

STATE OF ILLINOIS  
94th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

27th Legislative Day

3/9/2005

Speaker Hannig: "The hour of 12:00 having arrived, the House will be in order. Will the Members please be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Monsignor Kevin Vann, with the Ble... Blessed Sacrament Church in Springfield. Monsignor Vann is the guest of Representative Joe Lyons."

Monsignor Vann: "And let us pray. Psalms 146 tells us, 'He is happy who is helped by Jacob's God, whose hope is in the Lord, his God, who alone made heaven and earth, the seas and all they contain. It is He who gives bread to the hungry. The Lord who sets prisoners free. It is the Lord who loves the just but thwarts the path of the wicked. The Lord will reign forever, Zion's God from age to age.' Almighty and ever living God, send Your blessing and Your guidance and Your care upon all gathered here today. Help all these deliberations this day be those deliberations to search and to seek for justice and to help those in need. Send Your protection upon us and all those who we love and our constituents here. Guide us always in Your peace and Your life and keep us always in Your care. Amen."

Speaker Hannig: "And we'll be led in the Pledge of Allegiance today by Representative Verschoore."

Verschoore - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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Speaker Hannig: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that we have no excused absences to report today among House Democrats."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect that Representative Black is excused today."

Speaker Hannig: "Mr. Clerk, take the record. On this question, there are 117 Members answering the Roll Call, a quorum is present. Committee Reports."

Clerk Mahoney: "Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 637 and House Bill 2375. Representative Colvin, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 1058; 'do pass as amended Short Debate' House Bill 265 and House Bill 2429; 'do pass as amended Standard Debate' House Bill 2330. Representative Boland, Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House

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Bill 2509; 'do pass as amended Standard debate' House Bill 1100. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 934, House Bill 2449 and House Bill 3816; 'do pass as amended Short Debate' House Bill 8... 960, House Bill 1550, House Bill 2351 and House Bill 3814. Representative Jefferson, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 1315; 'do pass Short Debate' House Bill 1524. Representative Yarbrough, Chairperson from the Committee on Housing & Urban Development, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 55; 'do pass Short Debate' House Bill 1103, House Bill 1104 and House Bill 1272. Representative Granberg, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 1314, House Bill 2567, House Bill 2568, House Bill 2607, House Bill 3526, House Bill 3528 and House Bill 3711; 'do pass as amended Short Debate' House Bill

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341, House Bill 2407 and House Bill 2550; 'do pass as amended Standard Debate' House Bill 1074 and House Bill 1128; 'recommends be adopted' House Resolution 84. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 1525. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on March 09, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #1 to House Bill 497 and Amendment #2 to House Bill 593; 'recommends be adopted' House Joint Resolution 27."

Speaker Hannig: "Okay. The Chair intends to begin were we left off yesterday, which is on page 16 of the Calendar, the Order of House Bills-Third Reading. House Bill 1077, Representative Ryg. Mr. Clerk, would read the Bill."

Clerk Mahoney: "House Bill 1077, a Bill for an Act concerning organ and tissue donation. Third Reading of this House Bill."

Speaker Hannig: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1077 authorizes first person consent for organ tissue donation. First person consent is a proven and logical step for us to take in Illinois. We have the largest list of potential organ tissue donors in the

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nation, numbering over 6 million. This legislation provides that by saying 'yes' to participating in the organ tissue registry, 'yes' will mean 'yes'. In its report to the Illinois General Assembly, the Illinois Donor Authorization Task Force unanimously recommended that the General Assembly change relevant statutes so that an individual's consent to be an organ tissue donor shall constitute complete legal authorization for donation of the individual's organs and tissues at the time of death. The enacting legislation provides that the Secretary of State shall offer applicants for driver's license or state identification cards who are 18 years or older the opportunity to have his or her name included in the First Person Consent Organ and Tissue Donor Registry. The Secretary shall advise the applicant that he or she is under no compulsion to participate in the registry, but for those who wish to sign up this opportunity will mean their consent is valid without the additional steps of obtaining witnesses. Consent of a relative or guardian will no longer be required. The registry will provide valuable information to families at a difficult time. It allows persons who wish to be a donor to have their wishes honored. It also provides that a person who reconsiders consent may withdraw his name and have his name removed from the registry. Forty-two other states have first person consent laws. Newspapers across the state have supported the measure and based on the size of the current

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Illinois registry, residents clearly support this lifesaving effort. I'm happy to respond to any questions."

Speaker Hannig: "The Lady has moved for passage of House Bill 1077. This Bill is on the Order of Short Debate. Does anyone stand in response? Representative Brady."

Brady: "Thank you, Mr. Speaker. I just wish to speak to the Bill. I just want to, along with my colleague, Representative Ryg, let everyone know from the task force that we both served on and others on the organ donation task force over the summer and fall. We worked very hard on this particular issue of first person consent. I support the issue of first person consent and I would encourage my colleagues here in the chamber to go ahead and vote 'yes' on this Bill, so we can implement first person consent in the State of Illinois and let the Secretary of State's Office deal with other implementation of how the operation would effect the Secretary of State's Office. Thank you very much. And Representative, thank you for your work."

Speaker Hannig: "Okay. The Gentleman has closed on House Bill 1077. And so the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Sullivan. Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We'd just like to advise the Members that we're

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honored today to have the Attorney General here in our presence, Lisa Madigan's in the back row. And we welcome her to the House of Representatives. Representative Davis on House Bill 1081. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1081, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Davis."

Davis, W.: "Thank you, Mr. Speaker. House Bill 1081 provides that anyone committing a... committing a DUI that causes a death shall face a mandatory sentence unless the court determines that the extro... extraordinary circumstances exist and... and require probation. It enhances the penalties for persons in these cases who have been convicted of an aggravated driving under the influence of alcohol, drugs, or other intoxicating compounds. Be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1081. This is on the Order of Short Debate. Does anyone stand in opposition? Representative Franks, are you in opposition, in response?"

Franks: "I'm not sure I... Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Franks: "Representative, I've... this is the first I've seen this Bill and presently, if one causes a death while under the influence, would that person face a mandatory sentence?"

Davis, W.: "Currently... currently, no. I believe the current law provides that if there is one fatality there's a sentence of 3 to 14 years and if there is second fatality,

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that's 6 to 28 years. Probation is possible, you know, it is a possible sentence, as well. So, currently there is no mandatory jail time."

Franks: "So, what exactly will this do? Would this make it a stronger penalty?"

Davis, W.: "Yes, Representative. The intent certainly is to strengthen the drunk driving laws and it... and it provides that the judge will consider jail time first, unless there is an extraordinary circumstances... circumstance that will then allow the judge some flexibility and then issue or... or he could sentence that individual to probation."

Franks: "Okay. Now, is there anybody who's against this Bill?"

Davis, W.: "To my knowledge, no one is against the Bill."

Franks: "Thank you for answering my questions."

Davis, W.: "Thank you."

Speaker Hannig: "Is there any further discussion? This Bill's on the Order of Short Debate. Does anyone wish to speak in opposition? Representative Lindner, are you in opposition? Do you want to remove it from Short Debate? Okay. Representative Lindner is recognized and then we'll close. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. What would be an extraordinary circumstance in your definition?"

Davis, W.: "Well, we did not define that because if we started trying to define it, I mean, I think the possibilities are endless... the possibilities are potentially endless, so we just decided to leave it to the discretion of the judge."



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Lindner: "Is that... is that terminology used any place else in the statute 'extraordinary circumstance' where it is defined?"

Davis, W.: "Could you repeat that for me, Representative?"

Lindner: "I said, 'Is that term 'extraordinary circumstance' used in the statute any place else where it is defined?'"

Davis, W.: "It's... it's not a... it's not a term of ours per se, but essentially that is the intent of the legislation that would give the judge that potential flexibility to examine some circumstances and then offer probation if that's... if it's warranted."

Lindner: "Since you have the ability to get parole, do you think that makes this less strong?"

Davis, W.: "I'm... I'm having a little trouble hearing you, Representative. I know we're right across the aisle. I'm just having a little trouble hearing."

Lindner: "Since... since the ability to get parole, do you think that makes it less strong? Does this make the statute less strong?"

Davis, W.: "No. Our intent here is to strengthen. 'Cause right now, probationary is one of the options that the judge has. The way we... this legislation essentially imposes jail time first and then if there is a circumstance, which the judge has the discretion to... discretion to review, then he may or could decide... he or she may decide that probation is warranted."

Lindner: "All right. Is... does MADD support your Bill?"

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Davis, W.: "Yes, it does. As a matter of fact, this is an initiative of MADD."

Lindner: "It's an initiative of MADD. And are there any opponents?"

Davis, W.: "Are there any..."

Lindner: "Opponents."

Davis, W.: "To my knowledge there are no opponents to the Bill."

Lindner: "All right. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 1081 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have... have all voted who wish? Representative Bailey. Okay. Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 1086?"

Clerk Mahoney: "House Bill 1086, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Champaign, Rep... Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. House Bill 1086 limits the current trespass to property exemptions that are found in the law. A person commits trespasses when he knowingly and without lawful authority enters or remains within or on a building. The Champaign County State's Attorney Office is actually bringing this Bill. Current law has exemption for a person that enters a building that's open to the public,

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while the building is open during its normal hours of operation and for a person that enters a public building under the reasonable belief that the building is open to the public. The way this law is written a person can enter a private area of a public building. So, what this Bill does, it closes that loophole. The Bill would exempt from the trespass laws, a person that enters a public area of a building that's open to the public while the building is open during its normal hours of operation and for a person that enters a public area of a public building under the reasonable belief that the building is still open to the public. I urge an 'aye' vote."

Speaker Hannig: "Okay. This is on the Order of Short Debate. Does anyone stand in opposition or in response? Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative, what is the motivation for this legislation? What happened?"

Jakobsson: "The motivation is to close the loophole so that... let's say you were a person, goes in a public place, like a store, K Mart or a place like that, that's open to the public. The person's allowed to be there. The way the law is written, the person could enter a stockroom or a private office because it's a public building. This closes that loophole to make those places not be open to the public."

Parke: "Now, does this to not punish the individual or is this to protect the facility at which that person is entering?"

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Jakobsson: "It's to protect the facility, that that person then would be no longer on public property if he goes into a private place."

Parke: "Now, is this... what instance are you referring this to? Is this your Bill because somebody in your... your store in your district came to you and said this is a bad thing and we want to correct it? How... what's the genesis of your legislation?"

Jakobsson: "This was brought to my attention by the state's attorney in my county."

Parke: "Okay. This came from your state's attorney. Was there a specific instance that brought this to mind that... they said, well, we couldn't prosecute this person 'cause there's a loophole. Did they do that?"

Jakobsson: "Well, I do know that it was a concern for the Champaign County State's Attorney. I don't know of the particular instance."

Parke: "So, primarily, this is to say that if somebody walks into a public store and they want to go into a... they walk into somebody's office, they now have broken the law? What if they just are trying to find somebody to talk to?"

Jakobsson: "They probably have, ya know, if they have permission to be in there to find someone to talk to. I'm talking about someone wondering around a building that right now is called 'public', the whole building."

Parke: "What happens if so... somebody is walking in a shopping mall. How does this apply to that individual? Tell me how

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this works. I just wanna make sure we're protect individual liberty."

Jakobsson: "All right. Well, let's say there's a storage room in the shopping mall."

Parke: "Yeah."

Jakobsson: "And that is not really open to the public, but because it's a public place, right now, that's not covered by law. This is the kind of loophole we want to close."

Parke: "Let me... let me give you an example. I know that all of us have gone through this where all a sudden we realize that we have to use the washroom and we go looking for a washroom and there's nobody around. I, myself, have walked into areas that I would think that I normally would not go into. But, I'm looking for somebody to talk to about asking them where the washroom is. Or as recently as last week, I was in a store and I said I'd like to use the washroom, and they said it's in the back in the left-hand corner. I walked into the back area, it was... there was a sign on the door saying, 'do not enter', but that's where the public washroom was and that's where they told me to go. I mean, I was a little uncomfortable going in there because of the sign on the door. But that's where the washroom was. Ultimately, I found it, used it and now I can... under your legislation, I'm afraid I could be arrested."

Jakobsson: "You'd have to, I mean, I guess if they gave you permission, they gave you permission."

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Parke: "Well, I mean, you guess. You wanna pass this legislation. I wanna protect individual rights and liberties of the individual as a person. I mean, if somebody happens to walk in... and into... into a area that seems to be restricted, are they really breaking the law? Have they taken anything? Has... I mean, you could talk about trespassing. Why doesn't the trespassing statutes apply? I just... it makes me uncomfortable that we're expanding the law for anybody who happens to walk into an area looking for an attendant, or looking to use a washroom, or looking for information, they then under this legislation might very well be liable for some kind of an arrest. Mr. Speaker, could I take this off of Standard Debate? I mean, I..."

Speaker Hannig: "Off of Short Debate."

Jakobsson: "If you're looking..."

Parke: "...I understand what the Lady's trying to do. But I... I think this is worthy of further debate..."

Speaker Hannig: "Yeah. It's off..."

Parke: "...because I'm concerned about... about that."

Speaker Hannig: "We'll put it on Standard Debate."

Parke: "Yeah, thank you. I'm just concerned. To the Bill. The Lady..."

Speaker Hannig: "To the Bill."

Parke: "...obviously is trying to do something for her state's attorney because they found that this is necessary. But, ya know, I think what happens is that the rule of unintended consequences does apply. I mean, it really does

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apply here. And I'm not sure that this is what we wanna see happen. Anybody could use this as a 'big brother' thing and say, 'Hey, you're not in the right area. There's a statute that says you're liable. You're... we're gonna arrest you.' And I... I just don't know. I don't think that's what she wants to really ultimately do. She wants to protect the privacy of the institution that is there. But I... I just think that this Bill doesn't do that. And I would ask her to maybe pull the Bill from the record, talk some more. There's plenty of time to call this again and see if there's some way that she and I or anybody else can try and tighten this up, so that there's a certain protection of the individual citizen out there who may walk into the wrong area. Nobody wants them to be arrested. The embarrassment of being arrested, put in handcuffs, taken out in a squad car, taken down to the... to the police station, that's pretty... pretty traumatic for some people. So, I think we need to talk more about this legislation."

Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you, Mr. Speaker. Apologies for my voice to the Body. Ladies and Gentlemen, I rise in strong support of the Lady's Bill. Contrary to what at least the analysis on our side of the aisle says, this is simply closing a loophole. And I'll give you a... the perfect example. If you enter into public building, say a retail outlet and then you wonder from that public part of that building, into say, the stockroom and start fidgeting through a case

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full of CDROM video discs, currently... currently, you are not guilty of trespass. What the Lady is trying to do is expand the definition of 'trespass' to cover that scenario. This is the initiative of the Champaign County State's Attorneys Office. And if I may just take a moment to address the scenario of bathrooms. There exists within the law the defense of necessity. If you have to go to the bathroom, it's a defense to the charge, 1. Two, no state's attorney with commonsense is gonna charge somebody for wanting to use the bathroom in the stockroom of a retail outlet. I urge everybody to vote for this Bill. Thank you."

Speaker Hannig: "Any further discussion? Then Representative Jakobsson's recognized to close."

Jakobsson: "Thank you, Mr. Speaker. As was said, there... there is an allowance in this law for necessity and please keep that in mind. The Bill closes the loophole. We're... we're defining the exemption. We're not creating a crime. I urge an 'aye' vote."

Speaker Hannig: "Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Rep... Okay. Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 2 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bost, for what reason do you rise?"



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Bost: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hannig: "State your point."

Bost: "Earlier, just a few moments ago, I began to look around in the gallery and there was a face that I thought was familiar, but I ask... asked other Legislators that have served here a while and sure enough there's Representative Mike Weaver, former Representative."

Speaker Hannig: "Representative Saviano, for what reason do you rise?"

Saviano: "Thank you, Mr. Speaker. I also rise in a point of personal privilege. I'm honored today to have Kristine Anderson, who's the Program Director of the Respiratory... Respiratory Care Program of Triton College and her students here today. They're right up there in the gallery. If we give them a good round of applause, please."

Speaker Hannig: "Representative Brady, for what reason do you rise?"

Brady: "Thank you, Mr. Speaker. A point of personal privilege as well. I'd like to introduce to the Illinois General Assembly from my hometown, from the School of Nursing at Illinois Wesleyan University, the students and faculty that are here Donna Hartweg and Susan Swanlund and some of the nursing students, if they'd stand up. If you'd give 'em a Springfield welcome. Which also, they happen to be part of the home of... the college home of Representative Tom Cross, in Bloomington. Thank you very much for coming to Springfield, Ladies and Gentlemen."

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Speaker Hannig: "Mr. Clerk, would you read House Bill 1088."

Clerk Mahoney: "House Bill 1088, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 1088 amends the Illinois Identification Card Act. And basically, what it does is it increases the penalties for any fraudulent ID card when there are aggravating circumstances. An example of that is if you... if you use a fraudulent ID with the intent to commit a theft, under those circumstances there would be a aggravating circumstance and you would be guilty of a Class III felony as opposed to now it being a Class IV felony. I think it puts a little more teeth into the growing identity theft that we're facing today. And I ask for your 'aye' vote."

Speaker Hannig: "The Gentleman moves for the passage of House Bill 1088. This Bill's on the Order of Short Debate. In response, the Lady from Cane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Lindner: "Yes. Can you tell me why... why you think this penalty should be enhanced? Has there been problems? Have there been more actions brought or... or charges brought or what?"

Mathias: "Actually, the reason... the reason for the Bill was, it came out of a Supre... Illinois Supreme Court case. The penalty pre... prior to this was a Class IV felony, which was the same penalty for ID theft without an aggravating

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factor. And so, the Illinois Supreme Court threw out a criminal case because of the proportionality clause, basically saying that the... the penalties were the same for something that had an aggravating circumstance and one without it. So, in order to correct that case, I... I... my choices were either to lower a penalty or to raise it. And I felt because of the way ID theft is increasing I would rather increase the penalty, for aggravating theft, leave the penalty, if there is no aggravating circumstances the same and that that would correct that case."

Lindner: "Thank you. And then all of these aggravating circumstances are set out in the statutes..."

Mathias: "Yes."

Lindner: "...under paragraph 2 through 9, is that correct?"

Mathias: "They are set out in the statute, yes."

Lindner: "Yes. Okay. Thank you."

Speaker Hannig: "Representative Mathias is recognized to close."

Mathias: "I ask for your 'aye' vote on this most important legislation dealing with identity theft."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Tenhouse, would you like to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority,

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is hereby declared passed. Mr. Clerk, would you read House Bill 1095?"

Clerk Mahoney: "House Bill 1095, a Bill for an Act concerning juc... juries. Third Reading of this House Bill."

Speaker Hannig: "Representative Flider."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to present to you House Bill 1095 which creates there Juror... the Juror Protection Act. This legislation prohibits a person that represents himself or herself at any phase of a jury trial and is found guilty from attempting to contact jurors. The Bill allows a person to contact a juror only if he or she obtains leave of the court before making contact with jurors. The Bill also provides guidelines that a defendant must follow when requesting the court for permission to contact jurors. And this legislation stemmed from an incident that occurred in Macon County. I'd encourage your support."

Speaker Hannig: "Okay. The Gentleman has moved for passage of House Bill 1095. This is on the Order of Short Debate. Representative Franks is recognized in response."

Franks: "Thank you. Mr. Speaker, will the... will the..."

Speaker Hannig: "Sponsor will yield."

Franks: "...Sponsor yield? Thank you. Representative, I'm reading this Bill and my analysis indicates that a person who represents himself would be barred from talking to a juror, correct?"

Flider: "Correct."

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Franks: "Now, what about if the defendant was able to hire an attorney and was then found guilty, would that person who was able to hire an attorney be able to contact the jurors?"

Flider: "Well, typically, under the rules of court it would be an attorney that would contact a... a jury. But it would not be a defendant per se."

Franks: "But, there is nothing prohibiting a defendant who happens to have an attorney to be able to contact the jurors?"

Flider: "There is a crime right now, that whereby a jur... a defendant attempted to talk to a juror to influence jurors."

Franks: "No. I'm... I'm not talking about that, because this Bill I think says after... after there has been a determination by the court or by the jury, that it prohibits an individual who represented themselves from contacting a jury, a juror, which I understand. But what I'm wondering is, why you'd leave the loophole that allows someone who happened to hire a lawyer to be able to contact those jurors after a determination of guilt?"

Flider: "Well, we didn't perceive that to be a loophole as such as... as big as the loophole which exists now, which is when a juror or a defendant decides to represent himself or herself, decides not to have a lawyer represent him or her that he after the course of a jury trial would contact a juror. So, we felt that this is the loophole we are trying to close. Under ordinary practice, when a defendant is

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represented by a lawyer, typically, if there was gonna be a contact of a juror, that lawyer would contact the juror. I was not brought or made aware of any instance where this had been a problem where a defendant had been represented by lawyer."

Franks: "Well, what'd I like this... maybe we can make this Bill stronger and when it gets over to the Senate if we could have it amended to also include those peoples. I don't think we want to have... the way it's written now I think it's unintended consequences. And it's almost like a class war, where if you can afford a lawyer you're not... you're not prohibited from talking to a juror after a determination. But if you have to defend yourself and for some reason don't have an attorney, then you can't. And I don't think that's fair. I think everyone should be prohibited except possibly an attorney dealing with the... the jurors. If it... if it's a safety issue."

Flider: "Right. And... and I would say, Representative, and I think your point is a very interesting one and... and a valid one. But what I would say is that we were operating under the presumption that a defendant would be represented by a jur... a lawyer who would advise that client not to contact a juror, that that would be, ya know, not a real good move on their part."

Franks: "I... I appreciate it. Thank you."

Flider: "Thank you."

Speaker Hannig: "Any further discussion? Then Representative Flider to close."

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Flider: "Thank you, Mr. Speaker. This is a... a le... a piece of legislation that closes a loophole in the existing law. It's one that if you think about it, right now, if a juror believes or a potential juror believes that they could be contacted by a defendant after the defendant is found guilty or even if the defendant is not found guilty, that could really put a chilling effect on whether a... an ordinary citizen would want to serve as a juror. So, this legislation will close a loophole. Make sure that a process is in place to allow a defendant to contact a juror if, in fact, they believe there's appropriate need to do so. However, the process does not exist today, so it's important that we do put that process in place. I'd appreciate an 'aye' vote."

Speaker Hannig: "Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 1101."

Clerk Mahoney: "House Bill 1101, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from DuPage, Representative Millner."

Millner: "Thank you, Mr. Speaker. House Bill 1101, seeks to amend Section 7-1-13 of the Illinois Municipal Code. This

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section empowers Illinois's villages and cities to involuntary annex small portions of unincorporated territory adjacent to their borders containing 60 acres or less under minor conditions. House Bill 1101 seeks to add to the list of these conditions two other features, which though not natural features, frequently function as physical boundaries to municipal expansion. These are railroad and large utility easements, such as those for high tension electrical equipment for a... high pressure gas mains. And I ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1101. This is on the Order of Short Debate. And in response, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Parke: "Well, Representative, now if I understand this legislation correctly, we're gonna allow a municipal government to an annex land over a railroad property with two parcels, one on each side of it, without having the railroad say that it's okay? Is that correct?"

Millner: "I worked with the railroads on this Bill. The railroads are very happy with this Bill. And currently, we can jump railroads. This would act as a railroads as a boundary. I met with all the railroads in the affected area, which is DuPage County and they're fine with it."

Parke: "It only applies to DuPage?"

Millner: "Only to DuPage, correct."

Parke: "And they've signed off on it?"



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Millner: "Yeah. I talked to Joe Ciaccio."

Parke: "Okay. Thank you."

Speaker Hannig: "Okay. Representative Millner to close."

Millner: "I ask for an 'aye' vote."

Speaker Hannig: "Okay. So, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Turner, would you like to be recorded? Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Watson, for what reason do you rise?"

Watson: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Hannig: "State your point."

Watson: "I'd like to welcome from Jerseyville High School the Teens Against Tobacco Use group up in the gallery. Thank you, Mr. Speaker."

Speaker Hannig: "Mr. Clerk, would you read House Bill 1106."

Clerk Mahoney: "House Bill 1106, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker. House Bill 1106 says that if someone commits a crime against... commits a battery against someone they know to be over 60, they can be charged... that they actually commit aggravated battery. And I ask for an 'aye' vote."

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Speaker Hannig: "The Gentleman... the Gentleman has moved for passage of House Bill 1106. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Holbrook? Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Chapa LaVia, for what reason do you rise?"

Chapa LaVia: "A point of personal privilege. I'd like to have the General Assembly welcome Carpenters Place Rockford and Carpenters Place Aurora in the gallery, unless they left, they left. Mr. Clerk, read House Bill 1125."

Clerk Mahoney: "House Bill 1125, a Bill for an Act concerning elections. Third Reading of this House Bill. The Lady from Champaign, Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. House Bill 1125 amends the Election Code. It permits minor children to accompany their parent or guardian into the voting booth. It also does lead to the discretion of the election authorities to determine that the children are not likely to disrupt or interfere with the voting process or influence the casting of a vote."

Speaker Hannig: "The Lady has moved for passage of House Bill 1125. It's on the Order of Short Debate. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Reitz and Representative Phelps. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1151."

Clerk Mahoney: "House Bill 1151, a Bill for an Act concerning conviction information. Third Reading of this House Bill."

Speaker Hannig: "Representative Millner."

Millner: "Thank you, Mr. Speaker. House Bill 1151 amends the Illinois Uniform Conviction Information Act. And this Bill strikes out the provision of the statute that requires an annual review of the fees for obtaining criminal history records. Currently what happens, it's \$16, agencies charge that. If they want an increase they should be able to go to the criminal justice authority and have them do the evaluation. Currently, the way it is the criminal justice authority has to do it every year. And we're just asking that they be spared that, the process."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1151. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Younge. Representative Younge, would you like to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1173."

Clerk Mahoney: "House Bill 1173, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of the committee. House Bill 1173 expands the crime of child pornography making it illegal for a person to possess pictures where the child is wearing transparent clothing. This came out of an actual case where a young girl was... had pictures taken of her in stockings, and while the law said that the child had to be unclothed, the transparent clothing which was used for elicited and improper purposes technically did not violate that law. So, this is stuff to clear up that loophole. It's supported by the Cook County State's Attorney, the Illinois State Police and the Illinois Association of Chiefs of Police. We know no... of no opposition to this commonsense and very worthwhile law."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1173. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Parke. Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional

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Majority, is hereby declared passed. Representative Acevedo, for what reason do you rise?"

Acevedo: "Yes, Speaker, I rise in a point of personal privilege."

Speaker Hannig: "State your point."

Acevedo: "I'd like the House to help me welcome stu... high school students from my district, Little Village, Spry High School and their teachers Ed and Tim."

Speaker Hannig: "Representative Burke, for what reason do you rise?"

Burke: "Thank you, Mr. Speaker and Members of the House. Just for the Members of the Executive Committee. We announced in committee that the Executive Committee will reconvene tomorrow at 1, that is not correct. We will reconvene tomorrow at 12. Executive Committee tomorrow at 12 noon. Thank you."

Speaker Hannig: "Thank you, Representative Burke. Mr. Clerk, read House Bill 1182."

Clerk Mahoney: "House Bill 1182, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Rock Island, Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker. House Bill 1182 amends the Illinois Vehicle Code and provides that the Department of Natural Resources rather than 'shall' adopt administrative rules regarding the operation of all-terrain vehicles and off-the-highway motorcycles. The Illinois Vehicle Code currently requires DNR to adopt the rule for

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the operation of all-terrain vehicles and off-highway motorcycles. An office of the internal audit finding has shown that DNR is not in compliance with their legislative mandate. What this does is just bring 'em in line with the audit department and get 'em in compliance with law. And I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1182. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lyons, would you like to be recorded? Eileen Lyons. Mr... Representative Younge, would you like to be recorded? Mr. Clerk, take the record. On this question, there are 97 voting 'yes', 19 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1283."

Clerk Mahoney: "House Bill 1283, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Soto."

Soto: "Thank you, Speaker and Members of the House. House Bill 1283 is a Bill that was introduced last year. It's part of a Bill that was introduced last year. There's a center, Illinois Center for Rehabilitation and Education at Roosevelt that was not added to that Bill. So, this year we introduced a Bill, 1283, it amends the children and disability special education article of the School Code to

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add the Illinois Center for Rehabilitation and Education-Roosevelt. As one of the state facilities to which a parent or guardian may be able to refer for services for their children who are deaf, hard of hearing, visually impaired, or severely, physically disabled, or health impaired. Other facil... facilities currently include the Illinois School for the Visually Impaired and the Illinois School of Deaf in Jacksonville, Illinois. This Bill is an initiative of the Department of Human Services to include notice and information to parents, families about other state operated schools that serves special education children. The law is referring to the Jacksonville school that was enacted in 2003. And I urge us... your support. Thank you."

Speaker Hannig: "The Lady has moved for passage of House Bill 1283. Is there any discussion? This Bill's on the Order of Short Debate. And on that question, the Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Eddy: "Representative, this Bill requires school districts to notify parents of children with those physical disabilities or health impairments of services offered. Can you briefly describe what notification would satisfy this requirement?"

Soto: "A notification of the service, Representative."

Eddy: "Would that be acceptable in the form of a..."

Soto: "Brochure."

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Eddy: "...a handbook notification that goes out to all students at the beginning of the school year? Just an addition to that handbook, not a separate sheet of paper?"

Soto: "Yes, correct."

Eddy: "Okay. Thank you very much."

Soto: "Thank you."

Speaker Hannig: "This Bill's on the Order of Short Debate. Representative Mulligan, would you like to briefly ask or make your point?"

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Mulligan: "Representative, what is your intent with this Bill? The ICRE does not have very many students currently, are they planning on expanding their mission there or what?"

Soto: "No, they're not... nope, they're not expanding, they're already a... a business. They're already a business and they're gonna just continue. What happened with this... with last year's Bill is that they were left out of the Bill. This is to include them in the Bill. Well, they were left out, so this... they're included now."

Mulligan: "So, this is just to add... I... I'm familiar with ICRE. My uncle was the first director there. But, what I'm trying to find out is, it's very limited now, the services that they provide. There aren't that many students there any longer. So, what you're saying is you're gonna put information in a booklet that's given to parents of physically disabled children to tell them that there's services that they can obtain from ICRE?"



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Soto: "Speaker, I can't... I can't hear."

Mulligan: "What I'm trying... what I'm understanding is that you're just trying to put out information to parents of physically disabled children of what ICRE does?"

Soto: "Yes."

Mulligan: "Are you trying to increase the enrollment?"

Soto: "Yes, I am."

Mulligan: "Because I don't think they're geared up for that, quite frankly."

Soto: "This is a good start in that direction."

Mulligan: "Actually, years ago that's what it used to be. But now people have their children in a home or they have other services and they don't actually use ICRE in that way anymore. It would be going back to institutionalizing people rather than having them in a home setting. So, I'm not quite sure where we're going with this. I can see giving out information. But, if the..."

Soto: "Th... Representative, this is for those who don't have an... any other recourse."

Mulligan: "I know in visiting there, I've... I've seen what they do now. But the... the mission of ICRE has changed over the years. So, I'm just wondering where you're going with it."

Speaker Hannig: "Representative Soto to close."

Soto: "I urge an 'aye' vote."

Speaker Hannig: "Okay. So, the question is, Shall this Bill pass?' All in favor say 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Okay.

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Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk... Representative Delgado, for what reason do you rise?"

Delgado: "Actually, Mr. Speaker, for personal privilege."

Speaker Hannig: "State your point."

Delgado: "Yes, I'd like to let everyone know from our dis... from my district, the Third District. I got members of the Latin American Motorcycle Association and members of A.B.A.T.E. And they're here with us in the balcony today. I just want to say hello to some of my friends from the district. And let's give 'em a nice General Assembly welcome. To all our friends."

Speaker Hannig: "Mr. Clerk, read House Bill 1301."

Clerk Mahoney: "House Bill 1301, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of the committee. House Bill 1301 is an initiative of the Department of Human Services. What this is aimed at is getting at the issue of disabled and elderly abuse. This gives the... the department the ability to get access to a customer's financial records if there's suspicion that the customer is or may become the victim of financial exploitation. We have worked out an agreement with the Illinois Bankers Association. And this Bill is supported by the Department of Human Services, the

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Department on Aging, the Credit Unions, and the Bankers Association. We know of no... know of no opposition. And, again, it is aimed at getting at something that we all think is important which is protecting the disabled and elderly from financial exploitation and abuse. I'd be happy to answer questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Phelps, would you like to be recorded? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no' and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 1310."

Clerk Mahoney: "House Bill 1310, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps. Out of the record at the request of the Sponsor. House Bill... Representative Phelps. Okay. We'll move along to House Bill 1319, Representative Delgado. Mr. Clerk, would you read the Bill? 1319, please."

Clerk Mahoney: "House Bill 1319, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Delgado."

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Delgado: "Thank you, Mr. Speaker and Members of the House. House Bill 1319 seeks to rehabilitate people that are convicted of felony prostitution for the first time. The Bill allows the court to sentence a person to probation without entering a judgment with the consent of the person. A person would only be subject... would be subject to this probation once. A person commits the crime of prostitution when he or she exchanges sex for money, tokens, property, objects, or anything of value. And I would ask for your 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1319. This is on the Order of Short Debate. Representative Gordon, do you stand in response?"

Gordon: "I... I just have a question for clarification from the Sponsor, if he'll yield."

Speaker Hannig: "Okay. He'll yield."

Gordon: "Thank you. Representative, is this Bill... The type of system that you're setting up for the crime of prostitution, is it exactly the same as there are for drug courts in the State of Illinois?"

Delgado: "Yes. We haven't made the anal... the comparison, but it's very similar from the top of my knowledge. But I have not made that comparison."

Gordon: "And... and, in fact..."

Delgado: "But we do rehabilitate in the same fashion, yes."

Gordon: "And... and, in fact, it's... isn't it very similar to the way that we have 1410 probation..."

Delgado: "Yes."

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Gordon: "...for felony drug?"

Delgado: "Yes."

Gordon: "Okay. And... and also and I guess I would call it a diversionary program, so we have this for drug court and also in some counties isn't there a juvenile diversion programs, as well?"

Delgado: "Yes."

Gordon: "Okay."

Delgado: "That is correct."

Gordon: "And this is a cost-saving measure, is that correct?"

Delgado: "Absolutely, a cost-saving measure."

Gordon: "Okay. Thank you, for the clarification, Representative."

Delgado: "Thank you, for your questions, Representative."

Speaker Hannig: "Okay. So, there's several seeking recognition. So, we'll just take this off of Short Debate. We'll recognize Re... Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Parke: "Representative, it's... according to our staff analysis, there was an Amendment by DHS that was supposed to be put on the Bill. Has that been put on? And where are you?"

Delgado: "Right. And that Amendment is on there and has been adopted. The House Amendment deletes the provision of the Bill that would allow prostitutes to receive the treatment and rehabilitation by the Illinois Department of Human Services. Because of the opposition at DHS at that time a court..."

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Parke: "All right. I just... I just wanted to know, is it on?"

Delgado: "Yes. Yes, Sir, it is."

Parke: "Now, are they now neutral?"

Delgado: "That is correct."

Parke: "Okay. Now, just tell me in two sentences why this is necessary."

Delgado: "Well, I'll do my best in two sentences for you, Representative Parke."

Parke: "All right. I'll give you three."

Delgado: "The vast majority of persons in prostitution suffer from a long-term physical and emotional pain often resulting in mental illness, physical disabilities, post traumatic stress disorder. This is self victimization for many reasons. They've been abused. They've had... they've been... there's low... their self-esteem has been on... put on the ground. And this is pretty much they're doing it to themselves. To give them an opportunity to... to really give them some real services is one of the best reasons I can give you for why this is important."

Parke: "It says here that it 'may' require the person to undergo treatment or rehabilitation. Who's the 'may'? Who decides? The court decides, a judge says you have to go and take some kind of a treatment, whether it's drug or chemical dependency. You must do that. What... is that right?"

Delgado: "Right. That is correct. It's usually the discret..."

Parke: "And... and if that person does, if the court says you gotta do it and they don't do it, what happens?"

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Delgado: "Right. And then they would be in violation of the court and can be brought back and.. and given pris.. jail time or prison time for the original charge."

Parke: "All right. So, this Bill simply says that if you are a prostitute, male or female.."

Delgado: "That's correct."

Parke: "...and you are arrested, the first time, you are automatically given probation."

Delgado: "The... the probation and diversion to get some help."

Parke: "Well, but a court may not ask for that. Am I right? The court may simply say, it's all right, I'm slappin' your hand, a fine and you're back on the street again."

Delgado: "No. Very rarely will they do that. They would ask for a TAS assessment, which would be a drug rea... rea... reassessment system. And/or sent over for, usually there's mental illness involved, though they might ask for a psychiatric workup to determine the services that are needed."

Parke: "And you don't think this is gonna cost any money?"

Delgado: "And, Representative, I wanna interject one moment. One of my reasonings behind putting the 'may', and I was just reminded, is that I didn't put 'shall' because I didn't want to tie the judge's hands as to what type of other services that person may... may need and give that judge the opportunity to add or subtract that."

Parke: "I don't have a problem with that. I... I think that's reasonable legislation. I... I'm tired of us telling the courts what they have to do..."

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Delgado: "And I agree with ya."

Parke: "...and limiting their ability. But at the same time I wish they'd stay out of our business. Let us legislate instead of them making laws for us. But that's another story."

Delgado: "And I hear ya, Representative. Because I, having worked in the court system, I agree with you on that."

Parke: "Is there anybody in opposition to your legislation?"

Delgado: "At this point, there is no opposition whatsoever."

Parke: "You know, this is an interesting Bill. Do you see any opportunity for some kind of a... a report? Because... we have so many people who end up being arrested for prostitution in this state. I mean, it's not an epidemic, but it's a significant amount of people."

Delgado: "Yes, it is. You're right."

Parke: "And I'd be curious if we could have somebody to report to us or at least somebody in DHS, a year from now, to let us know what the success on this is."

Delgado: "That's a..."

Parke: "To see if this is something that might be expanded or... or that we could do it better."

Delgado: "And that's an excellent idea. This Bill was actually brought to me by the Coalition for the Homeless. There are over 25 thousand prostitutions right now, prostitutes on the streets of Chicago and I will carry that as the chairman of Human Services Committee to talk with DHS and the coalition. But I think that's a wonderful idea and I will seek that advice. I will yield to that advice."



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Parke: "Thank you, Representative."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he'll yield."

Stephens: "We had quite a little nice debate in committee."

Delgado: "Yes, we did."

Stephens: "I... I appreciate your... your position on the Bill.

But, is this the Bill that... our staff refers to this as the  
first offender felony prosecution Bill."

Delgado: "Right. It's the first time they get charged under  
the felony Act."

Stephens: "Yeah."

Delgado: "So, it may not be the first one. But, yes..."

Stephens: "So it's... it's..."

Delgado: "...on the felon, yes. You're right."

Stephens: "Well, we all know and it was established in  
committee..."

Delgado: "Yep."

Stephens: "...that this is not only not the first offense but it  
is, not only that, but there's been a prior conviction for  
prostitution."

Delgado: "Right. That's correct. It would be the second  
offense. A person convicted of a second or subsequent  
violation of such number of convictions of would... would  
constitute a Class IV felony."

Stephens: "Okay. So, we've established that these are not  
quote 'nice' girls who just made a mistake because they  
just got out of high school, or they became homeless one

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day, or because they... a pimp just grabbed them off the street. These are... these are prostitutes that have been out on the street, probably for some time, because you don't get arrested and convicted on your first incident of prostitution, do you?"

Delgado: "Right. Rarely, if it's misdemeanor, it's rarely. You're absolutely right. It's the second time."

Stephens: "Okay. So, you... so, we got a prostitute who's been plying the streets, plying her trade, she finally gets caught. She might have been caught more than once, but finally got a conviction and then she went back out on the street. I don't get it, Representative."

Delgado: "Right. Well, let me..."

Stephens: "I think, ya know..."

Delgado: "I want to try to help you... I want to try my best to help you understand..."

Stephens: "Why... why... why prostitutes? Why don't we do this with all crime?"

Delgado: "Well, I would have a reservation on casting a wide net. But I would say..."

Stephens: "Well, let me tell you why we don't, because it's a bad idea."

Delgado: "But we do rehabilitation for drug crimes. We..."

Stephens: "Representative, with all due respect, you and I disagree on this Bill."

Delgado: "Yes, we do."

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Stephens: "I think this Bill is... does everything except punish lawbreaking prostitutes. And I think we should stand against your Bill. And I urge a 'no' vote. Thank you."

Speaker Hannig: "Representative Sacia. Representative Sacia, are you seeking recognition on this? Okay. Then Representative Delgado to close."

Delgado: "Thank you, Mr. Speaker and Members of the House. The previous speaker just indicated that he couldn't see the... the validity of this piece of legislation. I would just suggest to you that when someone gets caught the first time and they're on the street and all of a sudden they get busted, these individuals have drug problems, mental health problems, dysfunctions that come from the family. And one thing I've learned from being in the field myself is that they're not bottomed out yet. Another incident occurs, the penalty's a little bit more severe and they may be ready for treatment, but then maybe not; however, we have to leave room for people to make their mistakes, have multiple... have multi... multiple needs and be able to give them justice. These are... this is women who are self victimizing and young men. And we need to be there for them as a state. And I would ask for your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. On this question, there are 66 voting 'yes' and 50 voting 'no'.

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And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 1338, 1338."

Clerk Mahoney: "House Bill 1338, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Schmitz."

Schmitz: "Thank you, Speaker, Ladies and Gentlemen of the House. Currently, firefighters in the State of Illinois can run for any office in the land except for which the town they... they happen to work in, if they reside there. This Bill will simply allow them to run for city council."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1338. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Dunkin, for what reason do you rise?"

Dunkin: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Hannig: "State your point."

Dunkin: "Ladies and Gentlemen, it's my honor to introduce to you the new Boys and Girls Clubs' Chicago Youth of the Year, Miss Lisa Washington. Let's give her a round of applause, folks. She's right here. It takes a... it takes a lot to become the youth of the year in the Boys and Girls

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Clubs Operation and that means she sacrificed academically. She has puts in very active in her programs, cultural enrichment, in the... ya know, in the computer lab. And she's superior in the classroom. So, it's a huge honor to have you here, Miss Lisa Washington. Thank you for your... for joining us."

Speaker Hannig: "The Chair will now recognize the... the Lady from DuPage, Representative Pihos, on Women's History Month."

Pihos: "This month we celebrate the 25th Anniversary of the Multicultural Women's History Movement, this year entitled Women Change America. Yesterday we heard from Representative Franks recognizes... recognizing that American women have transformed our culture. That the spirit and courage of American women have added to the vitality and diversity of American life. Since Women Change America also recognizes the 85th Anniversary of women in the United States winning the right to vote, it is only fitting today that I talk about Lottie O'Neill. Lottie O'Neill was one of the women who made a political difference for women in Illinois. She was born in Barry, Illinois, in 1878. She married William O'Neill in 1904 and moved to Downers Grove in DuPage County. Her husband strongly supported her views on women having the right to vote. He even refused to vote himself until women gained the right to vote. Lottie O'Neill became an active political worker. She was elected to the Illinois General Assembly in 1922. She served 13 terms, first in the House, then in the Senate. Her

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political career was interrupted when she tried to run for the U.S. Senate and failed. She sponsored 13 Bills, of which only 3 passed. The 3 measures which passed were to save the wild flowers, to help crippled women and children, and to assure added rights to the inheritance of wives. Lottie O'Neill stood for women's rights. She believed that if we elected a woman president and had more women ambassadors, we would have fewer wars. Lottie O'Neill is part of our nation's history. Hers is the story of how women have changed America and how they will continue to do so."

Speaker Hannig: "Repre... Representative Osterman, for what reason do you rise?"

Osterman: "A purpose of a announcement, Mr. Speaker. We have a special message form Human Service Approp Chairman, Sarah Feigenholtz, who would like to have the Members of the committee know that the committee will start at 9:30 tomorrow, not 8:00."

Speaker Hannig: "Rep... Representative Brosnahan is rec... is recognized for an announcement."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Purpose of an announcement. The House Telecommunications Committee will meet tomorrow between 8 a.m. and 10 a.m. for subject matter. All those Members wishing to call their Bills, please arrive at 10 a.m. Thank you."

Speaker Hannig: "Representative Dunkin, for what reason do you rise?"

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Dunkin: "For the purpose of an announcement, Sir."

Speaker Hannig: "Yes, make your announcement."

Dunkin: "Today, everyone, is the Museums in Illinois Day.

Today is Illinois Museums Day. So, let's go downstairs if we can and learn about our great state and what helps to drive tourism all across this state. So, go down there and meet some new folks and relive the years when you used to go to tri... to... or your high school or your grammar school trips to our great Illinois museums. Thank you."

Speaker Hannig: "Mr. Clerk, would you read House Resolution 198."

Clerk Mahoney: "House Resolution 198, offered by Representative Jakobsson.

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the 2004-2005 University of Illinois Fighting Illini men's basketball team on becoming the undisputed NCAA Big Ten Conference Champions, the team's first back-to-back Big Ten title since 1951-1952; and

WHEREAS, The Fighting Illini ended the regular season with a record of 29 wins and one loss, and were ranked the number one men's college basketball team in the country for 13 consecutive weeks; and

WHEREAS, The head coach of the Fighting Illini is second-year coach Bruce Weber; he became the first Big Ten basketball coach in history to win back-to-back outright conference titles in his first two seasons; and

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WHEREAS, The team members of the Fighting Illini are Marcus Arnold of Chicago; James Augustine of Mokena; Calvin Brock of Chicago; Dee Brown of Maywood; Warren Carter of Dallas, Texas; Luther Head of Chicago; Jack Ingram of San Antonio, Texas; Rich McBride of Springfield; Fred Nkemdi of North Riverside; Roger Powell, Jr., of Joliet; Shaun Pruitt of Aurora; Brian Randle of Peoria; Nick Smith of Valrico, Florida; and Deron Williams of The Colony, Texas; and

WHEREAS, The coaches of the Fighting Illini are Head Coach Bruce Weber, and Assistant Coaches Wayne McClain, Jay Price, Tracy Webster, and Gary Nottingham; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the team members and coaches of the University of Illinois Fighting Illini men's basketball team on winning the Big Ten Conference Championship; and be it further

RESOLVED, That suitable copies of this resolution be presented to each of the coaches and members of the Fighting Illini as a token of our respect and esteem and with our best wishes for future success."

Speaker Hannig: "Representative Jakobsson, would you like to say a few words on behalf of the Resolution?"

Jakobsson: "Thank you, Mr. Speaker. You know, there's... what more can I say. The Fighting Illini has a record of 29 wins and 1 loss and we're ranked number #1... #1 men's basketball team. And as we know, this week they've been



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ranking up more awards and acknowledgements. And a lot of people are coming to me and saying put me on that Bill."

Unknown: "Put me on that Bill."

Jakobsson: "Listen to this. Or, it's a Resolution, it's not a Bill. I'd be happy to put as many people on as would like to. Including the entire House."

Speaker Hannig: "Thank you. Representative Stephens, do you rise on this Resolution... on this Resolution, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. To the Resolution."

Speaker Hannig: "Yes. To the Resolution."

Stephens: "My seatmate and one-time Illini fan, Chapin Rose. Oh, he's in the building. But, you know what, last year when the Illini got on a roll every Member of the Illinois General Assembly got a T-shirt. And I wondered if, Representative Jakobsson was gonna be so kind as to provide us all... we'll... how many of you will wear an Illini shirt? We'll all wear those shirts, Representative. All right. We... we hope that you'll join with Representative Rose and con somebody into buying us T-shirts so we can support the Illini."

Speaker Hannig: "Representative Rose."

Rose: "Mr. Speaker, my name was used in debate. I would simply ask that I be added as a hyphenated cosponsor to this Bill. Thank you."

Speaker Hannig: "So, Mr. Clerk, would you add Representative Rose as a hyphenated cosponsor. And now, Representative Jakobsson moves for the adoption of Res... House Resolution

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198. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Representative Jakobsson."

Jakobsson: "...Speaker. I'm getting many people asking if I can ask for the entire House to be added to... to that Resolution."

Speaker Hannig: "Well, let's... well, are there any objections? Then we'll instruct the Clerk to do so. On page 20 of the Calendar, under Agreed Resolutions, we have House Resolution 194. Representative Rose... Representative Rose moves for the adoption of House Resolution 194. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. And Representative McAuliffe moves for the adoption of House Resolution 197. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Okay. Before we adjourn today... before we adjourn today, the Chair would like to remind everyone that there will be recess committees at 1 p.m. tomorrow or perhaps at other scheduled times. So, you need to... you need to look at your Calendar and be aware that there'll be some opportunities left in committees to hear some Bills. Mr. Clerk, are there any Agreed Resolutions?"

Clerk Mahoney: "Agreed Resolutions. House Resolution 192, offered by Representative Granberg."

Speaker Hannig: "Okay. Representative Granberg moves for the adoption of the Agreed Resolution. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolution is adopted. Are there any announcements? Then

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allowing perfunctory time, Representative Currie moves that the House stands adjourned until tomorrow, Thursday, March 10, at the hour of 2 p.m. All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it. The Resolu... or the Motion is adopted and the House stands adjourned. Representative Parke."

Parke: "I just want to reiterate, it's at 2:00 tomorrow is Session."

Speaker Hannig: "Two o'clock."

Parke: "All right. Thank you. Ladies and Gentlemen, 2:00 tomorrow. Bye, bye."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of Senate Bills-First Reading. Senate Bill 133, offered by Representative Hannig, a Bill for an Act concerning State Government. Referred to the House Committee on Rules is House Resolution 199, offered by Representative Pihos. House Joint Resolution 27, offered by Representative Verschoore. Introduction of House Joint Resolut... Constitutional Amendments-First Reading. House Joint Resolution Constitutional Amendment 20, offered by Representative Gordon.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 11 to Article IX of the Illinois Constitution as follows:

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ARTICLE IX

REVENUE

SECTION 11. HIGHWAY FUNDS

(a) No moneys derived from fees, excises, or license taxes relating to registration, titles, operation, or use of vehicles on public highways or relating to fuels used for propelling those vehicles, including bond proceeds, shall be expended for other than (i) costs of administering those laws; (ii) statutory refunds and adjustments provided in those laws; (iii) payment of highway obligations; (iv) costs for construction, reconstruction, maintenance, repair, and betterment of public highways, roads, streets, and bridges and other statutory highway purposes; (v) the State or local share to match federal aid highway funds; (vi) administrative costs of the Department of Transportation or any successor agency; (vii) expenses of grade separation of public highways and railroad crossings; (viii) protection of at-grade public highways and railroad crossings; (ix) expense of State enforcement of traffic laws; and (x) with respect to local governments, other transportation purposes as authorized by law.

(b) The total amount appropriated in any fiscal year for the sum of the cost of State enforcement of traffic laws plus the cost of collecting and administering fees, excises, and license taxes described in subsection (a) plus the cost of administering laws relating to motor vehicles shall not exceed 5% of the total amount of those fees, excises, and

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taxes collected by the State of Illinois in the most recent complete fiscal year.

(c) Federal funds may be spent for any purposes authorized by federal law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. There being no further business, the House Perfunctory Session will stand adjourned."