

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

90TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, JULY 12, 2007

2:31 O'CLOCK P.M.

NO. 90

**HOUSE OF REPRESENTATIVES
Daily Journal Index
90th Legislative Day**

Action	Page(s)
Adjournment	13
Agreed Resolutions	8
Legislative Measures Assigned to Committee	5
Letter of Transmittal.....	3
Perfunctory Adjournment.....	15
Perfunctory Session.....	15
Reports From Standing Committees	5
Senate Bills on First Reading	15
Temporary Committee Assignments.....	4

Bill Number	Legislative Action	Page(s)
HB 0830	Committee Report - Concur in SA	5
HB 1855	Committee Report - Concur in SA	6
HR 0523	Committee Report	7
HR 0593	Resolution	8
HR 0593	Adoption	13
HR 0594	Resolution	8
HR 0594	Adoption	13
HR 0595	Resolution	8
HR 0595	Adoption	13
SB 0128	Committee Report.....	5
SB 0128	Second Reading – Amendment/s.....	8
SB 0149	Committee Report – Floor Amendment/s.....	5
SB 0509	Committee Report – Floor Amendment/s.....	7
SB 0858	First Reading.....	15
SB 0866	Committee Report.....	6
SB 0866	Second Reading	8
SB 1023	Committee Report – Floor Amendment/s.....	6
SB 1023	Second Reading – Amendment/s.....	10
SB 1023	Third Reading	13
SJR 0022	Adoption.....	13
SJR 0022	Committee Report	6

The House met pursuant to adjournment.
Speaker of the House Madigan in the chair.
Speaker of the House Madigan asks leave to use the Quorum Roll Call from the 1st Special Session to convene the 90th Regular Session.
Leave was granted.

LETTER OF TRANSMITTAL

July 12, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to July 31, 2007 for the following Bill:

Senate Bill: 1023.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.
With kindest personal regards, I remain

Sincerely yours,
s/MICHAEL J. MADIGAN
Speaker of the House

[July 12, 2007]

4

July 12, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to July 31, 2007 for the following Bill:

Senate Bill: 1167.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.
With kindest personal regards, I remain

Sincerely yours,
s/MICHAEL J. MADIGAN
Speaker of the House

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Flider replaced Representative Collins in the Committee on State Government Administration on July 11, 2007.

Representative Verschoore replaced Representative Dugan in the Committee on State Government Administration on July 11, 2007.

Representative McGuire replaced Representative Franks in the Committee on State Government Administration on July 11, 2007.

Representative Rose replaced Representative Bellock in the Committee on Labor on July 11, 2007.

Representative Chapa LaVia replaced Representative D'Amico in the Committee on Labor on July 11, 2007.

Representative Golar replaced Representative Graham in the Committee on Labor on July 11, 2007.

Representative Monique Davis replaced Representative Jefferson in the Committee on Labor on July 11, 2007.

Representative Turner replaced Representative Collins in the Committee on Judiciary II - Criminal Law on July 11, 2007.

Representative Soto replaced Representative Dugan in the Committee on Health Care Availability and Access on July 11, 2007.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on July 12, 2007, and reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: SENATE BILL 1167.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)

Y Black(R), Republican Spokesperson
A Hassert(R)

REPORTS FROM STANDING COMMITTEES

Representative John Bradley, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on July 11, 2007, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendments numbered 1, 7 and 8 to HOUSE BILL 830.

The committee roll call vote on Motion to Concur with Senate Amendment No. 1,7,8 to House Bills 1, 7 and 8 is as follows:

9, Yeas; 1, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
Y Gordon(D)
Y Acevedo(D) (replacing Hoffman)
Y Kosel(R) (replacing Mathias)
A Osmond(R)

N Bradley, John(D), Vice-Chairperson
Y Rita(D) (replacing Brosnahan)
A Dunn(R)
A Hamos(D)
Y Lang(D)
Y Mendoza(D) (replacing Nekritz)
A Wait(R)

Representative Saviano, Chairperson, from the Committee on Registration and Regulation to which the following were referred, action taken on July 11, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 128.

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to SENATE BILL 149.

The committee roll call vote on Senate Bill 128 is as follows:

16, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson
A Coulson(R), Republican Spokesperson
Y Beiser(D)
A Bradley, Richard(D)
Y Bradley,J(D) (replacing Burke)
Y Holbrook(D)
A Joyce(D)
Y McAuliffe(R)
Y Meyer(R)
A Mulligan(R)

A Fritchey(D), Vice-Chairperson
Y Acevedo(D)
A Bost(R)
Y Brauer(R)
Y Coladipietro(R)
A Jefferies(D)
Y Kosel(R)
Y Mendoza(D)
Y Miller(D)
Y Phelps(D)

Y Pihos(R)
Y Sullivan(R)

Y Reitz(D)

The committee roll call vote on Amendment No. 3 to Senate Bill 149 is as follows:
16, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson	A Fritchey(D), Vice-Chairperson
A Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Beiser(D)	A Bost(R)
A Bradley, Richard(D)	Y Brauer(R)
Y Bradley,J(D) (replacing Burke)	Y Coladipietro(R)
Y Holbrook(D)	A Jefferies(D)
A Joyce(D)	Y Kosel(R)
Y McAuliffe(R)	Y Mendoza(D)
Y Meyer(R)	Y Miller(D)
A Mulligan(R)	Y Phelps(D)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on July 11, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 1023.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate:
SENATE BILL 866.

The committee roll call vote on Senate Bill 866 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	Y Turner(D) (replacing Collins)
A Lindner(R), Republican Spokesperson	A Chapa LaVia(D)
Y Durkin(R)	A Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
A Reis(R)	Y Sacia(R)
A Wait(R)	

The committee roll call vote on Amendment No. 1 to Senate Bill 1023 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	Y Turner(D) (replacing Collins)
A Lindner(R), Republican Spokesperson	A Chapa LaVia(D)
Y Durkin(R)	A Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
A Reis(R)	Y Sacia(R)
A Wait(R)	

Representative Osterman, Chairperson, from the Committee on Labor to which the following were referred, action taken on July 11, 2007, reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:
SENATE JOINT RESOLUTION 22.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendment No. 4 to HOUSE BILL 1855.

The committee roll call vote on Motion to Concur with Senate Amendment No. 4 to House Bill 1855 is as follows:

18, Yeas; 0, Nays; 0, Answering Present.

Y Osterman(D), Chairperson	Y Soto(D), Vice-Chairperson
Y Winters(R), Republican Spokesperson	Y Arroyo(D)
Y Beaubien(R)	Y Rose(R) (replacing Bellock)
Y Boland(D)	Y Colvin(D)
Y Cultra(R)	Y Chapa LaVia(D) (replacing D'Amico)
Y Eddy(R)	Y Davis, William(D)
Y Golar(D) (replacing Graham)	A Hassert(R)
Y Hernandez(D)	A Hoffman(D)
Y Howard(D)	Y Davis, M(D) (replacing Jefferson)
A Lindner(R)	Y Reis(R)
A Sacia(R)	A Schmitz(R)
Y Washington(D)	

The committee roll call vote on Senate Joint Resolution 22 is as follows:

12, Yeas; 6, Nays; 0, Answering Present.

Y Osterman(D), Chairperson	Y Soto(D), Vice-Chairperson
N Winters(R), Republican Spokesperson	Y Arroyo(D)
N Beaubien(R)	N Rose(R) (replacing Bellock)
Y Boland(D)	Y Colvin(D)
N Cultra(R)	Y Chapa LaVia(D) (replacing D'Amico)
N Eddy(R)	Y Davis, William(D)
Y Golar(D) (replacing Graham)	A Hassert(R)
Y Hernandez(D)	A Hoffman(D)
Y Howard(D)	Y Davis, M(D) (replacing Jefferson)
A Lindner(R)	N Reis(R)
A Sacia(R)	A Schmitz(R)
Y Washington(D)	

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Access to which the following were referred, action taken on July 11, 2007, reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 523.

The committee roll call vote on House Resolution 523 is as follows:

10, Yeas; 0, Nays; 0, Answering Present.

Y Flowers(D), Chairperson	Y May(D), Vice-Chairperson
A Osmond(R), Republican Spokesperson	Y Crespo(D)
Y Soto(D) (replacing Dugan)	Y Golar(D)
Y Harris(D)	Y Howard(D)
Y Krause(R)	Y McGuire(D)
A Mulligan(R)	A Sommer(R)
Y Tryon(R)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on July 11, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 6 to SENATE BILL 509.

The committee roll call vote on Amendment No. 6 to Senate Bill 509 is as follows:

10, Yeas; 0, Nays; 0, Answering Present.

Y McGuire(D) (replacing Franks)
 Y Pritchard(R), Republican Spokesperson
 Y Flider(D) (replacing Collins)
 Y Froehlich(D)
 A Krause(R)
 Y Poe(R)
 A Watson(R)

Y Verschoore(D) (replacing Dugan)
 Y Bradley, John(D)
 Y Davis, Monique(D)
 A Gordon(D)
 Y Myers(R)
 Y Ramey(R)

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 593

Offered by Representative Burke:
 Congratulates Martin Noven, Deputy Treasurer of the State of Illinois, as he leaves the State Treasurer's Office.

HOUSE RESOLUTION 594

Offered by Representative Smith:
 Congratulates Alan L. Coleman on the occasion of his retirement as the Fulton-Schuyler Educational Service Region Regional Superintendent of Schools.

HOUSE RESOLUTION 595

Offered by Representative Sacia:
 Congratulates the pastor and congregation of St. John Evangelical Lutheran Church in Massbach as they celebrate the church's sesquicentennial.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 1:15 o'clock p.m.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 866.

SENATE BILL 128. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Registration and Regulation, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 128 on page 27, by replacing lines 14 through 19 with the following:

"report, the ~~The~~ Board shall have at least 60 days after receipt of the report to review it and ~~to~~ present its findings of fact, conclusions of law and recommendation to the Secretary ~~Director~~. If the Board does not present its report within the 60 days period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order

directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners the Director may issue an order based on the report of the hearing officer. If the Secretary Director".

AMENDMENT NO. 2. Amend Senate Bill 128 on page 29, immediately below line 3, by inserting the following:

"Section 15. If and only if House Bill 820 of the 95th General Assembly (as amended by Senate Amendment No. 1) becomes law, the Carnival and Amusement Rides Safety Act is amended by changing Sections 2-2 and 2-20 as follows:

(430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

Sec. 2-2. Definitions. As used in this Act, unless the context otherwise requires:

1. "Director" means the Director of Labor or his or her designee.
2. "Department" means Department of Labor.
3. "Amusement Attraction" means an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills or excitement at a fair or carnival, except any such enclosed building or structure which is subject to the jurisdiction of a local building code.
4. "Amusement ride" means:
 - (a) any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;
 - (b) any ski lift, rope tow, or other device used to transport snow skiers;
 - (c) (blank);
 - (d) any dry slide over 20 feet in height, alpine slide, or toboggan slide;
 - (e) any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides; or
 - (f) any bungee cord or similar elastic device.
5. "Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.
6. "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated.
7. "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions.
8. "Carnival worker" means a person who is employed by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public ~~and who is not a volunteer.~~

(Source: P.A. 94-801, eff. 5-25-06; 95HB0820sam001.)

(430 ILCS 85/2-20)

Sec. 2-20. Employment of carnival workers.

(a) Beginning on January 1, 2008, no person, firm, corporation, or other entity that owns or operates a carnival or fair shall employ a carnival worker who (i) has been convicted of any offense set forth in Article

11 of the Criminal Code of 1961, (ii) is a registered sex offender, as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961.

~~Any person, firm, corporation, or other entity that owns or operates a carnival and knowingly violates the provisions of this subsection (a) shall be assessed a civil penalty in an amount not less than \$1,000 and not more than \$5,000 for a first offense, and not less than \$5,000 and not more than \$10,000 for a second or subsequent offense.~~

~~(b) A In the interest of compliance with the requirements of this Section, a person, firm, corporation, or other entity that owns or operates a carnival or fair must conduct a criminal history records check for each carnival workers at the time they are hired worker in its employ consistent with the Illinois Uniform Conviction Information Act and perform a check of the Sex Offender Registry maintained by the Department of State Police for each carnival worker in its employ.~~

In the case of carnival workers who are hired on a temporary basis to work at a specific event, the carnival or fair owner may work with local enforcement agencies in order expedite the criminal history records check required under this subsection (b).

Individuals who are under the age of 17 are exempt from the criminal history records check requirements set forth in this subsection (b).

(c) Any person, firm, corporation, or other entity that owns or operates a carnival or fair must have a substance abuse policy in place for its workers, which shall include random drug testing of carnival workers.

~~(d) Any person, firm, corporation, or other entity that owns or operates a carnival or fair that violates the provisions of subsection (a) of this Section or fails to conduct a criminal history records check or a sex offender registry check for carnival workers in its employ, as required by subsection (b) of this Section, shall be assessed a civil penalty in an amount not to exceed \$1,000 for a first offense, not to exceed \$5,000 for a second offense, and not to exceed \$15,000 for a third or subsequent offense. The collection of these penalties shall be enforced in a civil action brought by the Attorney General on behalf of the Department.~~

~~(e) A carnival or fair owner is not responsible for:~~

~~(1) any personal information submitted by a carnival worker for criminal history records check purposes; or~~

~~(2) any information provided by a third party for a criminal history records check or a sex offender registry check.~~

~~A carnival or fair owner shall not be liable to any employee in carrying out the requirements of this Section.~~

(Source: 95HB0820sam001.)".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1023. Having been read by title a second time on June 13, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Turner offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 1023 on page 1, by inserting immediately below line 3 the following:

"Section 2. The Illinois Criminal Justice Information Act is amended by adding Section 7.6 as follows:

(20 ILCS 3930/7.6 new)

Sec. 7.6. Capital Crimes Database.

(a) Subject to appropriation, a Capital Crimes Database shall be created within the Illinois Criminal Justice Information Authority (ICJIA).

(b) The ICJIA shall collect and retain in the Capital Crimes Database all information on the prosecution, pendency, and disposition of capital and capital eligible cases in Illinois. The Capital Crimes Database shall serve as a repository for all of the foregoing collected information.

(c) The ICJIA shall develop administrative rules to provide for the coordination and collection of information in the Capital Crimes Database.

(d) Agencies required to provide information on capital cases to the ICJIA, as the ICJIA may request, for the Capital Crimes Database shall include, but not be limited to:

- (1) Office of the Attorney General.
- (2) Illinois Department of Corrections.
- (3) Illinois State Police.
- (4) All county State's Attorneys.
- (5) All county public defenders.
- (6) Office of the State's Attorneys Appellate Prosecutor.
- (7) Office of the State Appellate Defender.

(e) Agencies requested to provide information on capital cases to the ICJIA for the Capital Crimes Database shall include, but not be limited to:

- (1) Administrative Office of Illinois Courts.
- (2) All county circuit court clerks.

(f) The ICJIA shall develop procedures and protocols for the submission of information relating to capital and capital eligible cases to the Database in conjunction with the agencies submitting information.

Section 3. The Illinois Police Training Act is amended by changing Section 10.3 as follows:
(50 ILCS 705/10.3)

Sec. 10.3. Training of police officers to conduct electronic interrogations.

(a) From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for permanent police officers, part-time police officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.

(b) Subject to appropriation, the Board shall develop technical guidelines for the mandated recording of custodial interrogations in all homicide investigations by law enforcement agencies. These guidelines shall be developed in conjunction with law enforcement agencies and technology accreditation groups to provide guidance for law enforcement agencies in implementing the mandated recording of custodial interrogations in all homicide investigations.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03.)

Section 4. The Criminal Code of 1961 is amended by changing Sections 33A-2 and 33A-3 as follows:
(720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

Sec. 33A-2. Armed violence-Elements of the offense.

(a) A person commits armed violence when, while armed with a dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, ~~second degree murder, involuntary manslaughter, reckless homicide,~~ predatory criminal sexual assault of a child, ~~aggravated criminal sexual assault, aggravated kidnaping,~~ aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range ~~armed robbery, or aggravated vehicular hijacking.~~

(b) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, ~~second degree murder, involuntary manslaughter, reckless homicide,~~ predatory criminal sexual assault of a child, ~~aggravated criminal sexual assault, aggravated kidnaping,~~ aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range ~~armed robbery, or aggravated vehicular hijacking.~~

(c) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon that proximately causes great bodily harm, permanent disability, or permanent disfigurement or death to another person while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, ~~second degree murder, involuntary manslaughter, reckless homicide,~~ predatory criminal sexual assault of a child, ~~aggravated criminal sexual assault, aggravated kidnaping,~~ aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range ~~armed robbery, or aggravated vehicular hijacking.~~

(d) This Section does not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code.

(Source: P.A. 91-404, eff. 1-1-00.)

(720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

Sec. 33A-3. Sentence.

(a) Violation of Section 33A-2(a) with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years.

(a-5) Violation of Section 33A-2(a) with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Violation of Section 33A-2(a) with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) with a Category III weapon is a Class 1 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty.

(b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years.

(b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.

(c) Unless sentencing under Section 33B-1 is applicable, any person who violates subsection (a) or (b) of Section 33A-2 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, a violation of the Methamphetamine Control and Community Protection Act, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years.

(c-5) Except as otherwise provided in paragraph (b-10) or (c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection (a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

- (i) solicitation of murder,
- (ii) solicitation of murder for hire,
- (iii) heinous battery,
- (iv) aggravated battery of a senior citizen,
- (v) ~~(blank) eriminal sexual assault,~~
- (vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act,
- (vii) cannabis trafficking,
- (viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act,
- (ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,
- (x) calculated criminal drug conspiracy,
- (xi) streetgang criminal drug conspiracy, or
- (xii) a violation of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 94-556, eff. 9-11-05)."

The foregoing motion prevailed and the amendment was adopted and ordered reproduced.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Turner, SENATE BILL 1023 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 96, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

RESOLUTIONS

Having been reported out of the Committee on Labor on July 11, 2007, SENATE JOINT RESOLUTION 22 was taken up for consideration.

Representative Chapa LaVia moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 593, 594 and 595 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the Agreed Resolutions were adopted.

At the hour of 2:58 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, July 13, 2007, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1023
CRIMINAL LAW-TECH
THIRD READING
PASSED
3/5 VOTE REQUIRED

July 12, 2007

96 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	E Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	E Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
E Bellock	Y Feigenholtz	E Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	E Franks	E McGuire	Y Schock
Y Bradley, John	E Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
E Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
E Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	E Tracy
E Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
E Collins	E Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	E Nekritz	Y Wait
E Coulson	Y Hoffman	E Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	E Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
E D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

90TH LEGISLATIVE DAY**Perfunctory Session****THURSDAY, JULY 12, 2007**

At the hour of 3:12 o'clock p.m., the House convenes perfunctory session.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 858 (Miller).

At the hour of 3:12 o'clock p.m., the House Perfunctory Session adjourned.