management Services**

#### *Flex Time annual report, 2004*

The State Agency Child Care Services Act requires agencies to develop plans to reduce usage of daycare through the use of flex time among eligible

employees. Among 52,567 employees, 13,031 employees (24.79%) used flexible work hours. Twenty-one agencies increased participation while 17 agencies reported reduced usage. Of the 13,031 flex time participants, 10,648 (81.7%) used flexible hours, 1,868 (14.3%) worked full time in a compressed work week, 506 (3.8%) worked part time, and 11 (0.08%) participated in job sharing. (20 ILCS 415/9(13); undated, rec'd March 2005, 3 pp.)

#### *Senior Citizens and Disabled Persons Prescription Drug Discount Program annual report, 2004*

During 2004, program participants filled 317,570 prescriptions, paying a total of \$13.5 million. This represents a savings of \$4.1 million or 23.6%. Total enrollment as of December 31, 2004 was 64,909: 50,987 Circuit Breaker and Pharmaceutical Assistance Plan members, 13,249 seniors, and 673 disabled. Department on Aging plans to increase marketing for the program. Recommends deleting specific discount rate from the law to allow the Program Administrator more flexibility in negotiations with providers. Includes a list of providers in alphabetical order. (30 ILCS 105/5.595; March 2005, 10 pp. + 7 appendices)

#### *State-owned and surplus real property report*

Lists real estate owned by 31 state agencies and universities, including buildings (5,590) and land (941 sites). Also lists surplus property by legislative district. (30 ILCS 605/7.1; Feb. 2005, 290 pp.)

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## Abstracts of Reports Required to be Filed With General Assembly

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### **Commission on Government Forecasting & Accountability**

*Cost and Savings of State Employees' Early Retirement Program, 2005*

Public Act 92-566 created an Early Retirement Incentive Program, allowing eligible state employees to buy 5 years' pension credit to retire or terminate state employment and receive benefits at a later date. Participants had until December 31, 2002 to file and leave employment. According to SERS, 11,039 members participated in the ERI. Of these, 10,301 (average age 57) were eligible for retirement; 738 (average age 48) elected to terminate employment. Commission estimates total savings from FY 2003 to FY 2005 at \$1.05 billion. (40 ILCS 5/14-108.3(h); March 2005, 11 pp.)

*Liabilities of State Employees' Group Insurance Program, FY 2006*

Department of Central Management Services projects program will cost \$1.752 billion; Commission projects \$1.787 billion. In FY 2006, a projected 349,568 participants will cost an average \$5,014 per year, up over 5% from FY 2005. The Quality Health Care Plan accounts for 44.7% of total costs; managed care 43.9%; and dental care, life insurance, vision care, and other miscellaneous charges 11.4%. The payment cycle for preferred providers is 35 days, while non-preferred providers have a cycle of 42 days. (25 ILCS 155/4 (b)(2); March 2005, 14 pp. + 3 appendices)

*Report on the Recommendations for funding 2002 SERS Early Retirement Incentive Program*

Report discusses four early retirement incentives (ERI) funding options: (1) current law; (2) extending the amortization period within SERS; (3) rolling the liability back into the current

SERS funding plan; and (4) bonding the liability. Increasing the amortization period from 10 years to 20 years would increase total contributions by \$1.25 billion more than currently required by law. Incorporating ERI liability into regular SERS funding would increase total contributions by \$7.8 billion more than currently required by law. Commission recommends selling over \$1.9 billion in bonds to refinance the ERI liability. (40 ILCS 5/14-108.3(h); Jan. 2005, 10 pp. + 2 tables)

### **Comptroller**

*Receivables report, 2004*

Gross receivables due to Illinois at 2004 year end were \$11.7 billion, an increase of 5% from 2003. Net receivables (minus uncollectible receivables and long-term loans) were \$1.5 billion. Uncollectible receivables were \$4.2 billion, an increase of \$212 million from 2003 mainly due to increases in uncollectible receivables in Department of Public Aid and University of Illinois. Three largest collectible receivables are child support claims, other (licenses, fees, federal reimbursements, university activities, etc.), and taxes. Lists receivables by agency and age. (30 ILCS 210/4(d); March 2005, 28 pp., tables and graphs)

### **Corrections Dept.**

*Adult and juvenile facilities quarterly report, July-Sept. 2004*

There were 44,446 inmates in all adult facilities on August 31, 2004. This was 10,652 over the capacity of 33,794. Average ratio of security staff to inmates was 1:5. Prisoners were 9% single-celled, 67% double-celled, and 24% multi-celled. Adult population was projected at 45,861 by September 2005. Department had 1,465 residents in juvenile facilities on August 31, 2004. Average ratio of security staff to juveniles was 0.614. Juvenile population was projected at 1,483 by September 2005. (730 ILCS 5/3-5-3.1; undated, rec'd Dec. 2004, 23 pp.)

*Adult and juvenile facilities quarterly report, Oct.-Dec. 2004*

Department had 44,403 residents in adult facilities on November 30, 2004, versus capacity of 33,794. Average ratio of security staff to inmates was 1:5. Prisoners were 9% single-celled, 67% double-celled, and 24% multi-celled. Adult population is projected at 45,914 by December 2005. Educational or vocational programs enrolled 9,528 students. Department had 1,508 residents in juvenile facilities on November 30, 2004, with a capacity of 1,580. Average ratio of security staff to juvenile was 0.623. Juvenile population is projected at 1,494 by December 2005. (730 ILCS 5/3-5-3.1; Jan. 2005, 24 pp.)

*Correctional Industries annual report, FY 2004*

Illinois Correctional Industries reported a net loss of over \$2.2 million on a total operating revenue of \$45.8 million. Sales increased by \$1.2 million or 2.7% from FY 2003. This was partly attributed to sales of university residence hall furniture. ICI claims it was able to make a profit of \$1.4 million, despite a 30% reduction in staff. The general three year recidivism rate for inmates released from adult institutions in FY 2000 who had past employment in an Illinois Correctional Industry program was 50.5%. Of the 97 inmates released directly from ICI programs from July 1, 2003 through June 30, 2004, 55 (56.7%) found employment after release. (730 ILCS 5/3-12-11, Dec. 2004, 20 pp.)

### **Deaf and Hard of Hearing Commission**

*Annual report, FY 2004*

Projects sponsored by the Commission include a Fingerspelling Bee for deaf children and a Legislative Workshop on "How a Bill Becomes a Law." During FY 2004, the Commission had 9,338 newsletter subscribers; 12,357 public inquiry addresses; and 49 workshop presentations. Commission received \$637,200 in funding

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and spent \$520,500. The Commission returned \$78,000 to the State Treasury. (20 ILCS 3932/25; Jan. 2005, 4 pp.)

#### **Emergency Management Agency**

*Transfer of functions of the Department of Nuclear Safety to the Illinois Emergency Management Agency*  
Agency is to report to the General Assembly no later than 6 months after reorganization, and annually thereafter for three years. Executive Order No. 12, effective July 1, 2003, transferred the functions of the Department of Nuclear Safety to the Illinois Emergency Management Agency. The Agency now has a Division of Nuclear Safety. As a result of the transfer, 8 positions were eliminated totaling \$704,600; one lease space was eliminated totaling \$22,132 for the last four months of FY 2004. The total savings for FY 2004 was \$726,732. (15 ILCS 15/11; Feb. 2005, 3 pp.)

#### **Human Services Dept.**

*Home Services annual report, FY 2004*  
Some 47,373 persons received assistance from 11 categories of aid in FY 2004 at a total cost of \$298.2 million. Program accomplishments include implementing a new customer-centered case review process; obtaining additional federal funds; increasing the percentage of Latinos/Hispanics served in the Home Services Program; and increasing the number of customers served in the Brain Injury Waiver Program from 2,565 to 3,679. (20 ILCS 2405/3; Feb. 2005, 10 pp.)

#### **Illinois Community College Board**

*Adult education and family literacy, FY 2004*  
Adult education programs served 143,596 students in FY 2004. Of those, 58.1% were in English as a Second Language classes; 23.8% in Adult Basic Education; 13.7% in GED classes; 2.6% in vocational training; and 1.8% in High School Credit. Following completion of their program, 18,360 students were employed in the first quarter. The Internet-based GED

Illinois Online system had 2,577 participating students. There are currently 105 providers, primarily community college districts (39); public school districts/regional offices of education (33); and community-based organizations (31). (105 ILCS 405/2-4; March 2005, 3 pp.)

#### **Legislative Information System**

*Biennial report, 2003-2004*  
An upgrade of legislative computer applications was completed in 2003. The new systems are designed to improve information exchange, publishing capabilities, and ease of use. Future goals include enhancing performance and usage of the systems. Fiscal year 2005 appropriation is \$7.48 million. (25 ILCS 145/5.07; April 2005, 35 pp.)

#### **Lottery Dept.**

*Annual report, FY 2003*  
Sales were \$1.56 billion (the 15th consecutive year they topped \$1.5 billion); transfers to the Common School Fund were \$540.3 million; and prizes were \$885 million. Includes overview of games; profiles of selected retailers; and financial statements. Reports that as of June 1, 2003, the powers and duties of the Department of the Lottery were transferred to the Department of Revenue as the result of Executive Order No. 9. (20 ILCS 1605/7.8; undated, rec'd December 2004, 22 pp.)

#### **Northeastern Illinois Planning Commission**

*Statement of receipts and expenditures, FY 2004*  
Commission received \$6.61 million and spent \$6.63 million—\$1.49 million on salaries and \$5.14 million in other costs. Receipts are listed by source. Salaries are listed by staffer. Expenditures by vendor are also included without stating purpose. (70 ILCS 1705/35, June 2004, 26 pp.)

#### **Sports Facility Authority**

*Annual report, 2004*  
Renovations to U.S. Cellular Field were completed on time and within budget, including completion of Phase IV. The Conference & Learning Center hosted more than 40 events and generated more than \$50,000 in revenue. The Authority's primary revenue source is hotel taxes. As of June 30, 2004, current assets totaled \$104.3 million, current liabilities \$24.0 million. Long-term assets totaled \$235.5 million, long-term liabilities \$504.4 million. (70 ILCS 3205/18; undated, rec'd March 2005, 21 pp.)

#### **State Board of Education**

*Annual report on school breakfast incentives, 2004*  
Lists number of students getting free or reduced-price breakfasts and lunches by participating schools. During the school year, 295 districts received \$0.10 per meal for increased participation in the breakfast program; 131 schools dropped national school lunch or breakfast programs because school was closed, consolidated, or for other reasons; 76 schools agreed to provide universal free breakfasts; and 119 schools began a school breakfast program, of which 81 also received the \$3,500 start-up grant. (105 ILCS 124/4; Feb. 2005; 101 pp.)

*Annual statistical report, 2003*  
Pupil statistics on students' distribution among elementary and secondary schools during 2002-2003; public school enrollment by race, sex, grade, and geographical boundaries; enrollment figures for bilingual or special education services; graduates and dropouts; and attendance. Staff data on personnel numbers and number of certificates issued. Financial data on assets and liabilities of public school districts; bond and tax referenda; per capita costs; transportation expenses; teacher orders; tax rates; driver education expenses; and state aid claims. Also, data on before- and after-school programs. (105 ILCS 5/2-3.11; Dec. 2004; 323 pp. + 29 tables)

(continued on p. 40)

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## Social Services

(continued from p. 29)

(S.B. 75, Martinez-J.Collins-Hunter-Radogno-Crotty et al.—Hamos-Parke-Poe-Yarbrough-Graham et al.).

**Mental Health. Admission.** A person subject to possible involuntary admission to a mental facility, who requests voluntary admission, must be so admitted unless the person's history indicates that continued treatment after a discharge is unlikely. An "alternative" non-hospital treatment plan may be agreed to by the person and other parties (H.B. 3812, Hamos-Giles—Ronen).

*DCFS wards* are to receive "behavioral health" services as needed. DCFS will assess local resources for providing such services during a phase-in period (H.B. 759, Lang-Pihos-Franks-Bellock et al.—Garrett-J.Collins).

*Facility crime reports.* The Department of Human Services' Inspector General for long-term-care facilities no longer must determine within 24 hours whether alleged abuse or neglect at a facility shows a possible crime, but must report to the state or (added) local police within 24 hours after finding a possible crime. The Department of State Police is required to investigate reports of felonies only at state facilities. The Department of Human Services must refer all reports of abuse or neglect (not only reports indicating possible crimes) to state or (added) local police (S.B. 849, J.Collins-Hunter et al.—Gordon-Bellock et al.).

*Transporting the mentally ill.* A peace officer can take to a mental facility a person if the officer has reasonable grounds to believe the person is subject to involuntary admission, even without personally observing the person. But the transporting officer must be identified in the petition as a potential witness (S.B. 559, Shadid—Sacia).

**Nursing Homes.** Employees and administrators must report any theft or misappropriation of residents' property they learn of (H.B. 1430, Osmond-Howard-Beaubien-E.Sullivan-Munson et al.—Peterson-J.Collins et al.).

**Nutritional Health** information will be provided by the Department of Human Services, cooperating with the Department of Public Health, to new TANF and Food Stamp enrollees (S.B. 1680, Hunter-J.Collins et al.—Cross-Coulson-Bellock).

**Pharmaceutical Assistance.** Next January 1, the "circuit breaker" pharmaceutical assistance program will be replaced by a new program. To qualify, a person must (1) live in Illinois; (2) be at least 65 or disabled; (3) use a qualified Medicare Part D Prescription Drug Plan, if eligible; and (4) meet the same household income limits as now (or 200% of the federal poverty level for the person's household, whichever limit is higher). Persons enrolled in the "circuit breaker" or SeniorCare Medicaid waiver program at yearend will automatically be in the new program its first year. Copayments for drugs covered by the program will be \$2 per generic or \$5 for brand-name drug up to \$1,750 of total drug cost annually, and 20% thereafter.

Also on January 1, an Illinois Prescription Drug Discount Program replaces the Senior Citizens and Disabled Persons Prescription Drug Discount Program. This new program, for all Illinois residents with household incomes up to 300% of the Federal Poverty Income Guidelines, will seek price reductions by negotiating with drugmakers, excluding some drugs from coverage, and setting standards for pharmacies' participation. Both these programs will be administered by the Department of Healthcare and

Family Services (formerly Public Aid) (S.B. 973, Ronen-E.Jones-Raoul-Garrett-Martinez et al.—Currie-Hoffman-Reitz-Phelps-Coulson et al.).

**Veterans. Benefits comparison.** The Department of Veterans' Affairs must annually compare Illinois veterans' benefits to those of other states and report to the Governor and General Assembly (S.B. 40, del Valle-J.Collins-Garrett-Risinger-Demuzio et al.—Chapa LaVia-Acevedo-Chavez-Jefferson-Bailey et al.).

*Homes.* Eligibility for admission is expanded to anyone who was honorably discharged or retired for a service-connected disability; served at least 90 days' active duty starting before dates in 1980 or 1981 (whether or not in war); served at least 2 years of active duty after those dates; or completed a term as a reservist that included a federal callup to active duty. Those who served in wartime will be preferred over the others (H.B. 4058, Dugan-Holbrook-Smith-Black et al.—Halvorson et al.).

**Welfare-Worker College Aid.** If money is appropriated, the Illinois Student Assistance Commission will make loans to upperclass and graduate students to study social work and become child welfare workers. The loans will be forgivable for working for DCFS or a contracting agency (H.B. 1343, Delgado-Soto-Berrios-Chavez et al.—Martinez-Radogno-J.Collins et al.). □

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## Criminal Law

(continued from p. 19)

candy or playing Santa Claus, except at home with only their own children (H.B. 121, B.Mitchell-Franks-Chapa LaVia-Smith-Mendoza et al.—Dillard et al.).

**Minor offenders.** A minor found delinquent for a sex crime must register as a sex offender within 10 days after turning 17. Sex offenders must provide the Department of State Police their work telephone numbers among other information. A person required to register under the Sex Offender Registration Act must visit police, at up to 4 times of their choosing per year, in addition to each 90 days. A child sex offender must sign a statement acknowledging the prohibition on living within 500 feet of a school, park, or playground (H.B. 4030, Brosnahan-Delgado-D’Amico et al.—Maloney-Harmon-Martinez-J.Collins).

**Registration.** The Sex Offender Registration Act is amended to include persons who committed criminal sexual assault of persons 12 or older as sexual predators (instead of only if victims were under 12). A registered sex offender who becomes homeless must within 5 days notify police at the last address used, and report weekly to police in the area where the offender is located on residences used in the last week. Repeat failure to register will be a Class 2 felony. Police or sheriffs can arrest a violating sex offender without determining whether the offender lives within their jurisdiction. Police registering a juvenile sex offender who attends school must send copies of the sex offender registration form to school administrators (S.B. 1234, Dillard-Harmon-J.Collins-Radogno-Haine et al.—Meyer-Delgado-Lindner-J.Watson-Patterson et al.).

**School proximity.** Child sex offenders will be prohibited from being within 500 feet of a school building or school

property unless they live or work there or are passing by. The existing prohibition applies only to loitering within 500 feet along a street (H.B. 2077, Dugan-Currie-Molaro-Kosel-Gordon et al.—Halvorson-Harmon).

**Supervision.** An “extended supervised release” will apply to persons convicted of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault. The Prisoner Review Board will set the length of such release at between 3 years and life. The Department of Corrections will supervise releasees and prepare reports on their progress every 180 days, and send them to the Board and local police agencies. Releasees can request discharge from such release with the recommendations of their supervising officers (H.B. 2386, Gordon-Millner-Yarbrough-Delgado-Flider et al.—Harmon-Dillard-J.Collins-Sandoval et al.).

**Sexually Dangerous Persons.** At a hearing on releasing a sexually dangerous person, the Attorney General or state’s attorney who had the person committed will represent the state. Either side can require a hearing before a jury. The burden is on the state to show continued dangerousness by clear and convincing evidence. No more than one such hearing can be held per year absent exceptional improvement (H.B. 245, D.Brady-Washington-Smith-D’Amico et al.—B.Brady).

**Terrorism.** The term “terrorist act” is expanded to include knowingly bringing into the state diseased animals or insect pests, or contaminating a public water supply. (A “terrorist act” constitutes “terrorism” only if done with intent to intimidate or coerce a significant part of a civilian population) (H.B. 53, Bellock-Mathias-E.Lyons-Froehlich-Pihos et al.—Dillard).

**Theft. On-line.** New crimes of on-line sale of stolen property, on-line theft by deception, and electronic fencing are created. Violation will be a Class 4 felony if the full value of the property is up to \$150, or a Class 2 felony if it is more valuable (H.B. 780, Flider-Mathias-Froehlich-Franks-Chapa LaVia et al.—DeLeo-Maloney-Harmon et al.).

**Retail.** Retail theft with escape through an emergency exit becomes a new and more serious crime than ordinary retail theft of goods with the same value (H.B. 816, Beiser-Froehlich-Stephens—Haine).

**Trespass.** Giving false written or oral identification for purposes of entering property becomes criminal trespass to property. This will not apply to police or local officials performing official duties (H.B. 2441, Gordon-Dugan-Dunkin-D.Brady et al.—Haine).



### Veterans’ Benefits Fraud.

Fraudulently claiming to be a veteran or a veteran’s dependent to get state benefits will be a Class 3 felony if up to \$300 is obtained, or a Class 2 felony if over \$300 is obtained (S.B. 1491, Geo-Karis-Sandoval-Hunter-Munoz et al.—Meyer-Osmond-Beaubien et al.). □

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### Penalties for Crimes in Illinois

This chart summarizes the sentences and fines for criminal offenses in Illinois. Available at [www.ilga.gov/commission/lru/lru\\_home](http://www.ilga.gov/commission/lru/lru_home)

## Bills With Governor's Action

All bills summarized in this issue of *First Reading* are listed below. Beside the number of each bill on which the Governor had acted by mid-September is the Public Act number or other indication of his action. AV means amendatorily vetoed.

Information on all 2005 bills and Public Acts, including their texts, is available at: <http://www.ilga.gov/>

Click on the [Bills & Resolutions](#) or [Public Acts](#) link near the top of the page for information on a given bill or Public Act.

H.B.	Action	H.B.	Action	H.B.	Action	H.B.	Action	H.B.	Action
3	281	518	359	984	559	1581	107	3515	552
18	442	523	641	991	670	1588	333	3526	553
20	443	524	72	992	16	1633	36	3531	554
23	158	529	172	1002	364	1919	667	3532	555
27	401	551	312	1039	398	2004	137	<b>3597</b>	<b>Veto</b>
<b>29</b>	<b>AV</b>	582	173	1051	133	2062	163	3628	586
53	68	593	162	1058	74	2077	164	3648	375
59	402	594	599	1074	10	2137	277	3678	666
60	205	596	323	1077	75	2190	584	3724	587
62	244	598	174	1081	113	2241	145	3757	221
112	346	610	175	1095	186	2250	334	3812	521
114	637	612	407	1100	13	2343	27	3816	116
120	509	615	447	1109	560	2345	646	3874	338
121	159	617	360	1125	288	2351	564	4020	512
130	638	657	110	1132	114	2375	502	4023	315
132	284	669	516	1133	328	2380	634	4030	166
156	309	672	517	1134	399	2386	165	4050	280
172	160	678	642	1149	518	2389	192	4053	388
174	206	701	397	1173	366	2411	549	4058	588
175	207	712	643	1197	48	2441	263	4067	467
181	481	<b>733</b>	<b>Veto</b>	1285	289	2455	603		
197	17	744	493	1301	495	2467	503	<b>S.B.</b>	<b>Action</b>
211	77	759	34	1316	619	2470	141	1	120
215	668	763	324	1318	290	2480	372	3	196
245	404	766	130	1333	496	2515	420	10	507
265	245	767	131	1336	187	<b>2528</b>	<b>Veto</b>	12	121
270	310	780	179	1338	316	2531	665	15	392
298	246	783	87	1339	214	2550	313	23	79
312	478	788	73	1343	497	2572	100	25	298
315	639	793	325	1350	671	2577	462	27	4
324	33	804	180	1351	115	2578	629	40	167
337	3	815	583	1387	519	2580	480	45	149
<b>340</b>	<b>Veto</b>	816	449	1403	317	2593	373	46	630
348	125	847	257	1428	50	2594	490	53	571
349	547	864	363	1430	26	2696	37	54	270
350	161	873	20	1432	482	2697	38	<b>57</b>	<b>Veto</b>
360	640	881	410	1458	483	2699	39	58	197
361	598	884	183	1469	9	2700	51	64	14
381	126	885	487	1471	329	3121	510	66	522
383	285	887	111	1483	330	3415	604	72	117
386	93	888	112	<b>1486</b>	<b>Veto</b>	3420	102	74	468
395	602	892	590	1500	135	3449	148	75	118
396	357	908	210	1517	561	3451	219	78	53
399	347	<b>911</b>	<b>AV</b>	1522	368	3471	511	87	376
415	251	917	78	1527	456	3472	585	95	89
438	252	920	494	1540	189	<b>3480</b>	<b>AV</b>	98	377
444	127	923	184	1541	190	3485	593	100	170
457	253	931	62	1548	215	<b>3498</b>	<b>Veto</b>	101	378
480	631	950	83	1559	548	3504	550	102	339
511	614	960	185	1565	239	3507	551	104	393

S.B.	Action	S.B.	Action	S.B.	Action	S.B.	Action	S.B.	Action
123	40	411	301	<b>847</b>	<b>Veto</b>	1627	589	1960	12
139	523	416	400	849	428	1638	231	1962	6
143	320	426	152	926	385	<b>1665</b>	<b>Veto</b>	1964	636
157	242	431	272	930	651	1666	343	1965	171
159	379	445	226	945	5	1676	105	1967	236
162	199	451	528	966	303	1680	433	<b>1986</b>	<b>Veto</b>
189	103	463	108	973	86	1698	632	2012	661
190	243	475	677	1119	304	1699	279	2032	106
201	349	485	606	1210	608	1723	540	2043	597
210	240	501	650	1219	386	1799	41	2053	662
211	200	506	228	1220	429	1815	69	2060	635
223	151	511	530	1221	594	1821	658	2064	352
226	28	517	391	1230	341	1825	307	2082	664
233	238	519	533	1234	168	1832	390	2085	544
241	314	521	122	1333	353	1842	351	2090	156
248	470	526	11	1354	674	1862	275	2091	545
250	573	528	29	1442	109	1878	434	<b>2104</b>	<b>Veto</b>
251	625	529	229	1443	595	1882	435	2112	157
<b>272</b>	<b>Veto</b>	538	577	1444	596	1883	659		
287	80	554	383	1446	657	1884	154		
292	271	559	202	1458	430	1897	169		
301	473	562	556	1461	81	1898	140		
302	224	572	546	1489	431	1909	66		
323	485	574	534	1491	486	1910	675		
<b>326</b>	<b>Veto</b>	575	676	1495	609	<b>1915</b>	<b>Veto</b>		
328	35	599	578	<b>1509</b>	<b>AV</b>	1931	235		
383	225	658	579	1548	15	1935	633		
397	526	<b>769</b>	<b>Veto</b>	1623	389	1953	345		

### Types of Actions Governor Can Take on Bills

The Illinois Constitution allows the Governor to make any of four kinds of vetoes: total, amendatory, item, or reduction. The following describes each kind of veto and legislative responses to it.

#### Total Veto

The Governor may reject an entire bill and return it to its house of origin. Overriding such a total veto requires the affirmative votes of at least three-fifths of the members elected to each house (71 in the House, 36 in the Senate). Unless a total veto is overridden, the bill dies.

#### Amendatory Veto

A Governor can return a bill “with specific recommendations for change” to its house of origin. Such an amendatorily vetoed bill is considered like a vetoed bill, except that each house can accept the Governor’s recommendations by vote of a mere constitutional majority (60 in the House and 30 in the Senate). Thus if a bill is amendatorily vetoed, the General Assembly can do any of three things to it: (1) Override the veto by three-fifths vote in each house, enacting the bill as it originally passed the General Assembly. (2) Accept the Governor’s recommendations and return the bill to the Governor for his certification that the acceptance conforms to his recommendations. (3) Do neither, in which case the bill dies.

#### Item and Reduction Vetoes

The Governor can cut line items, and/or reduce the amount of any line item, in an appropriation bill without vetoing the entire bill. The amounts not eliminated or reduced become law immediately when the Governor transmits his veto message. But the majorities needed to restore those amounts differ. If a line item is vetoed, a three-fifths majority in each house is needed to restore it. But if the item is merely reduced, it can be restored to its original amount by a mere constitutional majority in each house.

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## Abstracts of Reports Required to be Filed With General Assembly

(continued from p. 35)

### *Capital Needs Assessment Survey, 2005*

School districts responding to the survey (690) reported \$6.7 billion in needs for new schools, building additions, and general repairs. Consolidation is being considered by 110 school districts. From 1984 to 2004 the number of individual school districts decreased from 1,011 to 888, (12%). Districts are using 1,036 temporary

classrooms to ease overcrowding. Overall, districts need \$3.8 billion to upgrade 17,722 buildings and \$2.2 billion to meet current health, life, and safety requirements. (105 ILCS 230/5-60; Feb. 2005, 4 pp. + 1 appendix)

### *Education mandates report, 2004*

Thirteen laws enacted in 2004 imposed 18 mandates on schools. The 7 mandates with undetermined costs included dental record examination proof; school calendar approval; State Police fingerprinting of job applicants; and physical fitness facility medical emergency plans. The 11 mandates with no cost included requirements for bond proceeds; school dropout enrollment; accountability programs for certain schools applying for grants; teacher recruitment; and graduation ceremony participation for disabled students. (105 ILCS 5/2-3.104; Mar. 2005, 5 pp.)

### **State Employees Suggestion Award Board**

#### *Annual report, 2004*

Board received 47 new suggestions and dismissed 79 in 2004. Fifty-four are pending agency response. Since

its inception in 1985, the Board has received 2,926 suggestions from employees in 45 agencies, for \$2.3 million in first year savings. (20 ILCS 405/405-130(b); undated; rec'd Feb. 2005, 2 pp.)

### **Transportation Dept.**

#### *Proposed improvements for Illinois highways, FY 2005*

IDOT will spend over \$1.5 billion to build to improve 721 miles of highway and 209 bridges in FY 2005. Department will also construct or reconstruct 490 miles, resurface 368 miles, and make 138 traffic and safety improvements. Funding will be \$750 million federal, \$715 million state, and \$46 million local. Distribution will be \$1.16 billion for projects on the state highway system and \$351 million for projects on local street and highway systems. Tables and maps list projects for each transportation district. County, funding sources, cost, type of work, and project number is included for each project. (20 ILCS 2705/49.16; Aug. 2004, 6 pp. + 148 pp. of maps and tables)

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## FIRST READING

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